

RESOLUTION NUMBER 5207

A resolution establishing the open records operating procedures for the City of Beatrice, Nebraska, and fees to be charged to persons for accessing approved open public records.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. Statement of Purpose, Review. It is the purpose of this resolution to establish reasonable operating procedures, and appropriate fees for accessing approved open public records in the possession of the City. The City Administrator, shall periodically recommend to the City Council such changes in this resolution as may be necessary to secure this purpose. The City Administrator or his/her designated representative may exercise their discretion to reduce or waive any fees when such is in the public interest. No charge shall be assessed against any officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties.

SECTION 2. Operating Procedure.

- (a) All requests for access or copies of public records shall be in writing. All person's requesting access or copies of public records (a Requester) shall provide a detailed description of the document they are requesting, an address they can be contacted at, and a deposit as required.
- (b) Copies of City publications, regulations, or maps, etc., and other reports, that are not deemed a security breach or violation the Homeland Security Act, and are determined to be accessible public records, shall be made available according to the fee schedules in this Ordinance.
- (c) All requests for access or copies of public records shall be approved by the City Administrator prior to any records being disbursed.
- (d) If a request is denied, the City Administrator shall provide written denial to the Requester.
- (e) If a request cannot with reasonable good faith efforts be fulfilled within four (4) business days after actual receipt of the request, a written explanation shall be provided to the Requester.

SECTION 3. Inspection Fees.

- (a) Where a request has been made for inspection of any open public record which is readily available to the Records Custodian, there shall be no inspection charge to the requester. Requests and appointments for inspection are desired.
- (b) In all cases not covered by subsection (a) above, a record inspection fee shall be charged at an hourly rate determined by the actual per hour rate of the employee(s) engaged in the record search plus 28% to cover benefits. A minimum charge of \$10.00 shall be charged for each request.
- (c) No inspection fee will be assessed when a denial of a request is made.

SECTION 4. Copying Fee

- (a) A fee of \$0.25 per page for the first page (one side) and \$0.25 for every page thereafter (each side) shall be charged for photocopying public records, such fee to cover the cost of machine materials and equipment costs.
- (b) A fee of \$2.00 per police report shall be charged.
- (c) For copying any public records which cannot be reproduced by the City's photocopying equipment, the Requester shall be charged the actual cost to the City, including staff time, for reproducing such records, which shall include but not be limited to cds, dvds, and maps.
- (d) No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when it has been determined that the cost of charging and handling the fee exceeds the cost of providing a copy without charge. No copying fee will be assessed when a denial of a request is made.

SECTION 5. Mailing or Electronic Transfer Fees. The City Clerk shall determine and assess a charge covering mailing, electronic transfer, and handling costs accrued in responding to requests received and processed through the mail service or electronic media. Requests are encouraged to be picked up at the City Clerk's Office to ensure proper receipt and accuracy of end product.

SECTION 6. Other Records Fees.

- (a) A fee of \$0.25 per page for the first page and \$0.25 for every page thereafter shall be charged for computer generated printouts of public records, such fee to cover the cost of labor, materials, and equipment.

- (b) A fee of \$1.00 per page for the first page and \$1.00 for every page thereafter shall be charged for facsimile transmission of public records, such fee to cover the cost of labor, materials, and equipment.

SECTION 7. Prepayment of Fees.

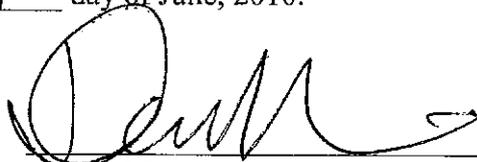
- (a) Prepayment of inspection and/or copying fees shall be required when such fees are estimated to exceed \$25.00.
- (b) The prepayment amount shall be an estimate of the inspection, copying charges, mailing or electronic transfer fees and any other records fees accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies. Where prepayment is required, no record shall be made available to the requester until such prepayment has been made.

SECTION 8. Payment. All fees charged under this resolution shall be paid to the appropriate department of the records inspected and/or copied unless the Requester has established an open account, for purposes of billing and payment, with the City. All such accounts must be approved in advance by City Administrator and a deposit may be required. All fees shall be receipted immediately and placed in the City's General Fund and receipted.

SECTION 9. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 10. That this resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 7th day of June, 2010.


Dennis M. Schuster, Mayor

Attest:


Linda S. Koch, City Clerk