

RESOLUTION NO. 11-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAGLE, ADA COUNTY, IDAHO, AMENDING RESOLUTION NO. 09-20 ESTABLISHING A FEE TO RECOVER THE ACTUAL LABOR COSTS ASSOCIATED WITH LOCATING AND COPYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City of Eagle, Ada County, Idaho (the "City"), is a municipal corporation duly organized and operating under the laws of the State of Idaho; and

WHEREAS, The Idaho Legislature passed House Bill No. 328 Relating to Public Records and Fee Provisions associated with Public Records Requests, and providing for the pay rate of fees for copies effective April 7, 2011.

WHEREAS, The City Council desires to comply with all applicable statutes and laws and be fair to those who request voluminous copies of public records and residents of the City of Eagle who provide the finances that pay the wages for City staff, the City Council establishes a rate of charge for such requests of public records; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAGLE, ADA COUNTY, IDAHO, as follows:

Section 1. The City Clerk may provide the requester information to help the requestor narrow the scope of the request or to help the requester make the request more specific when the response to the request is likely to be voluminous or require payment as provided in Section 9-338(10), Idaho Code.

Section 2. Except for fees that are authorized or prescribed under other provisions of Idaho Law, no fee shall be charged for the first two (2) hours of labor in responding to a request for public records.

Section 3. The City may establish fees to recover the actual labor and copying costs associated with locating and copying documents.

Section 4. That, pursuant to Section 1-6A-1.1 and Section 1-8-5, Eagle City Code, the City establishes the following charges for black & white and colored copies.

BLACK & WHITE - UNDER 100 PAGES	PROVIDED FREE OF CHARGE
BLACK & WHITE - 100 + PAGES	TEN CENTS (.10) PER PAGE
COLORED COPIES – UNDER 100 PAGES	PROVIDED FREE OF CHARGE
COLORED COPIES – 100 + PAGES	TWENTY FIVE CENTS (.25) PER PAGE
RECORDS FROM WHICH NONPUBLIC INFORMATION MUST BE DELETED	CHARGED AT THE CITY'S DIRECT COST

THE ACTUAL LABOR ASSOCIATED WITH RESPONDING TO REQUESTS WHICH EXCEEDS TWO (2) PERSON HOURS

Section 5. That, pursuant to Section 1-6A-1.1 and Section 1-8-5, Eagle City Code, the City establishes the following charges for transcriptions provided by the City:

EXTRAORDINARY COPIES (i.e., MAPS, ELECTRONIC MEDIA, OVERSIZED DOCUMENTS	CHARGED AT THE CITY'S DIRECT COST OF DUPLICATION
DUPLICATION OF COMPUTER TAPE, COMPUTER DISC, MICROFILM, OR ANALOGOUS RECORDS	CHARGED AT THE CITY'S DIRECT COST OF COPYING THE INFORMATION IN THAT FORM, THE CITY'S COST OF CONVERSION OR THE COST OF CONVERSION CHARGED BY A THIRD PARTY, IF THE EXISTING ELECTRONIC RECORD IS CONVERTED TO ANOTHER ELECTRONIC FORM
CERTIFIED COPIES OF CITY RECORDS	\$1.00 PER PAGE (INCLUDES AFFIDAVIT OF CLERK)

Section 6. Fees shall not exceed reasonable labor costs necessarily incurred in responding to a public records request. Fees for labor costs shall be charged at the per hour pay rate of the lowest paid administrative staff employee who is necessary and qualified to process the request.

Section 7. Redactions made by an attorney who is employed by the City shall be charged at the per hour rate of the lowest paid attorney who is necessary and qualified to process the request.

Section 8. The City Clerk shall not charge any cost or fee for copies or labor when the requester demonstrates that the requester's examination and/or copying of public records:

- a. Is likely to contribute significantly to the public's understanding of the operations or activities of government; and
- b. Is not primarily in the individuals interests of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and
- c. Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

Section 9. The City's statements of fees shall be itemized to show the per page costs for copies, hourly rates of employees and attorneys involved in responding to the request, and the actual time spend on the public records request. No lump sum costs shall be assigned to any public record request.

Section 10. A requester may not file multiple requests for public records solely to avoid payment of fees. If the City Clerk believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees, the staff may aggregate such requests and charge the appropriate fees. The City Clerk may consider the time period in which the requests have been made in its determination to aggregate the related requests. The City Clerk shall not aggregate multiple requests on unrelated subjects from one (1) requester.

Section 11. The City Clerk shall require the requestor of public records to pay an estimated cost payment in advance for any of the copying or transcription charges. The estimated cost shall be determined by the City Clerk prior to any copying or transaction work performed by City employees. The requestor shall pay the balance of the fee upon the completion of the copying or transcription work. Any monies overpaid to the City shall be returned to the requestor.

Section 12. The City Clerk may provide a copy of a public record in electronic form if the record is available in electronic form and if the person specifically requests an electronic copy.

Section 13: This Resolution shall take effect and be in force from and after its passage and approval.

Dated this 24th day of May, 2011.

CITY OF EAGLE

Ada County, Idaho

  
JAMES D. REYNOLDS  
MAYOR

ATTEST:

  
SHARON K. BERGMANN  
CITY CLERK/TREASURER

