

ORDINANCE NUMBER 06-25

AN ORDINANCE ESTABLISHING CITY OPEN RECORDS OPERATING PROCEDURES, REQUEST AND RESPONSE FORMS, AND FEES TO BE CHARGED TO PERSONS FOR ACCESSING APPROVED OPEN PUBLIC RECORDS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAVERLY, NEBRASKA:

SECTION ONE. Statement of Purpose, Review. It is the purpose of this Ordinance to establish reasonable Operating Procedures, Request & Response Forms, and appropriate Fees & Charges for the provision of access of approved open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The Official Freedom of Information Officer, Records Custodian, shall periodically recommend to the Governing Body such changes in this Ordinance as may be necessary to secure this purpose. The Official Freedom of Information Officer or Designated Representative may exercise his or her discretion to reduce or waive any fees when such is in the public interest. No charge shall be assessed against officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties. All requests for public open records shall be desired in writing to avoid delays in desired documents of requester(s).

SECTION TWO. Inspection Fees.

- a) Where a request has been made for inspection of any open public record which is readily available to the Official Custodian, there shall be no inspection fee charged 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 THREE. Copying Fee.

- a) A fee of \$0.20 per page for the first page (one side) and \$.20 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) 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.
- c) No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines 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 FOUR. Mailing or Electronic Transfer Fees. The Freedom of Information Officer 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 City Hall to ensure proper receipt and accuracy of end product.

SECTION FIVE. Other Records Fees.

- a) Copies of City publications, regulations, or maps, etc., and other reports, that are not deemed a security breach or violation the Homeland Security Act, shall be made available at reasonable fees, such fees to cover the cost of labor, materials, and equipment or the actual printing costs to the City for reproducing such records.
- b) A fee of \$.20 per page for the first page and \$.20 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.
- c) 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.
- d) A fee for the actual costs of staff to retrieve and send requested computer email document attachments will be accessed to cover such fees incurred.

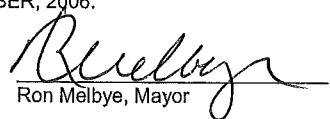
SECTION SIX. Prepayment of Fees.

- a) The Freedom of Information Officer may demand prepayment of the fees established by this Ordinance whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges 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.
- b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the Freedom of Information Officer, when such fees are estimated to exceed \$50.00.
- c) Where prepayment has been demanded by the Freedom of Information Officer, no record shall be made available to the requester until such prepayment has been made.

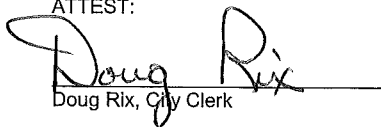
SECTION SEVEN. Payment. All fees charged under this Ordinance shall be paid to the Freedom of Information Officer of the records inspected and/or copied unless the requester has established an open account, for purposes of billing and payment, with the City. All such accounts must be approved in advance by City Administrator and a deposit may be required. All fees received shall be paid to the Freedom of Information Officer or Records Coordinator. All fees shall be receipted immediately and placed in the City's General Fund and receipted.

SECTION EIGHT. Effective Date. This Ordinance shall take effect upon its publication as required by law.

PASSED and APPROVED THIS 6TH DAY OF NOVEMBER, 2006.


Ron Melby, Mayor

ATTEST:


Doug Rix, City Clerk

(SEAL)