

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20244

A RESOLUTION REPEALING RESOLUTION NO. 19214 AND ESTABLISHING FEES TO RECOUP ACTUAL COSTS OF FULFILLING PUBLIC INFORMATION REQUESTS

WHEREAS, the general public frequently requests copies of various public information generated by or contained in files kept by the City of Helena; and

WHEREAS, on May 9, 2005, a schedule of fees to be charged for searching for and providing copies to the public was established by Resolution No. 19214 so that the City could reasonably recover the retrieval and copying costs incurred by the City; and

WHEREAS, recent changes to Montana state law allow local government agencies to impose fees for the actual costs of producing public information; and

WHEREAS, requests for copies of electronic communications are becoming more prevalent and require a significant amount of staff time to accomplish; and

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that Resolution No. 19214 be repealed, and that the Helena City Commission hold a public hearing on the proposal to impose fees that reflect the

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actual costs of fulfilling public information requests; and

WHEREAS, a public hearing was held on this matter at **6:00 P.M. on the 25th day of April, 2016**, in the City Commission Chambers at 316 North Park Avenue, Helena, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The City Commission hereby repeals Resolution No. 19214, which was passed by the Helena City Commission on May 9, 2005.

Section 2. The following fee schedule for fulfilling public information requests is hereby adopted:

A. Persons requesting public information from the City of Helena shall pay for the actual labor costs directly incident to fulfilling the requests.

B. There is no fee for fulfilling de minimus requests for public information that will take 30 minutes or less of staff time to identify, gather, and provide to the requesting person.

C. Fees for copying and producing printed material are in addition to the actual labor costs described above and are as follows:

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Standard Size (up to 11" x 17")

Up to 15 pages printed or copied	No charge
Over 15 pages printed or copied	10¢/page for every page over 15

Nonstandard size (over 11" x 17")

	40¢/square foot unless otherwise provided
1" = 1,000 feet scale map	\$6.25 per map
1" = 600 feet scale map	\$10.00 per map
30" x 30" section map	\$3.75 per map

ACCIDENT REPORTS (Confidential per §61-7-114, MCA, with exceptions):

Cost of research and copying	\$5.00 per report
Cost of mailing (if required)	\$1.00 per report

Section 3. A defendant in a pending criminal action or the defendant's attorney may obtain copies of documents regarding the case at no cost, either for searching, copying, or printing.

Section 4. Subject to authorization by the City or County Attorney, pursuant to §44-5-303, MCA, a victim of a crime may obtain copies of documents regarding the case at no cost, either for searching, copying, or printing.

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Section 5. Prior to fulfilling a request for public information that will take more than 30 minutes of staff time, City staff responding to the request shall provide the person requesting the public information with an estimate of the time it will take to fulfill the request and the amount of the fees that may be charged pursuant to this Resolution. If, at any point, the cost of producing the records exceeds the original estimate, City staff will provide the requester with an updated estimate amount prior to continuing work on fulfilling the request.

Section 6. Payment of these fees, if the estimated total amount is equal to or less than \$250.00, is required in full prior to releasing the public information. If the total fee amount is estimated to be greater than \$250.00, the requestor must remit payment of \$250.00 prior to City staff identifying and gathering the requested public information.

Section 6. The City reserves the right to provide requested public information to requestors in electronic format.

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF
HELENA, MONTANA, THIS 25th DAY OF APRIL.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION