

## RESOLUTION NO. 5804

### **A RESOLUTION SUPERSEDING RESOLUTION 5128, SETTING A FEE SCHEDULE FOR COPIES AND RESEARCH OF PUBLIC RECORDS FROM THE CITY OF KALISPELL.**

**WHEREAS,** pursuant to §§ [2-6-1006](#), [7-1-4123](#) and [7-1-4144](#), Montana Code Annotated (MCA) all materials kept as records that are in the possession of the City and not otherwise restricted by law from dissemination shall be available for inspection and reproduction by any person during normal office hours subject to reasonable fees imposed by the governing body to recover the costs of complying with the records request; and

**WHEREAS,** the City Council previously approved [Resolution 5128](#) on July 17, 2006, establishing fees for copies of public records from city offices; and

**WHEREAS,** The City will regularly review its fee schedule and make adjustments when necessary to ensure the fees are nondiscriminatory, equitable and reasonable.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Kalispell, Montana, that the fee schedule listed herein is hereby adopted and shall be applied:

1. Charges for paper copies of non-routine public records shall be charged at the rate of \$0.50/page for material that can be found and copied in 15 minutes or less and any out-of-pocket expenses directly associated with the request.

Items that take over 15 minutes to locate and copy shall be charged the mid-level hourly market rate at the time of the request for a Kalispell City Clerk.

2. Requests that are subject to the “per hour rate” shall also be charged at the rate of \$0.25/page for costs associated with copying materials and any other out-of-pocket expenses directly associated with the request.
3. Fees for published and/or documents prepared by commercial print shops will be based on the actual fee charged by the print shop.
4. A City department, board, committee, or agency may establish fees for specific records contained in their departments, such as maps, plats, audio and video recordings, etc. Such fee schedule shall be approved by the City Manager and posted in each department. For records not specific to a department, the departmental fee schedules should not conflict with the specific charges listed in this section.
5. Copies of records provided in electronic format will be charged as follows:
  - (a) the City’s actual cost per unit of the electronic media used to provide the public

record. For security purposes, the City will provide all blank media;

- (b) expenses incurred by the City as a result of computer processing charges;
- (c) expenses incurred by the City for providing on-line computer access;
- (d) out-of-pocket expenses directly associated with the request; and
- (e) the mid-level hourly rate at the time of the request for a Kalispell City Clerk for each hour, or fraction of an hour, after fifteen minutes of service has been provided.

6. *Fee for Obtaining a Copy of Body Worn Camera, and In-car Camera Recordings.*

(a) This section is the sole authority under which a copy of a body worn camera and In-car Camera recording may be obtained from the Kalispell Police Department. Privacy issues and the likelihood of criminal justice information being contained in these types of recordings require that each video be reviewed prior to release. Videos that contain confidential, private and/or criminal justice information may require redaction to comply with Montana privacy laws.

(b) The charge for obtaining a copy of a body worn camera, and in-car camera recording shall be:

(i) \$20.00 per recording responsive to the request for information; and

(ii) \$1.00 per full minute of video or audio footage responsive to the request for information, if identical information has not already been obtained by a member of the public in response to a request for information.

(iii) A law enforcement agency may provide a copy without charge, or at a reduced charge, if the agency determines waiver or reduction of the charge is in the public interest.

7. Records provided to other governmental agencies may be provided on a “reciprocal” basis at the discretion of the department director responsible for the record:

9. Payment for charges must be received before delivery of the records to the requester. A department director may make accommodations for payment by entities frequently requesting records.

10. The City will determine on a case-by-case basis whether an employee must be present to observe and supervise the examination of documents and whether documents can be removed from their official storage location. Where it is necessary to maintain the integrity and security of City records, a fee as determined by the mid-level hourly rate at the time of the request for a Kalispell City Clerk will be charged for the City’s supervision of the search and examination and copying of public records.

11. The City Manager may waive fees or reduce fees upon demonstration by the requestor that payment of the fees required under this Resolution will result in undue hardship.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL THIS 6TH DAY OF FEBRUARY, 2017.

  
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Mark Johnson  
Mayor

ATTEST:  
  
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Aimee Brunckhorst, CMC  
City Clerk

