

RESOLUTION NO. 1483-09

**A RESOLUTION TO ESTABLISH A PUBLIC RECORDS
POLICY FOR THE CITY OF FAIRHOPE**

WHEREAS, the official Custodian of Records for the City of Fairhope is the office of the City Clerk pursuant to the Code of Alabama 1975, Section 11-43-100. All access to public records must be requested through the City Clerk; and

WHEREAS, the purpose of the Open Records Act is to allow the public to monitor the manner in which public officers discharge their public duties. However, not all records are public, such as confidential information, sensitive personnel records, records pertaining to pending criminal investigations, and records which if disclosed would be detrimental to the best interests of the public, as well as other categories of information that may not be appropriate for public disclosure; and

WHEREAS, in an effort to protect the City of Fairhope from any potential litigation, to establish accountability, and to establish a good tracking system, the Information Request/Subpoena Policy is hereby implemented; and

WHEREAS, it is the policy of the City of Fairhope to provide copies of public documents upon request in an expedient manner. When the request is received in the office of the City Clerk, the person requesting the information is told the request is normally handled within seven working days. Such requests, particularly those involving a large volume of information, must be handled on a time available basis such as not to compromise the city's day-to-day operations; and

WHEREAS, the municipal officials and employees have no greater rights to inspect records than do members of the public. Also, while the Council acting as a whole has the right to request to see certain documents, individual Councilmembers must demonstrate their interests in order to review records, just like private citizens; and

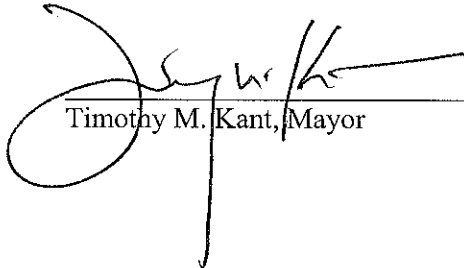
WHEREAS, the City of Fairhope is entitled to recover its cost of providing requested information and is obligated to institute such procedures as are necessary to protect the public records and insure their continued integrity. To those ends, the following shall apply to all public information requests/subpoenas of any kind:

1. For reproduction of records, including Police Department records, the City will assess a per page charge as authorized by laws for reproduction costs; there will be no charges for materials copied for information requests up to the first 20 pages. After the first 20 pages, there will be a \$.25 per page charge. If a request involves a large volume of information, at the discretion of the City Clerk, a retainer may be required before starting the project. If the retainer is not used up, the balance will be refunded.
2. For reproduction of videotaped and/or recorded documents:
 - a. If an attorney or individual provides the City with a tape or any other necessary recording media, the City will copy the requested information at no charge.

- b. If the City has to use its own tape or any other necessary recording media, a \$5.00 charge per media used will be assessed.
3. For reproduction of records using outside sources, the City will recoup all out-of-pocket expenses, including mileage and any other cost incurred.
4. With regards to all information requests, whether general or Police related, no employee's time will be charged for preparation and/or research, until changed by the City Council.
5. Reasonable public access shall be granted to view records under the supervision of a City employee designated by the City Clerk or in the City Clerk's office.
6. The City is entitled to require verifiable information as to the identity of the person requesting the records as well as of the person receiving such information.
7. All records must remain in the custody of a City employee at all times. As a measure to safeguard records, reproductions may not be made by anyone other than a City employee designated by the City Clerk.
8. All requests must be presented to the City Clerk on the City of Fairhope's Information Request form and signed. The applicant's signature certifies that the applicant has read, understands, and agrees with the terms and conditions of the policy for handling public information requests.
9. All requests and/or subpoena served by the county sheriff, certified mail, hand delivered by an attorney (pertaining to a lawsuit, and/or claim), must be processed by the City Clerk of the City of Fairhope, the official Custodian of Records.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City of Fairhope does hereby accept, approve and adopt the above described Public Records Policy.

ADOPTED THIS 12TH DAY OF JANUARY, 2009.



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk