

RESOLUTION NO. 2007-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, REPEALING & RESTATING CHARGES TO BE ASSESSED AND COLLECTED FOR COPIES OF PUBLIC RECORDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 119.07, Florida Statutes, provides for the collection of various charges for copies of public records, but does not cover all types of requests and does not specify the amounts of certain charges that are allowed to be made; and

WHEREAS, the City Council desires to adopt a schedule of public records charges that permits the public to have reasonable access to public records and the ability to reasonably copy such records, while still recouping for the City and its taxpayers a reasonable charge therefor; and

WHEREAS, Brooksville City Council adopted Resolution No. 2004-16 on August 2, 2004, thereby establishing charges to be assessed and collected for copies of public records; and

WHEREAS, City Council has since determined that based on current economic indicators and factors, certain fees charged are no longer reasonable and are subject to modification and/or amendment; and

WHEREAS, the City Council hereby finds and determines that the public records copy charges set out herein are reasonable in amounts;

NOW, THEREFORE, be it RESOLVED by the City Council of the City of Brooksville, Florida, that:

SECTION 1. Resolution No. 2004-16 is hereby rescinded in its entirety and restated as follows:

SECTION 2. Except as provided in Sections 2 through 9, below, the charges for all copies of public records made in response to public records requests shall be as follows:

- a. One-sided copies (up to legal size): \$0.15 per page
- b. Two-sided copies (up to legal size): \$0.20 per page
- c. Copies certified by the City Clerk: \$1.00 per certification
- d. Copies made and provided by facsimile:
 - (1) Local: \$0.20 per page
 - (2) Long distance: \$1.00 per page
- e. If a request for public records requires extensive clerical or supervisory time to oversee the review of records, the person making the request shall pay for such time at the rate of \$6.75 per quarter-hour or fraction thereof. Extensive clerical or

supervisory time means time exceeding fifteen minutes for any one request.

f. For maps and other documents larger than legal size (eight and one-half inches by fourteen inches): \$1.00 per page if done in-house or, if copied by a third party, the actual cost to the City of reproducing the document.

g. If a public records request requires a City employee to write and run a special computer program to produce the materials or to generate new documents compiling information or data from several sources, the charge for such service shall be \$100.00 per hour, with a minimum charge of \$50.00.

h. If the records requested are stored on computer and must be retrieved and reproduced from such storage, the charges for such reproduced copies, in addition to any charge which might be incurred under subsection g. above, shall be based on the time necessary to generate and reproduce such records, in the amount of \$6.75 per quarter-hour or fraction thereof, plus the cost of the medium on which reproduced as follows:

- (1) 8 mm tape: \$10.00 per tape
- (2) computer disc (CD OR DVD): \$ 2.00 per disc
- (3) labels supplied by City: \$ 1.00 per page
- (4) labels provided by requester: \$ No charge
- (5) copy paper (up to legal size), one-sided, or greenbar paper: \$ 0.15 per page
- (6) copy paper (up to legal size), two-sided: \$ 0.20 per page

i. If the records requested are stored on audio cassette tape, video tape, CD or DVD and must be retrieved and reproduced from such storage, the charges for such reproduced copies shall be based on the time necessary to locate and reproduce such records, in the amount of \$6.75 per quarter-hour or fraction thereof, plus the cost of the cassette tape in the amount of \$1.00 per 30-minute audio tape, \$1.50 per 60-minute audio tape, \$2.00 per 90-minute audio tape, \$5.00 for standard two-hour video tape, CD or DVD and \$7.50 for an extended-play video tape, CD or DVD unless the requester provides his or her own tape(s).

j. Costs for copies of photographs shall be as follows or actual reproduction cost, whichever is greater:

<u>Enlargement</u>	<u>Photocopy</u>	<u>Color</u>	<u>Black & White</u>
<u>Proof</u>		<u>Print</u>	<u>Print</u>
(1) 3" x 5"	\$.15	\$1.00	\$.75
(2) 5" x 7"	\$.15	\$1.00	\$.75
(3) 8" x 10"	\$.15	\$1.50	\$1.00
(4) 11" x 14"	\$.15	\$2.50	\$1.75
(5) 16" x 20"	\$1.00	\$3.50	\$2.75
(6) 20" x 24"	\$1.00	\$4.50	\$3.75

k. When copies of public records are provided by mail or other carrier, actual charges shall be included in the cost paid by the requester and may be required to be prepaid at the City's discretion.

SECTION 3. The City shall make current City Council agendas available free of charge for the first copy to any one person or organization. When more than one copy of any such agenda is requested by any person or organization, when copies of agendas are requested to be mailed, and when copies of items included in the agenda and backup materials are requested, such copies shall be provided at the normal public records charges. The City shall post complete agenda packets online at its website to the extent possible for free public access and download.

SECTION 4. The City shall post comprehensive documents such as Budgets, Audits, Comprehensive Plan Amendments, Consultant Reports and significant proposed ordinances online at its website to the extent possible for free public access and download, however, the City Clerk is authorized and directed to provide copies of those documents not able to be posted online free of charge, to the Hernando County Public Library in Brooksville and to the news media, so that these organizations can make the copies available to the public. When it is expected that numerous copies (at least twenty-five) of such documents, or of other documents having to do with pending City business, will be widely requested by members of the public, the City Clerk may have such documents copied in bulk and provide copies at the pro-rated actual cost.

SECTION 5. The City Clerk is authorized and directed to make copies of the City Code of Ordinances and Comprehensive Plan available to the public at the City's cost to purchase or reproduce such documents, plus ten percent (10%) to cover administrative costs, plus mailing costs if applicable. Copies of Code supplements shall be made available to the public at the City's costs of purchasing or reproducing such supplements, plus ten percent (10%) to cover administrative costs, plus mailing costs if applicable. When available, the City may contract with the third party printing contractor to administer the copy distribution process directly, at contract negotiated cost. The City shall also maintain these documents online at its website or via an accessible electronic link.

SECTION 6. Copies of bid documents shall be provided free of charge to prospective bidders, except for specifications and plans which the City cannot reproduce in-house. Such specifications and plans shall be provided at the City's cost and may be distributed by a third party consultant for distribution based on actual pre-determined, approved costs indicated in the bid specifications.

SECTION 7. City employees shall have the discretion to provide copies free of charge when the copies are minimal in number and the time and paper to provide a bill and receipt for the copying charges and the time to account for and transfer the payment to a cashier is not justified. All City employees shall also have the discretion to provide copies free of charge to persons and agencies which the City

frequently deals with on a professional basis, with whom copies of documents are frequently or commonly exchanged, and from whom copies of documents are received free of charge.

SECTION 8. City employees are entitled to copies, without charge, of documents reasonably necessary to the performance of their duties. For large copy requests (over 25 pages), if there is any disagreement as to whether the copies are reasonably necessary to the performance of job duties, the City Manager shall decide what copies shall be provided at no charge. Any City employee may always obtain copies of any documents, at the cost specified herein, the same as any other person.

SECTION 9. Each City employee shall be entitled to one copy, free of charge, of any document in his or her personnel file, or other file pertaining specifically to that employee; additional copies shall be provided at the same rate as for other public records requests.

SECTION 10. City Council members are entitled to copies, without charge, related to any agenda item or any item placed on the agenda by the Council member, in which case duplicate copies shall be provided to all Council members at no cost. For non-agenda matters, Council members shall be entitled to receive, free of charge, up to 25 copied pages on any one matter or related matters. Copies requested in excess of 25 pages on the same or related matters shall require payment of the copy charges provided herein unless such payment is waived by City Council.

SECTION 11. This Resolution shall take effect immediately upon its adoption.

ADOPTED at a regular meeting of the City Council of the City of Brooksville, Florida, this 6th day of August, 2007.

CITY OF BROOKSVILLE

By: s/David C. Pugh
DAVID C. PUGH, Mayor

ATTEST:

s/Karen M. Phillips
Karen M. Phillips
City Clerk

APPROVED AS TO FORM AND CONTENT
FOR THE RELIANCE OF THE CITY OF
BROOKSVILLE ONLY:

s/David LaCroix
David La Croix, City Attorney

VOTE OF COUNCIL:
Bernardini AYE
Bradburn AYE
Burnett AYE
Lewis AYE
Pugh AYE