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Rept: 1385961 Rec: 35.50
DS: 0.00 IT: 0.00
08/30/11 R. Cervantes, Dpty Clerk

PAULA S. O'NEIL, Ph.D. PASCO CLERK & COMPTROLLER
08/30/11 12:44pm 1 of 4
OR BK 8592 PG 690

RESOLUTION NUMBER 2011-5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, PASCO COUNTY, FLORIDA FINDING THE NECESSITY TO ADOPT A POLICY AND FEE SCHEDULE WITH RESPECT TO PUBLIC RECORDS REQUESTS CONSISTENT WITH FLORIDA STATUTES CHAPTER 119; PROVIDING FOR DEFINITIONS OF APPLICABLE PUBLIC RECORDS; PROVIDING FOR A BASIC FEE SCHEDULE FOR PRODUCTION OF COPIES; PROVIDING FOR A REASONABLE SPECIAL SERVICE CHARGE WHEN THE NATURE OR VOLUME OF SUCH REQUESTS REQUIRES EXTENSIVE USE OF INFORMATION, TECHNOLOGY, RESOURCES, OR EXTENSIVE CLERICAL OR SUPERVISORY ASSISTANCE BY PERSONNEL OF THE AGENCY INVOLVED AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is a necessity that the City Council of New Port Richey, Florida, be in compliance with Florida Statutes, Chapter 119; with respect to requests for public records of the City; and

WHEREAS, it is the policy of the City of New Port Richey (the "City") that all municipal records, with the exception of exempted records identified by Florida Statutes, Chapter 119.07 or other applicable sections of Florida Statutes, shall be open for personal inspection by any person; and

WHEREAS, the nature or volume of such requests for public records can potentially require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, PASCO COUNTY, FLORIDA, THE FOLLOWING POLICY AND FEE SCHEDULE BE ADOPTED WITH RESPECT TO PUBLIC RECORDS REQUESTS:

SECTION I. Definitions:

"Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the City. (F.S. Chapter 119.001(11).

For the purpose of this policy, "reasonable" time to provide access to public records is during normal working hours – Monday – Friday, 8 a.m. - 4:30 p.m. "Reasonable" timeframe to provide copies, dependent upon the volume of records requested, may be up to three (3) working days." "Reasonable" time may exceed three (3) days if warranted by the volume of

records requested.

SECTION II. Basic Fee Schedule:

Upon request, the City will furnish copies of public records based on the following fee schedule:

The following are specified by statutes:

Single-sided copies, up to 8 1/2" x 14" - .15 each

Double-sided copies, up to 8 1/2" x 14" - .20 each

Larger size copies – Based on actual cost of duplication

Certified copy of a public record - \$1.00 in addition to actual copy cost

The following shall be at actual cost to the City. Current charges are as follows:

Imaged documents (building plans and permits) - \$10.00/CD

Duplicate audio tape:

If the City provide the audio tape(s) - \$5.00/each

If you provide your own audio tape(s) - \$3.00/each

DVD of electronic or audio public records - \$5.00/each

Duplicate video tape - \$10.00

Reprint of color photographs up to 5" x 7" - \$3.00

Larger size color photographs – Based on actual cost of duplication

Code of Ordinances with binds-tabs or electronic version – Based on actual cost through Municode - (available through www.municode.com/products/purchase_codes.asp)

Note: Additional charges will be added to cover the cost of postage and packaging as necessary.

SECTION III. Special Service Charge:

Florida Statutes, Chapter 119.07(1)(b) provides "if the nature or volume of public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both."

For the purpose of this policy, "extensive or clerical or supervisory assistance" is determined to be requests that require more than one-quarter hour (15 minutes) of an employee's time to research, retrieve, and copy the requested records. For public records requests requiring more than one quarter hour, the requester will be required to pay the hourly salary of the employee doing the research, copying the records, and/or supervising the requester's research. This hourly fee will begin after the first quarter-hour of clerical or supervisory assistance is completed. This fee will be calculated by multiplying the research time by the responding employee's hourly wage and benefits.

SECTION IV. Deposit:

For requests estimated to require more than one hour of a City employee's time, a minimum deposit of \$25.00 will be required (Deposit will be adjusted depending on the volume of records/research requested). The deposit will be applied to the final cost of the public records request.

SECTION V. Payment:

Payment by Cash, personal check on a local bank, money order, debit card, credit card, or certified check shall be made prior to the delivery of the materials. Any check, money order, or certified check shall be made payable to "City of New Port Richey."

SECTION VI. Effective Date:

This resolution shall take effective upon its adoption by the City Council.

DONE AND RESOLVED this 16th day of August, 2011.

(SEAL)



Doreen M. Summers CAP
Acting City Clerk

Bob Consalvo

Bob Consalvo
Mayor – Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT

By *Michael S. Davis*
Michael S. Davis
City Attorney