

A resolution of the City Council of the City of Alabaster Establishing Policy, Costs, Fees and Charges For Public Records Requests

Section 1. **General Provisions :** Pursuant to the Code of Alabama, 1975, Section 36-12-40 “Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute.” In general, all writings include working papers and research material, minutes of open and closed meetings, officials’ voting records, staff manuals, final orders or decisions in contested cases and the records on which they are made, and promulgated rules. Other written statements, which implement or interpret laws, rules or policy, including, but not limited to guidelines, manuals and forms with instructions, adopted or used by the City and its departments in the functions, are also included.

Section 2. **Duty of Governmental Officials:** The City is not required to create a report or record that does not exist. Section 36-12-40 applies to any handwriting, typewriting, printing, photographing, photocopying, and every other means of recording. It includes letters, words, pictures, sounds and symbols, or combination thereof, as well as papers and computer records and maps which are not otherwise protected by law from disclosure.

Section 3. **Duty to Protect the General Public :** Any public officer who is in possession of any public writing that could or would be expected to be detrimental to the best interests of the public if released shall notify the office of the City Clerk that such writing is exempted from disclosure. This section is meant to protect the release of critical infrastructure information (as defined at 42 U.S.C. 5195c (e) as amended), and the release of information from a police investigation, records of juvenile proceedings, records containing social security numbers, home addresses, and personal phone numbers, as well as other writings which could possibly affect the safety of any governmental employee or member of the general public if such writing was released. Members of the public will be provided access to the City’s official records on regular business days, Monday through Friday, between 9:00 a.m. and 3:00 p.m. Copies of records may be obtained during the same hours. To insure accuracy and timely records production, the records request initiator must complete the form entitled “Request for Public Records.” Requesters shall include such information that will be helpful for City staff to locate the required records in the shortest amount of time.

Section 4. **Fees Schedule for duplicating routine/standard public writings:** No fee shall be charged to any person to inspect a public record that is kept in the active files of the employee charged with keeping such documents. However, persons seeking to take a copy shall pay a fee of \$1.00 per single sided page and \$2.00 per double sided page, which shall apply to all standard business documents of not more than 8½ by 14 inches which are contained within filing systems that are used in the normal business process of City departments. These records would require nominal clerical time to locate, duplicate or provide access. Non-standard requests, in addition to copy charges, will be charged the rate of \$25.00 per hour research time, with a minimum of one hour. Requesters must:

- (a) Allow a sufficient and reasonable time period to be made available for reproduction or inspection.

- (b) There is no charge to inspect records that are routine in nature and require nominal clerical time to locate or provide minimal supervised inspection. Extended supervision cost and time scheduling will be based on an individual basis.
- (c) The City is not required to mail or deliver documents at any location other than its City Hall. However, the City may upon occasion deliver documents by authorized carrier. If there is an additional cost for delivery of the documents, the charge shall be based on the actual delivery cost.

Section 5. Fee schedule for duplicating and access/research fees for non-routine records

The term non-routine is defined as reproducing records which are not typically researched or reproduced in the normal course of business operations. If the nature or volume of records to be inspected or copied requires extensive use of information technology resources or extensive clerical or supervisory assistance, then the City may charge a special service charge in addition to the actual cost of duplication. This charge shall be reasonable and based on the cost incurred for such extensive use of information technology resources and labor costs, including inspection supervision, of the personnel providing the service that is actually incurred by the City. This also includes using computing resources for generating records when records have been archived off-line and are not readily accessible. Non-standard requests, in addition to copy charges, will be charged the rate of \$25.00 per hour research time, with a minimum of one hour. The City will provide copies of records in a particular format of the City's choosing in a manner that is at least as legible as the original. Requesters understand that

- (a) Any record that meets the foregoing definition will be subject to the actual costs As described above to reproduce.
- (b) Allow a sufficient and reasonable time period to be made available for reproduction or inspection.
- (c) The City is not required to mail or deliver documents at any location other than its City Hall. However, the City may upon occasion deliver documents by authorized carrier. If there is an additional cost for delivery of the documents, the charge shall be based on the actual delivery

Section 6. 911 Call requests : Pursuant to Act 2010-502, recordings of 911 Calls are restricted public documents available only to certain members of the public without a court order. Therefore, a sworn affidavit must be submitted establishing the following:

- (a) identity of the requestor
- (b) the legitimate relationship/interest of the requestor to the call or to the individual that the call was made by or on behalf (such as legal representative if they are deceased or incapacitated).
- (c) Requestor's right of access to such records for purposes of an investigation/legal Matter arising from the call

- (d) Current governmental picture ID will be required along with a second form of identification as well for ongoing governmental investigations.
- (e) Should a requestor be unable to submit such an affidavit, a Court order will be required before information can be released.

REQUEST FOR PUBLIC RECORDS

The City of Alabaster, Alabama
Office of the City Clerk
201 1st Street North
Alabaster, AL 35007
(205) 664-6800

Pursuant to the Code of Alabama 1975, Article 3, Inspection and Copying of Records, section 36-12-40, "Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute." The fee schedule to obtain copies of records and/or to inspect records is specified on the reverse of this form. Please read carefully before submitting your records requests or making inquiries. **NOTE FOR 911 CALL REQUESTS:** A sworn affidavit must be submitted establishing the following: identity of the requestor, the legitimate relationship/interest of the requestor to the call or to the individual that the call was made by or on behalf of (e.g. legal representative of individual if they are deceased or incapacitated) and requestor's right of access to such records for purposes of an investigation/ legal matter arising from the call. Contact this office for the proper legal affidavit form. Current government picture ID will be required along with a second form of identification as well. Should a requestor be unable to submit such an affidavit, a court order will be required before the 911 call information can be released by the Records Custodian. Ala. Leg. Act No. 2010-502 § 1(a).

Your Name _____ Date _____

Address _____

City/State/Zip Code _____

Phone Number _____ Email _____

Purpose of Request _____

This form may be submitted in person, by facsimile, email, courier service or via USPS mail to the above address. If additional information is required, a records representative will contact you after receipt to secure additional information or advise you of the cost for prepayment or for a 50% deposit. Allow for a sufficient and reasonable time period for records to be made available for inspection or copying. The time will include making available staff that may be limited due to performance of critical day-to-day work assignments. In some cases, approved identification may be required when requesting records in order to determine legitimate inspection privileges and to safeguard privacy rights of citizens.

Description of records requested. Please be as specific as possible, using names, record title, function of record, record date, and any other information that you feel will expedite your request. Use additional pages, if necessary. (It may be necessary to redact sensitive information from the completed records request that is returned to you.):

Important - *You're signature is required for processing as an acknowledgement and agreement of the conditions stated:*

► ***Sign Here***

Records Duplication and Access Fee Schedule

(NOTE: This records request form does not apply to the Alabaster Municipal Court. Contact them directly.)

Please Read Before Submitting Your Request. This fee schedule covers duplicating paper copies of records when the original record is paper, microfilm or electronic. This form should be used for all City Departments, including Police and Fire. Charges for reproduction of records for Police and Fire Departments are not covered by the charges below. Contact those Departments for their statement of charges.

Duplicating Fees for Routine/Standard Records Requests

The following fees shall apply to all standard business documents of not more than 8 ½ by 14 inches which are contained within filing systems that are used in the normal business process of City departments. These records would require nominal clerical time to locate, duplicate or provide access to:

- (a) 50 cents per one-sided document (page) for duplicated copies of not more than 8 ½ inches by 14 inches.
- (b) For two sided documents (pages) of up to 8 ½ inches by 14 inches, the charge to duplicate both sides shall be \$1.00.
- (c) If there is an additional cost for delivery of the documents, the charge shall be based on the actual delivery cost.
- (d) The City reserves the right to require a 50% deposit of the total costs for any requests. The balance will be due before delivery.
- (e) There is no charge to inspect records that are routine in nature and require nominal clerical time to locate or provide minimal supervised inspection. Extended supervision cost and time scheduling will be based on an individual basis calculated at \$17.00 per hour per employee research fee.
- (f) Allow a sufficient and reasonable time period for records to be made available for reproduction or inspection.

Duplicating and Access/Research Fees for Non-Routine Records Requests or Use of Information Technology Resources

The term non-routine is defined as reproducing records which are not typically researched or reproduced in the normal course of business operations. If the nature or volume of public records requested to be inspected or copied requires extensive use of information technology resources or extensive clerical or supervisory assistance, then the City may charge a special service charge in addition to the actual cost of duplication. This charge shall be reasonable and based on the cost incurred for such extensive use of information technology resources and labor cost, including inspection supervision, of the personnel providing the service that is actually incurred by the City. This also includes using computing resources for generating records when records have been archived off-line and are not readily accessible. *The City reserves the right to refuse requests to produce or provide records or reports not already being produced in the normal course of business or to provide them in a different format.*

- (a) Any record production that meets the foregoing definition will be subject to the actual cost, as described above, to reproduce.
- (b) If there is an additional cost for delivery of the documents, the charge shall be based on the actual delivery cost.
- (c) The City reserves the right to require a 50% deposit of the total costs on all requests of this nature. The balance will be due before delivery.
- (d) Allow a sufficient and reasonable time period for records to be made available for reproduction or inspection.

FOR OFFICE USE ONLY (USE THIS SPACE FOR NOTES AND TO CALCULATE TIME/COST)

911 EMERGENCY PHONE CALL RECORD REQUEST FORM

Date of Request _____

Name of Person Making Request _____

Home (or for Law Enforcement Only, Office) Address _____

Email Address _____

Day Phone _____

Cell Phone _____

Governmental Law Enforcement Entity: _____

(Law Enforcement Personnel Must Present Valid Governmental Identification)

INFORMATION ABOUT THE CASE

Defendant's Name _____

Race _____ Sex _____ Date of Birth _____

Charge _____

Case No.'s _____

Date and Time of 911 Call _____

Other Case Information _____

Type of Record Requested (Check One)

Deposit & Complaint _____ Traffic Ticket _____

Other (Specify) _____

Signature _____

**STATE OF ALABAMA
COUNTY OF SHELBY**

In person appeared before the undersigned officer, duly authorized to administer oaths,

_____, who states under oath as follows:

1. I have personal knowledge of the facts set forth in this affidavit. I am an adult resident citizen of the State of _____ and I am competent to give this affidavit.

2. Pursuant to Alabama Legislative Act No. 2010-502 § 1(a), I am the

_____ Caller, or the

_____ Caller is deceased or incapacitated and I sign as the legal representative of the caller or the caller's estate.

_____ an investigator with a local, state or federal governmental entity charged with a legal duty to investigate criminal activity and the release of the 911 audio recording is pertinent to the investigation of a legal matter resulting from the events necessitating the making of the 911 call. Case No. _____

Further the affiant saith not.

Affiant (Requestor)

**STATE OF ALABAMA
COUNTY OF SHELBY**

SWORN to and SUBSCRIBED before me this the _____ day of _____, 20__.

Notary Public

My Commission Expires _____