

RESOLUTION #11-15

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA ADOPTING A WRITTEN PUBLIC RECORDS POLICY; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith AND RECITING AN EFFECTIVE DATE.

WHEREAS, public records laws are governed in Florida by Chapter 119 of the Florida Statutes; and

WHEREAS, Chapter 119 of the Florida Statutes leaves certain public records matters to the City's discretion and certain practices have been approved by Florida courts or the Florida Attorney General's Office; and

WHEREAS, the City has determined that it is preferable to have an official written policy regarding certain public records matters.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The City Commission of the City of Callaway adopts the City of Callaway Public Records Policy, attached as Exhibit A.

SECTION 2. REPEAL. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this resolution, including Exhibit A, is for any reason held invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED this 10th day of May, 2011, by the CALLAWAY
CITY COMMISSION meeting in regular session.**

CITY OF CALLAWAY

A handwritten signature in black ink, appearing to read "Kenneth L. Meer". The signature is stylized with a large initial "K" and a long horizontal flourish at the end.

Kenneth L. Meer, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Nancy A. Rowell". The signature is written in a cursive style with a large initial "N".

Nancy A. Rowell, City Clerk

EXHIBIT A

CITY OF CALLAWAY PUBLIC RECORDS POLICY

Legal requirements regarding public records held by the City of Callaway ("Callaway") are governed by Chapter 119 of the Florida Statutes. In the event that any part of this Public Records Policy ever conflicts with Florida Statutes as they are subsequently amended, Callaway shall act pursuant to statute. Chapter 119 provides Callaway with discretion as to how it will fulfill its public records obligations regarding certain issues. This Public Records Policy provides uniform policies regarding those issues and should be read together with Chapter 119 of the Florida Statutes.

Custodian of Public Records: The City Clerk (the City Clerk's Office) is the custodian of public records for Callaway.

Response Time to Public Records Requests: Response time will vary depending on the volume and complexity of the records requested. Staff may be able to produce records on the day of the request particularly when: the request is for specific records (e.g. "the minutes of the April 26, 2011 Commission Meeting" as opposed to "all records relating to utility rate changes"); only a few records are requested; the records are easy to retrieve; and, the records clearly do not contain material exempt from public disclosure requirements (exemptions to the public records laws are provided primarily by Florida Statute 119.071). Response times will be longer for other requests and will depend on factors such as the number of files that must be reviewed, the time required to locate and duplicate the records, and the time required to determine the applicability of public records exemptions and redact non-public information. Particularly large or complicated requests may require a response time of several weeks. Regardless of the request, Callaway will always acknowledge the request promptly and respond to requests in good faith and as timely as possible based on resources available.

Inspection of Public Records: Public records may be inspected at City Hall during normal business hours and under the supervision of the custodian of records or her designee. Inspection alone avoids copying fees, but the nature of some records requests will necessitate some copying with a resultant fee. For example, to process a request for many records requiring multiple days of work, some records will be copied as located to the extent required to maintain the integrity of Callaway's files. Another example is when the record is in use by Callaway personnel who must continue to use it at the same time a citizen has requested to inspect it. Also, records that must be redacted generally may only be produced as a redacted duplicate.

Charges Associated with Public Records Requests: For black and white copies not larger than 14 inches by 8.5 inches, copying fees shall be \$0.15 per page or \$0.20 per dual-sided page if dual-sided printing is available. Copying fees for other formats, such as color copies or copies larger than 14 inches by 8.5 inches shall be Callaway's actual cost of reproduction. The requester may not remove records from Callaway facilities to copy them or for any other reason. There are no other charges for most public records requests. However, if the nature or volume of public records requested is such as to require extensive clerical or supervisory assistance, a special service charge shall be required in addition to the actual cost of duplication. Extensive clerical or supervisor assistance means the time expended by Callaway personnel in excess of twenty minutes to locate, review for non-public information, copy and re-file the materials requested. The special service charge may apply even when only inspection has been requested. The charge for such service is the labor cost of the persons providing the service, which is that person's normal hourly pay rate plus benefits multiplied by the time expended by that person. The first twenty minutes of work processing the public records request shall not be included in the special service charge and shall be attributed to the personnel who actually performed the first twenty minutes of work. Whenever it is likely that a special service charge will be required, Callaway personnel shall inform the person requesting records of this likelihood and, to the extent possible, provide an estimate of the expected special service charge prior to conducting extensive clerical or supervisor assistance. Whenever copying fees and any special service charge are estimated to exceed \$50.00, Callaway shall require a deposit of the estimated charges prior to conducting extensive clerical or supervisor assistance or making copies. If the estimated charge exceeds the actual charge, the remaining deposit shall be returned promptly once the records request has been processed. In the event that a charge for a prior public records request remains pending and the Custodian of Records has determined the charge is not reasonably disputable, the City will not provide additional public records to the requestor until the fee has been paid. *See Lozman v. City of Riviera Beach*, 995 So.2d 1027 (4th DCA 2008).