

CITY OF HARTINGTON RESOLUTION NO. 20241015B

A RESOLUTION OF THE CITY OF HARTINGTON, NEBRASKA, ESTABLISHING THE POLICY, PROCEDURE, AND FEE RATES FOR PUBLIC RECORDS REQUESTS.

WHEREAS, the Legislature of the State of Nebraska enacted the Nebraska Public records Act (Neb. Rev. Stat. §84-712 through 84-712.09, as amended) (the “Act”) to provide for an express right for citizens and interested parties to inspect and obtain copies of public records. Under this Act, it was intended that all public records of the state, its counties, and other political subdivisions should be open to inspection by citizens of the State of Nebraska and other interested parties, except where the Legislature has otherwise provided that such records shall be exempt or withheld from disclosure. The purpose of this policy is to establish the procedure and fee rates of fulfilling non-exempt public records requests and to promote transparency and disclosure in the workings of government.

BE IT RESOLVED, by the Mayor and City Council of the City of Hartington, Nebraska that the following procedure and fee rates for public records requests are hereby adopted and effective immediately upon passage.

Section 1. Policy

The City of Hartington (“City”) is subject to the Nebraska Public Records Act, and the City shall comply with Nebraska law regarding disclosure of any responsive requests to public records requests, except for public records subject to any applicable exemptions to disclosure. Nebraska law does not require the City to create or compile a record which does not exist at the time of the request. This resolution shall not be construed to require the Designated Public Records Custodian, the Hartington City Clerk, or his or her designee, to copy any public record that is available to the requester on the City’s website.

Upon receipt of a written request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, an estimate of the expected cost of the copies and either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in Neb. Rev. Stat § 84-712.04, or (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request. The requester shall have ten business days to review the estimated costs, including any special service charge, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request. If the requester does not respond to the custodian within ten business days, the custodian shall not proceed to fulfill the request. The four business days shall be computed by excluding the day the request is received, after which the designated period of time begins to run. Business day does not include a Saturday, a Sunday, or a day during which the offices of the custodian of the public records are closed.

Section 2. Procedure to Submit a Request

Requests for Public Records, including from media, shall be submitted in writing on the attached Request for Records Form, marked as Exhibit "A", attached hereto and incorporated herein by this reference.

Section 3. Fee Rates

1. Fees for Paper Copies

- a. The fee charged for black and white copies shall be twenty-five cents (\$0.25) per page.
- b. The fee charged for color copies shall be fifty cents (\$0.50) per page.

2. Fees for Electronic Copies

- a. The fee for electronic copies is five cents (\$0.05) per page.

3. Administrative Fees/Special Service Charges

a. Residents of Nebraska

- i. For requests for inspection or production of any public record which is readily available for inspection or production, there shall be no fee charged to the requester, except for paper and/or electronic copy fees.
- ii. For requests inspection or production of any public record which is not readily available for inspection or production, there shall be no fee charged to the requester, except for paper and/or electronic copies, for the first eight (8) hours of cumulative searching, identifying, redaction, and/or administrative copying to produce such records. For purposes of this policy, resident means a person domiciled in Nebraska and includes news media without regard to domicile. After the first eight (8) hours of cumulative searching, identifying, redaction, and/or administrative copying to produce such records, an administrative fee of fifteen dollars (\$15.00) per half hour of cumulative searching, identifying, redaction, and/or administrative copying shall apply in addition to paper copy fees and/or electronic copy fees.

b. Nonresidents of Nebraska

- i. For requests inspection or production of any public record an administrative fee of fifteen dollars (\$15.00) per half hour of cumulative searching, identifying, redaction, and/or administrative copying shall apply in addition to paper copy fees and/or electronic copy fees.

4. Deposit

- a. Fees estimate to be over fifty dollars (\$50) will require a deposit of fifty percent (50%) of the estimated fees.

PASSED and APPROVED this 15th day of October, 2024.



CITY OF HARTINGTON, NEBRASKA

MARK Becker

By: MARK BECKER, Mayor

ATTEST:

Brittni Bencoter

BRITTNI BENSCOTER, City Clerk



REQUEST FOR RECORDS

TO BE COMPLETED BY REQUESTER:

Name *and/or* Company: _____

Phone Number: _____ Fax Number: _____

Address: _____

Email Address: _____

The basic rule for open public records in Nebraska is found at Neb. Rev. Stat. §84-712. Most records, or a denial, will be provided within four (4) full business days from the date of request)

I HEREBY REQUEST A COPY OF THE FOLLOWING PUBLIC RECORDS

(Please provide a specific description of the record(s) you desire to inspect.)

REQUESTOR SIGNATURE: _____ Date: _____

YOUR COPY OF THIS FORM SHALL SERVE AS YOUR RECEIPT

CHARGES: Copy charges are set at a level to compensate the city for costs incurred in honoring your request. Copies will be \$.25 per page for black and white copies and \$.50 per page for colored copies, due before receiving requested items. An administrative fee of \$15.00/half hour will be charged as set by Neb. Rev. Stat. §84-712. Fees estimated to be over \$50 will require a deposit consisting of 50% of the estimated cost up front.

The charge to you for access to the record(s) you requested is: \$ _____

For Administrative Records

- The request for the above-named document(s) was granted and/or allowed to be examined.
- This request was denied, and the requesting party was issued a letter of denial in accordance with the provisions of Neb. Rev. Stat. §84-712.04.

Date and Time of Request: _____ Date Picked Up: _____

City Clerk: _____ Date: _____

Signed record requests forms can be returned to the City Clerk's Office located at (107 W State St). Email record requests form to cityclerk@hartel.net or fax record requests form to 402-254-6391. If you have any questions about your record request, please contact the City Clerk's Office at (402)254-6353.

The City of Hartington does not discriminate on the basis of race, color, national origin, age, or handicap in any of our programs or activities.