

VILLAGE OF ALVO

ORDINANCE NO. 2024-001

OPEN RECORDS OPERATING PROCEDURES

AN ORDINANCE ESTABLISHING THE OPEN RECORDS OPERATING PROCEDURES FOR THE VILLAGE OF ALVO, NEBRASKA, AND FEES TO BE CHARGED TO PERSONS FOR ACCESSING APPROVED OPEN PUBLIC RECORDS.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ALVO, NEBRASKA:

SECTION 1. Statement of Purpose, Review. It is the purpose of this ordinance to establish reasonable operating procedures, and appropriate fees for accessing approved open public records in the possession of the Village. The Village Clerk/Treasurer shall periodically recommend to the Village of Alvo Board of Trustees such changes in this ordinance as may be necessary to secure this purpose. The Village Clerk/Treasurer may exercise their discretion to reduce or waive any fees when such is in the public interest. No charge shall be assessed against any employees of the Village who make requests which are reasonably necessary to the performance of their official duties.

SECTION 2. Operating Procedure.

(a) All requests for access or copies of public records shall be in writing. All person's requesting access or copies of public records (a Requester) shall provide a detailed description of the document they are requesting, an address they can be contacted at, and a deposit as required. This section shall not be construed to require a custodian to copy any public record that is available to the Requester on the Village's website. The custodian of the public records is required to provide the location of the public record on the Village's website to the Requester. If the Requester does not have reasonable access to the internet due to lack of computer, lack of internet availability, or inability to use a computer or the internet, the custodian shall produce copies for the Requester pursuant to the fees and costs outlined herein.

(b) Copies of Village publications, regulations, or maps, etc., and other reports, that are not deemed a security breach or violation of the Homeland Security Act, and are determined to be accessible public records, shall be made available according to the fee schedules in this ordinance.

(c) All requests for access or copies of public records shall be approved by the Village of Alvo Clerk/Treasurer prior to any records being disbursed.

(d) If a request is denied, the Village Clerk/Treasurer shall provide written denial to the Requester.

(e) If a request cannot with reasonable good faith efforts be fulfilled within four (4) working business days after actual receipt of the request, a written explanation shall be provided to the Requester which shall also include an estimate of the expected cost of the copies. The four (4) working business days shall be computed by excluding the day the request is received, after which the designated period of time begins to run.

(f) The Requester shall have ten (10) 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 and the request shall be considered a withdrawal by the Requester.

(g) Working 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 3. Inspection and Production Fees.

(a) Where a request has been made for inspection or production of any public record which is readily available to the Records Custodian, there shall be no inspection charge to the requester. Requests and appointments for inspection are desired.

(b) Where a request has been made for inspection or production of any public record which is not readily available to the Records Custodian, there shall be no inspection or production charge to the requester for the first four (4) hours of cumulative searching, identifying, physically redacting, or administrative copying.

(c) In all cases not covered by subsection (a) and (b) above, a record inspection or production fee shall be charged at an hourly rate determined by the actual per hour rate of the employee(s) engaged in the record search plus 28% to cover benefits. A minimum inspection charge of \$10.00 shall be charged for each request.

(d) No inspection or production fee will be assessed when a denial of a request is made.

SECTION 4. Copying Fee

(a) A fee of \$0.25 per page for the first page (one side) and \$0.25 for every page thereafter (each side) shall be charged for photocopying public records, such fee to cover the cost of machine materials and equipment costs.

(b) For copying any public records which cannot be reproduced by the Village's photocopying equipment, the Requester shall be charged the actual cost to the Village, for reproducing such records, which shall include but not be limited to cds, dvds, and maps.

(c) No copying fee will be assessed when a denial of a request is made.

SECTION 5. Mailing or Electronic Transfer Fees. The Village Clerk/Treasurer shall determine and assess a charge covering mailing, electronic transfer, and handling costs accrued in responding to requests received and processed through the mail service or electronic media. Requests are encouraged to be picked up at the Village of Alvo Hall – Clerk/Treasurer's Office to ensure proper receipt and accuracy of end product.

SECTION 6. Other Records Fees.

(a) A fee of \$0.25 per page for the first page and \$0.25 for every page thereafter shall be charged for computer generated printouts of public records, such fee to cover the cost of materials and equipment.

(b) A fee of \$1.00 per page for the first page and \$1.00 for every page thereafter shall be charged for scanned to email and facsimile transmission of public records, such fee to cover the cost of materials and equipment.

(c) A per page fee for large format maps and documents printed or scanned by the Village to cover the costs of materials and equipment, as follows:

Color Zoning Map	\$35.00
18x24 (B&W)	\$15.00
24x36 (B&W)	\$16.00
36x48 (B&W)	\$19.00
18x24 (Color)	\$16.00
24x36 (Color)	\$18.00
36x48 (Color)	\$22.00
Scanning Fee	\$15.00

SECTION 7. Prepayment of Fees.

(a) A prepayment deposit of \$50.00 shall be paid by the Requestor for inspection and/or copying fees that are estimated to exceed \$50.00.

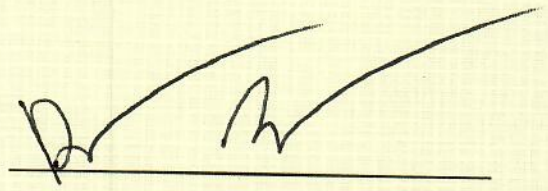
(b) The prepayment amount shall be an estimate of the inspection, copying charges, mailing or electronic transfer fees and any other records fees accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to the delivery of the requested copies. Where additional payment is required, no record shall be made available to the requester until such payment has been made.

SECTION 8. Payment. All fees charged under this ordinance shall be paid to the Village of Alvo. All fees shall be receipted immediately and placed in the Village's General Fund account.

SECTION 9. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. That this ordinance is adopted by a majority vote of the Board of Trustees, published in pamphlet form, and shall be in full force and effect after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 6th day of February 2024.



Devon Sullivan, Chairperson

ATTEST:



Amanda Shinkle, Village Clerk/Treasurer

SEAL

Publication Date: February 15, 2024.

