

**ORDINANCE NO. 1897**

**ORDINANCE ESTABLISHING A PUBLIC RECORDS POLICY IN THE NORTHPORT MUNICIPAL CODE**

WHEREAS, the City of Northport recognizes and supports the public's right to inspect and make copies of public records in accordance with law; and

WHEREAS, the City of Northport must also recognize the interests of the general public in having the business of government carried on efficiently and without undue interference; and

WHEREAS, the City of Northport must balance the interests of the citizens requesting the inspection of and/or copies of these requests to the taxpayers of the City and the other needs of the City residents in the efficient providing of City services; and

WHEREAS, the City wishes to formally establish policies for the procedure for these requests to inspect or obtain copies of public records maintained by the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHPORT, ALABAMA,** and Section 2-42 of the Northport Municipal Code to read as follows:

See Exhibit "A" attached hereto and incorporated herein by reference as if fully set out herein verbatim.

**ORDAINED** this the 4<sup>th</sup> day of April, 2016.


CITY COUNCIL OF THE  
CITY OF NORTHPORT

BY:   
Jay Logan, Its President

**ATTEST:**

  
Scott Collins, City Administrator

**APPROVED** this the 4<sup>th</sup> day of April, 2016.

  
Bobby Herndon, Mayor

I hereby certify that the above and foregoing Ordinance was published on April 13, 2016, in the Northport Gazette, a newspaper of general circulation published in the City of Northport.

  
Scott Collins, City Administrator

1st Reading: March 21, 2016  
By: Harper  
2nd Reading: April 4, 2016  
Motion By: Harper  
Second By: Sullivan  
Publication: April 13, 2016

# EXHIBIT A

## Sec. 2-42. - Policy regarding availability of public records.

(a)

*Recognition of public's right.* The City of Northport recognizes and supports the public's right to inspect and make copies of public records in accordance with Alabama law and to that end it will make public records available for public inspection and copying on a reasonable basis subject to the policies established herein.

(b)

*Request.* Municipal records fall into different categories, most of which are available to the public and some of which cannot be made available to the public. Ordinances, resolutions, the City Code, deeds, easements, permits, contracts, budgets, etc., are, as a general rule, available to the public for inspection and copying. All requests to review and/or inspect public records must be made in writing on the form provided by the City. A photo ID of the person requesting the documents shall be provided to verify the identity of the person making the request.

(c)

*Response.* If a citizen is requesting a record that is not exempt which they can reference with particularity, then the record shall be made available for inspection or copying in accordance with this policy.

(d)

*Costs.* The first hour of city staff time responding to a request is free; there shall be a ten dollar (\$10.00) per hour or portion thereof charge, per employee, thereafter. Request cannot be split to avoid charges. Time will be charged for researching and locating the requested documents. This charge shall also include the time of an employee being present while the document or documents are being inspected by the requesting party to insure that all documents and records are properly preserved.

In the event the person requests copies of public documents, there will be no copying charge for the first ten (10) pages and a twenty-five cents (\$.25) charge for each page thereafter for eight and one-half (8 1/2) x fourteen (14) inches.

Actual cost will be charged for other sized documents.

The one hour of free staff time and 10 free copies shall be available to the same individual making multiple requests one time each calendar year.

The City may waive these costs if the request is not voluminous or time consuming and is made by a bonafide member of the press.

The City shall provide all elected officials and all announced candidates for an elected position on the City Council or Mayor up to ten (10) copies of district and or City maps at no cost.

(e)

*Payment.* All personnel and coping charges must be paid to the City prior to the release of the documents by the City.

The City may require the payment of an estimate in advance if the request is anticipated to take a substantial amount of employee time or the copying of large amounts of documents. Any excess in payment will be returned to the requestor by the City

(f)

*Unlawful to Remove Documents.* It shall be unlawful for any person to remove original City documents from a City building or otherwise deface, alter, or destroy any original City documents. Such action is a crime and is punishable by a fine of up to \$500 per page and/or up to 6 months in jail for each offence as well as otherwise provided by state law.

(h)

*Procedure for Making Requests.* All requests to inspect public records of the City or for copies of public records of the City shall be made in writing on the form provided by the City for this purpose. The request shall be mailed to the City

Administrator/Clerk or hand delivered to the front desk of City Hall. The envelop shall prominently be marked as a "PUBLIC RECORDS REQUEST"

The form provided by the City shall be completed in full by the person making this request. The person making each request shall fully identify the person making the request or the person or entity on whose behalf the request is being made. The requesting party shall attach a photo ID to the request to insure that the records requested are provided to and paid for by the requesting party.

The response by the City shall not interfere with the normal operation of the City or the normal job duties of City employees.

*Written Requests for Public Records.* All requests shall be presented to the front desk at City Hall clearly marked "PUBLIC RECORDS REQUEST". A response to the request shall be made by the City Administrator/Clerk, the records custodian of all City records, or by the City Attorney.

(l)

*Exceptions.* Certain other records, such as law enforcement investigative reports or prosecution information, certain information in litigation files, certain information in personnel records, communications with city attorneys, records the disclosure of which would be detrimental to the public interest, safety or welfare, working papers or drafts of documents, information relating to taxes paid by a particular business, records not subject to disclosure or copying by law or by licensing agreement shall be exempt. Such records and information restricted by federal or state law which restricts or prohibits its dissemination to the public and such records or information restricted by the United States and Alabama Departments of Homeland Security. Pursuant to section 36-12-40, Code of Alabama, 1975, records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure (as defined at 42 U.S.C. § 5195c(e) as amended) and critical energy infrastructure information (as defined at 18 C.F.R. § 388.113(c)(1) as amended, public works projects exempted by section 39-2-2(g), Code of Alabama, 1975, the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests

of the public shall be exempted and may not be available for public inspection, release or copying. Any public officer who receives a request for records that may appear to relate to critical infrastructure or critical energy infrastructure information, shall notify the owner of such infrastructure in writing of the request and provide the owner an opportunity to comment on the request and on the threats to public safety or welfare that could reasonably be expected from public disclosure on the records. This policy does not apply to making records available to parties with whom the city has a contractual, professional or similar relationship or where the release of records is to the benefit of the city.

In addition, all documents protected by the attorney client privilege, the attorney work product doctrine, documents determined by Federal law, State law, court opinions, opinions of the State of Alabama Attorney Generals Office or the disclosure of which will result in undue harm to the public interest or where the public interest will be unduly affected where balanced with the reason provided for the making of the request shall also be exempt.