

**RESOLUTION NO. 1327**

**AMENDING RESOLUTION NO. 1230  
ESTABLISHING PROCEDURES FOR RELEASE OF  
PUBLIC RECORDS AND ESTABLISHING FEES FOR  
THE COST OF REPRODUCING PUBLIC RECORDS**

**WHEREAS**, the Yavapai County Board of Supervisors recognizes the right of the public to have unobstructed access to Yavapai County public records; and

**WHEREAS**, Yavapai County is required to comply with the provisions of Title 39, Chapter 1, Article 2 of the Arizona Revised Statutes, which relate to the public's right to inspect public records and obtain copies of them; and

**WHEREAS**, Title 39, Chapter 1, Article 2 of the Arizona Revised Statutes also provides the County with the authority to charge a fee or fees for supplying copies of public records.

**NOW, THEREFORE, BE IT RESOLVED** that the following procedures for the release of public records and corresponding fees are established, and all County employees responsible for maintaining official records are required to comply with this policy and with Arizona law to protect the public's right to information:

**I. Definitions**

- A. **Commercial Purpose:** The use of a public record for the purpose of:
1. Sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale, or;
  2. Obtaining of names and addresses from such public records for the purpose of solicitation; or
  3. Monetary gain from the direct or indirect use of the public record.

Commercial purpose does not include the use of public records as evidence or research in a judicial or quasi-judicial action in Arizona, or the publication of all or a portion of a public record in a newspaper for its news value.

- B. **Officer:** Any person elected or appointed to hold any elective or appointive County office and any chief administrative officer, head, director, superintendent, or chairman of any County office.
- C. **Person:** Includes corporations, associations, societies, organizations and individuals.

- D. Other Matters: Includes any written records kept by an officer in the course of official business whether or not the records are required by law or are otherwise considered to be public records.
- E. Public Record: All books, papers, maps, photos and documentary materials produced or kept by a public official in pursuance of a duty or to document the activities of a public body.

## II. Procedures

- A. Public records and other matters in Yavapai County offices are generally presumed to be open for public inspection at all times during office hours. Release of certain types of information may not be required or permitted if that information is determined to fall under exceptions to public records statutes. Such determinations may involve complex legal issues. Questions involving access to or disclosure of public records shall be addressed as follows:
  - 1. For routine public records issues, departments shall develop public records guidelines which shall be reviewed and approved by the County Attorney's Office prior to distribution to employees and updated as necessary.
  - 2. If the answer to a public records question is not clearly provided by the department's public records guidelines, the question shall be referred to the Department Head for referral to the County Attorney's Office. In such cases, information shall not be released until the release is approved by the County Attorney's Office and the Department Head.
- B. Any person may request to examine or be furnished copies of any public record during regular office hours.
  - 1. The custodian of the record being requested **may require** that the request be in writing, but anyone requesting records for commercial purposes **shall be required** to complete and sign a disclosure statement.
  - 2. In response to the public records request, the County will provide data that is maintained in the format in which it is kept, unless the data is available in a format other than that in which it is kept and providing the data in the alternate format would be the most efficient and cost effective manner of providing the data. The County **is not required** to create a record to meet a public record request nor is it required to obtain new data, perform research, or create new report formats.
  - 3. All requests for electronic access to the County MIS databases, other than that routinely provided to the general public through the County's web site or otherwise, must be approved in writing in advance by the MIS Director, with concurrence from the

appropriate department head and either the County Administrator or the Board of Supervisors.

### **III. Cost Recovery**

A. With regard to non-commercial public records requests, the County may, unless otherwise provided by statute, recover the cost of reproduction, which includes:

1. The cost of materials (paper, diskettes, CDs, etc.)
2. The cost of the machinery to do the reproduction, and/or
3. The cost of labor to make copies.

At the discretion of the elected official or department head, these costs may be waived where the public record is to be used for the provision of public information via the news media.

B. With regard to commercial public records requests, the County **shall** recover the following costs:

1. A portion of the cost for obtaining the original or copies of the document.
2. A reasonable fee for the cost of time, equipment and personnel necessary for the reproduction.
3. The value of the reproduction on the commercial market as determined by the department responding to the request.

C. No County employee can demand or receive a fee or compensation for issuing certified copies of public records or for making a search for them, when they are to be used in connection with a claim for pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof.

D. Unless specific statutory authority or other authority for a specific fee exists, the general fee for copies of public records for non-commercial purposes shall be 25 cents per page, which is assumed to include the cost of paper, machinery costs and labor. The general fee for copies of public records for non-commercial purposes provided on either a diskette or CD shall be the current cost of such materials as determined by the MIS Director, plus any applicable labor costs. The fee for maps shall be determined by the department head providing the maps based on reproduction costs, including any applicable labor costs.

E. Fee determination for copies of public records for commercial purposes shall be determined by the department responding to the request in accordance with paragraph B of this section, with input from the Finance Director.

**IV. Forms**

The attached forms are to be used when making public records requests:

- Verified Statement of Non-Commercial Purpose
- Verified Statement of Commercial Purpose
- Statement of Fees

**V. Departmental Responsibility**

Unless other provisions or authorizations exist in statute or other administrative rules or orders, all departments shall adhere to the provisions and general fees set forth in this Resolution. Each department shall post in a location visible to the public a statement of the department's fees, as listed on the Statement of Fees form provided as part of this resolution. Each department shall file a copy of its Statement of Fees, and any amendments thereto, with the Clerk of the Board of Supervisors. Each department shall maintain a file containing executed Verified Statements of Commercial Purpose, and at the discretion of the department head, Verified Statements of Non-Commercial Purpose. Such statements shall be retained in accordance with either the standard records retention regulations promulgated by the Arizona Department of Library, Archives and Public Records, or in accordance with the department's customized retention schedule as approved by DLAPR.

**APPROVED AND ADOPTED** this 19<sup>th</sup> day of February, 2002.

  
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Chairman, Board of Supervisors

ATTEST:

  
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Clerk of the Board of Supervisors

APPROVED AS TO FORM:

  
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Deputy County Attorney