RESOLUTION NO. 11-02232022

A RESOLUTION ESTABLISHING AN OPEN RECORDS ACCESS POLICY FOR THE CITY OF LAKE VIEW, ALABAMA.

WHEREAS, the City of Lake View, Alabama ("the City"), desires to establish an Open Records Access Policy in compliance with the Alabama Open Records Law, which is set forth at Section 36-12-40, et seq. of the *Code of Alabama* (1975), and other laws related to public records;

WHEREAS, a custodian of public records "has the authority to regulate the manner in which public records are inspected, copied, and disclosed," Opinion to Hon. John D. Harrison, Superintendent of Banks, State Banking Department, ALA. OP. ATT'Y GEN. 2007-001 (Oct. 2, 2006) (citing ALA. OP. ATT'Y GEN. 2001-063, and Opinion to Hon. F. Michael Haney, Attorney for the Water Works Board of the City of Gadsden, ALA. OP. ATT'Y GEN. 2000-102 (Mar. 14, 2000)); see also *Blankenship v. City of Hoover*, 590 So. 2d 245, 245 (Ala. 1991);

WHEREAS, under Alabama law, a custodian of records can require that a person making a request complete a particular form specific to the custodian's office, see *Blankenship*, 590 So. 2d at 250;

WHEREAS, the Supreme Court of Alabama has recognized that a public records request form "would enable the City to assure that the requested inspection was for a legitimate or proper purpose and would allow the City to maintain the integrity of its records in a practical and workable manner, without undue interference," see *Blankenship*, 590 So. 2d at 250;

WHEREAS, a custodian of public records may charge a reasonable fee for producing copies of public records, see Opinion to Hon. Tim Parker Jr., 184 ALA. OP. ATT'Y GEN. 27 (Aug. 25, 1981), quoted in Opinion to Hon. Willie Pearl Rice, Sumter County Probate Judge, ALA. OP. ATT'Y GEN. 2009-076 (June 10, 2009);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake View, Alabama, while in regular session on Thursday, February 24th, 2022, at 6:00 p.m. as follows:

1. The City Council hereby adopts the Open Records Access Policy attached hereto as **Exhibit A** as a policy of the City.

2. The City Council approves the use of the Access to Public Records Request and Agreement form, a copy of which is attached hereto as **Exhibit B**.

ADOPTED this the 24th day of February 2022.

ADRAIN DUDLEY PhD, MAYOR

ATTEST: _____
Lisa Bates, City Clerk

CERTIFICATION OF CITY CLERK

I, Lisa Bates, City Clerk of the City of Lake View, Alabama, do hereby certify that the above and forgoing is a true and correct copy of a Resolution duly adopted by the City Council of Lake View, Alabama, on the 24th day of February 2022.

Witness my hand and seal of office this 28 day of February 2022.

_____
Lisa Bates, City Clerk

Exhibit A

Open Records Access Policy

The Alabama Open Records Law, Code of Alabama 1975, § 36-12-40 provides that "[e]very citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute."

It is the policy of the City of Lake View, to comply with § 36-12-40 to allow citizens to inspect and take a copy of public records maintained by this office, unless the record is exempt from public disclosure. In accordance with state and federal laws, some department records may not be open for public inspection. For example, ongoing criminal investigations, tax returns and financial statements are examples of restricted records. In addition, certain records such as motor vehicle title and registration records have specific statutory disclosure requirements and are not subject to open record requests. Draft documents, such as versions of proposed administrative rules and legislation, used internally by the City of Lake View, are not subject to disclosure under the Open Records Law. Draft documents shared externally, as well as internal and external correspondence, such as emails, on possible actions to be taken by Revenue, are also not subject to disclosure (see Attorney General Opinion 2017-036).

In order to make a request to access the City's public records, the requester must complete the "Access to Public Records Request and Agreement" provided by the City. Every effort will be made to provide public records within a reasonable time period. Should the requester prefer to inspect the records in person, an appointment should be made through the Lake View City Clerk. Access to and inspection of public records will be provided during the regular business hours of 9:00 a.m. to 4:00 p.m. Monday thru Thursday (closed 12:00 p.m. to 1:00 p.m.) at the Lake View City Hall with a scheduled appointment. Citizens may be requested to provide identification prior to the inspection of requested documents. It is requested that citizens inspecting public records refrain from eating, drinking, and smoking in areas where such records are being inspected and copied. The City of Lake View will determine reasonable limitations on the number of citizens who may inspect and copy records at one time so as not to disrupt the work of the employees of the City.

Citizens may make copies of available public records using their own equipment while viewing them at the Lake View City Hall. There will be a charge of $1.00 per page for copies of public records made by Lake View City employees using city-owned copiers. Citizens must pay any outside costs incurred by the City for providing copies of public records requested by citizens. The City also reserves the right to charge for the reasonable research costs incurred by the City in preparing records for review or copying. Payment must be made in advance. Every effort will be made to provide public records within a reasonable time period.

If you have questions about the City's policy or need further assistance, please contact Lisa Bates, Lake View City Clerk, at cityclerk@lakeviewalabama.gov or 205-477-1999.

Exhibit B

City of Lake View, Alabama

Access to Public Records Request and Agreement

Name of the requester: _____

Home address of the requester: _____

Telephone number: _____ Email address: _____

Is the requester a citizen of the State of Alabama (yes or no)? _____

I request to review and/or obtain a copy(s) of the following public records of the City of Lake View, Alabama ("the City"), which are identified by name of record requested and specific dates if applicable:

_____

_____

_____

Valid reasons for reviewing public records must be provided so that the City can analyze the efforts needed to maintain certain records and to comply with Alabama law. This information will also help the City determine how the City can better serve its citizens. Valid reasons for reviewing and/or purchasing a copy(s) of the City's public records must also be provided as a condition and to ensure that these records are safeguarded and to ensure that public employee time is not wasted. The reason(s) that I desire to review these records is/are:

_____

_____

If viewing records on site, I agree that I shall not harm or damage any public record, and I understand that any records being reviewed will be in the presence of the City Clerk and/or the City Clerk's designee. I agree that these records will not be removed from the City's premises at any time. I further agree to pay for any copies of records requested in advance and to pay for the reasonable research costs incurred by the City in preparing these records for review or copying.

_____ _____

Requester's Signature Date

This space is for City of Lake View Official Use Only

☐ Request Approved

☐ Request Denied – Reason(s) Denied:

_____

_____

_____ _____

Signature of Authorized City Representative Date