

RESOLUTION NO. HL 11-01

Adopting Public Record Policy

Whereas, Section 36-12-40, 1975 Alabama Code, states that every citizen has a right to inspect and take a copy of any public writing, except for (1) registration and circulation records and information concerning the use of public libraries (except for a parent inspecting the records of his or her child); (2) 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 critical infrastructure and critical energy infrastructure, whose disclosure could reasonably be detrimental to public safety and welfare and the best interests of the public safety and welfare and the best interests of the public; and (3) as otherwise expressly provided by statute; and

Whereas, section 36-12-41 states that every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give him, on demand, a certified copy of it on payment of the legal fees therefore; and documents and maps made or received in pursuance of law by the public officers of the state, counties, municipalities, and other subdivisions of government in transactions of public business and any record authorized to be made by any state law belonging or pertaining to any court record on any other public record authorized by law or any paper, pleading, exhibit or other writing filed with, or by any such court, office or officer; and

Whereas, courts have held that a custodian of public records may require the person seeking access to show that he or she has a direct, legitimate interest in the document or information sought, for there is no right of inspection when it is sought to satisfy a whim or to create scandal or for any other improper or useless purpose, and no right to demand to see public records without showing why he or she is interested; and

Whereas, a municipality may set reasonable restrictions on the time and place of inspection and may charge a reasonable fee for providing requested public documents, including Town staff research, preparation and time in fulfilling the request;

Now, Therefore, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND LAKE, ALABAMA, that the following is adopted as the Town's Public Record Policy:

Statement of Policy: The Town of Highland Lake recognizes and supports the public's right to inspect and make copies of public records in accordance with the law. Public records are available for public inspection and copying on a reasonable basis, subject to this policy. All responses to requests concerning public records will be made in such a way that will not interfere with the normal operation of the town or the job duties of the employee.

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Confidential Records: Municipal records fall into different categories, most of which are available to the public. Some records or portions of records are determined to be confidential and are not subject to public disclosure, including, but not limited to, the following:

1. Any specific exception to the open records act found in the Alabama Code
2. All confidential written materials submitted to or from any officer or employee and an attorney for the Town
3. Plans, elevations or studies relating to the safety and security of municipal employees and facilities
4. Certain personnel records relating to city employee, including W - 2 forms. (Employees have the right to be notified of requests to access information contained in their personnel file)
5. Medical records and other personal health information pertaining to employees, unless authorized by the employee
6. Test materials given to applicants for employment or promotion with the Town, including results of any test
7. Certain personal identifying information, such as home address, telephone number, closest living relative information, social security number, taxpayer identification number, etc.
8. Information regarding gross receipts or tax payments of licensed businesses
9. Internal audit work papers and internal audit reports, including system security information
10. All court documents pertaining to the execution of warrants
11. Any information concerning pending court cases
12. Records pertaining to confidential investigations of the police department, including but limited to criminal investigations and internal affairs investigations
13. Confidential informant files
14. Crime scene information including photographs, videos, physical evidence and such similar materials

If there is uncertainty as to the confidential status of a record, the matter shall be referred to the Town attorney for guidance and advice.

Submission of requests: All persons requesting to view or obtain copies of public records shall be referred to the Town Clerk's office, subject to the exceptions listed below. The Clerk's office will provide an application form and/or receive completed written requests.

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Removal of Records from the Town offices shall not be permitted.

Exception: Information or records may be provided for auditing purposes, other governmental entities, or news media at no cost.

Requests to view specific records or documents: Anyone desiring to review specific files or records located in the Town Clerk's office may do so on Tuesday and Wednesday, from 9:00 a.m. to noon. If needed, the Town Clerk may schedule an alternative time by appointment.

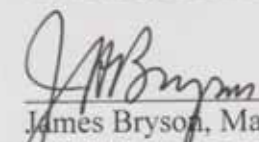
Requests to obtain copies of specific records or documents (no research, preparation or complication required): The cost shall be per the attached appendix "A".

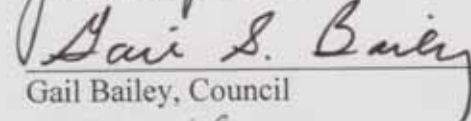
Requests that view or obtain copies of records that are not specific in nature and/or require compilation of data: Response to requests of this nature may require additional time, since research may be necessary to locate records, review their status, or deterring the complexity of the request. Charges for time may be necessary for records that are bound, require removal of staples, etc., or require editing to maintain the confidential status of portions of the material. The feasibility of providing access to records that are not a standard size or format or are voluminous in nature must be determined.

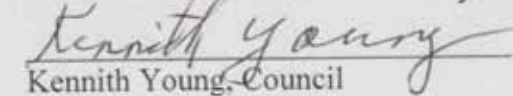
Calculation of costs: Payments: No charges will be assessed for research that is necessary to evaluate and determine feasibility of the request. Applicant will be given an estimate of the time and cost involved in providing the requested records of information. Applicant will be required to pay the estimated amount before the actual work or research is performed. The actual cost will be determined upon completion, and adjustments to the payment will be made if necessary. There will be no fees for the first half hour, thereafter; the cost will be calculated at \$ 12.00 per hour or portion thereof.

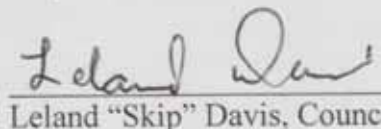
This policy supersedes any previously approved Town of Highland Lake Public Records Policy.

ADOPTED AND APPROVED THIS THE 3rd DAY OF January 2011.

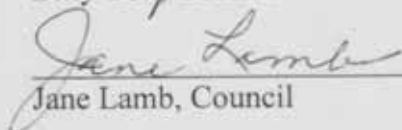

James Bryson, Mayor


Gail Bailey, Council

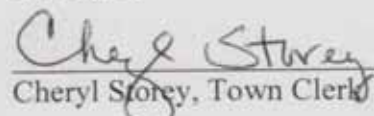

Kenneth Young, Council


Leland "Skip" Davis, Council


Billy Cox, Council


Jane Lamb, Council

ATTEST:


Cheryl Storey, Town Clerk

**TOWN OF HIGHLAND LAKE
PUBLIC RECORD REQUEST**

TO: The Town Clerk of the Town of Highland Lake, Alabama.

The undersigned wishes to examine the following public records of the Town of Highland Lake:

The reason(s) I desire to review these records is: (you must give a valid reason)

Date

Signed

I recognize that the City must provide security of public records and must make available an employee of the city during the examination of such records. I understand there is a charge for requested copies, as set forth in the schedule below. I agree to pay the fee for the copies as this policy sets out.

Cost of Copies

- | | |
|-------------------------------------|-------------------------------------|
| - Accident reports \$10.00 | - I & O Reports \$5.00 |
| - Ordinances \$5.00 each | - Resolutions \$2.50 |
| - Minutes \$2.50 each | - Audit .25 cent per page |
| - 8 1/2 x 11" copies .25 cents each | - 8 1/2 x 14" copies .30 cents each |

RESPONSE TO PUBLIC RECORD REQUEST

You may come to our office at _____ a.m. on _____ to review
The requested documents.

Town Clerk _____

Date: _____

Record of public records copied and released

Number of copies received _____ Cost _____

Description of copies received _____