** RETURN TO COMMISSIONERS' OFFICE **

Debbie Pierson, Flathead County MT by NC
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RESOLUTION NO. 2414

WHEREAS, the Board of Commissioners of Flathead County, Montana, recognizes the need for a county-wide policy providing procedure and guidelines for honoring public information requests;

WHEREAS, the various Departments of Flathead County and the Flathead County Attorney have reviewed and provided any contributions to the drafting of the attached Exhibit "A" Flathead County Public Information Request Policy; and

WHEREAS, after review, the Board of Commissioners of Flathead County, Montana finds the attached Exhibit "A" Flathead County Public Information Request Policy provides appropriate procedure and guidelines for the production of public records pursuant to public records requests.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the Flathead County Public Information Request Policy contributed to by members of the Departments of County government and set forth on Exhibit "A" hereto, is hereby adopted as an official policy of Flathead County.

BE IT FURTHER RESOLVED that each Flathead County Department will distribute and promote the Flathead County Public Information Request Policy within the respective Department.

BE IT FURTHER RESOLVED that each Department will post the Flathead County Public Information Request Policy on its website and/or otherwise make the document available to anyone seeking public documents upon inquiry.

Dated this 12th day of November, 2015.

SEAL OF FLATHEAD COUNTY - STATE OF MT - COMMISSIONERS OFFICE

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By Pamela J. Holmquist
Pamela J. Holmquist, Chairman

By
Gary D. Krueger, Member

By Philip B. Mitchell
Philip B. Mitchell, Member

EXHIBIT A

Flathead County Public Information Request Policy

Each Flathead County Department (Department) shall abide by this policy, which hereby incorporates by reference all rules and guidelines established by the Montana Secretary of State regarding the disclosure of public documents. In exercising any discretion provided for in this policy, each Department shall provide the same service to every party requesting public document.

Protocol

Each Department shall only accept requests for public documents in writing (including email). Upon receiving a request for public information, the Department shall respond in a timely manner to the request by:

a) Making the public information maintained by the Department available for inspection and copying by the requesting person;

b) Providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged; and/or

c) Issuing a rejection to the request in writing by providing an explanation to the requesting party the grounds for denial.

Fees

Fees for any and all documents copied and provided by the Department shall be based upon a copy charge of $.25 per page. The charge per page of paper shall be for a standard sized, one-sided, piece of paper printed in black and white. Each Department shall provide documents in this format unless the nature of the document requires variation. If varied, the price charged per page shall be reflective of the actual costs incurred by the Department.

Charges associated with staff time shall apply only when the Information Technology or Flathead County Attorney Departments search for or review Flathead County documents and such time shall be estimated and billed at $26.00 and $30.00 per hour, respectively. Departments charging for time shall not charge for time to produce documents of which they are the custodians, but rather, time to review, gather, or redact documents held by other Departments.

Departments which have fees dictated by state law or other legal authority are exempt from this policy to the extent that the legally mandated fees conflict with this policy.

At the Department's discretion, it may require advance payment of the fees and/or time costs so long as the costs are documented in a written estimate provided to the person making the request and the Department has developed a uniform policy which it applies consistently by requiring payment upfront in specified situations (e.g. requests exceeding a certain number of pages or a certain period of time).

Customization of Records

The Department is not required to customize a records request response in a form specified to meet the needs of the requesting person, but, if the Department elects to do so, the costs of the customization may be included in the fees charged by the Department and itemized accordingly.

Withholding Information

The Department may withhold confidential information from disclosure pursuant to Protocol subsection "c" above. Confidential information includes information which is: 1) constitutionally protected because an individual privacy interest clearly exceeds the merits of public disclosure; 2) related to judicial deliberations in an adversarial proceeding; 3) necessary to maintain the security and integrity of secure facilities or information owned by or serving the state; or 4) designated as confidential by statute or through judicial decisions, findings, or orders.

Closed Public Meetings

Minutes of any public meeting shall be kept in accordance with Section 2-3-212, MCA. Any time a public meeting is closed pursuant to 2-3-203, MCA, the presiding officer shall ensure that minutes taken in compliance with 2-3-212(2) are kept of the closed portion of the meeting. The minutes must not be made available for inspection except pursuant to a court order.