

RESOLUTION NO. 6, 2019

A RESOLUTION OF THE CITY OF PARK HILLS IN KENTON COUNTY, KENTUCKY, ADOPTING AN OPEN RECORDS ACT POLICY IN CONFORMITY WITH THE OPEN RECORDS ACT

WHEREAS, KRS §61.876(1) requires public agencies to adopt rules and regulations to provide full access to public records; and

WHEREAS, the City of Park Hills desires to adopt a public records policy in conformity with the Open Records Act; and

NOW THEREFORE, the City Council of the City of Park Hills, pursuant to KRS §61.876(1) and KRS §83A.130, hereby adopts the attached Open Records Policy for use by the City of Park Hills. The City Council further authorizes the City Clerk or the City Attorney to revise the City's current public records inspection application as necessary to comply with the attached policy.

Adopted this ____ day of April, 2019.

Certified by: _____
Kathy Zembrodt, Mayor

Attested by: _____
Julie Alig, City Clerk



City of Park Hills, Kentucky
1106 Amsterdam Road
Park Hills, Kentucky 41011
Email: jalig@parkhillsky.net

PUBLIC RECORDS INSPECTION APPLICATION
(KRS 61.870-61.884)

1) Pursuant to the Kentucky Open Records Act, I request to inspect the following public records (be specific and specify format of records to be provided):

Three horizontal lines for specifying records.

2) Is the information requested to be used for commercial purpose? YES [] NO []

Commercial purpose is the direct or indirect use of any part of a public record, in any form, for sale, resale, solicitation, rent, or lease of a service or any use by which the user expects a profit either through commission, salary or fee.

If requested for commercial use, a certified statement indicating the commercial purpose for which the records will be used must be included with the request. Certification form attached.

Request for copies: [] YES, I agree in advance to pay for copies of the above requested records as detailed in the Policy Fee Schedule.

Request for inspection ONLY []

Company Name: _____ If applicable

Name: _____

Telephone No.: _____ Email: _____

Fax No.: _____

Mailing Address: _____ Provide address only if requesting records be mailed

Signature: _____ Date: _____

For Office Use Only:

Date Received: _____ By: _____
Latest date to respond: _____ Date responded: _____
Date/Time Reviewed or Mailed: _____ Reviewed By: _____

Fees Charged:
Photocopies _____
Media _____
Postage _____
Photos/Other _____
Staff * _____
Total _____

*Only for commercial requests or Attorney Requested Body Camera

OPEN RECORDS POLICY

City of Park Hills

In order to comply with the Open Records Act contained in Chapter 61 of the Kentucky Revised Statutes, the following rules and regulations shall be followed by the City of Park Hills:

- A. All requests for inspection of public records of the City of Park Hills may be submitted to the City Clerk's office, 1106 Amsterdam Road, Park Hills, Kentucky 41011, or by email to the City Clerk at jalig@parkhillsky.net.

Requests may be sent by mail, submitted in person, or electronically. The request must be in writing and include the following information:

1. Name, telephone number, and signature of the individual requesting to inspect the records.
2. Mailing address, if requesting the records be mailed, or email address if requesting electronically.
3. The specific record(s) the requestor wishes to inspect or to receive a copy of.
4. Whether the records are requested for commercial or noncommercial use. **If requested for commercial use, a certified statement stating the commercial purpose for which the records will be used.**

- B. Records shall be made available for review and/or copies within the three-day required response period unless a different timeframe is specified in the response due to the increased time it may take to recover documents from Archives, computer record search, the involvement of multiple departments, volume of responsive records, records are in current use, or other designated reason for a response time of greater than three days.

This policy provides guidance in applying standard charges and formats for Open Record copies consistent with Kentucky Open Records law and subsequent Attorney Generals Opinions. The City is entitled to recover actual costs (not staff time) related to providing copies of records. Those recoverable costs may include costs to copy materials prior to provision in another format with cost recovery of \$0.10/page. For example, if a record copy is made in order to redact or review certain information prior to providing the copy (even if that copy is ultimately provided in an electronic format), since the City incurred a copy cost in order to provide the record, the requestor will be required to pay for that copy cost prior to receiving final copies.

In addition, if electronic copies requested impose an unreasonable burden on the City email and/or storage capacity, the City may inform the requestor and download copies to CDs or other format and charge accordingly.

All departments, other than those that are set by state statute i.e. Police Report, will apply the following charges regardless of status of requestor, i.e., media, legal representative, member of the public, corporation or non-profit organization. However, the City may use its discretion in waiving these charges which are not mandatory, if the total fee amounts to \$2.00 or less.

When charges are applicable, no copies will be released until payment has been received either in the form of a check, exact change in cash, or money order. There is no option to "bill" or "invoice" a requestor for copies.

This policy will not apply to subpoena or court-ordered responses which are not covered under Kentucky Open Records law. Responses in those circumstances will provide copies at no charge.

These charges may or may not apply to other City of Park Hills departmental responses for records or other copies provided in the normal course of business unrelated to an open records request. In special cases where items are not listed and the City incurs actual costs related to making copies, that cost will be estimated and passed along to the requestor.

C. Certain records are not public records. Those which are not public records are specified in federal and state law or rulings of the Attorney General or Courts. The City of Park Hills will not make those exempted records available for public inspection.



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1106 Amsterdam Road
Park Hills, Kentucky 41011
Email: jalig@parkhillsky.net

CERTIFICATION OF COMMERCIAL PURPOSE ADDENDUM TO PUBLIC RECORDS INSPECTION APPLICATION

Please state the commercial purpose(s) for which the record(s) will be used:

Carefully read the following and sign the verification:

Kentucky Revised Statute 61.874 (5) states, it shall be unlawful for a person to obtain a copy of any part of a public record for a:

- (a) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to subsection (4)(b) of this section; or
- (b) Commercial purpose, if the person uses or knowingly allows the use of the public record for a different commercial purpose; or
- (c) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.

According to Kentucky Revised Statute 61.8745, a person who violates subsections (2) to (6) of KRS 61.874 shall be liable to the public agency from which the public records were obtained for damages in the amount of:

- (a) Three (3) times the amount that would have been charged for the public record if the actual commercial purpose for which it was obtained or used had been stated;
- (b) Costs and reasonable attorney's fees; and
- (c) Any other penalty established by law.

VERIFICATION

I _____, state that I have read the forgoing Certification of Commercial Purpose-Addendum to Public Records Inspection Application and that the statements therein are true and correct as I verily believe. I understand that falsification of this information in subject to penalties set out hereinabove. I also understand that if I am requesting copies for a commercial purpose or an attorney requesting body camera footage, I may be required to enter into a contract with the City of Park Hills in order to obtain this information and to pay a fee for the costs of the copies as well as the costs of staff required to produce a copy of the record(s) and cost to the City of the creation, purchase or other acquisition of the public record(s).

State of _____)

Signature of Applicant: _____

County of _____)

Title: _____

SUBSCRIBED AND SWORN to before me by _____
on this _____ day of _____, 20____.

Notary Signature

(seal, if any)

ID Number _____

My Commission Expires: _____



City of Park Hills, Kentucky Open Records Fee Schedule

In special cases where items are not listed and the City incurs actual costs related to making copies, that cost will be estimated and passed along to the requestor.

Copy Charge Schedule

Non-commercial request:

Paper copy \$0.10/page

Color

Paper copy \$0.25/page

Photographs

B&W (up to 8x10) \$0.10/each

Color (up to 8x10) \$0.25/each

Commercial use request (including Attorney Request for Body Camera footage):

Paper copy charges Above PLUS \$15 per hour (Staff time to be billed in quarter hour increments)