

A stack of papers with a red ribbon bookmark and a green paperclip.

# **CITY OF CODY**

## **PUBLIC RECORDS REQUEST POLICY**

**Effective July 1, 2019**

## PURPOSE and SCOPE

The City of Cody is required to make public records available in accordance with the Wyoming Public Records Act (W.S. 16-4-201 through 16-4-205) which gives the public the right to inspect and/or copy certain public records maintained by the City. The City of Cody will be responsive to public records requests while at the same time striving to maintain the confidentiality of certain records as required by law.

The purpose of the Policy is to: (a) Establish an orderly and consistent procedure for responding to public records requests; (b) Establish the basis for a fee schedule intended to compensate the City for the actual costs incurred in responding to public records requests; and (c) Assist all City of Cody departments in complying with the public records act, the types of documents that must be disclosed and the method for disclosure.

This policy applies to all City of Cody employees who, in the course of their employment or duties on behalf of the City, create, maintain or have access to public records.

## APPLICATION

Public records requests must be made in writing on the City of Cody's Application for Public Records form and directed to the Public Records Person by using one of the following methods:

1. In person at City Hall, 1338 Rumsey, Cody, WY;
2. By mail to Records Technician, City of Cody, PO Box 2200, Cody, WY 82414;
3. By facsimile transmission to (307) 527-6532; or
4. By email to [Records@cityofcody.com](mailto:Records@cityofcody.com).

## DEFINITION OF PUBLIC RECORDS

According to W.S.16-4-201 (a) (v) the definition is “Public records” when not otherwise specified includes any record in a physical form created, accepted, or obtained by a governmental entity in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term “public records” includes any written communication or other information, whether in paper, electronic, or other physical form, received by a governmental entity in furtherance of the transaction of public business of the governmental entity, whether at a meeting or outside a meeting...” That means that most City records will be released upon receipt of a proper public records request.

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“Public records” shall have the same meaning as defined by the Wyoming Public Records Act.

Records that are not public records are personal notes, personal or “spam” emails and those preliminary draft documents that are only for the author’s use are not public records and are not required to be provided in response to a public records request. Other records that are not public include those that are classified as confidential by state or federal law, and records which the City has authority to withhold by law.

## INSPECTION OF RECORDS

All records held by the City of Cody shall be open for inspection by any person at reasonable times during business hours and not to interfere with the regular daily duties of the Custodian or his department. However, exceptions exist which may limit the disclosure of certain types of confidential, privileged or sensitive information. If the public records requested are not in the custody or control of the City the Public Records Person should be notified and they shall notify the applicant within seven (7) business days of the request of the unavailability of the records.

If the public records requested are in the custody or control of the City and are in active use or in storage and are not available at the time an applicant asks to examine them the Public Records Person must notify the applicant of the situation within seven (7) business days from the date of acknowledged receipt of the request.

All public records must be released no later than (30) thirty calendar days from the date of acknowledged receipt of the request unless good cause exists. If good cause exists the applicant and the Custodian of records may agree on a specified date in which the records will be released. If a mutually agreed upon date cannot be reached the applicant may file a complaint with the ombudsman designated by the governor or may petition the district court for a determination as to whether the Custodian has demonstrated good cause. The records will be reviewed in camera and a determination will be made as to whether the records may be released.

If a public record exists primarily or solely in an electronic format, the Custodian of the record shall inform the applicant. The City will charge fees for electronic records as allowed by state law and according to the fee schedule approved by the Governing Body. The City shall provide an electronic record in alternative formats unless doing so is impractical or possible. The City shall not be required to compile data, extract data or create a new document if doing so would impair the Custodian’s or department’s ability to discharge their duties. The City shall not be required to allow inspection of copying of a record in its electronic format if doing so would compromise the security or integrity of the original record or of the software in which it is maintained.

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The Public Records Person or Custodian of records for the specific department within the City is not required to answer questions about what is found on the public record, only to provide access and a copy of the records, if requested. The City does not provide for “standing requests”, meaning a continuing request for future documents. The response must only be for documents in the custody of the City of Cody at the time of the request.

Certain records are exempt from disclosure as described in W.S. 16-4-203, as well as records protected by State or Federal law.

Public records that include information that is exempt from disclosure shall be redacted to prevent disclosure of confidential information.

## RESPONSIBILITIES

The Public Records Person – Pursuant to W.S. 16-4-202(e) the designated public records person shall serve as a point of contact between the City of Cody and applicants seeking public records. The person named by the City to be the designated Public Records Person receives and reviews the Application for Public Records. If the request does not sufficiently identify the records requested it is the duty of the PRP to contact the applicant making the records request and advise them that more information is needed in order to produce the records. The PRP must forward the request to the Custodian of records in the appropriate department of the City within 24 hours of receipt. All requests must also be forwarded to the City Administrator and City Attorney. Public records must be released not later than 30 days from the date of acknowledged receipt of the request, therefore, it is the responsibility of the PRP to track the progress of the production of the records so as to meet that deadline.

Custodian of Records – The head of each of the six departments within the City shall be the designated person to act as Official Custodian of Records for that department. That Custodian is responsible for responding to requests for records and coordinating the response with other City departments, when appropriate. The Custodian of records should consult with City Attorney if they have any questions or if they believe the requested records fall within one of the exceptions of the Wyoming Statute. Once the requested records are ready for inspection, the Custodian should coordinate with the City Attorney to review the records to be inspected. After the City Attorney has approved the records the Custodian of the appropriate Department must contact the applicant and make arrangements for inspection of those records. It is the responsibility of each Custodian to communicate with the PRP as the Application is processed through the department.

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City Attorney – All Applications will be sent to the City Attorney upon receipt. Requests that are related to possible or pending litigation should immediately be routed to the office of the City Attorney. Documents responsive to the request should be assembled and forwarded to the City Attorney for review, prior to dissemination. Decisions to withhold records or redact information on records must be made by the City Attorney.

## FEES

The fees for responding to public records requests are established and adopted by the City Council. The fees established are reasonably calculated to reimburse the City for its actual costs in making the records available. If the records request is submitted by a cooperating law

### COPY FEES:

Photo Copies & Printed Materials – black & white up to 11x17	\$1.00 for the first page \$0.50 for each subsequent page
Photo Copies & Printed Materials – color up to 11x17	\$1.50 for the first page \$0.75 for each subsequent page
Photo Copies & Printed Materials – black & white larger than 11x17	\$5.00 each page
Photo Copies & Printed Materials – color larger than 11x17	\$10.00 each page

### COMMUNITY DEVELOPMENT FEES:

Site Map or Lot Map	\$6.00 each
Zoning and Street Maps	36x48 Color: \$10.00 each 42x60 Color: \$48.00 each
Scanned 24x36 Drawing - color or black & white	\$7.50 each page
Lamination of Document	\$6.00 each
Master Plan Document – printed & bound	\$40.00 each
Whole Aerial & Utility Tiles w/Lot Lines	\$36.00 each
½ Aerial & Utility Tiles w/Lot Lines	\$18.00 each
¼ Aerial & Utility Tiles w/Lot Lines	\$9.00 each
Producing or constructing records, programming, and computer service	\$20.00 minimum up to 1 hour of staff time \$5.00 for each additional 15 minutes of staff time

### ELECTRONIC COPY FEES:

Digital Disk	\$5.00 per disk
Video Disk	\$10.00 per disk

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## MISCELLANEOUS FEES:

Producing or constructing records, programming, and computer service (electronic records)	\$20.00 minimum up to 1 hour of staff time \$5.00 for each additional 15 minutes of staff time
Fax Sent Fee	\$2.00 per fax up to 5 pages \$.25 for each subsequent page
Notary Signature	\$5.00 per document

## PAYMENTS

Before responding to the request, the Custodian of the records should notify the applicant of the estimated cost to produce the documents and confirm the applicant's wish to proceed with the request. Once confirmation is received the RPR should prepare an invoice based on the costs provided by the Custodian of records. Prepayment of the estimated charges by the applicant is required before the City will begin to compile the requested records. If the actual costs incurred by the City are more than the amount of the prepayment, the applicant will be responsible for the additional costs, and will be required to pay the additional amount in prepayment before the requested records are provided.

If production of records is ordered by the district court or ombudsman upon appeal the production fees may be waived