

ORDINANCE 2020-02

**AN ORDINANCE ESTABLISHING A UNIFORM FEE SCHEDULE FOR
CERTIFICATION OF DOCUMENTS, COPYING OF DOCUMENTS, AND POSTAGE
REIMBURSEMENT FEES FOR REQUESTS FOR PUBLIC RECORDS OR
DOCUMENTS MADE PURSUANT TO INDIANA CODE 5-14-3**

WHEREAS, Title 5, Article 14, Chapter 3, of the Indiana Code sets forth the law concerning access to public records and pursuant to Indiana Code (I.C.) 5-14-3-8, the Common Council, as the fiscal body of the City of Austin, shall establish a uniform fee schedule for the certification or copying of documents; and

WHEREAS, The Uniform Fee Schedule should set forth fees for (1) the certification of documents; (2) the copying of any documents or records; and (3) fees for reimbursement of actual postage costs to supply a requesting party with documents or records; and

WHEREAS, Pursuant to I.C. 5-14-3-8 any certification fee charged by a unit may not exceed Five Dollars (\$5.00) per document for certification; and

WHEREAS, Pursuant to I.C. 5-14-3-8 the copying fees may not exceed the greater of ten cents (\$.10) per page for copies that are not color copies and twenty-five cents (\$.25) per page for color copies, or the actual cost to the agency of copying the document (where actual cost is defined as “the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs”); and

WHEREAS, because actual costs for standard copies do not exceed the costs set forth in I.C. 5-14-3-8, the City is permitted to charge ten cents (\$.10) per page for copies that are not color copies and twenty-five cents (\$.25) per page for color copies and additionally may charge the actual costs per page for non-standard sized pages; and

WHEREAS, The costs shall be uniform for copies provided to a requesting party, provided however that pursuant to I.C. 5-14-3-8(f) costs for copies of certain documents may exceed any costs established by the Common Council as specified by state statute or as ordered by a court (i.e. police reports) and those documents shall not be subject to the Uniform Fee Schedule; and

WHEREAS, additionally, recent Public Access Counselor opinions have stated that because I.C. 5-14-3 is silent on the issue of postage, public agencies may charge only the actual cost of mailing, and as such it is in the best interest of the City of Austin that any public records or documents that are sent to a requesting party will require actual postage costs to be reimbursed; and

WHEREAS, it is in the best interest of the City of Austin to approve and establish a Uniform Fee Schedule in accordance with I.C. 5-14-3-8.

NOW, THEREFORE, be it ordained by the Common Council as the Fiscal Body of the City of Austin that the findings and determinations set forth above in the recitals and preambles to this Ordinance are hereby made the findings and determinations of the City of Austin.

NOW, THEREFORE, be it also ordained by the Common Council of the City of Austin that pursuant to I.C. 5-14-3 a Uniform Fee Schedule be approved and established as follows:

SECTION 1: The City of Austin may charge a certification fee in the amount of Five Dollars and Zero Cents (\$5.00) per document.

SECTION 2: Copying charges shall be as follows:

- A. Black and white copies, letter & legal: 10¢ per page
- B. Color copies, letter & legal: 25¢ per page

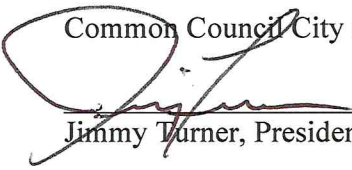
SECTION 3: Any postage reimbursement costs collected by the City of Austin shall not exceed the actual cost of postage to mail documents or public records.

SECTION 4: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts.

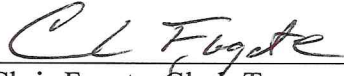
SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana on March 10, 2020 by a vote of 5 to 0.

Common Council City of Austin, Indiana


Jimmy Turner, President

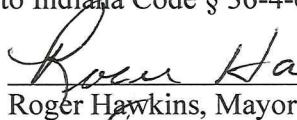
Attest:


Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on March 10, 2020 at 7:10 p.m.


Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on March 10, 2020 at 7:10 p.m.


Roger Hawkins, Mayor

Attest:


Chris Fugate, Clerk-Treasurer

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