

## ORDINANCE NO. CC-2019-04

### AN ORDINANCE ESTABLISHING CERTAIN COPYING/DUPLICATION/ CERTIFICATION FEES TO BE IMPOSED BY PUBLIC AGENCIES FORMING A PART OF ELKHART COUNTY GOVERNMENT

WHEREAS I.C. 5-14-3-8 contemplates the establishment of copying/duplication/certification fees by public agencies in the State of Indiana;

WHEREAS the Board of Commissioners of the County of Elkhart has undertaken a review of copying practices, procedures, and fees affecting the various public agencies forming a part of Elkhart County Government and recommended this Ordinance to the Elkhart County Council as the fiscal body;

WHEREAS it is clear and necessary that a uniform schedule of copying/duplication/certification fees needs to be established for imposition by the various public agencies forming a part of Elkhart County Government except as hereinafter set forth;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED BY THE ELKHART COUNTY COUNCIL OF THE COUNTY OF ELKHART, INDIANA, AS FOLLOWS:

1. Copying/Duplication Fee Schedule. There is hereby established the following copying/duplication fee schedule for all public agencies forming a part of Elkhart County Government, except as excluded from these provisions by Sections 4 and 5 below:

(a) Fees for Paper Copy. The copy fee for producing paper documents shall be Ten Cents (\$0.10) for each page of any public record which is not a color copy and Twenty-five Cents (\$0.25) for each page of any public record which is a color copy.

(i) Page Definition. A page shall be one (1) side of a sheet of paper or one (1) side of a record or document. Thus, a sheet with writing on two (2) sides that is copied (both sides) would be treated as two (2) pages.

(ii) Reassessment Copying. All provisions hereof to the contrary notwithstanding, no fee shall be charged a property owner or the agent thereof requesting a copy of a Property Record Card when said copy is requested and required as part of the appeals process pertaining to an assessment or reassessment on such property.

(b) Fees for Electronic or Digital Copy.

(i) There will be no fee to provide an electronic copy of a public record by electronic mail; provided, however, there is no requirement that a public agency change the format of a public record.

(ii) Reassessment Copying. All provisions hereof to the contrary notwithstanding, no fee shall be charged a property owner or the agent thereof requesting an electronic or digital copy of a Property Record Card when said copy is requested and required as part of the appeals process pertaining to an assessment or reassessment on such property.

(iii) Media Charges. Electronic or digital copies shall be provided via email; the person requesting the electronic or digital copy shall provide an accurate email address for sending the requested documents. If the person requesting electronic or digital copies requests that the copies be provided on a compact disc (CD) or other media, the person making the request shall either supply Elkhart County Government with the media to be used or pay to Elkhart County Government One Dollar (\$1.00) for each compact disc utilized to provide the electronic or digital copies.

(c) Packaging and Shipping Fees. Packaging and shipping fees shall be charged at cost.

2. Procedure for Processing of Copy Requests. All requests for copying of public records must identify with reasonable particularity the record being requested and, at the discretion of each public agency serving Elkhart County Government, be in writing or in a standard form provided by the public agency. Thus, each public agency of Elkhart County Government shall be entitled to establish its own written request form or other means by which requests for the inspection and/or copying of public records shall be processed; provided, however, that each procedure so established by each public agency must be uniformly applied, and be free of discrimination. Further, no request for inspection or copying of public records may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by operation of law. For a public record that is in an electronic format, a public agency shall provide an electronic copy or a paper copy of the public record, at the option of the person making the request for the public record.

Each public agency shall be expected to provide copies of public records, as herein requested, within a reasonable time period after the request is properly made. A reasonable time period may vary from a few minutes to a few weeks, depending upon the scope of the request,

the time involved in honoring it, the ability of the particular public agency to respond to the request given its other duties and responsibilities, and the availability of copying or duplicating equipment (if any).

3. Absence of Machine Capable of Mechanically Duplicating the Public Record. No public agency of Elkhart County Government shall be required to copy or duplicate a public record requested to be copied or reproduced which is within its possession unless it has reasonable access to a machine capable of mechanically reproducing the public record. In the absence of reasonable access to such a machine, the requesting person is only entitled to inspect and manually transcribe the record.

4. Certification Fees. The fee for certifying any document as a true, accurate, and complete copy of the original public record shall be Five Dollars (\$5.00) for each document.

5. Statutory or Other Prescribed Fees. Nothing contained within this Ordinance shall alter, expand, or interfere with the collection of any copying, search, or other fee by a public agency or official of Elkhart County Government that is specified by other law or is ordered by a court to be paid. It is specifically provided that the fees associated with producing documents or maps from the Elkhart County GIS system are governed by separate Ordinance.

6. Exclusion of Certain Public Agencies of Elkhart County Government. Any public agency of Elkhart County Government, governed by a separate board, commission, or other governing body, to the extent permitted by law, may independently of this Ordinance, establish its own copying and/or duplication fee schedule or schedules. In the absence of any such separate fee schedule, this Ordinance shall pertain to public agencies otherwise empowered to establish their own schedules.

7. Duplication of Computer Tapes, Computer Discs, Microfilm, Etc. Each public agency of Elkhart County Government shall be entitled to establish its own procedures and standards for providing a duplicate of any computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it. Any public agency of Elkhart County Government, as part of its standard policy relative to such materials, shall charge a fee therefore, which fee shall not exceed the public agency's direct cost of supplying the information in that form. In determining the public agency's direct cost of supplying such information, the public agency shall compute one hundred five percent (105%) of the sum of the cost of:

- (a) The initial development of a program, if any;
- (b) The labor required to retrieve electronically stored data; and
- (c) Any medium used for electronic output;

for providing a duplicate, or for reprogramming the computer system under Indiana Code §5-14-3-6 to separate disclosable information from non-disclosable information.

As to such computer tapes, computer discs, microfilm, or similar or other analogous record systems containing information owned by a public agency, each public agency shall be entitled to establish its own uniform, nondiscriminatory procedure for the requesting of a duplicate or copy, and the timeliness of any response thereto.

8. Payment and Accounting for Fees.

(a) Each public agency of Elkhart County Government may, at its discretion, require the payment of any fees under this Ordinance to be made in advance to insure payment and reimbursement to Elkhart County for the expense involved in providing the requested service.

(b) All proceeds from the fees arising from this Ordinance shall be deposited by the applicable public agency in the General Fund of Elkhart County no less frequently than annually. Unless the public agency in question chooses to do otherwise, a public agency imposing and collecting fees pursuant to this Ordinance shall be under no obligation to keep records as to the types of documents or records copied. Rather, the only record keeping required shall be to keep track of the number of pages copied in the various categories for which the various fees have been imposed, any media supplied, and the number of documents certified.

(c) The various public agencies forming a part of Elkhart County Government shall not impose the fees established under this Ordinance when the services performed are for other public agencies forming a part of Elkhart County Government.

9. Prior Ordinances. All provisions of Ordinance CC-08-01 dated January 12, 2007 are hereby repealed and rendered of no further force nor effect upon the effective date of this Ordinance.

10. Effective Date. This Ordinance shall be effective February 10, 2019.

ORDAINED AND ADOPTED this 9<sup>th</sup> day of February, 2019.

COUNTY COUNCIL OF THE COUNTY  
OF ELKHART, INDIANA

Absent  
John K. Letherman

David L. Hess  
David L. Hess

Absent  
Randall D. Yohn

Darryl J. Riegsecker  
Darryl J. Riegsecker

Thomas W. Stump  
Thomas W. Stump

Tina M. Wenger  
Tina M. Wenger

Douglas S. Graham  
Douglas S. Graham

ATTEST:

Patricia A. Pickens  
Patricia A. Pickens, Elkhart County Auditor