

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**DISCUSSION OF FEES CHARGED FOR RECORDS REQUESTS**

**Summary Statement:**

At the Town Council Meeting of December 13, 2011, Mayor Stanton requested an item be brought back for discussion regarding the fees charged for Public Records requests and whether or not those fees should be waived.

**Background**

Records requests are received by the Town Clerk's Office through mail, fax, email and personal delivery. Once a request is received, it is logged in and processed. If it is determined at the time of receipt that the requested information is not available or is exempt from disclosure, the Town Clerk's Office provides a written response to the requestor stating those facts along with the appropriate explanation.

It is important to note that depending on the request, producing a "record" may involve the time and cooperation of all Town departments. If the records are easily obtainable by the Town Clerk's office through our scanning software we will pull the records ourselves. However, if the request is complex, not housed in our scanning software or maintained by an individual department, we will have that department identify and pull the records. When determination is made by the clerk as to the department that possesses the record, the request is forwarded to that department along with notification of when the request **must** be returned to our office.

The Records Coordinator for the receiving department processes the requests and forwards the results back to our office. Notification is then made to the customer informing them, that their records are available for pickup and the fee for copy charges. Once records are picked up, we receive a receipt from the cashier and attach it to the request and place in our file. These files are maintained for two years.

**Recommended Action:**

That the Town Council direct staff to prepare an amendment to the Town of Apple Valley Fee Schedule and revise the fees for copy charges to reflect the direct cost of duplication.

**Proposed by:** La Vonda M-Pearson, Town Clerk **Item Number** \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_ **Budgeted Item**  Yes  No  N/A

Resolution No. 98-30 establishes a fee of .25 cents per page (in accordance with the California Public Records Act) for records not including Campaign Statements and Statement of Economic Interests which are processed at a cost of .10 cents per page. Additionally records provided on computer disk which include copies of Town Council meetings are provided at a cost of \$6.00 per disk. When records are provided to customers via electronic methods, those records are provided at no cost to the customer. If a records request appears to ask for a large amount of documents, the customer is notified of the approximate cost in advance of the clerk making the copies and in some cases, a small deposit is required for good faith.

The California Public Records Act (CPRA) does not require the Town to “create” records for members of the public. However, in an effort to keep costs down for customers who request voluminous amounts of documents, and if available, the Clerk’s Office has scanned documents into the computer system and provided those documents on a disk at a much lower cost to the customer.

Customers are also able to view records at Town Hall without the need of paying for records. Staff will either provide hard copies of the records for review or provide an electronic means for the customer to review the records if available.

Last year, the Town Clerks Office processed over 350 records requests. Of those, approximately 100 requests were provided electronically. Additionally, ten requests were provided as a means of discovery. On average, these requests consume two weeks of staff time not including legal review.

The CPRA states that the Town may charge the direct cost of duplication of records. This includes the pro rata expense of the duplicating equipment utilized in making a copy of a record and conceivably, the expense of the person operating it. A staff person’s time in researching, retrieving and mailing the record is not included in the direct cost of duplication.

The statutory fee charged for copies was established during incorporation and re-affirmed per Resolution No. 98-30. During that time, it was determined that the copy cost be set at \$0.25 per page; color copies were set at \$0.50 per page. Staff has conducted an analysis of the cost to copy documents on the new high efficiency copiers used in Town Hall. The breakdown cost of duplicating a document on these copiers is \$0.008 for black & white copies and \$0.05 for color copies. Additional direct costs that can be factored in to the cost of records is the cost of the paper (8 ½ x 11) at \$0.03 cents and staff time which is approximately \$0.08 cents. Based on staff’s analysis copy charges should be revised to an amount that more accurately reflects the direct cost of duplication.

Staff has researched fees charged by other municipalities which are attached to this report.

**Fiscal Impact**

Last fiscal year, the Town received revenue in the amount of \$4846.00. Reduction of fees for record requests will result in a decrease in the amount of revenue received to the Town by approximately 40%.

Based on the foregoing, staff recommends adoption of the form motion.

**CHARGES FOR PUBLIC RECORDS  
(8 ½ X 11 – BW)**

Chula Vista	\$1.00 first page/ \$0.10 each
Merced	\$0.10
Monrovia	\$0.25
Fort Bragg	\$0.15
Dana Point	\$0.10
Concord	\$0.10
Port Hueneme	\$0.50 first page/\$0.25 each
Moreno Valley	\$0.20
Oakley	\$0.40 first page/\$0.25 after
Santa Monica	\$0.20
Santa Maria	\$0.25
Fairfax	\$0.25
Bellflower	\$0.20
Lancaster	\$0.36
San Ramon	\$0.10
Rancho Cordova	\$0.10
Thousand Oaks	\$0.15
Hesperia	\$0.25 – first 15 pages free
Victorville	\$1.00 first page/\$0.25 each
Adelanto	\$0.25
Ontario	\$0.15
San Bernardino	\$0.35 first page/\$0.15 each
Upland	\$0.25
Barstow	\$0.25
Fontana	\$0.20 first page/\$0.05 each
Riverside	\$0.10