

ORDINANCE NO. 2022- 03

**AN ORDINANCE ADOPTING A POLICY AND FORM REGARDING
REQUESTS SUBMITTED IN ACCORDANCE WITH THE
INDIANA ACCESS TO PUBLIC RECORDS ACT**

WHEREAS, the Town of Monrovia (hereinafter “Town”) is an incorporated town as defined by I.C. § 36-1-2-21; the Town Council of the Town of Monrovia (hereinafter “Council”) serves as its legislative body in accordance with I.C. § 36-5-2-2; and the President of the Town Council (hereinafter “President”) serves as its executive in accordance with I.C. § 36-5-2-7; all of which authority is derived from I.C. § 36-1 et. seq. and I.C. § 36-5 et. seq.; and,

WHEREAS, among the authority granted to the Council is the ability to enact ordinances and resolutions for the performance of Town functions; and,

WHEREAS, the Town is a unit of government as defined in Indiana Code and thus is obligated to comply with I.C. 5-14-3, otherwise known as the Indiana Access to Public Records Act; and,

WHEREAS, the Council hereby acknowledges its duty to ensure the Town complies with the Access to Public Records Act and further affirms its agreement and commitment with the language of I.C. 5-14-3-1, which states that “a fundamental philosophy of the American constitutional form of representative government is that government is the servant of the people and not their master. Accordingly, it is the public policy of the State that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.,” and,

WHEREAS, the Council further believes it to be prudent to establish procedures to administer public records requests and ensure compliance with the Act.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
MONROVIA, INDIANA AS FOLLOWS:**

1. A new chapter of the Town of Monrovia Code of Ordinances is hereby issued and shall be identified as Chapter 35. A true and accurate copy of the same is attached hereto as Exhibit A and incorporated as fully set forth herein.
2. The current Code of Ordinances contains a certain Section 35.40 “Fee For Copying Public Records” and Section 39.01 “Public Records Available”, which are hereby repealed and deleted from the Town of Monrovia Code of Ordinances, and accordingly shall have no force and effect.

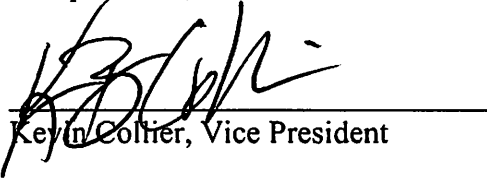
3. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this subchapter.
4. In the event of a conflict between the language of this Ordinance and the language contained in any existing ordinance, this Ordinance shall control, and the prior ordinance deemed void and of no further force or effect and are hereby repealed.
5. This Ordinance shall be effective immediately upon passage.

IN WITNESS WHEREOF, ALL OF WHICH IS ADOPTED, and SO
ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROVIA,
INDIANA, this 26th day of JULY, 2022.

MONROVIA TOWN COUNCIL



Philip Fowler, President



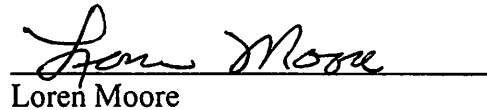
Keyin Collier, Vice President

absent

Bonne Silsby-Inman

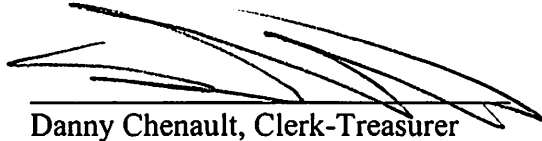


Carol Youngblood



Loren Moore

ATTEST:



Danny Chenault, Clerk-Treasurer

EXHIBIT A

ACCESS TO PUBLIC RECORDS.

§ 35.50	PUBLIC RECORDS POLICY.
§ 35.51	PURPOSE.
§ 35.52	DEFINITIONS.
§ 35.53	PUBLIC INFORMATION OFFICER.
§ 35.54	REQUESTS FOR DISCLOSURE OF PUBLIC RECORDS.
§ 35.55	COPY FEES.
§ 35.56	RECORDS EXEMPT FROM DISCLOSURE.
§ 35.57	PARTIAL OF FULL DENIAL OF THE REQUEST.
§ 35.58	PENALTY.

§ 35.50 PUBLIC RECORDS POLICY.

I.C. 5-14-3 *et seq.*, also known as the Access to Public Records Act, establishes the law concerning access to public records in the State of Indiana and this Ordinance shall be construed according to the policy and direction of that statute. I.C. 5-14-3-1 states that "a fundamental philosophy of the American constitutional form of representative government is that government is the servant of the people and not their master. Accordingly, it is the public policy of the State that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees."

The provisions of this policy shall be liberally interpreted and construed to promote full access to the Town's public records in order to assure continuing public confidence in government; but that the Town shall prevent unreasonable invasions of privacy, shall protect public records from damage or disorganization, shall prevent excessive interference with essential government functions, while maintaining compliance with I.C. 5-14-3 *et seq.* in all respects.

The Town, including any agency, department, employee, officer, agent, or any other person(s) conducting Town business shall not deny or interfere with the ability of any member of the public to inspect or copy records within a reasonable amount of time after the request is received by the Town, provided the request was submitted in proper form, clearly states the document(s) requested, and that the requested record(s) are not exempt from disclosure, as defined by statute.

§ 35.51 PURPOSE.

In addition to the foregoing policy statement, the purpose of this Ordinance is to establish a procedure for the submission of requests for public records.

§ 35.52 DEFINITIONS.

COPY. Includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

INSPECT. Includes the right to do the following:

1. Manually transcribe and make notes, abstracts, or memoranda.
2. In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

PERSON. an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

PUBLIC RECORD. any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine-readable media, electronically stored data, or any other material, regardless of form or characteristics.

§ 35.53 PUBLIC INFORMATION OFFICER.

In order to implement the Access to Public Records Act, the Clerk-Treasurer of the Town is hereby designated as the person responsible for administering public records requests and ensuring compliance with I.C. 5-14-3 and is therefore designated as the Public Information Officer. The Public Information Officer may utilize the Town Attorney or other Town officer(s) or employee(s) to assist in responding to public records and/or public information requests.

Any person may inspect and copy the public records of the Town during regular business hours, unless such records are otherwise exempted from disclosure as provided herein, under IC 5-14-3-4, or other applicable state or federal law.

The Public Information Officer shall insure that a copy of this Ordinance as well as the public records request forms are made available and provided to the public, without cost, at the Town Hall. Electronic copies shall be made available to the public on the Town's website.

§ 33.54 REQUESTS FOR DISCLOSURE OF PUBLIC RECORDS.

- A. All requests for disclosure of public records shall be made in writing on a Public Records Request Form approved by the Council and made available on the Town's website and available at Town Hall. See attached.
- B. A request for inspection or copying must:
 1. Identify with reasonable particularity the record being requested;
 2. Be in writing or in a form provided by the town;

3. The requester's name, mailing address, phone number and email address (if one is available);
 4. The date of the request;
 5. A clear indication that the document is a "Public Records Request";
 6. A clear description of the public records requested for inspection and/or copying;
 7. If the request is for a document which lists individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and,
 8. Whether the request is for printed or digital copies of the public record.
- C. All records shall be inspected only at Town Hall during regular business hours, excluding legal holidays: provided, that there is no obligation to allow inspection immediately upon a demand. The Public Information Officer may request that the person seeking to inspect public records schedule an appointment for inspection.
- D. Any request by mail for copies of records may be addressed to the Records Access Officer and will be honored upon payment of the regular fee; provided, the requested record is sufficiently identified to make compliance practicable.

§ 35.55 COPY FEES.

- A. Fees for copies of documents shall be as follows:
- a. Ten Cents (\$0.10) per page copied for copies in black & white ink only;
 - b. Twenty-Five Cents (\$0.25) per page for copies in color ink; and,
 - c. Five Dollars (\$5.00) per document for certification of documents.
- B. Fees are payable in advance and shall be paid before any record(s) is duplicated and may be paid by cash or money order made payable to the Town.
- C. Nothing contained herein shall require the Town to take unusual or unreasonable steps to acquire a machine capable of mechanically reproducing the document if in fact no such access can be reasonably had and in that event the person making the request for a record is only entitled to inspect and manually transcribe the record.
- D. No fee will be charged for the inspection of a public record; for locating public records in response to a request and making the records available for inspection or copying; or for

searching for public records, redacting portions of a record which are exempt from disclosure or preparing an index of exempt documents.

- E. All fees received from a person pursuant to this policy shall be deposited into the General Fund.

§ 35.56 RECORDS EXEMPT FROM DISCLOSURE.

The Town shall not be required to disclose public records that:

1. Are exempt from disclosure, unless specifically required by state or federal statute or ordered by a Court, as defined in I.C. 5-14-3-4(a);
2. Are exempt from disclosure, in the discretion of the Town as permitted by and in accordance with I.C. 5-14-3-4(b); or
3. Public records which are determined, after diligent search, not to be available.
4. A list of names and addresses of Town employees unless the Town is required to publish any such list and disseminate the same to the public in accordance with statute.
5. A list of employees of the town or a list of persons attending conferences or meetings at a state institution of higher education, if the individual or entity making such request plans to use the information for political purposes or is a commercial entity and intends to use the information for commercial purposes.
6. Create a list, memorandum, report, summary, or any other document or thing that does not already exist.

§ 35.57 PARTIAL OR FULL DENIAL OF THE REQUEST.

- A. If a public record contains disclosable and non-disclosable information, the information that is disclosable must be made available for inspection. The Records Access Officer shall separate, or redact, the non-disclosable information.
- B. If any written request is denied by the Records Access Officer, the Records Access Officer must:
 1. Deny the request in writing and sign as the Records Access Officer; and,
 2. Include a statement of the specific statutory reason for nondisclosure of the information.
- C. No request may be denied because the person making the request refuses to state the purpose for the request unless that condition is required by other applicable statute.

§ 35.58 PENALTY.

It shall be unlawful for any person having or obtaining access to a public record to alter the content of the public record from its original state.

Any person violating this Chapter shall be subject to a fine not exceeding \$2,500.00 for each offense. A complaint for violation seeking the imposition of a fine may be filed with any court of competent jurisdiction.

TOWN OF MONROVIA, INDIANA

The Indiana Access to Public Records Act ensures that citizens have the ability to obtain the public records of their government, with the exception of certain specific pieces of information that could cause risk of harm, invasion of privacy, or otherwise have reasonable need to remain confidential. Beyond those exceptions, the government is 'of the people' and therefore the people should have reasonable access to government records, in accordance with the Indiana Access to Public Records Act, I.C. § 5-14-3-1, *et seq.*

REQUEST FORM FOR PUBLIC RECORDS IN ACCORDANCE WITH I.C. 5-14-3-1 AND THE TOWN OF MONROVIA CODE OF ORDINANCES

Full name (printed): _____

Mailing Address: _____

Telephone Number: _____

Electronic Mail Address: _____

I, _____, hereby request that the Town of Monrovia, Indiana (hereinafter "Town"), grant me access to the following records: _____

I am requesting to:

- Be provided with a copy of the requested records.
- Inspect the requested records at a Town office, facility, or other location, as directed.

Please provide the Response to this Request in the following manner:

- Email
- Fax
- U.S. Mail
- I will pick up when notified.

I hereby acknowledge responsibility for the payment to the Town of Monrovia of all reasonable charges incurred by the Town to make such information available for inspection and/or copying.

Date: _____ Signature: _____

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

The inspection of public records, see I.C. 5-14-3-1 et seq.

§ 35.40 FEE FOR COPYING PUBLIC RECORDS.

(A) The fees established for copying costs of public records shall be \$.25 per copy for any general documents, like meeting minutes.

(B) The Town Clerk-Treasurer shall charge these fees, and payment shall be made at the time the copies are requested. The party requesting them shall contact the Clerk-Treasurer to make arrangements to pick up the copies.
(Ord. 16-1997, passed 10-27-1997)