

RESOLUTION NO. 09-004

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO SETTING FORTH THE POLICY OF THE CITY IN REGARD TO DISCRETIONARY FEE WAIVERS REQUESTED PURSUANT TO PUBLIC RECORD REQUESTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to State Code Section §9-338(8)(c), the City may not charge a cost or fee for copies provided pursuant to a public record request when the requester demonstrates an inability to pay or if the public's interest would suffer by the assessment of a fee; and

WHEREAS, City has determined that in certain circumstances, it may be in the best interest of the public to waive fees for a public record request for a requester that is not entitled to a statutory mandatory fee waiver; and

WHEREAS, if the requester does not meet the mandatory fee waiver requirements, the costs of public record requests shall be borne by the requester unless the City grants a discretionary fee waiver; and

WHEREAS, in reviewing such discretionary fee waiver requests, the City must balance the costs to public with any potential benefit to the public from the grant of a discretionary fee waiver; and

WHEREAS, it is ultimately the citizens who bear the burden of providing records free of charge; and

WHEREAS, the City of Ketchum desires to set forth a policy for such discretionary fee waiver requests submitted pursuant and in conjunction with such public record requests; and

WHEREAS, such policy shall provide guidance in the Council's review of such discretionary fee waiver requests.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchum, Idaho, as follows:

Section 1: Discretionary fee waivers or a request for a reduction in the fee for a public record request shall be based on both the potential costs and the potential benefits to the public from the grant of a discretionary fee waiver request. Such analysis will be based on a consideration of any and/or all of the following factors:

1. Whether the subject matter of the records is a matter of public interest;
2. Whether the subject matter of the records relates directly to a public health or safety issue;
3. Whether the requester or the requester's business would realize a personal or monetary benefit from the subject matter of the records;

4. Whether the dissemination of the records would yield a public benefit by a) disclosing a public health or safety concern or b) contributing meaningfully to the development of understanding of an important public health or safety issue;
5. The probability that the requester will disseminate the contents of the records; and
6. Any other factors that the Council determines may be relevant to the public cost/benefit analysis.

Section 2: Such review and the decision as to whether or not to grant a discretionary fee waiver or fee reduction for a public record request shall be in the complete discretion of the Council.

Section 3: This Resolution shall take effect and be in force from and after its passage and approval.

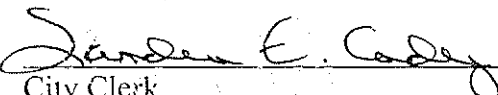
DATED this 5th day of January, 2009.

CITY OF KETCHUM,
Blaine County Idaho



Mayor Randy Hall

ATTEST:



City Clerk