

Richard Colwell County Recorder, YUMA County AZ



WHEN RECORDED, MAIL TO:

**CITY OF SAN LUIS
ATTN: CITY CLERK
P.O. BOX 1170
SAN LUIS, ARIZONA 85349**

The above area is to be reserved for recording information.

CAPTION HEADING:

RESOLUTION

Resolution No. 2317

Restating, amending, and appending the public records request fee schedule to add fees for law enforcement video recordings (including body cam recordings)



Resolution

No. 2317

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, RESTATING, AMENDING, AND APPENDING THE PUBLIC RECORDS REQUEST FEE SCHEDULE TO ADD FEES FOR LAW ENFORCEMENT VIDEO RECORDINGS (INCLUDING BODY CAM RECORDINGS); REPEALING CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, The City of San Luis is authorized under A.R.S §39-121.01 to establish the fees charged for the copying of public records, including a reasonable fee for the cost of time, equipment, and personnel used in producing copies of records subject to public disclosure; and

WHEREAS, in accordance with A.R.S §9-499.15, a notice of proposed new or increased fees related to Public Records Requests was posted on the City's website for at least sixty (60) days; and

WHEREAS, on June 20, 2023, the Governor approved Senate Bill 1148, codified as Arizona Revised Statute § 39-129, authorizing cities to establish a fee for public records requests to law enforcement agencies for video recordings (including body cam recordings); and

WHEREAS, the Police Department is incurring increasing costs for public records requests, and it is immediately necessary to defray the costs that the recent law allows;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of San Luis, Arizona, as follows:

SECTION 1: The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2: The City of San Luis fees for copying and producing public records for public records requests are hereby restated, amended, and adopted and shall be charged in accordance with the Fee Schedule, attached hereto as Exhibit A, A-1, and A-2 and incorporated herein as if set out in full here by this reference.

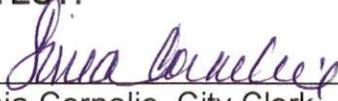
SECTION 3: Provisions prior to this Resolution No. 2317 in resolutions or other actions of the City Council for the City of San Luis regarding fees for copying and producing public records for public records requests are hereby superseded and repealed as of the effective date of the fees adopted by this resolution.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona, this 19th day of June 2024.



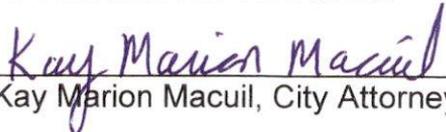
Nieves Riedel, Mayor

ATTEST:



Sonia Cornelio, City Clerk

APPROVED AS TO FORM:



Kay Marion Macuil, City Attorney

EXHIBIT A

CITY OF SANLUIS PUBLIC RECORDS REQUEST FEE SCHEDULE

The City of San Luis will provide a form for public records requests. While filling out this form is not required to make a public records request, providing the information requested by this form may be needed in order to fulfill a request. All requests must indicate whether for a commercial purpose or a non-commercial purpose. All requests are subject to the following fees:

(1) Non-Commercial Purpose. Except as set forth in sections (2)(C) and (2)(D) below, a person requesting public records for a non-commercial purpose shall be charged as follows:

(A) MATERIALS. The City may charge as follows for materials:

Minimum fee for hard copies - \$.50 perpage for printed copies and for scanning documents for either email transmission or for DVD or CD copy.

Cassettes, CDs, DVDs, and videotapes \$20.00 in addition to any of the above charges that might be applicable.

Charges for Planning & Zoning and GIS services and copies are attached as "Exhibit A-1"

If a special format is requested, such as oversized materials, color copies, etc., the actual costs, including personnel costs of providing the special format.

If mailing or shipping is requested, the actual cost of mailing or shipping.

For voluminous requests, staff will estimate the cost which will be paid in advance as a deposit until the actual charge is calculated for final payment.

(B) EQUIPMENT AND PERSONNEL.

In addition to the fee for materials, after the first hour, the City may charge a fee of \$23.72 per hour to reimburse the City for the cost of equipment and personnel used in producing copies of the records or in converting the records into read-only electronic format, but not for the cost of searching for the records. Any production of copies that takes less than one hour shall be free of charge for the cost of equipment and personnel.

Under A.R.S. § 39-129, a onetime fee per copy, not to exceed \$46 per video-hour reviewed, for a copy of the City of San Luis Police Department video record. The City of San Luis may take into consideration the following information when determining the amount of the onetime fee per copy:

(i) The reasonable cost of reviewing, transmitting, making a copy of and, as necessary, redacting the video recording.

(ii) Any other relevant information.

(2) Commercial Purpose. A person requesting public records for a commercial purpose, as defined in A.R.S. § 39-121.03(D) as amended, shall provide a statement setting forth the commercial purpose for which the copies, printouts, or photographs will be used. Upon being furnished the statement, the City Clerk may furnish reproductions as set forth under state law, the charge for which includes the following:

(A) COST. A portion of the cost to the City for obtaining the original or copies of the documents, printouts or photographs.

(B) MATERIALS. A reasonable fee for the cost of materials in producing such reproduction, as set forth in subsection (1) (A) above.

(C) EQUIPMENT AND PERSONNEL. In addition to the fee for materials, the City may charge a fee of \$23.72 per hour to reimburse the City for the cost of equipment and personnel used in producing copies of the records or in converting the records into read-only electronic format, but not for the cost of searching for the records.

(D) VALUE. The value of the reproduction on the commercial market as best determined by the City. A person requesting public records for a commercial purpose may be required to produce documents or information that would assist the City in determining the market value of the reproduction.

(3) Fee copies of police public records for crime victims. Arizona State Law, A.R.S. § 39-127, as it is amended, controls who is entitled to free copies of police public records.

EXHIBIT A-1

CITY OF SAN LUIS
PUBLIC RECORDS REQUEST FEE SCHEDULE

GIS Publication and Copying Fees

Documents	
City Code- Zoning Regulations (paper)	\$30
General Plan (paper)	\$70
City Code- Subdivision Regulations (paper)	\$25
CD of any document	\$20
PZ Agenda Subscription (e-mail) (annual fee)	No charge
PZ Agenda Subscription (US mail) (annual fee)	\$5
Maps	
8.5 x 11 (color)	\$5
11 x 17 (color)	\$7
24 x 36 (color)	\$15
36 x 48 (color)	\$25
8.5 x 11 (color w/ aerial imaging)	\$7
11 x 17 (color w/ aerial imaging)	\$10
24 x 36 (color w/ aerial imaging)	\$20
36 x 48 (color w/ aerial imaging)	\$30
Zoning Atlas (CD)	\$20
General Plan (CD)	\$20
Any map size not shown above	pricing is at the reasonable discretion of the GIS Division
GIS Services	
Custom map or graphic	\$50 per hour (1 hour minimum)