

ORDINANCE 19-06

**AMENDING TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
Re: Reducing Fees for Law Enforcement Recordings and Bringing Said Fees into
Compliance with State Law**

WHEREAS, in 2016 the State legislature passed and the Governor signed Public Law 2016-58 which altered the rules of the Access to Public Records Act governing law enforcement recordings; and

WHEREAS, in 2016, City Council Ordinance 16-14 set a flat fee of one hundred fifty dollars for all law enforcement recordings produced in response to public records requests; and

WHEREAS, Indiana's Public Access Counselor, the State officer responsible for issuing opinions related to the interpretation of the Access to Public Records Act, has clarified that a flat fee is not permissible; and

WHEREAS, the City now wishes to reduce the fees it charges for law enforcement recordings and to bring the fee structure into line with State law;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1: Section 15.60.080(a)(3) of the Bloomington Municipal Code is deleted in its entirety and replaced as follows:

(3) Law enforcement recording. In accordance with Indiana Code 5-14-3-8(g), the police, when furnishing a copy of a law enforcement recording, shall charge the direct cost of furnishing the law enforcement recording. However, the fee for furnishing a law enforcement recording shall not exceed one hundred fifty dollars.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20th day of February, 2019.



DAVE ROLLO, President
Bloomington Common Council

ATTEST:



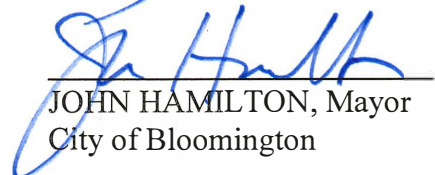
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st day of February, 2019.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 22^d day of February, 2019.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This revision to Title 15 lowers the fees charged to members of the public who request law enforcement recordings and brings the fee structure into line with State law. At present, Title 15 directs the Police Department to charge a flat fee of \$150 for every law enforcement recording it produces. However, the Indiana Public Access Counselor has clarified that municipalities may only charge the "direct cost" of providing a law enforcement recording, that said costs may not exceed \$150, and that a flat fee is not permitted.