

## **ORDINANCE NO. 6-11-2001(B)**

An ordinance establishing procedures and policies for any person to inspect and copy the public records of the Clay Township Regional Waste District.

WHEREAS, the Board of Trustees of the Clay Township Regional Waste District, Indiana, (the "District") has established, constructed and financed the sewage works and owns and operates said sewage works pursuant to IND. CODE § 13-3-2 and all laws supplemental thereto (the "Act"); and

WHEREAS, it is the public policy of the State of Indiana 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 District is a public agency as defined by IND. CODE § 5-14-3-2 and IND. CODE § 36-1-2-13; and

WHEREAS, IND. CODE § 5-14-3-3 permits any person to inspect and copy the public records, which are not excepted from disclosure requirements, of any public agency during the regular business hours of that agency; and

WHEREAS, IND. CODE § 5-14-3-3 requires a request for inspect or copying of public records to identify, with reasonable particularity, the record being requested and be, at the discretion of the public agency, in writing or in a form provided by that agency; and

WHEREAS, IND. CODE § 5-14-3-4(a) prohibits from disclosure certain records of a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery; and

WHEREAS, IND. CODE § 5-14-3-4(b) allows a public agency to refrain from disclosing certain records at the discretion of the public agency; and

WHEREAS, IND. CODE § 5-14-3-8 mandates the fiscal body of a public agency, or the governing body if there is no fiscal body, to establish a fee schedule for the certification, copying, or facsimile machine transmissions of documents, which fee may not exceed the actual cost of certifying copying of facsimile transmission of the documents by the public agency;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CLAY TOWNSHIP REGIONAL WASTE DISTRICT:

Section 1. Any person may inspect the public records of the District, provided the request is in writing; on a form approved by the Board of Trustees; made during the regular business hours; and identifies, with reasonable particularity, the record being requested.

Section 2. The following records may not be disclosed unless required by state or federal law or unless such disclosures is ordered by a court under the rules of discovery:

- (a) Those declared confidential by state statute;
- (b) Those declared confidential by rule adopted by the District under specific authority to classify public records as confidential granted to the District by statute;
- (c) Those required to be kept confidential by federal law;
- (d) Records containing any trade secrets;
- (e) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute;
- (f) Those declared confidential by, or under rules adopted by, the Supreme Court of Indiana.

Section 3. The following records may not be disclosed, unless such disclosure is authorized by the Board of Trustees, a state or federal statute, or is ordered by a court under the rules of discovery:

- (a) The work product of an attorney representing, pursuant to state employment or an appointment by the District:
  - i. The District;
  - ii. The State of Indiana; or
  - iii. An individual.
- (b) The personnel files of the public employees of the District and files of applicants for employment with the District, except for:
  - i. The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the District;
  - ii. Information relating to the status of any formal charges against an employee; and
  - iii. Information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This section does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

- (c) Administrative or technical information that would jeopardize a record-keeping or security system within the District;
- (d) Computer programs, computer codes, computer filing systems, and other software that are owned by the District or entrusted to it, and portions of electronic mail that is entrusted to the District by a utility;
- (e) Records specifically prepared for discussion or developed during discussion in an executive session under IND. CODE § 5-14-1.5-6.1. However, this section does not apply to that information required to be available for inspection and copying under Sec. 2(b);
- (f) The identity of a donor of a gift made to the public agency if:
  - i. The donor requires non-disclosure of his identity as a condition of making the gift; or
  - ii. After the gift is made, the donor or member of the donor's family requests non-disclosure.

Section 4. Any list of employees of the District may not be disclosed to commercial entities if said list will be used for commercial purposes.

Section 5. No original records may be removed from the office of the District without the written approval of the Board of Trustees.

Section 6. Any person who wishes to have a record certified, copied, or facsimile transmitted, must pay a fee equaling the actual cost, meaning the cost of paper and a per-page cost for use of copying or facsimile equipment, not including labor cost and overhead cost, of certifying, copying, or facsimile transmissions of the record by the District. These fees shall be as follows:

- (a) Copying of records will be charged at \$.10 per page;
- (b) Facsimile transmission of records will be charged at \$.25 per page;
- (c) Certification of records will be charged at \$1.00 per document.

Passed by a majority vote of the Board of Trustees for the Clay Township Regional Waste District, after the unanimous consent of the members present to consider this Ordinance, this 11<sup>th</sup> day of June, 2001.

May Snow

Jack L Edwards

Nina D Gremons

R. DeWitt

Paul Rafter

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ATTEST:

Nina D Gremons  
Secretary, Clay Township Regional Waste District