



# MEMORANDUM

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**TO:** Members of the Finance Committee

**FROM:** Rich Olson, City Manager  
Vivian White, City Clerk

**DATE:** June 7, 2016

**REF:** Consideration – Amendments to City of Elizabeth City Fee Schedule for Fiscal Year 2016-2017

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## **BACKGROUND:**

As a function of annual budget ordinance, the City Council adopts by reference the City of Elizabeth City fee schedule. During the Work Session held on May 23, 2016, the Council approved a 3% water and sewer rate increase. In addition, during the May 16, 2016 Budget Work Session, the Council approved the change in the electric rate schedule to coincide with the approved rate realignment structure. Staff will update the City's fee schedule to reflect these changes.

In addition, staff has identified several additional changes for which we request the Council's consideration.

## **ANALYSIS:**

1. **Public Records Duplication:** Over the years, City staff has used an "unwritten" fee schedule when complying with large requests for public records duplication. The fee charged is currently \$.10 for the first 100 pages and \$.08 for all pages thereafter, per request. North Carolina law is very specific regarding how agencies shall comply with public records requests. Agencies may not charge for inspecting public records; however, fees may be charged in most cases to recover the "actual cost" of making copies. The law does not give examples of actual costs, but it does say that actual cost may not include costs the agency would have incurred if the copy request had not been made. That means that under most circumstances, fees may not include the labor cost of the agency employees who make the copies. However, if making the copies involves extensive clerical or supervisory assistance, the agency may charge a special service fee in addition to actual duplication costs. This charge must also be "reasonable." Agencies may also charge to recover the cost of mailing documents.

In order to put a formal fee schedule for duplication of public records in place, I have written an Administrative Directive that provides direction for City employees. (The Directive is attached for the Council's information, but does not require approval by the body.) Staff has researched the question of reasonable fees for providing this service and has developed a fee schedule (also attached), which is modeled after the schedule used by the North Carolina Division of Archives and Records. Adoption of this fee schedule will provide consistency across all departments when handling requests for public records duplication.

2. **Police Department Fee Schedule:** Chief Eddie Buffaloe has requested several changes in the existing Police Department fee schedule. Attached is the schedule with the requested changes shown in an add-delete format, as follows: (1) to change the term "Official Police Report" to "Incident Report"; (2) to add a charge of \$5.00 for copies of accident reports; and (3) to delete "non-criminal justice job applicants" from the Request for Fingerprinting description in order to establish a fingerprinting fee for all requests for this service.
3. **Alley Lighting Procedure:** Currently, the "Alley Lighting Policy and Procedures" is contained within the City's fee schedule. In connection with the current review being performed to update the "Electrical Department Information Required for Electric Service" manual; and the Council's direction not to remove alley lights currently in place, staff suggests deleting this page from the fee schedule. Adoption of the new Electric Service manual will include any pertinent information concerning this policy.
4. **Parking Rental:** Inconsistencies currently exist in the parking rental fee schedule concerning the Fearing Street Parking Lot. In addition, rental of spaces available in the Martin Luther King Drive Parking Lot across from City Hall has been included. A copy of the current schedule is provided with the requested changes shown in an add-delete format.
5. **Electric Service Equipment Rates and Costs:** As mentioned in the Alley Lighting Procedure bullet point above, staff is in the process of updating the "Electrical Department Information Required for Electric Service" manual. Currently, the manual outlines various fees and charges by dollar amount for electric service. During the re-write of the manual, staff will refer to the various rates for services as being "those adopted by the City Council from time to time." In preparation for this new manual, included is the Electric Service Equipment Rates and Costs schedule that we propose to add to the City's fee schedule.

***STAFF RECOMMENDATION:***

By motion, recommend that the City Council approve all City of Elizabeth City fee schedule changes for fiscal year 2016-2017 as described herein.

**Administrative Directive**  
**Insuring Compliance with NCGS Chapter 132-6.2**  
**When Responding to Requests for Public Records**

**PURPOSE:**

To recover the cost of copying public records consistent with State law. This Administrative Directive shall be conducted in compliance with NCGS §132-6.2, which is attached for reference.

**APPLICABILITY:**

It is the statutory right of every citizen to inspect, examine and receive copies of public records. The law does not specify a procedure and there is no specific form for making requests. Individuals requesting public records do not have to disclose their identity or their reason for requesting the information. However, City staff is encouraged to obtain the following information in writing, if possible: Requestor name, Company Name, Address, Phone Number, Email Address and Request Descriptions. Requestors shall include as much detail as possible to help assure the completeness and accuracy of the City's response.

The complexity of the request and the amount of City resources required to fulfill the request will determine the amount of time needed to compile the response. It is expected that simple requests should be provided within 48 business hours. More complex requests shall take six or fewer work days to fulfill. *If staff foresees that more time will be required, the requestor shall be notified and advised as to why more time may be required and given an estimate of how much more time will be needed.*

Inspection and examination of public records shall be allowed at no cost; however, City staff must supervise the activity in order to maintain document integrity.

**MONITORING RESPONSIBILITY:**

It shall be the responsibility of the City Clerk to ensure that timely responses to all records requests received by every department/employee are made. In order to comply with this responsibility, the City Clerk shall be notified by all departments/employees when records requests are received. If the request is submitted in written form, a copy of the request shall be forwarded to the City Clerk. Upon notification, the City Clerk will then work with each department/employee to fulfill the request in accordance with state law.

**POLICY:**

NCGS § 132-6.2(b) provides, in part: "Except as otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public record that exceeds the actual cost to the public agency of making the copy. For purposes of this subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a public record as determined by generally accepted accounting principles and does not include

costs that would have been incurred by the public agency if a request to reproduce a public record had not been made.”

Copies may be provided uncertified or certified. Certification of the documents is subject to a certification fee.

Consistent with the foregoing, it is the City’s policy to charge for copies of public records as follows:

1. For copies produced internally, paper copies will be charged at the City’s internal per copy or per impression charge rate, whether the copies are color or black and white, and on the size of the copies. Notwithstanding the foregoing, if the cost of copies is less than \$2.00, the copies shall be provided without charge.
2. For copies that are outsourced, paper copies will be charged at the vendor’s actual charge to the City.
3. For copies that are provided in an electronic or digital format, the charge shall be based on the cost for production of the records that are provided, plus the cost for the medium used. Notwithstanding the foregoing, if the cost of the medium is less than \$2.00, the records shall be provided for the production charge.
4. If State law establishes or authorizes a charge for providing copies of public records that is other than the “actual cost ” of making the copy, such State law provision shall prevail over this policy.
5. If the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance, then the City may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services. The fact that a large number of copies has been requested is not by itself sufficient to invoke the provisions of this section. The City Attorney’s Office shall be consulted before invoking the provisions of this section.

**FEES:**

Fees charged in connection with this policy shall be adopted by the City Council, as amended from time to time, and shall be included in the City of Elizabeth City Schedule of Fees as Public Records Duplication Fees, unless adopted for specific records, i.e. Police Department accident and incident reports and Geographic Information System plans, plats, maps, etc.

**EFFECTIVE DATE:**

This Administrative Directive is effective as of July 1, 2016.

\_\_\_\_\_  
Richard C. Olson, City Manager

Date Approved: \_\_\_\_\_

§ 132-6.2. Provisions for copies of public records; fees.

(a) Persons requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the custodian has made or prefers to make the public records available in another medium. The public agency may assess different fees for different media as prescribed by law.

(b) Persons requesting copies of public records may request that the copies be certified or uncertified. The fees for certifying copies of public records shall be as provided by law. Except as otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public record that exceeds the actual cost to the public agency of making the copy. For purposes of this subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a public record as determined by generally accepted accounting principles and does not include costs that would have been incurred by the public agency if a request to reproduce a public record had not been made. Notwithstanding the provisions of this subsection, if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the agency for reproduction of the volume of information requested, then the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the agency or attributable to the agency. If anyone requesting public information from any public agency is charged a fee that the requester believes to be unfair or unreasonable, the requester may ask the State Chief Information Officer or his designee to mediate the dispute.

(c) Persons requesting copies of computer databases may be required to make or submit such requests in writing. Custodians of public records shall respond to all such requests as promptly as possible. If the request is granted, the copies shall be provided as soon as reasonably possible. If the request is denied, the denial shall be accompanied by an explanation of the basis for the denial. If asked to do so, the person denying the request shall, as promptly as possible, reduce the explanation for the denial to writing.

(d) Nothing in this section shall be construed to require a public agency to respond to requests for copies of public records outside of its usual business hours.

(e) Nothing in this section shall be construed to require a public agency to respond to a request for a copy of a public record by creating or compiling a record that does not exist. If a public agency, as a service to the requester, voluntarily elects to create or compile a record, it may negotiate a reasonable charge for the service with the requester. Nothing in this section shall be construed to require a public agency to put into electronic medium a record that is not kept in electronic medium. (1995, c. 388, s. 3; 2004-129, s. 38.)



# Public Records Duplication Fees

## Photocopies

Service	Fee
Photocopies (black and white, per page)	.10
Photocopies (color, per page)	.25
Minimum mail order charge for copies	\$2.00
Certification of document	\$1.00
Oversized book copy (these items must be scanned)	\$4.00 per page
Oversized drawing copies (black and white)	\$3.00 per page
Oversized drawing copies (color)	\$5.00 per page

(If the total charge is less than \$2.00, the copies shall be provided free of charge.)

## Digital Files Production

Service	Fee
Digital image of paper based materials (pages from bound volumes, maps, etc.)	\$4.00 per scan
Audio or video	\$4.00 per item
Any item that cannot be digitized in house	Vendor price

## Prints or Copies of Digital Materials

Service	Size	Fee
Black and White Prints	Any	\$3.00 each
Color prints	Smaller than 11" x 17"	\$5.00 each
Color prints	Larger than 11" x 17"	\$5.00 per square foot

## Delivery Method for Digital Materials

Delivery Item	Cost
CD/DVD	\$1 per disk
Jewel case	\$1 per case

If the cost of the medium is less than \$2.00, the record shall be subject only to Digital File Production Fee.

If records exist in a digital format and are provided electronically, i.e. by use of a single email, the record will be provided free of charge.

## Extensive Use of Technology/Labor

If the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance, then the City may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services. The fact that a large number of copies has been requested is not by itself sufficient to invoke the provisions of this section. The City Attorney's Office shall be consulted before invoking the provisions of this section.

This fee schedule effective July 1, 2016.



## City of Elizabeth City Police Department Fee Schedule

Copy of <del>Official Police Report</del> <u>Incident Report</u>	\$3.00 per record
<u>Copy of Accident Report</u>	<u>\$5.00 per record</u>
<u>Request for Fingerprinting of Non-Criminal Justice Job Applicants</u>	\$5.00 per set of fingerprint cards
Special Interest Restoration Vehicle Fee	\$25.00

Revised Effective ~~11-23-2015~~ 07-01-2016

# **CITY OF ELIZABETH CITY ALLEY LIGHTING POLICY AND PROCEDURES**

On July 11, 1994, the City Council adopted a policy for lighting alleyways. The following criteria will have to be met before any lighting of alleyways will proceed.

1. An active Community Watch Group will have to be established and recognized by the City Council.

2. The President or the Community Watch Designee will meet with the Electric Department Personnel and discuss where the lights will be installed.

3. The alleyways will have to be kept clear and trimmed so that the Electric Department's equipment can get into these areas and maintain the lights.

4. Only alleys that are thoroughfares will be considered due to trying to maneuver large equipment in narrow alleys.

5. After the Community Watch Designee and the Electric Department Personnel agree on the location of the lights, a contract will be signed for the appropriate number and the billing address shall also be included.

6. The cost per light is \$ 3.66 each month and the light will be a 175-watt mercury vapor light. The Community Watch Group will be responsible for paying the rental fee of the lights.

7. Location of the lights will be economically feasible for the City to erect and maintain.

8. Lighting fees will be paid one year in advance for the total amount of the lights that are requested within the Community Watch Areas.

9. After the twelve-month period, a new contract will have to be signed and the fees paid to continue with the program.

Alley entrance lights will continue to be available under the existing City policy. However, in the event that any of the alley lights that are installed and become high maintenance because of vandalism, then these lights will be removed.

In the event that the Community Watch would disband and is no longer active, then all lights within that Watch Area would be removed.

**Effective: August 2015 Billing**

**Approved by City Council: June 22, 2015**



## PARKING RENTAL

The City of Elizabeth City owns ~~one~~ two parking lots that ~~has~~ have parking spaces available to rent on a monthly basis. The rental fee for a parking space is \$15.00 per month. The parking lots ~~is~~ are located as follows:

- Fearing Street Parking Lot – this parking lot is located on the corner of Fearing Street and South Martin Luther King Drive. This parking lot contains 112 ~~68~~ rental spaces.\*
- **N Martin Luther King, Jr. Drive Parking Lot – this parking lot is located near the southeast corner of North Martin Luther King, Jr. Drive and E Elizabeth Street. This parking lot contains 21 rental spaces.**

Please contact the Customer Service Department if you are interested in renting a parking space. If the parking lot is at full occupancy, a waiting list is maintained for future vacancies.

The customer is required to sign a lease agreement and is required to give a thirty-day (30) advance notice to terminate their rental space. Invoices are mailed on a quarterly basis and are billed on the 10<sup>th</sup> day of the month.

\* The Fearing Street Parking Lot has a total of 112 parking spaces. The City of Elizabeth City Department of Police and Department of Fire are assigned 44 of the total spaces. Of the 68 remaining rental parking spaces, 20 spaces are under a 10-year lease agreement due to expire, December 2025.



## ELECTRIC SERVICE EQUIPMENT RATES AND COSTS

The City of Elizabeth City Electric Department will schedule after-hours on-demand cut on/off for commercial customers to City of Elizabeth City electric utility service at rate of \$150.00 per hour. A minimum two-hour amount will be billed for after-hours callbacks/appointments.

Upon written request by a City of Elizabeth City electric utility customer, the Electric Department will test meters without charge, provided that such tests are not made more frequently than once in a twelve (12) month period. If test of a meter by a customer is made more frequently than once in a twelve (12) month period, the customer shall be charged based on the following rate:

1. \$50.00 for single phase meters operating in 240 volts or less, up to and including 30 amperes rated capacity of the meter element.
2. \$100.00 for single phase meters with current transformers, and for polyphase meters, with or without instrument transformers, for each such test, refundable only if the percentage registration of the meter exceeds 102%.

The City of Elizabeth City Electric Department must maintain its public utility infrastructure, including repair to any damage to City meters, poles, service wires, service structures or any other City owned electric equipment. Repair costs associated with damage will be billed to the person or entity directly involved with the damage at the following rate:

Line/Bucket Truck		
Including two Linemen	.....	\$120.00 per Hour
½ Ton/¾ Ton Trucks	.....	\$ 20.00 per Hour
Trencher/Tractor	.....	\$ 30.00 per Hour
All Trailers		
Including Pole, Materials and Flat	.....	\$ 10.00 per Hour
Brush Chipper	.....	\$ 25.00 per Hour
Labor Rate (Two Linemen)	.....	\$ 60.00 per Hour

The impact of major or catastrophic emergencies can impact the demand on and use of City of Elizabeth City Electric Department resources, including personnel and equipment. The work most often performed in times of crisis is Emergency Work. This work is performed immediately to save lives, to protect property, for public health and safety, and/or to avert or lessen the threat of a major disaster. When the City of Elizabeth City Electric Department must perform Emergency Work at the request of a person or entity, the rate charged will be in accordance with the above schedule. However, consideration will be given to the currently adopted Department of Homeland Security Federal Emergency Management Agency (DHS FEMA) Schedule of Equipment Rates. Private contractors engaged by the City of Elizabeth City to complete Emergency Work rates may apply.