

## **ORDINANCE NO. 615**

### **AN ORDINANCE SETTING FORTH PROVISIONS FOR COMPLIANCE WITH SDCL 1-27: PUBLIC RECORDS AND FILES**

WHEREAS, it is the intent of the City of Box Elder to make available to the public for inspection and copying all Public Records held by the City of Box Elder; and

WHEREAS, such SDCL 1-27 is intended to provide the public with greater access to the records of public bodies; and

WHEREAS, it is necessary for the City of Box Elder to establish practices and procedures ensuring its full compliance with SDCL 1-27, so that the public policy stated therein can be carried out effectively and efficiently with respect to the records of the City.

BE IT ORDAINED by the Mayor and City Council of the City of Box Elder, Pennington County, South Dakota as follows:

SECTION 1: The City Clerk is hereby designated as the Public Record Officer to whom all initial requests for access to the records of the City are to be referred. Written Requests for public records shall be made on a form as determined by the City Clerk. Such requests are to be made at the offices of the City Clerk at City Hall, Box Elder, South Dakota between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. If the City Clerk is not available during the times described above, the City Administrator is designated as the Deputy Public Records Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the Public Records Officer, or his designees, shall receive requests submitted to the City under SDCL 1-27, ensure that the City responds to requests in a timely fashion, and issue responses under the statute.

SECTION 2: Upon receiving a request for a public record, the Public Records Officer shall:

- (1) note the date the City receives the written request;
- (2) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (3) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

SECTION 3: The Public Records Officer and Deputy Public Records Officer shall become familiar with SDCL 1-27, its provisions and requirements and work with the City Attorney when a question of exempt, confidential or secret records arises before such documents are released to the public.

SECTION 4: Any records which are the subject of a request under the SDCL 1-27 shall be retrieved from such place as they are stored, by the Public Records Officer, or by an employee of the City acting under the direction of the Public Records Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the City.

SECTION 5: If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the Public Records Officer pursuant to SDCL 1-27. The City Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

SECTION 6: If a public record officer denies a written request in whole or in part, or if the requestor objects to the public record officer's estimate of fees or time to respond to the request, a requestor may within ninety days of the denial commence a civil action by summons or, in the alternative, file a written notice of review with the Office of Hearing Examiners pursuant SDCL 1-27-38.

SECTION 7: THIS ORDINANCE shall be in full force and effect 20 days after its publication or as required by law.

Attest:

---

Nicole Schneider, Finance Officer

---

Larry Larson, Mayor

First Reading: November 06, 2018  
Second Reading: November 20, 2018  
Published: November 28, 2018  
Effective: December 18, 2018