

Resolution 16-43(R)
A RESOLUTION TO ESTABLISH
A FREEDOM OF INFORMATION ACT POLICY

WHEREAS, the Board of Supervisors recognizes that the County receives a number of Freedom of Information Act requests and desires to facilitate public access to the official records of the County and to respond to requests for records in a timely fashion; and

WHEREAS, the Board of Supervisors recognizes that in order to assure consistency in responses to records requests the adoption of policy guidelines is appropriate; and

NOW THEREFORE BE IT RESOLVED by the King William County Board of Supervisors this 27th day of June, 2016, that the following Freedom of Information Act Policy is hereby adopted:

FREEDOM OF INFORMATION ACT POLICY

Purpose: To assure access to records in the custody of public officials; to provide guidelines on availability of records; and to establish authority for carrying out the provisions of the Freedom of Information Act, Section 2.2-3700 et. seq., Code of Virginia, including a uniform fee schedule for reproduction of requested documents.

Procedure:

1. It is the policy of the County to facilitate public access to the official records of the County, to make such records available, and to respond to requests for access in a timely fashion pursuant to the Act.
2. The County Administrator shall designate a County Freedom of Information Officer (CFIO) to assist the public with requests for official records of the County. The designated CFIO shall receive training annually on the provisions of the Virginia Freedom of Information Act from either the County Attorney or the Virginia Freedom of Information Advisory Council. The CFIO shall be available as the primary contact for members of the public seeking records of the agencies under the direction of the Board of Supervisors and may be used to serve such purpose by other public bodies of the County after written notice of such choice is provided by the public body to the CFIO. The CFIO shall be responsible for providing and posting the notice of rights and responsibilities required by Section 2.2-3704.1 of the Code of Virginia.
3. In most circumstances Department/Agency Heads are authorized to grant records requests received directly by their respective departments/agencies for official document inspection and/or copying by citizens. When requests

are responded to by a Department Head, notice of the request and a copy of the response, dated so as to show compliance with required timelines, shall be provided to the CFIO. Official records shall be open to inspection and/or copying during regular office hours of the County office/department/agency having custody of them, unless the records are excluded from the Act's coverage.

In some cases, privacy, legal, or other policy factors may need to be considered. Any request considered unusual, of a sensitive nature, or of uncertain legitimacy shall be forwarded immediately to the Freedom of Information Officer. The CFIO shall be responsible for coordinating with the County Administrator and requesting the County Attorney's legal advice and counsel as necessary.

4. Requests for official County records pursuant to the Virginia Freedom of Information Act must designate the record(s) with reasonable specificity. However, a specific reference to the Freedom of Information Act by the requestor is not necessary to invoke the time limits for response by the County. The initial response to the request of records shall be provided within five (5) work days after receipt of the request and shall be one of the following:
 - Making the records available in writing as requested;
 - Advising the requestor in writing that the records are being withheld as permitted by the Act or other statute, including citations of the section(s) of the Code that exempt the records from disclosure and identifying with reasonable particularity the volume and subject matter of the withheld records;
 - Making only part of the requested records available and advising the requestor in writing that the remainder are being withheld and including the specific citations of the Code section(s) that exempt records from disclosure identifying with reasonable particularity the subject matter of the withheld portions;
 - Informing the requestor in writing that it is not practically possible to identify or collect the requested records within five (5) work days, and explaining why. If this response is made within five (5) work days, the County has an additional seven (7) work days to make one of the preceding three responses. If the records cannot be reasonably provided within 12 working days without disrupting other organizational responsibilities, the CFIO shall make a reasonable effort to reach an agreement with the requestor regarding the timing of the records production and if unsuccessful shall notify the County Attorney so that a request for more time may be made to the appropriate Court.

The County is not obligated to compile information or reports which are not in existence.

5. Charges

- a. Generally, when minimum search time is required, there will be no charge for the viewing only of an official document. When extensive search time is required to provide the document(s) for viewing, or when copies of such documents are requested, charges are based on reimbursement to the County for the cost of searching for and reproducing such documents.

If the charges to search for and reproduce the documents are expected to exceed \$200.00, the County may require payment of the estimated costs in advance by the requestor. If such advance payment is required, the time allowed for response stops running until the requestor responds. If there are outstanding sums due from previous requests that have remained unpaid for more than 30 days, responses to new requests will not be made until the outstanding amount is paid.

- b. Requests to provide information and records in computerized formats (i.e. on diskettes, tapes, via email/pdf) will be reviewed on a case-by-case basis and charges will be calculated based on material and staff time costs.
- c. For documents or other requests not specifically listed in this section, the CFIO shall calculate the charge based on the actual cost to the county of searching for and providing the document(s), including but not limited to any associated labor or administrative costs.
- d. Charges may be paid in cash or by check made payable to the King William County Treasurer and shall be due upon receipt of the documents. A receipt (receipts may be obtained through the appropriate department or the Treasurer's Office) will be provided to the requestor.
- e. Current charges incurred in copying official County records for requests involving less than one-half hour of staff time have been calculated based on the costs of labor, office machines and material and are as follows:

Four (4) pages or fewer, no charge;
\$0.25 per page thereafter for B&W copies.

- f. In addition to the above charges, charges associated with searching, computer time and copying records which exceed one half hour of staff time shall incur a cost of \$10.00, prorated for each thirty minutes.
- g. A per page summary of cost for reproducing hard copies of Publications/Books/Documents is as follows:

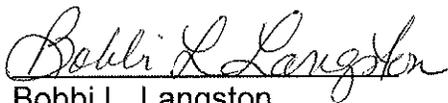
<u>Document size</u>	<u>Number of pages</u>	<u>Charge</u>
8.5x11 color	1-4 pages	No charge
8.5x11 color	5+ pages	.50/page
11x17 color	1-2 pages	No charge
11x17 color	3+ pages	\$5/page
22x34 color		\$10/page
8.5x11 black & white	1-4 pages	No charge
8.5x11 black & white	5+ pages	.25/page
11x17 black & white	1-2 pages	No charge
11x17 black & white	3+ pages	\$1/page
22x34 black & white		\$5/page

Adopted this 27th day of June, 2016

Those members voting:

R. W. Ehrhart II Aye
W. L. Hodges Aye
T. J. Moskalski Aye
D. E. Hansen Aye
S. K. Greenwood Aye

COPY TESTE:


Bobbi L. Langston
Deputy Clerk to the Board