

RESOLUTION NO. 2023-02

**A RESOLUTION ESTABLISHING AN OPEN RECORDS
ACCESS POLICY FOR THE TOWN OF MULGA,
ALABAMA.**

WHEREAS, the Town of Mulga, Alabama (“the Town”), desires to establish an Open Records Access Policy in compliance with the Alabama Open Records Law, which is set forth at Section 36-12-40, et seq. of the *Code of Alabama* (1975), and other laws related to public records;

WHEREAS, a custodian of public records “has the authority to regulate the manner in which public records are inspected, copied, and disclosed,” Opinion to Hon. John D. Harrison, Superintendent of Banks, State Banking Department, dated Oct. 2, 2006, A.G. No. 2007-001 (citing Opinion to Hon. Jack Biddle, III, Member, Alabama State Senate, dated Jan. 5, 2001, A.G. No. 2001-063, and Opinion to Hon. F. Michael Haney, Attorney for the Water Works Board of the Town of Gadsden, dated Mar. 14, 2000, A.G. No. 2000-102), see also *Blankenship v. Town of Hoover*, 590 So. 2d 245, 245 (Ala. 1991);

WHEREAS, under Alabama law, a custodian of records can require that a person making a request complete a particular form specific to the custodian’s office, see *Blankenship*, 590 So. 2d at 250;

WHEREAS, the Supreme Court of Alabama has recognized that a public records request form “would enable the Town to assure that the requested inspection was for a legitimate or proper purpose and would allow the Town to maintain the integrity of its records in a practical and workable manner, without undue interference,” see *Blankenship*, 590 So. 2d at 250;

WHEREAS, a custodian of public records may charge a reasonable fee for producing copies of public records, see Opinion to Hon. Willie Pearl Rice, Sumter County Probate Judge, dated June 10, 2009, A.G. No. 2009-076 (citing Opinion to Honorable Tim Parker Jr., Member, House of Representatives, dated June 12, 1998, A.G. No. 98-00161);

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mulga, Alabama, while in regular session on Tuesday, February 7th, 2023, at 6:30 p.m. as follows:


1. The Town Council hereby adopts the Open Records Access Policy attached hereto as **Exhibit A** as a policy of the Town.
2. The Town Council approves the use of the Access to Public Records Request and Agreement form, a copy of which is attached hereto as **Exhibit B**.



ADOPTED this the 7th day of February, 2023.



W. KEITH VARNER, MAYOR

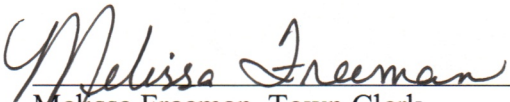
ATTEST: 

Melissa Freeman, Town Clerk

CERTIFICATION OF CLERK

I, Melissa Freeman, Town Clerk of the Town of Mulga, Alabama, do hereby certify that the above and forgoing is a true and correct copy of a Resolution duly adopted by the Town Council of Mulga, Alabama, on the 7th day of February, 2023.

Witness my hand and seal of office this 7th day of February, 2023.



Melissa Freeman, Town Clerk



EXHIBIT A





Town of Mulga, Alabama

Public Records Access Policy

Section 36-12-40 of the *Code of Alabama* (1975) provides that “[e]very citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute.”

It is the policy of the Town of Mulga, Alabama (the “Town”) to comply with Section 36-12-40 to allow citizens to inspect and take a copy of public records maintained by this office, unless the record is exempt from public disclosure. In accordance with state and federal laws, some department records may not be open for public inspection. For example, ongoing criminal investigations, business license applications, utility statements, and financial statements are examples of restricted records. In addition, certain records have specific statutory disclosure requirements and are not subject to open record requests. Draft documents, such as versions of proposed administrative rules and legislation, used internally by the Town, are not subject to disclosure under the Open Records Law. Draft documents shared externally, as well as internal and external correspondence, such as emails, on possible actions to be taken by the Town, are also not subject to disclosure. *See* Opinion to Honorable Vernon Barnett, Commissioner, Alabama Department of Revenue, dated June 20, 2017, A.G. No. 2017-036.

In order to make a request to access the Town’s public records, the requester must complete the “Access to Public Records Request and Agreement” provided by the Town. Every effort will be made to provide public records within a reasonable time period. Should the requester prefer to inspect the records in person, an appointment should be made through the Mulga Town Clerk. Access to and inspection of public records will be provided during the regular business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday at Mulga Town Hall with a scheduled appointment. Citizens may be requested to provide identification prior to the inspection of requested documents. It is requested that citizens inspecting public records refrain from eating, drinking, and smoking in areas where such records are being inspected and copied. The Town of Mulga will determine reasonable limitations on the number of citizens who may inspect and copy records at one time so as not to disrupt the work of the employees of the Town.

Citizens may make copies of available public records using their own equipment while viewing them at the Mulga Town Hall. There will be a charge of \$1.00 per page for copies or scans of public records made by Town employees using Town-owned equipment. Citizens must pay any outside costs incurred by the Town for providing copies of public records requested by citizens. The Town also reserves the right to charge for the reasonable research costs incurred by the Town in preparing records for review or copying. Payment must be made in advance. Every effort will be made to provide public records within a reasonable time period. If you have questions about the Town’s policy or need further assistance, please contact the Mulga Town Clerk, at townclerk@townofmulga.com or (205)-781-0645.



EXHIBIT B





Town of Mulga, Alabama

Access to Public Records Request and Agreement

Name of the requestor: _____

Home address of the requestor: _____

Telephone number: _____ Email address: _____

Is the requestor a citizen of the State of Alabama (yes or no)? _____

I request to review and/or obtain a copy(s) of the following public records of the Town of Mulga, Alabama (the "Town"), which are identified by name of record(s) requested and specific dates if applicable:

Valid reasons for reviewing public records must be provided so that the Town can analyze the efforts needed to maintain certain records and to comply with Alabama law. This information will also help the Town determine how the Town can better serve its citizens. Valid reasons for reviewing and/or purchasing a copy(s) of the Town's public records must also be provided as a condition and to ensure that these records are safeguarded and to ensure that public employee time is not wasted. The reason(s) that I desire to review these records is/are:

If viewing records on site, I agree that I shall not harm or damage any public record, and I understand that any records being reviewed will be in the presence of the Town Clerk and/or the Town Clerk's designee. I agree that these records will not be removed from the Town's premises at any time. I further agree to pay for any copies of records requested in advance and to pay for the reasonable research costs incurred by the Town in preparing these records for review or copying.

Requestor's Signature

Date

This space is for Town of Mulga Official Use Only

Request Approved
Request Denied – Reason(s) Denied:

Signature of Authorized Town Representative

Date

