



AGENDA

NORTH MIAMI CITY COUNCIL

REGULAR COUNCIL MEETING

**TUESDAY, FEBRUARY 23, 2016
7:00 P.M.**

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TAB N

- ◆ PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A REASONABLE PERIOD OF TIME IN WHICH THE CITY IS TO RESPOND TO PUBLIC RECORDS REQUESTS, PURSUANT TO PUBLIC RECORDS LAW UNDER SECTION 119.07, FLORIDA STATUTES (2015); FURTHER AUTHORIZING THE INTERIM CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Sponsored by: Vice Mayor Alix Desulme

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A REASONABLE PERIOD OF TIME FOR THE CITY TO RESPOND TO PUBLIC RECORDS REQUESTS, PURSUANT TO FLORIDA PUBLIC RECORDS LAW UNDER SECTION 119.07, FLORIDA STATUTES (2015); FURTHER AUTHORIZING THE INTERIM CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on June 23, 2015, the Mayor and City Council passed and adopted Resolution 2015-R-62, providing the following guidelines: (1) documents under 15 pages or less must be provided to the requestor within two (2) business days; (2) documents over 15 pages must be provided by the requestor within seven (7) days, unless the City Manager demonstrates additional time is needed; (3) no fees or costs will be charged for public records requests under 15 pages; and (4) each department will assign a staff member to coordinate compliance with all public records request (emphasis added); and

WHEREAS, Florida Public Records Law does not contain a specific time limit for compliance with a public records request, pursuant to Section 119.07, Florida Statutes (2015); and

WHEREAS, the Florida Attorney General has opined that cities are not authorized to establish an arbitrary time period during which records may or may not be inspected, ensuring that public records must be made available for inspection and examination by any person "at reasonable times, under reasonable conditions..." [AGO 81-12]; and

WHEREAS, the only time allowed for producing public records, is the reasonable time allowed the custodian to retrieve the record and delete those portions of the record exempted by law [*Tribune Company v. Canella*, 458 So.2d 1075 (Fla. 1984); *DePerte v. Tribune Company*, 105 S.Ct. 2315 (1985)]; and

WHEREAS, City Administrative Regulation 00-4, must also mirror the statutory guidelines for the processing of public records request in compliance with Chapter 119, Florida Statutes (2015); and

WHEREAS, the Mayor and City Council believe it is in the best interests of the City to adopt this Resolution removing all fixed timelines in response to a public records request, in compliance with the Florida Public Records Law.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority of Interim City Manager.** The Mayor and City Council of the City of North Miami, hereby provide for a reasonable period of time for the City to respond to public records requests, pursuant to Florida Public Records Law under Section 119.07, Florida Statutes (2015); authorizing the Interim City Manager to do all things necessary to implement and effectuate the provisions of this Resolution.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this ____ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ROLAND C. GALDOS, ESQ.
INTERIM CITY ATTORNEY

SPONSORED BY: VICE MAYOR ALIX DESULME

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.

_____ (Yes) _____ (No)

Vice Mayor Alix Desulme

_____ (Yes) _____ (No)

Councilman Scott Galvin

_____ (Yes) _____ (No)

Councilwoman Carol Keys, Esq.

_____ (Yes) _____ (No)

Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)