

RESOLUTION NO. 2153

A RESOLUTION ESTABLISHING PROCEDURES AND FEES FOR RESPONDING TO PUBLIC INFORMATION REQUESTS

WHEREAS, pursuant to Montana Code Annotated § 2-6-1003 and 2-6-1006, persons have the right to receive or examine copies of public information in the possession of the City of Shelby upon request.

WHEREAS, House Bill 100, which was passed during the 2025 Montana Legislative Session, amongst other things, amended MCA § 2-6-1006 set procedures for how local governments must respond to Public Information Requests and assess fees for Public Information Requests.

WHEREAS, the City of Shelby's continued compliance with Montana law when responding to Public Information Requests would be best ensured by the implementation of a set of written procedures reflecting the applicable changes to Montana law brought forth by HB 100.

WHEREAS, the written procedures and fee schedule attached to this Resolution provide an appropriate balance between convenience for members of the public in accessing Public Information and mitigation of possible situations where lengthy Public Information Requests may disrupt day-to-day City operations.

THEREFORE, BE IT RESOLVED THAT:

The written procedures and fee schedule attached to this Resolution are hereby adopted for use by City staff in responding to Public Information Requests.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHELBY,
MONTANA, AND APPROVED BY THE MAYOR ON THIS 1st DAY OF JUNE, 2026.



ERIC TOKERUD, MAYOR

ATTEST:



JADE GOROSKI, FINANCE OFFICER



PUBLIC INFORMATION REQUEST FEE SCHEDULE

Fees for inspection and copying of Public Information at City Hall:

- \$25 per hour of City employee time spent gathering, reviewing, processing, and providing information
- 10 cents per page copied

Fees for a request for one single, specific, clearly identifiable, and readily available public record:

- \$25 per hour of City employee time spent gathering, reviewing, processing, and providing information
- 10 cents per page copied
- Cost of postage and/or shipping to send information to requester, if applicable

Fees for a Public Information request that is not a request for a single, specific, clearly identifiable, and readily available public record:

- \$5 filing fee
- \$25 per hour of City employee time spent gathering, reviewing, processing, and providing information, except for the first hour, which is free
- 10 cents per page copied
- Cost of postage and/or shipping to send information to requester, if applicable

PUBLIC INFORMATION REQUEST PROCEDURES

1. Public Information Requests shall be made on the designated City form. The form shall be made available to fill out in person at City Hall and shall be made available for print on the City website. Forms shall either be hand delivered or mailed to City Hall at the address listed at the top of this document.
2. A defendant in a pending criminal action in the Shelby City Court or the defendant's attorney may obtain documents regarding the case at no cost.
3. A victim of a crime charged in the Shelby City Court may obtain documents regarding the case at no cost, subject to the approval of the City Attorney pursuant to Montana Code Annotated § 44-5-303.
4. There shall be no hourly fee for City employee time for requests that take 30 minutes or less to complete, but the City shall still assess other applicable costs included in the fee schedule.
5. A. The City shall, pursuant to Montana Code Annotated § 2-6-1006(2)(b), provide to the requester in a timely manner an estimated amount of time and costs for responding to the request, which shall include an invoice total amount of fees and other costs owed to the City by the requester. The City shall not commence work on gathering the requested information until the invoice is paid in full.
B. Exception-The City shall not provide an estimate or invoice for requests for which there are no fees or costs to assess, but shall respond to such requests in a timely manner pursuant to Montana Code Annotated § 2-6-1006(2)(a).
6. Denial of public records requests shall be in writing and provide an explanation of the basis for denial.
7. The City reserves the right to respond to requests in electronic format.



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PUBLIC INFORMATION REQUEST FORM

Applicant _____ Date _____

Mailing Address _____

Email (for electronic delivery) _____

Phone # _____ Cell # _____

Description of Document or Research: _____

Signature of Applicant: _____

INTERNAL USE ONLY

TO APPLICANT:

THE ABOVE REQUESTED RECORDS ARE: (check one)

_____ Available for inspection immediately upon processing request.

_____ To be copied at your expense & will be made available to you on _____

_____ Not in existence, due to "vagueness" of request. (Not enough information to process request).

_____ Not in existence due to the fact that it requires the creation of documents.

_____ Other reason request unfulfilled (please explain): _____

Department Head Authorization: _____ Date: _____

I have read the City of Shelby's Public Information Request Procedures & Public Information Request Fee Schedule, and I agree to pay fees associated with the request for this document(s)/research.

Applicant: _____ Date: _____ Total Charge: _____