

ORDINANCE NO. 24-1176

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING TITLE 3, REVENUE AND FINANCE, CHAPTER 3.11, PUBLIC RECORDS, DOCUMENTS AND MEDIA FEES, SECTION 3.11.010, PUBLIC RECORDS, DOCUMENTS AND MEDIA, OF THE CITY OF DOUGLAS MUNICIPAL CODE TO ADD A NEW FEE FOR BODY CAMERA VIDEO REVIEW AND REDACTION; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Douglas has adopted fees for the reproduction of public records, including records of the Police Department; and

WHEREAS, the A.R.S. § 39-129 allows the city to establish a body camera video fee related to public records requests in an amount not to exceed \$46 per video-hour for review and redaction; and

WHEREAS, the city has notice of the proposed body camera video fee pursuant to A.R.S. § 9-499.1; and

WHEREAS, the Mayor and Council find that the interests of the city are served by adopting the new fee.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Douglas, Arizona, as follows:

SECTION 1. City of Douglas Police Department Records Fee, as shown in Section 3.11.010, Public records, documents and media, of the City of Douglas Municipal Code is amended to read as follows (additions shown as capitalized text):

City of Douglas Police Department Records Fee:

- Pursuant to A.R.S. § 39-127, crime victims receive free copies of police reports or an immediate family member of the victim if the victim is killed or incapacitated has the right to receive one copy of the police report from the investigating law enforcement agency at no charge.
- \$5.00 flat rate for report requests by insurance companies
- \$46 Per hour for Body Camera Video Review and Redaction

SECTION 2. To the extent of any conflict between other city Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing city Ordinance, Resolution or regulation except as expressly set forth herein.

SECTION 3. Effective date: The provisions in this Ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

SECTION 4. Severability: If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and this Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional provision.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 10th day of April 2024.

Donald C. Huish, Mayor

Attest:

Approval as to form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

Prepared by:
Nick Cook, City Attorney