



**City of Libby**  
**Libby Montana**  
 www.cityoflibby.com

PO Box 1428  
 952 E. Spruce Street  
 Libby MT, 59923  
 (406) 293-2731  
 Fax (406) 293-4090

## Request for Public Records

*Montana Public Records Act § 2-6-1001 et seq., MCA | Article II, Sec. 9, Mont. Const.*

### SECTION 1 — APPLICANT INFORMATION

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

### SECTION 2 — DESCRIPTION OF RECORDS REQUESTED

*Please be as specific as possible to help staff locate the records as quickly as possible.*

**Note to Applicant:** Requests for records are subject to the Montana Public Records Act. Information deemed confidential under MCA 2-6-1002 or protected by the individual right to privacy (Art. II, Sec. 10, Mont. Const.) may be redacted or withheld.

### SECTION 3 — APPLICANT ACKNOWLEDGMENT & SIGNATURE

I, \_\_\_\_\_, do hereby make application for receipt, inspection, and/or copying of the public records described above.

I understand that depending on the nature of the records requested, some items may require additional time to locate and gather. In some cases, the City Attorney may also need to be consulted. If additional time is needed for any reason, I understand that I will be contacted with an estimated timeline and a written fee estimate, which must be authorized by me before staff proceeds.

I acknowledge that this request is made pursuant to the *Montana Public Records Act* and *City of Libby Public Information Policy* and that a copy of this request will be retained by the City of Libby.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

**FOR CITY USE ONLY — DO NOT WRITE ABOVE THIS LINE**

**Response to Applicant**

The above requested records are (check one):

- Available for inspection in the office of the City Clerk immediately upon processing your request.
- To be copied at your expense and available on \_\_\_\_\_ (date).
- Currently in storage/use and not available for inspection/copying at this time. These records will be made available to you on \_\_\_\_\_, 20\_\_\_\_.
- Not subject to disclosure pursuant to Montana Public Records Act § 2-6-1001 et seq., MCA, Article II, Sec. 9, Mont. Const.
- Not accessible due to vagueness of request. Additional information required.
- Available in electronic format — emailed on \_\_\_\_\_ (date).

**Total Pages/Copies:** \_\_\_\_\_

**Per Page:** First page \$0.50 | Additional pages \$0.25 each

**Total Charge:** \$ \_\_\_\_\_

**Notes:**

\_\_\_\_\_

\_\_\_\_\_

Staff Signature \_\_\_\_\_

Date Processed \_\_\_\_\_

**FEE AUTHORIZATION**

After reviewing the fee estimate provided by City staff, I authorize the fees listed above and agree to pay all charges associated with this request prior to receiving the records. (See attached policy and fee schedule.)

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_



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## Public Information Policy (Request for Public Records)

Each City of Libby Department shall abide by this policy, which hereby incorporates by reference all rules and guidelines established by the Montana Secretary of State regarding the disclosure of public documents, including specifically Montana Code Annotated 2.6.1006. In exercising any discretion provided for in this policy, each Department shall provide the same service to every party requesting public documents.

Public inspection of records is during regular office hours. Permanent records are to remain in the appropriate Departments at all times. A City employee is expected to be present while the records are being inspected to avoid theft or damage to the permanent records.

Fees for any documents copied and provided by a City of Libby Department are as follows:

Materials

\$.50 for the first page

\$.25 per page for each additional page

If pages vary from a standard size copy, the Department shall charge a reflective fee of the actual cost incurred by the Department.

Labor

Charges associated with staff time shall apply at the rate of \$30.00 per hour, to be billed only after the first 15 (fifteen) minutes of research. Departments charging for time shall not charge for time to produce documents of which they are the custodians, but rather, time to review, gather, or redact documents held by said Department.

The actual cost to the City of Libby for review of materials by the City Attorney is \$300 per hour, charged in tenths of hours, and that amount shall be charged to the applicant for any materials requiring review by the City Attorney along with any court costs if applicable.

At the Department's discretion, it may require advance payment of the fees and/or time costs so long as the costs are documented in a written estimate provided to the person making the request.

The Department must withhold confidential information from disclosure to the public.

**Do NOT release the following information:**

1. Personnel, payroll, or medical records and/or files
2. Records pertaining to juveniles
3. Records required to be kept confidential by federal law or regulation or by state law
4. Utility customer information

5. Documents containing legal questions or information concerning potential, pending or actual litigation
6. Minutes of any Closed Public Meeting shall be kept in accordance with 2-3-212 MCA. Any time a public meeting is closed pursuant 2-3-203 MCA, the presiding officer shall ensure that the minutes taken in compliance with 2-3-212(2) MCA are kept of the closed portion of the meeting. **The minutes must not be made available for inspection except pursuant to a court order.**

If the release of a record is denied, and the person is not satisfied, they may contact an attorney.

Staff must always inform the City of Libby Attorney's Office regarding the denial of a record and why the individual was denied access to those records.

**Use caution and if you have any questions about releasing a document(s), contact the City of Libby Attorney's Office.**

Employees shall make a copy of the request form, e-mail, etc and attach it to the copies as a receipt for the person requesting the records. The original shall be kept in possession of City of Libby.

#### **FILING of "Request for Public Records Form"**

The original "Request for Public Records Form" must be filed in an easily accessible notebook, to be located in the City of Libby Clerk's Office.

The forms are filed alphabetically using the last name of the person making the request.