



Ordinance

NO. 451

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING THE CITY CODE TO ESTABLISH A FEE CATEGORY FOR THOSE WHO MAKE A PUBLIC RECORDS REQUEST TO OBTAIN LAW ENFORCEMENT VIDEO RECORDINGS; REPEALING CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Arizona Revised Statute ("A.R.S.") § 39-129 became effective on October 30, 2023; and

WHEREAS, A.R.S. § 39-129 allows cities to establish a one-time fee per copy, not to exceed \$46 per video hour reviewed for public records requests of police video; and

WHEREAS, the San Luis City Code does not have a separate category for police video; and

WHEREAS, to keep the San Luis City Code current with the State law and allow the Police Department to recover some of its costs to provide police videos upon a public records request, the following addition to the San Luis City Code is desirable;

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona;

: This Ordinance adds a new subsection (5) to the San Luis City Code in Title 2, Administration and Personnel; Chapter 2.40, City Policies; Article III, Public Records Request Policy; Section 2.40.310, Public Records Request Policy Narrative, Subsection P, Fees, to read:

(5) The City establishes a one-time fee per copy, not to exceed the dollar amount permitted by law per video-hour reviewed, that is charged to a person who submits a public records request to the Police Department for a copy of a video recording, except for information that law enforcement agencies must provide to victims of crime under Arizona statute (specifically, A.R.S. § 39-127 as it may be amended or renumbered). When determining the dollar amount of the fee, the City shall adhere to the considerations allowed by Arizona statute (specifically A.R.S. § 39-129 as it may be amended or renumbered). As of October 30, 2023, those considerations include:

the reasonable cost of reviewing, transmitting, making a copy of (and, as necessary), redacting the video recording; and

any other relevant information.

: If a conflict arises between the provisions of this Ordinance and any other ordinance, resolution, order, regulation, or policy of the City of San Luis, the conflicting provisions are amended, superseded, and replaced, and this Ordinance shall govern.

: If any section, subsection, paragraph, sentence clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction or operation of law by binding legislation, such decision or legislation shall not affect the validity of the remaining portion of this Ordinance.

City staff shall do and perform, or cause to be done and performed, all such further acts to carry out the intent and accomplish the purposes of this Ordinance.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this ____ day of June 2024.

Nieves Riedel, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney