



City of Midway

P.O. Box 4275
Midway, Kentucky 40347-4275

Tom Bozarth, Mayor

April 16, 2010

heather.rous@uky.edu

Dear Miss Rous:

Your request of April 13, 2010 for a copy of the City of Midway's proposed budget is acknowledged. The proposed city budget is at this time purely preliminary. It has not been presented to the Midway City Council and no action by the council has been taken on it. Accordingly, the proposed budget is exempt from disclosure pursuant to KRS 61.878(1)(i) & (j). See 00-ORD-140.

The City of Midway, as surely do many other cities, counties and public agencies, often receives similar requests for preliminary types of records. In responding to such requests, the City of Midway seeks to be consistent but fully compliant with the intent and requirements of the Open Records Act. To maintain that consistency, the City of Midway respectfully denies your request for a copy of the preliminary city budget for 2010-2011.

When all members of the Midway City Council have been presented with the preliminary budget and have taken action that finalizes the budget, the City will gladly comply with any request made at that time for a copy of the approved budget.

Respectfully yours,

Tom Bozarth
Mayor

Cc: Al Cross - acros3@email.uky.edu

Council Members

Sandra M. Cooke, Doris J. Leigh, Aaron Hamilton, Diana Queen, Sharon Turner, Charlann Womble
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00-ORD-140

July 26, 2000

In re: *The Kentucky Post*/Campbell County Fiscal Court

Open Records Decision

The question presented in this appeal is whether the Campbell County Fiscal Court properly relied on KRS 61.878(1)(j) in denying *Kentucky Post* reporter Crystal Harden's May 4, 2000, request for "an advance copy of the (Draft) Campbell County Fiscal Year 2000-2001 Budget."¹ For the reasons that follow, we find that the Fiscal Court properly denied Ms. Harden's request.

In a response dated May 9, 2000, Campbell County Coordinator Harold W. McMillan relied on KRS 61.878(1)(j), explaining that "said documents or paperwork are considered to be 'preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended' and, therefore, exempted from public disclosure at this time." Nevertheless, Mr. McMillan continued, a copy of the draft budget was released to *The Post* on May 8, 2000, following a "budget orientation" by Judge Executive Steve Pendery, and with the admonition that the budget was subject to revision. Convinced that the budget "should have been made public once the county

¹ This description of the record requested is drawn from the Fiscal Court's May 9 response to Ms. Harden's request. Although *The Kentucky Post* furnished us with a copy of Ms. Harden's March 24, 2000, request to the Campbell County Fiscal Court to inspect "the report prepared by Paul Linnee of Geo Comm Corp. of Minnesota on dispatching services for Campbell County, Fort Thomas and Newport," *The Post* did not furnish us with a copy of her May 4 request for a copy of the budget.