

**BEFORE THE CITY COUNCIL OF THE
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of Establishing a System To)
Respond to Public Records Requests and)
To Define Procedures to Recover City Expenses)
And To Protect the Integrity of Those Records)

RESOLUTION 2013 -- #7

WHEREAS, under Oregon Public Records Law every person has a right to inspect non-exempt public records subject to reasonable procedures and restrictions; and

WHEREAS, the City of Adair Village recognizes and respects the public's right to have access to such records and the importance of maintain orderly files to facilitate public access in an efficient and cost effective manner; and

WHEREAS, the City's costs in performing these document and record searches and record duplication services places a considerable burden in terms of staff labor and materials; and

WHEREAS, ORS Chapter 192.440 (4) authorizes local governments and other public bodies to charge fees to reimburse the public body for the reasonable and actual cost of making available the public records, and

WHEREAS, the City desires to establish written procedures, including fees and charges, that provide reasonable access to non-exempt public documents and the recovery o the City's actual, reasonable costs, including labor and materials, incurred in making public documents available; now therefore

IT IS HEREBY RESOLVED that the City Council of the City of Adair Village establishes the following policies, procedures, and charges:

Section 1. Right to Inspect Public Records. Per ORS 192.420, every person has the right to inspect any non-exempt public record held by a City. Requests for City of Adair Village records must be made consistent with the Policy created by this Resolution.

Section 2. Written Requests. Unless otherwise provided, requests for inspection and copies of public records must be in writing and on a form prescribed by the City or via email with sufficient information for City staff to make an appropriate response to the request.

Section 3 Levels of Requests and Staff Response. This Policy is to assist in the provision of public records to the public in a reasonable time. In order to accommodate that purpose, Levels of Requests are hereby established.

Level 1 Request. Does not require a written request and can be provided by any staff member, but does require a basic fee (Section 11 below). Requested records must be current and readily available, require no duplication, may not be subject to the Public Records Fee Schedule, and must require no additional staff time or resources to be made available. These types of records are intended for public distribution, such as informational brochures, agendas, permit applications, job applications, or election-related petitions.

Level 2 Request. Requests may be made in writing. Requested records are not immediately available, but can be made available with no more than 15 minutes of staff time. This request can be made to the departmental staff who is the custodian of requested records. Request must be made clearly, correctly identify the records, may not include more than 50 pages, and are not more than one year old. Requested records must be located in a single department, may not contain sensitive, confidential, or privileged information, and must not require attorney review prior to release. Payment due upon receipt.

Level 3 Request. Requests must be made in writing. This type of request is complex, involving multiple staff and/or departments, or requires more than 15 minutes of staff time. It may involve extensive research or compilation of records, and may require legal review. Unless otherwise provided in this policy, a deposit must be received prior to staff beginning work on request.

Section 4. Procedures. All public records requests are subject to these guidelines.

- 4.1 Requests for public records must include the following:
 - 4.1.1 The name, address, contact information, date and signature of the person making the request or their authorized representative; and
 - 4.1.2 A detailed description (when known to the requestor), such as the department file number, year of creation, and other pertinent information that may assist City staff in locating the requested records. The City will not author or prepare new records in response to a records request.
- 4.2 Except as otherwise provided by these rules, public records will not be released for inspection or copies provided to the requestor unless the City receives payment of the required estimated fee from the requesting party. The person making the request will be informed that the requested records will not be released without payment of the fee required by this resolution. Failure to inform the requesting party of this requirement does not relieve the requesting party of the obligation to pay the required fee.
- 4.3 Written requests for inspection or copies of City records must be submitted to the City Recorder for general City records, the Police Records Custodian for police records, the Fire Records Custodian for fire records, and the Court Administrator for court records. If the City needs additional information or clarification, the relevant staff member may contact the requestor.
- 4.4 If the City is unable to comply with a request, a written explanation will be mailed to the requesting party by first class mail.

Section 5. Inspection of Records. Inspection of records will occur during regular City business hours, by appointment. All records shall be inspected at the City of Falls City's place

of business. A person making a public records request may personally inspect the requested records, but the right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present while any records are inspected to ensure protection of the records. There will be no more than two (2) persons plus one (1) staff member in the room to inspect the records. If any person attempts to alter, remove, or destroy any record, the City staff shall immediately terminate review and notify the city attorney.

Section 6. Copies of Records. The cost of copies will be set out in a fee schedule, which will be approved by resolution. All records shall be copied at the City of Falls City's place of business, unless staff coordinates for a third party vendor to copy the records. If the record is maintained in a machine readable or electronic form, the City shall provide copies of the public record in the form requested, if available. If not available in the form requested, it shall be made available in the form in which it is maintained. If staff is available, the copies will be available once all files are reviewed. If staff is not available to copy the requested pages at the time, the requestor will be called once staff has had time to copy the requested pages in order to make arrangements for pick-up, mailing, or emailing of records.

Section 7. City Response. Within five business days the City will either respond or explain why more time is needed for a fuller response. This timeline does not apply to requests for police related records that are not legally available. Additional time may be necessary to allow City staff to consult with the City Attorney's Office to obtain legal advice prior to releasing records. Additional time is necessary when the City is presented with a physically extensive or legally complex records request.

Section 8. Preparation of Cost Estimate. Upon receipt of a records request, City staff will first prepare a cost estimate reflecting the cost of City staff time (including, if necessary City Attorney or other consultant review) and materials required to make the records available. Cost estimate will include costs of summarizing, compiling, or tailoring the public records, either in organization or media, in order to meet the request. Additional costs, to include observation of inspection, will be added if requestor decides to inspect the records.

Section 9. Deposit and Payment Requirements. If the estimated cost is \$25.00 or more, the City will require a deposit in the full amount of the estimated costs before expending additional City resources on the request. City staff will begin work on the request only upon receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release the search results until the City's actual costs are received in full. If the actual cost of responding to the request is less than the estimated cost, then the balance of the deposit will be refunded promptly. If the estimated cost is less than \$25.00, City staff will begin to fulfill the request and will present a bill for the City's actual costs payable in full upon completion of the request. City staff will not release the records until the total costs are paid in full. The Payment will be in the form generally accepted for City purchases.


Section 10. Waiver or Reduction of Fees. Copies of records may be furnished without cost, or at reduced cost, if the City Administrator determines that a waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

- 10.1 A person requesting a waiver or reduction of fees must file a written request, including the requestor's name and address, the purpose for which the records are sought, the character of the information and whether the requestor can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. The City Administrator, or designee, will review the request and may also consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver or reduction.
- 10.2 Any requestor disabled within the definition of the Americans With Disabilities Act may also apply for a waiver or reduction of fees if any of the cost of complying with the request were due to the requestor's disability.
- 10.3 Requests for records at a Level 1 or Level 2 by the news media will be made available without charge. Any request at a Level 3 may be charged in accordance with the Public Records Fee Schedule.
- 10.4 Copies of routine materials requested by any City of Falls City public official will be furnished without charge if the request relates to information needed in the requestor's official capacity.
- 10.5 Copies of materials requested by any official of any other governmental agency will be furnished without charge if the request relates to information needed in the requestor's official capacity.
- 10.6 The decision of the City Administrator on any fee waiver or reduction is final.

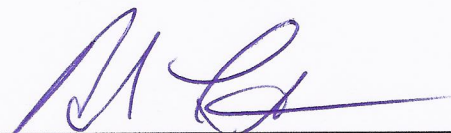
Section 11. Fees for Basic Services. Fees for copies of basic records which do not require special efforts by staff shall be set at the corresponding amount:

- 11.1 Photocopies - \$0.25 per side (8.5" x 11")
- 11.2 Photocopies - \$0.30 per side (8.5" x 14")
- 11.1 CD recordings - \$15 per CD

DATED: This 5th day of November, 2013.



Mayor



City Administrator