

A RESOLUTION SETTING A POLICY FOR INSPECTION OF PUBLIC RECORDS.

WHEREAS, the City of Cascade Locks desires to adopt a policy addressing the procedure for inspection of public records within the City of Cascade Locks;

THE COMMON COUNCIL FOR THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, RESOLVES AS FOLLOWS:

SECTION 1. Definitions. The following definitions shall apply to the Cascade Locks Public Records Inspection Policy:

a. Person shall mean natural person, corporation, partnership, firm, or association. Person does not mean public body.

b. Public Record includes any writing containing information relating to the conduct of the City of Cascade Locks' business, including but not limited to mortgages and deed records prepared, owned, used, or retained by the City of Cascade Locks, regardless of physical form or characteristics.

c. Exempt Public Records includes records that are exempt from public inspection under State or Federal laws.

SECTION 2. Right to Inspect Public Records. Every person has a right to inspect any non-exempt public record held by the City of Cascade Locks. Requests for any records of the City of Cascade Locks must be made under the Oregon Public records Law and in accordance with the rules of this Cascade Locks Public Records Inspection Policy.

SECTION 3. Application for Public Records Inspection.

a. All applications for inspection of non-exempt public records shall be addressed to the City Recorder using the Public Records Request Form (Exhibit A).

b. Upon receipt of said application, the Recorder may refer the application to legal counsel to determine whether records requested are exempt from disclosure.

c. The City Recorder is the official "Records Officer". The Records Officer shall take reasonable measures to preserve the integrity of the City of Cascade Locks' records and to maintain office efficiency and order. In this capacity, the Records Officer may adopt reasonable rules necessary to protect the records and prevent interference with the regular discharge of duties of the City of Cascade Locks' staff.

SECTION 4. Reasonable Opportunity to Inspect and Copy.

a. The Records Officer shall allow a person applying for inspection and/or copying of public records a reasonable opportunity to inspect and copy the records during usual business hours. Reasonable opportunity does not mean the time frame set by the requestor, so long as the Records Officer provides access to the non-exempt records within a reasonable period of time. All records shall be inspected and copied at the City of Cascade Locks place of business.

b. The Records Officer shall furnish a certified copy of the record to a person requesting said record. Certification shall mean a statement on the cover sheet or last sheet of the copy certifying that the copy is a true and correct copy and signed by the Records Officer.

c. If the public record is maintained in a machine readable or electronic form, the custodian 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.

d. The public right to receive copies of public records shall be complied with by the Records Officer within a reasonable time. It is the policy of the City of Cascade Locks not to postpone or disrupt current and on-going matters of the City of Cascade Locks business to provide staff time for inspection or copying of non-

exempt public records. Staff time shall be coordinated by the Records Officer and shall be provided within a reasonable period of time from the date the record requested was made.

e. The City is not required to produce “lists” of records that are not already available in the form of a “list”.

SECTION 5. Notification to Requestor. Senate Bill 554 requires cities to respond in writing to a public records request in “as timely a manner as possible”. The City of Cascade Locks has interpreted “in as timely a manner as possible” to mean two weeks from the date of the request. Additionally, Senate Bill 554 requires that the written response must formally acknowledge receipt of the request and include at least one of the following items:

- Copies of the requested records;
- A request from the public body to clarify the request;
- A statement that the public body needs more time to process the request and a cost estimate for providing the records, if the public body is indeed in possession of the records;
- A statement that the public body is not in possession of the records; or
- A statement that the public records are exempt from public disclosure under state and federal law.

SECTION 6. Fees.

a. Any person requesting public records from the City of Cascade Locks, together with the application, shall pay a fee of 50 cents per page.

b. Upon receipt of the application, the Records Officer shall determine whether the fee is adequate to reimburse the City of Cascade Locks for its actual cost in making records available. The Records Officer shall determine an estimated fee, which shall cover the cost of Staff time for summarizing, searching, compiling, or tailoring a record request. Said cost shall include locating records, supervising inspection, copying records, certifying records as true copies, and shall include the cost of attorney time reviewing and segregating records at the City of Cascade Locks’ request.

c. If actual charges are determined to be less than the prepayment, any overpayment shall be refunded promptly. If actual charges are more than the prepayment, any amount due shall be paid promptly by the requestor after receiving notice of the deficiency of the estimate.

SECTION 7. Public Records Exemption. Public records exempt under ORS Chapter 192 are exempt from disclosure by the City of Cascade Locks. Some exemptions from public records disclosure listed in ORS Chapter 192 are conditional in nature, and require the weighing and balancing of public interests which favor disclosure against public interests that favor governmental confidentiality. Other records are unconditionally exempt from disclosure, as set forth in ORS Chapter 192. If a record contains material that is exempt as well as material which is not exempt, the Records Officer shall separate the exempt and non-exempt material and make the non-exempt material available for examination.

SECTION 8. Effective Date. This resolution shall become effective upon adoption by the City Council and approval by the Mayor.

SECTION 9. Expiration. This resolution shall remain in effect until repealed by the City Council.

ADOPTED by the City Council this **10th** day of **November**, 2008.

APPROVED by the Mayor this **10th** day of **November**, 2008.

ATTEST:

Mayor

City Recorder

EXHIBIT A TO RESOLUTION NO. 1152

**PUBLIC RECORDS REQUEST FORM
City of Cascade Locks
City Recorder's Office**

Notice: Oregon Public Records Law grants each person the right to inspect the records of a public body (unless exempt from disclosure). ORS 192.430 allows the public body a reasonable time to respond to a records request and ORS 192.440(5) authorizes the public body to charge fees associated with the requests. City of Cascade Locks fees are set by Resolution No. 1152. Prepayment will be required for requests that exceed \$10.00. Senate Bill 554 requires that a public body respond in writing to a public records request. You will be given a copy of this form when the City processes your records request to serve as that notification.

Your signature below acknowledges that you have read, understand, and accept financial responsibility for the fees associated with this public records request.

Signature: _____ Date: _____

Requestor Information:

Name Mailing Address

City State Zip

Daytime Phone Number Fax Number Email Address

Document Information:

Describe the information/records you are requesting being specific enough for the City to determine the nature, content, and department within which the records you are requesting may be located. Provide specific dates whenever possible. Use additional sheets of paper if necessary.

Return Form to: Mail or drop off: City Hall, City Recorder, PO Box 308, 140 WaNaPa Street, Cascade Locks, OR 97014.

Fax: 541-374-8752

Email: kwoosley@cascade-locks.or.us

FOR STAFF USE

Date Request Received: _____ Date copy of form provided: _____
Staff Initial: _____ Via: Mail Email Fax Pick up at City Hall

This Records Request:

- Was completed on (date): _____
- Was referred to the City Attorney on (date): _____
- Will required more time to process (Estimated completion date): _____
- Will exceed \$10.00 so will require repayment. (Estimated amount due prior to completion): _____
- Was unable to be completed because the City is not in possession of the records.
- Was unable to be completed because the records are exempt under state or federal law.
- Other: _____

EXHIBIT B TO RESOLUTION NO. 1152

CITY OF CASCADE LOCKS ADMINISTRATIVE POLICY ON PUBLIC ACCESS TO DOCUMENTS

OBJECTIVE:

Defines conditions by which an individual may obtain, through public records laws, multiple copies of a document and/or copies of many documents which the office staff cannot immediately process.

PROCEDURE:

1. Any single document, which is easy to access and which is not exempt from public disclosure, will be shown upon request or in as timely a manner as possible.
2. If portions of a requested document or documents are exempt from public disclosure, the City will charge a fee for the cost of redacting the exempt material at a rate based on the wages and administrative overhead of the Records Staff.
3. Persons with requests for documents which require extensive research and copying will pay an hourly fee, based on the wages and administrative overhead for the Records Staff. A per-page copy fee shall also apply.
4. Charges for maps, large documents or nonstandard size documents shall be charged in accordance with fees assessed by an outside vendor, plus staff time to deliver and retrieve the documents, at the same hourly rate as calculated for Research Fees.
5. The City Recorder may obtain legal advice from the City Attorney before releasing any documents if there is a question regarding exemption status.
6. The City Council may establish fees that are reasonably calculated to reimburse the City for its actual cost in making such records available. This fee may include the costs for summarizing, compiling, or tailoring a record, either in organization or media, to meet the person's request; a charge for time spent by the City Staff in locating the requested records, reviewing the records in order to delete exempt material, supervising person's inspection of original documents in order to protect the records, copying records, certifying documents as true copies, or sending records by special methods such as express mail; and, a charge for attorney time reviewing and segregating records.
7. A written response must formally acknowledge the receipt of the request and include at least one of the following:
 - A statement that the public body is not in possession of the requested records;
 - A request from the public body clarifying the request;
 - Copies of the requested records;
 - A statement that the public body is in possession of at least some of the requested records, the amount of time the public body needs before the records will be available to the requestor and a cost estimate for providing the records;
 - A statement that the public body is uncertain if it is in possession of the records and the amount of time the public body needs to search for the records; or
 - A statement that the public records are exempted from public disclosure under state or federal law.
8. The City shall provide a copy of this Policy as a written procedure for public records requests. Requests for information shall be in writing on a form provided by the City Recorder, a copy of which follows as

Exhibit B to Resolution No. 1152. The form shall also serve as the City's response as required in Section 7, above.

9. The City is not required to produce or create new information to extract data, but will provide available, no-exempt data or information.

REVIEW OF ORIGINAL RECORDS

If a request to review original records is made, the City shall permit such a review provided that search fees are paid in advance. A representative of the City shall be present at any time original records are reviewed.

At no time shall an original record of the City be removed from the City's files or the place at which the record is regularly maintained, except upon written authorization of the City.

If any person attempts to alter, remove, or destroy any original record, the City representative shall immediately terminate such person's review and notify the City Attorney.