

**RESOLUTION NO. 424  
CITY OF DEPOE BAY**

**A RESOLUTION ESTABLISHING A PUBLIC RECORDS REQUEST POLICY; RESCINDING AND REPLACING FEES SET FORTH IN RESOLUTION NO. 262 - SECTIONS 2 AND 3**

WHEREAS, under Oregon Public Records Law, every person has a right to inspect nonexempt public records of the City of Depoe Bay, subject to reasonable procedures and restrictions; and

WHEREAS, the City of Depoe Bay recognizes and respects the public's right to public records and the importance of maintaining 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 duplication services, both in terms of staff labor and materials, often places a considerable burden on the City's resources; and

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

WHEREAS, the City desires to establish a system of regulations and procedures, including fees and charges, which provides reasonable access to nonexempt public records and the recovery of the City's actual reasonable costs, including labor and materials, incurred in making public records available.

NOW, THEREFORE, the City Council of the City of Depoe Bay hereby resolves as follows:

**1. Levels of Requests:**

- A. Level 1 Request: does not require a written request or payment of a fee. Requested document must be current and readily available and require no additional staff time or resources to be made available. These types of documents are intended for public distribution, such as information brochures, agendas and permit applications.
- B. Level 2 Request: must be made in writing. This type of request may require extensive staff time and/or attorney review. Request must clearly and correctly identify the requested records. City Staff furnishes written time and cost estimate for proceeding with the request. The requestor must submit written authorization to proceed and pay the estimated costs before any staff time or materials are expended responding to the request.

- 2. Records Request Information:** A written records request shall include the date, name, address and contact information of the requestor and a complete and detailed description of the materials requested and, where relevant, the purpose for which the request is made. When known to the requestor the request shall include any other pertinent information, such as file number or year of creation, which may assist City staff to readily locate the records sought. The request may require follow up by City staff to identify what is being requested. In lieu of completing the City's Public Records Request form, a written request which includes all information required on the form may be accepted. The City will not author or prepare any new documents in response to a records request. A City staff member must review the public record to make certain the record does not contain any exempt from disclosure information before releasing the public record. City records shall be released only under the condition that the public records are not exempt from disclosure under State statute.

**3. Inspection of Records:** 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 rummage through file cabinets or files, or the right to disassemble, alter, or change the order of materials in files. Except for arrangements at the discretion of the City, inspection of public documents shall occur during normal business hours. Any inspection shall occur at a time mutually convenient to the requestor and the City. A City staff member must be present while any public records are being inspected to insure protection of the records. Original public records shall not be taken out of the custody of the City. A City staff member must review the public record to make certain the record does not contain any exempt from disclosure information before releasing the public record for inspection.

**4. City Response, Preparation of Cost Estimate:**

- A. Level 1 Request: City staff shall make every attempt to provide information for Level 1 requests on the same day. There is no fee for Level 1 requests.
- B. Level 2 Request: City staff shall prepare an estimated cost bill reflecting the full cost of City staff time and materials required to complete the request, including time for retrieval, copying, preparation, assisting the requestor, separating exempt from nonexempt materials as provided by State statute, organization of the results and delivery of the search results. The estimated cost bill may include a fee for the cost of City Attorney time spent to assess disclosure requirements of the information requested, or to review the public records and redact or segregate material into exempt and nonexempt records. There shall be no charge for the first half hour of City staff time required to respond. City Staff will furnish a written time and cost estimate for proceeding with the request to the requestor within one to five business days. The requestor must submit written authorization to proceed and pay the estimated cost bill before any City costs are incurred responding to the request.

**5. Fees, Fee Waivers or Reductions**

A. Fee Schedule:

- <u>Letter size copy</u>	<u>25¢ per sheet</u>
- <u>Large (11 x 17) &amp; Color copy</u>	<u>50¢ per sheet</u>
- <u>Large (out source) copy</u>	<u>At actual cost to City</u>
- <u>Sound recording copy</u>	<u>\$ 8.00 per audio tape</u>
- <u>Faxes – outgoing</u>	<u>\$ 2.00 first page, 50¢ each additional page</u>
- <u>Electronic copy to CD or DVD</u>	<u>\$ 13.50/disk</u>
- <u>Electronic copy sent via email or loaded to requestor provided compatible media</u>	<u>\$ 0 for less than 5 MB, staff time for larger</u>
- <u>Paper document scan to PDF</u>	<u>50¢ per page</u>
- <u>City Staff time</u>	<u>\$ 30.00/hour, minimum ¼ hour</u>
- <u>City Planner &amp; City Attorney</u>	<u>At actual cost/hourly rate</u>

B. Waivers or Reductions

- Copies of routine materials requested by any City elected or appointed official will be furnished without charge if the request relates to information needed in his/her official capacity. Other materials requested will be charged at the fee described above.
- Copies of routine materials requested by the news media will be furnished without charge. Any non-routine materials, and any request by the news media which requires more than ½ hour staff time will be charged at the fee described above.

- Copies of routine materials personal to a requestor will be furnished without charge. Any non-routine materials requested will be charged at the fee described above.
- Routine materials are defined as those items produced during the City's regular course of business. Sound recording copies are not routine materials.
- Copies of public records may be furnished without cost or at a reduced cost, if the City determines that a waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
- A person requesting a waiver or reduction of fees shall file a written request which includes the requestor's name and address, the purpose for which the requestor intends to use 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. A request for waiver or reduction of fees will be presented to the City Council at the next regular Council meeting following receipt of the request. The City Council will review the request while considering the requestor's ability to pay and any financial hardship on the City that may arise from granting the waiver or reduction. The decision of the City Council on any fee waiver or reduction is final.

Passed and adopted by the City Council this 4<sup>th</sup> day of December, 2012.

  
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Mayor

Attest:   
City Recorder