

City of Veneta
Exhibit "A" to Resolution No. 1231
Public Records Request Policy & Fees

Pursuant to Senate Bill 481, Section 3 – ORS 192.440 Subsection (2) is amended to read as follows: Effective January 1, 2018, the City of Veneta will acknowledge requests for public records within 5 business days and will fulfill or issue written response within 10 business days from acknowledgement by including one or more of the following:

- (a) Confirm that the public body is the custodian of the requested record;
- (b) Inform the requestor that the public body is not the custodian of the requested record; or
- (c) Notify the requestor that the public body is uncertain whether the public body is the custodian of the requested record.

Oregon law states that every person has a right to inspect any non-exempt public record. Oregon Revised Statute (ORS) 192.410 defines a "public record" as any writing containing information relating to the conduct of the public's business, prepared, owned, used or retained by a public body regardless of the physical form or characteristics. ORS 192.410 goes on to define "writing" as handwriting, typewriting, printing, Photostating, photographing and every means of recordings of any type, which includes letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, discs, drums or other documents.

Requests to inspect records shall be referred to the City Recorder, who may consult with the applicable department director, or his or her designee, prior to allowing inspection or releasing copies of such records.

If there is doubt that the records requested for inspection are not clearly within the definition of "public record," or are exempt records, the request will be referred to the City's attorney for review and recommendation.

All requests shall be made in writing using the Public Records Request Form attached and incorporated into this policy by reference. Requester shall provide sufficient descriptive information to enable staff to identify and locate the records requested.

The City has established fees to reimburse it for costs associated with making public records available, as outlined below. You will be advised of the fee required for the request and payment of the fee must be received prior to the requested material being released. Response timelines are suspended until all fees are paid in full. If the requester fails to pay the fee within 60 days of the date the City informed the requester of the fee, or fails to pay the fee within 60 days of the date on which the public body informed the requester of the denial of the fee waiver, the public body shall close the request.

The City may request additional information or clarifying information in good faith to expedite its response to a request. Response timelines are suspended until such information is provided by the requester or the requester affirmatively declines to provide the information. If the requester fails to respond within 60 days to a good faith request from the City for additional information or clarification, the City shall close the request.

If the records requested are documents which are produced by the City for general distribution and printed copies are available, i.e., City Council Agenda, brochures, etc., a copy of each document will be provided at no charge.

1. STAFF TIME & COPIES:

- a) If a request for records of the City can be located and produced in less than fifteen minutes, the records will be provided at the actual cost for copying and delivery charges.
- b) If a request for records of the City requires personnel to spend more than 15 minutes searching or reviewing records prior to their release or copying or if the request requires monitoring of original records, the minimum fee shall be the actual hourly wage/benefits of the staff individuals involved, with a minimum of one-quarter hour charge.
- c) The City Recorder shall prepare an estimate of the time required to provide the materials, and the fee shall be paid prior to the actual search and copying. If the amount of time involved is less than estimated, the excess money shall be refunded to the individual. If the actual cost is in excess, the difference shall be paid by the individual at the time the documents are obtained. Copies of other records including records kept in a non-documentary form (oversized documents, maps, faxed documents, audio/visual recordings, microforms, electronic records, and other non-standard records) will be provided at the rate described in Oregon Administrative Rule (OAR) 166-010-0016 unless the cost is specifically set by the City of Veneta. Records which may not be covered in OAR 166-010-0016 or a City schedule will be charged back at the City's actual cost for duplicating and delivery charges.

2. ATTORNEY TIME: Copies of records that require attorney time for segregation of exempt from non-exempt material will be provided at the City's actual cost for attorney time, copying, and delivery charges. Staff will advise the person requesting the records of the attorney's billing rate and obtain a deposit equal to one hour of attorney time. If the amount of time involved is less than estimated, the excess money shall be refunded to the individual. If the actual cost is in excess, the difference shall be paid by the individual at the time the documents are obtained.

3. FEES:

- a) Photocopies: Copies of public records up to 11" X 17" shall be provided at a charge of 30 cents (\$0.30) per single-sided page.
- b) Postage: The actual cost of postage shall be charged for records that are requested to be mailed.
- c) Other Media: Copies of records that must be professionally duplicated or copied to other media shall be charged at the actual cost of copying in addition to the cost of the media and staff time required for preparation and delivery of the records.