

RESOLUTION NO. 2010-524

A RESOLUTION ESTABLISHING THE CITY OF BURNS'S PUBLIC RECORDS
REQUEST POLICY AND PROCEDURES.

WHEREAS, the City of Burns (the "City") desires to ensure that all requests for public records are handled in a manner that complies with the Oregon Public Records Law, ORS 192.410 - 192.505, as amended from time to time; and

WHEREAS, the City desires to provide reasonable measures to (a) protect and preserve the integrity of the City's public records, and (b) maintain office efficiency and order.

NOW, THEREFORE, BE IT RESOLVED, by and through the Burns City Council (the "City Council") meeting in regular session, that the City of Burns Public Records Request Policy attached hereto as Exhibit A (the "Records Request Policy") is hereby approved and adopted.


BE IT FURTHER RESOLVED, that the Records Request Policy supersedes and replaces any existing and/or previously adopted or approved City public records request policies and procedures in their entirety.

APPROVED, ADOPTED, AND MADE EFFECTIVE by the City Council on this 9th day of June, 2010.



Len Vohs, Mayor

ATTEST:


Dauna Wensenk, City Recorder

CITY OF BURNS
Public Records Request Policy

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1.0 Purpose and Compliance. The purpose of this policy is as follows: (a) ensure that all requests for public records are handled in a manner that complies with the Oregon Public Records Law, ORS 192.410 - 192.505, as amended from time to time; (b) provide reasonable measures to protect and preserve the integrity of the public records of the City of Burns (the "City"); and (c) maintain office efficiency and order.

2.0 Public Records Requests - Procedure.

2.1 Method of Records Requests. A request for public records that are in the custody of the City must be made by submitting a written request, on the form prescribed by the City, to the following:

City of Burns
Attn: City Recorder
242 South Broadway Avenue
Burns, Oregon 97720
Telephone: 541-573-5255
Facsimile: 541-573-5622
Email: [email.address of the City Recorder]

A public records request may be submitted in person, by mail, by facsimile, or by electronic mail.

2.2 Specificity of Records Requests. All requests for public records must be dated and signed by the person (the "Requestor") requesting to inspect the public records or receive a copy of the public records. In addition, in order to facilitate the public's access to public records in the City's possession, and to avoid unnecessary expenditure of the City's personnel time, a request to inspect public records or receive copies of public records must contain the following minimum information: (a) the Requestor's name and address; (b) the Requestor's telephone number or other contact information; and (c) a sufficiently detailed description of the public records requested, including the dates, subject matter, and such other information concerning the requested public records as may be necessary to enable City personnel to search for and readily locate the desired public records.

2.3 City Response. The City will respond to requests to inspect public records or receive a copy of public records as soon as practicable and without unreasonable delay. The City may request additional information or clarification from the Requestor for the purpose of expediting the City's response to the request. The response of the City must acknowledge receipt of the request and must include the information required under ORS 192.440(2). The City will provide the Requestor an estimate of the costs of making the public records available for inspection or providing copies. The City will also advise the Requestor that the requested public records will not be released without the City's receipt of the estimated fees for providing the service. Failure of the City to advise the Requestor of his or her prepayment obligation will not relieve the Requestor of the obligation to pay the prescribed fees.

2.4 City Attorney. Routine public records requests will be handled by the City Recorder. More complex public records requests and/or public records requests that may implicate the application of one or more statutory exemptions from disclosure will be submitted to the City Attorney for review and evaluation. After reviewing and evaluating the public records request, the City Attorney (a) will make a determination as to whether the public records request may be processed, and (b) will inform the City whether to process the public records request. If the City

Attorney determines that the City is unable to process the requested public records, the City Attorney will provide the Requestor a written response identifying the basis for the denial.

2.5 Access to Public Records. The City will permit inspection and examination of its non-exempt public records during regular business hours in the City's offices, or such other locations as the City may reasonably designate from time to time: Copies of non-exempt public records maintained in machine readable or electronic form will be furnished, if available, in the form requested. If not available in the form requested, such public records will be made available in the form in which they are maintained. The City is not required to engage in any of the following activities: (a) create any new public records and/or customize any existing public records in response to a public records request; (b) produce "lists" of public records that are not already available in the form of a "list"; (c) create a public record to disclose the reasoning behind the City's actions or other knowledge the City personnel may have; and/or (d) explain or answer questions or provide legal research and analysis on or about any public records.

2.6 Public Records Request Form. A request for public records must be made by submitting a written request to the City on the form prescribed by the City. The public records request form will be made available to the public at the City and on the City's website. The City may make modifications to the public records request form at any time and from time to time as the City deems necessary or appropriate.

2.7 Certified Copies. Certified copies of non-exempt public records will be furnished upon request and receipt of payment therefor.

3.0 Fee Schedule.

3.1 Fees for Public Records. In order to recover the City's actual cost for responding to public records requests, the City adopts the fee schedule attached hereto as Schedule 3.1.

3.2 Fees Exceeding \$25.00. The City will not charge a Requestor a fee for making the public records requested available for inspection, or for providing copies of the same, in excess of \$25.00 unless the City first provides the Requestor written notification of the estimated amount of the fees and the Requestor confirms that the Requestor wants the public body to proceed with making the public records available.

3.3 Advance Payment of Fees. All estimated fees for making the public records requested available for inspection, or for providing copies of the same, must be paid before the public records will be made available. If the City's estimate of fees exceeds the actual cost, the overpayment will be refunded by the City to the Requestor. If the City's estimate of fees is less than the actual expense incurred by the City to process the records request, the Requestor will pay such additional fees before the public records will be made available. Public records will not be released for inspection or copying unless the City has received payment from the Requestor for providing the requested public records.

3.4 Reduced Fee or Free Copies. The City may furnish copies of any public record without charge or at a substantially reduced fee if the City determines that the waiver or reduction of fees is in the public interest because making the public record available primarily benefits the general public.

3.5 Modifications to Fee Schedule. Schedule 3.1 may be modified at any time by resolution of the City Council. Any change to Schedule 3.1 will apply as of the effective date of the resolution modifying Schedule 3.1 and will not apply retroactively to any public records request that has been submitted and processed prior to the effective date of such resolution.

4. Original Records.

4.1 Authorization Required for Removal of Original Records. At no time will an original public record be removed from the City's files or the place at which the public record is regularly maintained except upon authorization of the City Recorder.

4.2 On-Site Review of Original Records. If a request to review original public records is made, the City will permit such review provided that search fees are paid in advance in accordance with Section 3. If the City deems necessary or appropriate, the City may require that City personnel be present during the review of any original records. The person reviewing the original records will be charged for the City personnel's time for being present while the original records are being reviewed.

4.3 Unauthorized Alteration, Removal, or Destruction of Original Records. If any person attempts to alter, remove, and/or destroy any public record, the City's representative will immediately terminate such person's review and will notify the City Attorney.

Schedule 3.1
Fee Schedule for Public Records Requests

1. Copies of Public Records; Certified Copies. Copies of public records are \$1.00 per copy for standard, letter size copies. Copies may be certified for an additional charge of \$10.00.
2. Copies of Sound Recordings. Copies of sound recordings of meetings are \$20.00 per copy.
3. Copies of Maps and Other Non-Standard Documents. The actual cost to the City for copying maps or other non-standard size documents will be charged to the Requestor.
4. Records on Compact Disk. Copies of public records may be provided on compact disk if the record(s) are stored in the City's computer system. Disks will be provided at a cost of \$10.00 per disk and may contain as much information as the disk will hold. Due to threat of computer viruses, the City will not permit a Requestor to provide disks for electronic reproduction of computer records.
5. Records Transmitted via Facsimile and Electronic Mail. The cost of public records transmitted by facsimile is \$2.00 for the first page and \$1.00 for each additional page, limited to a 25 page maximum, not including the cover page. The cost of public records transmitted by electronic mail is \$2.00 per electronic mail, plus \$0.50 cents per page, and is limited to 10 MB in size per electronic mail.
6. Labor Costs. The City's personnel time for researching, locating, compiling, editing, summarizing, tailoring, or otherwise processing information and records will be at the hourly rate (or its equivalent) of the personnel responsible for processing the information or public records request, which time will be charged in quarter-hour increments; provided, however, the City may waive the City's labor costs for a public records request requiring 10 or fewer minutes of total personnel time. The City will estimate the total amount of time required to respond to the public records request and the Requestor will make payment for the estimated cost in advance. If the actual time and costs are less than estimated, the excess amount paid will be refunded to the Requestor. If the actual time and costs are more than estimated, the difference will be paid by the Requestor at the time the public records are produced (but before the public records are made available).
7. Delivery and Postage. The Requestor will pay the actual cost for delivery of the public records, including postage or courier fees.
8. Attorney Fees. As applicable, the Requestor will pay the actual attorney fees charged to the City for the cost of time spent by the City Attorney reviewing the public records, redacting material from the public records, and/or segregating the public records into exempt and nonexempt records. The cost of the City Attorney's time spent determining the application of the Oregon Public Records Law will not be included in the "actual attorney fees."
9. Additional Charges. If a request is of such magnitude and nature that compliance will disrupt the City's normal operation, the City may impose such additional charges as are reasonably necessary to reimburse the City for its actual costs of producing the requested public records.

Capitalized terms contained in this Schedule 3.1 that are not defined in this Schedule 3.1 have the meanings assigned to them in Resolution No. 2010-523.

CITY OF BURNS
Public Records Request Form

This Public Records Request Form must be completed and submitted to the City of Burns in order to inspect or obtain copies of the City's public records (as defined under ORS 192.410 - 192.505). Persons interested in making a public records request are advised to review the City's Public Records Request Policy (Resolution 2010-___). You may contact the City Recorder if you have any questions or concerns regarding this form or the public records request process.

A. Requester Information

Name of Requesting Individual: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____ Facsimile No.: _____ Email: _____

B. Record(s) Requested

Describe the public record(s) you are requesting. Please provide a sufficiently detailed description of the public record(s) requested, including the dates, subject matter, and such other information concerning the requested public record(s) as may be necessary to enable City personnel to search for and locate the public record(s).

C. Purpose of Records Request

Because the identity and motive of the person seeking disclosure of a particular public record may be relevant in determining whether a record is exempt from mandatory disclosure under a conditional exemption, please provide a brief statement as to the purpose of your public records request.

D. Receiving Record(s)

Please specify the delivery/inspection date desired and preferred method of receiving the requested public record(s), if applicable. The City does not guaranty that the requested public record(s) will be delivered or made available by your desired delivery/inspection date.

I would like to view/inspect the record(s) on _____.

I would like to receive copies of the requested public record(s) not later than _____ by:

Mail

Facsimile

Will pick-up

Email

