

## CITY OF OREGON CITY RESPONDING TO PUBLIC DOCUMENTS AND RECORDS REQUESTS

### PURPOSE

The purpose of this policy is to recognize the right of every person to inspect any non-exempt public record of the City, the importance of maintaining orderly files to facilitate public access in an efficient manner and the need to establish reasonable fees and charges for labor and material costs incurred in making public documents available.

### APPLICABILITY

This policy applies to all City staff and external persons.

### IN GENERAL

- A. **Document Requests.** Document requests must be in writing and shall include the name and mailing address of the requestor and a complete and detailed description of the materials requested. Where known to the requestor, the request shall include information such as the departmental file number, year of creation and any other pertinent information that may assist City staff in locating the requested documents. The City will not author or prepare any new documents in response to a records request.
- B. **Document Inspection.** A person making a public documents request may personally inspect the requested documents, but the right to inspect documents does not include the right to rummage through file cabinets or file folders or the right to disassemble or change the order of materials in files or document binders.

Inspection of public documents shall occur during normal business hours. Any request which requires more than one-half (1/2) hour of staff time shall occur at a time mutually convenient to the requestor and the affected staff person.

Original documents shall not be taken out of the custody of the City except through special arrangement with City staff, which assures documents will be returned in the original condition and order. A City staff member should be present while any original public records are being inspected to insure protection of the documents.

- C. **Cost Estimate.** When presented with a public document request, the affected City department shall first prepare an estimated cost bill reflecting the full, actual cost of City staff time and materials required to complete the request, including time required for retrieval, copying, preparation, assisting the requestor, separating exempt from non-exempt materials as provided by ORS 192.496 through 192.502, organization of the results, and if requested, delivery of the search results.

- D. **Request Response Time.** The City shall respond to all public documents requests as soon as practical and without unreasonable delay or within five (5) business days or, within five (5) business days explain why more time is needed for a full response. One such reason for delay would be an instance where staff needs to consult with the City Attorney's office to obtain legal advice prior to releasing documents. This will be necessary when the City is presented with a physically extensive or legally complex document request.
- E. **Labor Costs.** The cost bill estimate for staff time will be based on the staff person's regular hourly wage rate multiplied by the time estimated to respond to the request. The current percentage for compensation for City benefits received by the staff person will be added. There will be no charge for the first half hour of staff time required to respond to a documents request. The staff people who respond to public records request shall be those with the lowest hourly wage that are qualified to respond to the request.
- F. **Materials Costs.** If the request entails less than one-half (1/2) hour of staff time, then copying charges shall be included at the rate of fifty (.50) cents per page if twenty (20) or fewer copies are made; twenty-five (.25) cents per page if twenty-one (21) to fifty (50) copies are made; and fifteen (.15) cents per page if the project entails more than fifty (50) copies. If the documents are removed from City custody for copying at a commercial copy shop, the requestor shall be responsible for the actual cost of the commercial copying. If delivery of the copied material is requested, mailing or delivering costs shall be included in the estimated cost bill. If the request requires retrieval of documents stored offsite at the City's document storage facility, then a \$20.00 retrieval fee will be charged to access the information. Extensive box retrieval will be charged at normal facility retrieval costs.
- G. **Fee Collection.** If the estimated cost bill is twenty-five (\$25.00) dollars or more, the City shall require a deposit in the full amount of the estimate before expending any additional City resources toward responding to the document request. The affected City department shall proceed to fulfill 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 full actual costs, calculated in accordance with this policy are received in full. If the actual cost of responding to the request is less than the estimated cost bill, then the balance of the deposit will be refunded promptly.
- If the estimated cost bill is less than twenty-five (\$25.00) dollars, the affected department shall proceed to fulfill the request and shall present a cost bill for the City's full actual expenses, calculated in accordance with this policy and payable in full upon receipt of the request result. The affected department will not release the request result until the cost bill has been paid in full.
- H. **Waiver or Reduction of Fees.** Copies of public records may be furnished without cost, or at a reduced cost, if the City Manager determines that a waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
1. A person requesting a waiver or reduction of fees shall file a written request which includes his/her name and address, the purpose for which the documents are sought, the nature of the information and whether he/she can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. The City Manager 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.

2. Any requestor disabled within the meaning of the Americans With Disabilities Act may also apply for a waiver or reduction of fees for any of the cost of complying with the request that were due to the requestor's disability.
3. Copies of routine materials requested by the news media will be made available without charge. Any request which requires more than one-half (1/2) hour of staff time will be charged according to this policy.
4. Copies of routine materials, personal to the requestor, will be furnished without charge, except for policy reports. Any request which requires more than one-half (1/2) hour of staff time will be charged according to this policy.
5. Copies of routine materials requested by any Oregon City public official or advisory committee member will be furnished without charge if the request relates to information needed in the requestor's official capacity.

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LARRY PATTERSON, City Manager

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Date

# Public Records Request



**City of Oregon City**  
 625 Center St.  
 Oregon City, OR 97045  
 503-657-0891

**Submit request to:** City Recorder, Fax: 503-657-7026 or E-mail: recorder@orcity.org

Name: _____	Phone: _____
Address: _____	E-mail: _____
City/State/Zip _____	

Provide detailed description of documents requested: *(Attach additional sheet if needed)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REQUESTOR TO READ AND SIGN UPON SUBMITTING REQUEST**

I understand that every person has a right to inspect any public record of a public body in this state, except as otherwise provided by ORS 192.496 to 192.505. I understand that the documents or records requested may not be immediately available for my review and that I may need to make an appointment to review the documents or records. I acknowledge that there may be a cost for the research time to retrieve the requested records and costs for duplication of requested documents. If research time is required, I understand I will be notified of the estimated cost prior to retrieving the documents or records. I also understand that prepayment for research time and copies may be required. I acknowledge that any documents or records made available to review must not be disassembled and must be left intact, and that I cannot make copies myself.

\_\_\_\_\_

Signature of Requestor Date

Business Name *(if applicable)*: \_\_\_\_\_

**FOR INTERNAL USE ONLY**

Department:  Planning  Building  Public Works  Code Enf.  Finance  City Recorder  Other \_\_\_\_\_

*(See fee schedule for costs)*

Copies: \$.50 ea. (first 20 pgs.)                      # Copies made: \_\_\_\_\_ \$ \_\_\_\_\_  
           \$.25 ea. (21-50 copies)  
           \$.15 ea. (50+ copies)

Research fee *(first 1/2 hour no charge)*:              Length of time: \_\_\_\_\_ \$ \_\_\_\_\_

Other media or materials: \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

Receipt # \_\_\_\_\_ Total amount received \$ \_\_\_\_\_

**Request Filled By:** \_\_\_\_\_

**RETURN THIS FORM TO CITY RECORDER**

## **INSTRUCTIONS FOR REQUESTING PUBLIC RECORDS \***

1. Requests must be in writing using the form provided. (Please note, the City will not create a new document in response to a records request.)
2. Submit request to the City Recorder, 625 Center St, Oregon City, OR 97045, or by fax at 503-657-7026, or by e-mail at recorder@orc.org. Police records requests are processed through the Police Records Division. Contact the police records manager at 503-657-4964 for proper form.
3. The City shall respond to all requests as soon as practical and without unreasonable delay within five (5) business days or, within five (5) business days will explain why more time is needed for a full response.
4. If inspection of documents is preferred over copies, such inspection shall occur during normal business hours. An acceptable inspection time and place will be arranged between the requestor and the staff person. Space is provided for one person to inspect records per request.
5. The City will submit a cost estimate to the requestor to provide the requested documents, including copying charges, research time (if required), and separating exempt from non-exempt materials. There is no research cost for the first ½ hour of staff time. Requestor must confirm to the City to proceed with the request following receipt of the cost estimate.
6. If the estimated cost is \$25.00 or more, the City shall require a deposit in the full amount of the estimate before fulfilling the request. If the actual cost exceeds the estimate, the City will not release the documents until the fee is received in full.
7. If the estimated cost is less than \$25.00, the City will fulfill the request and present the requestor with an invoice to be paid before release of the documents.
8. If the record requested is in storage offsite at the City's document storage facility, a fee is charged for its retrieval.

### **COSTS FOR MISCELLANEOUS CITY SERVICES**

Photocopying	
Black & White and Color Copies:	
1-20 pages (per page)	\$0.50
21-50 pages (per page)	\$0.25
50+ pages (per page)	\$0.15
Cassette Tape or CD Duplication (per event/meeting)	\$25.00
Annual Budget (per copy)	\$25.00
Oregon City Municipal Code Supplements – per printing	Varies
Returned Checks (all departments)	\$25.00
List of Oregon City Businesses and Vendor List (hard copy or electronic)	\$25.00
Carton Retrieval from Document Storage (Recall) (1 box; \$7.00 each additional box)	\$35.00
Research Cost: Staff hourly wage, plus benefits (first ½ hr. free)	Varies

\* See Oregon City Resolution No. 08-30 for detailed instructions.