

RESOLUTION 261-2019

A RESOLUTION OF THE CITY OF RIVERGROVE ADOPTING A PUBLIC RECORDS POLICY, INCLUDING FEES AND FORMS

WHEREAS, the City is a custodian of the public record;

WHEREAS, citizens of the City are entitled to open access to public records;

WHEREAS, the City recognizes the right of every person to inspect any non-exempt public record of the City;

WHEREAS, the City recognizes the importance of maintaining orderly files to facilitate public access in an efficient manner;

WHEREAS, the City recognizes the need to establish reasonable fees and charges for labor and material costs incurred in making public documents available;

WHEREAS, the City has no tax base and limited resources to ensure that it meets all of its obligations regarding maintaining public records and ensuring they remain available to all citizens; and

WHEREAS, the City believes it is appropriate to have the requestor pay an appropriate amount to ensure that the City recovers its costs in making its records available to the citizens of Rivergrove,

NOW, THEREFORE, THE CITY OF RIVERGROVE RESOLVES AS FOLLOWS:

Section 1. Resolution 212-2008: A Resolution Establishing a Public Records Policy is hereby repealed.

Section 2. The City hereby adopts a public records request policy as follows:

a. Applicability. This policy applies to all public record requests in the City of Rivergrove and governs the actions of staff and consultants working for the City.

b. Preservation. The City hereby adopts the record retention schedule promulgated by the Oregon Secretary of State in OAR Division 166-200.

Section 3. Public Record Requests.

a. Document Requests. Document requests must be shall be made on the form attached to this ordinance and shall include the information as provided on that form, most particularly, a complete and detailed description of the materials requested to the extent known by the requestor. 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.

b. Creation of Documents. The City will not author or prepare any new documents in response to a records request.

c. Document Inspection. Any person has the right to personally inspect any document retained by the City, 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. A City staff member shall be present while any original public records are being inspected to insure protection of the documents. Any request 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 shall assure that the document(s) will be returned in the original condition and order.

d. Cost Estimate. When presented with a public document request, the City Manager shall first prepare an estimated cost bill reflecting the full, actual cost of City staff time, contractor costs, 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.

e. Request Response Time. The City shall endeavor to respond to all public documents requests as soon as practical and without unreasonable delay or within five (5) business days. To the extent necessary, the City shall endeavor to provide within five business days a written explanation to the requestor if 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.

f. 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. To the extent the City chooses to use a contractor to complete the request, the City will charge the contractor's actual cost.

g. 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. Charges for large-scale documents are actual cost + 15%. 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,

including any transportation costs. 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 the actual cost of the retrieval fee charged by the storage facility will be charged to retrieve the document(s).

h. 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 City 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 City 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 requested documents. The affected department will not release the requested documents result until the cost bill has been paid in full. To the extent a requesting party has outstanding charges for previous document requests that have not been paid, the City shall not release the requested documents until all outstanding debts have been paid.

i. 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 that 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 that 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 that 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 Rivergrove public official or advisory committee member will be furnished without charge if the request relates to information needed in the requestor's official capacity.

1. The City of Rivergrove hereby adopts the attached Form for a Public Records Request.
2. The City of Rivergrove hereby adopts the attached Instructions for Requesting Public Records.
3. The City of Rivergrove hereby adopts the attached Fees for Miscellaneous City Services.
4. The City of Rivergrove hereby adopts the attached Response to Public Records Request.

Approved and adopted at the City Council meeting on the 13th day of May, 2019

4 Yeas
0 Nays



BRENDA RUBLE, Council President

Attested on this 13th day of May, 2019



John A. Leuthauser, City Manager/ City Recorder

Approved as to legal sufficiency



Bill Kabeiseman, City Attorney

**CITY OF RIVERGROVE
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 Rivergrove City Recorder through any of the following methods:

Regular mail:

Rivergrove City Recorder
P.O. Box 1104
Lake Oswego, OR, 97034

E-mail: manager@cityofrivergrove.com

Web form:

<https://www.cityofrivergrove.org/records-request>

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 transportation, 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 deposit, the City will not release the documents until the fee is received in full. The City shall not release any records to a person who has an outstanding debt to the City related to previous document requests.
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.

**CITY OF RIVERGROVE
FEES 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
Large Scale Copies	actual cost + 15%
Cassette Tape or CD Duplication (per event/meeting).....	\$25.00
Annual Budget (per copy).....	\$25.00
Returned Checks	\$25.00
City Municipal Ordinances – per printing	Varies
Research Cost: Staff hourly wage, plus benefits (first ½ hr. free).....	Varies
Carton Retrieval from Document Storage (Recall).....	at cost
Transportation and delivery services	at cost

**CITY OF RIVERGROVE
DOCUMENT REQUEST FORM**

Submit request to City Recorder at:

Mail: P.O. Box 1104, Lake Oswego, OR

E-mail: manager@cityofrivergrove.com

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

(See fee schedule for costs)

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

Large-scale Copies:
actual cost + 15% _____ \$

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

Other media or materials:

_____ \$
\$
\$
\$

Receipt #

Total amount received \$

Request Filled By: _____

**CITY OF RIVERGROVE
RESPONSE TO PUBLIC RECORDS REQUEST**

The City of Rivergrove acknowledges receipt of your request for public records. The City's response to your request at this time is (City Staff will check the appropriate box(s)):

The City does not possess some all of the records you have requested.

The City is not the custodian of some all of the records you have requested.

Copies of some all requested public records to which the City does not claim an exemption from disclosure under ORS 192.410 to 192.505, are enclosed available for your inspection by appointment only. Please contact _____ at _____ to arrange for a reasonable time to conduct your inspection.

The City is the custodian of at least some of the requested public records. The City estimates it will take ___ days before the public records you have requested may be inspected or copied. The City estimate it will cost \$_____ to retrieve the records. This amount must be paid to the City before any further work is done on your request.

The City is the custodian of at least some of the requested public records. The City estimates it will take ___ days to make an estimate of the time and fees for disclosure of the public records.

The City is uncertain whether the City possesses the public record you have requested. The City will search for the record and make an appropriate response as soon as practicable. The City estimates it will take approximately hours to complete this research and shall proceed with it upon deposit of \$ _____ to allow that research to occur.