

RESOLUTION NO. 2018-02
A RESOLUTION RESCINDING RESOLUTION NO. 2000-03 AND AMENDING
THE CITY OF ROSEBURG'S PUBLIC RECORDS REQUEST POLICY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON, that RESOLUTION NO. 2000-03, *PROVIDING PROCEDURES FOR REQUESTS, INSPECTION AND COPYING OF CITY RECORDS, PROVIDING FOR REVIEW OF RECORDS AND REQUIRING FEES FOR SUCH SERVICES*, as adopted by the Roseburg City Council on February 14, 2000, is hereby rescinded and replaced with the following:

CITY OF ROSEBURG PUBLIC RECORDS REQUEST POLICY

Section 1. Purpose. The City of Roseburg establishes this Public Records Request Policy in accordance with ORS 192.410 through 192.505 for purpose of formalizing a consistent method of responding to requests for public records in a manner that complies with the Public Records Law, while allowing for efficient management of the workload of City staff. This policy does not require the City to produce a record that does not exist or create a new record by extracting data from the City's computer programs or systems.

Section 2. Written Requests. Unless otherwise provided by these rules, requests for inspection and/or copies of public records shall be in writing on a form prescribed by the City and shall include the following:

- a. The name, mailing address, email address, phone number and signature of the person making the request or their authorized representative;
- b. A detailed description of the record(s) being requested and any pertinent information that may assist City staff in locating the requested record(s);
- c. A brief statement as to the purpose of the request; and
- d. The date of such request.

Section 3. Cost Estimate. Pursuant to ORS 192.440 (4), the City has the authority to charge for staff time spent in locating and reviewing the requested records and segregating exempt from nonexempt records, as well as the actual cost for City Attorney time spent reviewing, redacting and segregating such records. The cost for responding to public records requests shall be prescribed by the City Manager as set forth in this policy and in accordance with Roseburg Municipal Code Section 3.04.040.

Upon receipt of a records request, the requestor shall be advised the City will prepare an estimate of the cost involved with providing the requested records and that the requested records will not be released without the City's receipt of the estimated cost. Failure to so

advise the requesting party of such obligation shall not relieve the requesting party of the obligation to pay the prescribed fee. If the City has informed the requestor of the estimated fee, the obligation of the City to complete its response to the request is suspended until the requestor has paid the fee. If the requestor fails to pay the fee within 60 days of the date on which the City informed the requestor of the fee, or fails to pay the fee within 60 days of the date on which the City informed the requestor of the denial of the fee waiver, the City shall close the records request.

Section 4. Receipt and Acknowledgement of Request. Written requests for inspection or copies of City records shall be date stamped upon receipt and submitted to the City Recorder who shall keep on file a list of fees prescribed by the City Manager or his designee for processing public records requests. Unless impracticable as described under Section 7 of this Policy, the City Recorder shall acknowledge receipt of the request within five business days of receiving the request by either:

- a. Confirming that the City is the custodian of the requested records, providing the requestor with a copy of this Policy and advising the requestor pursuant to Section 3 of this Policy of an estimate of the cost involved with providing the records;
- b. Informing the requestor that the City is not the custodian of the requested records; or
- c. Notifying the requestor that the City is uncertain whether the City is the custodian of the public record and providing requestor with an estimated time it will take to make such determination.

Section 5. Response to Request. Except when compliance is impracticable for the reasons set forth in the following Section 7, within ten (10) business days after the date by which the City is required to acknowledge receipt of a records request the City shall either:

- a. Fulfill and complete the public records request as outlined in Section 6 of this Policy; or
- b. Provide the requestor with a written statement which explains that the City is working to fulfill the request and provides the requestor with a reasonable estimated date by which the City expects to complete its response to the request.

If the City has informed the requestor of a cost estimate pursuant to Section 3 of this Policy, the obligation of the City to complete its response to the request is suspended until the requestor has paid the fee or the fee has been ordered waived.

The City may request additional information or clarification from a requestor for the purpose of expediting the City's response to the request. If the City has requested such

clarification, the City's obligation to complete its response to the request shall be suspended until the requestor provides the requested clarification or affirmatively declines to provide that clarification. If the requestor fails to respond within 60 days of the City's request for clarification, the City shall close the request.

Section 6. Completed Response. The City may complete its response to a public records request by:

- a. Providing access to or copies of the requested records within the City's possession or custody that the City does not assert are exempt from public disclosure, or directing the requestor to the location where the requested records are already available to the public;
- b. Advising the requestor the requested records are exempt from disclosure and identifying the state or federal law that the City relied on for asserting the exemption from disclosure;
- c. Complying with ORS 192.505 by providing any requested record or portion thereof that is not exempt under ORS 192.501 and 192.502;
- d. To the extent the City is not the custodian of the records being requested, providing the requestor with a written statement to that effect; or
- e. To the extent that state or federal law prohibits the City from acknowledging whether the requested records exists or that acknowledging whether a requested record exists would result in the loss of federal benefits or imposition of another sanction, providing the requestor with a written statement to that effect, citing the state or federal law that the City relies on, unless the written statement itself would violate state or federal law.

Section 7. Exception to Response Deadline. The City shall not be required to comply with either the five (5) business day requirement to acknowledge receipt of a request for public records as described in Section 4 of this Policy; the ten (10) business day requirement to fulfill the request as described in Section 5 of this Policy; or to provide an anticipated deadline for fulfillment of a request, if compliance with such deadlines would be impracticable because:

- a. The City Recorder or Recorder's designee is unavailable to complete a response to the request for public records. The Recorder or Recorder's designee shall be considered unavailable when the Recorder or designee is on leave or is not scheduled to work.
- b. Compliance by the City would demonstrably impede its ability to perform other necessary functions; or
- c. The volume of public record requests being simultaneously processed by

the City makes complying with a particular request impracticable under the required time frames.

If the City is unable to meet the five (5) business day deadline to acknowledge receipt of a records request or to fulfill the records requests within (ten) 10 business days for reasons outlined in this Section, the City shall still acknowledge and respond to the request as soon as practicable and without unreasonable delay.

Section 8. Fees to Reflect Costs. When establishing the fees to be charged for completing public record requests, the City Manager shall base such fees on costs the City incurs for processing the request. These costs shall include, but not be limited to, personnel costs and costs associated with materials used in processing the request.

Personnel costs shall include, but are not limited to, employee's time spent while locating, reviewing and copying records and supervising public inspection of records. Costs shall be at an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in processing the request. Costs for photographs and other non-paper materials shall be reimbursed at actual costs as determined by the City Manager.

Section 9. Records Request or Fee Waiver Denied. If the City asserts that one or more of the requested records are exempt from disclosure, the City shall provide the requestor a written statement advising requestor of their right to seek review of the City's denial with either the Douglas County District Attorney or the Douglas County Circuit Court pursuant to ORS 192.450, 192.460, 192.465, 192.470, 192.480 and 192.490.

Further, if a requestor has asked for and been denied a fee waiver or reduction and believes the denial is unreasonable, the requestor may also petition the District Attorney or Circuit Court for review of such denial.

Section 10. Records Requested for Court Proceedings. The City shall not charge fees for costs incurred by the City when an employee of the City, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding. When the City is a party to a court proceeding and a request for copies of public records is made by a party or representative of a party to such proceeding in the course of discovery, then the cost to be charged for providing such copies shall be limited to those indicated in Section 8 of this Policy.

Section 11. City Manager Authority. The City Manager or his designee shall have the authority to:

- a. waive the requirement that the request must be in on a form provided by the City;
- b. waive fees if the request is of a one-time nature, requires copying of less than five (5) pages, requires no redaction and involves less than one-half hour of staff time to process;

- c. waive required compliance with this resolution in special cases where the public interest in supplying a public record free of charge outweighs the cost of furnishing the record;
- d. establish a particular charge or fee for routinely requested documents where the charge is a reasonable approximation of the City's cost; and
- e. periodically adjust fees to cover increased costs of providing public records.

Section 12. Exemption from Fees. The following individuals, groups or organizations shall not be charged a fee for photocopying costs or the first ½ hour of staff time required to process a public records request:

- a. any person requesting public records pertaining to a matter which specifically affects the person and is pending before the City Council or a Board or Commission of the City;
- b. any member of a recognized news media organization; and
- c. any crime victim requesting a copy of a police report pertaining to the crime in which they have been made a victim (applies to first copy only).

If it is determined a specific request will take longer than ½ hour staff time to process, the requesting party may ask the City Council to reduce or waive all additional fees associated with providing the requested record.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 12th DAY OF FEBRUARY, 2018.**

A handwritten signature in black ink that reads "Sheila R. Cox". The signature is written in a cursive, flowing style.

Sheila R. Cox, City Recorder

PUBLIC INFORMATION REQUESTS

(Resolution 2019-06)

COPIES/STAFF TIME

Copies:

MISCELLANEOUS RECORDS: (Applied to requests from any department)

Contract/Bid Documents:

Containing 20 - 50 pages.....	15.00/document
Containing more than 50 pages.....	25.00/document

Note: May be waived by City Manager on individual contract basis.

Personnel Costs:

Will be charged for requests requiring more than 1/2 hour staff time. Requests requiring attorney review or assistance will be charged the same rate the City is charged for attorney time.

Photocopy Charges:

Service charge of \$1.00 plus	
(black and white) up to 8½ x 14.....	0.25/page
(color) up to 8½ x 14.....	0.50/page
11x17	0.50/page
36x36	5.00/page

Digital Images (Photos, Videos or Files).....15.00/each

CITY RECORDER RECORDS:

Business Registration List:

Complete List.....	15.00
Annual List.....	per/page fee

Municipal Code:

Complete (unbound).....	75.00
Updates.....	per/page fee

COMMUNITY DEVELOPMENT/BUILDING RECORDS:

Comprehensive Plan.....	25.00
Comprehensive Plan Map.....	20.00
Downtown Master Plan.....	25.00
Historic Resources Inventory:	
Per Volume.....	25.00
Per Set.....	100.00
Title 12 (Land Use Development Regulations) Roseburg Municipal Code.....	25.00
Urban Renewal Plan.....	10.00
Wetlands Conservation Plan.....	15.00
Zoning Maps.....	20.00

FINANCE RECORDS:

Audit.....	30.00
Budget.....	30.00

FIRE DEPARTMENT RECORDS:

Emergency Response Report	10.00
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LIBRARY

Black and White Copies	0.25/page
Color Copies	0.50/page

PARK DEPARTMENT RECORDS:

Bikeway Master Plan.....	25.00
Parks Master Plan.....	25.00

POLICE/COURT RECORDS:

Accident Report.....	10.00
Police Report.....	10.00
Digital Images (Photos/Videos)	15.00
Video Cam Footage:	
Full Blur (digital or CD).....	15.00
Partial Blur.....	8.50/minute of staff time + 5.00/dvd

PUBLIC WORKS RECORDS:

Aerial Maps-photo copy.....	2.50
Aerial Maps-digital format.....	15.00
Airport Master Plan.....	25.00
Base Maps (Storm/Water).(photo copy).....	2.50
Computer Mapping.....	50.00/hour
Computerized City Map.....	15.00
Design Standards.....	25.00
Mylars.....	15.00
Standard Specifications (hardbound)	15.00
Standard Drawings (hardbound).....	15.00
Storm Drain Master Plan	25.00

WATER DEPARTMENT RECORDS:

Master/Cap. Improvement Plan.....	25.00
Test Report.....	2.00