

RESOLUTION NO. 6387

A RESOLUTION ADOPTING REVISIONS TO THE PUBLIC RECORDS REQUEST POLICY,
F-05-08 AND THE PUBLIC RECORDS REQUEST FORM; AND REPEALING
RESOLUTION NO. 6300.

WHEREAS, Oregon public records laws allow agencies to establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available; and

WHEREAS, the Public Records Request Policy was adopted by the City Council by Resolution No. 6300; and

WHEREAS, the fees for public records requests are on the City of Albany Public Records Request Forms; and

WHEREAS, the fee for USB flash drives have dropped in price in the general market place and the fee schedule should be revised accordingly; and

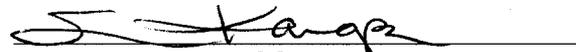
WHEREAS, the Information Technology department has a stock of USB flash drives for use in response to a public records request for which the City will charge \$5.00 each.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany City Council hereby adopts the Public Records Request Policy as Exhibit A and the standard Public Records Request Form as Exhibit B; and

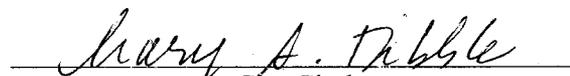
BE IT FURTHER RESOLVED that Resolution No. 6300 is hereby repealed.

DATED AND EFFECTIVE THIS 11th DAY OF FEBRUARY 2015.

ATTEST:



Mayor



City Clerk

	<p>City of Albany Finance/City Clerk's Office Policy #: F-05-08-006 Title: Public Records Requests</p>	
---	--	--

Purpose To outline procedures for public records requests in order to comply with ORS guidelines.

Scope This policy applies to all City employees.

Policy The City strives to provide timely and open access to public records and information not specifically exempted from access set forth in ORS 192.501 and 192.502.

Each department shall be responsible for implementing this policy with oversight by the department's Records Information Management (RIM) Coordinator.

Policy F-05-08 sets public records fees and outlines the internal procedures to meet public records requests.

This policy does not apply to City employees seeking records from other City employees for use in performance of their duties.

The Police Department and the Fire Department use their own Public Records Request Forms.

- Guidelines**
1. **Documentation.** All public records requests must be documented. The three acceptable forms of documentation are:
 - a. Completion of the Public Records Request Form. This is the preferred method for efficiency in tracking the City's compliance with public records laws and compiling statistical data.
 - b. A request made via e-mail that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.
 - c. A letter that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.

All requests must be specific enough for the City to determine the nature, content, and department where the records may be located.



City of Albany

Finance/City Clerk's Office

Policy #: F-05-08-006

Title: Public Records Requests

2. **Responsible Department.** RIM Coordinators should coordinate public records requests. If the records requested are in a different department, the RIM Coordinator is responsible to forward the request to the appropriate RIM Coordinator promptly. If the request was made using the Public Records Request Form, write the date the request was received on the Form in the "For Staff Use" section and then forward.
3. **Mandatory Notification.** ORS 192.440 requires that for written public records requests, the public body must respond in writing as soon as practicable and without unreasonable delay. Mandatory notification is a formal acknowledgement of the receipt of the request and includes a specific statement (ORS 192.440)(2)(a-f). The mandatory statements are listed in the "For Staff Use" section on the Public Records Request Form.
4. **Notification Process.** Timeliness is key to public records requests. If the request is filled promptly, then statement ORS 192.440 (2) (b) applies (the request is complete and the records are enclosed/attached.) No further notification is necessary if (b) applies.

If the request cannot be filled promptly, provide the notification promptly using the appropriate statement from ORS 192.440 (2) (a)(c-f). The City provides three mechanisms for written mandatory notification:
 - a. Form: Provide a copy of the form via mail, e-mail, fax, or in person with the appropriate box checked in the "For Staff Use" section to the requestor.
 - b. Letter: Use the letter with the appropriate statement included when a formal letter is more appropriate than a copy of the form. Contact the City Clerk for an example of a formal letter
 - c. E-mail: Reply to the sender using the appropriate statement.
5. **Exempt Records.** Certain public records are exempt from disclosure per ORS 192.501 and 192.502. **The RIM Coordinator completing the request is responsible for verifying that the records being released are not exempt.** If there is question about whether or not a record can be disclosed, please contact the City Clerk's Office or the City Attorney.
6. **Fees.** ORS 192.440 authorizes the public body to charge fees associated with requests, including requesting a portion of the fees in advance as a condition of receiving the public records. Additionally, public bodies are required to publish the fees. City of Albany records request fees are listed on the back of the Public Records Request Form.



City of Albany

Finance/City Clerk's Office

Policy #: F-05-08-006

Title: Public Records Requests

- a. Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request.
- b. Prepayment will be required for requests that are estimated to exceed \$25.

Directors may designate the revenue account for public records request fees.

7. **Personal External Sources Used for Copies of Public Records.**

Personal CDs, DVDs, or USB flash drives presented by the public for the copying of City records are prohibited. The City will provide a CD, DVD, or a USB flash drive for the fee designated in the Fee Schedule.

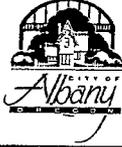
- a. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
- b. In all scenarios where public records are prepared for copying, Research and Inspection fees apply.

8. **Billing.** The department responding to the request is responsible for collecting and processing the payment through their cashing system. For payments that exceed \$1.00, departments may choose to have the Finance Department bill the requestor by completing a Request for A/R Billing Form.

9. **Archiving.** Once the request is satisfied, RIM Coordinators should send documentation of the original request and the mandatory notification to the City Clerk's Office for archival (except for Police, Municipal Court, and Fire who keep their requests at their location). Three dates should be written on the documentation:

- a. The date the request was received
- b. The date of the notification
- c. The date the request was completed

10. **Identity Theft Protection.** Records released as part of a public records request must be in compliance with F-04-08, Identity Theft Protection.

	City of Albany Finance/City Clerk's Office Policy #: F-05-08-006 Title: Public Records Requests	
---	---	--

Supercedes: F-05-08-005	Created/Amended by/date: June 9, 2010/November 28, 2011/March 26, 2012/March 13, 2013/February 1, 2015	Effective Date: February 11, 2015
Finance Director:	City Manager:	



PUBLIC RECORDS REQUEST FORM

Exhibit B

City of Albany
City Clerk's Office

For Police Dept. public records contact: 541.917.7680. For Fire Dept. public records contact 541.917.7700.

Notice: Public Records laws are addressed in ORS Sections 192.420, 192.440, and 192.501. City of Albany Policy F-05-08, Public Record Requests, outlines the City's procedures. Fees are listed on the back of this form. Prepayment and confirmation to proceed will be required for requests that exceed \$25.

Your signature below acknowledges that you have read, understand, and accept financial responsibility for the fees associated with this public records request.

Signature: _____ Date: _____

Requestor Information:

_____		_____	
Name		Mailing Address	
_____		_____	
City	State	Zip Code	
_____		_____	
Daytime Phone Number	Fax Number	E-mail address	

Document Information:

Describe the information/records you are requesting. Be specific enough for the City to determine the nature, content, and department where the records you are requesting may be located. Provide specific dates whenever possible. Use additional sheets of paper if necessary.

Return Form To: Mail or drop off: City Hall, Finance Dept, 333 Broadalbin Street SW, Albany, OR 97321
Fax: 541.917.7511 E-mail: cityclerk@cityofalbany.net

For Staff Use

Send copy of this form to City Clerk when request is complete.

Date received: _____	Date Notification Provided: _____	Date completed: _____
RIM Coordinator: _____	Notification Method: <input type="checkbox"/> Copy of Form	Completed by: _____
Dept: _____	<input type="checkbox"/> E-mail <input type="checkbox"/> Mail <input type="checkbox"/> Fax	Total Fees: _____

Staff Notes:

Mandatory Notification Statement per ORS 192.440 (2)(a-f)

Dear Requestor, thank you for your public records request. Your request:

- (a) was unable to be completed because the City does not possess or is not the custodian of the records.
- (b) is attached/enclosed.
- (c) will require more time to process (estimated date) _____ and will require a deposit of \$ _____.
- (d) will require more time to process. An estimate will be provided within a reasonable time.
- (e) has been forwarded to the _____ Dept to determine if the record exists; you will be contacted shortly.
- (f) was unable to be completed because the records are exempt under state or federal law: _____
- Other: requires additional or more specific information: _____

PUBLIC RECORDS FEE SCHEDULE

City of Albany
City Clerk's Office

1. Copies of Public Records: For 8.5 x 11 black and white, copies will be .25 cents per page; and .50 cents per page for duplexed copies. For 11 x 17 black and white, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 8.5 x 11 color, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 11x17 color, copies will be \$1.00 per page; and \$2.00 per page for duplexed. Photo quality paper will be an additional charge. For the Fire Department, a \$7.00 research fee includes up to ten single-sided copies. To certify as a true copy the fee is \$5.00 in addition to the copy charges.
 2. Personal External Sources Used for Copies of Public Records. CDs, DVDs, or USB flash drives presented by the public are prohibited. The City will provide the following items for a fee:
 - a. CD, DVD, or USB flash drive: \$5.00
 - b. Audio tape: \$15.00 for the first tape and \$5.00 for each tape thereafter.
 - c. Video tape: actual cost to reproduce the video tape.
 - d. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
- In all scenarios where public records are prepared for copying, Research and Inspection fees apply.
3. Copies of Maps and other Nonstandard Documents: Charges for maps, large documents, or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the City to reproduce them.
 4. Inspection Fees and Research Fees: Inspection means official records that are inspected by the public while in the presence of a staff member. Research includes locating, collating, and copying public records. Staff may waive inspection or research fees for not more than **five** Level 1 public records requests from the same requestor in a calendar year.

Level 1: Up to 30 minutes	Copy cost plus \$10 (flat fee)
Level 2: 30 minutes to 2 hours	Copy cost plus \$25 per hour (prorated)
Level 3: Over 2 hours	Employee costs (wages plus benefits)(prorated)
 5. Written Notification: Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request. Prepayment in full is required for requests that are estimated to exceed \$25. If the actual time and cost are less than estimated, the excess money shall be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference shall be paid at the time the records are produced.
 6. Archived Scanned Copies: Scanned copies archived in the City of Albany Laserfiche system or other electronic records which are readily available to the RIM Coordinator may be sent to an e-mail address provided by the requestor for the cost of Inspection or Research fees.
 7. Electronic Searches: For non-exempt public record requests including e-mails or other electronic records stored on any City network and not readily available to the RIM Coordinator, the fee is \$100 per hour for inspection, research, and copying time with a minimum one-hour charge. The information will be provided on a CD, DVD, or USB flash drive for the designated fee.
 8. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as necessary to reimburse the City for its actual costs of producing the records, including but not limited to excessive postage fees.
 9. Reduced Fee or Free Copies: Whenever the City determines that providing copies of public records at a reduced fee or without costs would be in the public interest, the City may so authorize per ORS 192.440(5).

Copies per page		Electronic Formats	
.25 (.50 for duplexed)	8.5 x 11 black & white	5.00	Each DVD, CD, or USB flash drive
.50 (1.00 for duplexed)	11 x 17 black & white	15.00	First audio tape
.50 (1.00 for duplexed)	8.5 x 11 color	5.00	Each add'l audio tape
1.00 (2.00 for duplexed)	11 x 17 color	Actual cost to reproduce	Video tape
Additional charge	Photo quality paper	Additional charge	See 8.
Inspection Fees and Research Fees		Maps & Nonstandard	To Certify as a True Copy
Up to 30 minutes	Copy costs plus \$10	Actual cost for reproduction	\$5.00 in addition to copy charges
30 minutes to 2 hours	Copy cost plus \$25 an hr	Electronic Searches	
Over 2 hours	Employee cost (wages plus benefits)	\$100 per hour	One hour minimum
Police Department		Fire Department	
Refer to Police Department Records Request Form		\$7.00 research fee includes up to 10 single-sided copies	