

RESOLUTION #93

A Resolution of the Carlton City Council Adopting Reasonable Measures to Ensure the Integrity of its Records and Effectiveness of its Office Operations.

WHEREAS, according to ORS 192.420, every person has the right to inspect any nonexempt public record of the City of Carlton subject to reasonable procedure; and

WHEREAS, the City of Carlton recognizes and respects the public's right to public documents and the importance of maintaining orderly files to facilitate public access in an efficient and cost-effective manner; and

WHEREAS, the Oregon Public Law requires the City of Carlton to publish a written procedure for public information requests; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARLTON, OREGON THAT:

1. The City shall permit inspection and examination of its non-exempt public records during regular business hours in the City offices, or such other location as the City may reasonably designate from time to time.
2. All requests to inspect a public record must be submitted in writing, either on paper or in electronic format with the date, name, address, and signature of the person making the request. Public information requests will be directed to the Police Chief for police records and all other requests will be given to the City Recorder.
3. The request form must contain, the specific records requested, furnishing the dates, subject matter and such other detail necessary to enable City personnel to readily locate the records sought.
4. The City shall respond to all public document requests as soon as practicable and without reasonable delay. The City may request additional information or clarification from the requester for the purpose of expediting the public body's response to the request. The response from the city will include one of the following: (a) the city does not possess, or is not the custodian of the public record; (b) copies of all requested public records for which the public body does not claim an exemption from disclosure under ORS 192.410 to 192.505; (c) the city is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay under section 12 of this document. (d) the city is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public body within a reasonable time. (e) the city is uncertain whether we possess the public record and that the City will search for the record and make an appropriate response as soon as practicable. (f) a statement that state or federal law prohibits the public body from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. The statement from the City will include a citation to the state or federal law relied upon by the City.
5. The City shall not create any new documents or customize any existing documents in response to a records request.
6. If the public record is maintained in machine readable or electronic form, staff shall provide copies of the public record in the form requested, if available. If the record is not available in the form requested, it shall be made available in the form in which it is maintained.

7. A person making a public record request may personally inspect the requested document during normal business hours. A City staff member must be present while any original public records are being inspected to insure protection of the documents.
8. Providing nonexempt records is a governmental activity covered by the American with Disabilities Act (ADA). The City will provide an opportunity for individuals with disabilities to request an alternative form.
9. A staff member must review the requested document to make certain the record does not contain any exempt information before releasing the public record for inspection. If a document does contain exempt information, a copy, in lieu of the original, will be provided for inspection with the exempt portion blanked out.
10. Original public documents may not be taken out of the City's custody.
11. City records shall be released only if the records are "public" records which are not exempt from disclosure under ORS 192.410-192.505.
12. In order to recover its costs for responding to public records requests, the following fee schedule is adopted:

Copies of Public Records: Copies of public records shall be \$.25 cents per copy plus any costs of delivery for standard 8 ½ x 11", single-sided, letter size copies. Copies that are 8 ½ x 14" will be charged \$.50 per page, and copies that are 11x17" will be charged \$1. Documents delivered via fax machine will be charged back at \$.50 per page.

Copies of Sound Recordings: Copies of sound recordings of the meetings shall be \$10.

Copies of City Code or Comprehensive Plan: Copies of the City Code and/or Comprehensive Plan shall be \$20 each. CD copies are available of the Municipal Code, Comprehensive Plan, Public Works Design Standards and Development Code for \$15 each.

Copies of Other Bound Documents: The fee for copying any other bound document (such as a Water Master Plan, Public Works Standards, Budget or Audit) shall be the actual costs incurred by the city from a 3rd party or the city charge of \$.25 per copy.

Copies of Zoning Maps: City Zoning Maps (11x17") Color copies shall be \$2 each.

Copies of Maps and Other Nonstandard Documents: Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the City.

Research Fees: If a request for records requires City personnel to spend more than 30 minutes compiling a record to meet the person's request, the minimum fee shall be \$36 per hour of staff administrative or clerical time, and \$100 per hour of staff professional or technical time or portion of a half hour unit, with a minimum charge for one half hour. Such calculations shall include time spent by staff in locating the requested records, reviewing the records in order to delete exempt material, supervising the inspection of original documents, and copying the records. The City shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the City's normal operations, the City may impose such additional charges as are necessary to reimburse the City for its actual costs of producing records.

Fee Waivers or Reduction:

- Copies of public records may be furnished without cost or at a substantial reduction if the City Recorder determines the waiver is in the public interest because making the record available primarily benefits the general public.
- A person requesting a waiver of charges shall file a written request to include his/her identity, the purpose for which to the public. The City Recorder will review the waiver request while also considering the requester's ability to pay and any financial hardship on the City that might arise from granting the waiver.
- Copies of routine materials requested by the news media will be made without charge. Any non-routine materials requested by the news media will be charged at the fee described above.
- Copies of routine materials personal to a requester will be furnished without charge. Any non-routine materials requested will be charged at the fee described above.
- Copies of routine materials requested by any Carlton elected official or appointed advisory body member will be furnished without charge if the request relates to information needed in his/her official capacity. Any other materials requested will be charged at the fee described above.
- Routine materials are defined as those items already regularly produced during the city's regular course of business.

Approved the 12th day of May, 2008 by the following vote:

Ayes: Oriet, Berry, Carl, Williams, Jernstedt, Rhoads

Nays: _____

Abstain: _____

Absent: VanDeWalle



Kathie Oriet, Mayor

Attest: 

Loreli Wright, City Recorder



City of Carlton
191 E. Main Street
Carlton, OR 97111
Phone: (503) 852-7575 • Fax: (503) 852-7761

REQUEST FOR PUBLIC RECORD(S)

Oregon Public Records Law grants each person the right to inspect the records of a public body (unless exempt from disclosure). The City will respond as soon as practical, without delay.

Date of Request: _____

Name: _____

Daytime Phone: _____

Work Phone: _____

Have you already contacted someone within the City about this request?
 Yes No
 Who: _____

Cell Phone: _____

This form may be submitted:
 ■ To City Recorder Loreli Wright at
 City Hall: 191 E. Main Street, Carlton,
 OR 97111
 ■ Faxed to City Hall at: 503-852-7761

Prices:
 8 ½ x 11".....\$.25/page
 8 ½ x 14".....\$.50/page
 11 x 17".....\$1.00/page
 Faxes.....\$.50/page
 Audio Tapes..\$10 each

Bound
 Documents.....\$ actual cost
 Documents on CD.\$15 each
 Color Zone Map...\$2 each
 Additional Research fees may
 apply

Description of records requested (please be as specific as possible): _____

By signing this request, I acknowledge if a request for records requires City personnel to spend more than 30 minutes compiling a record to meet the person's request, the minimum fee shall be \$25 per hour or portion of a half hour unit, with a minimum charge for one half hour. Such calculations shall include time spent by staff in locating the requested records, reviewing the records in order to delete exempt material, supervising the inspection of original documents, and copying the records. The City shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

Signature _____

Forwarded to: <input type="checkbox"/> City Recorder <input type="checkbox"/> Police Chief Staff Time/benefits:\$ _____ Materials: \$ _____	<div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 5px;">OFFICE USE ONLY</div> Staff Name: _____ Date Completed: _____ Copy Cost:\$ _____ Total Cost:\$ _____
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