

RESOLUTION NO. 2301

INTRODUCED BY COMMISSIONER Frank Orrell

POLICY, PROCEDURE AND FEES FOR PUBLIC RECORDS/INFORMATION REQUESTS
AND REPEALING RESOLUTION NO. 1045

This resolution provides procedures and sets fees for requests, inspection, and copying of City Records.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WARRENTON, OREGON that the following is the City of Warrenton's Public Record Request Policy:

Section 1. Procedure.

- 2.1. Unless otherwise provided by these rules, a request for inspection and/or copies of public records shall be in writing on a form prescribed by the City of Warrenton (Attachment A).
- 2.2. Upon receipt, the department receiving the request shall post the date and time that the request is received and shall forward the request to the City Recorder.
- 2.3. The City Recorder or his/her designee shall keep on file a list of fees (Attachment B) and shall respond to all Public Record Requests as prescribed by these policies.
- 2.4. The City Recorder or his/her designee shall respond to requests for public records within a reasonable time, but in any event not more than thirty (30) days from the date of receipt. This time limit may be increased when the request is not sufficiently specific to enable location of the records or when the volume, size, or location of such records makes their collection or retrieval difficult, in which case, the requesting shall be advised or the reason for the delay.
- 2.5. If the request is not complied with, a written response explaining why the City is unable to process the request shall be prepared and mailed to the requesting party.

Section 3. Fees to Reflect Costs Fees charged to the requesting party for meeting public information requests shall be based on costs the City incurs for processing the request. These costs shall include, but not be limited to, personnel costs, attorney fees, and costs associated with materials used in processing the request.

- 3.1. Personnel costs shall include, but are not limited to, employee 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.
- 3.2. Attorney fees will be the fee charged by the attorney to the City for time spent in reviewing the public records, and redacting or segregating exempt and nonexempt records therefrom.

Section 4. Payment of Fees Except as otherwise provided by these rules, public records shall not be released for inspection or as copies to members of the public unless the City has received in advance payment of the established fee for providing the records.

4.1. The City Recorder, or his/her designee, upon receipt of the record request shall provide a written estimate of the cost to produce and/or provide the requested records on the City's prescribed form (Attachment C).

4.2. Depending on volume or difficulty in retrieving the requested record(s), the written notice shall notify the requestor if a deposit is required prior to the commencement of research/retrieval/copying.

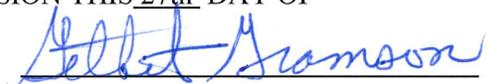
Section 5. Records Requested for Court Proceedings. The City shall not charge fees for costs incurred by the City when an employee of the City, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding. When the City is a party to a court proceeding and a request 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 as outlined in the City's Public Record Request Fee Schedule.

Section 6. City Recorder Authority The City Recorder is the designated custodian of the City of Warrenton's records. The City Recorder or his/her designee shall have the authority to:

- (a) waive the requirement that the request must be in writing;
- (b) waive fees if the request requires copying three or less pages 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;
- (e) periodically adjust fees to cover increased costs of providing public records and information;
- (f) waive the requirement for any person requesting public records pertaining to a matter which specifically affects the person and is pending before the City Commission or a board or Commission of the City;
- (g) waive the fees for any member of the City Commission or a Board or Commission, other government agencies or the media;
- (h) waive the fee for 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).

Section 7. Effect. This Resolution shall take effect immediately upon its passage.

ADOPTED BY THE WARRENTON CITY COMMISSION THIS 27th DAY OF April, 2010.


Gilbert Gramson, Mayor

ATTEST


Linda Engbretson, City Recorder

Attachment A
Resolution No. 2301

CITY OF WARRENTON
PUBLIC RECORDS REQUEST FORM

REQUESTOR INFORMATION

Date of Request: _____

Name: _____

Mailing Address: _____

City, State, Zip: _____

Email Address: _____ Fax: _____

Preferred method of contact: Mail Phone Email Fax

Is this request related to a lawsuit in which the City of Warrenton is a party, or a tort claims notice filed with the City of Warrenton? Yes No

REQUESTED INFORMATION/RECORD(S)

Please describe the materials you are requesting in as much detail as possible: type of document, date, author, title, etc. If you need more room, please attach additional sheets.

- ▶ The City will respond to your request as soon as practicable, but in any event not more than 30 days from the date of receipt.
- ▶ If the estimated costs involved in fulfilling your request exceed \$25.00, the City will advise you of the estimated costs and require your approval before beginning the work.
- ▶ If the fee estimate exceeds \$25, a deposit may be required to begin the work.
- ▶ Full payment of the total amount of costs incurred is required before the public records are inspected or copies are released.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the cost of fulfilling this Public records Request according to the conditions set forth above. I understand these costs may include the cost of searching for records, attorney review of records to redact exempt material, supervising the inspection of records, copying records, certifying records and mailing records. I agree to pay a deposit of the estimated costs, if required. I also 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 any documents or records made available to review must not be disassembled and must be left intact

Signature of Requestor

Attachment B

Resolution No. 2301

CITY OF WARRENTON
PUBLIC RECORDS FEE SCHEDULE

(Some of these records may be available on the city's website - www.ci.warrenton.or.us)

COPIES OF STANDARD PUBLIC RECORDS

8.5 x 11 per page	\$1.00 +	\$.25
8.5 x 14 per page	\$1.00 +	\$.25
11 x 17 per page	\$1.00 +	\$.50
Color Copies per page	\$1.00 +	\$ 1.50
Audio Cassette Recordings.....		\$10.00 per Cassette/CD/DVD
Emailed Records (readily available).....		No Charge
Emailed Records (requiring scanning).....		As charged for standard copying (See above)
Electronic Records (readily available)		
CD/DVD.....		\$ 5.00 up to first ½ hr download time Over ½ hr: Actual staff time (includes benefits and overhead)
Digital Photographs.....		\$ 5.00 per printed side OR \$ 10.00 per CD

COPIES OF POLICE /COURT RECORDS

Misc. Paperwork (see costs for standard public records above)

Police Reports.....		\$10.00 (up to 30 pgs) \$.25 per page (over 30)
Accident Reports.....		\$10.00
Add Digital Photos.....		\$10.00 per printed side OR \$ 5.00 per CD
Audio/Video.....		\$10.00 per Cassette/CD/DVD \$ 15.00 per VHS OR

SPECIAL PUBLICATIONS

Administration

City of Warrenton Code (General Ordinances).....
 City Charter.....\$ 5.00

Finance

City Budget
 Printed.....\$30.00
 CD.....\$ 5.00
 City Audit
 Printed.....\$30.00
 CD.....\$ 5.00
 Business License List.....\$10.00

Planning/Building

Comprehensive Plan
 Printed.....\$30.00
 CD.....\$ 5.00
 Development Code
 Printed.....\$30.00
 CD.....\$ 5.00
 Wetland Conservation Plan
 Printed.....\$30.00
 CD.....\$ 5.00

Maps and other large documents are taken to a commercial copy business for reproduction. For documents reproduced at a commercial copy business the fee will be actual cost plus staff time (includes benefits and overhead).

Public Works

Maps and other large documents are taken to a commercial copy business for reproduction. For documents reproduced at a commercial copy business the fee will be actual cost plus staff time (includes benefits and overhead).

Other documents charged at Standard Public Record Copying Fees

Fire

All reports.....\$ 5.00

RESEARCH FEES; SUPPLEMENTAL LABOR FEES

If a request requires additional staff time to locate, retrieve, research, or attorney review, additional labor fees may be charged based on the actual cost of the employee performing the

work. Actual cost includes hourly payroll rate, benefits, and overhead. Attorney fees will be the fee charged by the attorney to the City for time spent in reviewing the public records, and redacting or segregating exempt and nonexempt records therefrom.

Level 1 Request: Inspection of Records Research Fee: Up to 30 minutes to locate files \$5.00
Over 30 minutes - Actual Employee Cost (Including benefits and overhead)

Level 2 Request: Up to 30 minutes of copying/\$1.00 + Copy Cost

Level 3 Request: Over 30 minutes/Copy Cost + Actual Employee/Attorney Cost (including benefits and overhead)

POSTAGE.....Actual Cost

Final Accounting

Total Due: \$ _____ Minus Deposit (if required) \$ _____ = Balance Due \$ _____ **OR**
Refund Due \$ _____

Attachment C

Resolution No. 2301

For Office Use Only. Date Received: _____ Time Received: _____

Standard Public Records

No. Of Copies	Description	Amount
	\$1.00 + \$1.50 per page Color Copies	
	\$1.00 + \$.25 per page (8 ½ x11 or 8 ½ x14)	
	\$1.00 + \$.50 per page (11x17)	

Oversize Copies (Maps/Plans/Construction Drawings): The City of Warrenton does not have the capabilities in-house to provide oversize copies.

No. Of Copies	Description	Amount
	\$10.00 + cost of outsourcing	

Other (see Public Records Fee Schedule for applicable charges)

No. Of Copies	Description	Amount

Research Fees/Supplemental Labor Fees

Level 1 Request: Inspection of Records Research Fee: Up to 30 minutes to locate files \$5.00
Over 30 minutes - Actual Employee Cost (Including benefits and overhead)

Level 2 Request: Up to 30 minutes/\$1.00 + Copy Cost

Level 3 Request: Over 30 minutes/Copy Cost + Actual Employee Cost (including benefits and overhead)

Request Level	Describe Work	Hourly Rate	Estimated Hours	Estimated Cost	Actual Hours	Actual Cost

Deposit Required: _____ Yes _____ No Deposit Amount: _____