

RESOLUTION NO. 2021-1118

A RESOLUTION OF TOWN OF LAKEVIEW ADOPTING A PUBLIC RECORDS REQUEST POLICY AND PROCEDURES.

WHEREAS, Town of Lakeview ("Town"), an Oregon municipal corporation, desires to ensure that all requests for public records are handled in a manner that complies with the Oregon Public Records Law, ORS 192.311 - 192.431, as amended from time to time; and

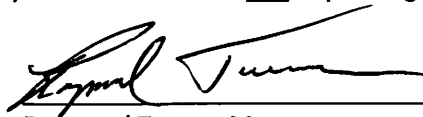
WHEREAS, Town desires to provide reasonable measures to (a) protect and preserve the integrity of Town's public records, and (b) maintain office efficiency and order.

NOW, THEREFORE, BE IT RESOLVED, by and through Town's council as follows:

1. Findings; Adoption. The above-stated findings contained in this Resolution No. 2021-118 (this "Resolution") are hereby adopted. The council hereby approves and adopts the Town of Lakeview Public Records Request Policy attached hereto as Exhibit A (the "Policy").

2. Miscellaneous. This Resolution (which includes the Policy) replaces and supersedes any and all existing and/or previously adopted Town public records request policies, practices, and/or procedures in their entirety. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the council to cure editorial and/or clerical errors.

APPROVED, ADOPTED, AND MADE EFFECTIVE by the council on this 10 day of August, 2021.



Raymond Turner, Mayor

ATTEST:



Dawn Lepori, Town Recorder

Exhibit A
Public Records Request Policy

[attached]

Town of Lakeview
Public Records Request Policy

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1. **Purpose and Compliance.** The purpose of this policy is as follows: (a) ensure that all requests for public records are handled in a manner that complies with the Oregon Public Records Law, ORS 192.311 - 192.431, as amended; (b) provide reasonable measures to protect and preserve the integrity of the public records; and (c) maintain office efficiency and order. To the extent this policy conflicts with any federal, state, and/or local laws, regulations, and/or ordinances, Town of Lakeview ("Town") will comply with the applicable federal, state, and/or local laws, regulations, and/or ordinances.

2. **Public Records Requests - Procedure.**

2.1 **Method of Records Requests.** A request for public records that are in the custody of Town must be made by submitting a written request, on the form prescribed by Town, to the following:

Town of Lakeview
Attn: Town Recorder
525 North 1st Street, Lakeview, Oregon 97630
Telephone: 541-947-2029; Facsimile: _____
Email: _____

A public records request may be submitted in person or via mail, facsimile, or electronic mail.

2.2 **Specificity of Records Request.** All requests for public records must be dated and signed by the person (the "Requester") requesting to inspect the public records or receive a copy of the public records. In addition, to facilitate the public's access to public records in Town's possession, and to avoid unnecessary expenditure of Town's personnel time, a request to inspect public records or receive copies of public records must contain the following minimum information: (a) the Requester's name and address; (b) the Requester's telephone number or other contact information; and (c) a sufficiently detailed description of the public records requested, including the dates, subject matter, and such other information concerning the requested public records as may be necessary to enable Town personnel to search for and readily locate the desired public records.

2.3 **Town Response.**

2.3.1 Subject to and except as otherwise provided under this policy or applicable law, if Town receives a written request to inspect or receive a copy of a public record in accordance with this policy and applicable law, Town will, within five business days after receiving the public records request, acknowledge receipt of the request or complete Town's response to the request. Town's acknowledgment will (a) confirm that Town is the custodian of the requested record, (b) inform the Requester that Town is not the custodian of the requested record, or (c) notify the Requester that Town is uncertain whether Town is the custodian of the requested record. For purposes of this policy, the term "business day" means a day other than Saturday, Sunday, and/or a legal holiday and on which at least one paid Town employee that received the public records request is scheduled to and does report to work.

2.3.2 Town may request additional information or clarification from the Requester to expedite Town's response to the request. If Town requests additional information or clarification, Town's obligation to further complete its response to the request is suspended until the Requester provides the requested information or clarification or affirmatively declines to provide that information or clarification. Town will close the subject request if the Requester fails to respond within 60 days to Town's request for additional information or clarification.

2.3.3 Town will provide the Requester an estimate of the fees applicable to making the public records available for inspection or providing copies. Town will also advise the Requester that the requested public records will not be released (i.e., Town's obligation to provide the requested records is suspended) unless and until Town receives payment of the estimated fees for providing the service. Town will close the subject request if the Requester fails to pay the fees within 60 days after the date on which Town informed the Requester of the fees, or fails to pay the fee within 60 days after the date on which Town informed the Requester of the denial of the fee waiver (if applicable). Town's failure to advise the Requester of the prepayment obligation will not relieve the Requester of the obligation to pay applicable fees.

2.4 Completion of Records Request. Town will complete its response to a properly completed written records request as soon as practicable and without unreasonable delay. To this end, as soon as reasonably possible, but no later than 10 business days after the date by which Town is required to acknowledge receipt of the request under Section 2.3.1, Town will (a) complete its response to the public records request, or (b) provide a written statement that Town is still processing the request and a reasonable estimated date by which Town expects to complete its response based on information then-available. Notwithstanding anything contained in this policy to the contrary, the time periods established under Section 2.3.1 and/or this Section 2.4 do not apply if compliance is impracticable because (x) staff or volunteers necessary to complete the response are unavailable, (y) compliance will demonstrably impede Town's ability to perform other necessary services, and/or (z) the volume of public records requests being simultaneously processed by Town. If Town is unable to comply with the time periods established under Section 2.3.1 and/or this Section 2.4 for a reason identified under this Section 2.4, Town will, as soon as practicable and without unreasonable delay, acknowledge the public records request and complete the response to the request.

2.5 Town Attorney. In general, routine public records requests will be handled by Town's recorder or his or her designee. More complex public records requests and/or public records requests that may implicate the application of one or more statutory exemptions from disclosure will be submitted to Town's attorney for review and evaluation. After reviewing and evaluating the public records request, Town's attorney will (a) make a determination as to whether the public records request may be processed, and (b) inform Town whether to process the public records request. If the attorney determines that Town is unable to process the requested public records, the attorney will provide the Requester a written response identifying the basis for the denial.

2.6 Access to Public Records. Town will permit inspection and examination of its non-exempt public records during regular business hours in Town's offices, or such other locations as Town may reasonably designate from time to time. Copies of non-exempt public records maintained in machine readable or electronic form will be furnished, if available, in the form requested. If not available in the form requested, such public records will be made available in the form in which they are maintained. Town is not required to engage in any of the following activities: (a) create any new public records and/or customize any existing public records in response to a public records request; (b) produce "lists" of public records that are not already available in the form of a "list"; (c) create a public record to disclose the reasoning behind Town's actions or other knowledge Town personnel may have; and/or (d) explain or answer questions or provide legal research and analysis on or about any public records.

2.7 Public Records Request Form. A request for public records must be made by submitting a written request to Town on the form prescribed by Town. The public records request form will be

made available to the public. Town may make modifications to the public records request form at any time and from time to time as Town deems necessary or appropriate.

2.8 Certified Copies. Certified copies of non-exempt public records will be furnished upon request and receipt of payment therefor.

3. Fee Schedule.

3.1 Fees for Public Records. To recover Town's actual cost for responding to public records requests, Town adopts the fee schedule attached hereto as Schedule 3.1.

3.2 Fees Exceeding \$25.00. Town will not charge a Requester a fee for making the public records requested available for inspection, or for providing copies of the same, in excess of \$25.00 unless Town first provides the Requester written notification of the estimated amount of the fees and the Requester confirms that the Requester wants the public body to proceed with making the public records available.

3.3 Advance Payment of Fees. All estimated fees for making the public records requested available for inspection, or for providing copies of the same, must be paid before the public records will be made available. If Town's estimated fees exceed the actual cost, the overpayment will be refunded by Town to the Requester. If Town's estimated fees are less than the actual expense incurred by Town to process the records request, the Requester will pay such additional fees before the public records will be made available. Public records will not be released for inspection or copying unless and until Town has received payment from the Requester for providing the requested public records.

3.4 Reduced Fee or Free Copies. Town may furnish copies of any public record without charge or at a substantially reduced fee if Town determines that the waiver or reduction of fees is in the public interest because making the public record available primarily benefits the general public.

3.5 Modifications to Fee Schedule. Schedule 3.1 may be modified at any time by resolution. Any change to Schedule 3.1 will apply as of the effective date of the resolution modifying Schedule 3.1 and will not apply retroactively to any public records request that has been submitted and processed prior to the effective date of such resolution.

4. Original Records.

4.1 Authorization Required for Removal of Original Records. At no time will an original public record be removed from Town's files or the place at which the public record is regularly maintained except upon authorization of Town's recorder or his or her designee.

4.2 On-Site Review of Original Records. If a request to review original public records is made, Town will permit such review provided that search fees are paid in advance in accordance with Section 3. If Town deems necessary or appropriate, Town may require that Town personnel be present during the review of any original records. The person reviewing the original records will be charged for Town personnel's time for being present while the original records are being reviewed.

4.3 Unauthorized Alteration, Removal, or Destruction of Original Records. If any person attempts to alter, remove, and/or destroy any public record, Town's representative will immediately terminate such person's review and will notify Town's attorney.

Schedule 3.1

Fee Schedule for Public Records Requests

1. Copies of Public Records; Certified Copies. Copies of public records are \$0.25 cents per page for standard, letter size copies. Copies may be certified for an additional charge of \$3.75.
2. Copies of Sound Recordings. Copies of sound recordings of meetings are \$10.00 per copy.
3. Copies of Maps and Other Non-Standard Documents. The actual cost to Town for copying maps or other non-standard size documents will be charged to the Requester.
4. Records on Compact Disk. Copies of public records may be provided on compact disk if the record(s) are stored in Town's computer system. Disks will be provided at a cost of \$25.00 per disk and may contain as much information as the disk will hold. Due to threat of computer viruses, Town will not permit a Requester to provide disks for electronic reproduction of computer records.
5. Records Transmitted via Facsimile and Electronic Mail. The cost of public records transmitted by facsimile is \$2.00 for the first page and \$0.50 cents for each additional page, limited to a 25-page maximum, not including the cover page. The cost of public records transmitted by electronic mail is \$2.00 per electronic mail, plus \$0.25 cents per page, and is limited to 10 MB in size per electronic mail.
6. Labor Costs. Town's personnel time for researching, locating, compiling, editing, summarizing, tailoring, and/or otherwise processing information and records will be at the hourly rate (or its equivalent) of the personnel responsible for processing the information or public records request, which time will be charged in quarter-hour increments; provided, however, Town may waive Town's labor costs for a public records request requiring 10 or fewer minutes of total personnel time. Town will estimate the total amount of time required to respond to the public records request and the Requester will make payment for the estimated cost in advance. If the actual time and costs are less than estimated, the excess amount paid will be refunded to the Requester. If the actual costs and time are more than estimated, the difference will be paid by the Requester at the time the public records are produced (but before the public records are made available).
7. Delivery and Postage. The Requester will pay the actual cost for delivery of the public records, including postage or courier fees.
8. Attorney Fees. As applicable, the Requester will pay the actual attorney fees charged to Town for the cost of time spent by the attorney reviewing the public records, redacting material from the public records, and/or segregating the public records into exempt and nonexempt records. The cost of the attorney's time spent determining the application of the Oregon Public Records Law will not be included in the "actual attorney fees."
9. Additional Charges. If a request is of such magnitude and nature that compliance will disrupt Town's normal operation, Town may impose such additional charges as are reasonably necessary to reimburse Town for its actual costs of producing the requested public records.

Town of Lakeview
Public Records Request Form

This Public Records Request Form must be completed and submitted to Town of Lakeview ("Town") to inspect or obtain copies of Town's public records (as defined under ORS 192.311 - 192.431). Persons interested in making a public records request are advised to review Town's public records request policy (Resolution No. 2021-118). You may contact Town's recorder if you have any questions or concerns regarding this form or the public records request process.

A. Requester Information

Name of Requesting Individual: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone No.: _____ Facsimile No.: _____ Email: _____

B. Record(s) Requested

Describe the public record(s) you are requesting. Please provide a sufficiently detailed description of the public record(s) requested, including the dates, subject matter, and such other information concerning the requested public record(s) as may be necessary to enable Town personnel to search for and locate the public record(s).

C. Purpose of Records Request

Because the identity and motive of the person seeking disclosure of a particular public record may be relevant in determining whether a record is exempt from mandatory disclosure under a conditional exemption, please provide a brief statement as to the purpose of your public records request.

D. Receiving Record(s)

Please specify the delivery/inspection date desired and preferred method of receiving the requested public record(s), if applicable. Town does not guaranty that the requested public record(s) will be delivered or made available by your desired delivery/inspection date.

- I would like to view/inspect the record(s) on _____.
- I would like to receive copies of the requested public record(s) no later than _____ by:

Mail Facsimile Will pick-up Email

I have received and reviewed Town's fee schedule. ____ (initial)

I understand that I will not receive the requested public record(s) unless and until I have paid the fees estimated by Town for providing the requested public record(s). If the estimated fees exceed Town's actual cost, the overpayment will be refunded to me. I will pay additional fees to the extent the estimated fees are less than the actual expenses incurred by Town. ____ (initial)

Signature: _____ Date: _____

For Town Use Only

Date Request Received: _____ Time: _____

Estimated Fees: _____

Request Approved – requester notified on: _____ by: _____

Telephone Mail Fax Email In-Person

Request Forwarded to Town's Attorney For Review – forwarded on: _____ by: _____

Request Denied – requester notified on: _____ by: _____

Telephone Mail Fax Email In-Person

Reason for Denial:

Town does not maintain record(s) Other: _____

Notes: _____

Request filled by: _____ Date: _____ Fees: _____