

City of Junction City Public Records Request Policy

SECTION 1. PURPOSE: City of Junction City (City) establishes this Public Records Request Policy per ORS 192.311 through 192.478. The following summarizes how the City will furnish proper and reasonable opportunities for the examination of non-exempt City public records. This policy does not require the City to create new records.

SECTION 2. PUBLIC RECORD: ORS 192.311 defines a “public record” as any writing containing information relating to the conduct of the public’s business, prepared, owned, used or retained by the public body, regardless of the physical form or characteristics. ORS 192.311 goes on to define “writing” as handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings. “Public Record” does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.

SECTION 3. RECORD REQUESTS: Requests for City public records pursuant to Oregon’s Public Records Law¹ must be submitted in writing on a form prescribed by the City to one of the following individuals, as applicable:

A. General City Records: City Recorder
City of Junction City
680 Greenwood Street
P.O. Box 250
Junction City, OR 97448
(541) 998-2153
Email: kvodrup@ci.junction-city.or.us

B. Court Records: Court Clerk
City of Junction City
680 Greenwood Street
P.O. Box 250
Junction City, OR 97448
(541) 998-2153
Email: icox@ci.junction-city.or.us

C. Police Records: Deputy Chief
Junction City Police Department
672 Greenwood Street
P.O. Box 250
Junction City, OR 97448
(541) 998-1245
Email: emarkell@jcpolice.org

¹ Requests from government agencies are not subject to Oregon’s Public Records laws. Consequently, those requests may be submitted via mail, fax, or phone. (See, 2019 Attorney General’s Public Records and Meetings Manual, Footnote 3).

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At a minimum, requests must include:

- A. The name and address of, and sufficient contact information for, the person requesting the public records;
- B. The date of the request; and
- C. A detailed description of the record(s) requested, including subject matter and year(s) of creation. Sufficient keywords must be provided to locate requested electronic records.
- D. The City may request additional information or clarifying information in good faith to expedite its response to a request. If applicable, the City may also request response to whether the requester would like the City to proceed with processing a request that is estimated to be greater than \$25. Response timelines referenced in Section 5 of this policy are suspended until such information or response is provided by the requester or the requester affirmatively declines to provide the information. ***If the requester fails to respond within 60 days to a good faith request from the City for additional information or clarification, or to confirm a request from the City on whether to proceed with processing any request estimated to be greater than \$25, or pay any applicable fees, the City shall close the request.***

SECTION 4. TYPES OF REQUESTS:

- A. **Level 1:** Requested records must be readily available and able to be provided with no more than 10 minutes of staff time. Level 1 records require no duplication (hard copy or digitization) or redaction. Level 1 requests are not subject to the Public Records Fee Schedule.
- B. **Level 2:** Requested records are not immediately accessible but can be accessed with no more than 30 minutes of staff time. Level 2 records must be located in a single department and not exceed 50 pages. (Police reports require a Level 2 request).
- C. **Level 3:** Level 3 requests are complex, may involve multiple staff or departments, or require more than 30 minutes of staff time. Such requests may involve extensive research or compilation of records.

SECTION 5. CITY RESPONSE:

- A. **Acknowledgment.** Within five (5) business days of receipt by the City, City will acknowledge receipt of a request with one or more of the following responses:
 - 1. Confirming the City is the custodian of the requested record.
 - 2. Informing the requester that the City is not the custodian of the requested record. This response completes the request and no further action is required.
 - 3. Notifying the requester that the City is unsure whether it is the custodian of the requested record(s), but that the City will search for the record(s) and make an appropriate response as soon as practicable.
 - 4. Informing the requester of the City's estimated fee for making records available, which the requester must pay as a condition of receiving the records. If the estimate is greater than \$25, the requester will need to confirm that the requester wants the public body to proceed with making the public records available. If directed to proceed, the City will require a deposit in an amount set pursuant to Section 6.B. Staff shall not begin to process the request until the deposit is received.

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5. Informing the requester that the City will provide the requester with an estimated cost to fulfill the records request by a date certain.
6. Notifying the requester of additional information the City requires to clarify and/or expedite the request.
7. Providing copies of the requested record(s) or letting the requester know where the record(s) can be viewed on the City's website.

B. Completion.

1. Except as provided in subsection 5.C and as soon as reasonably possible, but not later than ten (10) business days after the acknowledgement period, the City shall:
 - a. Complete the public records request; or
 - b. Provide a written statement to the requester that the City is processing the request and a reasonable estimated date by which the City expects to complete its response based on the information currently available.
2. The City's response to a public record is complete when the City:
 - a. Provides access to or copies of all requested records that the City does not assert are exempt from public disclosure or explains where the records are available publicly.
 - b. Asserts any exemptions from disclosure that apply to any requested records and listing what exemptions applied. If exemptions apply, the City must inform the requester that they may seek review of the City's determination that any of the requested documents are exempt from public disclosure pursuant to ORS 192.401, 192.11, 192.415, 192.418, 192.422, 192.427 and 192.431 or any other applicable Oregon Revised Statute.
 - c. Complies with ORS 192.338, which notes that for any public record containing material which is not exempt under ORS 192.345 and 192.355, as well as material which is exempt from disclosure, the City shall separate the exempt and nonexempt material and make the nonexempt material available for examination.
 - d. Notifies the requester that the City is not the custodian of the record.
 - e. Notifies the requester that state or federal law prohibited the City from acknowledging whether any requested record exists or that acknowledging whether a record exists would result in the loss of federal benefits or imposition of another sanction and provides a written statement to that effect, citing the state or federal law that the City relied on, unless the written statement itself would violate state or federal law.

C. Exception. The City shall acknowledge a public records request and complete its response as soon as practicable and without unreasonable delay. However, the City is excused from complying with the time periods set in Sections 5.A and 5.B if those time periods are impracticable for any of the following reasons:

1. Staff necessary to complete a response to the public records request are on leave or are not scheduled to work;
2. Compliance would demonstrably impede City's ability to perform other necessary services; or
3. Of the volume of public records requests being simultaneously processed by the City.

If staff needs to extend the timeline for response based on the exceptions above, the requester will be notified in writing, indicating the date by which the response will be completed.

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SECTION 6. FEES:

A. Cost Estimate.

- i. When applicable for Level 2 and 3 requests, staff will prepare a cost estimate reasonably calculated to reimburse the City for its actual costs in making such records available and will include that fee estimate or the date by which a fee estimate will be provided in the City's acknowledgment, per Section 5.A of this Policy.
- ii. A cost estimate includes, but is not limited to, the City's incurred costs, plus staff time (more than one-half hour) for: summarizing, compiling, or tailoring a record (either in organization or media) to meet the person's request; locating the requested records; reviewing the records in order to separate exempt from non-exempt material as provided by ORS 192.338; supervising a person's inspection of original documents in order to protest the records; copying records; certifying document as true copies; or sending records by special method such as express mail; and attorney time (over one-half hour) to review and segregate records.
- iii. Oregon Public Records Law allows the City's public records fee to include the cost of time spent by an attorney for the City in reviewing the public records, redacting material from public records or segregating the public records into exempt and nonexempt records. The City's public records fee may not include the cost of time spent by an attorney for the City in determining whether requested records are subject to disclosure.

- #### B. Deposit.
- City will provide the prepared cost estimate to the requester and will require a deposit of 50% for estimates over \$25 before expending additional City resources on the request. City staff will begin work on the request after the receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release records until the City's actual costs are paid in full. If the actual cost of responding to a request is less than the estimated cost, then the balance of the deposit will be refunded promptly. ***City shall close any public records request if a requester fails to pay the estimated or reduced fee within 60 days of the date on which the City informed the requester of the requirement for pre-payment of fees.***

C. Fee Waivers or Reductions:

- i. **FEE WAIVER AND REDUCTION REQUESTS.** All requests for a waiver or reduction of public records request fees shall be submitted to the City Recorder in writing on the City's Waiver/Reduction Request Form. The requester shall provide sufficient descriptive information to enable the City Recorder to determine whether waiving or reducing the fee is in the public interest, pursuant to ORS 192.324(5).
- ii. **WAIVER DETERMINATION.** Upon receipt of a Waiver/Reduction Request Form, the City Recorder, with input from the City Administrator, shall determine if a fee waiver or reduction is appropriate under ORS 192.324(5) and pursuant to factors identified in the Determination Factors listed below. The City Recorder shall grant, grant in part, or deny a properly submitted fee waiver or reduction request.
- iii. **DETERMINATION FACTORS.** In determining whether a requester has established a sufficient public interest, the City Recorder, with input from the City Administrator, will review the information provided by the requester in light of the totality of circumstances at

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the time of the request. Relevant factors include: 1) the requester's identity, 2) the purpose for which the requester intends to use the information, 3) the character of the information, 4) whether the requested information is already in the public domain, and 5) whether the requester can demonstrate the ability to disseminate the information to the public. The requester's inability to pay is also a factor, but is not, on its own, a sufficient basis for a fee waiver or reduction.

Even if a fee waiver or reduction request meets the above "public interest" test, City may choose to provide no fee reduction, or to charge for record review and/or copying costs, based on the following factors:

1. How narrowly tailored the request is to a matter of public interest;
2. Any financial hardship on City;
3. The extent of time, expense, and interference with City's regular business;
4. The volume of records requested;
5. The necessity to segregate exempt from non-exempt materials;
6. The extent to which the record request does not further the public interest or the particular needs of the requester;
7. Whether the fee was avoidable; or
8. The ability of the requester to pay the fee.

iv. FEE REDUCTION ALTERNATIVES. City will work with requesters to reduce costs by narrowing and/or clarifying requests to include only desired information. Arrangements may also be made to provide records review at City's office where the records are maintained, rather than copying, emailing, or mailing records.

v. FEE REDUCTION LIMITATIONS. Fee waivers or reductions apply to City staff time only and will not apply to services provided by outside vendors. City will bill requesters according to its fee schedule for costs above any waived or reduced amount associated with staff time.

D. If the records requested are documents which are produced by the City for general distribution and printed copies are available, i.e., City Council agenda, permit applications, election-related petitions, brochures, etc., a written request is not required, and a copy of each document will be provided at no charge. Copies of formalized reports will be provided at the City's actual cost according to a fee schedule determined by the Finance Director or City Recorder.

E. Copies of other records will be provided at the following charges:

- i. Copies of documentary records, up to 11" x 17" that can be identified, located, and produced with a nominal amount of staff time (less than one-half hour) will be provided at a charge of \$0.25 per page, plus any cost of delivery. Documents delivered via fax machine will be charged back at \$0.75.
- ii. Copies of other records, including records kept in a non-documentary form (oversized documents, maps, faxed documents, audio/visual recordings, microforms, electronic records, and other non-standard records) will be provided at the rate described in Oregon Administrative Rule (OAR) 166-10-0016 unless the cost is specifically set by the City of

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Junction City. Records which may not be covered in OAR 166-10-0016 or a City Schedule will be charged back at the City's actual cost for duplicating and delivery charges.

- iii. Copies of photographs that can be identified, located, and produced with a nominal amount of staff time (less than one-half hour) will be provided at the actual cost for copying and delivery charges.
- iv. CD, DVD, or Flash Drive Charge = \$5.00 each.
- v. Copies of records that require attorney time, over one-half hour, for segregation of exempt from non-exempt material will be provided at the City's actual cost for attorney time, copying, and delivery charges. Staff will advise the person requesting the records of the attorney's billing rate and obtain a deposit as noted in Section 6.B. The Finance Director or City Recorder will determine the final cost for attorney time based on the billing to the City. (Section 6.A.iii references allowable attorney charges, per ORS 192.324(4)(b).)
- vi. Public records requests which involve more than one-half hour of staff time for identification and location of the requested records will include a charge for staff time. The Finance Director or City Recorder will determine the cost for staff time based on the hourly wage/benefit of the staff involved.
- vii. Additional Fees for Court Department Records:
 - Certified Copies = \$5.00 plus copying fee. (Court Order 15-1)
- viii. Additional Fees for Police Department Records:
 - Police Reports up to four pages = \$10.00. Each additional page = \$1.00. (Resolution. 1009).

SECTION 7. INSPECTION OF ORIGINAL RECORDS:

- A. A person making a public records request may personally inspect the requested records within City Headquarters, during regular City business hours, by appointment only. The right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present at all times while records are inspected. City staff shall immediately terminate a review if a person attempts to alter, remove or destroy any record.
- B. City will allow persons requesting copyrighted records to inspect those records, and may allow limited copying of such records if authorized by Federal copyright law. City may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.