

CITY OF FLORENCE
RESOLUTION NO. 11, SERIES 2009

A RESOLUTION ESTABLISHING A PUBLIC RECORDS REQUEST POLICY AND
ESTABLISHING FEES FOR RECOVERING CITY EXPENSES INCURRED IN RESPONDING
TO REQUESTS FROM THE PUBLIC FOR DOCUMENTS AND PUBLIC RECORDS AND
AMENDING PREVIOUS RESOLUTIONS ENACTING THESE FEES

WHEREAS, Under Oregon Public Records Law, every person has a right to inspect nonexempt public records of the City of Florence, subject to reasonable procedures and restrictions; and

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

WHEREAS, The City's costs in performing these document and record searches and duplication services both in terms of staff labor and materials, often places a considerable burden on the City's resources; and


WHEREAS, ORS 192.440(4)(a) authorizes local governments and other public bodies to charge fees to reimburse the public body the reasonable and actual costs of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person's request.

WHEREAS, The City desires to establish a system of regulations, including fees and charges, which provides reasonable access to nonexempt public documents and the recovery of the City's actual reasonable costs, including labor and material, incurred in making public documents available.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Florence that the following Public Records Request Policy as Attachment A and Fee Schedule as Attachment B are now therefore established.

This resolution shall take effect upon adoption of the City Council.

Adopted by the City Council of the City of Florence this 20th day of April, 2009



Nola Xavier, Council President

ATTEST:



Pat Heinze, Assistant City Recorder

Resolution No. 9, Series 2009
Attachment A
CITY OF FLORENCE
PUBLIC RECORDS REQUEST POLICY
Adopted April 20, 2009

Public Records Request Policy: The City of Florence establishes this Public Records Request Policy per State Statue 192.000 and the following is a summary of the how the City will furnish proper and reasonable opportunities for the examination of non-exempt records.

City Recorder or Designee: Is the custodian of the City of Florence's public records and unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records during the usual business hours. The contact name and address shall be made available on the City of Florence's Public Records Request application.

Police Department Records Request: Is overseen by the Administrative Assistant to the Chief of Police and the Communications Supervisor.

Municipal Court Records Request: Is overseen by the Senior Court Clerk

Public Record: ORS 192.410 - Public record includes any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics. "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. Writing means 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. If the public record is maintained in machine readable or electronic form, the City Recorder shall furnish proper and reasonable opportunity to assure access. The City Recorder may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the City.

Records Request Information: A document requested must be in writing unless it is a Level 1 Request (see below) and shall include the name and mailing address of the requestor and a complete and detailed description of the materials requested when relevant, the purpose for which the request is made. When known to the requestor, the request shall include the information such as, year of creation and any other pertinent information which may assist City staff in locating the requested documents. The City will not author or prepare any new documents in response to a records requestor.

Request for Information via Email: Email requests for records requests may be taken at the discretion of the City Recorder. Request must clearly and correctly identify the document. The City will make every effort to publish the "Public Request for Information Form" as a fillable form on the City's website which can be sent directly to the City Recorder's office.

Inspection of Records: A person making a public documents request may personally inspect the original of the requested documents, but only in the presence of City staff to insure protection of the documents. Any inspection shall occur at a time mutually convenient to the requestor and the City. Original public documents shall not be taken out of the custody of the City.

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Types of Requests:

Level 1 Request: Requested document must be current and readily available, require no or little duplication, will not be subject to the Public Records Fee Schedule, and must require no additional staff time or resources to be made available. These types of documents are intended for public distribution, such as information brochures, agendas, permit applications, job applications, election-related petitions, or solicitations for public comment.

Does not require a written request or payment of a fee.

Level 2 Request: Requested documents are not immediately available. Request must clearly and correctly identify the document, does not require extensive staff research to locate the document; no more than 5 documents or 50 pages or documents that are more than one year old. Requested document must be located in a single department or division, may not contain sensitive, confidential, or privileged information, and must not require attorney review prior to release. Cost estimates will be provided and requestor must agree to pay before document retrieval begins. Documents are usually available within 5 business days (not including weekends or holidays).

Must be made in writing and payment due upon receipt. The City Recorder or designee may coordinate these types of requests.

Level 3 Request: This type of request is complex, involving multiple staff and/or departments or divisions. It involves extensive research or compilation of documents, and requires attorney review. The request also may require follow up by staff to identify what is being requested. City staff furnishes written acknowledgment that the request has been received usually within three to five business days and as soon as possible after that provides the requestor a written time and cost estimate for proceeding with the request.

Initial request must be made in writing. The requestor must submit written authorization to proceed and pay the estimated costs before any staff time is expended responding to the request. The City Recorder or designee will coordinate these types of requests.

City Response: Every attempt is made to provide the information for Level 1 Requests on the same day, Level 2 Requests within 7 days and Level 3 Requests within 21 days. The City Recorder will coordinate Level 2 and 3 requests and may request a review by the City Attorney to assess disclosure requirements of the information requested.

After the estimate is given to the requestor, the City Recorder's Office must receive written authorization from the requestor before proceeding with the records request. The requestor will be notified if costs exceed the written estimate given. In addition, a refund will be given if costs are less than estimated.

Preparation of Cost Estimate: When presented with a Level 2 or 3 public documents request as described above, the affected City department shall first prepare an estimated cost, reflecting the full, actual cost of City staff time and materials required to complete the request, including time required for retrieval, copying preparation, assisting the requestor, separating exempt from nonexempt materials as provided by ORS 192, organization of the results and if requested, delivery of the search results. The estimated cost may include a fee for the cost of the City

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Attorney time spent in reviewing the public records and redacting or segregating material from the public records in to exempt and nonexempt records. There are no costs related to Level 1 requests.

Labor Cost: The cost estimate for staff time shall be based on the staff person's regular hourly wage multiplied by the time estimated to respond to the request. There shall be no charge for the first fifteen (15) minutes of staff time required to respond to a documents request. If it takes more than fifteen (15) minutes to respond, the entire staff time is charged.

Materials Cost: The cost to reproduce any material requested will be charge at a per page rate. A copy of the fee schedule will be provided to the requestor prior to any charges being incurred. If delivery of the search results is requested, mailing or delivering costs shall be included in the estimated cost. The fee schedule will be reviewed annually by the Finance Department and brought to the City Council for consideration and action if needed.

Deposit and Payment Requirements: If the estimated cost is expected to be equal to or greater than \$100.00, the City shall require a deposit in the full amount of the estimate before expending any additional City resources toward responding to the document request. The affected City department shall proceed to fulfill the request only upon receipt of the deposit.

If the actual cost of completing the request exceeds the estimate, the City shall not release the search results until the City's full actual costs, calculated in accordance with this resolution are received in full. If the actual cost of responding to the request is less than the estimated cost, then the balance of the deposit shall be refunded.

If the estimated cost is less than \$100.00, the affected department shall proceed to fulfill the request and shall present a cost for the City's actual expenses, calculated in accordance with this resolution and payable in full upon receipt of the document. The City shall not release the search results until the City's final actual costs, calculated in accordance with this resolution are received in full.

Waiver or Reduction of Fees: Copies of public records may be furnished without cost, or at a reduced cost, if the City Manager or designee determines that a waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public (ORS 102,220(40)).

1. A person requesting a waiver or reduction of fees shall file a written request which includes the requestor's name and address, the purpose for which the documents are sought, the character of the information and whether the requestor can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. The City Manager will review the request and may also consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver or reduction.
2. Copies of routine material requested by the news media will be made available at no charge. Any request by the news media which requires more than fifteen (15) minutes of staff time will be charged according to the fee schedule.

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3. Copies of routine materials personal to the requestor will be furnished without charge, except for police reports. Any request which requires more than fifteen (15) minutes of staff time will be charged according to the fee schedule.
4. Copies of routine materials requested by any City of Florence public official or advisory committee member will be furnished without charge if the request relates to information needed in the requestor's official capacity.
5. The decision of the City manager on any fee waiver or reduction is final.

Resolution No. 9, Series 2009
Attachment B
City of Florence
Fee Schedule for Public Records Requests
Adopted April 20, 2009

Copies of City Documents*

*(Amending all previous Adm. Memo's and Resolutions setting these fees)

Black and White Copies on a City Photocopier

Per printed page (first 5 free)

8½ x 11 and 8½ x 14..... \$0.20

11 x 17 \$0.40

Color Prints on a City Color Printer

8½ x 11 and 8½ x 14..... \$0.75

11 x 17 \$1.00

Any documents taken to an outside printer for reproduction will be charged the actual costs plus staff time.

Business License List \$5.00

Scanning of Documents***

Black and White per printed page \$.15

GIS Maps*

(*Amending Res. 27, 1999)

Outline Only

8½ x 11 and 8½ x 14 \$5.00

11 x 17 \$7.00

Additional Data Layers

8 ½ x 11 and 8½ x 14..... \$12.00

11 x 17 \$15.00

Individual Parcels

8 ½ x 11 and 8½ by 14..... \$15.00

11 x 17 \$20.00

For example – Zoning or Comp Plan Designations

Large Format

Outline – Up to 42 x 72 \$25.00

Additional Data Layers \$40.00

For example - Zoning or Comp Plan Designations

Aerial Photo

8½ x 11 and 8½ x 14..... \$25.00

11 x 17 \$30.00

Large Format – Up to 42 x 72 \$60.00

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FEC

Copy of audio and video recording of a meeting \$25.00

Municipal Court

Copy Fee (per page)..... \$0.20*

*(Amending Res. 27, 1999)

Certified Copy (per page)..... \$2.00

Police Department

Log Entries..... \$5.00

(regardless of # of pages) (no charge to those seeking a court protective order)

Reports \$10.00

(regardless of # of pages) (no charge to those seeking a court protective order)

Citations..... \$5.00

Audio CD's..... \$10.00

Videos..... \$25.00

Photo's..... \$5.00

(or the actual cost of processing if on film)

Scanning of Documents***

Per ORS 192.440(3) "If the public record is maintained in a machine readable or electronic form, the custodian shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the custodian shall make the public record available in the form in which the custodian maintains the public record." At the discretion of the City Recorder documents may be scanned into electronic form.

Mailing Cost

Actual cost of postage and materials used to mail the documents.

Staff Time

The cost estimate for staff time shall be based on the staff person's regular hourly wage multiplied by the time estimated to respond to the request. There shall be no charge for the first fifteen (15) minutes of staff time to respond to a document request. If it takes more than 15 minutes to respond, the entire staff time is charged.

Records Sent via Email

If records requested are in electronic form and can be emailed to the requestor, there will be no charge for the copies. If the time to gather the information takes longer than 15 minutes, staff time will be charged as stated above.

City Attorney Cost

The City will include the "actual cost" of the time spent by the City Attorney reviewing and approving records to be released when required.