

## **Chapter 2.15 Public Records**

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**2.15.010 Purpose and Policy.** This chapter is adopted to implement the requirements and authority of ORS 192.410 to 192.505, Oregon’s Public Records Act. It is the city’s policy that all documents, including hard copy, video, audio, magnetic, CD ROM and electronic format, that are submitted to it or are in its possession are public documents. Some of these documents are exempt from disclosure pursuant to statutory disclosure exemptions, *e.g.*, ORS 192.501 and 192.502. The city council may adopt, in which case all elected and appointed city officials shall follow, a records retention policy consistent with applicable state law. The city council may also, by resolution, adopt a detailed fee schedule establishing the costs and rates for responding to public records requests. This chapter shall be administered and interpreted in a manner consistent with Oregon’s Public Records Act.

### **2.15.020 Definitions:**

- A. For purposes of this chapter, the definitions set forth in ORS 192.410 are adopted and incorporated herein by this reference except as specifically provided in this section
- B. Notwithstanding ORS 192.410, the following definitions shall apply to the City of Mosier and this chapter:
1. “City” means the City of Mosier, Oregon
  2. “Custodian” means the City Clerk/Recorder for the City of Mosier.
  3. “Exempt documents” means any document or part thereof that is exempt from public disclosure pursuant to any of the provisions of ORS 192.501 or 192.502.
  4. “Person” includes any natural person, corporation, partnership, firm, association or member or committee of the Legislative Assembly.

5. "Public record" includes any writing that exists and is in the city's possession 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.
6. "Requestor" is a person who has made a written request to the city to inspect and/or copy public documents.
7. "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.

**2.15.030 Right to inspect public records; notice to city attorney.**

A. Every person has a right to inspect any public record in the possession of the city, except for the exempt documents or exempt portions thereof described ORS 192.501 to 192.505. To inspect and/or obtain copies of a non-exempt public record in the city's possession, the requestor must submit a request in writing to the custodian describing with particularity the document or documents sought. The request should specify whether the requestor wishes to inspect or obtain copies or both, and should include complete contact information so that the custodian can respond. All public records requests become public records upon submission to the City.

B. If a person who is a party to a civil judicial proceeding to which the City is a party, or who has filed a notice under ORS 30.275(5)(a), asks to inspect or copy a public record that the person knows relates to the proceeding or notice, the person must submit the request in writing to the custodian and, at the same time, to the city attorney.

**2.15.040 City obligation to maintain public records and make them available for inspection and copying.** The custodian shall maintain the public records of the city in hard-copy, machine readable or electronic form and retain those records for so long as required to do so by state law. The custodian shall furnish proper and reasonable opportunities for inspection and examination of public records at city hall during usual business hours. If a public record is maintained in machine readable or electronic form, the custodian shall furnish proper and reasonable opportunity to assure access to the document. The city will not open its files to public inspection, but will make specific requested documents available for inspection and copying if desired. Likewise, the city will not allow its original documents to leave the custodian's control. If copies are desired, the city will have the originals duplicated and provide the copies at the city's cost. If any public record contains material that is not exempt under ORS 192.501 and 192.502, as well as material that is exempt from disclosure, the city shall separate the exempt and nonexempt material and make the nonexempt material available for examination upon request.

**2.15.050 City response to a public records request, cost estimate.**

A. Within seven days of receipt of a written request, the custodian or city attorney shall respond to the public records request by either providing the requested documents or an estimate of the amount of time it will take and an estimate of the cost to search, compile and make available the requested documents for review.

B. If the requested documents are not provided in the city's initial response, the city's first written response will include an estimate of the cost and time involved in making the requested documents available. The city may incur and charge a fee of up to \$25 without prior approval by the requestor. However, when the fee is estimated to exceed \$25, the city will first provide the requestor with a written estimate of the cost and defer any further response until the requestor confirms that the requestor wants the city to proceed with making the public record available. The city may require the requestor to pay the estimated response costs prior to beginning any work to compile or make available the requested public records.

C. The city may establish and charge requestors a fee reasonably calculated to cover the city's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request. The city shall be entitled to recover the administrative costs associated with searching, retrieving, compiling, summarizing, redacting, duplicating and shipping public records in response to a request. The city's recoverable administrative costs include the cost of time spent by the custodian responding to the request and time spent by the city attorney reviewing the public records for exemptions under ORS 192.501 and 192.502, redacting information that is exempt from disclosure or segregating the public records into exempt and nonexempt records. The city shall not include or recover from a requestor the cost of time spent by the city attorney determining the application of the provisions of ORS 192.410 to 192.505.