

RESOLUTION NO. 2531

INTRODUCED BY ALL COMMISSIONERS

POLICY, PROCEDURES AND FEES FOR PUBLIC RECORDS AND INFORMATION REQUESTS,  
AND REPEALING RESOLUTION NO. 2301

This resolution provides amendments to record request procedures and response timelines, pursuant to ORS 192.410 – 192.440, 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); for Police Department requests, please see Attachment D.
- 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 provide a written response to requests within at least 5 business days with at least one of the following responses:
  - a) Confirm that the public body is the custodian of the requested record;
  - b) Inform the requester that the public body is not the custodian of the requested record; or
  - c) Notify the requester that the public body is uncertain whether the public body is the custodian of the requested record.
- 2.5. As soon as reasonably possible, but no later than 10 business days after the date by which a public body is required to acknowledge receipt of the request, a public body shall:
  - a) Provide a written estimate of the cost to produce and/or provide the requested records on the City's prescribed form (Attachment C);
  - b) Complete its response to the public records request; or
  - c) Provide a written statement that the public body is still processing the request and a reasonable estimated date by which the public body expects to complete its response based on the current information available.

**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 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:

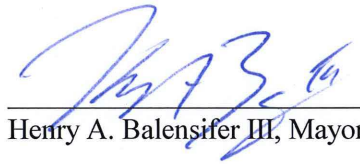
- a) waive the requirement that the request must be in writing;
- b) waive fees if the request requires copying three or less pages and involves less than one-half hour of staff time to process;
- c) waive required compliance with this resolution in special cases where the public interest in supplying 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.

First Reading: January 8, 2019  
Second Reading: January 22, 2019

ADOPTED by the Warrenton City Commission this 22<sup>nd</sup> day of January, 2019.

ATTEST   
\_\_\_\_\_  
Dawne Shaw, City Recorder

  
\_\_\_\_\_  
Henry A. Balensifer III, Mayor

**Attachment A**  
**Resolution No. 2351**

**CITY OF WARRENTON**  
**PUBLIC RECORDS REQUEST FORM**

**REQUESTOR INFORMATION**

Date of Request: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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 shall follow timelines as required under ORS 192.**

- A. Within five (5) business days the City will acknowledge all record requests.
- B. As soon as reasonably possible, but no later than 10 business days after the date by which a public body is required to acknowledge receipt of the request under ORS 192.440, the City shall:
  - i. Complete its response to the public records request: or
  - ii. Provide a written statement that the City is still processing the request and a reasonable estimated date by which City staff expects to complete its response based on the information currently available.
  - iii. 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.
  - iv. If the fee estimate exceeds \$25.00, a deposit may be required to begin the work.
  - v. 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, reviewing 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. 2351

CITY OF WARRENTON  
PUBLIC RECORDS FEE SCHEDULE

(Some of these records may be available on the city's website - [www.ci.warrenton.or.us](http://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 Recordings.....	\$15.00 per CD/DVD/ USB Thumb Drive	
Emailed Records (readily available).....	\$10.00	
Emailed Records (requiring scanning).....	\$15.00 up to first ½ hr time; Over ½ hr: Actual staff time (includes benefits and overhead)	
Electronic Records (readily available)		
CD/DVD.....	\$10.00 up to first ½ hr download time; Over ½ hr: Actual staff time (includes benefits and overhead)	
USB Thumb Drive.....	\$15.00 up to first ½ hr download time; Over ½ hr: Actual staff time (includes benefits and overhead)	
Digital Photographs.....	\$ 5.00 per printed side <b>OR</b> \$15.00 per CD/DVD/ USB Thumb Drive	
<u>COPIES OF POLICE /COURT RECORDS - See "Attachment D" for Police Department Body Cam Video Requests</u>		
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.....	\$5.00 per page <b>OR</b> \$10.00 per CD	
Audio/Video.....	\$15.00 per CD/DVD or USB Thumb Drive	

SPECIAL PUBLICATIONS

**Administration**

City of Warrenton Code (General Ordinances)..... As charged for standard copying  
City Charter.....\$15.00

**Finance**

City Budget

Printed.....\$30.00  
CD/USB Thumb Drive.....\$15.00

City Audit

Printed.....\$30.00  
CD/USB Thumb Drive.....\$15.00

Business License List.....\$10.00

**Planning/Building**

Comprehensive Plan

Printed.....\$30.00  
CD/USB Thumb Drive.....\$15.00

Development Code

Printed.....\$30.00  
CD/USB Thumb Drive.....\$15.00

Wetland Conservation Plan

Printed.....\$30.00  
CD/USB Thumb Drive.....\$15.00

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**

Large Format Printing (17x22, 22x34, 34x44)..... B&W \$15.00/per each  
Color \$25.00/per each

Electronic Records (readily available)

CD/DVD.....\$ 10.00 up to first ½ hr download  
time; Over ½ hr: Actual staff time (includes benefits and overhead)

USB Thumb Drive.....\$15.00 up to first ½ hr download  
time; Over ½ hr: Actual staff time (includes benefits and overhead)

Scanning Large Format Documents.....\$15.00 up to first ½ hr;  
Over ½ hr: Actual staff time (includes benefits and overhead)

Printing Large Format Documents..... \$5.00 + Standard Public Record  
Copying Fees

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

Other documents charged at Standard Public Record Copying Fees

**Fire Department**

All reports.....\$10.00

**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.

Level 1 Request: Inspection of Records Research Fee: Up to 30 minutes to locate files \$15.00  
Over 30 minutes - Actual Employee Cost (including benefits and overhead)

Level 2 Request: Up to 30 minutes of copying/\$15.00 + Copy Cost

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

POSTAGE.....Actual Cost

Attachment C  
Resolution No. 2351

**For Office Use Only**

Date Received: \_\_\_\_\_

Time Received: \_\_\_\_\_

**Standard Public Records**

No. of Copies	Description	Amount
	\$1.00 + \$1.50 per page <b>Color Copies</b>	
	\$1.00 + \$ .25 per page (8 ½ x 11 or 8 ½ x14)	
	\$1.00 + \$ .50 per page (11x17)	

**Oversize Copies (Maps/Plans/Construction Drawings): see Public Records Fee Schedule for applicable charges**

No. of Copies	Description	Amount

**Other (see Public Records Fee Schedule for applicable charges)**

No. of Copies	Description	Amount

**Research Fee/Supplemental Labor Fees**

Level 1 Request: Inspection of Records Research Fee: Up to 30 minutes to locate files \$15.00

Over 30 minutes – Actual Employee Cost (including benefits and overhead)

Level 2 Request: Up to 30 minutes/\$15.00 + 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: \$ \_\_\_\_\_

**Final Accounting:**

Total Due \$ \_\_\_\_\_ Minus Deposit (if required) \$ \_\_\_\_\_ = Balance Due \$ \_\_\_\_\_

**OR Refund Due \$ \_\_\_\_\_**





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## WARRENTON POLICE DEPARTMENT ADDENDUM TO PUBLIC RECORDS REQUEST

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### Requests for Police Body Cam Video

A request for police body cam video is regulated and controlled by ORS 192.501. Such recordings are exempt from disclosure *“unless the public interest requires disclosure in the particular instance.”* ORS 192.501(40). In other words, the video will not normally be released, unless the requestor first establishes a public interest that requires such disclosure.

All such public record requests must be subjected to an additional process to determine whether the video must be released under the exception to the ORS 192.501 conditional exemption.

If such an exception is established, further guidelines for ORS 192.501(40) must be followed. Subsections (a), (b) and (c) of Section 40 provide the following:

*(a) Recordings that have been sealed in a court’s record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.*

*(b) A request for disclosure under [ORS 192.501(40)] must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.*

*(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.*

This means that the request must identify the date and time of an identified incident and be limited only to those materials justified by the identified public interest. Further, prior to releasing the recording, the faces of **ALL** persons in the recording must be blurred or blocked. Personal information must also be redacted (ex: someone reciting their date of birth or social security number).

In order to meet these conditions, it will take additional time to determine whether a body cam video is subject to disclosure and, if it is, additional time to process the video. It will also mean additional processing costs. You will receive an estimate for this cost before any processing is done and you may be required to put a deposit down prior to any processing. Either way, you will be given an estimate and the opportunity to decide if you want to proceed.