

RESOLUTION NO. 2301

INTRODUCED BY COMMISSIONER Frank Orrell

POLICY, PROCEDURE AND FEES FOR PUBLIC RECORDS/INFORMATION REQUESTS  
AND REPEALING RESOLUTION NO. 1045

This resolution provides procedures 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).
- 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 respond to requests for public records within a reasonable time, but in any event not more than thirty (30) days from the date of receipt. This time limit may be increased when the request is not sufficiently specific to enable location of the records or when the volume, size, or location of such records makes their collection or retrieval difficult, in which case, the requesting shall be advised or the reason for the delay.
- 2.5. If the request is not complied with, a written response explaining why the City is unable to process the request shall be prepared and mailed to the requesting party.

**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, upon receipt of the record request 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.

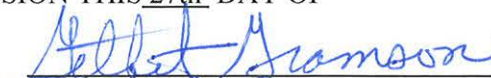
**Section 5. Records Requested for Court Proceedings.** The City shall not charge fees for costs incurred by the City when an employee of the City, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding. When the City is a party to a court proceeding and 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:

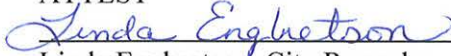
- (a) waive the requirement that the request must be in writing;
- (b) waive fees if the request requires copying three or less pages and involves less than one-half hour of staff time to process;
- (c) waive required compliance with this resolution in special cases where the public interest in supplying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

ADOPTED BY THE WARRENTON CITY COMMISSION THIS 27th DAY OF  
April, 2010.

  
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Gilbert Gramson, Mayor

ATTEST

  
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Linda Engbretson, City Recorder