

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

In the Matter of an Order Amending the)
Curry County Public Records Policy)

ORDER NO. 23274

WHEREAS, the County's existing public records policy and procedure let to inconsistent results when processing public records; and

WHEREAS, it is in the public interest of the citizens of Curry County to repeal Order No. 20555 and the accompanying 2018 Public Records Policy and Procedure; and

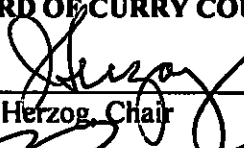
WHEREAS, the County wishes to adopt a new Public Records Policy to comply with State Law and eliminate elements in prior policy that led to inconsistent processing of public records requests.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Order No. 20555 is repealed effective as of July 5, 2023.
2. The attached Public Records Request Policy is adopted and becomes effective July 6, 2023.

DATED this 5th day of July, 2023.

BOARD OF CURRY COUNTY COMMISSIONERS

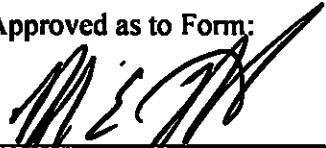


John Herzog, Chair



Brad Atcorn, Vice Chair

Approved as to Form:



Michael E. Fitzgerald, OSB # 950738
Curry County Legal Counsel

Absent At Signing

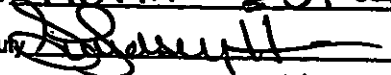
Jay Trost, Commissioner

CT2023-176

Curry County Clerk, Shelley Denney

Filed Date 7 / 6 / 2023

Time 4:10 PM - 5 Pages

Deputy 
S. Lindsey Harris



**CURRY COUNTY
BOARD OF COMMISSIONERS**

PUBLIC RECORDS REQUEST POLICY

1. SUMMARY

This policy is created pursuant to ORS 192.324 and is intended to establish an orderly and consistent process for responding to Public Records (FOIA) Requests. This policy applies to all County offices, departments and staff.

Oregon Public Records Law (ORS 192.311-192.431) grants the public the right to inspect and copy most public records maintained by Curry County (the "County"). Therefore, except for records exempt from disclosure, and as set forth further herein, the County shall make all public records available upon request. A public record includes any writing, recording or electronic record that is prepared, owned, used or retained by the County and contains information relating to the conduct of the County's business.

Certain records maintained by the County are not public records or may be exempt from public disclosure. Additionally, federal and state laws require the County to keep certain records confidential.

Oregon Public Records Law does not impose a duty on the County to create public records in response to an information request, or to extract data in a manner requested by the public.

2. DEFINITIONS

"Public Records Custodian" or "PRC" means the person designated by the Board of Commissioners to handle and process Public Records Requests received by the County, aside from the County Sheriff. The PRC for records pertaining to the County Sheriff's Office is the County Sheriff or his designee.

"Public Records Request" or "PRR" means a request for information received by the County pursuant to Oregon Public Records Law/FOIA.

"Requesting Party" means the party named on the Public Records Request Form, or their designee.

"Responsive Document(s)" means the document(s) received by the Requesting Party in connection with a Public Records Request.

3. PROCEDURE TO PROCESS PUBLIC RECORD REQUESTS

3.1 Submission of Records Requests

Requests must be delivered in person, mailed, or emailed to:

Curry County Public Records Custodian
94235 Moore Street, Suite 123
Gold Beach, OR 97444
publicrecordsrequest@co.curry.or.us

All requests for County public records shall be in writing. An email setting forth the request satisfies the writing requirement as long as all pertinent information (name, address, phone number, etc.) that is provided on the Records Request Form is included.

A written request may be submitted on the form established by the County or by a written statement containing all information requested on the PRR Form. The request shall specifically identify the documents or records requested as well as the name and contact information of the Requester.

3.1.1 All Public Records Requests Shall be Referred to the PRC

If a member of the public makes a public record request to any County department or office, all County officers, employees and departments aside from the County Sheriff's Office shall forward those requests to the PRC.

3.1.2 Other County Duties Regarding Records

The PRC role under this rule in no way impacts the County Clerk's statutory role of filing and recording County documents, or other statutory duties of the County with respect to retention and destruction of County records. No County employee shall alter or destroy a record that the employee reasonably thinks is subject to a current or reasonably anticipated public records request or is relevant to current or reasonably anticipated litigation. This includes records otherwise eligible for destruction.

4. ACKNOWLEDGMENT AND FEES

Because State law allows a five (5) business day initial response period, neither this policy, not State law requires the County to make records available immediately upon request, whether the request is made in person or otherwise.

4.1 Acknowledgement

Within five (5) business days of receiving the request, the PRC shall send written acknowledgement of the request to the address provided on the PRR Form.

4.1.1 Fees

The County shall not charge a deposit or staff fee prior to producing documentation pursuant to a request. However, fees may be assessed for material costs incurred by the County department in the course of the production of documents. All contemplated fees not listed on the County Fee Schedule must be approved by the PRC prior to being charged to the Requesting Party. Payment shall be made directly to the County department providing responsive documents, and not to the PRC.

(a) Extraordinary Circumstances

In circumstances involving an extraordinary amount of staff time to produce records, the department head shall consult with the PRC regarding the assessment of fees to the Requesting Party.

(b) Actual Costs

If a flash drive, CD, or other item is needed to provide Responsive Documents, the Requesting Party shall, prior to receiving documents, pay the cost set forth by the County Fee Schedule; or if not provided on the Fee Schedule, the actual cost of the item.

5. DELIVERY OF DOCUMENTS

5.1 Availability of Responsive Document(s) Generally

If not impracticable, County shall make the Responsive Document(s) available for pick-up or digital transmittal not more than ten (10) business days after the written Acknowledgement described in Section 4.1 is issued to the Requesting Party.

5.2 If Delivery of Responsive Document(s) Impracticable

Compliance with the ten-day time limitation may be impracticable because of staff unavailability, the volume of simultaneous requests, or otherwise pursuant to ORS 192.329(6), the PRC shall provide a written statement that it is still processing the request and shall set out a reasonable estimated date by which the public body expects to complete its response based on the information currently available.

6. LOG OF ALL PUBLIC RECORDS REQUESTS.

The PRC shall keep a log of all requests documenting the date, documents requested and delivery of all document requests.

7. FORMS

The PRC may develop and modify forms to carry out this policy in compliance with State law.

8. PUBLIC RECORDS REQUESTS BY INDIVIDUAL COUNTY COMMISSIONERS

Notwithstanding the doctrine that an individual elected official acting alone is not entitled to review public records outside the public records request process, the Curry County Board of Commissioners, acting together, is entitled to review any document in county possession; whether in executive session or otherwise.

The Board of Commissioners for Curry County believes that requiring individual commissioners to go through the public record process to review county documents is inefficient and results in unnecessary burden on staff and elected officials.

Therefore, the Board of Commissioners hereby delegates to any individual commissioner the Board's authority to review any document in county possession, subject to conferral with County Legal Counsel.

Any document or information obtained by a single Commissioner under this process is not authorized for release or disclosure without prior approval of County Legal Counsel.

If such individual commissioner document review requests is deemed to be administratively burdensome by the PRC, the matter shall be brought to the entire board for determination of how to proceed.

Any County agent, officer, employee or representative who denies a Commissioner request to review county documents, other than records of the Curry County Sheriff, is subject to discipline.

9. APPEALS

9.1 District Attorney

Denial of access to public records, or a denial of a request to totally or partially waive PRR fees may be appealed directly to the Curry County District Attorney in accordance with ORS 192.324(6), ORS 192.415, or ORS 192.418.

9.2 Circuit Court

Denial of a public record of an elected official may be appealed to Circuit Court in accordance with ORS 192.422, ORS 192.427 and ORS 192.431.