

RESOLUTION NO. 541

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, OREGON, ADOPTING REASONABLE MEASURES TO ENSURE THE INTEGRITY OF ITS RECORDS AND EFFECTIVENESS OF ITS OFFICE OPERATIONS AND REPEALING RESOLUTION 305.

WHEREAS, according to ORS 192.420, every person has the right to inspect any nonexempt public record of the City of Aurora subject to reasonable procedures; and

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

WHEREAS, the State Attorney General suggests that public bodies establish protective measures to maintain the integrity of public records or to prevent interference with the duties of the records custodians; and

WHEREAS, the State Attorney General recommends there be a process in which the public has an opportunity to comment on these measures;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Aurora, Oregon, that:

Section 1: City Council Resolution Number 305 is repealed.

Section 2: The City shall provide proper and reasonable opportunities for inspection and examination of the records during usual business hours if such request does not interfere with the regular discharge of duties.

Section 3. All requests to inspect public records shall be directed to the City Recorder at the following address: 21420 Main Street, Aurora, OR 97002

Section 4: All requests to inspect a public record shall be in writing when practicable with the date, name, address, and signature of the person making the request or sufficient e-mail metadata for the City to make an appropriate response.

Section 5: The request must contain, if known, a statement of sufficient specificity to determine the nature, content, and probable department in which the record is located.

Section 6: The City shall respond to a person who makes a written request for a public records as soon as practicable and without unreasonable delay. The response will acknowledge receipt of the request and include one of the following:

- a. A statement the City does not possess, or is not the custodian of the public record;
- b. A statement from the City that it needs clarification of the request;
- c. Copies of all requested public records for which the City does not claim an exemption from disclosure under ORS 192.410 to 192.505;

- d. A statement that the City is the custodian of at least some of the requested public records, the amount of time the City needs before the records will be available to the requestor, and a cost estimate for providing the records;
- e. A statement that the City is uncertain if it is in possession of the records and the amount of time the City needs to search for the records; or
- f. A statement that the public records are exempted from public disclosure under state and federal law.

Section 7: The City shall not create any new documents or customize any existing documents in response to a records request.

Section 8: If the public record is maintained in a machine readable or electronic form, the City 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 City shall make the public records available in the form in which it is maintained.

Section 9: A person making a public record request may personally inspect the requested document during normal business hours. A City staff member shall be present while any original public records are being inspected to insure protection of the documents.

Section 10: Providing nonexempt public records is a governmental activity covered by the Americans with Disabilities Act (ADA). The City will provide an opportunity for individuals with disabilities to request an alternative form.

Section 11: A staff member must review the requested document to make certain the record does not contain any exempt information before releasing the public record for inspection. If a document does contain exempt information, a copy, in lieu of the original, will be provided for inspection with the exempt portion redacted. The cost of having legal assistance to redact material shall be included in the fee charged.

Section 12: Original public documents may not be taken out of the City's custody.

Section 13: City records shall be released only under the conditions that the records are public and not exempt from disclosure under ORS 192.410 – 192.505.

Section 14: Fees

- a. Resolution No. 538, a copy of which is attached hereto and hereby incorporated by reference, contains a schedule of fees for producing specific documents. In addition to the fees contained in Resolution 538, unless waived or reduced pursuant to Section 15, below, all time spent by staff to research, search or copy records and by the city attorney to redact or to condense records as set forth in Chapter 513, Or Laws 2007, shall be billed at the hourly rate of \$25.38 for staff time and \$180.00 per hour for city attorney time.
- b. If the cumulative fee for a public record exceeds \$25.00, the City shall notify the requestor in writing of the estimated fee for the public records request at the address included in the requestor's written request for the records. The

city shall not continue to process the request unless and until the requestor confirms that he/she wants the records requested.

- c. Prepayment shall be required if the estimated the request is greater than \$25.00. If the actual charges are less than the amount of the prepayment, the overpayment shall be promptly refunded.

Section 15: Fee Waivers or Reductions

- a. Copies of public records may be furnished without cost or at a substantial reduction if the City Records Officer, in his/her sole discretion determines the waiver is in the public interest because making the record available primarily benefits the general public.
- b. Copies of routine materials requested by any City elected official, appointed advisory board, or representative of a recognized neighborhood association will be furnished without charge if the request relates to information needed to act in one's official capacity. Any other materials requested will be charged at the fee set by City Council resolution.
- c. Routine materials are defined as those items already regularly produced.
- d. A person who believes there has been an unreasonable denial of a fee waiver or fee reduction may petition the district attorney.
- e. The City shall annually review and make available to the public is written procedure for making public records requests.

Section 16: This resolution is effective immediately upon passage.

Introduced and adopted by the City Council on December 11, 2007.



Charles Donald, President of the Council

ATTEST:



Laurie Boyce, City Recorder

APPROVED AS TO FORM:



Cindy L. Phillips