

CITY OF MANZANITA POLICY MANUAL

POLICY LETTER

To: All Departments	Classification: Administration
Subject: Public Information Requests	Authored By: Staff
REFERENCE: Update and replace policy PL 2017/2/04	Approved by Mayor: _____ Date: 10/16/19 Date Effective: 10/16/19 Date Expires: Open Policy number: PL 2019/2/04

PURPOSE:

ORS SB 481: Public Records Requests – Effective January 1, 2018 – gives an agency (the City of Manzanita) receiving a public records request **five (5) business days to acknowledge receipt of that request and an additional ten (10) business days to fulfill the request or issue a written response estimating how long fulfillment will take.**

The City of Manzanita’s City staff shall determine whether to grant a fee waiver or reduction on a case-by-case basis. A waiver or fee reduction may be granted if it is determined that the waiver or reduction is in the public interest, because making the record available primarily benefits the general public. In making this determination, City staff should consider:

1. the character of the public interest in the particular disclosure;
2. the extent to which the fee impedes that public interest; and
3. the extent to which a waiver or reduction would burden the City.

A decision on a request for a fee waiver shall be made within five (5) business days of receipt of a request.

PROCEDURE:

The following are the procedures for submitting and responding to requests to inspect or receive copies of public records maintained by the City:

A. Making a Request

1. A request to inspect or obtain copies of a public record must be made in writing. Persons are encouraged to use the City’s Public Records Request form that is available in paper and electronic formats. This form is available on the City’s website at

www.ci.manzanita.or.us. Other forms of written requests will be accepted if all the information required to respond to the request is provided.

2. The written request shall be delivered to the City staff either by email to cityhall@ci.manzanita.or.us, by delivery in person, or by mail or facsimile to the City staff, PO Box 129, Manzanita, OR 97130; 503-368-4145 (fax).

B. Processing a Public Records Request

1. **Acknowledgment. Within five (5) business days of receipt of a Public Records Request,** City staff shall send written acknowledgment to the requester containing the following:
 - a. Confirmation of whether or not the City is the custodian of the requested record, or whether the City is uncertain whether the City is the custodian of the requested record; or
 - b. A statement that no such records exist: or
 - c. If the request is unclear, a request to clarify the records sought and
 - d. If applicable, a cost estimate with a notice that a deposit must be paid before the request will be processed.

If it is not possible to provide a full cost estimate within the initial five (5)-day period, the acknowledgment will indicate that a more accurate cost estimate will be provided when available and that a deposit for costs in an amount not to exceed \$25.00 must be provided before the City will continue to process the request.

2. As soon as reasonably possible, **but not later than 10 business days after the date the City is required to acknowledge receipt of the request** and if the applicable fees have been paid or waived and the requester has responded to any request for clarification, the City shall:
 - a. Complete its response to the request; or
 - b. Provide a written statement that the City is still processing the request and a reasonable date by which the City expects to complete its response.
3. The City shall close the request within sixty (60) calendar days of the acknowledgment if the requester fails to pay the required fee, request a fee waiver or respond to the City's request for clarification.
4. If a fee waiver is requested, City staff will send a copy of the request to the applicable department head for their review.
5. Upon receipt of the deposit for costs, or upon approval of a fee waiver, City staff shall work to produce the requested copies. The copies should be forward to the Administrative Assistant along with a report of the final costs incurred in responding to the request.
6. After the records have been compiled for inspection, City staff will advise the requester that an appointment may be scheduled to inspect the records where the requester desires to inspect the records. Where the requester desires to inspect the public

records, it is the requester’s obligation to schedule the inspection appointment with City staff. If copies of the records are requested, upon receipt of any additional monies owed for processing the request, the records will either be mailed to the requester or be made available for pickup at City Hall.

- 7. If an inspection of public records is to occur, a City staff employee shall be present at all times to supervise the inspection and to ensure that no documents are removed, destroyed, or otherwise tampered with. There may be additional costs associated with the inspection process that must be paid at the time of the inspection.
- 8. If City staff believe that the request should be denied in whole or in part, City staff shall prepare a written explanation of the basis for the denial, which shall identify all applicable exemptions from disclosure for each part of the record being withheld. The written denial shall be provided to the requester. All denial letters shall include a notice that the requester may appeal the denial to the Tillamook County District Attorney, pursuant to ORS 192.410 to 192.505.

C. Exceptions

Requests for the following categories of records are exempt from the procedures in this policy.

Easily accessible or routinely requested records. If requested records are easily accessible by City staff, or are publicly available, such as on the City’s website, and contain no materials that are exempt from disclosure, City staff may inform the requester how to access the records, or provide the records at no cost. If the requester requests a paper copy of the records, the following fees shall apply:

<u>Police Report:</u>	\$15.00 per report
<u>Copies:</u>	\$0.25 per page
<u>Service Charge:</u>	\$5.00 simple report \$10.00 complex report
Mailing labels:	\$0.10 per label
CD:	\$5.00 per CD
Other:	

ORS 192.329 (6) states that ‘The time periods established by ORS 192.234 (copies or inspection of public records) and subsection (5) of this section do not apply to a public body if the compliance would be impracticable because.

(b) Compliance would demonstrably impede the public body’s ability to perform other necessary service; or

(c) Of the volume of public records requests being simultaneously processed by the public body.’

D. Appeal

If a Public Records Request or a fee waiver is denied, the requester may appeal the denial to the Tillamook County District Attorney pursuant to ORS 192.407-431.

Endnotes

The City of Manzanita is required to respond to requests by Oregon Public Records Law. The Federal “Freedom of Information Act” (FOIA) does not apply to requests for the City’s public records. This law only applies to requests for public records maintained by the federal government.



Public Records Request

City of Manzanita
543 Laneda Avenue
P.O. Box 129
Manzanita, OR 97130

Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State/Zip: _____

Provide detailed description of documents requested:

(Attached additional sheet if needed)

I would like to receive said documents via: Email View on site at City Hall Pick up at City Hall

REQUESTOR TO READ AND SIGN UPON SUBMITTING REQUEST

I understand that per ORS SB 481, every person has a right to inspect any public record of a public body in this state, except as otherwise provided by ORS 192.329, 192.338, 192.345, 192.355. I understand that the documents or records requested may not be immediately available for my review; that the City will respond to my request as soon as practicable and without an unreasonable delay; that due to limited staffing or the volume of public records requests received, my request for information other than a specific document, may not be fulfilled. **I acknowledge that there may be a cost for the research time to retrieve the requested records and costs for duplication of requested documents. If research time is requested, I understand I will be notified of the estimated cost prior to retrieving the documents or records. I also understand that prepayment for research time and copies may be required.** I acknowledge that any documents or records made available to review at City Hall must not be disassembled and must be left intact.

Signature of Requestor

Date

FOR INTERNAL USE ONLY

Police Report: \$15.00	#Reports: _____	\$ _____
Copies: \$0.25 per page	#Copies made: _____	\$ _____
Service charge: \$10.00 simple report (paper or emailed)		\$ _____
\$25.00 complex report (paper or emailed)		\$ _____
Mailing labels: \$0.10 per label	#Labels: _____	\$ _____
CD: \$5.00	#CDs: _____	\$ _____
Other:		\$ _____
_____		\$ _____
_____		\$ _____

Receipt# _____ Total amount received \$ _____

Request completed by: _____