

Arch Cape Domestic Water Supply District

Policy 22-01

PUBLIC RECORDS POLICY

This policy supersedes Policy 18-02WD

Compliance: The District shall fully comply with the Oregon Public Records Law, ORS 192.410 192.505 Specificity of Request: In order to facilitate the public's access to records in the District's possession, and to avoid unnecessary expenditure of staff time, persons requesting in writing access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable District personnel to readily locate the records sought. All requests for public records must be submitted on the District's Public Records Request Report Form. The form is available at the District office and on the District website: <https://www.archcapewater.org/public-information-requests> The request may be submitted in person, by mail, or by e-mail.

Acknowledgement of Request: Within five business days after receipt of such written request, the District will either:

Complete the request by: Providing access to or copies of all non-exempt requested records, and asserting any exemptions to disclosure having separated exempt material from non-exempt material and telling the requester of appeal rights regarding any exemption asserted; or

Providing a written statement: That the District is not the custodian of the record; or
That federal or state law prohibits the District from acknowledging whether any requested record exists.

Acknowledge the request by: Confirming that the District is the custodian of the requested record; in which case the District will complete the request within an additional ten business days or provide a written statement that the District is still processing the request and providing a reasonable estimated completion date; or

Informing the requester that the District is not the custodian; or

Notifying the requester that the District is unsure whether it is the custodian of the record.

The time periods herein provided will be extended correspondingly when the District tells the requester a fee is due and until the fee is paid or waived, and when the District requests additional information or clarification for the purpose of expediting its response and until the requestor provides this information or affirmatively declines to provide it.

The time periods herein provided do not apply if: (1) necessary staff to complete the request is not available, (2) processing the request would impede other necessary services or (3) the volume of requests is too large; however, the District will acknowledge and complete the request as soon as practicable and without unreasonable delay.

The District will close the request after 60 days if the requester fails to pay fees due or fails to respond to a request for information or clarification.

Access: The District shall permit inspection and examination of its nonexempt public records during regular business hours in the District's offices, or such other locations as the District Manager may reasonably designate from time to time. Copies of nonexempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained. ORS 192.440 (2).

Fees for Public Records: Fees must be limited to no more than \$25.00 unless the requestor is provided with a written notification of the estimated amount of the fee and the requestor confirms that he/she wants the public body to proceed. In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

Copies of Public Records; Certified Copies: Copies of public records shall be twenty-five cents per copy (\$0.25) for standard, letter size copies. Copies shall be certified for an additional charge of ten dollars (\$10.00).

Copies of Sound Recordings: Copies of sound recordings of meetings shall be ten dollars (\$10.00) per copy.

Copies of Maps and Other Nonstandard Documents: Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.

Research Fees: If a request for records requires District personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the minimum fee shall be \$50.00 per hour and additional charges shall be in ¼ hour increments. The District shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

Attorney Fees: Actual attorney fees charged to the Arch Cape Domestic Water District for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records, to include Land Use Attorney or another specialist.

Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.

Reduced Fee or Free Copies: Whenever it determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the Board or District Manager may so authorize. ORS 192.440(4).

Authorization Required for Removal of Original Records: At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors or the District Manager.

On-Site Review of Original Records: If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordance with the Fees for Public Records section, above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

Unauthorized Alteration, Removal, or Destruction of Records: If any person attempts to alter, remove, or destroy any District record, the District representative shall immediately terminate such person's review, and notify the attorney for the District.