

RESOLUTION NO. 6300

A RESOLUTION ADOPTING REVISIONS TO THE PUBLIC RECORDS REQUEST POLICY, F-05-08; THE STANDARD PUBLIC RECORDS REQUEST FORM; AND THE FIRE DEPARTMENT RECORDS REQUEST FORM; AND REPEALING RESOLUTION NO. 6209.

WHEREAS, Oregon public records laws allow agencies to establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available; and

WHEREAS, the Public Records Request Policy was adopted by the City Council by Resolution No. 6209; and

WHEREAS, the fees for public records requests are on the City of Albany Public Records Request Forms; and

WHEREAS, allowing requestors to use personal equipment to download City public records creates a risk to the City by the introduction of malware that could expose the City to network-based attacks; and

WHEREAS, it is necessary to prohibit requestors from using personal external sources to download City public records; and

WHEREAS, the Information Technology department has a stock of USB flash drives for which the City will charge \$15.00 each; and

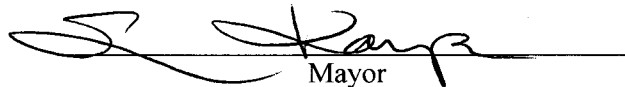
WHEREAS, it is necessary to clarify "Employee Costs" for Level 3 fees to be equal to "wages plus benefits".

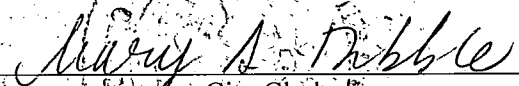
NOW, THEREFORE, BE IT RESOLVED that the City of Albany City Council hereby adopts the Public Records Request Policy as Exhibit A; the standard Public Records Request Form as Exhibit B; and the Fire Department Public Records Request Form as Exhibit C; and

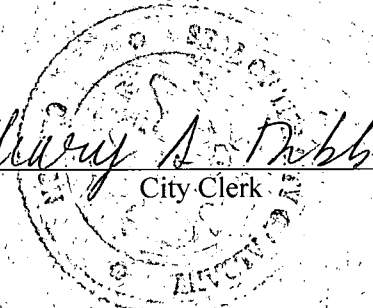
ALSO BE IT RESOLVED that Resolution No. 6209 is repealed.


DATED AND EFFECTIVE THIS 26th DAY OF FEBRUARY 2014.

ATTEST:


Mayor


City Clerk



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|  | <p>City of Albany Finance/City Clerk's Office Policy #: F-05-08-004005 Title: Public Records Requests</p> | |
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Purpose To outline procedures for public records requests in order to comply with ORS guidelines.

Scope This policy applies to all City employees.

Policy The City strives to provide timely and open access to public records and information not specifically exempted from access set forth in ORS 192.501 and 192.502.

Each department shall be responsible for implementing this policy with oversight by the department's Records Information Management (RIM) Coordinator.

Policy F-05-08 sets public records fees and outlines the internal procedures to meet public records requests.

This policy does not apply to City employees seeking records from other City employees for use in performance of their duties.

The Police Department and the Fire Department use their own Public Records Request Forms.

- Guidelines**
1. **Documentation.** All public records requests must be documented. The three acceptable forms of documentation are:
 - a. Completion of the Public Records Request Form. This is the preferred method for efficiency in tracking the City's compliance with public records laws and compiling statistical data.
 - b. A request made via e-mail that contains the following: date of request, requestor's name and contact information, and information ~~which reasonably identifies regarding~~ the document(s) requested.
 - c. A letter that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) being requested.

All requests must be specific enough for the City to determine the



City of Albany

Finance/City Clerk's Office

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nature, content, and department where the records may be located.

2. **Responsible Department.** RIM Coordinators should coordinate public records requests. If the records requested are in a different department, the RIM Coordinator is responsible to forward the request to the appropriate RIM Coordinator promptly. If the request was made using the Public Records Request Form, write the date the request was received on the Form in the "For Staff Use" section and then forward.
3. **Mandatory Notification.** ORS 192.440 requires that for written public records requests, the public body must respond in writing as soon as practicable and without unreasonable delay. Mandatory notification is a formal acknowledgement of the receipt of the request and includes a specific statement (ORS 192.440)(2)(a-f). The mandatory statements are listed in the "For Staff Use" section on the Public Records Request Form.
4. **Notification Process.** Timeliness is key to public records requests. If the request is filled promptly, then statement ORS 192.440 (2) (b) applies (the request is complete and the records are enclosed/attached.) No further notification is necessary if (b) applies.

If the request cannot be filled promptly, provide the notification promptly using the appropriate statement from ORS 192.440 (a)(c-f). The City provides three mechanisms for written mandatory notification:

- a. Form: Provide a copy of the form via mail, e-mail, fax, or in person with the appropriate box checked in the "For Staff Use" section to the requestor.
 - b. Letter: Use the letter with the appropriate statement included when a formal letter is more appropriate than a copy of the form. Contact the City Clerk for an example of a formal letter
 - c. E-mail: Reply to the sender using the appropriate statement.
5. **Exempt Records.** Certain public records are exempt from disclosure per ORS 192.501 and 192.502. **The RIM Coordinator completing the request is responsible for verifying that the records being released are not exempt.** If there is ~~doubt~~question about whether or not a record can be disclosed, please contact the City Clerk's Office or the City Attorney.
 6. **Fees.** ORS 192.440 authorizes the public body to charge fees associated with requests, including requesting a portion of the fees in advance as a condition of receiving the public records. Additionally, public bodies are required to publish the fees. City of Albany records



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 Policy #: F-05-08-004005
 Title: Public Records Requests

request fees are listed on the back of the Public Records Request Form.

- a. Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request.
- b. Prepayment will be required for requests that are estimated to exceed \$25.
- e. Directors may designate the revenue account for public records request fees, with the exception of DVDs reproduced by the IT Department.

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7. Personal External Sources Used for Copies of Public Records:

Personal external sources are prohibited. The City will provide a CD, DVD, or a USB flash drive for the fee designated in the Fee Schedule.

- a. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
- b. In all scenarios where public records are prepared for copying, Research and Inspection fees apply.

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7-8. Billing. The department responding to the request is responsible for collecting and processing the payment through their cashing system. For payments that exceed \$1.00, departments may choose to have the Finance Department bill the requestor by completing a Request for A/R Billing Form.

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8-9. Archiving. Once the request is satisfied, RIM Coordinators should send documentation of the original request and the mandatory notification to the City Clerk's Office for archival (except for Police, Municipal Court, and Fire who keep their requests at their location). Three dates should be written on the documentation:

- a. The date the request was received
- b. The date of the notification
- c. The date the request was completed

9-10. Identity Theft Protection. Records released as part of a public records request must be in compliance with F-04-08, Identity Theft Protection.



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| Supercedes: F-05-08-003 | Created/Amended by/date: June 9, 2010/November 28, 2011/March 26, 2012/March 13, 2013 | Effective Date: March 13, 2013 |
| Finance Director: | City Manager: | |



PUBLIC RECORDS REQUEST FORM

City of Albany
City Clerk's Office

For Police Dept. public records contact: 541.917.7680. For Fire Dept. public records contact 541.917.7700.

Notice: Public Records laws are addressed in ORS Sections 192.420, 192.440, and 192.501. City of Albany Policy F-05-08, Public Record Requests, outlines the City's procedures. Fees are listed on the back of this form. Prepayment and confirmation to proceed will be required for requests that exceed \$25.

Your signature below acknowledges that you have read, understand, and accept financial responsibility for the fees associated with this public records request.

Signature: _____ Date: _____

Requestor Information:

Name Mailing Address

City State Zip Code

Daytime Phone Number Fax Number E-mail address

Document Information:

Describe the information/records you are requesting. Be specific enough for the City to determine the nature, content, and department where the records you are requesting may be located. Provide specific dates whenever possible. Use additional sheets of paper if necessary.

Return Form To: Mail or drop off: City Hall, Finance Dept, 333 Broadalbin Street SW, Albany, OR 97321
Fax: 541.917.7511 E-mail: cityclerk@cityofalbany.net

For Staff Use

| | | |
|------------------------|--|--------------------------------------|
| Date Received: _____ | Date Notification Provided: _____ | Date Completed: _____ |
| RIM Coordinator: _____ | Notification Method: <input type="checkbox"/> Copy of Form | Total Fees: _____ |
| Dept: _____ | <input type="checkbox"/> E-mail <input type="checkbox"/> Mail <input type="checkbox"/> Fax | Send copy of this form to City Clerk |

Mandatory Notification Statement per ORS 192.440 (2)(a-f)

Dear Requestor, thank you for your public records request. Your request:

- (a) was unable to be completed because the City does not possess or is not the custodian of the records.
- (b) is attached/enclosed.
- (c) will require more time to process (estimated date) _____ and will require a deposit of \$ _____.
- (d) will require more time to process. An estimate will be provided within a reasonable time.
- (e) has been forwarded to the _____ Dept to determine if the record exists; you will be contacted shortly.
- (f) was unable to be completed because the records are exempt under state or federal law: _____
- Other: requires additional or more specific information: _____

PUBLIC RECORDS FEE SCHEDULE

City of Albany
City Clerk's Office

1. Copies of Public Records: For 8.5 x 11 black and white, copies will be .25 cents per page and .50 cents per page for duplexed copies. For 11 x 17 black and white, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 8.5 x 11 color, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 11x17 color, copies will be \$1.00 per page; and \$2.00 per page for duplexed. Photo quality paper will be an additional charge. For the Fire Department, a \$7.00 research fee includes up to ten single-sided copies. To certify as a true copy the fee is \$5.00 in addition to the copy charges.
2. Electronic Formats: Personal External Sources Used for Copies of Public Records. Personal external sources are prohibited. The City will provide the following items for a fee:
 - a. CD or DVD: \$5.00
 - b. USB flash drive: \$15.00
 - c. Audio tape: \$15.00 for the first tape and \$5.00 for each tape thereafter.
 - d. Video tape: actual cost to reproduce the video tape.
 - e. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
- 2- In all scenarios where public records are prepared for copying, Research and Inspection fees apply. ~~Electronic documents may include sound recordings, video recordings, and electronic documents. Copies of records already in CD or DVD format will be provided for \$5.00 each. Copies of records that are already in audio tape format will be provided for \$15.00 for the first tape and \$5.00 for each additional tape. Copies of records already on video tape will be provided for the actual cost to reproduce the tape. For records that are not already in electronic format and need to be converted a Research Fee will be required as stated in this policy.~~
3. Copies of Maps and other Nonstandard Documents: Charges for maps, large documents, or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the City to reproduce them.
4. Inspection Fees and Research Fees: Inspection means official records that are inspected by the public while in the presence of a staff member. Research includes locating, collating, and copying public records. Staff may waive inspection or research fees for not more than five Level 1 public records requests from the same requestor in a calendar year.

| | |
|--------------------------------|--|
| Level 1: Up to 30 minutes | Copy cost plus \$10 (flat fee) |
| Level 2: 30 minutes to 2 hours | Copy cost plus \$25 per hour (prorated) |
| Level 3: Over 2 hours | Employee costs plus overhead (wages plus benefits)(prorated) |
5. Written Notification: Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request. Prepayment in full is required for requests that are estimated to exceed \$25. If the actual time and cost are less than estimated, the excess money shall be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference shall be paid at the time the records are produced.
6. Archived Scanned Copies: Scanned copies archived in the City of Albany Laserfiche system or other electronic records which are readily available to the ~~Records Officer/RIM Coordinator~~, may be sent to an e-mail address provided by the requestor for the cost of the applicable ~~inspection or research fees only~~.
7. Electronic Searches: For non-exempt public record requests including e-mails or other electronic files ~~records stored on any City network and not readily available to the Records Officer/RIM Coordinator, the information shall be provided on CD/DVD. The cost will be \$5.00 per CD/DVD plus fee is \$100 per hour for inspection, research, and the research and copying time with a minimum one- hour charge. The information will be provided on a CD, DVD, or USB flash drive for the designated fee.~~
8. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as necessary to reimburse the City for its actual costs of producing the records, including but not limited to excessive postage fees.
9. Reduced Fee or Free Copies: Whenever the City determines that ~~furnishing providing~~ copies of public records in its possession at a reduced fee or without costs would be in the public interest, the City may so authorize per ORS 192.440(5).

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| Copies per page | | Electronic Formats | |
|--------------------------|------------------------|--------------------------|--------------------------------------|
| .25 (.50 for duplexed) | 8.5 x 11 black & white | 5.00 | Each DVD or each CD |
| .50 (1.00 for duplexed) | 11 x 17 black & white | 15.00 | First audio tape; or USB flash drive |
| .50 (1.00 for duplexed) | 8.5 x 11 color | 5.00 | Each add'l audio tape |
| 1.00 (2.00 for duplexed) | 11 x 17 color | Actual cost to reproduce | Video tape |
| Additional charge | Photo quality paper | Additional charge | See 8. |

| Inspection Fees and Research Fees | | Maps & Nonstandard | To Certify as a True Copy |
|---|---|---|------------------------------------|
| Up to 30 minutes | Copy costs plus \$10 | Actual cost for reproduction | \$5.00 in addition to copy charges |
| 30 minutes to 2 hours | Copy cost plus \$25 an hr | Electronic Searches | |
| Over 2 hours | Employee cost plus overhead (wages plus benefits) | \$100 per hour | One hour minimum |
| Police Department | | Fire Department | |
| Refer to Police Department Records Request Form | | 7.00 research fee includes up to 10 single-sided copies | |

PUBLIC RECORDS REQUEST FORM
Albany Fire Department

Exhibit C

Notice: ORS 192.440 describes public access to copies or inspection of public records; written response by the public body; and fees for records. City of Albany Policy F-05-08, Public Record Requests, outlines the City's procedures. Fees are listed on the back of this form. Prepayment will be required for requests that exceed \$25. **Your signature below acknowledges that you have read, understand, and accept financial responsibility for the fees associated with this public records request.**

Requestor Information:

| | | | | |
|----------------------|----------------------------|--|-------|-----|
| Name | | Agency Name (if applicable) | | |
| Mailing Address | | City | State | Zip |
| Daytime Phone Number | Fax Number (if applicable) | Email Address (If applicable; for City use only) | | |

PROPERTY RECORD Date/Date Range: _____ Report #: _____
Address: _____

- Fire Report (NFIRS - National Fire Incident Reporting System)
- Fire Investigation: Investigator's Report Supporting Documents (*may be extensive; refer to fee schedule*)
- Occupancy Inspection
- New Construction (Prior to 1998 Fire Dept.; after 1998, refer to Building Division)
- Environmental Impacts Search (*The Fire Department does not maintain consistent records on specific hazardous materials or quantities stored on site. Refer to the State Fire Marshal's Office for more information: 503-378-6835, www.oregon.gov/OSP/SFM.*)

Select one or more of the following that apply to environmental impacts record search:

- Fire Reports
- Inspection Reports
- Hazardous Materials Response Reports
- Fixed HazMat Storage Tank Records

AMBULANCE RECORD

Select one or more of the following that apply to ambulance record search:

- All Related Medical & Billing Documentation
- Pre-Hospital Care Report
- Refusal of Medical Care or Transportation
- Billing Statements
- EMS No-Medical Need/Public Assist Report
- Other: _____

My signature below authorizes Albany Fire Department to disclose copies of ambulance medical records identified above for _____ to _____
for services rendered on _____, AFD Run # _____

This authorization may be revoked at any time. Unless revoked earlier, this consent expires 180 days from date of signing. To revoke this authorization, send written request to Albany Fire Dept. - Ambulance, P.O. Box 490, Albany, OR 97321.

OTHER RECORD (provide description): _____

Signature: _____ **Date:** _____

Return Completed Form To: Albany Fire Department, 333 Broadalbin St. SW, Albany, OR 97321; mail to P.O. Box 490, Albany, OR 97321; or Fax to 541-917-7716.

| | | | |
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| FOR STAFF USE | Date Received: _____ | Requester Notified: _____ | Completed: _____ |
| <input type="checkbox"/> Documents viewed in person only <input type="checkbox"/> Copies made by requester at their expense. | | | |
| YOUR REQUEST: Mandatory Notification per ORS 192.440(2) | | | |
| <input type="checkbox"/> is attached/enclosed. | | | |
| <input type="checkbox"/> was unable to be completed because the city does not possess or is not the custodian of the records. | | | |
| <input type="checkbox"/> will require more time to process. Estimated completion date: _____ | | | |
| <input type="checkbox"/> will exceed \$25, requiring prepayment. Estimated amount due prior to completion: \$ _____ | | | |
| <input type="checkbox"/> was unable to be completed because the records are exempt under state or federal law: _____ | | | |

Public Records Fee Schedule Albany Fire Department

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| Minimum Research Fee: | \$7.00 (Includes up to 30 minutes research and ten single-sided copies) |
|------------------------------|--|

| Charges for Additional Copies (per page): | Charges for Electronic Formats: |
|--|--|
| 8.5 x 11 black & white: \$.25 (\$.50 duplexed) | Each DVD or each CD: \$ 5.00 |
| 11 x 17 black & white: \$.50 (\$ 1.00 duplexed) | 1st audio tape / ea. additional \$ 15.00 / \$5.00 |
| 8.5 x 11 color: \$.50 (\$ 1.00 duplexed) | USB Flash Drive \$ 15.00 |
| 11 x 17 color: \$ 1.00 (\$ 2.00 duplexed) | Video tape: Actual reproduction cost |
| Additional charge for photo quality paper | Maps & Nonstandard Documents: |
| Research Fees: | Actual reproduction costs |
| 30 minutes to 2 hours: \$25 per hour | Electronic Searches: |
| Over 2 hours: Employee costs (wages + benefits) | One-hour minimum: \$100 per hour |

In all scenarios where public records are prepared for copying, research and inspection fees apply. Personal external sources used for copies of public records are prohibited. The City will provide the items for electronic format of records as specified in the table above for a fee.

~~**Electronic Formats:** Electronic documents may include sound recording, video recordings, and electronic documents. Copies of records already on video tape will be provided for the actual cost to reproduce the tape. For records that are not already in electronic format and requested to be converted, a Research Fee will also be required.~~

Maps and other Nonstandard Documents: Charges for maps, large documents, or other nonstandard size documents shall be charged in accordance with the actual costs incurred to reproduce them.

Research Fees: If a request for records requires Fire Department personnel to spend more than 30 minutes searching or reviewing records prior to copying, there will be an additional fee per hour.

Fees Exceeding \$25: If fees are estimated to exceed \$25 the Fire Department will provide a written cost estimate to requestor and must receive confirmation that the requestor wants the Fire Department to proceed with the request. Cost estimates over \$25 will be paid in advance. If the actual time and cost are less than estimated, the excess will be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference will be paid at the time the records are produced.

Archived Scanned Copies: Scanned copies archived in the City of Albany Laserfiche system or other electronic records which are readily available may be sent to an email address provided by the requestor for the cost of the applicable inspection or research fee only.

~~**Electronic Searches:** For non-exempt public record requests including emails or other electronic files records stored on any City network and not readily available, the fee is \$100 per hour for inspection, research, and copying time with a minimum one-hour charge. The information shall be provided on CD, DVD, or USB flash drive for the designated fee. Fees will be charged as outlined in the fee schedule.~~

Additional Charges: If a request is of such magnitude and nature that compliance would disrupt normal operation, the Fire Department may impose such additional charges as necessary to reimburse the City for actual costs of producing the records, including but not limited to excessive postage fees.

Reduced Fee or Free Copies: Whenever the City determines that furnishing providing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the City may so authorize per ORS 192.440(5). Property owners or patients requesting copies of their fire report, investigation records, or ambulance

records will receive 30 minutes research time and up to ten single-sided copies at no charge. Additional research, copies, or electronic formats will require payment as outlined in the fee schedule.