AGENDA
WORKSTUDY SESSION OF THE
ROSEBURG CITY COUNCIL
CONFERENCE ROOM, 3RD FLOOR CITY HALL, 900 SE DOUGLAS
MONDAY, JANUARY 29, 2018
3:00 p.m.

CALL TO ORDER
Mayor Larry Rich

City Councilors
Alison Eggers  Linda Fisher-Fowler  Ashley Hicks  Steve Kaser
John McDonald  Brian Prawitz  Tom Ryan  Andrea Zielinski

DISCUSSION ITEMS
A. Public Records Request Policy
B. Social Media

ADJOURNMENT

*** AMERICANS WITH DISABILITIES ACT NOTICE ***

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470-3397 (Phone 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.
ROSEBURG CITY COUNCIL
SPECIAL WORK STUDY
AGENDA ITEM SUMMARY

UPDATE TO CITY’S PUBLIC RECORDS REQUEST POLICY

Meeting Date: January 29, 2018
Department: Administration  Staff Contact: Sheila R. Cox, City Recorder
www.cityofroseburg.org  Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY  In an effort to promote greater transparency in
government, in September 2015 the Oregon Attorney General formed a special “Public
Records Law Reform Task Force” to begin an overhaul of Oregon’s Public Records Laws.
The Task Force was charged with reviewing the laws and recommending improvements, one
of which was to set specific deadlines on how soon public bodies must respond to records
requests. The Task Force was also asked to scrutinize the more than 500 exemptions from
public disclosure. During the 2017 legislative session the Task Force helped push through
SB 481 which requires public bodies to acknowledge receipt of a public records request
within five business days and no more than 10 business days from the acknowledgment to
either fully respond to the request, or provide a written statement explaining when the request
will be fulfilled. Several other related bills are still working their way through the legislative
process, but the requirements of SB 481 became effective January 1, 2018.

BACKGROUND  The Council first approved a formal policy relating to public records
requests on April 13, 1992 via the adoption of Resolution No. 92-7. The policy addressed
how such requests would be handled, prescribed a fee for providing the service and required
that all requests be processed within a reasonable time, but in any event, not more than thirty
(30) days from the date the request was received. The City has periodically updated the
policy time to time over the years, with the most recent update being when Resolution No.
2000-03 (attached for your review) was adopted February 14, 2000.

With the passage of SB 481, Section 2.6 of the current policy needs to be formally amended
to reflect the new time limits. We need to add a fee for copies of police body cam videos to
the fees schedule portion of the policy as well. Additionally, Staff would recommend that we
revisit Section 7 of the policy which allows certain exemptions from the fees charged for
records request. As it’s currently written, the policy exempts certain parties from
photocopying costs and the first 1½ hours of staff time required to process a request; if the
request will take longer than 1½ hours, the requestor can ask Council to reduce or waive all
fees associated with providing the requested record. The fee exemption applies to the
following parties:

1. any person requesting public records pertaining to a matter which is pending
   before the City Council or a City Commission and specifically affects the person
   making the request;
2. any member of the City Council or a City Commission, other government
   agencies or the media; and/or
3. any crime victim requesting a copy of a police report pertaining to the crime in which they have been made a victim (applies to the first copy only).

As a point of clarification, it has always been our practice to process public records requests as promptly as possible and I can say with total confidence that we have never taken the allotted 30 days to respond. We also process simple requests of a one-time nature, when the records are readily available and minimal staff time is required, at no charge to the requestor; and with today's technology, we can often respond via email with an electronic copy, which is provided free of charge as well.

While Staff fully supports the belief that public records should be readily available for public inspection, we also realize the amount of staff time that can be required to respond to complex requests. There are times that an extensive amount of staff time can be required just to locate a record before the request can be fulfilled. Furthermore, as custodians of public records, we have the additional responsibility of ensuring that confidential records are not inadvertently disclosed which is important not only to protect the privacy of citizens whose confidential records are in our possession, but also to protect the City from liability resulting from improper disclosure. Requests involving records that contain sensitive, confidential or privileged information often require the City Attorney's review prior to release. In some cases, a requested record may contain both information that can be released and other information that would be exempt from disclosure and when that occurs, the exempt information must be redacted before the record is released.

Staying "up-to-date" with any and all changes to the public records laws and responding to records requests is a very normal part of our day to day operations, but it often involves more than some might think. During 2017, City Staff processed well over 1,000 public records requests and that service was not provided without a cost to the City. Having discussed this subject with the Mayor, we decided to see how Council might feel about possibly reducing the staff time allowed before fees apply for recognized parties to the first ½ hour of staff time required – rather than the first 1½ hours as currently allowed. Additionally, we discussed limiting the exemption to only the following parties: 1) persons being directly impacted by an item on a Council agenda; 2) elected City officials; and 3) crime victims requesting a copy of the police report to the crime in which they have been made a victim (first copy only). Another thought would be to limit those exempted from the fee to three requests per year at no charge, with all requests thereafter being subject to cost reimbursement. The Policy would still allow the requestor to ask Council for a reduction or total waiver of the fee. These thoughts and suggestions are now being presented to Council for further discussion.

Staff hopes to present agreed upon changes to the Public Records Request Policy for Council adoption by resolution at the February 12, 2018 Council meeting.

ATTACHMENT: Resolution #2000-03 (Current Policy)
RESOLUTION NO. 2000-3
A RESOLUTION RESCINDING RESOLUTION NO. 99-8 AND AMENDING THE CITY OF ROSEBURG'S PUBLIC RECORDS/INFORMATION REQUEST POLICY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON, THAT RESOLUTION NO. 99-8 PROVIDING PROCEDURES FOR REQUESTS, INSPECTION AND COPYING OF CITY RECORDS, PROVIDING FOR REVIEW OF REQUESTS AND REQUIRING FEES FOR SUCH SERVICES AS ADOPTED BY THE ROSEBURG CITY COUNCIL ON MAY 10, 1999, IS HEREBY RESCINDED AND REPLACED WITH THE FOLLOWING:

Section 1. Written Requests. Unless otherwise provided by these rules, request for inspection and/or copies of public records shall be in writing on a form prescribed by the City.

Section 2. Procedure.

2.1 Requests for public records shall include the following:
(a) The name, address and signature of the person making the request or their authorized representative.
(b) A statement of sufficient specificity to determine the nature, content and probable department within which such record may be located.
(c) The date of such request.

2.2 Upon receipt, the request shall be date stamped.

2.3 The person making the request should be advised that the requested materials will not be released without the City's receipt of the fee for providing such service as prescribed by the City Manager or his designee as described in this resolution and in accordance with Roseburg Municipal Code 3.04.040. Failure to so advise the requesting party of such obligation shall not relieve the requesting party of the obligation to pay the prescribed fee.

2.4 Written requests for inspection or copies of City records shall be submitted to the City Recorder who shall keep on file a list of fees prescribed by the City Manager or his designee for processing public records/information requests and who shall respond to all such requests.

2.5 If the request is not complied with, a written response explaining why the City is unable to process the request shall be prepared and mailed to the requesting party.

2.6 The City shall respond to requests for public records within a reasonable time, but in any event not more than thirty (30) days from the date of receipt. This time limit may be increased when the request is not sufficiently specific to enable location of the records or when the volume, size or location of such records makes their collection or their
retrieval difficult, in which case the requesting party shall be advised of the reason for the delay.

Section 3. Payment of Fees. Except as otherwise provided by these rules, public records shall not be released for inspection or as copies to members of the public unless the City has received payment of the established fee for providing the same from the requesting party.

Section 4. Fees to Reflect Costs. When establishing the fees to be charged to the requesting party for meeting public information requests, the City Manager or his designee shall base such fees on costs the City incurs for processing the request. These costs shall include, but not be limited to, personnel costs and costs associated with materials used in processing the request.

4.1 Personnel costs shall include, but are not limited to, employee's time spent while locating, reviewing and copying records and supervising public inspection of records. Costs shall be at an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in processing the request.

4.2 Costs for photographs, audiotapes and other non-paper materials shall be reimbursed at actual costs as determined by the City Manager or his designee.

Section 5. Records Requested for Court Proceedings. The City shall not charge fees for costs incurred by the City when an employee of the City, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding. When the City is a party to a court proceeding and a request for copies of public records is made by a party or representative of a party to such proceeding in the course of discovery, then the cost to be charged for providing such copies shall be limited to those indicated in Section 4.2.

Section 6. City Manager Authority. The City Manager or his designee shall have the authority to:

(a) waive the requirement that the request must be in on a form provided by the City;
(b) waive fees if the request is of a one-time nature, requires copying five or less pages and involves less than one-half hour of staff time to process;
(c) waive required compliance with this resolution in special cases where the public interest in supplying a public record free of charge outweighs the cost of furnishing the record;
(d) establish a particular charge or fee for routinely requested documents where the charge is a reasonable approximation of the City's cost; and
(e) periodically adjust fees to cover increased costs of providing public records and information.

Resolution No. 2000-03, page 2
Section 7. **Exemption from Fees.** The following individuals, groups or organizations shall not be charged a fee for photocopying costs or the first 1½ hours staff time required to process a public information request. If it is determined a specific request will take longer than 1½ hours staff time to process, the requesting party may ask the City Council to reduce or waive all additional fees associated with providing the requested record.

(a) any person requesting public records pertaining to a matter which specifically affects the person is pending before the City Council or a Board or Commission of the City;

(b) any member of the City Council or a Board or Commission of the City, other government agencies or the media; and

(c) any crime victim requesting a copy of a police report pertaining to the crime in which they have been made a victim (applies to first copy only).

APPROVED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING ON THE 14TH DAY OF FEBRUARY, 2000.

Sheila R. Cox, City Recorder
PUBLIC RECORDS/INFORMATION REQUEST FEES SCHEDULE AS ESTABLISHED BY THE CITY MANAGER PURSUANT TO RESOLUTION NO. 99-8

MISCELLANEOUS RECORDS: (Applied to requests from any department)

Contract/Bid Documents:
Containing 20 - 50 pages...............$ 15.00/document
Containing more than 50 pages.......$ 25.00/document

Note: May be waived by City Manager on individual contract basis.

Personnel Costs:
Will be charged for requests requiring more than 1/2 hour staff time. Requests requiring attorney review or assistance will be charged the same rate City is charged for attorney time.

Photocopy Charges:
All miscellaneous, up to 8 1/2 x 14 inch:

Service charge of $1.00 plus........$ 0.10/page

Digital Photographs...........................$ 5.00/each

Videotapes....................................$ 10.00/each

CITY RECORDER RECORDS:

Business Registration List:
Complete List......................$ 5.00
Annual List.............................per/page fee

Municipal Code:
Complete (unbound)...............$ 75.00
Updates.................................per/page fee

COMMUNITY DEVELOPMENT/BUILDING RECORDS:

Comprehensive Plan...............$ 25.00
Comprehensive Plan Map.........$ 20.00
Historic Resources Inventory:
   Per Volume........................$ 25.00
   Per Set............................$100.00
LUDO.................................$ 25.00
Urban Renewal Plan...............$ 10.00
Wetlands Conservation Plan.....$ 15.00
Zoning Maps..........................$ 20.00

Public Records Fees Schedule - Page 1
## PUBLIC RECORDS/INFORMATION REQUEST FEES SCHEDULE
(continued)

### FINANCE RECORDS:
- Audit $25.00
- Budget $30.00
- Downtown Master Plan $25.00

### FIRE DEPARTMENT RECORDS:
- Emergency Response Report $5.00

### PARK DEPARTMENT RECORDS:
- Bikeway Master Plan $25.00
- Parks Master Plan $25.00

### POLICE/COURT RECORDS:
- Accident Report $5.00
- Conviction (certified) $5.00
- Conviction (non-certified) $3.00
- Police Report $5.00

### PUBLIC WORKS RECORDS:
- Aerial Maps-photo copy $2.50
- Aerial Maps-digital format $150.00/sheet
- Airport Master Plan $25.00
- Base Maps(Storm/Water)-Computer Mapping $2.50 (photo copy)
- Computerized City Map $15.00
- Design Standards $25.00
- Mylars $15.00
- Standard Specification $15.00 (hardbound)
- Standard Drawings $15.00 (hardbound)
- Storm Drain Master Plan $25.00

### WATER DEPARTMENT RECORDS:
- Master/Cap. Improvement Plan $25.00
- Test Report $2.00
PUBLIC INFORMATION/RECORDS REQUEST

"Public information" is defined in ORS 192.410 - 192.500 and in the Oregon Attorney General's Public Meetings and Records Manual. The sources referenced also list several limited circumstances under which a public body may decline to release certain information. Because the identity and motive of the person seeking disclosure of a particular public record may be relevant in determining whether a record is exempt from mandatory disclosure under a conditional exemption, please provide the following information:

Requestor's Identity:

Name ____________________________

Address ____________________________

Phone ____________________________ Dated ____________________________

Signature ____________________________

Requested Information/Record(s): Please give a brief statement describing the requested information/record(s), being specific enough for the City to determine the nature, content and probable department within which the record(s) you are requesting might be located ____________________________

______________________________________________________________

______________________________________________________________

Purpose of Request: Please give a brief statement as to the purpose of your request:

______________________________________________________________

______________________________________________________________

All requests for inspection or copies of City records shall be submitted to the City Recorder for response. The City Recorder's response will be pursuant to the City of Roseburg's policy for requests, inspection and copying of City Records. A copy of such policy is attached for your review. In most cases, there will be a fee charged for providing this service. Payment of the fee for meeting your request must be received prior to requested materials being released. The City Recorder will advise you of the fee required for your request.

DATE PROCESSED: __________ # OF COPIES: _______________

STAFF TIME: _____ HOURS @ _____ = $ ______ OTHER CHARGE: __________ 

TOTAL PAID: ______________ RECEIPT #: ___________