

## CITY OF INDEPENDENCE

### PUBLIC RECORDS REQUEST POLICY

SECTION 1. PURPOSE: The City of Independence establishes this Public Records Request Policy per ORS 192.311 through 192.478. The following summarizes how City will furnish proper and reasonable opportunities for the examination of non-exempt City public records. This policy does not require City to produce or create new records, information, or extract data upon request.

Independence Police Department records are not subject to this policy. For a copy of the Police Department Public Records Policy, contact the police custodian of records at (503) 838-1214.

SECTION 2. RECORD REQUESTS: Requests for City public records must be submitted in writing, on the form attached to this Policy as Exhibit A, to one of the following individuals, as applicable:

- A. General City Records: City Recorder  
City of Independence  
555 South Main Street  
Independence, OR 97351  
(503) 838-1212  
Email: [kjohnson@ci.independence.or.us](mailto:kjohnson@ci.independence.or.us)
  
- B. Court Records: Court Clerk  
Independence Municipal Court  
555 South Main Street  
Independence, OR 97351  
(503) 838-1212  
Email: [cwest@ci.independence.or.us](mailto:cwest@ci.independence.or.us)

At a minimum, requests must include:

- A. The name and address of, and sufficient contact information for, the person requesting the public records;
- B. The date of the request; and
- C. A detailed description of the record(s) requested, including subject matter and year(s) of creation. Sufficient keywords must be provided to locate requested electronic records.

SECTION 3. TYPES OF REQUESTS:

- A. **Level 1:** Requested records must be readily accessible and able to be provided with no more than 10 minutes of staff time. Level 1 records require no duplication (hard copy or digitization) or redaction. Level 1 requests are not subject to the Public Records Fee

Schedule, and requested records will be provided with the City Acknowledgment, per Section 4.A.

- B. **Level 2:** Requested records are not immediately accessible, but can be accessed with no more than 30 minutes of staff time. Level 2 records will not exceed 50 pages, must be located within a single department and must not include exempt information or require attorney review prior to release.
- C. **Level 3:** Level 3 requests are complex, involve multiple staff and/or departments, or require more than 30 minutes of staff time. Such requests may involve extensive research or compilation of records. Any request requiring legal review falls within this Level 3 category.

#### SECTION 4. CITY RESPONSE:

- A. **Acknowledgment.** Within five (5) business days of receipt by the designated custodian, City will acknowledge receipt of a request per the acknowledgment portion of the attached Exhibit A.
- B. **Completion.** Except as provided in subsection 4.C, within ten (10) business days after the acknowledgement period, receipt or waiver of any estimated fees, or receipt of any requested additional information, City shall send requestor a response in the form attached as Exhibit B to this policy and either: (1) complete the public records request; or (2) provide a written statement to the requestor that the City is processing the request and a reasonable estimated date by which the City expects to complete its response based on the information currently available.
- C. **Exception.** The City shall acknowledge a public records request and complete its response as soon as practicable and without unreasonable delay, rather than complying with the time periods set in Sections 4.A and 4.B if those time periods are impracticable because:
  - 1. Staff necessary to complete a response to the public records request are on leave or are not scheduled to work;
  - 2. Compliance would demonstrably impede City's ability to perform other necessary services; or
  - 3. Of the volume of public records requests being simultaneously processed by the City.

**SECTION 5. FEES:** The Public Records Fee Schedule governing City responses to public record requests is set annually by Council resolution within the City's Master Fee Schedule. The Public Records Fee Schedule is available from the City Recorder and online at <https://www.ci.independence.or.us/finance/schedule-fees-city-services-city-utilities>. City's actual costs to respond to a request must be paid per the Public Records Fee Schedule prior to a record's release or as follows:

- A. Cost Estimate. After acknowledging a Level 2 or 3 request, per Section 4.A, staff will prepare a cost estimate reasonably calculated to reimburse the City for its actual costs in making such records available. A cost estimate includes, but is not limited to, the City's incurred costs, plus staff time, for: summarizing, compiling, or tailoring a record (either in organization or media) to meet the person's request; locating the requested records; reviewing the records in order to separate exempt from non-exempt material as provided by ORS 192.338; supervising a person's inspection of original documents in order to protect the records; copying records; certifying document as true copies; or sending records by special method such as express mail; and attorney time to review and segregate records.
- B. Deposit. City will provide the prepared cost estimate to the requestor and will require a deposit for estimates over \$25 before expending additional City resources on the request. City staff will begin work on the request after the receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release records until the City's actual costs are paid in full. If the actual cost of responding to a request is less than the estimated cost, then the balance of the deposit will be refunded promptly. ***City shall close any public records request if a requestor fails to pay the estimated or reduced fee within 60 days of the date on which the City informed the requestor of the requirement for pre-payment of fees.***
- C. Fee Waivers or Reductions:
  - i. Requests for fee waivers or reductions must be submitted in writing and include the requestor's name, address, basis for the request, and explanation of how the request primarily benefits the general public interest.
  - ii. City may consider whether the requestor can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. The City may consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver.
  - iii. Fee waiver or reduction requests from news media for Level 2 records will be granted. Fee waiver or reduction requests from the news media for Level 3 records may be granted in whole or in part, or denied and charged in accordance with the City's Public Records Fee Schedule.
  - iv. The decision of the City Manager or designee on any fee waiver or reduction is final.

## SECTION 6. INSPECTION OF ORIGINAL RECORDS:

- A. A person making a public records request may personally inspect the requested records within City Hall, during regular City business hours, by appointment only. The right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present at all times while records are inspected. City staff shall immediately terminate a review if a person attempts to alter, remove or destroy any record.

- B. The City will allow persons requesting copyrighted records to inspect those records, and may allow limited copying of such records if authorized by Federal copyright law. The City may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

## SECTION 7. FORMS

The City Recorder is hereby authorized to modify any form attached to this policy to reflect changes in the law or to accommodate any particular request, subject to City Attorney review.