

## RESOLUTION NO. 2234

A RESOLUTION SETTING FEES FOR RECOVERING CITY EXPENSES INCURRED IN RESPONDING TO PUBLIC RECORDS REQUESTS AND REPEALING RESOLUTION NO. 2024.

WHEREAS, every person has a right to inspect any nonexempt public record of the City of Hillsboro, subject to reasonable procedures and restrictions; and

WHEREAS, the City of Hillsboro recognizes and respects public access to public documents and the importance of maintaining orderly files to facilitate public access in an efficient and cost-effective manner; and

WHEREAS, the City's costs in performing these document and record searches and duplication services, both in terms of staff labor and materials, often burden City resources; and

WHEREAS, ORS 192.440(3) authorizes local governments and other public bodies to charge private parties the reasonable and actual cost of making available public records; and

WHEREAS, the City desires to maintain rules that provide reasonable access to nonexempt public documents and sets fees and charges that permit the City to recover actual reasonable costs, including labor and material, incurred in making public documents available.

NOW, THEREFORE, BE IT RESOLVED by the Hillsboro City Council:

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

Section 2. Procedures.

2.1 Requests for public records must include the following:

2.1.1 The name, address, contact information, date and signature of the person making the request or their authorized representative;

2.1.2 When known to the requestor, the request must include information such as the department file number, year of creation and any other pertinent information that may assist City staff in locating the requested documents. The City will not author or prepare new documents in response to a records request.

- 2.2 Except as otherwise provided by these rules, public records will not be released for inspection or copies provided to members of the public or city staff or officials unless the City receives payment of the required fee from the requesting party. The person making the request will be informed that the requested documents will not be released without payment the fee required by this resolution. Failure to inform the requesting party of this requirement does not relieve the requesting party of the obligation to pay the required fee.
- 2.3 Upon receipt, the request will be date stamped.
- 2.4 Written requests for inspection or copies of city records must be submitted to the city recorder's office or the police department for processing and staff will respond to all such requests. If the City needs additional information or clarification, City staff will contact the requesting party.
- 2.5 If the City is unable to comply with a request, a written response explaining why the City is unable to process the request will be mailed to the requesting party.

Section 3. Inspection of Records. A person making a public records request may personally inspect the requested documents, but the right to inspect documents does not include the right to access file cabinets or file folders or the right to disassemble or change the order of materials in files or document binders. Inspection of public records will occur during regular City business hours by appointment. Any request that that requires more than one half hour of staff time will occur at a time mutually convenient to the requestor and the affected staff person. Original public records may not leave the custody of the City. A City staff member must be present while any original public records are inspected to insure protection of the records.

Section 4 City Response. Within five business days the City will either respond to all public records requests or explain why more time is needed for a full response. This timeline does not apply to requests for police related records that are not legally available. Additional time may be necessary to allow City staff to consult with the City Attorney's Office to obtain legal advice prior to releasing records. Additional time is necessary when the City is presented with a physically extensive or legally complex records request.


Section 5. Preparation of Cost Estimate. Upon receipt of a public records request, City staff will first prepare a cost estimate reflecting the full, actual cost of City staff time and materials required to make the public records available, including observation of inspection, costs of summarizing, compiling or tailoring the public records, either in organization or media, to meet the request.

- Section 6. Labor Costs. The cost bill estimate for staff time will be based on the staff person's regular hourly wage rate multiplied by the time estimated to respond to the request. An additional percentage will be added as compensation for the actual City benefits received by the staff person. There will be no charge for the first half hour of staff time required to respond to a records request.
- Section 7. Materials Costs. The cost to reproduce any material requested will be charged at a per page rate using the applicable Department Fee Schedule attached as Exhibit A. A copy of the fee schedule will be provided to the requestor before any charge is made. If delivery of the search results is requested, mailing or delivering costs will be included in the estimated cost bill. The fee schedule will be reviewed annually by the Finance Department and any changes forwarded to the Finance Committee.
- Section 8. Deposit and Payment Requirements. If the estimated cost is \$250.00 or more, the City will require a deposit in the full amount of the estimate before expending additional City resources on the request. Research requests, requests of a complex nature, or records requested from the Police Department may require prepayment. City staff will begin work on the request only upon receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release the search results until the City's full actual costs are received in full. If the actual cost of responding to the request is less than the estimated cost, then the balance of the deposit will be refunded promptly. If the estimated cost bill is less than \$250.00, City staff will begin to fulfill the request and will present a bill for the City's full actual costs payable in full upon completion of the request. City staff will not release the request result until the total costs are paid.
- Section 9. Waiver or Reduction of Fees. Copies of public records may be furnished without cost, or at a reduced cost, if the City Manager determines that a waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
- 9.1. A person requesting a waiver or reduction of fees must file a written request which includes the requestor's name and address, the purpose for which the documents are sought, the character of the information and 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 Manager will review the request and may also consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver or reduction.

- 9.2. Any requestor disabled within the meaning of the Americans With Disabilities Act may also apply for a waiver or reduction of fees if any of the cost of complying with the request were due to the requestor's disability.
- 9.3. Copies of the routine materials requested by the news media will be made available without charge. Any request that requires more than one half hour of staff time may be charged according to this Resolution.
- 9.4. Copies of routine materials personal to the requestor will be furnished without charge, except for state police reports and records generated by the police department. Any request that requires more than one half hour of staff time will be charged according to this Resolution.
- 9.5. Copies of routine materials requested by any Hillsboro public official or advisory committee member will be furnished without charge if the request relates to information needed in the requestor's official capacity.
- 9.6 The decision of the City Manager on any fee waiver or reduction is final. .

Section 10. This resolution is effective immediately upon adoption by the City Council and signature by the Mayor.

Approved and adopted by the Hillsboro City Council at a regular meeting held on the 18 of December, 2007.

  
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Mayor

ATTEST:   
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City Recorder

Exhibit A

Department Fee Schedule

<i>General</i>	<b><u>Photocopies</u></b>	
	<b>Black and White:</b>	
	Single Sided	\$0.15
	Double Sided	\$0.30
	<b>Color:</b>	
	8.5" x 11" (Letter - Single Sided)	\$0.75
	8.5" x 11" (Letter - Double Sided)	\$1.50
	8.5" x 14" (Legal - Single Sided)	\$0.90
	8.5" x 14" (Legal - Double Sided)	\$1.80
	11" x 17" (Tabloid)	\$1.00
	<b><u>Maps</u></b>	
	<b>Color Aerial Photo Print (High Ink Use):</b>	
	8.5" x 11" (Letter)	\$8.25
	11" x 17" (Tabloid)	\$10.25
	18" x 24" (C size)	\$15.75
	24" x 36" (D size)	\$25.25
	36" x 48" (E size)	\$44.30
	<b>Color Print (Normal) (Average Ink Use):</b>	
	8.5" x 11" (Letter)	\$7.25
	11" x 17" (Tabloid)	\$8.30
	18" x 24" (C size)	\$11.25
	24" x 36" (D size)	\$16.30
	36" x 48" (E size)	\$26.30
	<b>Black &amp; White Prints (Low Ink Use):</b>	
	8.5" x 11" (Letter)	\$6.75
	11" x 17" (Tabloid)	\$7.35
	18" x 24" (C size)	\$9.00
	24" x 36" (D size)	\$11.75
36" x 48" (E size)	\$17.30	
<i>City Council</i>	<b>Audio Cassettes of Council Meetings</b>	\$7.50
	<b>Videos/CD/DVD of Council Meetings</b>	\$20.00