

TILLAMOOK COUNTY TRANSPORTATION DISTRICT POLICY

PUBLIC RECORDS REQUEST	Number: 20
Adopted by the Board of Directors on May 16, 2019 Last Reviewed: November 19, 2020	Pages: 3

Compliance

The District shall fully comply with the Oregon Public Records Law, ORS 192.311-192.478, attached as Exhibit A.

1. **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, the records requested must be described with particularity. Persons requesting access to or disclosure of public records for inspection or copying should provide the dates, subject matter and such other detail as may be necessary to enable District personnel to readily locate the records sought.
2. **Access:** The District will permit inspection and examination of its non-exempt public records during regular business hours in the District's offices. Copies of non-exempt 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 192.324(3).

Procedure and Fees

1. All requests for public records must be made through the District Manager's office located at 3600 Third Street, Suite A, Tillamook, OR 97141; or by email at info@tillamookbus.com. Requests may be directed toward the District's public records coordinator/Administrative Assistant. A sample Request for Public Records is attached as Exhibit B.
2. The District may charge fees in order to recover its costs for responding to public records requests. If total fees are estimated to exceed \$25.00, the District will obtain prior written authorization from the requestor before proceeding with the request. Fees may be waived in whole or in part if the District determines that a waiver is in the public interest because the requestor's request primarily benefits the general public. A request will be considered closed if the requestor does not pay the required fee within the later of 60 days of being informed of the fee, or 60 days of the denial of any request for fee waiver or reduction. Any statutory timelines for the District's response shall be stayed pending receipt from the requestor of payment of the fees.

3. The following fee schedule has been adopted by the District:
- Copies of Public Records; Certified Copies: Copies of public records shall be .25¢ per copy for standard, letter size copies. Copies shall be certified for an additional charge of \$2.00.
 - Copies of Audio Recordings: Copies of audio recordings, if available, of meetings shall be \$10.00 per copy, per meeting.
 - 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 before their review or release for copying, the minimum fee shall be \$30.00 per hour and additional charges shall be in ¼ hour increments. The District shall estimate the total amount of time required responding 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.
 - 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 necessary to reimburse the District for its actual costs of producing the records.
 - Reduced Fee or Free Copies: Whenever it is determined that furnishing copies of public records would be in the public's interest the Board or District Manager may reduce the fee or supply the requested records without cost. ORS 192.440(4).
4. If a person who is a party to a civil judicial proceeding to which the District is a party, or who has filed notice under ORS 30.275(5)(a), asks to inspect or to receive records the person knows relates to the proceeding or notice, the individual must submit the request in writing to both the District and the District's attorney.
5. The District reserves the right to restrict the inspection of some public records to the District's facilities. Information to be inspected at the District will be made available to individuals with disabilities in any appropriate format, and with any appropriate accommodations, upon reasonable advance request. The District shall not charge any fees for such accommodations.

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. A District 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. 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 District Manager. 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.

Exhibit A

192.324 Copies or inspection of public records; public body response; fees; procedure for records requests.

(1) A public body that is the custodian of any public record that a person has a right to inspect shall give the person, upon receipt of a written request:

- (a) A copy of the public record if the public record is of a nature permitting copying; or
- (b) A reasonable opportunity to inspect or copy the public record.

(2) If an individual who is identified in a public body's procedure described in subsection (7)(a) of this section receives a written request to inspect or receive a copy of a public record, the public body shall within five business days after receiving the request acknowledge receipt of the request or complete the public body's response to the request. An acknowledgment under this subsection must:

- (a) Confirm that the public body is the custodian of the requested record;
- (b) Inform the requester that the public body is not the custodian of the requested record; or
- (c) Notify the requester that the public body is uncertain whether the public body is the custodian of the requested record.

(3) If the public record is maintained in a machine readable or electronic form, the public body shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the public body shall make the public record available in the form in which the public body maintains the public record.

(4)(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request.

(b) The public body may include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The public body may not include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in determining the application of the provisions of ORS 192.311 to 192.478.

(c) The public body may not establish a fee greater than \$25 under this section unless the public body first provides the requester with a written notification of the estimated

amount of the fee and the requester confirms that the requester wants the public body to proceed with making the public record available.

(d) Notwithstanding paragraphs (a) to (c) of this subsection, when the public records are those filed with the Secretary of State under ORS chapter 79 or ORS 80.100 to 80.130, the fees for furnishing copies, summaries or compilations of the public records are the fees established by the Secretary of State by rule under ORS chapter 79 or ORS 80.100 to 80.130.

(5) The custodian of a public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

(6) A requester who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a requester who petitions when inspection of a public record is denied under ORS 192.311 to 192.478. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as when inspection of a public record is denied.

(7) A public body shall make available to the public a written procedure for making public records requests that includes:

(a) The name of one or more individuals within the public body to whom public records requests may be sent, with addresses; and

(b) The amounts of and the manner of calculating fees that the public body charges for responding to requests for public records.

(8) This section does not apply to signatures of individuals submitted under ORS chapter 247 for purposes of registering to vote as provided in ORS 247.973. [Formerly 192.440]

