

RESOLUTION NO. 5546

A RESOLUTION ESTABLISHING A PUBLIC RECORDS POLICY AND SETTING FEES.

WHEREAS, the City of Albany, Oregon, desires to adopt a policy addressing the procedures for inspection of public records within the City of Albany; and

WHEREAS, Oregon State Statutes require that a public records policy be in place by January 2008; and

WHEREAS, Oregon State Statutes allow for reasonable fees calculated to reimburse local government costs for providing those records.

NOW, THEREFORE BE IT RESOLVED by the Albany City Council that the Public Records Request Policy (Attachment A) be established.

DATED AND EFFECTIVE THIS 13th DAY OF FEBRUARY 2008.



Mayor

ATTEST:



City Clerk

ATTACHMENT A

CITY OF ALBANY PUBLIC RECORDS REQUEST POLICY

SECTION 1: Right to Inspect Public Records. Every person has a right to inspect any non-exempt public record held by the City of Albany. Requests for any records of the City must be made under the Oregon Public Records Law and in accordance with the rules of this City of Albany Public Records Policy.

SECTION 2: Application for Public Records Inspection.

1. All applications for inspection of non-exempt public records shall be addressed to the City Clerk or the Deputy City Clerk using the Public Records Request form (Sample 1).
2. All applications for inspection of Police Department Records shall be received at the Police Department using the attached request form and fee schedule (Sample 2 and 3).
3. Upon receipt of said application, the application may be referred to legal counsel to determine whether records requested are exempt from disclosure.
4. The City Clerk, or the Deputy City Clerk in the City Clerk's absence, is the official "Records Officer". The Records Officer shall take reasonable measures to preserve the integrity of the records. In this capacity, the Records Officer may adopt reasonable rules necessary to protect the records and prevent interference with the regular discharge of duties of the City of Albany.

SECTION 3: Specificity of Request. In order to facilitate the public's access to records in the City's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written request for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter, and such other detail as may be necessary to enable City personnel to readily locate the records sought.

SECTION 4: Reasonable Opportunity to Inspect.

1. The Records Officer shall allow a person applying for inspection and/or copying of public records a reasonable opportunity to inspect the records during usual business hours. Reasonable opportunity does not mean the time frame set by the requestor, so long as the Records Officer provides access to the non-exempt records within a reasonable period of time. All records shall be inspected by the requestor and copied by City staff at the City of Albany place of business.
2. The Records Officer may furnish a certified copy of the record to a person requesting said record. Certification shall mean a statement on the cover sheet or last sheet of the copy certifying that the copy is a true and correct copy and signed by the Records Officer.
3. If the public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If not available in the form requested, it shall be made available in the form in which it is maintained.
4. The public right to receive copies of public records shall be complied with by the Records Officer within a reasonable time. It is the policy of the City not to postpone or disrupt current and on-going matters of city business to provide staff time for inspection or copying of non-exempt public records. Staff time shall be coordinated by the Records Officer and shall be provided within a reasonable period of time from the date the record request was made.
5. The City is not required to produce "lists" of records that are not already available in the form of a "list".

SECTION 5: Fees for Public Records. In order to cover its actual costs for responding to public records requests, the following fee schedule is adopted by the City:

1. Copies of Public Records: Copies of public records shall be .25 cents per page for standard black and white letter size copies, .50 cents per page for 11X17 black and white copies. Color copies

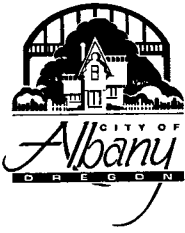
will be .50 for letter size copies and \$1.00 for 11X17. Photo quality paper will be an additional charge.

2. Electronic Format: Electronic documents may include sound recording, video recordings, and electronic documents. These non-exempt public records will be provided in electronic format on CD or DVD at a cost of \$5.00 each. Records that are already in audio tape form will be provided for \$15.00 for the first copy and \$5.00 for each additional tape. For records that are not already in electronic format and request 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, in the custodial possession of the Records Officer, shall be charged in accordance with the actual costs incurred by the City to reproduce them.
4. Research Fees: If a request for records requires City personnel to spend more than 30 minutes searching or reviewing records prior to their review or copying, the fee will be as follows:
 - a. Up to 30 minutes Copy cost only
 - b. 30 minutes to 2 hours..... Copy cost plus \$25 per hour
 - c. Over 2 hours..... Employee costs plus overhead

The City will provide a written cost estimate to requestor and must receive confirmation that the requestor wants the City to proceed with the request. Cost estimates over \$10 will be paid in advance. 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.

5. Archived Scanned Copies: Scanned copies archived in the City of Albany Laserfiche system and readily available to the Records Officer, may be sent to an email address provided by the requestor for the cost of the applicable research fee only.
6. Electronic Searches: For non-exempt public record requests including emails or other electronic files stored on any City network and not readily available to the Records Officer, the information shall be provided on CD/DVD. The cost will be \$5.00 per CD/DVD plus \$100 per hour for the research and copying time with a minimum of one hour charge.
7. 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 are necessary to reimburse the City for its actual costs of producing the records.
8. Reduced Fee or Free Copies: Whenever the City determines that furnishing 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. ORS 192.440(4).

SECTION 6: Review of Original Records. If a request to review original records is made, the City shall permit such a review provided that research fees are paid in advance in accordance with SECTION 5, above. A representative of the City shall be present at any time original records are reviewed. At no time shall an original record of the City be removed from the City's files or the place at which the record is regularly maintained, except upon authorization of the City. If any person attempt to alter, remove, or destroy any original record, the City representative shall immediately terminate such person's review, and notify the City Attorney.



PUBLIC RECORDS REQUEST FORM

City of Albany
Finance Department
City Clerk's Office

Sample 1

For Police Records contact: 541.917.7680

Notice: Oregon Public Records Law grants each person the right to inspect the records of a public body (unless exempt from disclosure). ORS 192.430 allows the public body a reasonable time to respond to a records request and ORS 192.440 (5) authorizes the public body to charge fees associated with the requests. City of Albany fees are set by Resolution No. 1111 and are listed on the back of this form. Prepayment will be required for requests that exceed \$10. Senate Bill 554 requires that a public body respond in writing to a public records request. You will be given a copy of this form when the City processes your records request to serve as that notification.

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 Email address

Document Information:

Describe the information/records you are requesting being specific enough for the City to determine the nature, content, and department within which 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 Email: cityclerk@cityofalbany.net

For Staff Use

Date Request Received: _____ Date copy of form provided: _____
Staff Initial: _____ Via: Mail Email Fax Pick up at City Hall

This Records Request:

- Was completed on (date): _____
- Was referred to the City Attorney on (date): _____
- Will require more time to process. (Estimated completion date): _____
- Will exceed \$10 so will require prepayment. (Estimated amount due prior to completion): _____
- Was unable to be completed because the City is not in possession of the records.
- Was unable to be completed because the records are exempt under state or federal law.
- Other: _____

ALBANY POLICE DEPARTMENT REQUEST FOR COPIES

Requests can take up to two weeks to complete and are processed in the order they are received.

Today's Date:		Requester Name:			
Requester Phone Number:		Requester Agency (if applicable):			
Requester Cell Phone Number:					
Email Address (if you want contact by email):					
Requester Address, City, State & Zip Code:					
Requester Signature:					
Circle One:	Auto Accident	Theft/Burglary	Other:		
Incident Number:		Incident Location:			
Date of Incident:		Time of Incident:		Officer:	
Person(s) Involved: (Only use insured persons name if the insured person was involved as the driver/victim):					

Amount Enclosed: _____		Non-refundable minimum \$7.00 fee for report requests includes records search, and up to ten single-sided or five double-sided pages			
Additional Amount Due at Pickup: _____		Non-refundable minimum \$10.00 fee for tape requests include records search and up to 15 minutes of tape reproduction			
		Mailing Fee Included: Yes No (See reverse side for fee schedule)			
POLICE DEPARTMENT USE ONLY					
We cannot supply the report you requested for the following reason (s):					
Cash or check for the correct amount was not enclosed					
Additional money in the amount of \$ _____ is needed to complete your request.					
The incident is still under investigation and cannot be released at this time					
We have no record involving this person/incident. Please check your information for accuracy.					
The incident is not in our jurisdiction and/or our department did not take the report. Please Contact:					
This incident involved an arrest and/or investigation that requires the prosecutor to authorize/provide this information. You should contact:					
Linn County District Attorney – P.O. Box 100, Albany, Or 97321 (541) 967-3836					
City Attorney Office – P.O. Box 40, Albany, OR 97321 (541) 926-5504					
Benton County District Attorney – 120 NW 4 th , Corvallis, Or 97330 (541-766-6815)					
Other:					
Payment Received By:		Cash		Check:	
		Counter:		Clerk:	
				Date:	
				Mail:	

ALBANY POLICE DEPARTMENT RECORDS FEES & PROCEDURES

All requests require a **non-refundable advance payment** of \$7.00 to cover research fees

Police Reports	
Police Incident Reports Computerized Incident Report (CAD) Miscellaneous Police Documents	\$ 7.00 Research fee includes up to ten single-sided copies. Lengthy reports requiring over 15 minutes to process will accrue additional charges at a rate of \$28.00 per hour plus additional copy charges.
Copy charges	Additional \$.10 (cents) per side after ten pages
Postage for mailing reports	\$ 2.00 for up to ten pages, \$.10 (cents) per page after ten pages.
Records Checks (Records only available back to 1990)	
Person	\$ 7.00 per person
Letters of Clearance	\$ 7.00 per person
Location	\$ 7.00 per 12-month period
Statistics	\$ 7.00 per requested activity
Postage for mailing records checks	\$ 2.00 for up to ten pages, \$.10 (cents) per page after ten pages.
Supplemental Fees (in addition to the fees identified above)	
Photographs	
Photos saved to Compact Disc	\$10.00 per CD
Photos printed on paper	\$ 2.50 per sheet (up to 4 photos per sheet)
Photos reproduced from negatives	\$10.00 for first 24 prints/per single role, \$.50 (cents) for each additional print
Postage for mailing photographs	\$ 2.00 for up to ten photos/pages. \$.10 (cents) per photo/page after ten pages. \$ 2.00 per CD
Recordings	
Compact Disc, DVD or Cassette tape recordings	\$10.00 for first 15 minutes of staff time, \$7.00 for each additional 15 minutes
Postage for mailing recordings	\$2.00 per tape/CD/DVD

A request for police records information can take up to 2 weeks to process. Requested information will be available for pickup at the front counter of the Albany Police Department or may be mailed to you for an additional fee. All items must be picked up within 30 days after notification that the information is ready, otherwise it will be destroyed and another request will need to be made.

*Requests can be completed in a timely manner if the data you provide is complete and accurate. Please provide the full name of the individual, their date of birth, driver's license number and social security number. Any special requests not indicated above will be charged at a minimum hourly rate of \$28.00/per hour, plus additional copy charges and at the discretion of the Albany Police Department. We appreciate your cooperation and assistance in making this process efficient.

1117 Jackson SE
Albany, OR 97322
541-917-7680