

RESOLUTION NO. 17-1996

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING REASONABLE MEASURES TO ENSURE THE INTEGRITY OF ITS RECORDS AND EFFECTIVENESS OF ITS OFFICE OPERATIONS.**

**WHEREAS**, according to ORS 192.420, every person has the right to inspect any nonexempt public record of the City of Milwaukie subject to reasonable procedure, and

**WHEREAS**, the City of Milwaukie recognizes and respects the public's right to public documents and the importance of maintaining orderly files to facilitate public access in an efficient and cost-effective manner, and

**WHEREAS**, the State Attorney General suggests that public bodies establish protective measures to maintain the integrity of public records or to prevent interference with the duties of the records custodians, and

**WHEREAS**, the State Attorney General recommends there be a process in which the public has opportunity to comment on these measures;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Milwaukie, Oregon, that:

1. The City shall provide proper and reasonable opportunities for inspection and examination of the records during usual business hours if such request does not interfere with the regular discharge of duties.
2. All requests to inspect a public record should be in writing when possible with the date, name, address, and signature of the person making the request.
3. The request form must contain, if known, a statement of sufficient specificity to determine the nature, content and probable department in which the record is located.
4. The City shall respond to all public document requests within seven days or explain why more time is needed for a full response. One such reason for delay would be an instance where staff needs to consult with the City Attorney's Office to obtain legal advice prior to releasing documents for inspection. This will be necessary when the City is presented with a physically extensive or legally complex request for disclosure of public records.

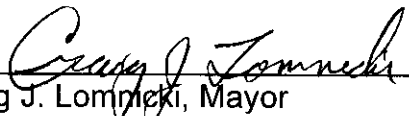
5. The City shall not create any new documents or customize any existing documents in response to a records request.
6. If the public record is maintained in machine readable or electronic form, staff shall provide copies of the public record in the form requested, if available. If the record is not available in the form requested, it shall be made available in the form in which it is maintained.
7. A person making a public record request may personally inspect the requested document during normal business hours. A City staff member should be present while any original public records are being inspected to insure protection of the documents.
8. Providing nonexempt public records is a governmental activity covered by the Americans with Disabilities Act (ADA). The City will provide an opportunity for individuals with disabilities to request an alternative form.
9. A staff member must review the requested document to make certain the record does not contain any exempt information before releasing the public record for inspection. If a document does contain exempt information, a copy, in lieu of the original, will be provided for inspection with the exempt portion blanked out.
10. Original public documents may not be taken out of the City's custody.
11. City records shall be released only under the conditions that the records are "public" records; the records are not exempt from disclosure under ORS 192.410 - 192.505.
12. The annual city fee resolution establishes charges for the cost of this service to reimburse the City for its actual cost in making public records available. Such calculations shall include costs for summarizing, compiling, or tailoring a record, either in organization or media, to meet the person's request. Actual cost includes time spent by staff in locating the requested records, review the records in order to delete exempt material, supervising the inspection of original documents, and copying the records.
  - Staff should estimate the charges for responding to a records request and require prepayment of the estimated charges before acting on the request if the amount is over \$30.00. If the actual charges are less than the prepayment, any overpayment must be promptly refunded.
  - Actual staff time may be charged regardless of whether copies are provided. This would apply to a request that is extraordinary and would significantly disrupt the regular discharge of staff person duties.
  - Copies of documents provided by a routine file search will be charged at a copy rate established by resolution of the City Council.

13. Fee Waivers or Reduction


- Copies of public records may be furnished without cost or at a substantial reduction if the department head determines the waiver is in the public interest because making the record available primarily benefits the general public.
- A person requesting a waiver of charges shall file a written request to include his/her identity, the purpose for which he/she intends to use the information, and whether he/she can demonstrate the ability to disseminate the information to the public. The department head will review the waiver request while also considering the requester's ability to pay and any financial hardship on the City that might arise from granting the waiver.
- Copies of routine materials requested by the news media will be made without charge. Any non-routine materials requested by the news media will be charged at the fee set by resolution of the City Council.
- Copies of routine materials personal to a requester will be furnished without charge except for police reports. Any non-routine materials requested will be charged at the fee set by resolution of the City Council.
- Copies of routine materials requested by any Milwaukie elected official or appointed advisory body member will be furnished without charge if the request relates to information needed in his/her official capacity. Any other materials requested will be charged at the fee set by resolution of the City Council.
- Routine materials are defined as those items already regularly produced during the city's regular course of business.

Introduced and adopted by the City Council on April 16, 1996.

By

  
Craig J. Lomnicki, Mayor

ATTEST:

  
Pat DuVal, City Recorder

APPROVED AS TO FORM: *(as amended by Council)*

  
O'Donnell, Ramis, Crew, Corrigan & Bachrach