

WEST SLOPE WATER DISTRICT

RESOLUTION NO. 08-2022

A RESOLUTION AMENDING THE PUBLIC RECORDS REQUEST POLICY FOR THE WEST SLOPE WATER DISTRICT

WHEREAS, the Administrative Staff of West Slope Water District (the "District"); has recommended to the Board of Commissioners that the Public Records Request Policy be updated in the particulars set forth below, and

WHEREAS, the Oregon Public Records Law has been updated by the Legislature with the passage of Senate Bill 481 during the 2017 legislative session, with ORS 192.34, establishing updated rules relating to public body response times, fees, and procedures for records requests, and

WHEREAS, the Board of Commissioners finds that the recommended updated policies are in the best interests of the District, the Public Records Request Policy provisions should be established accordingly.

BE IT RESOLVED:

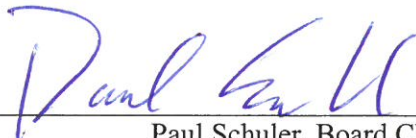
Section 1. The Public Records Request Policy shall be updated and apply to all Public Records Requests. In the event there is a conflict between these rules, Federal or State law, the law shall prevail. In all other cases, these policies and procedures shall prevail

Section 2. The updated West Slope Water District Public Records Request Policy, "Exhibit A", a copy of which is attached hereto and incorporated herein, consisting of four (4) pages.


Section 3. That this resolution shall take effect from and after its adoption.

INTRODUCED AND ADOPTED THIS 13TH DAY OF JULY 2022.

WEST SLOPE WATER DISTRICT

By  _____
Paul Schuler, Board Chair

ATTEST:

By  _____
Susan Meamber, Treasurer

Resolution #08-2022: Exhibit A

**West Slope Water District
Public Records Request Policy**

Section 1 – Procedure for requesting public records

A request for public records that are in the custody of West Slope Water District may be made by submitting a written request to:

West Slope Water District
Attn: Customer Service
PO Box 25140
Portland OR 97298
Tel. 503-292-2777 Fax. 503-297-1179
Email: customer.service@wswd.org

The request may be submitted to the district in person, by mail, by fax, or by email.

The request must include the following:

- Name and address of person requesting the public record
- Telephone number or other contact information for the person requesting the public record; and
- A sufficiently detailed description of the record(s) requested to allow the West Slope Water District to search for and identify responsive records.

The request should be dated and signed by the person requesting the public record.

A Public Records Request Form is attached.

Requests will be processed in the order in which they are received with the district providing a response acknowledging receipt of the request as soon as practicable and without unreasonable delay, within 5 working days per Oregon Law.

Oregon Law does not require a district to create a new document in order to fulfil a public records request. Upon receipt of a public records request, a representative from the district will acknowledge the request and:

- Confirm that the district is the custodian of the requested record;
- Inform the requester that the district is not the custodian of the requested record; OR
- Notify the requester that the district is uncertain whether the district is the custodian of the requested record.

Per Oregon Law, after acknowledging the request, the district has 15 business days to respond to the request. If the district is unable to meet the 15-day deadline, the district will notify the requestor, in writing of the delay and provide a reasonable estimated date of completion.

Resolution #08-2022: Exhibit A

**West Slope Water District
Public Records Request Policy**

Section 2 – Fees for public records request

The following describes the fees charged to reimburse the district for the actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records within organization or media, to meet the person’s request.

Staff time includes, researching, locating, compiling, editing or otherwise processing information and records and will be charged at \$50.00 per hour.

There is no charge for the first 15 minutes of staff time. Beginning with the 16th minute, the charge per total request is a minimum of \$50.00 per hour or \$12.50 per quarter-hour. A prorated fee is not available for less than a quarter-hour.

Attorney and other applicable legal fees required for preparation or review of records, redacting material from the public records or segregating the public records into exempt and nonexempt records will be billed at the actual hourly rate plus fees charged to the district for Public Records Request-related services.

Standard Copy Fees

<u>Item</u>	<u>Fee</u>
8.5 x 11 per side	\$0.25
8.5 x 14 per side	\$0.25
11 x 17 per side	\$0.50
Nonstandard	Actual Cost
Certified Copies	\$5.00 each
Audio Tapes*	\$10.00 per tape
CD or DVD*	\$10.00 per disk

*Upon request, copies of public records may also be provided on a compact disk (CD or DVD) if the document(s) are stored in the West Slope Water District’s computer system. Disks will be provided at the cost listed above. Due to the threat of computer viruses, the West Slope Water District will not permit requesters to provide disks for electronic reproduction of computer records. Not all records are available in this media.

Resolution #08-2022: Exhibit A

**West Slope Water District
Public Records Request Policy**

Delivery Options	Rate
US Postal Service	Actual Cost
Courier	Actual Cost
Pickup at our office	Free

If the records request is under \$25, an invoice will be sent with the record which is due within 10 days of receipt. Any person who fails to pay said invoice will have any subsequent requests delayed until the balance is paid in full and will have to pay in advance for any future requests.

If the records request is over \$25, the district will first provide the requester with a written notification of the estimated amount. The requester then must confirm back in writing that they are willing to pay the fee and want the district to proceed with making the public record available. The estimated fee must be prepaid before the district will take action on the request. If the actual charges are less than the prepayment, any overpayment will be promptly refunded.

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

Section 3 – Exemptions

Every record of a public body is subject to inspection, except as expressly provided by the exemptions contained in Public Records Law, ORS 192.311 to 192.478, including the conditional exemptions found in ORS 912.345 and the exemptions found in 912.355. These two statutes also incorporate federal statutes or regulations that prohibit disclosure of records, and Oregon laws that prohibit disclosure or otherwise make records confidential.

If the district determines that a request for public record falls within an exemption, the district will notify the person and cite the applicable exemption and briefly describe the nature of the records withheld or redacted.

Section 4 – Information on Public Records Law

In 2015, the Attorney General formed a Public Records Task Force consisting of legislators, representatives of media and local government, and other stakeholders. The task force's work resulted in the passage of Senate Bill 481 during the 2017 legislative session. This bill established for the first time clear time frames for responding to public records requests and directed the creation of the publicly available catalog of exemptions.

Another bill enacted in the 2017 session established the Oregon Sunshine Committee as a successor to the task force. The Sunshine Committee is tasked with reviewing and reporting on exemptions from disclosure found in Oregon law and on other ways to modify laws to

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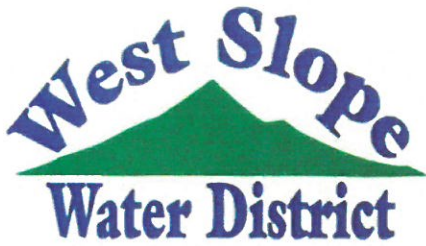
**West Slope Water District
Public Records Request Policy**

encourage the transparent and efficient handling of records requests. These reports will be reviewed by the Legislative Counsel Committee. More information on the Sunshine Committee can be found at

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-reform/>

The Oregon Department of Justice published the Attorney General's Public Records and Meetings Manual in June 2019. A PDF copy of the manual, can be found at

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>



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PO Box 25140
Portland, Oregon 97298-0140
Office: 503-292-2777
Fax: 503-297-1179
www.wswd.org

West Slope Water District Public Record Request

Date: _____

Name: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Information Requested:

Signed: _____

The district will provide a response acknowledging receipt of request as soon as practicable and without unreasonable delay.