



City of King City
PUBLIC RECORDS REQUEST FORM
(PLEASE PRINT CLEARLY)

For General City Records Please return to the City Recorder 15300 SW 116 th , Ave, King City, OR 97224 Phone: (503) 639-4082 Fax: (503)639-3771 rsmith@ci.king-city.or.us	For Court Records Please return to Municipal Court 15300 SW 116 th , Ave, King City, OR 97224 Phone: (503) 639-4082 Fax: (503)639-3771 swiley@ci.king-city.or.us	For Police Records Please return to Police Clerk 15300 SW 116 th , Ave, King City, OR 97224 Phone: (503) 639-4082 Fax: (503)639-3771 swiley@ci.king-city.or.us
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Requester Name: _____ **Today's Date:** _____

Mailing Address: _____

Telephone: _____ **Email:** _____

Records Being Requested: (Please be as specific as possible and attach another sheet if needed)

ORS 192.440(3)(a) authorizes the City to charge fees associated with public records requests. For details please refer to the Master Fee Schedule. Every attempt will be made to provide the requested records in a timely manner. City staff will contact you within 5 working days of receiving this request to advise timeline for expected completion. The amount of time that is reasonable will depend upon the volume of the records requested, the staff available to respond to the records request, and the difficulty in determining whether any of the records are exempt from disclosure.

In accordance with ORS 192.440(2), this is to acknowledge our receipt on _____ *Date*

By _____ *Name*, **of your above requested records.**

Having reviewed your request, we are able to inform you that:

- The City of King City is the custodian of at least some of the requested public records. We will provide an estimate of the time and fees for disclosure of the public records within a reasonable time.
- The City of King City is the custodian of at least some of the requested public records. We estimate that it will require _____ business days before the public records may be inspected or copies of the records will be provided. We estimate that the fee for making the records available is \$ _____, which you must pay as a condition of receiving the records. Copies of all requested public records for which the City of King City does not claim an exemption from disclosure under ORS 192.410 to 192.505 are enclosed.
- The City of King City does not possess / is not the custodian of the requested record(s).
- The City of King City is uncertain whether we possess the requested record(s). We will search for the record and make an appropriate response as soon as practicable.
- State/Federal law prohibits the City of King City from acknowledging whether the requested record(s) exist(s) per _____.
- The City of King City is unable to acknowledge whether the requested record(s) exist(s) because that acknowledgement would result in the loss of _____.

For Staff Use Only

Number of Files Removed: _____ Number of Boxes Removed: _____ Number of Microfiche Removed: _____ Number of Plans Removed: _____	Files Removed By: _____ Time Spent: _____ File Return Date: _____ Re-filed by: _____	No. of Pages copied: _____ Deposit Paid: _____ Balance Due: _____ Balance Paid: _____
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City of King City Administrative Policy and Procedure

Subject: Public Records Request	Effective Date: January 1, 2018 Reviewed: December 18, 2017 Revised:
Category: Records Information Management Policy Number: APP-2018-01	Cross Reference: ORS 192 & Senate Bill 481 ORD. O-2018-01

The City desires to adopt a policy addressing the procedure for records requests to comply with the Oregon Public Records Law, ORS 192.410-505. Exempt records will be determined by the City Attorney's office.

Section 1. Right to Inspect Public Records. ORS 192.420 gives every person the right to inspect any non-exempt public record held by a public body. Requests for such City records must be made under the Oregon Public Records Law and in accordance with this policy.

Section 2. Written Requests. All requests must be made in writing [ORS 192.440 (1)].

Section 3. Levels of Requests and Staff Response. The purpose of this policy is to help provide accurate records to the public in a reasonable time. In order to accommodate the purpose of this policy, levels of requests have been established.

Level 1 Request.

Requested records must be current and accessible, require no duplication, are not subject to the Public Records Fee Schedule, and must require no additional staff time or resources to be made available.

Level 2 Request.

Requested records are not accessible, but can be made accessible with no more than 30 minutes of staff time. Level 2 requests can be made to the public records officer for departments as specified in Section 4 C. Requested records must be located in a single department and readily accessible. Records requiring attorney review are Level 3 records.

Level 3 Request. This type of request is complex, involves multiple staff and/or departments, or requires more than 30 minutes of staff time. It may involve extensive research or compilation of records. Any requests requiring legal review fall under this section.

Section 4. Procedures.

A. Requests for public records must include: name, address, sufficient contact information, date of the request, and a detailed description of the requested records including year of creation or range of dates. If electronic records are requested, keywords must be sufficient to locate the requested records.

B. Except as otherwise provided by these rules, public records will not be released for inspection or copies provided to the requestor unless the City receives payment of the required estimated fee from the requesting party.

C. Written requests for inspection or copies of city records must be submitted, on the City's form, to one of the following or designees for processing: The City Recorder for general City records, the police records custodian for police records, the court administrator for court records or designees. If the City needs additional information or clarification, staff will contact the requestor.

D. 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 sent to the requesting party.

Section 5. City Response

The City shall follow timelines as required under ORS 192.

A. Within five business days the City will acknowledge all records requests.

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B. As soon as reasonably possible, but not later than 10 business days after the date by which a public body is required to acknowledge receipt of the request under ORS 192.440, the City shall:

- i. Complete its response to the public records request; or
- ii. Provide a written statement that the City is still processing the request and a reasonable estimated date by which City staff expects to complete its response based on the information currently available.

Section 6. Appeal

A person who has submitted a written public records request in compliance with City policy may seek review of the following, in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505:

A. The failure of a public body to provide the response required by ORS 192 within the prescribed period. A failure of the public body to timely respond shall be treated as a denial of the request unless the public body demonstrates that compliance was not required.

B. An estimate of time provided by a public body - if the person believes that the estimated timeframe for the response is unreasonably long and will result in undue delay of disclosure.

C. Any other instance in which the person believes that the public body has failed to comply with ORS 192.

D. The district attorney and the court have the same authority with respect to petitions under this section as when inspection of a public record is denied.

Section 7. Fees

A. Fees for public records requests are set annually by resolution through the Master Fee Schedule process.

B. Once receipt of a public records request has been acknowledged, staff will prepare a cost estimate reflecting the cost of City staff time and materials required to make the records available. Cost estimate will include costs of summarizing, compiling, or researching the public records request. The City will require a deposit in the full amount of the estimated costs before expending additional City resources on the request. 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 records until the City's 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. The payment will be in the form generally accepted for City purchases.

C. A person requesting a waiver or reduction of fees must file a written request and include the requestor's name, address, basis for the request and whether the requestor can demonstrate benefit to the general public. The city may consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver. Any requestor disabled within the definition 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 is due to the requestor's disability. Level 1 or Level 2 requests by the news media will be made available without charge. Any request at a Level 3 may be charged in accordance with the City's Master Fee Schedule. The decision of the city manager or designee on any fee waiver or reduction is final.

Section 7. Inspection of Records.

A. Inspection of records will occur during regular City business hours, by appointment. All records shall be inspected at the City of King City place of business. A person making a public records request may

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B. personally inspect the requested records, but the right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present while any records are inspected to ensure protection of the records. If any person attempts to alter, remove, or destroy any record, the City staff shall immediately terminate review and notify the city attorney.

B. If the City maintains copyrighted material, the City will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under Federal copyright law. The City may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

Section 8. Closing of the Request

A. Response to a public records request is complete when the City:

i) Provides access to or copies of all requested records within the possession or custody of the City that are not exempt from public disclosure, or explains where the records are already publicly available;

ii) Asserts any exemptions from disclosure that the City believes apply to any requested records and, if the public body cites ORS 192.502 (8) or (9), identifies the state or federal law that the City relied on in asserting the exemptions;

iii) Complies with ORS 192.505;

iv) To the extent that the City is not the custodian of records that have been requested, provides a written statement to that effect;

v) To the extent that state or federal law prohibits the City from acknowledging whether or a requested record exists would result in loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that the City relies on, unless the written statement itself would violate state or federal law;

vi) If the City asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of the City determination pursuant to ORS 192.450, 192.460, 192.470, 192.480 and 192.490.