



City of Falls City  
299 Mill Street  
Falls City, OR 97344  
Voice (503) 787- 3631  
Fax (503) 787- 3023  
[www.fallscityoregon.gov](http://www.fallscityoregon.gov) (New!)

This Organization is an Equal Opportunity Employer

April 23, 2015

The Honorable Val Hoyle  
House Committee on Rules  
Oregon State Capitol  
Salem, Oregon 97301

Re: House Bill 3505 Relating to public records; declaring an emergency

Dear Representative Hoyle and Members of the Committee:

The City of Falls City is a small city with a population of 950. Property Tax revenue is also small at \$96,400 in the 2014-2015 Fiscal Year Budget. We have three full time employees, a City Clerk, Public Works Lead Worker, and Public Works Worker. Our Mayor serves as the City Manager Pro-Tem as a volunteer in accordance with our City Charter. I have concerns with the fiscal impacts of House Bill 3505 at our local level.

I respectfully submit my concerns for your consideration when reviewing this bill.

***HB 3505 Summary***

*Requires public bodies to establish public records retention schedules that require minimum three-year retention of public records. Modifies definition of "state agency" for public records law purposes. Requires public bodies to respond to public records request within seven days of request and at seven-day intervals thereafter until complete disposition of request. Waives fees public body would have received if complete disposition of request has not been made within three weeks of request and treats request as denied if complete disposition has not been made within six weeks of request. Establishes alternative method for determining fees public bodies may charge public records requesters. Requires public body to charge lesser of fee determined under existing law or under alternative method. Requires public body that creates or retains public records on social media, that sends public record through text messaging or that sends public records using electronic mail addresses, domain of which is not owned by public body, to store copies of records on storage equipment owned or operated by public body within 30 days of creation or retention of record. Authorizes Attorney General to impose civil penalties for violation of storage requirements. Declares emergency, effective on passage*

**Require minimum three-year retention public of public records:**

**Response:** The recently revised State Records Retention Policy established record retention of one or two years for routine records. The State Archives Office, The Oregon Association of Municipal Recorders (OAMR) Records Retention Committee and the Secretary of State's office, carefully wrote the existing

policy after much consideration. The City of Falls City would feel the impact of the addition storage requirements because we have limited storage space and file cabinets at our physical location. We do not have, nor can we afford, off-site storage.

**Requires public bodies to respond to public records request within seven days of request and at seven-day intervals thereafter until complete disposition of request. Waives fees public body would have received if complete disposition of request has not been made within three weeks of request and treats request as denied if complete disposition has not been made within six weeks of request.**

Response: It would be a hardship for the City of Falls City to compress public record request response time and waive fees at three weeks. Under the proposed rules, we have the potential for fiscal impacts due to limited resources in the general fund and a staff of one in City Hall; waived fees would essentially be paid by our small tax base.

The compressed timeframe could have effect on operational deadlines responsible for revenue streams. The City of Falls City has one City Hall staff person responsible for operational aspects of city government. Operational deadlines include; preparing meeting packets for committee meetings, timely minutes, generation of water shutoff notices, physical shutoff of water service, utility penalties, payment plan management, lien processing, daily payment processing, deposits, generation of utility bills, licensing, and permitting.

Many of our records are located in boxes stored in the attic. Records dated before 2010 are not available electronically, which prevents the use of computer scans to assist and speed research. Our contracted City Attorney is responsible for the legal review of complex record requests and is located in Eugene; this adds time and fees.

I urge you to vote no on the proposed legislation.

Thank you for your considerations,  
City of Falls City



Domenica Protheroe  
City Clerk