

Society of Professional Journalists

Oregon and Southwest Washington Chapter, P.O. Box 8974, Portland, OR 97207-8974

Lee van der Voo
Sunshine Chair, SPJ

Attorney General John Kroger
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Dear John Kroger,

We appreciate your interest in strengthening government transparency and your willingness to involve the press. First, let us express the Oregon and Southwest Washington Chapter of the Society of Professional Journalists' enthusiastic support for the measures you have taken to ensure greater access to government in Oregon.

Secondly, SPJ strongly supports the creation of a Sunshine Committee to review the extraordinary number of exemptions to Oregon's Public Records Law. We are certain a Sunshine Committee – one that includes representation of the press – is the correct approach to evaluating the more than 400 exemptions now hindering government access in Oregon.

We would also like to note two other areas stifling government transparency.

- 1) Obstructive Fees.** Oregon law currently allows for a public body to charge fees to reimburse the actual cost of making government records available, including charges for compiling records or hiring an attorney to redact them. These fees are being used in an obstructive manner by some public agencies and as a revenue-generating center in others.

Both tactics run counter to the intent of Oregon public records law, which guarantees every person the right “to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505.”

We urge you to support Oregon's adoption of Washington state law regarding fees for public records. Washington's law allows the public body to charge fees related to the actual cost of *copying* public records but prohibits fees for retrieving, searching or inspecting records. Further, the Washington Public Disclosure Act expressly prohibits state and local agencies from charging fees for document inspection.

Attached you will find a copy of Washington's law, along with the 1995 bill report and examples of problems in Oregon. These examples include a charge of

\$57.72 for “supervision” of citizens who asked to inspect documents, identical records that are 25 times more expensive in Oregon than in Washington, and agencies charging more per hour to gather public records than they pay the workers that gather them.

The intent of Oregon Public Records Law is that public agencies and the public are best served by discussing how best to provide information in the least onerous way. Please also note that some agencies are unwilling to provide feedback that could reduce time and expense on both sides. We believe they would be well served by greater direction and training on this point. For an example, please review the attached correspondence in which KATU reporter Thom Jensen was charged \$1.5 million for access to records ultimately made available for \$194.03.

- 2) **Delays.** The absence of a drop-dead deadline for compliance with a public records requests in Oregon is problematic. While we understand and appreciate the need to eliminate irrational demands on government workers, it is time to acknowledge the law is not working.

Our law allows for government officials to respond to requests for public records “as soon as practicable and without unreasonable delay.” Unfortunately, many public officials use the law’s “reasonable” standard as a loophole through which they avoid compliance altogether. Some officials simply ignore public records requests. Others stall compliance by asking repetitive and absurd “clarification” questions or interpret “as soon as practicable” as a license to place requests for records at the end of their long to-do lists.

These practices are unacceptable.

As a remedy, we propose that Oregon’s law be amended to require acknowledgment of a public records request within three business days and that such acknowledgment either include a copy of the requested record, a formal denial of the request, or an estimation of the earliest date by which the agency reasonably can fully respond. A failure to respond within three business days should be construed as a denial.

Such a process would eliminate irrational demands on government by allowing the agency to predict a reasonable response time to a public records request. It would also allow the public and the press earlier opportunity to appeal to a district attorney on the basis of unreasonable delay.

The alternative, increasingly common in Oregon, is to simply wait without result.

We have included several attachments to illuminate this problem, including one in which the Clackamas County District Attorney’s office was forced to hear the same appeal twice due to a lack of a formal denial. The requested documents,

deemed public on appeal, were sought Oct. 31, 2008 but not released until Aug. 20, 2009.

It should be noted that other matters have also been brought to our attention.

We continue to hear that public employees are using personal email to conduct the public's business as a means of keeping sensitive documents outside the grasp of public records law. This practice is unethical, if not illegal, and should be discouraged. Overall, we find that email access is the subject of confusion and policy gaps. Because yesterday's memos are today's emails, we ask that a workgroup develop statewide policies clarifying email as subject to public document retention schedules.

Also, while the Legislature has made changes to discourage the practice of using public attorneys to conceal investigations of public agencies, we are aware that the practice continues. The law should be reinforced.

Lastly, our members have listened with great interest to the suggestion that a state ombudsman could ease public records issues in Oregon. SPJ will continue to follow this discussion but does not support the creation of a state ombudsman at this time. We see no reason why Oregon should add an additional layer of bureaucracy to enforce a law that is already overly burdened by the processes described above. Without significant strides toward fee reform and an effort to end the needless delays for access to public records in our state, we believe that an ombudsman may do more harm than good.

Many of our members have suggested the state's resources would be more sensibly directed toward making more information available online. Web sites such as the Secretary of State's OreStar, the new Department of Justice Customer Complaint Search and the Oregon State Legislature's system for tracking bills and laws have been named as good examples of online information systems. We believe these systems significantly curtail the need for requests for government documents, and our members support their continued creation as a means of both eliminating barriers to access and reducing demand on government workers. SPJ strenuously objects to any legislation that would curtail online access to government data.

Thank you again for the opportunity to address these matters with you. Our organization looks forward to continued involvement in discussions about greater government transparency in Oregon.

Sincerely,

Lee van der Voo
Sunshine Chair, SPJ Oregon and Southwest Washington

FEES

Obstructive Estimates

Hall, Bennett. Corvallis Gazette-Times. Quoted an estimate of \$239.05 for records regarding pesticide enforcement from the Oregon Department of Agriculture. Records ultimately released for free.

Hall, Bennett. Corvallis Gazette-Times. Charged \$25 an hour for redaction of investigations of a police officer who had falsified DUII arrests.

Hall, Bennett. Corvallis Gazette-Times. Quoted an estimate of \$449.25 for research plus copying fees for records related to a police officer found to have falsified DUII arrests. Costs were ultimately narrowed to \$100.

Jensen, Thom. KATU News. Quoted an estimate of \$1.5 million for records of emails sent from Mayor Sam Adams to Beau Breedlove. Costs were ultimately narrowed to \$194.03.

Kish, Matt. Portland Business Journal. Quoted an estimate of \$747.85 for records in Oregon after paying \$30 for identical records in Washington.

Mayer, Rebecca. Lake Oswego Review. Quoted an estimate of \$28 an hour, plus copying fees for access to interview reports from a police record at the Albany Police Department. A records clerk at the department claimed the file was too cumbersome to be searched for free, though the reporter was able to specify the exact documents needed. The reporter was not allowed to search the document herself.

Pitkin, James. Willamette Week. Quoted an estimate of \$15,000 to retrieve emails sent and received by two Tigard police officers during a nine-month period.

Rose, Joseph. The Oregonian. Quoted an estimate of \$4,373.60 for access to driving records for TriMet drivers, the cost of a temporary employee paid \$15.62 for seven weeks to search files.

Slovic, Beth. Willamette Week. Assessed a 24.10 percent “fringe” charge after paying actual costs for public records requested from the Portland School District.

Stewart, S. Mt. Tabor Neighborhood Association. Billed \$57.72 for eight copies, \$2 for copies and \$55 for two hours of “supervision” while reading public documents at the Portland Water Bureau.

Hall, Bennett. Corvallis Gazette-Times. Quoted an estimate of \$239.05 for records regarding pesticide enforcement from the Oregon Department of Agriculture. Records ultimately released for free.

Working log from special projects editor Bennett Hall:

Oregon Department of Agriculture

Attn: Sandra Rupe
635 Capitol St. N.E.
Salem, OR 97301

Contacts: Bruce Pokarney 503-986-4559, Sandra Rupe 503-986-4639
srupe@oda.state.or.us, Dale Mitchell

Request: Records of pesticide (and herbicide) investigations related to Christmas tree growing operations in Benton, Linn, Lincoln, Lane and Polk counties since Jan. 1, 2000

Actions: 11/7/07: After conversation with Bruce Pokarney, I e-mailed request to ODA c/o Dave

11/21/07: Receive e-mail invoice from Sandra Rupe at ODA. Wants to charge us \$293.05 (15 cents a page for copies, 109 photo reprints at 50 cents each, \$30/hour search charge, \$5 for photo CD).

11/28/07: Dale Mitchell at ODA says they could waive fees for public interest. After talking w/ Mike M & Mike S, drafted letter asking for waiver of all fees. Sandra e-mailed me a waiver form to fill out (they have a form!). E-mailed her back with completed form, offering to drive up and look at records to avoid excess copy-making.

11/28/07: E-mail from Sandi Rupe; waiver request granted; she'll mail me everything next week.

11/29/07: E-mail from Sandi – she's sending photos out to be copied, so that will delay my receipt of records by a couple days.

11/30/07: Phone call from Sandi: Wants street address so she can send records via UPS Ground.

12/3/07: Box of records arrives via UPS Ground. NO CHARGE at all from ODA.

Sandra Rupe
Oregon Department of Agriculture
635 Capitol St. N.E.
Salem, OR 97301

Nov. 28, 2007

Dear Sandra:

Thank you for your e-mailed invoice of Nov. 21 outlining the fee schedule and estimated costs for obtaining copies of the public records I requested.

To recap my request of Nov. 7, I am asking for access to all records of pesticide or herbicide investigations related to Christmas tree growing operations in Benton, Lincoln, Linn, Lane and/or Polk counties since Jan. 1, 2000.

I can come to your office to review the records in person.

In your letter, you propose a fee for copying materials of 15 cents per page. You also propose a record search fee of \$30 per hour for a total charge of \$157.50, plus \$54.50 for 109 photo reprints and \$5 for a photo CD. You estimate a total cost of \$293.05 for the requested records.

ORS 192.440(4) allows for the waiver or reduction of fees “if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.”

I would argue that, by virtue of the fact that the records I’ve requested are for the purpose of research for a newspaper article on a topic of community interest rather than for my personal use, my request meets the “public interest” test.

I respectfully request that all fees in this case be waived.

Sincerely,

Bennett Hall
Special Projects Editor
Corvallis Gazette-Times

Hall, Bennett. Corvallis Gazette-Times. Charged \$25 an hour for redaction of investigations of a police officer who had falsified DUII arrests.

Working records log special projects editor Reporter Bennett Hall:

Request: Dave Cox complaint investigations: FY 04-05, Nos. 3, 4 & 5; FY 05-06, No. 1; FY 06-07, No. 2.

Actions: 11/16/07: faxed request to Jennifer Hendricks

11/27/07: Dave Henslee drops off letter outlining costs: \$100, based on \$25/hour (half his salary) for four hours of search/inspect/redact time; offers to waive fees.

11/28/07: Talk to the Mikes, they say ask CPD to waive fees. Draft letter to that effect.

Fax it to Henslee's attn at CPD at 754-1720, w/heads-up call to Dave

11/28/07: Henslee called, said he couldn't find fax, will check again tomorrow

12/3/07: Receive letter from Henslee dated 11/29 rejecting request to waive fees. Wants to charge \$25/hour, will waive copying charges. Sent e-mail to the Mikes for marching orders. "Your request is substantive in nature and will resulting additional costs to the City of Corvallis through staff wages, materials, and supplies. The Corvallis Police Department has a standard in place in accordance with Oregon Revised Statute 192.440(3)(a)."

12/3/07 Mike S. OKs \$100 for complaint reports. I call Dave Henslee – he says he'll start on it tomorrow morning, redact HIPAA info, and I should have reports soon. I fax letter to Henslee agreeing to terms, asking him to proceed.

12/4/07: Henslee calls: Reports waiting at CPD front counter

12/5/07: I walk to CPD, fork over \$100 in cash (20s), and pick up reports. Get receipt from CPD records clerk.

12/20/07: I call Dave Henslee, let him know: A) We lost our Dec. 5 receipt and need a new copy; and B) I didn't get one of the complaint reports I requested (FY 04-05 No. 3). Henslee says he'll copy receipt and bring it by, along with the missing report. Also, he lets me know he was "less than tickled" with our editorial on police silence; wants who know who wrote it, how they get their info, etc. His main complaint is we gave CPD no credit for giving us documents. I tell him it was Theresa Novak who wrote editorial and confess that I read it over and failed to argue for giving cops credit for the documents they provided.

12/20/07: Dave Henslee stops by with the records and the photocopied receipt.

Dear Lt. Henslee:

Thank you for your letter outlining the fee schedule and estimated costs for obtaining copies of the public records I requested.

To recap my request of Nov. 16, I am asking for copies of the following records: the reports on five Corvallis Police Department investigations of Officer Dave Cox. Specifically, I'm asking for copies of investigations designated Nos. 3, 4 and 5 of fiscal year 2004-05; No. 1 of fiscal year 2005-06; and No. 2 of fiscal year 2006-07.

In your letter, you propose a fee for copying materials of \$5 for the first five pages, plus 15 cents per page, which you have kindly offered to waive. You also propose a fee of \$50 per hour for an anticipated four hours of searching, reviewing, inspecting and copying records, which you kindly offer to reduce to \$25 an hour. You estimate a total cost of \$100 for the requested records.

As the basis for these fees, your letter cites ORS 192.440(3)(a), which allows public bodies to charge fees to provide access to public records. Another subsection of the same law, ORS 192.440(4), allows for the waiver or reduction of fees "if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public."

I would argue that, by virtue of the fact that the records I've requested are for the purpose of research for a newspaper article on a topic of community interest rather than for my personal use, my request meets the "public interest test."

I respectfully request that the Corvallis Police Department waive all fees in this case.

Sincerely,

Bennett Hall
Special Projects Editor
Corvallis Gazette-Times

Hall, Bennett. Corvallis Gazette-Times. Quoted an estimate of \$449.25 for research plus copying fees for records related to a police officer found to have falsified DUII arrests. Costs were ultimately narrowed to \$100.

Working log from special projects editor Bennett Hall:

Corvallis Police Department

Attn: Lt. Dave Henslee

180 N.W. Fifth St.

Corvallis, OR 97339

Contact: Lt. Dave Henslee, 766-6986, c 230-0391

Request: Officer Dave Cox personnel file

Actions: 11/7/07: Faxed CPD request form to Jennifer Hendricks seeking file

Various conversations w/ Henslee re: costs, etc.; discussions w/Mike Schmeltzer, Mike McNally, Martha Wells, ONPA president ??, ONPA attorney Jack Orchard about what we can get and what it will/should cost

11/14/07: Letter from Henslee outlining fees for Cox file; wants to charge \$5 for first five copies plus 15 cents a page; \$50/hour (Dave's salary) for estimated 8 hrs searching, inspecting, redacting, etc.; estimates \$449.25 for total on 300 page file

11/15/07: Fax response letter to Henslee asking him to waive/reduce fees.

11/16/07: Henslee sends response letter offering to waive copy fees, halve his hourly rate. New estimate: \$200; Mike Schmeltzer says go ahead; I call Henslee with that request

11/25/07: Henslee calls to let me know file is ready, will only cost \$100, and I can pick it up w/cash or check at CPD front desk

11/26/07: I pick up redacted copy of Cox personnel file; pay \$100 cash, get receipt

Jensen, Thom. KATU News. Quoted an estimate of \$1.5 million for records of emails sent from Mayor Sam Adams to Beau Breedlove. Costs were ultimately narrowed to \$194.03.

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\$1.5 million for Adams' public records? Huh?

By Thom Jensen KATU News and KATU.com Staff

Summary

In Oregon, public records are open to everyone and in many cases are free. So when KATU received a quote of \$1.5 million from the city to pull public records from Mayor Sam Adams' office, you can imagine the sticker shock.

STORY	VIDEO	Print Twitter Facebook Share Email More
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Story Published: Feb 25, 2009 at 10:20 PM PDT | Story Updated: Feb 25, 2009 at 10:26 PM PDT



PORTLAND, Ore. - In Oregon, public records are open to everyone and in many cases are free.

So when KATU received a quote of \$1.5 million from the city to pull public records from Mayor Sam Adams' office, you can imagine the sticker shock.

It all started weeks ago when the mayor issued a public apology over the scandal involving his relationship with a young intern. During the press conference, KATU requested Adams' phone, calendar and e-mail records from the spring of 2005, when the then city commissioner was developing a relationship with 17-year-old Beau Breedlove.

Comments (135)

Related Content

[Complete coverage of the Sam Adams scandal](#)

"I think the Willamette Week and the Oregonian have asked for those already, so they're around already," Adams said.

The next day, Adams' spokesman requested that a public records request be filled out. After a few additions and a month of calling and e-mailing, KATU received estimates totaling more than \$1.5 million (before attorney fees) to pull the public records.

Oregon's public record laws are supposed to be some of the most open in the country.

The costs have to be reasonable and should be waived when there is a great public interest in the documents.

On Wednesday, we asked Adams about the massive fee. He did not seem surprised when we told him about the quote, saying the city must recoup costs for collecting public records. According to the Office of Management and Finance, it would take a single employee 10 years to get the records.

After talking with him further, Adams did finally agree that the charge seemed excessive but said he played no part in it.

"That's done by the city attorney's office and the Office of Management and Finance," he said.

When we pointed out that the Office of Management and Finance was one of his bureaus, Adams said "I'm completely separate from the decisions they make on this matter, as you might imagine."

After KATU started asking questions about the \$1.5 million estimate for a public records search, we got a new estimate from the city for a narrower search. This time the estimate was for \$194.03.

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- Viewers' Voice
- Kate Gosselin
 - Buzz Aldrin
 - Someone else

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CITY OF PORTLAND UNIFORM PUBLIC RECORDS REQUEST FORM

REQUESTOR INFORMATION

Date of Request: 1-21-09

Name: Thom Jensen

Mailing Address: 2153 NE Sandy Blvd

City, State Zip: Portland

Daytime Phone: 503 577 5205

Email Address: tjensen@katu.com

Fax: 503 231 4263

Preferred method of contact: Mail Phone Email Fax

Is this request related to a lawsuit in which the City of Portland is a party, or a tort claims notice filed with the City of Portland? Yes No If yes, claimant name and incident date: _____

Copies may be furnished without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public. Does this request primarily benefit the general public? Yes No If Yes, please describe the public benefit below.

DESCRIPTION OF RECORDS REQUESTED:

Please describe the materials you are requesting in as much detail as possible: type of document, date, author, title, etc. If you need more room, please attach additional sheets. If your request includes personnel records, a signed release from the employee is required. Please indicate if you want to inspect the records or if you need certified copies of the records. If no indication is made, regular copies will be provided.

Bureau or Office, if known: Portland City Commissioner (Sam Adams) 2005

Under the open records law of Oregon and in accordance with the open records policies of the City of Portland I am requesting copies of all phone, cell phone, e-mail and calender records for Portland City Commissioner Sam Adams beginning in March 2005 and ending in July 2005.

Mayor Adams says the records are already being compiled for the Oregonian and the Willamette Week, I therefore believe there should be no extra charge for compiling the records for this request.

I also believe there is a strong public need to know what is in those records due to the call for Mayor Adam's resignation from office by two major newspapers and the public at large and costs for these records should be waved.

- The City will respond to your request as soon as practicable and without unreasonable delay.
- If the estimated costs involved in fulfilling your request exceed \$25, the City will advise you of the estimated costs and require your approval before beginning work.
- If the fee estimate exceeds \$100, a 50% deposit may be required to begin work.
- Full payment of the total amount of costs incurred is required before the public records are inspected or copies are released.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the cost of fulfilling this Public Records Request according to the conditions set forth above. These costs may include the cost of searching for records, reviewing records to redact exempt material, supervising the inspection of records, copying records, certifying records and mailing records, including the cost of searching for records. I agree to pay a maximum of \$25 without further approval.

Signature of Requestor

Date

1-21-2009

Kish, Matt. Portland Business Journal. Quoted an estimate of \$747.85 for records in Oregon after paying \$30 for identical records in Washington.

July 6, 2009

Attorney General John Kroger
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Dear Attorney General Kroger:

Thanks for your interest in reviewing public records policies across Oregon. In the Business Journal's experience, there is a wide discrepancy in the willingness of public bodies to provide timely and affordable access to critical records. Here are two recent examples that put into context the disparity in access to public records across the region.

The first is a request with the city of Portland for emails between four officials on the staff of Mayor Sam Adams and the outgoing CEO of Daimler Trucks North America. We requested that the city search four specific email accounts for three specific terms. The city estimated that the search would cost \$747.85. Due to the high cost of the search, the Business Journal has not gone forward with this records request.

The second is a request with the city of Vancouver for records related to the SEH America purchase of the Hewlett-Packard property. The Business Journal requested all correspondence by city staff related to the SEH purchase of the HP property. The city provided 130 pages of documentation for no charge. We were charged 15 cents per page to make copies and had the option to have all of the documents scanned onto a disc for \$30.

If you have any questions about the enclosed documents, I can be reached at 503-219-3414. We appreciate your willingness to review public records policies.

Regards,



Matthew Kish
Managing Editor

Enc.

BTS Public Records Search - Budgetary Planning Estimate

6/23/2009

09-29PR Biz Journal - Daimler Search

NOTE: This estimate is for budgetary planning purposes only. Billing will be based on actual work performed.

Basic Services (Labor)	One-Time			Recurring			
	Quantity (hours)	Unit Cost	Total	Quantity (hours)	Unit Cost	Total	
Project Management	0.50	\$ 81.69	\$ 40.85				
Online eMail search	1.00	\$ 70.70	\$ 70.70				Scan email mailboxes in their current state on the City's email server.
eMail Archives (PST) Discovery / capture / search	9.00	\$ 70.70	\$ 636.30				Travel to the workstation, search for email archive (PST) files, capture them to media, and perform the equivalent of the "Online eMail Search" for all keywords and all target accounts.
eMail recovery from tape and search per day recovered							
Recovery environment setup	0.00	\$ 70.70	\$ -				
Data recovery / validation / search				0	\$ 70.70	\$ -	Data recovery / validation / search is a recurring charge for each day recovered from backup tapes.
Workstation file search	0.00	\$ 70.70	\$ -				
Travel time to / from workstation	0.00	\$ 70.70	\$ -				Travel time is already included in the PST search and will not be billed a 2nd time for the workstation search if both are chosen.
Other	0.00	\$ 70.70	\$ -				
Subtotal Search Services			\$ 747.85			\$ -	
Materials				Quantity (each)			
Tapes per week				0	\$ 50.00	\$ -	Backups are kept for a 30 day rotation. Requests that require the rotation to be extended may be billed for the additional tapes required to expand the tape library. 5 tapes are needed for each week of extension.
SubTotal Materials			\$ -			\$ -	
Grand Total			\$ 747.85			\$ -	

BTS Technical Services Budgetary Estimate

Electronic Email and Document Search Estimate Worksheet
09-29PR Biz Journal - Daimler Search

Online eMail Search

Number of Target Accounts (<i>Accts</i>)		4	accounts		
Number of Search Terms (<i>Terms</i>)		3	terms		
Time per search per term per account (<i>SearchTime</i>)	established time period	5	minutes		
Total search time (<i>TotalSearchTime</i>)	calculation: <i>Accts x Terms</i>	60	minutes	=	1.00 hours

eMail Archives (PST) Search

Number of PST archive files per target account (<i>PSTs</i>)	assumed value	1	PST		
Time for PST discovery / capture per target account (<i>PSTDiscTime</i>)	established time period	120	minutes		
Total PST capture time (<i>PSTCaptureTime</i>)	calculation: <i>Accts x PSTs x PSTDiscTime</i>	480	minutes		
Total search time (<i>TotalSearchTime</i>)	from Online eMail search calculation	60	minutes		
Total PST capture and search time	calculation: <i>PSTCaptureTime + TotalSearchTime</i>	540	minutes	=	9.00 hours

eMail recovery from exchange backups

Number of servers (<i>Servers</i>)	derived based on target accounts	-	servers		
Recovery environment setup per server (<i>RecSetupTime</i>)	established time period	8	hours		
Total recovery environment serup time	calculation: <i>Servers x RecSetupTime</i>	-	hours	=	- hours

Freeze of backup tape rotation requested? (yes/no)

no

Exchange data recovery time from tape per day

Number of days (<i>Days</i>)	number of days to recover from tape	-	day(s)		
Staff time to recover from tape, link, and validate (<i>TapeRecTime</i>)	established time period	120	minutes		
Total search time (<i>TotalSearchTime</i>)	from Online eMail search calculation	-	minutes		
Total tape recovery and search time	calculation: <i>(TapeRecTime + TotalSearchTime) x Days</i>	-	minutes	=	- hours

Workstation File Search

Number of Target Workstations (<i>WS</i>)		-	workstations		
Number of Search Terms (<i>Terms</i>)		3	terms		
Number of target disk drives per workstation (<i>Drives</i>)		2	drives		
Time per search per term per workstation drive (<i>WSSearchTime</i>)	established time period	45	minutes		
Total workstation search time	calculation: <i>WS x Terms x Drives x WSSearchTime</i>	-	minutes	=	- hours
Transit time to / from workstation (<i>TransitTime</i>)	established time period	120	minutes		
Total transit time		-	minutes	=	- hours

Project Management

0.5 hours = 0.50 hours

Other (Descibe)

hours = - hours

Subject: FW: Acknowledgement of Public Records Request
Date: Wednesday, July 1, 2009 4:41 PM
From: Erik Siemers <esiemers@bizjournals.com>
To: Reporter <rmkish@bizjournals.com>
Priority: Highest

Erik Siemers
Portland Business Journal
(503) 219-3418 Direct
(505) 573-9304 Mobile
(503) 219-3450 Fax

Get Daily E-Mail Updates for FREE
www.portland.bizjournals.com

----- Forwarded Message
From: "Catching, Colleen" <Colleen.Catching@ci.vancouver.wa.us>
Date: Wed, 1 Jul 2009 16:38:30 -0700
To: Reporter <esiemers@bizjournals.com>
Subject: RE: Acknowledgement of Public Records Request

Dear Mr. Seimers -

I am writing to inform you that the records you have requested are available for review. There are 130 pages of documents. You may review them in person at no charge and determine which documents you would like copies of, at a cost of 15 cents per page. Otherwise, please let me know in what format you would like the documents, either hard copies or scanned electronically onto a CD.

Hard copies: 130 pages x .15 per page = \$19.50
CD: Cost of disc plus staff time to scan documents = approximately \$30

Please let me know how you would like to receive the documents.

Sincerely,

Colleen Catching
Citizen Advocate
City Manager's Office
360.487.8611

From: Erik Siemers [mailto:esiemers@bizjournals.com]
Sent: Wednesday, May 27, 2009 12:33 PM
To: Catching, Colleen
Cc: Matthew Kish
Subject: Re: Acknowledgement of Public Records Request

Colleen,

Could you also please give us prior notice if the cost of this request exceed \$100?

Thanks,

Erik Siemers
Portland Business Journal
(503) 219-3418 Direct
(505) 573-9304 Mobile
(503) 219-3450 Fax

On 5/27/09 12:08 PM, "Catching, Colleen" <Colleen.Catching@ci.vancouver.wa.us> wrote:
Dear Mr. Siemers:

This is to acknowledge receipt of your public records disclosure request received on Friday, May 22, 2009, by Colleen Kawahara, Special Projects / Communication Coordinator for the City Manager's Office and the Mayor's Office at the City of Vancouver.

You requested all correspondence by city staff regarding SEH America purchasing the HP property.

The city will need approximately 30 business days to assemble the requested documents and review them for release. I will notify you if additional time is required or if the requested records are ready earlier.

Please contact me if you have any questions or need any clarification.

Sincerely,

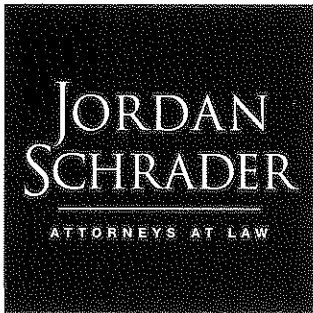
Colleen Catching
Citizen Advocate / Public Disclosure Coordinator
City Manager's Office
City of Vancouver
360.487.8611

Mayer, Rebecca. Lake Oswego Review. Quoted an estimate of \$28 an hour, plus copying fees for access to interview reports from a police record at the Albany Police Department. A records clerk at the department claimed the file was too cumbersome to be searched for free, though the reporter was able to specify the exact documents needed. The reporter was not allowed to search the document herself.

From Rebecca Mayer -

I put in a records request at the Albany police department for files on Don King. The person in charge of records got back to me and said that there are five file folders full of documents. I tried to get her to help me narrow down the request by explaining which documents I actually need a copy of. (I want narratives from interviews with the girls). She said that it would cost me \$28 an hour just for her to go through the file to narrow down my request. She won't let me look at it because everything needs to be redacted. It would be 25 cents per page for copies and \$2.50 for photos.

Pitkin, James. Willamette Week. Quoted an estimate of \$15,000 to retrieve emails sent and received by two Tigard police officers during a nine-month period.



JORDAN SCHRADER RAMIS PC

VIA E-MAIL & FIRST CLASS MAIL

August 14, 2009

James Pitkin, Reporter
Willamette Week
2220 NW Quimby
Portland OR 97210

Re: **Public Records Request of July 24, 2009**
Our File No. 50014-36802

Dear Mr. Pitkin:

This firm represents the City of Tigard as its City Attorney. Your public records request for "copies of all e-mails sent and received by officers Hahn and Rollins from September 1, 2008 through May 31, 2009" has been directed to me for administrative handling.

We have conducted a preliminary review of the City's public records and have determined that we are the custodian of at least some of the records requested. However, substantial time and cost would be required to review and produce public records not otherwise exempt from this disclosure.

At the present time we have identified a potential of 6,388 emails that need to be reviewed that need to be determined if they are subject to disclosure. We estimate that our City Staff require 110 hours of time to review these documents. The review must be done by the Lieutenant in the police department at a rate of \$69.61 per hour or a cost of \$7,657.10. In addition to this cost, the City Attorney will need to review the documents, redact material from the public records and to segregate into exempt and non-exempt records. We estimate 40 hours will be necessary for this at a cost of \$180.00 per hour or \$7,200.00. Therefore, we estimate the cost in staff and attorney time to be \$14,857.10, exclusive of a .25 cent per page cost of the actual record, to produce the requested records. This is merely an estimate and the total cost will be the actual cost necessary to produce the records plus a .25 cent per page cost of record produced.

The City will require payment of the estimated cost of staff and attorney time before proceeding any further to produce the requested records. The cost estimate may be reduced if your request is more specific as to the actual e-mails you are requesting, i.e., a specific case, or matter. Please remit your

RONALD G. GUERRA

Admitted In:
Oregon

Direct Dial
(503) 598-5540

E-mail
ron.guerra@jordanschrader.com



50014-36802 173030.doc\OXN/8/14/2009

James Pitkin
August 14, 2009
Page 2

payment directly to the City and indicate that it is for the July 24, 2009 public records request.

Upon receipt of payment, the City will begin the process to review and produce non-exempt records. We estimate that it will take the City 45 days to complete the process.

If you have any questions, please contact my office.

Sincerely,

JORDAN SCHRADER RAMIS PC

A handwritten signature in black ink, appearing to read "Ronald G. Guerra". The signature is written in a cursive style with a long horizontal flourish at the end.

Ronald G. Guerra

cc: Jim Wolfe, City of Tigard Police Department

Rose, Joseph. The Oregonian. Quoted an estimate of \$4,373.60 for access to driving records for TriMet drivers, the cost of a temporary employee paid \$15.62 for seven weeks to search files.

From: "Fetsch, Mary" <FetschM@trimet.org>
To: "Joseph Rose" <rose-j@news.oregonian.com>
Date: 3/4/2009 1:03 PM
Subject: RE: Public records request status

Joe: We would need to hire a temporary employee to go through each file. We estimate it would take 7 weeks, \$15.62 per hour = \$4,373.60 approximately.

Mary Fetsch
TriMet Communications Director
503-962-6403
fetschm@trimet.org

-----Original Message-----

From: Joseph Rose [mailto:josephrose@news.oregonian.com]
Sent: Tuesday, February 24, 2009 12:40 PM
To: fetschm@trimet.org
On: Theresa Bottomly, Susan Gade, John Killen
Subject: Public records request status

Hi, Mary,

I'm sending an e-mail to make sure you received my voice message concerning my public records request.

Once again, thank you for your offer to go through personnel files to pull any citations that have been issued to operators. You mentioned that TriMet could give an estimate of how much it would cost to pull those files. I'd like to go ahead with that. Can you please give me a cost estimate on pulling those files and copying them?

At the same time, I still want to go forward with last week's request for a list of operators and their birth years. Can you give me a status report on that?

Thanks for your help and quick response.

Best,

Joseph Rose
Multimedia Reporter/Commuting
The Oregonian
1320 SW Broadway
Portland, OR
97201
503-221-8029
Cell: 503-816-8576
Blog: www.oregonlive.com/harddrive

From: "Fetsch, Mary" <FetschM@trimet.org>
To: Joseph Rose <rosej@news.oregonian.com>
Date: 2/18/2009 4:02 PM
Subject: RE: Public records request

Joe: We do keep records of traffic violations. The citation information from DMV is sent to TriMet. The employee is also required to report a citation. We keep the information in the employee's personnel file.

* Doesn't TriMet self-insure itself and its drivers? If so, aren't you required to keep a record of traffic violations for risk management?

++ The traffic violations, upon conviction, go against the operators CDL. The agency has a requirement that employees maintain their CDL.

* How does TriMet as an agency track the frequency of traffic violations for training and reviews? In other words, how do you know the extent of a problem such running red lights and the need to provide additional training if you don't track violations?

++If the employee is convicted of a traffic infraction we would be notified by DMV. We then followup with the employee. The employee is also required to report this to their manager.

* What's the process when red light camera tickets are sent to TriMet by the police? Are they logged into a system that keeps track of such citations? If not, why?

++Tickets are sent to TriMet, TriMet fills out the exoneration form and provides information about who was driving the vehicle. The issuing agency then determines whether or not to issue to operator of vehicle. Then the person gets their day in court. If convicted they pay associated fines. DMV notifies TriMet.

* Are drivers required to inform TriMet when they receive a traffic ticket on or off a bus? (At The Oregonian, for instance, we are required to inform HR whenever we are cited for a moving violation).
++yes they must inform their manager.

* Can you explain TriMet's decision to not track moving violations issued against its drivers when many other transit agencies around the nation engage in the practice?

++ DMV as the issuing agency for the CDL tracks violation against driving records and there is a schedule regarding which sorts of violations can disqualify a person from holding a CDL. In the event that an employee was going to be subject to suspension or loss of a CDL TriMet would receive notification of such.

Joe, because we do not have this information in a centralized log, we cannot provide specifics to you. You make some good points, and we will create a database so in the future we can provide the public with details on this issue. I would estimate we would set up the database by March 1.

-----Original Message-----

From: Joseph Rose [mailto:josephrose@news.oregonian.com]
Sent: Wednesday, February 18, 2009 12:42 PM
To: FetschM@trimet.org
Cc: Therese Bottomly
Subject: RE: Public records request

Hi, Mary,

So is this final word?

There are no records kept at all.

If so, it raises some questions:

* Doesn't TriMet self-insure itself and its drivers? If so, aren't you required to keep a record of traffic violations for risk management?

* How does TriMet as an agency track the frequency of traffic violations for training and reviews? In other words, how do you know the extent of a problem such running red lights and the need to provide additional training

if you don't track violations?

* What's the process when red light camera tickets are sent to TriMet by the police? Are they logged into a system that keeps track of such citations? If not, why?

* Are drivers required to inform TriMet when they receive a traffic ticket on or off a bus? (At The Oregonian, for instance, we are required to inform HR whenever we are cited for a moving violation).

* Can you explain TriMet's decision to not track moving violations issued against its drivers when many other transit agencies around the nation engage in the practice?

Thanks,
Joe

Joseph Rose
Multimedia Reporter/Commuting
The Oregonian
1320 SW Broadway
Portland, OR
97201
503-221-8029
Cell: 503-816-8576
Blog: www.oregonlive.com/harddrive

>>> "Fetsch, Mary" <FetschM@trimet.org> 02/18/09 12:26 PM >>>

There is no log, report, or database that tracks this information. Any information pertaining to citations that TriMet employees receive would be kept in their respective employee files.

-----Original Message-----

From: Joseph Rose [<mailto:josephrose@news.oregonian.com>]
Sent: Tuesday, February 17, 2009 10:49 AM
To: fetschm@trimet.org; witb@trimet.org
Subject: Public records request

Hello, Bekki and Mary,

In accordance with Oregon's public records laws, I am requesting copies of the following:

* A list of all red light camera tickets, including information on dates, locations and times, issued to TriMet in the past five years.

* A list of TriMet operators who have been cited for running red lights via traffic stops and red light cameras.

* A list of all traffic citations, including information on dates, locations and times, issued to TriMet in the past five years.

* A list of TriMet operators who have received traffic citations in the past five years, including the number of citations per driver.

* A list of TriMet drivers who have been disciplined for traffic violations in the past 10 years.

These records are of great public interest and we ask that each item be released as it becomes available, rather than waiting until all of the records are gathered. Thank you for your prompt response. Contact me with any concerns or questions.

Best regards,

Joseph Rose
Multimedia Reporter/Commuting
The Oregonian
1320 SW Broadway
Portland, OR

MAR. 29. 2010 10:30AM

ADMIN

NO. 302

P. 5

Page 3

(2/19/2008) Hiresse Bottomly - RE: Public records request

97201

503-221-8029

Cell: 503-816-8576

Blog: www.oregonlive.com/harddrive

From: Joseph Rose
To: FetschM@trimet.org
CC: Therese Bottomly
Date: 2/18/2009 12:42 PM
Subject: RE: Public records request

Hi, Mary,

So is this final word?

There are no records kept at all.

If so, it raises some questions:

- * Doesn't TriMet self-insure itself and its drivers? If so, aren't you required to keep a record of traffic violations for risk management?
- * How does TriMet as an agency track the frequency of traffic violations for training and reviews? In other words, how do you know the extent of a problem such running red lights and the need to provide additional training if you don't track violations?
- * What's the process when red light camera tickets are sent to TriMet by the police? Are they logged into a system that keeps track of such citations? If not, why?
- * Are drivers required to inform TriMet when they receive a traffic ticket on or off a bus? (At The Oregonian, for instance, we are required to inform HR whenever we are cited for a moving violation).
- * Can you explain TriMet's decision to not track moving violations issued against its drivers when many other transit agencies around the nation engage in the practice?

Thanks,

Joe

Joseph Rose
Multimedia Reporter/Commuting
The Oregonian
1320 SW Broadway
Portland, OR
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503-221-8029
Cell: 503-816-8576
Blog: www.oregonlive.com/harddrive

>>> "Fetsch, Mary" <FetschM@trimet.org> 02/18/09 12:26 PM >>>

There is no log, report, or database that tracks this information. Any information pertaining to citations that TriMet employees receive would be kept in their respective employee files.

—Original Message—

From: Joseph Rose [mailto:joosephrose@news.oregonian.com]
Sent: Tuesday, February 17, 2009 10:49 AM
To: fetschm@trimet.org; wltth@trimet.org
Subject: Public records request

Hello, Bekki and Mary,

In accordance with Oregon's public records laws, I am requesting copies of the following:

- * A list of all red light camera tickets, including information on dates, locations and times, issued to TriMet in the past five years.
- * A list of TriMet operators who have been cited for running red lights via traffic stops and red light cameras.
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any concerns or questions.

Best regards,

Joseph Rose
Multimedia Reporter/Commuting
The Oregonian
1320 SW Broadway
Portland, OR
97201
503-221-8029
Cell: 503-816-8576
Blog: www.oregonlive.com/harddrive

Slovic, Beth. Willamette Week. Assessed a 24.10 percent “fringe” charge after paying actual costs for public records requested from the Portland School District.

From: Beth Slovic <bslovic@wweek.com>
Date: January 8, 2010 2:53:20 PM PST
To: Hank Harris <hharris@pps.k12.or.us>
Cc: Robb Cowie <rcowie@pps.k12.or.us>, Matt Shelby <mshelby@pps.k12.or.us>
Subject: from WW

Hi Hank,

Thanks for chatting on the phone with me a few minutes ago. You helped me narrow my request.

Just to be official here, I'd like to request "employee business expense forms" from 2009. And, if it's not too much trouble, 2008, too.

Best,

Beth Slovic
503-445-1541
bslovic@wweek.com

From: "Hank Harris" <hharris@pps.k12.or.us>
Date: February 25, 2010 12:24:23 PM PST
To: "Beth Slovic" <bslovic@wweek.com>
Cc: "Donna Williams" <dwilliam@pps.k12.or.us>, "Michelle Riddell" <mriddell@pps.k12.or.us>
Subject: Re: documents

Beth, the estimate is complete (I can give you a breakdown if you need) and the estimate for time + copies would be about \$150, possibly a bit less. If you can get a check to us in that amount, we'll begin the work and then credit you if it comes in at less than that. I'd prefer that method than the other suggestion. Thanks -- let me know if you want to proceed.

Hank

HOURS COST CALCULATOR 2009-10						
LTHT hours, extended hours, and limited term employees.						
Fill in the green cells at the left to find the total salary plus fringe at the right.						
Hourly Rate	Number of Hours per Day	Number of Days	Salary Amount	24.10% Fringe	Total cost: budget for this amount	
\$15.00	x 6	x 1	\$90	+ \$22	=	\$112

For Both Slovic Public Records Request.

Stewart, S. Mt. Tabor Neighborhood Association. Billed \$57.72 for eight copies, \$2 for copies and \$55 for two hours of “supervision” while reading public documents at the Portland Water Bureau.

FROM THE CO-CHAIR

MESSAGES FROM S.STEWART, ONE OF THE LAND USE CHAIRS FOR THE MT. TABOR NEIGHBORHOOD ASSOCIATION (PORTLAND, OREGON)

MONDAY, JANUARY 11, 2010

Water Bureau doesn't want to give me access

I had a bizarre experience with the Water Bureau today. I'm still a little shocked by it all, not even sure where to begin.

The net is PWB just handed me a bill for **\$57.72 for 8 little copies**. Copies I won't get until I pay this bill, never mind the 2 hours I spent downtown today sitting in a PWB conference room reading through binders to find those 8 pages. But therein lies the rub = 2 hours. They had someone sit and watch me read the documents that whole time. **I was "supervised"**. Supervised while reading two bid proposals and some score sheets. All of what I had in front of me was public information, and none of it would appear to pose a security issue... so why was I supervised? I don't know.

I've noticed it isn't easy to get public information from the Water Bureau. No matter what Randy Leonard claims (on April 11, 2009 , Leonard stood in front of 175 people at Glenco Elementary and said that all anyone has to do is pick up the phone to get documents from PWB; two weeks later PWB instituted a formal request policy with fees). But this really takes the cake. The whole experience was, bizarre. Here is how it went:

- I was invited, by F. Jones of the Friends of the Reservoirs to accompany her on a visit to PWB to read some documents. Jones invited me because she thought it would be a good chance for me to see the PWB document library, as I may need to pull documents on behalf of MTNA someday. Jones had requested electronic copies of the documents in question (I've got something to say about this, later) and she was denied that request. She inquired about physical copies, and was told she'd be charged for staff time to pull and copy the documents (\$171) and charged 25 cents each for the actual copies (# of pages undisclosed to her, but now that I've seen the material I can guess that the roughly 500 pages would have cost her upwards of \$125). Jones made a plea for a fee waiver, a request based on the fact that her non-profit organization makes documents available to thousands of citizens. Request denied. So, Jones asked if she could just be

LABELS

- Bull Run Watershed
- Clearwire's Noise Development
- Document Requests
- LT2
- Portland City Council
- Portland Water Bureau
- PURB
- reservoirs
- Solarize Portland

BLOG ARCHIVE

- ▼ 2010 (23)
 - ▶ March (4)
 - ▶ February (5)
 - ▼ January (14)
 - Not Your PURB Anymore
 - Clearwire problems in Florida; residents here and ...
 - Clearwire wants TALL towers
 - Letter to Ombudsman regarding incident at PWB Jan ...
 - Portland Water Bureau doesn't wear gloves?
 - The "P" in PURB is not for "public"
 - Drowning in Water Bureau Debt?
 - Water Bureau doesn't want to give me access

given a chance to sit and read the documents down at PWB. They granted that request, a date was set, and I was invited.

- We were not put in the document library, we were put in a conference room with 3 small binders and a handful of loose papers, all related to the contract that was recently awarded for the design of the new tank at Powell Butte (Powell Butte II). Kristen Small escorted us into the room and then sat down. When Small left for a few minutes at one point, Jones and I wondered aloud why we were being watched, woefully unaware that PWB was charging us for Small's time to "supervise" us. On previous occasions, citizens like Jones were allowed in the library, on their own, for whatever time they were willing to dedicate to being there.
- Within the first few minutes, Jones noticed she wasn't given any of the names of the people on the panel that reviewed the bids for this contract. Jones had specifically requested the names of the people involved in the review panel/contract award process, so we asked Small if she could help Jones get that piece of information. Small was told by Mike Stuhr (head engineer) and Annette Dubishinsky that PWB was not authorized to disclose panel member identities, by city code. Jones corrected staff -- city code prohibits the disclosure of reviewer identities only until the point when the contract is awarded. The contract for Powell Butte II has already been signed. (Brownie points to Jones for being able to quote city code.) Shortly thereafter, Mike Stuhr appeared with the names. The seven panel members were as follows: 1) Jerry More, PWB; 2) Michael Angerinos, PWB, 3) Crystal Yezman, PWB, 4) Stan VandeBergh, PWB, 5) George Lozovoy, Parks Bureau, 6) Tamra Dickson, citizen, 7) Teresa Elliot, PWB. Notice that PWB does not seem to be following the City Auditor's report on consultant contracts, which advises against loading bid review panels with Bureau staff. (Update: I've posted the [PTE Contract](#) sheet that lists names and the money awarded with the contract.)
- I learned that the panel members saw 2 bids: one from CH2MHill for \$5,586,884; the other from Tetra Tech for \$8,683,882. That's a \$3million difference, and the panel favored CH2MHill. But, before the contract was signed and presumably after the panel's review, CH2MHill raised their bid to \$8,455,246.
- We read and read and read. When we finished, we asked for 8 pages to be copied, and we were told they'd be mailed. Our pages were only marked with these little sticky notes and I could imagine all sorts of mishaps that could occur between the conference room and the envelope that arrived at my door... what if a sticky fell off and they sent me one less page than what I'd hoped for, would I have to go all the way back downtown to find that page? "Can we just take the 8 copies now, I've got cash to cover the copy fee?" I pleaded. Small said she wasn't "authorized" to give us copies,

The Noise of Clearwire's
Wireless-Internet

Solarize Portland

Behavior Unbefitting a City
Bureau

Watch City Council meetings

From a member of the
Reservoir Independent
Review ...

West Side Boil Alert Update

► 2009 (4)

ABOUT ME

S. STEWART, MTNA LAND USE CO-CHAIR

I am a volunteer with the Mt. Tabor Neighborhood Association. This blog is my attempt to organize and share my efforts around issues facing our neighborhood. Here, you can see some of my work, as well as the work of other MTNA volunteers. Follow our projects, gain from our research, and maybe even be inspired to pitch in where you can. Email me: stephanie.stewart@mttaborpd.org

[VIEW MY COMPLETE PROFILE](#)

but she would see what she could do. TWENTY minutes later, we asked the front desk to check on Kristen. She reported that, “Kristen is furiously making those copies for you.” A total of 40 minutes later, Jimmy Brown approaches us with no copies. Instead he had a bill for \$57.72 and a copy of the city policy on which he highlighted the passage that allows PWB to charge us for the “supervised” review.

- I asked Jimmy Brown if he would send me a written bill, itemizing the \$2 worth of copies and the \$55 worth of supervision. I didn’t think anyone would believe this story without proof. PWB is restricting access to public information to “supervised” visits only, at a rate of \$27.86/hr. That’s right, if you want to see any of the documents I saw, you can’t have them electronically (even though the RFP specifically stated that all bids were to be supplied in multiples of 12 hard copies PLUS an electronic copy), and you’ll have to pay to even so much as breathe on them.
- If a citizen can't read a public record without being charged for the time it takes her to read the public record, citizen oversight is dead.

Update Jan 12:

When I asked Jimmy Brown yesterday why we weren’t told at the start of the session that we’d be charged for the “supervision”, he replied something to the effect that the City policy was public information, and it wasn’t his fault if I hadn’t read it. I guess that’s true. I had read the policy, I just didn’t understand that the language could be leveraged to limit transparency.

I’ve now looked over the emails that led up to this misunderstanding. I think Mr. Brown could have been more clear.

October 30, 2009

Jones made her request for:

“An electronic copy of all documents associated with the Ch2mHILL Powell Butte II reservoir design contract related to the selection committee and their ranking of the corporate proposals.”

November 5, 2009

Her request was acknowledged, and she was told it would cost \$177, and that she would need to pay 50% up front.

Floy countered that she was looking for electronic copies, not paper copies. That the documents related to the panel selection committee should be in the 40 page range, not the 400 page range PWB was charging her for. She lobbied for a fee waiver based on FoR’s community information sharing mission, and she offered to make a site visit to read the documents.

November 6, 2009

Brown responded to several people regarding Jones' request, but failed to include Jones on that response. Brown detailed out the charges included in the PWB bill sent the day before. It reflects that Brown was also planning to copy and send the bids (roughly 300 pages), which Jones didn't request. Brown asserted that the only way to get an electronic copy of the bids (which Jones didn't ask to have) would be to pay PWB to scan them in (even though the RFP stated bids were to be supplied electronically).

Brown also wrote this: *We would be willing to provide you the opportunity to come in and review the document(s) you've requested. Please note, per Public Records Policy there will be a charge for staff time associated with gathering the material. If there are pages that you would like to receive there will be a charge for a) scanning into a .pdf, and sending those documents electronically -- \$.25/per page scanned; b) if copies of documents are made to give to you the charge is \$.25/per copied page.*

Note that Brown indicates there will be a charge for gathering the material for Jones to look at, but he does not say she will pay for the time it takes her to read it.

November 8, 2009

Jones presses again for a fee waiver. She also asks for an appointment to view the documents at PWB. Brown doesn't respond for almost a month.

January 4, 2010

Brown responds with this:

Your request for a fee waiver has been denied.

...

The Bureau would like to afford you the opportunity to review the hard copy documents at its office, 1120 SW 5th, 6th Floor. In your review you may request that certain pages be duplicated. Bureau staff will make copies as requested, assessing a \$.25 per page fee. Payment for copies must be received by staff prior to release.

*The Bureau will make the hard copy documents available on **Tuesday, January 12, 2010 at 1:30 PM**. Please acknowledge via email that you are available on that date and time.*

This would have been a good place for Brown to mention the fee for "supervision". Note he only mentions the copy fee.

January 5, 2010

Floy counters with a new time, so that I can join = Monday, Jan 11 at the same time.

Brown responds with this:

*Thank you for the confirmation. I will let folks know that you are available to review documents on **January 11 at 1:30, not January 12 at 1:30**. A PWB staff person will be assigned to assist you in the review process. Please meet at the 5th Floor, Portland Building and ask to speak with Kristen Small. We will provide a room for you to review the documents.*

This is the first time anything is said that might indicate we were going to be babysat. But honestly, I didn't understand that from Brown's text.

January 11, 2010


We show up. No one says anything about fees associated with Kristen Small's "assistance".

Here is the bill I was sent:

The amount is: \$57.72

**A. sub-total: staff time (document retrieval/supervision) - \$55.72
(2 hours X \$27.86/hr.)**

**B. sub-total: copies of marked documents - \$2.00
(8 copies X \$.25/copy)**

POSTED BY S.STEWART, MTNA LAND USE CO-CHAIR AT 10:05 PM 
LABELS: DOCUMENT REQUESTS, LT2, PORTLAND WATER BUREAU,
RESERVOIRS

[Newer Post](#)

[Home](#)

[Older Post](#)

FEES

Exceeding Actual Cost of Labor

Bureau of Emergency Communications, Portland. Those seeking to obtain audio CDs from 9-1-1 tapes are charged \$50 an hour for labor, a fee that exceeds top pay for employees tasked with the duty of retrieving public records. Only the bureau's director and manager are paid \$50 an hour or more.

Fire Bureau and Police Bureau, Portland. Both bureaus charge supplemental labor fees if records requests require more than 30 minutes staff time to produce. In cases where labor fees are applied, requesters must pay the hourly pay of the employee performing the work, plus their benefits and overhead costs.

Additionally, both bureaus charge \$10 for incident reports and police reports. An additional \$2 per page fee is assessed after five pages. The fees are not adjustable for individual cases or related to the actual cost of copying an individual document, but are applied uniformly. Nigel Jaquiss, reporter from Willamette Week, challenged an estimate of \$444 to inspect a police report as obstructive.

Other agencies, by comparison, charge much lower fees. The Washington County Sheriff's Office charges \$8 for up to 10 pages of police reports, then \$2 per 10 pages afterward. The Clackamas County Sheriff's Office charges \$10 per report up to \$100 pages.

Police Department, Corvallis. Charges \$18 for photographs in addition to actual cost of reproduction. Corvallis also charges a \$5 fee to citizens who would like to inspect their own police record. Staff charges for research and redaction add charges. In an incident two years ago, a man was \$100 to inspect his own police record. That charge was upheld by a Benton County District Attorney.

Police Department, Gresham. Multnomah County Deputy District Attorney John Hoover is exploring a complaint, filed by Anna Song at KATU news, that the Gresham Police Department charged redacting fees to multiple agencies for the same document, redacted once. The document in question, a police report detailing the recent M&M Bar shooting, was sold multiple times for \$260 a copy.

Bureau of Emergency Communications, Portland. Those seeking to obtain audio CDs from 9-1-1 tapes are charged \$50 an hour for labor, a fee that exceeds top pay for employees tasked with the duty of retrieving public records. Only the bureau's director and manager are paid \$50 an hour or more.



**City of Portland
Standard Fees for Public Records Requests
FY 2009-10**

Standard Copy Fees

Item	Fee
8.5 x 11 per side	\$0.25
8.5 x 14 per side	\$0.25
11 x 17 per side	\$0.50
24 x 36 or larger per side	\$2.00
Color per side (11x17 or smaller)	\$1.50
Audio Cassette Tape	\$5.00
CD	\$5.00
Certified Mail	\$5.00
Deposit	50% over \$100.00
DVD	\$5.00
VHS Tape	\$15.00
Microfiche/Microfilm per page	\$0.35
Scan per page	Same as paper copy

Supplemental Labor Fees

Standard per-page copy fees include staff time to retrieve and photocopy records. If your request requires additional staff time, research or attorney review, additional labor fees may be charged.

Labor Research Attorney Review	See City Code Section 5.48.030 Actual cost of employee performing work which includes hourly payroll rate, benefits and overhead.
--------------------------------------	--

Specific Fees

Item	Fee
Office of Mgmt & Finance, Bureau of Technology Services	
Project Management	\$95.75/hour
Online eMail search	\$95.75/hour
Email Archives	
Discovery/capture/search	\$95.75/hour
eMail recovery from tape and search per day recovered	\$95.75/hour
Workstation file search	\$95.75/hour
Backup Tape Hold	\$250.00/week

Specific Fees

Item	Fee
Archives and Records	
Scan - photos and negatives	\$10.00 per image
Bureau of Emergency Communications	
*Some requests may incur additional copy charges	
Communications Database Research	\$50.00 per hour. 1 hour minimum.
Audio CD: 9-1-1 Telephone Call Recording / CAD Incident History Printout	\$50.00 per hour. 1 hour minimum.
Audio CD: Radio Dispatch Recording / CAD Incident History Printout	\$75.00 per incident. \$75.00 minimum. \$50.00 per additional hour beyond first hour.
Fire Bureau	
Incident Report (up to 5 pages)	\$10.00
Incident Report (additional pages)	\$2.00
Non-confidential Fire Investigation Report (up to 5 pages)	\$10.00
Non-confidential Fire Investigation Report (additional page)	\$2.00
Other Document	\$0.50
Photograph 3 x 5	\$2.00
Photograph 5 x 7	\$5.00
Photograph 8 x 10	\$10.00
Photograph 10 x 12	\$10.00
Audio and Video Tape Reproduction	\$22.50 per hour
Supervised Records Inspection	Actual cost of employee
Office of Mgmt & Finance, Accounting CAFR	\$25.00 Picked up \$35.00 Mailed
Police Bureau	
Police Report (up to 5 pages)	\$10.00
Police Report (additional pages)	\$2.00
Other Document	\$0.50 per page
Photograph 3 x 5	\$2.00
Photograph 5 x 7	\$5.00
Photograph 8 x 10, 10 x 12	\$10.00
Officer Notebook Entry	\$8.50 per incident/per officer
Audio and Video Tape Reproduction	\$ 7.50 each
Name Record Check	\$5.00
Fingerprint Cards	\$5.00
Index Prints	\$5.00 per page
Search Fee	\$10.00

Bureau of Emergency Communications

FTE SUMMARY

Class	Title	Salary Range		Revised FY 2008-09		Proposed FY 2009-10		Adopted FY 2009-10			
		Minimum	Maximum	No.	Amount	No.	Amount	No.	Amount		
7103	Administrative Assistant	43,493	67,004	1.00	66,744	1.00	66,876	1.00	66,876		
7978	Asst Emergency Comm Oper Mgr	67,380	90,557	1.00	89,172	1.00	89,402	1.00	89,402		
7112	Business Operations Manager	72,474	96,549	1.00	96,180	1.00	96,552	1.00	96,552		
0316	Emerg Comm Oper, Trainee	40,570	44,579	6.00	256,792	6.00	263,472	6.00	263,472		
7980	Emerg Comm Train/Dev Officer	61,158	81,662	1.00	74,064	1.00	76,088	1.00	76,088		
7085	Emerg Communications Director	99,034	141,796	1.00	141,252	1.00	141,522	1.00	141,522		
7977	Emergency Comm Oper Mgr	83,791	113,566	1.00	110,700	1.00	113,329	1.00	113,329		
0318	Emergency Comm Operator II	51,970	67,609	105.00	6,435,096	109.00	6,774,172	109.00	6,774,172		
7985	Emergency Comm Prg Coord	61,158	81,662	2.00	162,696	2.00	163,242	2.00	163,242		
0113	Emergency Comm. Support	30,401	42,407	2.00	65,404	2.00	73,163	2.00	73,163		
7975	Emergency Communications Supr	61,158	81,662	11.00	893,592	11.00	897,239	11.00	897,239		
7131	Management Analyst	55,436	73,894	1.00	73,296	1.00	73,496	1.00	73,496		
0102	Office Support Spec II	30,401	42,407	1.00	34,640	1.00	37,364	1.00	37,364		
0104	Office Support Spec III	38,899	50,070	2.00	94,103	2.00	100,152	2.00	100,152		
7133	Principal Management Analyst	72,474	96,549	1.00	96,180	1.00	96,211	1.00	96,211		
7102	Senior Admin Specialist	40,507	62,348	1.00	51,228	1.00	53,153	1.00	53,153		
7122	Senior Business Sys Analyst	61,158	81,662	1.00	76,356	1.00	76,878	1.00	76,878		
7132	Senior Management Analyst	61,158	81,662	1.00	77,100	1.00	78,156	1.00	78,156		
TOTAL FULL-TIME POSITIONS						140.00	\$ 8,894,595	144.00	\$ 9,270,467	144.00	\$ 9,270,467

BUDGET DECISIONS

This chart shows decisions and adjustments made during the budget process. The chart begins with an estimate of the bureau's Current Appropriation Level (CAL) requirements.

ACTION	AMOUNT			FTE	DECISION
	Ongoing	One-Time	Total Package		
FY 2009-10	11,020,078	6,009,231	17,029,309	140.00	FY 2009-10 Current Appropriation Level
CAL Adjustments					
	0	0	0	0.00	None
Mayor's Proposed Budget Decisions					
	(322,690)	0	(322,690)	0.00	2.3% Discretionary Reduction
	292,104	0	292,104	4.00	Police Precinct Consolidation: 4 Sr. Dispatchers
	(37,309)	0	(37,309)	0.00	OMF IA Adjustments
Approved Budget Additions and Reductions					
	0	12,368	12,368	0.00	Campaign Finance Adjustments
Adopted Budget Additions and Reductions					
	0	0	0	0.00	None
	(67,895)	12,368	(55,527)	4.00	Total FY 2009-10 Decision Packages
			\$ 16,973,782	144.00	Total Adopted Budget

Police Department, Gresham. Multnomah County Deputy District Attorney John Hoover is exploring a complaint, filed by Anna Song at KATU news, that the Gresham Police Department charged redacting fees to multiple agencies for the same document, redacted once. The document in question, a police report detailing the recent M&M Bar shooting, was sold multiple times for \$260 a copy.

From: Song, Anna
Sent: Friday, February 26, 2010 11:53 AM
To: Pratt, Don; Mohrmann, Jodi; KATU Assignment Desk; KATU Reporters; Broderick, Sean
Subject: gresham public records fees

Just wanted to let you all know, I will be filing a complaint with the Multnomah County DA's office regarding the Gresham Police Department outrageous fees for the investigative documents we received in the M&M Bar shooting.

According to Tony Green with the Oregon AG's office, by law, Gresham PB can only charge news agencies for the cost of producing the documents – and cannot duplicate the charge to multiple agencies for the same body of work. For example, they cannot charge us \$260 for redacting fees and copies when they only had to redact the documents once, then make copies of the same material for multiple agencies. My understanding from Gresham Police Department Records is that they are, in fact, charging each news agency \$260 for 317 pages of documents (\$8 for the initial report + \$1 a page after that + redacting/copying fees).

John Hoover with the Multnomah County DA's office is the person we need to seek for recourse on this matter. I will be contacting him about this to see what can be done, but now the AG's office also has this matter on their radar.

Anna Song

Investigative Reporter / Anchor

KATU News

503.231.4207

asong@katu.com

Fire Bureau and Police Bureau, Portland. Both bureaus charge supplemental labor fees if records requests require more than 30 minutes staff time to produce. In cases where labor fees are applied, requesters must pay the hourly pay of the employee performing the work, plus their benefits and overhead costs.

Additionally, both bureaus charge \$10 for incident reports and police reports. An additional \$2 per page fee is assessed after five pages. The fees are not adjustable for individual cases or related to the actual cost of copying an individual document, but are applied uniformly. Nigel Jaquiss, reporter from Willamette Week, challenged an estimate of \$444 to inspect a police report as obstructive.

Other agencies, by comparison, charge much lower fees. The Washington County Sherriff's Office charges \$8 for up to 10 pages of police reports, then \$2 per 10 pages afterward. The Clackamas County Sheriff's Office charges \$10 per report up to \$100 pages.



City of Portland
Standard Fee Schedule for Public Records Requests
Fiscal Year 2009-10
 (Last updated December 2009)

Standard Copy Fees	
Item	Fee
8.5 x 11 per side	\$0.25
8.5 x 14 per side	\$0.25
11 x 17 per side	\$0.50
24 x 36 or larger per side	\$2.00
Color per side (11x17 or smaller)	\$1.50
Audio Cassette Tape	\$5.00
CD	\$5.00
Certified Mail	\$5.00
Deposit	50% over \$100.00
DVD	\$5.00
VHS Tape	\$15.00
Microfiche/Microfilm per page	\$0.35
Electronic scan per side	\$0.05 less than paper copies

Specific Fees	
Item	Fee
Bureau of Financial Services: Accounting	
Comprehensive Annual Financial Reports	\$25.00 Picked up \$35.00 Mailed
Office of City Auditor: Archives and Records	
Scan - photos and negatives	\$10.00 per image
Bureau of Emergency Communications	
Communications Database Research	\$50.00 per hour. 1 hour minimum.
Audio CD: 9-1-1 Telephone Call Recording / CAD Incident History Printout	\$50.00 per hour. 1 hour minimum.
Audio CD: Radio Dispatch Recording / CAD Incident History Printout	\$75.00 per incident. \$75.00 minimum. \$50.00 per additional hour beyond first hour.

Supplemental Labor Fees

Standard per-side copy fees include up to 30 minutes of staff time to retrieve the records and all photocopying/scanning. If your request requires additional staff time, research, or attorney review, additional labor fees may be charged.

Labor fees are based on the actual cost of the employee performing the work and includes hourly payroll rate, benefits, and overhead. See City Code Section 5.48.030.

Specific Fees	
Item	Fee
Fire Bureau	
Incident Report	\$10.00 up to 5 pages \$2.00 each add'l page
Non-confidential Fire Investigation Report	\$10.00 up to 5 pages \$2.00 each add'l page
Other Document	\$0.50
Photograph 3 x 5	\$2.00
Photograph 5 x 7	\$5.00
Photograph 8 x 10	\$10.00
Photograph 10 x 12	\$10.00
Audio & video tape copy	\$22.50 per hour
Supervised Records Inspection	Actual cost of employee
Police Bureau	
Police Report	\$10.00 up to 5 pages \$2.00 each add'l page
Other Document	Actual cost of employee
Photograph 3 x 5	\$2.00
Photograph 5 x 7	\$5.00
Photograph 8 x 10, 10 x 12	\$10.00
Officer Notebook Entry	\$8.50 per incident/per officer
Audio/Visual Reproductions	\$ 7.50 audio cassette \$26.25 VHS (2 hour) \$20.00 CD/DVD
Address/Name Record Check	\$5.00
Fingerprint Cards	\$5.00
Index Prints	\$5.00 per page
Search Fee	\$10.00
Supervised Records Inspection	Actual cost of employee

Comparison fees for police records in counties.

Clackamas County Sheriff:

The Sheriff's Office charges the following fees:

Accident Report/Crime or Incident Report \$10.00 (up to 100 pages)

Address History Printout \$10.00

Name History Printout \$10.00

Booking Photos \$5.00

Background Letter \$5.00

Washington County Sheriff:

\$8 up to ten pages, \$2 for every 10 pages afterward.

Inspecting face sheets is free. Language about waiving or reducing fees is on the Public Records Request form. Reporters get records through a public information officer.

Deschuttes County Sheriff:

A police report is \$20 for the first 8 pages and \$1 a page after 8 pages. Most police reports are less than 8 pages.

From Nigel Jaquiss -

Hi Linda (Meng, city attorney)—

Christopher Paille in PPB records is a responsive and helpful records custodian and I know in the response below he is merely a messenger but charging \$2 a page for police reports is punitive and contrary to the spirit of the Public Records Law. I understand the AG is reviewing that law now and no doubt your office will be both consulted in that review and periodically questioned on public records issues by electeds.

In my view charging \$2 a page makes a mockery of the principle that public records belong to the public. I understand public agencies need to cover costs but making copies with the high-speed, high capacity copiers the city possesses probably costs less than 5 cents per page.

Thanks for listening to my rant.

Begin forwarded message:

From: "Paille, Christopher" <CPaille@portlandpolice.org>

Date: October 20, 2009 11:08:46 AM PDT

To: Nigel Jaquiss <njaquiss@wweek.com>

Cc: "Wheat, Mary" <MWheat@portlandpolice.org>

Subject: RE: public records request

Dear Nigel Jaquiss,

This email confirms receipt of your request for records related to PPB Case [redacted due to reporter's paranoia]

The Portland Police Bureau provides copies of police records. This is due, in part, to our inability to redact information in original police records. Redaction of information contained in an original record would destroy the integrity of the record.

All copies of records must be reviewed for exempt material. Oregon State Law prohibits disclosure of information deemed confidential or sensitive, or as exempted from public disclosure. Examples of confidential or sensitive or exempted information include: ORS 124.909 (elder abuse); ORS 419B.035 (child abuse); ORS 419A.255 (juvenile records); ORS 192.496 (certain physical or mental health information); ORS 192.501 (on-going investigations); and ORS 192.502 (certain personal information). In order for review to occur, the record must be copied.

“The Public Records Law expressly authorizes a public body to take reasonable measures to preserve the integrity of its records and to maintain office efficiency and order: The Custodian of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian.” (Attorney General’s Public Records and Meetings Manual January 2008: P.13-14)

The standard fee for police reports, as noted in the City of Portland Standard Fee for Public Records Requests FY 2009-10, is \$10 for the first five pages of the report, \$2 each additional page. <http://www.portlandonline.com/shared/cfm/image.cfm?id=185827>

The report requested contains 222 pages. The fee for copies of reports related to PPB Case 08-110048 is \$444.00. Please provide a deposit in the amount of \$222, in the form of a check or money order, made payable to the Treasurer, City of Portland. Document review and production will begin after receipt of your deposit.

If the total fee amount is determined to be less than your deposit, your deposit will be returned to you and payment in the lesser fee amount will be due upon delivery.

A \$10 search fee will be added to the determined final fee amount.

From: Nigel Jaquiss [<mailto:njaquiss@week.com>]
Sent: Monday, October 19, 2009 10:26 PM
To: Paille, Christopher
Subject: public records request

Hi Christopher—

I'm a reporter at Willamette Week. Under Oregon's Public Records Law, I request the opportunity to inspect

a report for PPB **Case 08-110048** as soon as possible.

Please let me know when it is available.

Thanks for your help.

Nigel Jaquiss

Nigel Jaquiss
Reporter
Willamette Week
2220 NW Quimby
Portland, OR 97210
503-445-1539 (direct)
503-957-8612 (cell)
503-243-1115 (fax)
njaquiss@wweek.com

Police Department, Corvallis. Charges \$18 for photographs in addition to actual cost of reproduction. Corvallis also charges a \$5 fee to citizens who would like to inspect their own police record. Staff charges for research and redaction add charges. In an incident two years ago, a man was \$100 to inspect his own police record. That charge was upheld by a Benton County District Attorney.