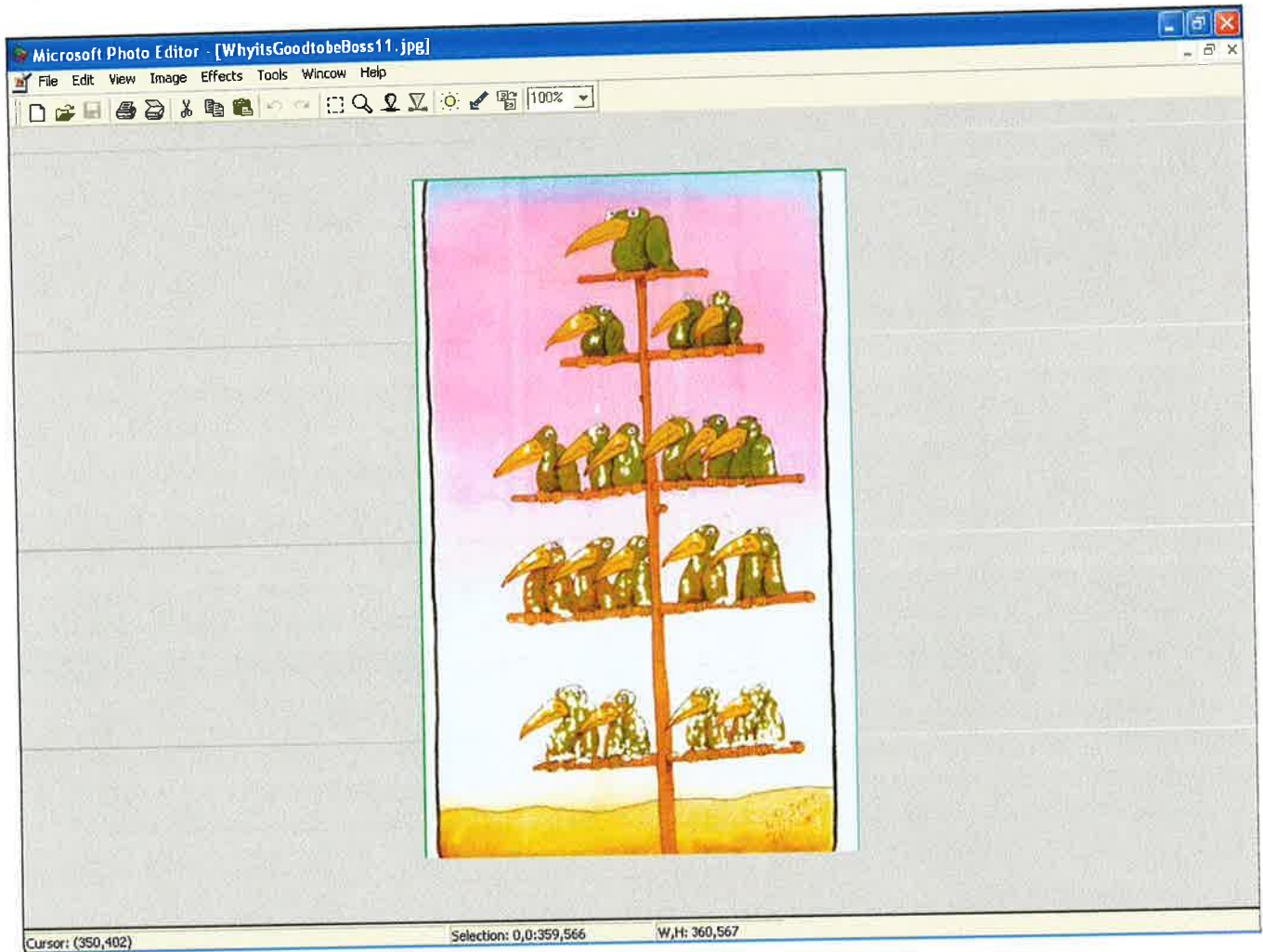


HB3505
Testimony Background Packet
Provided by: League of Oregon Citizens
Darrell and Angela Flood
www.oregoncitizens.org



Posted on the OCCMA listserv
A tax funded organization using tax funded resources.

Sometimes it's good to be boss 2004-07-12 10:45:00 <Rodger Bennett>

<http://www.lafayetteoregon.org/OCCMA%20List%20Serv%20Messages/Messages%20from%202004/Sometimes%20it's%20good%20to%20be%20boss%20%20%20%20%202004-07-12%20Rodger%20Bennett.htm>

This is how they use our time.

My name is Darrell Flood. I am here representing citizen's rights to access public information across the state. I have been working on this effort for more than eight years. If I come across as offensive to you, I apologize now. This may be just another piece of legislation for you. This is personal for me. For eight years, I have tried to get this topic heard in this forum. I have been both pacified and ignored by my local representatives. I would like to thank you for your service to our state. It is appreciated.

Trust in one's government is a valuable thing. Unfortunately, there are actions and inactions that create and foster mistrust. You have an opportunity to fix this. This is where you get to make a difference! This cannot be about one specific, high profile incident. The perversion of access to information has gone on far too long and, it is system wide.

Transparency. A word that has been so manipulated and abused, it has become irrelevant. Advocates now use the word sunlight. When the lights get turned on, the cockroaches scatter.

It is fantastic that public records is finally getting a formal conversation today. Up to this point, the actions regarding public records access has been minimal and in the wrong direction. Many organizations and agencies have come and usurped the citizens right to get information. They have passively and actively lobbied against disclosure. They hide behind outrageous fees, deflection, slight of hand and circus tricks. They have created a state of fear among public officials. They teach government agencies how to block records and mistreat the public that wants and needs information. They encourage, and provide a platform for, name calling of the interested, referring to them all as "Those People". I am one of "Those People"!

I am here to ask you to open the doors and windows on public records. Let them breathe and be seen in the Sunlight. Use words like open documents and disclosure. Refuse to allow entities to control people by controlling the information.

You will hear comments and excuses from opponents of disclosure. They will say government doesn't have the resources or the time. They will say its expensive. They will claim that people will stall the agency's work with over demand. They will make statements against you for questioning and doubting their motives.

It is sad that Oregon continues to lag behind the rest of the country, and the federal government, in making records available. It isn't even just the lack of availability...it is the forceful stoppage by refusals to respond or immediately racking up of charges. The agency's laugh and joke about their ability to cause records requests to fail. They share strategies and warn others when they perceive a threat to their sense of power and control of information.

So now I need your help! When they come to you and claim it is too cumbersome, I expect you to ask them how they manage to do it, for free, to members of their own staff, council or commissions, but not the general public and media?

When they tell you the equipment is expensive, I expect you to ask them why they aren't being more fiscally responsible in their purchases?

When they start claiming actual charges, ask them if its the \$35,000 clerk or the \$130,000 city manager fulfilling the request?

When they tell you they just don't have the time to get the information, ask them how much time they are wasting trying to circumvent the process?

Included in the background packet I provided are examples of OCCMA list serv postings. These highlight some of the conversations these agencies have with each other and the anti-access advice given to its members. When we posted these messages, from a tax funded resource, online, our access was immediately shut down. These are the people who are asking you to stop forward movement toward sunlight in our state. The packet also includes information regarding charges we have, personally, faced. One special incident was at the Department of Administrative Services when we were charged \$81.00 just to find out if a document existed. This is unacceptable.

While our preference is that all documents are on line, for free, for all, we realize that forward movement is better than backward. This conversation cannot end at this hearing. Don't let this bill die an unnatural death. Information can change people's lives. Please move this bill forward.

Think about how seriously the anti sunlight lobbyists take the people who are footing the bill. There is no representation there. Please let there be representation here. I know, you can make a difference!

It is better to err on the side of exposure than to continue on in darkness.

Thank you for your attention in this highly charged and important topic. Do you have any questions?

Some examples of what I have run into regarding charges and delays:

Lafayette records clerk shredded city administrators evaluations the day after a request was made for them. She advised I did not have the right to get them. After she found out I did, she tried to get copies from the councilors to try and rebuild the files. All but two complied with her request. The two that did not comply resigned, after finding out what she did was a legal violation. DA Brad Berry refused to prosecute, advising she just didn't know any better.

Made a request for video from April 2014 Lafayette Council meeting. After two weeks of delays, city administrator provided the file for \$5.00. After reviewing the file, which there was no audio, it was determined the file was from March 2014 meeting. The April meeting was not kept. It took six weeks to get my money back.

Request from City of West Linn for attorney's billing for one year. Proposed fee was \$387.00. The city and Clackamas County DA refused a waiver.

Department of Administrative Services: I asked to get emails regarding Scott Burgess conversations regarding Patti Galle. I wanted to determine if he was using his state provided email to discuss West Linn issues and find out if he was using his state position to influence the investigation. DAS advised it would cost me \$81.00 for them to just research and tell me if they even had the document. No waiver from the AG.

The City of Dufur required me to fill out a public request form to get their charter and a single ordinance. The concept of a written request was lost on them until I explained the electronic law to them. They, then, sent my explanation to the city attorney, who ruled in my favor.

What seemed like a simple request of asking for a packet of information for the upcoming council meeting turned into a bed of frustration. The same packet given to the council for free was requested. Another citizen, who was a city "friend" was charged 25 cents for the entire document. Me, not a "friend" of the city: it cost me \$20.25.

Under the subject of incredulous ways to spend tax dollars is the City of Lafayette. They spent money so the city attorney could spend two hours researching the ability of me posting city documents because the city logo was on the documents. Their basis? The logo is owned by the city, so I was infringing upon their copyright of the documents.

These are just a handful of many, many manipulations of the public records system currently in place.

Angela Flood
League of Oregon Citizens
www.oregoncitizens.org

An Oregon Story

By Guest Blogger on 04/08/10 @ 5:43 pm | 2 Comments

Sunlight Foundation

Across the country people are going to government meetings asking for better government. In Oregon the Attorney General is asking people for their input and Darrell Flood answered the call to make sure the elected officials in Oregon know that government information needs to be online and updated in real time. He has graciously shared his experience with us.

My name is Darrell Flood. I used to be a cop and after I was unable to do that I couldn't suppress the urge to help people, so I became an activist. I have testified before government agencies for the past three and a half years – mostly at the local level, once at the state regarding ethics and most recently at the Attorney General's Government Transparency Initiative Meeting. So, I am no expert on providing testimony, but I don't consider myself a novice either.

The Transparency Initiative is a series of meetings across the state to get input from the public on Oregon's transparency laws. I signed up to be at the one in Portland, Oregon. In preparation for the meeting I spent some time reviewing the statutes, the public records and the meetings manual from the State of Oregon. For my testimony, I had written a nice long story about things I had encountered and then showed it to my wife. She said the following "It is too long and you only have 2 minutes. They are not there for your story telling, you have to be quick." So, after some rewrites I had my testimony.

We showed up to the meeting about a half hour before it started and signed in—also signing the testimony sheet. When the meeting started the moderator introduced the panel, which included Attorney General John Kroger and his new Government Transparency Counsel Michael Kron. After we heard the panel, Kroger stated that he was holding these meetings to get ideas from the public on how transparency should look. The moderator advised us of the rules: We would be given a whole 2 minutes before we would be cut off. Isn't it amazing that when the government asks for our opinion we only get 2 minutes? Boy was I glad mine was only 2 minutes.

So, I got in line. As I was waiting for my turn I thought about what Ellen Miller must have felt like waiting to give her testimony at the Senate. I asked myself, "Is someone else going to say what I say first and then I will look like a copy cat? Am I going to get my turn? My back hurts from standing in this line." At the same time, I was listening to the testimony. I noticed that just as people were getting into their stride the moderator would interrupt and tell them they only had 30 seconds left. I hate that. It seems to be the ploy of most government panels to rush the speaker and make them feel as though you are taking up their time. I'm next. How do I counter this ploy?

So, I step up to the mic and I inform the moderator that I have timed my testimony and it is 2 minutes. Then I began.

My name is Darrell Flood. I live in Lafayette, Oregon.

I have had to become an activist for access. The attorney general's manual refers to me as a

"busy body" looking to embarrass local officials. I am looking for facts. But as long as the stereotype is quoted by your office, citizens cannot be taken seriously."

The audience laughed, but what happened next surprised us all. "Where does it say that in the manual?" the Oregon State Attorney General John Kroger asked.

"Right up front," I replied.

He said, "Come show it to me." So, I approached the panel and took his book and opened it to the first page and pointed to the paragraph I referred to. Which he began to read aloud,

"Generally, the identity, motive and need of the person requesting access to public records are irrelevant. Interested persons, news media representatives, business people seeking access for personal gain, busybodies on fishing expeditions, persons seeking to embarrass government agencies, and scientific researchers all stand on an equal footing."

Kroger explained that the statement was intended to place all people requesting public records on even ground. I said that may be true, but you are continuing a stereotype by having that in the manual. He then turned to Michael Kron and stated that maybe something could be done about that and Michael agreed.

Wow! Did that feel great. It showed me that given a chance anybody can make a change even if it begins with something small. Then the Moderator advised me that I still had my time. So I thanked him and finished my testimony. You can read the full version below.

The rest of the meeting went well as many people spoke of issues regarding public documents and public meetings. I heard another speaker state that he agreed with this "busybody" that all documents should be online.

So, it begins with a small seed in the minds of the concerned public that were attending the Oregon Transparency Hearings. The job has only begun. In the fall 2010 the Oregon State Attorney General John Kroger plans to put forth legislation to make Oregon more transparent. I will be there to make sure it is what the citizens want. Our goal is they implement nothing less than what Public = Online demands. Nothing less is acceptable.

Your "Busybody" from Oregon, Darrell Flood

Testimony:

My name is Darrell Flood. I live in Lafayette, Oregon.

I have had to become an activist for access. The attorney general's manual refers to me as a busy body looking to embarrass local officials. I am looking for facts. But as long as the stereotype is quoted by your office, citizens cannot be taken seriously. The state advises that government may pass on reasonable charges for access to documents, but no one can agree what reasonable is.

The City of West Linn charges \$9.00 a page.

The City of Portland charges 25 cents a page. But, the Portland Fire Bureau charges \$2.00 a page.

The City of Lafayette charges \$10.00 for every half hour and 25 cents a page.

Lafayette charges \$5.00 for each recorded cd. But, the City of Sheridan charges \$20.00.

The State Legislative Administration office charges more than \$30.00 an hour just to find out if they even have a document.

Reasonable is relative. I already pay for the computer, the person and the documents. So, why do I have to pay to get them? There is no standard. I want legislation to determine what reasonable is.

My ideal would be that governments would create a web access site and all documents would live there. For \$120.00 a year, each city could do this and it would hold more information than they could ever provide.

Public means all documents, on line, free of charge, to everyone.

I believe, if access were available, your office would have to hire a whole set of staff just to deal with the corruption that would be found. And that appears to be a reason citizens seem to be blocked from getting the information they want. People want the information they pay for and the people who are paid to represent them need to provide it.

Examples of Requests and Responses -This is what LOC, OCCMA and cities do with "those people". While these specific examples are older, this is still happening statewide. Doubt it? Request a document yourself without using the influence of your position.

Public Records Requests 2005-01-21 10:18:00<Christy Monson>

City Managers and Recorders,

Please know that the League has reason to believe that the Portland Associated Press is writing a story on the disclosure of public records in Oregon. We hear that they have asked various reporters throughout the state to make public records requests in counties and cities, presumably to test your compliance with our Public Records law.

--Christy Monson, League Counsel

public records request 2005-04-20 15:51:00<City of Garibaldi>

Some attorney called this morning wanting a copy of last Monday nights' minutes. They are not official until they are approved at the May 16th meeting. Do I have to give him the minutes even though they're not approved?

Re: public records request 2005-04-20 23:44:00<Joe Wrabek>

Kevin:

I agree with everybody. So long as it's identified as a draft, and the recipient is warned it ain't official until approved by Council, it is a publicly-generated document and you can sell copies. (Not "give." Bad word, "give.")

Union Joe

The Request

"All records that were emailed or electronically sent from or received by you or any of your officers, employees, or agents during the period starting from July 3, 2006 to the present which mention or pertain to the Oregon Rainy Day Amendment, TABOR, taxpayers' bill of rights, Initiative Petition #6, or Measure 48 petition drive." "All records that were e-mailed or electronically sent from or received by you or any of your officers, employees, or agents during the period starting July 3, 2006 to the present which mention or pertain to the Term Limits Initiative Petition #39, or Measure 45 petition drive."

The Response!

Request for Disclosure & Copy of Public Records 2006-09-22 14:22:00<cityofdrain>

Has anyone received a faxed request from Kurt Weber and/or Chris Kliesmet in regards to computer, email, & internet use policies for agents and employees plus enforcement and maintenance records. Not sure what to make of it?

RE: Request for Disclosure & Copy of Public Records 2006-09-22 14:27:00<Bob Francis>

My city attorney has been on her list serve with other city attorneys about this. We have not received it yet, but I will turn it over to her when we do.

Re: Request for Disclosure & Copy of Public Records 2006-09-22 14:31:00<City of Garibaldi>

I think we're safe since we don't have any internet, email and computer policies. I'd send the guy an invoice before lifting a finger.

Re: Request for Disclosure & Copy of Public Records 2006-09-22 14:32:00<Betty Smith>

City of Phoenix got it today. Same as others, not sure what to do with it.

Betty, City of Phoenix

RE: Request for Disclosure & Copy of Public Records 2006-09-22 14:33:00<Don Otterman>

North Plains received a copy today. I have faxed it to the city attorney for discussion. It would be interesting to find out what the city attorney list serve conversation is regarding the request.

Don Otterman

Re: Request for Disclosure & Copy of Public Records 2006-09-22 14:37:00<Diane Berry>

yes, we received one in Echo about 2 pm. I called our attorney and he said to fax it to him and he would look it over. He said there are a couple of outfits out trying to stir things up in this area and that we may not have to do anything. In regard to our city, we don't have a policy as it hasn't been a problem. For one thing we have 8 public access computers in our public library that employees can access, say they are library patrons during that time, and it is no different than any member of the general public.

RE: Request for Disclosure & Copy of Public Records 2006-09-22 14:56:00<Bob Francis>

If we have to do anything, then he will be invoiced and if he's requesting this from everyone to include counties, the costs should be pretty high. I'd like to see that total bill.

Re: Request for Disclosure & Copy of Public Records 2006-09-22 15:34:00<signett@...>

Got it here. Looks like someone is doing research. However, I get a bit ticked off when the language is demanding and threatening. Ask first and then if no response point to the statutes.

Roland Signett, City of Durham, City Administrator

RE: Request for Disclosure & Copy of Public Records 2006-09-22 15:57:00<Joe Wrabek>

Okay, I (also) spoke too soon. It just came over the FAX, and I have sent it to our city attorney. Anyone have any input why somebody unheard of in the Midwest is demanding this stuff? (With no return FAX number, I note.)

RE: Request for Disclosure & Copy of Public Records 2006-09-22 16:19:00<Nolan Young>

The Dalles received it, although I am sure it was meant for Roger at DALLAS. This sort of trouble sounds more like something for Roger and people get us confused all of the time.

Just in case, we will take our normal action and send him a formal request form to fill out for our City Attorney, who will get to it when he returns from vacation. My guess is the 7 days response demand does not fit our definition of a reasonable response time.

Nolan, The Dalles

Re: Request for Disclosure & Copy of Public Records 2006-09-22 16:43:00<Patty Stell>

Bend received it and I simply sent a copy of our e-mail policy via e-mail.

Patricia S. Stell. City Recorder, City of Bend

Re: Request for Disclosure & Copy of Public Records 2006-09-22 16:57:00<Diane Berry>

I just got a fax from the city attorney and he said it does meet ORS192.420(2)(a) and as such we have to do nothing, and if they resubmit to meet the ORS to reply that subsequent to ORS192.430 in so much as the records exist, the City will make them available. Please call to make an appointment.

RE: Request for Disclosure & Copy of Public Records 2006-09-23 07:35:00<Larry Clucas>

We received the request Friday afternoon about 2:30 by FAX. No identity of "Kurt Weber" only an address

of Chris Kliesmet his "designated auditor". Very threatening and not very professional letter.
Larry Clucas, City of Umatilla

RE: Request for Disclosure & Copy of Public Records 2006-09-25 08:27:00<Leahnette Rivers>

Columbia City received it on Friday and I e-mailed a copy of our policy in response.
Leahnette Rivers, City Administrator/Recorder ,City of Columbia City

RE: Request for Disclosure & Copy of Public Records 2006-09-25 08:36:00<Craig Martin>

Add the City of Sweet Home to the list of recipients. Forwarded to our City Attorney for review.

Craig Martin, City of Sweet Home

RE: Request for Disclosure & Copy of Public Records 2006-09-25 09:05:00<Rawfire>

Reedsport received it and following Craig's leadership (always a good thing to do) I sent it to the city attorney.

Rick in Reedsport

Re: Request for Disclosure & Copy of Public Records 2006-09-25 11:32:00<Richard Meyers>

The City of Cottage Grove received the fax as well.

I also went to their web page not a very flattering organization. The web page paints a picture of total corruption among public employees using public computers for political campaigning. (web page: <http://www.citizenfoia.org/>)

It makes it sound like there is some suspected abuse regarding one of the initiatives. We probably ought to be sure that our employees are well aware of ORS 260.432. It should be posted as well. You may want to make sure it is posted as we enter the political campaign time of fun.

Our attorney will be reviewing the request.

Richard Meyers, City Manager

Re: Request for Disclosure & Copy of Public Records 2006-09-25 19:24:00<Elise Smurzynski>

Carl,

Based upon the email address, I would speculate this is affiliated with <http://www.foia.com/>

City of Shady Cove has received this request. City Attorney advises we advise we do not have a policy (since we do not).

Re: Request for Disclosure & Copy of Public Records 2006-09-26 13:44:00<Mary Mitchell>

The City of Lyons received it also. I called the number on the fax I received and he called me back today. He stated that this fax went out to a lengthy list of contacts including school districts and other governmental facilities. This Kurt Weber person submitted two requests to his agency, request 007 was for internet policys and 011 was for enforcement of trespass laws. He couldn't tell me where Kurt Weber was from (City) but he did say that 99% of these requests come from newspapers. Does that name ring a bell with anyone?

Mary Mitchell

Re: Request for Disclosure & Copy of Public Records 2006-09-26 14:37:00<City of Nehalem>

While there could be a million Kurt Webers out there, there is a Kurt T. Weber with the Cascade Policy Institute. Their website is www.cascadepolicy.org . If you don't get their newsletter (we do, not sure why) I suggest you visit their website. It might explain a few things...by the by, we got the request too.

Response to the Second Public Info Request 2006-10-09 15:40:00<Stephanie Foley>

For those of you that received the public records request from citizenfoia for email records pertaining to ballot measures - and you have not yet responded - here is a suggestion as to how to respond to that request. This suggestion comes from Paul Nolte, LOC's Legal Services attorney. The response should be tailored to fit the individual situation in your city. You are encouraged to consult with your city attorney prior to any response.

Response to Chris Kliesmet, contact@citizenfoia.org.

The City of _____ has received a public records request dated September 27, 2006, from Kurt Weber where he requests records and documents be sent to you regarding:

"All records that were emailed or electronically sent from or received by you or any of your officers, employees, or agents during the period starting from July 3, 2006 to the present which mention or pertain to the Oregon Rainy Day Amendment, TABOR, taxpayers' bill of rights, Initiative Petition #6, or Measure 48 petition drive. All records that were emailed or electronically sent from or received by you or any of your officers, employees, or agents during the period starting from July, 3, 2006 to the present which mention or pertain to the Term Limits, Initiative Petition #39, or Measure 45 petition drive."

Your request will require a search by our IT Department. I have requested the Department to give me an estimate of the time necessary to conduct the search, which may take some time.

It is the City's policy to estimate the costs of public records production and to obtain payment of those costs in advance of incurring them. The costs of production for any records request include costs of the staff time spent in searching for the documents and costs of attorney time in evaluating the documents for responsiveness, privilege and public record exemptions.

You have requested a waiver or reduction of fees under ORS 192.440(4). The City will not waive or reduce any fees but, as noted above, will estimate the costs of the records production and require payment of the estimate in advance.

When I have the estimate of costs, I will notify you and await your deposit of the estimate.

Stephanie Foley, Research Associate, League of Oregon Cities

Fwd: Urgent - Records Reques 2006-10-12 16:18:00<Stephanie Foley>

David, et al.

I passed along your concerns regarding the public records request and the listserv. Here is the response from Paul Nolte, LOC's legal services attorney.
Stephanie, LOC

>>> "Paul Nolte" <law@ashlandhome.net> 10/12/2006 2:52 PM >>>

Stephanie, the listserv emails regarding the records request would be records subject to disclosure. I agree that disclosure of listserv discussions may inhibit the free flow of discourse, but where the discourse is about city business they become a public record subject to disclosure.

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

From: "Stephanie Foley" <SFoley@orcities.org>

To: <law@ashlandhome.net>, "Mike McCauley" <MMcCauley@orcities.org>

Date: Thu, 12 Oct 2006 12:40:11 -0700

Subject: Fwd: [occma] Urgent - Records Request

Paul, any advice on this?

"David Clyne" <dclyne@ci.junction-city.or.us> 10/12/2006 12:32 PM >>>

Junction City received the below records request:

"All records that were emailed or electronically sent from or received by

you or any of your officers, employees, or agents during the period starting from July 3, 2006 to the present which mention or pertain to the Oregon Rainy Day Amendment, TABOR, taxpayers' bill of rights, Initiative Petition #6, or Measure 48 petition drive."

"All records that were e-mailed or electronically sent from or received by you or any of your officers, employees, or agents during the period starting July 3, 2006 to the present which mention or pertain to the Term Limits Initiative Petition #39, or Measure 45 petition drive."

Since there was a discussion thread on this earlier which included references as outlined above, do you agree with my interpretation that those emails are subject to the records request? I, like all of us, am concerned that these ListServ discussions we have not be shared and compromise our ability to have free-flowing discussions. On the other hand, I feel bound to follow what appears to be a lawful records request.

Looking for direction.

Regards,

David Clyne, City Administrator, City of Junction City

RE: Urgent - Records Request 2006-10-12 16:36:00<Chris Childs>

I'm not as "legal" as Paul, but I am of the opinion that the list serve discussions have been about the records request itself and not the topics itemized in the request; thus there should be no "records" from the list serve to have to disclose. Just one person's take.

Chris Childs, Stayton

Re: Urgent - Records Request 2006-10-12 18:45:00<Diane Berry>

I agree with Chris, we are not discussing these topics, we are discussing disclosure requirements, but double check with your attorney. Ours indicated the request is not kosher anyway.

RE: Urgent - Records Request 2006-10-13 08:59:00<John Hitt>

David, It's a lawful request, IF they pay for it. And if they put it on your city approved forms.

John Hitt, City of Lebanon

RE: Urgent - Records Request 2006-10-13 10:15:00<David Clyne>

FYI, our City Recorder excluded the ListServ emails discussing the actual records request after determining that they were not the intended subject of the records request.

Regards,

David Clyne, City Administrator, City of Junction City

Urgent - Records Request 2006-10-12 12:35:00<David Clyne>

Junction City received the below records request:

"All records that were emailed or electronically sent from or received by you or any of your officers, employees, or agents during the period starting from July 3, 2006 to the present which mention or pertain to the Oregon Rainy Day Amendment, TABOR, taxpayers' bill of rights, Initiative Petition #6, or Measure

48 petition drive." "All records that were e-mailed or electronically sent from or received by you or any of your officers, employees, or agents during the period starting July 3, 2006 to the present which mention or pertain to the Term Limits Initiative Petition #39, or Measure 45 petition drive."

Since there was a discussion thread on this earlier which included references as outlined above, do you agree with my interpretation that those emails are subject to the records request? I, like all of us, am concerned that these ListServ discussions we have not be shared and compromise our ability to have free-flowing discussions. On the other hand, I feel bound to follow what appears to be a lawful records request. Looking for direction.

Regards,

David Clyne, City Administrator, City of Junction City

RE: Urgent - Records Request 2006-10-12 14:26:00<David Fine>

[My immediate take is that anything sent to a City Manager/City Administrator in his or her official capacity is subject to the law, except of course if it comes within a listed exemption. I wonder though whether you shouldn't take the advice of your City Attorney, David.](#)

J. David Fine, Interim City Manager and City Attorney, City of Baker City

Fees for public records 2007-07-06 09:43:00<[Georgia](#)>

Is there a ORS that states what you can charge for? We have a person who comes in all the time and wants copies of material. We have an ordinance that states that if it takes more than ½ hour of staff time , we will charge the person for the time. However, we are thinking of changing it to 15 minutes or maybe even less. If a person comes in daily and ask for one copy and then the next day for another copy, can we charge for time? We charge \$.10 a copy. What do other cities charge? Thank you for your help!
Georgia Edwards, City Administrator, City of Tangent

RE: Fees for public records 2007-07-06 09:50:00<[Pete Wall](#)>

We charge 25 cents a copy for routine copies. If a request involves staff research or preparation time we charge actual cost of the time plus copying charges. I believe ORS allows us to charge our actual costs for public records requests.
Pete Wall, City Manager, City of Toledo

Re: Fees for public records 2007-07-06 09:53:00<[City of Garibaldi](#)>

Copies from items in the current fiscal year are .25 for the first page, .15 for all others. We don't have a time provision; probably should.
Kevin M. Greenwood, Administrator, City of Garibaldi

RE: Fees for public records 2007-07-06 10:05:00<[Joseph Gall](#)>

[Here's a sample policy to check out...](#)

Fees

ORS 192.440(3) authorizes a public body to establish fees to reimburse for actual cost in making public records available. The actual cost may include: a charge for the time spent by the public body's staff in locating the requested records; reviewing the records in order to delete exempt material; supervising a person's inspection of original documents in order to protect the records; copying records; certifying

documents as true copies; or sending records by special methods such as express mail.

Following those parameters, the City Recorder's office has determined that the following fee schedule will be used to assess charges for Public Records requests:

- **Staff Charges:** Staff charges depend upon which staff person performs the work, which in turn depends upon the expertise required for the research.
- **Copying:** \$.10 per page
- **Double-Sided:** \$.15 per page
- **11 X 17 copy:** \$.20 per page
- **Audio Tapes:** \$ 5.00 each
- **Plans:** \$ 4.00 each
- **Microfiche:** \$.15 each
- **Certified Copies:** \$ 3.75 each

Please be advised that all requests for Public Records must be made in writing.

Public Records Requests will be reviewed within 24 hours. Upon request, an estimate of costs for staff time will be made, and if the time required to respond to the request exceeds that estimate, the requester will be informed prior to the research continuing.

Any request for which the estimate exceeds \$50, will require payment of the estimated charges in advance. Any unused funds will be refunded.

Joseph Gall, City Administrator * City of Fairview

RE: Fees for public records 2007-07-06 10:38:00 <[citymgrwheeler](#)>

Georgia,

The City of charges \$.30 per copy and requires that a request for public records form be filed with the City prior to issuing any copies to the public.

Doug Hooper, City Manager

RE: Fees for public records 2007-07-09 08:45:00 <[Mike Murphy](#)>

Hello Georgia Edwards: The City of charges .25 per copy. Staff time is charged for requests taking longer than 15 minutes. Most requests are filled quickly and without difficulty. Each copy request is treated as a "new event" for time determination. Take care and have a great day!!

Public Records Requests 2007-05-29 16:14:00 <[Diane Rinks](#)>

Good afternoon everyone. I would be interested in knowing how your city's current policies would address a request from someone wanting to bring a portable scanner into City Hall to scan city documents. Our old minutes, etc. are not available in an electronic format so they would have to be copied at \$.25 per page under our current policy. Evidently scanners were not envisioned when the policy was adopted. Our normal procedure if someone wants to review a document is to have a staff member present while that is being done and I think the same would apply for someone wanting to scan them. I am a little concerned about the handling of the original documents by non-staff people. Any thoughts you could give me on this would be appreciated. We have a group that is attempting to have every document ever produced by the city on a website, so this has become quite a time consuming problem. Thanks. Diane Rinks, Lafayette

Re: Public Records Requests 2007-05-29 16:51:00<[Diane Berry](#)>

we do not have a policy, but I would not let them handle originals. I would require them to pay for copies to be made and they can scan them at home at their leisure.

RE: Public Records Requests 2007-05-29 17:10:00<[Elise Smurzynski](#)>

With the new copy machines that are out, someone who wanted to "scan" copies of minutes, could obtain paper copies and take those paper copies away to scan elsewhere.

What we normally do is have whoever is asking for something complete a "Public Records Request" that indicates exactly what they are asking for; i.e. minutes of meetings dated x, y, z. Then we provide them with an estimate of the cost of copying that info. If they want to bring their own scanner in, then we would advise that they would need to pay for \$45 per hour (after the first 15 minutes) for an "Administrative Fee" to have a staff person pull the minutes and either supervise putting the minutes into a scanner or do the scanning.

Thankfully, we have a copier that can scan info to our computers, so if we rec'd such a request, we would scan our old records via our copier and put the info on disk, and the requestor would pay for the staff time and the cost of the disk the info was saved to.

In my old life people would request copies of video tapes. We would have to have a staff person drive to the nearest big city that had video copying capacity, stand there while the copy was made, drive back to City Hall, and....then....we would charge for the two hours of staff time and the whopping \$5 for the copy of the video.

Ugh.

Elise, Shady Cove

Re: Public Records Requests 2007-05-29 17:22:00<[Joe Wrabek](#)>

Oh, that's right--you have one of Those in town. We had one in Union, too. (I have a feeling they will probably complain no matter what you do.) What I'd suggest is (1) tell 'em the ordinance or resolution says copies, and says charge 25 cents a page, so that's what you'll have to do; (2) documents have to be handled by the City Recorder or a staffperson working under the Recorder's direction, because that's the Recorder's job; (3) scanners weren't invented when the rules were made, and you'd sure be interested in suggestions how to incorporate 'em into the rules, but they're not in the rules now, and only Council can change the rules.

And if they do come up with suggestions, check their figures really carefully. If you had a scanner as slow as mine, it'd take more than 25 cents worth of time per page to scan a document, even without a piece of paper involved, so the cost for scanning could well be more than for copies.

Joe

RE: Public Records Requests 2007-05-29 21:12:00<[Dan Bartlett](#)>

I do not have the records manual here at home, but I believe that the recorder has to allow an individual to inspect the public records. A staff person can be present at all times. The new portable scanners are about as large as the tube in a roll of paper towels and can scan paper records without any harm. And faster than Joe's old time device.

You might be on thin ice to deny an individual's right to inspect and also during the inspection run them through a non destructive device. Sounds like something a city attorney should advise on.