

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

SUBTITLE 3 — POLICIES

POLICY 35

DETERMINATION OF RECORD REQUEST COSTS AND PROCEDURE

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35.010 Purpose

This Policy is intended to implement the statutory requirement in ORS 192.440(7) that Linn County make available a written procedure for making public records requests.

[Adopted 14-283 eff 8/19/14]

35.100 Policy

Every Linn County Department and Office shall charge a fee in connection with a request under ORS 192.410 to 192.505, equal to the hourly rate of the employee fulfilling the request, multiplied by the number of hours actually spent

in performing such service rounded to the nearest 1/10th of an hour, and for materials or media used to furnish the requested records, or as otherwise established by the annual Fee Resolution adopted by the County. Provided, however, the minimum fee shall be \$5.

[Adopted 01-246 eff 6/30/01; amd 14-283 eff 8/19/14]

35.150 Submitting requests

(A) All records requests should be directed to the Linn County Department or Office the individual believes possesses the records. A list of Linn County Departments and Offices is available at www.co.linn.or.us

(B) The request should be mailed to:
[Name of Department or Office]
P.O. Box 100
Albany, OR 97321

[Adopted 14-283 eff 8/19/14]

35.200 Procedure to calculate the estimated cost for producing public records

(A) The Department Head or Elected Official of a Linn County Department receiving a request to make public records available under ORS 192.410 to 192.505, or the employee designated by the Department Head or Elected Official, shall consider the request and make an estimate of the time reasonably calculated to be necessary to fulfill the request; the estimate of the actual cost in accordance with LCP 35.100 shall be computed; the person making the request shall be advised of the estimated cost of the service requested.

(B) The estimated cost shall not include the cost of making the estimate.

(C) Any other reimbursable costs expected to be incurred shall be included in the estimate in accordance with ORS 192.410 to 192.505.

[Adopted 01-246 eff 6/30/01; amd 14-283 eff 8/19/14]

35.300 Procedure for producing record requests

(A) Upon deposit of the estimated cost, the Department Head or Elected Official shall assign the employee who will perform the service to proceed with performing the services requested, and shall designate the time when the service shall be performed, and may impose such rules and regulations necessary to prevent interference with the regular discharge of the employees duties.

(B) The employee performing services requested in connection with making public records available shall keep a written record of the time spent in performing the services requested, in hours and tenths of hours, rounded to the nearest tenth.

(C) The public records to be made available shall not be delivered to the person requesting them until any actual costs in addition to the previously deposited estimated cost have been paid, including the cost of time spent by an attorney for the public body in reviewing the public records, redacting material or segregating exempt and non-exempt records.

[Adopted 01-246 eff 6/30/01; amd 14-283 eff 8/19/14]

35.400 Relation to fee resolution

Unless otherwise addressed in the annually adopted Fee Resolution, the fees provided for by this Policy are in addition to fees for copies or media provided in the Fee Resolution.

[Adopted 01-246 eff 6/30/01; amd 14-283 eff 8/19/14]

35.500 Waiver of fees

(A) A Linn County Department Head or Elected Official may waive any fee provided by this Policy if:

(1) the time needed to fulfill the request is negligible;

(2) there is a statutory basis for waiving the fee; or

(3) the requested service is within the normal scope of the Department’s or Office’s activities.

[Adopted 01-246 eff 6/30/01; amd 14-283 eff 8/19/14]

References and Authorities:

ORS 203; ORS 192

Legislative History of Policy 35:

Adopted 01-246 eff 6/30/01

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#1 14-283 eff 8/19/14
