



## **RESOLUTION NO 2014-01**

### **A RESOLUTION ADOPTING TERREBONNE DOMESTIC WATER DISTRICT POLICIES AND FEES FOR OBTAINING PUBLIC RECORDS AND REPEALING RESOLUTION NO, 2010-01 OF THE TERREBONNE DOMESTIC WATER DISTRICT**

WHEREAS, In 2007, the legislature amended ORS 440(4)(B) to clarify when the District may pass along the cost of time spent by the District's attorney in reviewing requested public records; and

WHEREAS, the District Board has chosen to clarify the language of its public records resolution to ensure it conforms to state law.

NOW THEREFORE, the Board of Commissioners of the Terrebonne Domestic Water District resolves the following:

#### **SECTION I - THE FOLLOWING POLICY IS HEREBY ADOPTED:**

- A. This policy applies only to the District records that are not exempt from release.
- B. 1. A request for public records that are in custody of the District may be made by submitting a written request to:

Board of Commissioners  
Terrebonne Domestic Water District  
By mail to: P.O. Box 31  
Terrebonne, Oregon 97760

By fax to: (541)-548-0635  
By email: [tdwd@bendbroadband.com](mailto:tdwd@bendbroadband.com)

- 2. All written requests may be submitted by mail, by fax, by email, or in person during the District's normal working hours.

3. The request must:

- a. Include the name address of the person requesting the public record;
  - b. Include a telephone number or other contact information for the person requesting the public record.
  - c. Include a sufficiently detailed description of the record(s) requested to allow the District to search for and identify responsive records;
  - d. Be dated and signed by the person requesting the public record.
- C. Readily available non-exempt records will be provided as soon as possible. Non-exempt records which are not readily available because of the magnitude or the nature of the request shall be produced within a reasonable time. In such case, the District shall inform the individual requesting the records of the estimated cost of production (if over \$25), and when they will be available for review and/or copying.
- D. Upon receipt of written public records request that complies with these policies, the District shall respond as soon as practical. The District may request additional information or clarification from the requester for the purpose of expediting the District's response to the request. The District's response will acknowledge receipt Of the request and including one of the following.
1. A statement that the District does not possess or is not the custodian of, the public record.
  2. Copies of all requested public records for which the District does not claim an exemption from disclosure under ORS 192.410 to 192.505.
  3. A statement that the District is the custodian of at least some of the requested public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay a condition of receiving the public records.
  4. A statement that the District is the custodian of at least some off the requested public records and that an estimate of the time and fees for disclosure of the public will be provided by the District within a reasonable time.

5. A statement that the District is uncertain whether the District possesses the public record and that the District will search for the record and make an appropriate response as soon as practicable.
  6. A statement that state or federal law prohibits the District from acknowledging whether the record exists or that acknowledging whether the record exists would result in loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the District.
- E. Terrebonne Domestic Water District's nominal fees are reasonably calculated to reimburse the District for its actual costs to search for, review, release and copy any public record, including photographs. These fees are set as follows:
1. Copies of public records shall be \$.25 cents per copy for letter size copies. \$.50 Cents per copy for legal size copies will be charged.
  2. If a request for District records requires personnel to spend 15 or more minutes researching, locating, compiling, editing, reviewing or otherwise processing information and records prior to their release or copying, the minimum fee shall be \$100.00 per hour or \$25.00 per quarter-hour per staff individual involved, with a minimum of one-quarter hour charge. The time to be spent by staff shall be estimated by the District.
  3. In accordance with ORS 192.440, the District may furnish copies without charge at a substantially reduced fee if the District determines that the waiver or reduction of fees is in the public interest because making a requested record(s) available primarily benefits the general public.
  4. The actual cost of materials and equipment needed to produce copies of non-standard records shall be charged to the requester.
  5. The actual cost for delivery of records such as postage and courier fees shall be charged to the requester. Staff time and the cost of materials shall be charged to the requester as provided in these policies for each true copy certification.
  6. The actual attorney fees charged to the District for the cost of time spent by an attorney in reviewing the public records or answering any public request, redacting material from the public records or segregating the public records into

exempt and non-exempt records shall be charged to the requester. The cost of the attorneys time spent determining the application of ORS 192.410 to 192.505 will not be included

7. The District may require prepayment of estimated fees before taking further action on the request. If the cost of production of the requested records is less than the amount of the deposit, the excess deposit shall be refunded to the requester, If the actual cost of production of the requested records exceeds the amount of the deposit, the difference shall be paid by the requester before the requested documents are provided.
  8. There shall be an extra fee to cover the cost of providing records in an alternate print form for individuals with disability.
  9. If a request is of such magnitude and nature that compliance would disrupt the District's normal operations, separate arrangements will need to be made prior to such release of records in accordance with advice from legal counsel.
- F. At no time shall original records or photographs of the District be removed from the District files or from the place of regular record retention, nor shall copies of original records be made by people other than District personnel. Original District records and/or photographs shall not be reviewed unless District personnel are available to oversee that review. The charge for District personnel time for monitoring shall be set forth above.
- G. Resolution 2010-01 and all other District resolutions establishing public record Policies are hereby repealed

**ADOPTED** on this 14th day of January, 2014, by action of the Board of Commissioners, **Terrebonne Domestic Water District.**

APPROVED BY:

ATTEST

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President Board of Directors

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Secretary

