

PACIFIC COMMUNITIES HEALTH DISTRICT

RESOLUTION NO.16-03

**A RESOLUTION ADOPTING A PUBLIC RECORDS POLICY
FOR THE PACIFIC COMMUNITIES HEALTH DISTRICT**

WHEREAS, the Pacific Communities Health District (District) is a municipal corporation of the State of Oregon; and

WHEREAS, the District is bound by the Oregon Public Records Law (ORS 192.410 to ORS 192.505); and

WHEREAS, the Oregon Public Records Law allows the District to establish fees reasonably calculated to reimburse the District for the District's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, in response to a request; and

WHEREAS, the Oregon Public Records Law allows the District to include in the public records fee established by the District the cost of time spent by an attorney for the District in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records, but may not include in a public records fee established by the District the cost of time spent by an attorney for the District in determining whether requested records are subject to disclosure; and

WHEREAS, the District provided an opportunity for interested persons to comment on the enactment of this Resolution and the proposed fees herein, pursuant to ORS 294.160,

NOW THEREFORE, THE DISTRICT RESOLVES AS FOLLOWS:

Section 1. The District adopts the following policy:

PACIFIC COMMUNITIES HEALTH DISTRICT PUBLIC RECORDS POLICY

- A. This policy applies only to records of the Pacific Communities Health District (District) not exempt from disclosure under the Oregon Public Records Act.
- B. All requests for public records must be made in writing and must include the following information:

1. Date of Request;
 2. Name of Requester;
 3. Address of Requester;
 4. Telephone number and/or email address of Requester;
 5. A sufficiently detailed description of the records requested to allow the District to search for and identify responsive records;
 6. A statement informing the District whether the Requester wishes to receive copies of the requested documents or inspect the documents in person; and
 7. Requester's signature
- C. Records requests must be personally delivered to the District during business hours, mailed to the District at PO Box 873, Newport, OR 97365, ore-mailed to the District at "PCHD" <jkraft@samhealth.org>
- D. Readily available records will be provided as soon as possible. Records which are not readily available because of the size or complexity of the request or the nature of the requested records will be produced within a reasonable time. In such case, the District shall inform the individual requesting the records when the requested records will be available for review and/or copying.
- E. The District's nominal fees for search, review, release and copying of any public record, including photographs, are as follows:
1. Copies of public records are \$0.10 per page for letter size copies and \$0.15 per copy for legal size copies. Double-sided copies count as two (2) pages. If a request is for a certified copy of a record, the requester will be charged an additional \$2.50 per record.
 2. Charges for tape recordings and other electronically stored materials will be calculated based upon the actual cost of the tape, computer disc, etc., plus the time required to make the copy, computed as provided in paragraph E.3 of this policy.
 3. If a request for District records requires personnel to spend more than 15 minutes collecting or reviewing the requested records prior to their release or copying, the requester will be billed at the rate of \$10.00 per quarter


hour for each staff member involved, with a minimum of one half hour (\$20.00) charge. The total staff time to collect and review the requested records will be estimated by the District, and the estimated fee must be deposited with the District before District personnel will begin collecting, reviewing or copying the requested records. If the amount of time involved is less than estimated, the excess deposit shall be refunded to the requester. If the actual cost exceeds the deposit, the difference must be paid by the requester before the requested documents will be provided. The actual costs of research will be billed to the requester even if District personnel are unable to locate the requested records, or the District determines that the requested records are exempt from disclosure under the Public Records Act.

4. A change in the format of a record (for example, paper records scanned and saved onto a disc) will be billed for actual time it takes to convert the record to a new format, plus any additional costs associated with the change in format. Staff time will be computed as provided in paragraph E.3 of this policy. Changes of format calculated to address the requirements of the Americans with Disabilities Act will not incur any additional charge.
5. The District may furnish records without charge or at a substantially reduced fee if the District, in its reasonable discretion, determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
6. If a request is of such size, complexity, or nature that compliance would disrupt the District's normal operation, separate arrangements will need to be made prior to such a release of records in accordance with advice from legal counsel.
7. If the request requires advice from the District's attorney, the requester will be billed for the actual cost to the District of the time spent by the District's attorney to review, redact and segregate the records. The District will not charge a requester for time spent by the District's attorney in determining the application of the Public Records Law to the request.
8. If the estimated fee to respond to a request is more than \$25.00, the District will provide a written cost estimate to the requester and will take no further action until the District receives confirmation that the requester wants the District to respond to the request and agrees to pay the applicable fees.

- F. At no time will original records or photographs of the District be removed from the District's files or from the place of regular record retention. Original District records and/or photographs may not be reviewed unless District personnel are available to oversee that review. The charge for District personnel time for monitoring an in-person review of District records will be computed as provided in paragraph E.3 of this policy.

Section 2. This resolution will take effect upon adoption.

ADOPTED by the Pacific Communities Health District this 21st day of May '2016.


~~President, Board of Directors~~
Chair

ATTEST:


Secretary, Board of Directors

*Pacific Communities Health District
POBox873
Newport, OR 97365*

RESPONSE TO RECORDS REQUEST

March 8, 2016

To:

In accordance with ORS 192.440(2), this letter acknowledges that on _____, 20____, the Pacific Communities Health District's (District) received your request for the following records(s):

[insert request]

Having reviewed your request, we are able to inform you that:

Copies of all requested public records for which District does not claim an exemption from disclosure under ORS 192.410 to 192.505 are enclosed.

District does not possess the following requested records(s):

District is uncertain whether it possesses the requested record(s). We will search for the records and make appropriate response as soon as practicable.

District is the custodian of at least some of the requested public records. We estimate that it will require [c' ;! before the public records may be inspected or copies of the records will be provided. We estimate that the fee for making the records available will be \$_____ which you must pay as a condition of receiving the records.

District is the custodian of at least some of the requested public records. We will provide an estimate of the time and fees for disclosure fo the public records within a reasonable time.

[State/federal]law prohibits District from acknowledging whether the requested record(s) exist(s). [Cite to relevant state/federal law.]

District is unable to acknowledge whether the requested record(s) exist(s) because that acknowledgment would result in [the loss of federal benefits/or other sanction]. [Cite to relevant state/federal law.]

Sincerely,

[Name]

[Title]

Pacific Communities Health District