



Staff Report

File #: 17-609

Version: 1

Date: 12/11/2017

Item #: 3.2 b.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Dan Atchison, City Attorney

SUBJECT:

Public Records Policy

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall the City Council adopt Resolution No. 2017-50, amending Resolution No. 2007-63, to update the City's Public Records Policy.

RECOMMENDATION:

Adopt Resolution No. 2017-50, amending Resolution No. 2007-63, to update the City's Public Records Policy.

SUMMARY AND BACKGROUND:

Amendments to Oregon's public records law become effective January 1, 2018. The changes to state law require government entities to acknowledge and respond to requests for public records in a timely manner; generally an acknowledgment of the request must be provided within five business days, and a complete response to the request must be provided in 15 business days.

In order to ensure that the City complies with the changes to state law, and continues to implement Council's adopted public records policy, certain changes to the City policy are necessary.

FACTS AND FINDINGS:

The City's Public Records Policy was adopted in 2007, and has not been amended. The 2017 Oregon Legislature passed Senate Bill 481 which made certain changes to Oregon Public Records Law, including requirements that government bodies:

- Within five business days of the request, provide a written acknowledgment,

- Within fifteen business days of the request, provide a complete response to the request, or an explanation of why it will take longer to complete the response.

Resolution No. 2017-50 makes the following changes to the City's Public Records Policy:

- Incorporates the five day and fifteen day requirements imposed by the new state law,
- Updates references to state law,
- Allows for a \$25 deposit for costs, in lieu of an advance payment for costs to allow the City to respond to requests in a more timely manner,
- Adopts state law criteria for granting requests for fee waivers,
- Provides for exceptions to the procedures for easily accessible or routinely requested records, and
- Makes other formatting and text changes to simplify procedures.

Because the new state law takes effect January 1, 2018, staff recommends Council approve the changes to the City's Public Records Policy at tonight's meeting.

Ruth Ann Stellmacher
City Recorder

Attachments:

1. Resolution No. 2017-50
2. Revised City Public Records Policy