



Staff Report

File #: 20-109

Version: 1

Date: 5/26/2020

Item #: 2.2a.

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

Result Area(s): Good Governance

ISSUE:

Shall the City Council adopt Resolution No. 2020-21 , amending Resolution No. 2017-50, to update the City's Public Records Policy.

RECOMMENDATION:

Adopt Resolution No. 2020-21, amending Resolution No. 2017-50, to update the City's Public Records Policy.

SUMMARY:

Amendments to Oregon's public records law become effective January 1, 2018. The City implemented changes to reflect the new legislation via Resolution No. 2017-50 to ensure that the City complied with the changes to state law.

The 2019 Legislative session brought forth more changes to Oregon's public records law resulting in renumbering of several statutes that were cited in the City's Public Records Policy. An update of those statutes is necessary.

In addition, on June 1, 2020 the City will launch an online Public Records Request portal allowing requestors to submit their public records request online and follow the progress via their personal account as well as pay for the request online and retrieve the records online. Certain changes to the City policy are necessary to reflect that process change.

FACTS AND FINDINGS:

The City's Public Records Policy was adopted in 2007, and later amended in 2018 when the 2017 Oregon Legislature passed Senate Bill 481 relating to Oregon Public Records Law. The 2019 Oregon Legislature renumbered several Oregon Public Records Law statutes. To reflect the renumbering of the Oregon Revised Statutes (ORS) as well as the upcoming changes in process due to the change to the online public records portal (GovQA), Resolution No. 2020-21 makes the following changes to the City's Public Records Policy:

- Multiple statutes relating to public records were renumbered in ORS Chapter 192. Because they are referenced in the City's policy, updates are needed.
- Removes detail for staff on how to handle a Fee Waiver that is better served via an internal Administrative Policy and Procedure (APP).
- Updates the process for Making a Request to reflect the implementation of GovQA.
- Updates Processing a Public Records Request section as it is better served via an internal APP.
- Updates the Appeals process to include both denial of a Public Records Request and denial of a Fee Waiver.

GovQA will go live on June 1, 2020. 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. 2020-21
2. Revised City Public Records Policy