

RESOLUTION ADOPTING PUBLIC RECORDS REQUEST POLICY

CITY OF CONDON, OREGON CONDON CITY COUNCIL

RESOLUTION NUMBER: 2026-07

A resolution of the Condon City Council adopting a citywide public records request policy.

WHEREAS, Oregon Public Records Law (ORS 192.311 to 192.478) gives every person a right to inspect any nonexempt public record of a public body, and ORS 192.324(7) requires each public body to make available to the public a written procedure for making public records requests that includes the name of one or more individuals to whom the requests may be sent, with addresses, and the amounts of and manner of calculating the fees the public body charges; and

WHEREAS, the Condon City Council wishes to adopt a city-wide public records request policy; and

WHEREAS, Oregon Public Records Law allows the city to establish fees reasonably calculated to reimburse the city for its actual cost of making public records available (ORS 192.324(4));

NOW, THEREFORE, BE IT RESOLVED by the Condon City Council that it approves and adopts the following Public Records Request Policy:

SECTION 1: General Information.

Oregon Public Records Law (ORS 192.311-192.478) gives members of the public the right to inspect and copy public records that are not otherwise exempt from public disclosure. It is the policy of the City of Condon to respond to public records requests in an orderly, consistent and reasonable manner in accordance with the Oregon Public Records Law. The purpose of this Policy is to:

- Establish an orderly and consistent procedure for responding to public records requests;
- Establish the basis for a fee schedule designed to reimburse the City for the actual costs incurred in responding to public records requests; and
- Inform individual staff and officials of the procedures and guidelines that apply to public records requests.

This City of Condon Public Records Request Policy addresses the following components:

- Definitions;
- Procedures for Public Records Requests;
- Fees; and
- Fee Waivers

The City shall develop and implement internal processes and procedures that support compliance, deter abuse and detect violations of this Policy.

SECTION 2: Definitions.

2.1 “**City**” refers to the City of Condon and all employees, appointees and elected officials associated therewith.

2.2 “**Custodian**” refers to the City Recorder or his or her designee mandated, directly or indirectly, to create, maintain, care for or control a public record.

- 2.3 “**Public Record**” has the meaning established in ORS 192.311(5). In general, it refers to any writing containing information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics. A record may be handwritten, typed, photocopied, printed, microfilmed, or exist in an electronic form such as email or a word processing document, or other types of electronic recordings. Records relating to City business are public records even if they are created and kept on a personal device or personal account of a City official or employee.

SECTION 3: Procedures.

3.1 Public Records Request.

All public records requests must identify the public records requested and be submitted in writing (by mail, email, fax, or hand delivery) and directed to:

City of Condon

Attention: Jessica Isley, City Recorder (Public Records Custodian)

Public Records Request

128 S. Main Street

PO Box 445

Condon, OR 97823

Email: records@cityofcondon.com

Fax: (541) 384-2700

Requesters may, but are not required to, use the City’s Public Records Request Form. A requester is not required to state the purpose of the request.

Note: Requests to create a new record are not public records requests. The City is not obligated under the Oregon Public Records Law to create new public records where none exist in order to respond to requests for information.

3.2 Acknowledgement and Initial Response to Public Records Request.

After receiving a written request for a public record, the City will within five business days either complete its response or acknowledge receipt of the request (ORS 192.324(2)). The acknowledgement will include one or more of the following:

- A statement that the City does or does not have custody of the requested public record(s);
- Copies of all requested public records for which the City does not claim an exemption from disclosure under ORS 192.311 to 192.478;
- A statement that the City is the custodian of some responsive records, an estimate of time in which copies will be provided or inspection will be available, and an estimate of the fees the requester must pay prior to receiving the records;
- A statement that the City is uncertain whether it possesses any requested records and that it will search for the requested records and respond as soon as practicable; or

- A statement that state or federal law prohibits the City from acknowledging whether the record exists and a citation to the relevant state or federal law.

3.3 **Clarification of Request.**

If the City receives an unusual request, or the scope of the request is unclear, the City may make a good-faith written request for additional clarification before responding to the request. Once the City makes a request for additional information or clarification, its obligation to complete its response to the request is suspended until the requester provides the information or clarification or affirmatively declines to provide additional information or clarification. If the requester does not respond to the City's request for clarification or additional information within 60 days after the City's request, the City will close the request.

3.4 **Completed Response Deadline.**

As soon as reasonably possible, but not later than 15 business days after the date by which the City is required to acknowledge receipt of a public records request, the City will either complete its response to the request, or provide a written statement that the City is still processing the request and provide an estimated date by which the City expects to complete its response. The timeframes established to acknowledge and respond to a request do not apply if compliance would be impracticable because (a) the staff or volunteers necessary to complete the response are unavailable, on leave, or not scheduled to work; (b) compliance would demonstrably impede the City's ability to perform other necessary services; or (c) of the volume of public records requests being simultaneously processed by the city. If the City cannot comply with the five-business day acknowledgement or 10-business day response deadlines, the City must complete the public records request as soon as practicable and without unreasonable delay. These timeframes are suspended while the City awaits payment of an estimated fee or deposit under Section 4, or a response to a request for clarification under Section 3.3.

3.5 **Complete Response.**

A complete response means that the City has produced or made available all nonexempt responsive records, or has stated in writing that it has no responsive records, and has asserted in writing any exemptions from the disclosure the City believes apply. If the City relies on ORS 192.355(8) or (9), the response will identify the state or federal law the City relied on. (ORS 192.329.)

3.6 **Form of Records.**

If a public record is maintained in electronic form, the City will provide a copy in the form requested, if available. If the record is not available in the form requested, the City will make it available in the form in which the City maintains it. (ORS 192.324(3).)

SECTION 4: Fees. The Oregon Public Records Law allows the City to recover its actual costs in fulfilling a public records request. If the estimated fee is greater than \$25, the City will provide the requester with written notice of the estimated amount of the fee and request written confirmation that the requester wants the City to proceed. In such instances, the City will not proceed until the requester confirms in writing, and may require the requester to pay all or part of the estimated fee as a deposit before the City takes further

action on the request. If a requester fails to provide written confirmation of the estimated fees or pay any required deposit within 60 days of the City's estimate, the City will close the request.

4.1 **Fee Schedule.** The fees listed below are reasonably calculated to reimburse the City for its actual costs in making the records available, and may include:

- Charges for the time spent by City staff to locate the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure, to segregate exempt records, to supervise the requester's inspection of original records, to copy records, to certify records as true copies and to send records by special or overnight methods such as express mail or overnight delivery;
- Charges for the time spent by the city attorney reviewing, redacting and segregating records at the City's request, except that the City will not charge for attorney time spent determining the application of the Oregon Public Records Law (ORS 192.311 to 192.478);
- A per-page charge for photocopies of requested records

The City's public records fee schedule is as follows:

Copies	8.5x11 Black and white	\$0.25/page
	8.5x11 Color	\$0.50/page
	11x17 Black and white	\$0.50/page
	11x17 Color	\$1.00/page
	Nonstandard documents	Actual costs incurred by the City to reproduce them
Staff Time	Up to 30 minutes	Copy cost only
	Over 30 minutes	Copy cost plus \$40/hour for all staff time beyond the first 30 minutes, billed in 10-minute increments
Delivery	The actual cost for delivery of records such as postage and courier fees	
True Copy Certification	\$5.00	
Attorney Review	Actual attorney fees charged to the City for the cost of the time spent by an attorney in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. No fee will be charged for attorney time spent determining the application of ORS 192.311 to 192.478.	

- 4.2 **Application of Fees.** All time for public records requests will be recorded in 10-minute increments. If the requester was required to make a deposit, fees will be debited against that deposit. If the fees are less than the deposit, the City will provide the records along with a refund of the deposit, less the fee. If the deposit is insufficient to cover the entire costs of completing the public records request, or the requester was not required to pay a deposit, the City will generate an invoice for the unpaid costs of completing the public records request. The requester must pay the amount owing before the City will deliver the requested records or make them available for viewing.

SECTION 5: Fee Waivers. Requests for fee waiver or reduced fees may be made in writing to the City's contact address listed above. The City Recorder may furnish copies without charge or at a substantially reduced fee if the City Recorder determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public (ORS 192.324(5)). The City Recorder will respond to a fee waiver request in writing.

SECTION 6: This Resolution is effective immediately upon passage.

PASSED: This _____ day of October, 2026

CITY OF CONDON

Janet Stinchfield, Council President

ATTEST

Jessica Isley, City Recorder