

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Public Records )  
Policy, Exempting Specific Public Records from )  
the Provisions of the Policy and Incorporating )  
the Fee Schedule )  
\_\_\_\_\_ )

**ORDER NO. 56 - 2005**

WHEREAS, Columbia County has long recognized a need to establish a public records policy governing the County's response to public records requests; and

WHEREAS, to ensure that responses to all public records requests are achieved in an orderly, consistent and reasonable manner, the adoption of uniform policies and procedures is advisable; and

WHEREAS, staff and Department Heads have worked together to draft a Public Records Policy, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein which was originally adopted by Order No. 2 - 2005; and

WHEREAS, said Public Records Policy contains a provision whereby, subject to approval by the Board of County Commissioners, any Department Head may establish a separate Departmental policy to allow verbal or written requests to be made directly to the Department for public records maintained by the Department which are routinely requested by members of the public as part of the Department's regular work; and,

WHEREAS, directors of the following Departments have requested that certain, specific, documents be exempt from the Public Records Policy, allowing staff in each Department to respond immediately to regular requests for these specific documents:

- 1) **Assessor's Office.** All standard property assessment print-outs, copies of current real property inventory data records, and paper or electronic (CD) copies of tax lot or tax code maps (excluding a request for all tax lot map images).
- 2) **Board of Commissioners.** Copies of minutes, Board orders, ordinances and meeting tapes.
- 3) **Commission on Children and Families.** Routine requests for contracts, accountability reports, comprehensive plans, guidelines and reports, financial reports, meeting minutes and agendas.
- 4) **County Clerk.** All duly recorded documents, to include documents recorded in the Commissioners' Journal and documents found in the County Road Jackets, marriage and animal control licenses.

- 5) **County Counsel.** Copies of minutes, Board orders, ordinances and meeting tapes.
- 6) **Finance & Taxation.** All documents generated by the standard PIC system, including voter registration in electronic format and sales information, and tax account information.
- 7) **Human Resources.** Documents a) requested from employees which are Human Resources related; b) related to background checks; c) requested from governmental agencies for comparison or example information; or d) requested from candidates for employment.
- 8) **Juvenile.** All juvenile department records as they pertain to youth and families.
- 9) **Land Development Services .** Copies, faxes, photos or inspection of: a) building and septic permit applications, issued permits and plans; b) planning applications, final orders and ordinances; c) tax lot maps or GIS maps; and d) all or portions of County codes or ordinances.
- 10) **Sheriff's Office.** Traffic accident reports and Citizen Crime Reports when there are no suspects.

WHEREAS, it is recognized that direction is needed to ensure that information that is exempt from public disclosure or is covered by the attorney-client privilege which may be found in Departmental files be protected; and

WHEREAS, certain information in digital format has recently become available through the Assessor's Office, which currently consists of:

- > **Assessor's Records:** images of entire set of tax lot map TIFFdata; County-wide digital ORTHO photography in County's projection (may be used to enhance GIS data or may stand alone).
- > **County Clerk's Records:** images of all Plats, subdivisions & partition plats.
- > **GIS Data:** tax lot shape files; tax lot attribute data; tax lot shape files with linked tax lot attribute data.
- > **LDS Records:** zoning maps (incomplete at this time, should be finished this year).
- > **Surveyor's Records:** images of all Partition & Subdivision plats (County Clerk's Records); images of all survey records; survey records index and documentation; all plat (County Clerk's) & survey images w/ survey index.

(hereinafter "Land Data"), and an amendment to the public records policy and the fee schedule to address such data is needed; and

WHEREAS, this new information replaces the fee of \$250 charged for subdivision and partition plat information on compact disc; and

WHEREAS, to provide a Requestor with updates to Land Data previously obtained would be

difficult and involve extraordinary staff time; and

WHEREAS, there is a concern about certain reliances upon or use of Land Data by those receiving it in digital format making a Data License Agreement to be signed by the Requestor advisable; and

WHEREAS, until such time as a Data License Agreement has been drafted, staff recommends that the person requesting Land Data in digital format be required to sign a Letter of Intent, a copy of which is attached hereto as Exhibit B and by this reference incorporated herein; and

WHEREAS, to ensure the continued integrity of data being provided in digital format in response to a public records request, only discs provided by the County will be used and a second identical disc will be provided to the Custodian of the Records for retention; and

WHEREAS, it is in the best interests of staff and the public to incorporate the County's Fee Schedule for complying with public records requests and Notice of Return Check Fee into the Public Records Policy, said documents being attached hereto as Exhibits C and D, respectively; and

WHEREAS, it is in the best interests of staff to incorporate the policies and procedures originally adopted with the fee schedule by Order No. 52 - 2002 and Order No. 15 - 2004 into the Public Records Policy; and

WHEREAS, the cost involved in providing certified copies of documents was inadvertently left off the Fee Schedule and costs of providing Land Data needs to be reflected, it is in the best interests of the public to address said costs on the Fee Schedule; and

WHEREAS, it is recognized that the average staff hourly wage has increased since the adoption of the public records policy, and the fees charged for staff involvement in responding to a public records request will continue to increase from time to time;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1) The Public Records Policy is amended to read as shown in Exhibit A, which is attached hereto and incorporated herein by this reference.
- 2) Those specific Departmental documents set forth above shall be exempt from the Public Records Policy, subject to the conditions set forth in ¶ 3 below, and are available from the appropriate Department staff .
- 3) That with regard to the individual Departmental exemptions outlined above, staff are free to make and release copies of the specific individual documents referenced under those exemptions without following the procedures outlined in the Public Records Policy with the exception of Section V. Fees and the Fee Schedule attached hereto as Exhibit B and by this reference incorporated herein, which shall continue to apply to all public records requests.. All other requests shall follow the procedures set forth in the Public Records Policy. Under no circumstances, however, shall staff hand over a file for inspection. Any requests to inspect or review a file as opposed to a request for a specific document will be handled under this Public Records Policy and the file review/inspection

will be under the Custodian's supervision after approval by the Office of County Counsel.

4) All digital data provided in response to a public records request shall be on a diskette, CD or DVD provided by the County, only, and, with the exception of Land Data a second copy made on the same medium and provided to the Custodian of Records for retention for a period of two (2) years.

5) The Assessor's Office is hereby directed to provide Land Data in digital format in response to public records requests, meeting the criteria set forth in this Order and the attached Public Records Policy.

6) Updates, only, to Land Data will not be made available.

7) Until such time as a Data License Agreement has been drafted, any person receiving Land Data in digital format is required to sign a Letter of Intent, a copy of which is attached hereto as Exhibit B.

8) When a Data License Agreement has been prepared and approved by the Board, the Agreement shall replace the Letter of Intent and shall be signed by the Requestor before receiving the data.

9) Responses to public records request shall not be made through electronic mail.

10) The Fee Schedule adopted by Orders No. 51 - 2002 and No. 15 - 2004, is hereby amended by:

a) Adding the costs for a certified copy of a public record and for Land Data available in digital format recently available through the Assessor's Office; and

b) Deleting the entry for "subdivision and partition plat information on compact disc" at the cost of \$250; and

c) Increasing the hourly rate for staff involvement to \$33 per hour, said rate to be pro-rated in 15 minute increments; i.e., \$8.25 for each 15 minutes spent, or portion thereof.

said amended Fee Schedule, attached hereto as Exhibit C, is hereby adopted as part of this amended Public Records Policy.

11) The hourly rate for staff involvement in responding to a public records request shall increase by \$2, annually, effective August 1 of each year.

12) The Fee Schedule may be further amended or repealed hereafter by an order or resolution of the Board of County Commissioners.

13) The Notice of Returned Check Fee, attached hereto as Exhibit D and by this reference incorporated herein, is hereby adopted as part of this amended Public Records Policy.

14) Order No. 51 - 02, Order No. 15 - 2004 and Order No. 2 - 2005 are hereby repealed.

DATED this 10<sup>th</sup> day of August, 2005.


BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:  \_\_\_\_\_

Chair

By:  \_\_\_\_\_

Commissioner

By:  \_\_\_\_\_

Commissioner

Approved as to form

By:  \_\_\_\_\_  
Office of County Counsel

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# EXHIBIT A

## COLUMBIA COUNTY PUBLIC RECORDS POLICY

*[Enacted by Order No. 2-2005; Amended by Order No. 56-2005].*

### I. PURPOSE:

Columbia County recognizes the right of the public to access certain public records maintained by the County in accordance with the Oregon Public Records Law. The County also recognizes that certain records maintained by the County are not public records or may be exempt from public disclosure and that a request to access public records may require a balancing of the right of the public to access the records, individual privacy rights, governmental interests, confidentiality issues and privilege issues. Additionally, when the County responds to requests to inspect or copy records, costs are incurred by the County. This policy is adopted to 1) balance these competing interests; 2) establish an orderly and consistent procedure for responding to requests to access public records; 3) protect requested records and prevent interference with the regular discharge of duties by County staff; 4) support the adoption of a fee schedule\ designed to reimburse the County for the actual costs incurred in responding to public records requests; and 5) inform the citizens of the procedures and guidelines that apply to such requests.

### II. POLICY:

It is the policy of Columbia County to respond in an orderly, consistent and reasonable manner in accordance with the Oregon Public Records Law to requests to inspect or receive copies of public records maintained by Columbia County.

### III. PUBLIC RECORDS:

The County is required to respond to public records requests by Oregon statute. The Federal Freedom of Information Act (FOIA) does not apply, nor do the time frames associated with FOIA. The County must respond to the request within a reasonable time. What is reasonable depends on the size and complexity of the request, available staff time and resources, and whether legal counsel needs to be consulted prior to disclosing requested information.

A public record is "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." ORS 192.410(4).

Any record or information that is handwritten, typed, photographed or otherwise recorded, such as letters, words, pictures, sounds, or symbols, and all papers, maps, files, facsimiles or electronic images or recordings may be a public record. Public bodies are not obligated to create new public records where none exists, or to disclose the reasoning behind the public body's actions. Many requests for information or knowledge are couched as public records requests. A public body does not have to provide knowledge or information, they only have to provide the opportunity to inspect and/or copy public records. If there is a physical object such as a record, letter, file, computer printout, map or other writing, it is likely a public record which can be disclosed unless it falls into one of the exemptions (see § IV, below). If the information doesn't exist in anything that can be obtained, then it is most likely not a request for a public record.

The County is obligated to provide public records in the format that they exist in. If requested public records are readable only with specific programs or computers, the County must make the program or computer available to view the records. If information exists in one format, such as audio tape, the County is not obligated to provide it in another format, such as a written transcript. Of course, the County may provide an alternative format such as a transcript if they wish and the Requestor is willing to incur the charges. This is not applicable to alternative formats to accommodate individuals with disabilities.

Many public records are exempt from disclosure, and most of the exemptions are contained in ORS 192.501 and 192.502. [See § IV, below.]

#### IV. PUBLIC RECORDS EXEMPT FROM DISCLOSURE:

A. SPECIFIC EXEMPTIONS. There are numerous public records which are exempt from disclosure. Many of these exemptions are set forth in ORS 192.501 and ORS 192.502. A few specific exemptions worth special notice are set forth below.

1. Personal Safety Exemption – ORS 192.445(1).  
If an individual requests in writing that a public body not disclose the phone number or address of the individual, the public body is prohibited from disclosing the information if the safety of the individual or family member would be in danger.
2. Public Records Relating to Pending Litigation – ORS 192.501(1).  
If a public body is involved in litigation, or if litigation is reasonably likely in the future, the public records relating to the litigation are exempt from disclosure.
3. Archeological Sites or Objects – ORS 192.501(11).  
Information concerning the location of archeological sites or objects are exempt from disclosure, unless requested by the governing body of an affected Indian tribe.
4. Personnel Discipline Actions – ORS 192.501(12).  
Public records of a discipline action or materials or documents supporting that action are exempt from disclosure.
5. Threatened or Endangered Species – ORS 192.501(13).  
Certain information regarding the habitat, location or population of any threatened or endangered species is exempt from disclosure.
6. Personal Privacy Exemption – ORS 192.502(2).  
Information of a personal nature, such as that kept in a medical or personal file, is exempt from disclosure if disclosure would be an unreasonable invasion of privacy, unless disclosure in is the public interest by clear and convincing evidence. Personal information includes home address, phone number, weight and age.
7. Public Employee Addresses, Dates of Birth and Telephone Numbers – ORS 192.502(3).  
The addresses, dates of birth and phone numbers of public employees and volunteers which are maintained by the public body in personnel files are exempt from disclosure.
8. Confidential Information Submitted by Citizens – ORS 192.502(4).

Information submitted to a public body in confidence and not required to be submitted, where the information should reasonably be considered confidential, and the public body has in good faith obliged itself to keep the information confidential, is exempt from disclosure.

9. Records Deemed Confidential or Privileged under federal or state laws or regulations – ORS 192.502(8) & (9).

Communications between the Office of County Counsel and a County Department or staff person are deemed to be privileged and confidential, and are exempt from disclosure.

10. Social Security Numbers.

No social security number should be disclosed without prior consultation with County Counsel. If a public record contains a social security number, the number should be blacked out prior to disclosure.

B. COPYRIGHTED MATERIAL.

If the Department maintains records which contain copyrighted material, the Department should permit the Requestor to inspect the copyrighted material but should not make or allow someone else to make copies of the copyrighted material without the written consent of the copyright holder.

V. FEES:

A. GENERALLY.

The fee to be charged for providing records in response to a public records request will be in accordance with the Fee Schedule adopted by County which is in effect at the time the request is submitted to County. [See, Exhibit C to the Board of County Commissioners' Order No. 56 - 2005, and amendments or successions thereto.] Such fee shall be reasonably calculated to reimburse County for its actual costs in making the records available and may include:

1. Charges for the time spent by County staff or any County contractor to locate the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure or do not constitute public records, to segregate exempt records, to supervise the requestor's inspection of original documents, 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; and
2. A per page charge for photocopies of requested records.
3. A charge for each medium used for digital data, such as diskettes, CD's or DVD's.

B. EXEMPTIONS. [Order No. 51 - 02]

Exemptions to the attached fee schedule shall be made for:

1. County employees requesting a reasonable number of copies of documents from their personnel file, job descriptions or similar requests;



2. Job applicants when requesting reasonable information related to an official recruitment;
3. Information being exchanged in the normal course of business with other governmental agencies;
4. Reasonable requests from the news media;
5. Indigent clients under the supervision of the Juvenile Department;
6. Members of County advisory committees or other volunteers when the documents being requested are material to an issue under consideration by that committee or volunteer [note: committee members are to provide a copy of the meeting agenda or other information identifying the need for requested material];
7. Property owners needing assistance from the Assessor's or Tax Office on matters related to their own property and as approved by the Assessor;
8. Documents the County is required to distribute for Board or Planning Commission hearings; and
9. Agendas or other notifications for County meetings.

C. RETURNED CHECKS. [Order No. 51 - 02]

Department Heads are to inform any party who has previously paid for fees with a check that was returned for non-sufficient funds or for any other reason that they will be required in the future to pay all fees with cash, a cashier's check or money order.

A charge of \$35 will be assessed for each check returned for non-sufficient funds, and each Department shall post notice of this charge in a conspicuous place readily seen by the public said [see, Exhibit D to Order No. 56 - 2005 and amendments and successions thereto].

D. NOTICE TO REQUESTOR OF FEES.

Upon receipt of a public records request, staff shall immediately advise the individual making the request of the County's fee policy, to include notice of the amount that will be charged for hourly staff research time and per-page photocopy or printing costs, or disc(s) if providing digital data.

The County will prepare an estimate of the charges that will be incurred to respond to a public records request. Prepayment of the estimated charges is required before copying any of the requested records or making the records available for inspection or copying. Staff shall advise the individual making the request that payment of the estimated amount is required before the County begins to incur the expense through staff research time, photocopying, printing, etc. If the actual costs incurred by County to respond to a records request are less than the amount of any required prepayment, the overpayment will be refunded promptly to the person or entity making the prepayment. If the actual costs incurred by County to respond to the request are more than the amount of the prepayment, County shall charge the requestor for all such additional

costs.

Actual expenses incurred over the estimated amount shall be collected before the project is given to the individual making the request. Reimbursement of any overpayment to the County shall be mailed to the individual within 30 days. [Order No. 51 - 02]

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E. ELECTRONIC / DIGITAL RECORDS. [Order No. 51 - 02]

1. Generally. When the Requestor desires to have the County respond by providing digital data, it shall be provided on diskette(s), CD(s) or DVD(s) which are provided by the County – personal discs are not allowed. The County will not respond to such requests by forwarding documents or data via electronic mail.
2. Complex Matters. When a public records request is made for production of records stored electronically which will, by necessity, require the involvement of the Information Technology Department and/or an outside vendor with related computer expertise, the party making the request shall be responsible for covering all costs, including hours worked and expenses incurred. The County may choose to utilize an outside contractor to respond to such a request.

- > Records will be produced electronically only if it is reasonable and feasible to do so. Certain applications may not easily transfer information into a readable form. In these specific cases, records will be produced by hard copy.
- > Records that are available to be produced electronically will be produced on the available media. For instance, most employees do not have access to produce records on compact disc. In these specific cases, records will be produced electronically in the form that is readily available.
- > Records produced on electronic media will only be produced on media supplied by the County, except for audio tape records as described in the Fee Schedule, Section II.D.

- F. WAIVER OF FEES. Unless otherwise prohibited by law, County may, at County's discretion, furnish copies of requested records without charge or at a reduced fee if County determines that the waiver or reduction of fees is in the public interest. [Order No. 51 - 02]

VI. PROCEDURE:

The following procedures shall be followed in responding to requests to inspect or receive copies of public records maintained by Columbia County:

- A. CUSTODIAN OF THE RECORDS. The Secretary to the Board of County Commissioners is designated the Custodian of the Records ("Custodian") for all public records in the custody of the County regardless of which County Department the record may be found in. In her or his absence, the Paralegal in the Office of County Counsel shall serve as alternate Custodian.
- B. REQUEST IN WRITING. A request to inspect or obtain copies of a public record in the custody of the County must be made in writing. Persons are encouraged to use the standard Public Records

Request Form (see Form A attached hereto) provided by the County, although other forms of written requests will be accepted if all the information required on the standard form is provided.

- C. EXEMPTION FROM COUNTY POLICY. Subject to approval by the Board of County Commissioners, any Department Head may establish a separate Departmental policy to allow verbal or written requests to be made direct to the Department for public records maintained by the Department which are routinely requested by members of the public as part of the Department's regular work. For instance, tax statements being requested by the property owner; applications for permits.
- D. DELIVERY OF WRITTEN REQUEST. The written request shall be delivered directly to the Custodian by the Requestor. Delivery can be in person, by mail, by facsimile or via electronic mail, and shall be directed to: The Custodian of the Records, Columbia County, 230 Strand, Room 331, St. Helens, OR 97051; 503.397.4322 (office); 503.397.7243 (fax); custodian@co.columbia.or.us.
- E. CUSTODIAN DUTIES.
  - 1. Date stamp receipt of the written Request;
  - 2. Attach a Staff Instruction Form, a form Denial Letter and a Final Cost Report (see, Forms B, C and D attached hereto) to the Request and immediately forward one copy to the appropriate Department and one copy to the Office of County Counsel (retain original in permanent record);
  - 3. Contact Requestor within five business days to 1) advise of the estimated costs involved in fulfilling the request (the Department's designated staff person should forward that information to the Custodian within that time frame); or 2) that additional time is needed to locate the records and/or prepare the estimate; or 3) that the request to inspect the public record(s) is being denied as the record(s) is/are exempt from disclosure, and that a letter explaining the basis of the denial will be sent.

***[Note: No further work should be spent on the request until these costs have been paid.]***

- 4. Contact the designated staff person to advise that the estimated costs have been paid and that s/he should proceed to ready the public record(s) for inspection or to make copies.
- 5. Once the public records are received, contact the Requestor and arrange for inspection of the original public record(s), or for Requestor to pick up the copies, or to confirm the copies are to be mailed, and advise of the final cost which must be paid before inspection proceeds or the copies are handed over.
- 6. With the exception of documents from the Human Resources Department, if an inspection of original public record(s) occurs, the Custodian shall be present at all times to supervise the inspection and to ensure that no documents are removed, destroyed or otherwise tampered with. With regard to documents requested from the Human Resources Department, the Human Resources Director or his/her designee shall supervise the inspection.
- 7. If the request is for Land Data, the Requestor shall be required to sign a Letter of Intent before receiving the data. This Letter of Intent will be forwarded by the Custodian to the Request by electronic mail so that the Requestor can print the Letter using appropriate letterhead. If

the Requestor does not have electronic means available, the Custodian can fill in the required data before the Letter is signed. Once a Data License Agreement has been drafted and approved, the Agreement shall replace the Letter of Intent and shall be signed by the Requestor before receiving the data.

8. If request was for certified copies, attach the Certification (see, Form E, attached) to the copies before releasing or mailing them. The Certification is to be completed and signed by the person actually making copies from the original.
9. If the request is being denied, the Custodian should prepare a written explanation of the denial (see, Form C, attached) based upon information provided by the Department Head and the Office of County Counsel, and shall forward the denial to the Requestor (see, § VI. Procedure, ¶ H., Denial, below).
10. The Custodian shall establish a system to monitor each step of the process in responding to each request to inspect public records(s) to insure that the Requestor is responded to within a reasonable time frame, and shall maintain a copy of each Request and corresponding records related to the County's response, including notes of each contact with the Requestor.

F. DEPARTMENTAL DUTIES.

1. The Department Head shall review the written Request received from the Custodian and designate one staff person to respond to the Request.
2. The designated staff person shall keep a record of his/her time spent in responding to the request and any applicable costs (see, §V., Fees, above).
3. The designated staff person shall conduct a review to determine what public records, if any, exist which are responsive to the request and to determine if any responsive records may be exempt from disclosure. The Department is not required to compile information or create documents related to the requested public record.
4. Once it is determined what responsive public records, if any, exist, the designated staff person should review the request and make an estimate of the expected costs in complying (see Staff Instructions / Estimate, Form B, attached), forwarding a copy of the estimate to the Custodian and the Office of County Counsel at the earliest opportunity. If this cannot be completed within four (4) business days, the Custodian should be advised.

[Note: No further work should be spent on the request until these costs have been paid.]

5. When the Custodian has advised that the estimated costs have been paid, the designated staff person should proceed to prepare the original public record(s) for inspection (see, ¶ 6, below), or make the photocopy of the record(s) if copies have been requested, or download digital data requested( making two duplicate copies).
6. Inspection of public records.
  - > Staff shall not, under any circumstance, hand over a file for inspection. Staff shall review the entire file and segregate any items believed to be exempt from disclosure (to

include any communications to or from County Counsel's office) by placing them in a separate folder. The file and segregated documents shall be delivered to County Counsel's office.

- > Any requests to inspect or review a file will always be handled under this Public Records Policy and the file review/inspection will be under the Custodian's supervision after approval by the Office of County Counsel.
  - > The hard copies of documents responsive to a request shall be delivered to the Custodian.
  - > Delivery of hard copies or files by the staff to the Custodian or County Counsel's office shall be accompanied by a report of the final costs incurred by staff in responding to the request. When the Final Cost Report is received, time spent by the Custodian or County Counsel's office should be added to arrive at the total cost.
  - > With the exception of Land Data [see, Order No. 56 - 2005 for description], digital data provided in response to a public records request shall be on a diskette, CD or DVD, and a second copy made on the same medium and provided to the Custodian of Records for retention for a period of two (2) years.
7. With the exception of Land Data, digital data provided in response to a public records request shall be on a diskette, CD or DVD which is provided by the County, and a second copy made on the same medium and provided to the Custodian of Records for retention for a period of two (2) years.
8. The hard copies or digital data shall be forwarded to the Custodian and original public records maintained in a file, with materials deemed exempt from disclosure segregated in a separate file, shall be delivered to County Counsel's office. A final report of costs incurred by designated staff shall accompany the materials (see, Final Cost Report, Form D, attached).
- G. PLACE AND TIME OF INSPECTION. County shall provide a reasonable opportunity for the inspection, examination or copying of requested public records which are not exempt from disclosure. Any inspection, examination or copying of requested records shall take place in County offices during regular County business hours as determined by the Custodian. *Inspection of files is only allowed under the supervision of the Custodian after approval of the Office of County Counsel or the Human Resources Director.*
- H. DENIAL OF PUBLIC RECORDS REQUEST.
- 1. Review by Counsel. Should either the Department Head or the designated staff person suspect there to be public records involved which are, or may be, exempt from public disclosure, the Office of County Counsel should be advised and given an opportunity to review the records and make any redactions needed before the records are released for inspection or copying.
  - 2. Denial. If the Department or Counsel denies a public record request, a written Denial of Request for Access to Public Record form (see, Form C, attached) should be completed and forwarded to the Custodian citing the statute which exempts the record(s) from disclosure

and providing a brief explanation as to how the exemption applies to that particular record(s). A Petition to Review Denial of Request (see, Form F, attached) should be enclosed.

3. Appeal. If a public record request is denied, the requestor may appeal the decision to the District Attorney with a copy to the Office of County Counsel (see, Form E, attached). A copy of the decision of the District Attorney should be forwarded to the Department Head and the Office of County Counsel. If the District Attorney determines that disclosure is appropriate, the Department can disclose the records or the County can challenge the District Attorney's decision in court.

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**COLUMBIA COUNTY  
PUBLIC RECORDS REQUEST  
[Standard Form]**

[Enacted by Order No. 2 - 2005; amended by Order No. 56 - 2005]

**REQUESTOR INFORMATION:**

Date of Request: \_\_\_\_\_

Request is for:  inspection of public records  hard copies of records  digital copies of records

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

eMail Address: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Preferred Method of Contact:  Mail  Phone  eMail

If available, do you wish to get a certified copy of the public records requested? [Please note that there will be additional charges for this service.]  Yes  No

**PUBLIC RECORD INFORMATION:**

Designate County Department from which records are requested. \_\_\_\_\_

What type of records are you requesting? (E.g., annual report, aerial photos, meeting minutes, correspondence, staff reports, etc.) Be as specific as possible. [If you need more room, please attach additional sheets of paper.]

\_\_\_\_\_  
\_\_\_\_\_

For what time frame? (July 1994 to present; most current; last two years, etc.) \_\_\_\_\_

Please provide any additional details that will aid in quickly locating the documents you are requesting (e.g., permit or application numbers; tax account numbers; project name; owner's name; property address, etc.)

\_\_\_\_\_

NOTE: Public records are writings containing information relating to the conduct of the public's business. Writings include handwritten, typed, photographed, electronic or otherwise recorded words, letters, pictures, sounds, symbols or combinations of any of these mediums. ORS 192.410. There are numerous exceptions to the public records laws which allow a public body to refuse to disclose public records. ORS 192.501, 192.502. Public bodies are not required to explain or answer questions about their public records, nor are they required to create public records where none exist. Public bodies are required to make available for inspection and copying, subject to any applicable exemptions, only those records that exist at the time of the request.

**COST INFORMATION: [TO BE COMPLETED BY CUSTODIAN OF RECORDS]**

>	Estimated Costs:	\$ _____	Date Paid: _____
>	Requester notified of estimated costs on	_____	
>	Final Costs:	\$ _____	Date Paid: _____

INSTRUCTIONS: The County may need five business days to initially respond to your request. The first contact from the Custodian of the Records will be to advise of the estimated costs involved in fulfilling your request, which must be prepaid before any further work is performed in completing your request. No public record request will be processed absent prepayment of the estimated cost. Once paid, the Custodian will contact you 1) when the records you requested are ready for your review; or 2) to provide a date when the records can be reviewed or picked up; or 3) to advise that the request is being denied. If the County denies your request to review the public record(s), a written explanation of the reason for denial will be forwarded to you by the Custodian within a reasonable amount of time.

Full payment of the total amount of costs incurred is required before the public record(s) is/are inspected or copies are released. YOU WILL BE REQUIRED TO PAY THE COSTS OF PROCESSING YOUR PUBLIC RECORDS REQUEST EVEN IF NO RECORDS ARE FOUND, OR IF THE RECORDS ARE EXEMPT FROM DISCLOSURE.

Most records are available for public inspection but are Columbia County property. NOTHING CAN BE ALTERED, ADDED OR REMOVED FROM THESE RECORDS. Photographing documents or sending documents or data via electronic mail is not permitted. Allowing the inspection and/or copying of public records in the custody of Columbia County is not meant to waive or restrict any copyright, proprietary, confidentiality, privilege, exemption from disclosure, or other rights in said documents.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS. and further agree to pay the cost of fulfilling this Public Records Request according to the conditions set forth above and the Public Records Policy adopted by Order No. 56 - 2005, or any amendment thereto or revision thereof by the Board of County Commissioners. These costs may include the cost of locating records, reviewing records to delete exempt material, supervising the inspection of records, copying records, certifying records and mailing records, including the cost of searching for records regardless of whether staff was able to locate the requested records.

\_\_\_\_\_  
[Signature of Requestor]

\_\_\_\_\_  
[Date]

NOTES OF CUSTODIAN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

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PUBLIC RECORDS REQUEST  
STAFF INSTRUCTIONS, COST ESTIMATES  
[For completion by Department Staff]

PRELIMINARY INQUIRIES

- ~ Is this a request for public records, as opposed to information? [For example, a record is something you could go find, such as a report, map, deed, letter, computer printout or file, and either obtain a copy or allow the requestor to view it. If no public record exists, we are not obligated to create one.] If this is a request for information, immediately advise the Custodian of the Records that no public records exist.
  
- ~ Does the request appear to request records which this Department maintains? If not, advise the Custodian that your Department maintains no such public records and, if known, where the records are believed to be maintained.
  
- ~ Is the request simple or complex? If it is complex, unusual or requests records which appear to be exempt from disclosure, the Office of County Counsel should be consulted.

ESTIMATE CHARGES

- A. \$ \_\_\_\_\_ Estimated cost to locate records, separate non-disclosable records, delete confidential information, make copies, certify copies, organize, tailor or compile records. [If request is expected to take 14 minutes or less, there is no charge.]  
Estimated staff time: \_\_\_\_\_ hours X \$30.00 per hour = \$ \_\_\_\_\_
- B. \$ \_\_\_\_\_ Estimated cost for the Office of County Counsel to review request.  
Estimated staff time: \_\_\_\_\_ hours X \$30.00 per hour = \$ \_\_\_\_\_
- C. \$ \_\_\_\_\_ \*Estimated copies: \_\_\_\_\_ pages X 25¢ per page = \$ \_\_\_\_\_  
\* If only inspection of the public record(s) has been requested, an estimate of photocopy costs need not be made.
- D. \$ \_\_\_\_\_ Estimated certified copies: \_\_\_\_\_ documents X \$8 @ document = \$ \_\_\_\_\_
- E. \$ \_\_\_\_\_ Additional fees: (e.g., oversize copies, electronic records, audio tapes, certain finance/assessment/taxation/election documents) consult the current Columbia County fee schedule. Also special request fees, such as mailing public records to Requestor, add actual cost of mailing plus staff time.
- \$ \_\_\_\_\_ Total estimated charges for responding to public records request.

THIS AMOUNT MUST BE PAID PRIOR TO FURTHER PROCESSING THIS PUBLIC RECORDS REQUEST. ONCE RECORD CUSTODIAN HAS ADVISED PAYMENT HAS BEEN RECEIVED, REMEMBER TO TRACK ALL TIME AND EXPENSES INCURRED IN RESPONDING TO THE REQUEST (see, Final Costs, Form E), WHICH SHOULD BE DELIVERED TO THE CUSTODIAN WITH THE REQUESTED PUBLIC RECORD(S).

\_\_\_\_\_  
[Designated Department Staff]  
S:\COUNSEL\BOC\PUB REC\FORMS\FORM B - STAFF INSTRUCT EST.wpd

\_\_\_\_\_  
[Date]

[When form completed, retain original and send copies to Custodian & Office of County Counsel]



# BOARD OF COMMISSIONERS

230 Strand Street, Rm 331, St. Helens, Oregon 97051-2096 \*Ph: 503-397-4322\*Fax 503-397-7243

Commissioner Anthony Hyde  
Commissioner Joe Corsiglia  
Commissioner Rita Bernhard  
Jan Greenhalgh, Board Secretary

([hydet@co.columbia.or.us](mailto:hydet@co.columbia.or.us))  
([corsigi@co.columbia.or.us](mailto:corsigi@co.columbia.or.us))  
([bernhar@co.columbia.or.us](mailto:bernhar@co.columbia.or.us))  
([greenhj@co.columbia.or.us](mailto:greenhj@co.columbia.or.us))

August 10, 2005

## DENIAL OF REQUEST FOR ACCESS TO PUBLIC RECORD

The County of Columbia has this date received the request of \_\_\_\_\_  
\_\_\_\_\_ for access to one or more public record(s).

In response to this request, the County is refusing to allow inspection or copying of  
\_\_\_\_\_  
\_\_\_\_\_ [identify public record(s)]. This material is being withheld pursuant to ORS  
192.501 / 192.502 [circle one], paragraph \_\_\_\_\_.

A brief explanation of how this exemption applies is as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

This/these exemption(s) authorize withholding of all, or specific, portions of the public record. The public record to which access was requested is exempt from disclosure requirements. Therefore, the request for access to the above described record is denied.

### CERTIFICATION

I certify that on the \_\_\_ day of \_\_\_\_\_, 2005, I hand delivered / mailed by certified mail, return receipt requested [circle one], to \_\_\_\_\_  
\_\_\_ at \_\_\_\_\_, Oregon, the Denial of Request for Access to a Public Record(s) on which this Certification appears.

Dated: \_\_\_\_\_, 2005.

\_\_\_\_\_  
Jan Greenhalgh, Custodian of the Records

Note: this decision can be appealed by filling out and delivering the enclosed Petition to Review Denial of Request to the Columbia County District Attorney.



OREGON

# BOARD OF COMMISSIONERS

230 Strand Street, Rm 331, St. Helens, Oregon 97051-2096 \*Ph: 503-397-4322 \*Fax 503-397-7243

Commissioner Anthony Hyde  
Commissioner Joe Corsiglia  
Commissioner Rita Bernhard  
Jan Greenhalgh, Board Secretary

[\(hydeta@co.columbia.or.us\)](mailto:hydeta@co.columbia.or.us)  
[\(corsigj@co.columbia.or.us\)](mailto:corsigj@co.columbia.or.us)  
[\(bernhar@co.columbia.or.us\)](mailto:bernhar@co.columbia.or.us)  
[\(greenhji@co.columbia.or.us\)](mailto:greenhji@co.columbia.or.us)

## CERTIFICATION [True Copy(ies)]

I certify that

1) I have compared the attached / foregoing [circle one] \_\_\_\_\_

\_\_\_\_\_ [identify document(s)] consisting of \_\_\_\_\_ page(s) with the original in this office,

2) I am the Custodian of Records, and

3) The attached / foregoing [circle one] is a true and correct copy.

Dated at St. Helens, Oregon, this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
[Signature of staff person making copies]

\_\_\_\_\_  
[Print name of staff person making copies]

[Note: Certified copies must be provided upon demand, if the record is of a nature permitting such copying. This statement on a cover sheet or the last sheet of the copy constitutes a certification].

PUBLIC RECORDS REQUEST  
FINAL COST REPORT  
[For completion by Department Staff]

Final report of costs incurred in responding to request made by \_\_\_\_\_ to access public records:

- A. Cost to locate records, separate non-disclosable records, delete confidential information, make copies, certify copies, organize, tailor or compile records. [If request is expected to take 14 minutes or less, there is no charge.]  
Department staff time: \_\_\_\_\_ hours X \$30.00 per hour = \$ \_\_\_\_\_
  - B. Cost for the Office of County Counsel to review request.  
Counsel staff time: \_\_\_\_\_ hours X \$30.00 per hour = \$ \_\_\_\_\_
  - C. Actual number of copies made: \_\_\_\_\_ pages X .25¢ per page = \$ \_\_\_\_\_
  - D. Costs for certified copies: \_\_\_\_\_ documents X \$8 @ document = \$ \_\_\_\_\_
  - E. Additional fees: consult the current Columbia County fee schedule. (e.g., oversize copies, electronic records, audio tapes, certain finance/assessment/taxation/election documents). Also, special request fees, such as mailing public records to Requestor, add actual cost of mailing plus staff time. = \$ \_\_\_\_\_
  - F. Cost for the Custodian of the Records to handle request.  
Custodian time: \_\_\_\_\_ hours X \$30 per hour = \$ \_\_\_\_\_
- TOTAL CHARGES FOR RESPONDING TO PUBLIC RECORDS REQUEST. \$ \_\_\_\_\_

THIS AMOUNT MUST BE PAID PRIOR TO INSPECTION OF THE REQUESTED PUBLIC RECORDS OR OBTAINING PHOTOCOPIES OF SAME.

\_\_\_\_\_  
[Designated Department Staff]

\_\_\_\_\_  
[Date]

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[When form completed, retain original and send copies to Custodian & Office of County Counsel]

PETITION TO REVIEW DENIAL OF REQUEST  
FOR ACCESS TO PUBLIC RECORD(S)  
UNDER ORS 192.450 & 192.460

TO: COLUMBIA COUNTY DISTRICT ATTORNEY

I (we), \_\_\_\_\_, the undersigned, request the District Attorney of Columbia County to order Columbia County and its staff to make available for inspection / produce a copy or copies of [circle one] the following records:

1) \_\_\_\_\_  
\_\_\_\_\_ [name/description of record].

2) \_\_\_\_\_  
\_\_\_\_\_ [name/description of record].

I (we) asked to inspect and/or copy these records on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, at the Columbia County Courthouse, 230 Strand, St. Helens, OR 97051. The request was denied by Jan Greenhalgh, Custodian of Records for Columbia County, Oregon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Phone Number)

**LETTER OF INTENT**

(TO BE EXECUTED BEFORE RELEASE OF LAND DATA IN DIGITAL FORMAT]

(To be placed on letterhead of person/entity requesting Land Data)

TO : Columbia County Tax Assessor  
FROM : \_\_\_\_\_ (Your or your organization's name here)  
RE : Letter of Intent to Sign Data Sharing Agreement with Columbia County  
DATE : \_\_\_\_\_ (Enter date this letter is signed below)

This letter represents an agreement by \_\_\_\_\_ (enter your name or the name of your business, governing body, board, council or entity authorized to commit your agency), hereinafter "the Requestor", to sign a Data Sharing Agreement with Columbia County regarding the digital data received from the County pursuant to a public records request, and any subsequent use of that data, once the Data Sharing Agreement has been completed by the County and is available for execution.

In addition, the Requestor, its officers, directors, shareholders, employees, agents, insurers, attorneys, successors, predecessors, and/or any and all persons or entities in interest with them, if applicable, understands and agrees as follows:

1. That the digital data provided is for informational purposes and may not have been prepared, nor suitable, for legal, engineering, or surveying purposes;
2. That the primary data and/or information source(s) should be reviewed or consulted to ascertain the usability and/or reliability of the data provided;
3. The Requestor agrees to release, defend, indemnify and hold harmless the County, its officers, agents and employees, successors and assigns, from all claims, suits, actions, liability, damage, loss, cost or expense, including but not limited to attorneys fees, pertaining to the data received, including any errors, omissions or misinterpretations;
4. That the use of this information will be for personal and/or internal business purposes only, and will not be sold or transferred to any other person or entity; and
5. That copies of the data received from the County will not be provided, in any form, to any other entity, including any person, agency, organization, governmental body or the like.

Sincerely,

\_\_\_\_\_  
(Your signature or the signature of the person with authority to bind your organization)

\_\_\_\_\_  
(Type/print name and title, if applicable, here)

Exhibit "C" to Order No. 56 - 2005  
**COLUMBIA COUNTY FEE SCHEDULE**

- I. **RESEARCH FEES / STAFF TIME:** Any time required of a County employee to research, duplicate, format or produce documentation or information responsive to a public records request shall be charged as follows:
- Up to fourteen (14) minutes ..... Free of Charge
  - Fifteen (15) Minutes or Longer ..... \$ 33.00 per hour charged in 15 minute increments

**GENERAL DOCUMENT FEES:** [see Public Record Policy, Section V, and Sections III & IV, below, for Exceptions]:

- A. **PHOTOCOPIED / PRINTING STANDARD COMPUTERIZED DOCUMENTS (NO FORMATTING):**
- ▶ Staff Involvement ..... \$ .25 per page
  - ▶ Without Staff Involvement ..... \$ .10 per page
  - ▶ Clerk's Office Photocopies ..... \$ .25 per page
  - ▶ Property Assessment & Taxation Print-out: ..... Free to Property Owner; for all others, see charges in 1 and 2 above
  - ▶ Certified Copies are an additional ..... \$ 8.00 per document
- B. **FAX SENT** ..... \$ 1.00 + \$.25/page  
(Billed on fax cover page; nonpayment results in no further fax privileges w/o advance payment)
- C. **DIGITAL** (Word Processing/Spreadsheet)
- ▶ Diskette (floppy) ..... \$ 5.00
  - ▶ CD or DVD (if burner is available) ..... \$10.00
- D. **AUDIO TAPES** (Transcripts, etc.)
- ▶ If Blank Tape Provided ..... \$5.00
  - ▶ If County Provides Tape ..... \$10.00
- E. **SHIPPING & HANDLING** ..... Actual Cost

III. **SPECIFIC FINANCE DOCUMENTS:**

- ▶ Audit, Printed Only ..... \$15.00
- ▶ Budget, Printed Only (After Presentation Only) ..... \$25.00
- ▶ Electronic Format (Approved/Adopted Budget Only) ..... \$10.00

IV. **MISCELLANEOUS ASSESSMENT/TAX/ELECTIONS DOCUMENTS:**

- A. **PRINTED REPORTS**
- ▶ Standard Format (Pre-programed) ..... \$ .25 per page
  - ▶ Mailing Labels ..... \$ 60.00 plus \$.0043/label
  - ▶ Jury List ..... \$ 50.00
  - ▶ ODOT City Map ..... \$ 1.50
  - ▶ Precinct District Map ..... [16.25" x 19.5" = \$ 7.50] [34" x 38" = \$ 15.00]

- II. **ELECTRONIC REPORTS/OTHER RECORDS**
- 1) General Information requested in electronic format; ..... \$ 10.00 plus staff time  
i.e., diskette, CD or DVD (if available) ..... as specified in Section I

- III. **COMPUTER PROCESSING CHARGES** ..... \$ 20.00 per hour  
Any computer processing time from the PICLAN system in excess of 15 minutes will result in this extra charge, plus staff time as specified in Section I.

IV. **ADDITIONAL CHARGES**

Any computer programming or formatting of reports needed before responding to public records request will result in an extra charge consisting of the actual staff time and programming costs to the County.

V. **\*LAND DATA IN DIGITAL FORMAT [MEDIUM PROVIDED BY COUNTY, ONLY]:**

- A. **Assessor's Records:**
- 1) Tax Lot Map TIFF Images (requires 1 CD) ..... [To be determined]
  - 2) County wide Digital ORTHO Photography in County's projection (requires 1 DVD) ..... [To be determined]
- B. **County Clerk's Records:**
- 1) Images of all Plats, Subdivisions & Partition Plats (requires 1 DVD) ..... \$ 70.00
- C. **GIS Data:**
- 1) Tax Lot Shape files (requires 1 CD) ..... [To be determined]
  - 2) Tax Lot Attribute data. Requires 1 CD) ..... [To be determined]
  - 3) Tax Lot Shape files with Linked Tax Lot Attribute data (requires 1 CD) ..... [To be determined]
- D. **LDS Records:**
- 1) Zoning Maps. [Incomplete at this time, should be finished this year] ..... [To be determined]
- E. **Surveyor's Records:**
- 1) Images of all Survey records (requires 2 DVDs) ..... \$110.00
  - 2) Survey Records Index and documentation (requires 1 CD) ..... \$40.00
  - 3) All Survey images w/ Survey Index (requires 3 DVDs) ..... \$110.00
- [Note: images of Plats, Subdivision & Partition Plats from Surveyor's office are unavailable at this time. If images of plats are desired, see ¶ C., "County Clerk's Records" above.

\* Costs of Land Data in digital format include staff time and disc price, and may vary according to data provided.

# NOTICE

A \$35.00 fee will be charged for each check returned for non-sufficient funds or other reasons.