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METRO OFFICE GENERAL COUNSEL

EXECUTIVE ORDER NO. 51 Renumbered 54 as of 10/02/95

EFFECTIVE DATE: August 1, 1994

SUBJECT: PUBLIC RECORD REQUESTS: PROCEDURES AND FEES

The purpose of this Executive Order is to set forth procedures and establish charges related to fulfilling requests for inspecting and copying public records under Oregon's Public Records Act.

## I. GENERAL

Under ORS 192.420 "every person" has a right to inspect any nonexempt public record of a public body in this state. Public records include any writing containing information relating to the conduct of the public's business, prepared, owned, used or retained by a public body regardless of physical form or characteristics. Documents and other information stored electronically in computers or otherwise are public records. Records need not have been prepared originally by the public body to qualify as public records. However, the Public Records Law does not impose on public bodies the duty to create public records, i.e., especially in the area of computer records. A public body is not obligated to manipulate the data in a computer in order to produce documents that would not ordinarily be produced.

Information contained in Metro's Regional Land Information System (RLIS) is exempt from the Public Records Act and the charges specified in this Order are not applicable to requests for RLIS data.

There are numerous other types of records that are exempt from the disclosure requirements of the Public Records Act. Departments that wish to assert exemptions from the Act and prohibit inspection and disclosure may do so only with the specific approval of the Office of General Counsel.

## II. PROCEDURES FOR FULFILLING REQUESTS FOR PUBLIC RECORDS

- A. In compliance with ORS 192.410, Metro shall provide any person with the opportunity to inspect or have copied any public record of Metro during regularly scheduled business hours from 8:30 a.m. to 4:30 p.m., Monday through Friday (excepting holidays).
- B. Each Metro department shall designate one contact person through which requests for public records are channeled. The contact person can if needed, forward the request on to other employees who can ultimately fill the request, however, the designated contact person should ensure that all requests are fulfilled in a timely manner in accordance with ORS 192.410, and that the

billing and charges for the request (if any) have been completed, and payment received. The name of the contact person should be forwarded to the Executive Officer and the General Counsel.

- C. Adequate time shall be given to retrieve requested records, not to exceed seven (7) business days without explanation to the requester of delay.
- D. All requests for inspection of public records require the requester to complete an Inspection of Public Records form. The form shall be prepared and distributed by the Department of General Services.
- E. Requesters of Metro's public records shall conform to the following procedures and guidelines:
  - 1. No public records will be loaned for use outside of Metro's offices.
  - 2. Citizens shall inspect records only in the presence of an employee of Metro.
  - 3. No persons shall smoke, drink or eat while inspecting the public records.
  - 4. Patrons shall use only a pencil when making notations, shall not mark the public records, and shall maintain the original order of the public records consulted.
  - 5. Patrons shall not alter, mutilate or otherwise deface public records.
  - 6. Patrons shall not remove from the areas of study any public records or other materials in the official custody of Metro.
- F. Departments seeking permission from the Office of General Counsel to deny access to records based on an authorized exemption must do so immediately upon receipt of a request.

### III. CHARGES FOR FULFILLING REQUESTS FOR PUBLIC RECORDS

Free Publications: A number of Metro publications, flyers, brochures, agendas, mailers, and other items are produced for public distribution. The intent in the production is to disseminate information. These items are freely distributed until the produced quantity is gone. No charges shall be made for such publications distributed on this basis. Requests for such publications after the available stocks are used up, and after the initial working need at Metro is completed, shall be charged for at the public document chargeable rate.

Chargeable Publications: Publications such as booklets, workbooks, educational packages, videos, maps, data base information and other medium, etc., which have been developed to be marketed as a salable product with a publication charge or purchase price shall be charged for at the price established by the department director at the time of development, publication or reprint. Copies made for requests received when no inventory of such documents exists shall be charged at the regular public document rate.

Public Document Charges for All Other Public Records: Requests for public records shall be charged staff time regardless of whether or not the documents are located and duplicated. Contact persons and those persons filling requests shall inform the requester of the estimated staff time and materials charge prior to filling the request.

Requests for public records which are filled by clerical staff will be charged for clerical time plus costs of materials used. Such charges shall be established by the Department of General Services each fiscal year. Requests which require professional staff will be charged at actual costs of hourly salary or wage, fringe rate, and overhead rate in effect at the time the request is filled, plus material charge. The General Services Department will distribute copies of the schedule of changes to all departments as they are established or amended.

- A. Clerical time is established as the fourth step salary currently in effect for an AFSCME secretary plus average fringe rate plus average total overhead rate for Metro.
- B. Material is established as the actual cost of the material (computer disk, video, mailing label, etc.), and/or the cost of per impression printing or duplicating on a copier. The General Services Department shall review the per impression rate and hourly time charge each fiscal year, and adjust the chargeable rate if necessary. Departments will be notified by memorandum from the General Services Director of the current charges in effect.

Paper Copies:

1. Single copies (1 page) printed single- or double-sided are free if readily available from Metro files and do not take any longer than five minutes to locate and produce;
2. Otherwise, all copies are to be charged for at the current per impression rate established by the General Services Department plus clerical time spent. A double-sided copy will be considered as two impressions.

Computer Generated Data:

Requests for data or computer-generated mailing lists shall be charged for on the time and materials basis at the rate for clerical or professional.

Waiver of Charges for Public Documents:

Department directors may waive charges for public documents produced for other government bodies, and educational institutions. The Executive Officer or his/her designee may waive charges on written request.

ORDERED by the Executive Officer this 1 day of August, 1994.

  
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Rena Cusma, Executive Officer

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# M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1797



**METRO**

TO: All Metro Departments

FROM: Scott Moss, Assistant Director, ASD *Scott*

DATE: February 23, 2000

RE: Supplement to Executive Order on Public Records Requests #54 — Procedures and Changes for Year 2000

## Procedures:

1. One contact person shall be designated from each Department to fulfill requests for public records.
2. The request shall be filled within seven (7) business days. Any delay must be explained, in writing, to requestor.
3. Requests for public records shall be charged staff time regardless of whether or not the documents are located and duplicated. The requestor should be informed of the estimated staff time and materials charge prior to filing the request.
4. Paper Copies: Single copies (1 page) printed single or double sided are free if readily available from Metro files and do not take any longer than five (5) minutes to locate and produce. Additional copies are charged at ten cents (\$.10) per copy, plus clerical time spent. A double-sided copy counts as two copies.
5. Computer Generated Data: Requests for data or computer generated mailing lists shall be charged the clerical or professional time, plus materials. **Note:** A public records request for computer data does not obligate the public agency to manipulate data to produce documents that would not ordinarily be produced.
6. Waiver of Charges: Department directors may waive charges for public documents produced for other government bodies and educational institutions. The Executive Officer or his/her designee may waive charges on written request.

## CHARGES FOR 2000 (or until superseded)

Clerical Time	\$29 per hour (includes fringe benefits and overhead)
Professional Time	\$42 per hour (includes fringe benefits and overhead)
Management Time	\$67 per hour (includes fringe benefits and overhead)
Copy Charges	10 cents per impression (a double sided copy counts as two (2) impressions)
Computer Disks	3 1/2" \$1.00
Postage	33 cents or actual cost



# METRO

## REQUEST FOR PUBLIC DOCUMENTS

Date \_\_\_\_\_

Name \_\_\_\_\_

Phone No. \_\_\_\_\_

Mailing Address \_\_\_\_\_  
Street City State Zip

List of Records Requested for Review:

Request Filled  
 Request Not Filled

Reason Request Not Filled:

Metro Contact Person \_\_\_\_\_

Request Filled By \_\_\_\_\_

### CHARGES: (Fill in the Blank Boxes)

Hourly Chargeable Rate		Divided by	60 minutes	X	No. of Minutes to Fulfill Requests	=	Time Charge
<input type="text"/>			<input type="text"/>		<input type="text"/>		\$ <input type="text"/>
		Per Copy Charge	\$ .10	X	No. of Copies	=	Materials Charge
			<input type="text"/>		<input type="text"/>		<input type="text"/>
						Postage	\$ <input type="text"/>
					Add Time Charge And Material Charge	TOTAL CHARGE	\$ <input type="text"/>

Payment Made by:  Check  Cash  Invoice (Accounting will invoice only for amounts over \$25.00)

Forward a copy of this form plus payment, or Request for Invoice, to Accounting. Include departmental revenue code below

Account	Fund	Org.	Program	Sub Code	Project	FY
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ORDERED by the Executive Officer this 1 day of August, 1994.

  
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Rena Cusma, Executive Officer

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**METRO**

Date: August 3, 1994  
 To: All Metro Departments  
 From: Doug Butler, <sup>Handwritten signature</sup> Director - General Services  
 Re: Supplemental to Executive Order on Public Records Requests -  
 Procedures and Charges for FY 1994-95

**Procedures**

1. One contact person shall be designated from each Department to fulfill requests for public records.
2. The request shall be filled within seven (7) business days. Any delay must be explained to requestor.
3. Requests for public records shall be charged staff time regardless of whether or not the documents are located and duplicated. The requestor should be informed of the estimated staff time and materials charge prior to filling the request.
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6. Waiver of Charges - Department directors may waive charges for public documents produced for other government bodies, and educational institutions. The Executive Officer or his/her designee may waive charges on written request.

**Charges for FY 1994-95 (or until superseded)**

Clerical Time:	\$21.30 per hour (includes fringe and overhead)
Professional Time:	Actual hourly rate, plus fringe rate, plus overhead rate of 37.6% <sup>(Revised)</sup> <sup>(budget)</sup>
Copy Charge:	5 cents per impression (a double sided copy counts as two impressions).
Computer Disks:	3 1/2" \$1.00 each 5 1/4" \$1.00 each



METRO

## REQUEST FOR PUBLIC DOCUMENTS

Date: \_\_\_\_\_

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Print Name

Mailing Address: \_\_\_\_\_  
Address City State Zip

List of Records Requested for Review:

  
  
  

Request Filled

Request Not Filled

Reason Request Not Filled:

  
  
  

Metro Contact Person: \_\_\_\_\_ Request Filled By: \_\_\_\_\_

**Charges:** (Fill In the Blank Boxes)

Hourly Charagable Rate		Divided by	60 Minutes	X	No. of minutes to Fulfill Request	=	Time Charge
							\$
	Per Copy Charge			X	Number of Copies	=	Materials Charge
							\$
					Add Time Charge and Materials Charge	Total Charge	\$

Payment Made By:  Check  Cash  Invoice (Accounting will invoice only for amounts over \$25.00)

Forward a copy of this form plus payment, or Request for Invoice to Accounting. Include departmental revenue code below.

Fund	Cost Center	Object Code	Project Code	Sub Code

PJ:10375 Updated 8/94