

EXECUTIVE ORDER 86  
EFFECTIVE DATE: December 1 2004

**SUBJECT: PUBLIC RECORDS 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. This Executive Order replaces the existing Executive Order #54.

**I. GENERAL**

The Oregon Public Records Act provides that "every person" has a right to inspect any nonexempt public record of a public body in this state.

Key points in the Oregon Public Records Act include:

ORS 192.410 (2): "Person' includes any natural person, corporation, partnership, firm, association or member or committee of the Legislative Assembly."

ORS 192.410 (4): "'Public record' includes 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 (6): "'Writing' means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings."

Documents and other information stored electronically in computers or any computerized media (computer disks (CD's), floppy disks, backup tapes, etc.) are public records.

Records need not have been prepared originally by the public body to qualify as public records.

Departments must receive specific approval from the Metro Attorney to assert exemptions from the Act and prohibit the inspection and disclosure of requested records.

## II. PROCEDURES FOR RESPONDING TO REQUESTS FOR PUBLIC RECORDS

- A. In compliance with ORS 192.430, 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 (except legal 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 192.430 and that the billing and charges for the request (if any) are completed and payment received. The name of the contact person should be forwarded to the Chief Operating Officer and the Office of Metro Attorney.
- 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 Finance and Administrative Services Department.
- 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 a Metro employee.
  - 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. Patron 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 Metro Attorney to deny access to records based on an authorized exemption must request that permission immediately upon receipt of the request for public records.

## III. CHARGES FOR FULFILLING REQUESTS FOR PUBLIC RECORDS

- A. Free Publications: Many 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 these publications after the available stocks are depleted and after the initial working need at Metro is completed shall be charged at the regular public document rate.

- B. Publications requiring payment: Publications such as booklets, workbooks, educational packages, videos, maps, data base information and other media, 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 these documents exists shall be charged at the regular public document rate required to reproduce the record.
- C. Public Document Charges for All Other Public Records: Regardless of whether or not the documents are located and duplicated, requests for public records shall be charged staff time. Contact persons and those persons filling requests shall inform the requester of the estimated staff time and materials charge prior to filling the request.
- D, Charges for Staff and Materials Costs: Requests for public records that are filled by clerical staff will be charged for clerical time plus the actual costs of materials used. Such charges shall be established and reviewed by the Finance and Administrative Services Department or its successor annually. Requests that require professional and/or managerial staff will be charged at the hourly rate of wage or salary, fringe rate, and overhead rate in effect at the time the request is filled, plus cost of materials. The Finance and Administrative Services Department will annually distribute to all departments copies of the charges as they are established or amended.
- E. General Charges:
1. Clerical time is established as the seventh step salary currently in effect for the represented secretary classification plus budgeted fringe rate and total overhead rate as established by Finance and Administrative Services of Metro.
  2. Professional time is established as the mid point of the salary currently in effect for the non-represented Program Analyst III classification plus budgeted fringe rate and total overhead rate as established by Finance and Administrative Services for Metro.
  3. Managerial time is established as the mid point of the salary currently in effect for the Manager I classification plus budgeted fringe rate and total overhead rate as established by Finance and Administrative Services for Metro.
  4. 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 or computer. The Finance and Administrative Services Department shall review the per-impression rate and hourly time charge annually, adjust the chargeable rates appropriately and distribute to all departments copies of the changes as they are established or amended.

F. Paper Copies:

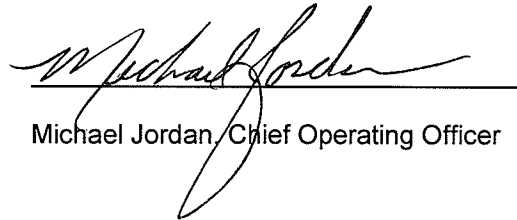
1. Single copies (1 page) printed single- or double-sided are at no cost if readily available from Metro files and do not take any longer than five minutes to locate and produce;
2. Otherwise, all copies are to be charged for at the current per impression rate established by Finance and Administrative Services Department plus clerical time spent to accomplish the task. A double-sided copy will be considered as two impressions.

G. Computer Generated Data:

Requests for data or computer-generated mailing lists shall be charged for on a time and materials basis at the current rate plus fringe and overhead for the mid point of the salary range of clerical or professional classification(s) required to do the work.

H. Waiver of Charges for Public Documents:

Department directors may waive charges for public documents produced for government bodies and educational institutions. The Chief Operating Officer or his/her designee may waive any charges.



Michael Jordan, Chief Operating Officer

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**METRO**

Date: November 19, 2004

To: All Departments

From: Bill Stringer, Chief Financial Officer, Finance and Administrative Services

Subject: Supplement to Executive Order on Public Records Requests-Procedures and Changes

Procedures:

1. One contact person shall be designated from each Department to fill request for public records.
2. The response to the request shall be given in seven (7) business days. Any delay must be explained in writing to the 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. If the record can be sent electronically, do so and include the Request for Public Record form available on line at [http://imet.metro-region.org/\\_library\\_docs/coun/public\\_records\\_request\\_form.doc](http://imet.metro-region.org/_library_docs/coun/public_records_request_form.doc).

The completed records request form itself is to be retained. Approved requests are retained for two years, while denied requests are retained for two years after last action.

4. General Charges:

- a. Clerical time is established as the seventh step salary currently in effect for the represented secretary classification as established by the Metro Human Resources Department plus budgeted fringe rate and total overhead rate.
- b. Professional time is established as the midpoint of the salary currently in effect for the non-represented Program Analyst III classification as established by the Metro Human Resources Department plus budgeted fringe rate and total overhead rate.
- c. Managerial time is established as the midpoint of the salary currently in effect for the Manager I classification rate as established by the Metro Human Resources Department plus budgeted fringe rate and total overhead.
- d. 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 or computer. The Finance and Administrative Services Department will review the per-impression rate and hourly time charges on a regular basis, adjust the chargeable rates appropriately and distribute copies of the changes to all departments as the charges are established or amended.

**Charges (in effect as of December 1, 2004)**

Clerical hourly charge	\$31.72 per hour (includes fringe benefits and overhead)
Professional hourly charge	\$45.24 per hour (includes fringe benefits and overhead)
Manager hourly charge	\$60.47 per hour (includes fringe benefits and overhead)
Per copy charge	\$.05 per black/white 8 ½" x 11" impression \$.15 per color 8 ½" x 11" impression (double-sided copy counts as two)
3.5"2 MB floppy disk	\$.025 per 3.5" 2 Mg floppy disk
Audio tape	\$5.00
Video tape	\$10.00
CD-R compact disk (read only)	\$1.00 per compact CD-R disk
Retrieval from off-site storage	Next day delivery: \$24.22 per box (round-trip) Rush delivery (same day): \$73.02 per box (round-trip)
Postage and shipping	Current Postal rates or actual shipping costs