

City of Rockaway Beach

City Council Workshop Agenda



Date: Wednesday, July 12, 2023
Time: 4:30 P.M. – 5:40 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

Join here to attend remotely:

[City Council Workshop](#)

Meeting ID: 810 2036 3580

Passcode: 695980

Dial by your location

253 215 8782 US (Tacoma)

What is a City Council Workshop? Workshops are intended to allow for preliminary discussions by the city council and staff. Workshops are held to present information to the council so that the council is prepared for upcoming regular meetings. Workshops are subject to Oregon's Public meeting law and must be noticed accordingly. No final City Council decisions are made during workshops. The public is encouraged to attend workshops but may not participate unless expressly asked.

WORKSHOP AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. COUNCIL BRIEFING/DISCUSSION

- a. Consent Agenda Process Review – City Manager Shepard
- b. Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan (NHMP) 2023 Update – City Manager Shepard
- c. Paid Leave Oregon Policy Review – City Manager Shepard
- d. Street Improvement Plan Proposal Review – City Manager Shepard
- e. Public Records Request Form and Policy Review – City Manager Shepard
- f. City Website Non-Affiliate Links – Mayor McNeilly

4. ADJOURNMENT

Consent Agenda Process

- In order to make more efficient use of meeting time, the City Manager shall place minor administrative items, such as the approval of the order of business on the agenda, meeting minutes and financial reports, that are routine in nature and concerning which no debate is expected on a "consent agenda."
- At the start of the consent agenda item, the Chair may ask the Council: "Does anyone wish to remove any item from the consent agenda?"
- If a Councilor wishes to vote against an item, they should request that it be removed from the consent agenda.
- If a Councilor wishes to propose a correction or amendment to an item, they should request that it be removed from the consent agenda.
- A Councilor can simply call out "Item 4 a," or whatever number they want to remove. In such a case, the chair responds: "Item 4a is removed." Any items removed from the agenda will be immediately placed in the Order of Business under Item 11: Items Removed from the Consent Agenda.
- The chair then asks, "Are there any other items to be removed?" If there are none, the Chair may entertain a motion. After the motion, Council members may be given an opportunity to ask associated questions—and have them answered—before the vote. Simple questions, clarifications, or short amounts of dialogue relative to a consent item may be discussed after the motion, but before approval. What is important is not to remove consent items entirely from the consent agenda for the sole purpose of answering a simple question, as this would undermine the efficiency of the consent agenda process. However, if an item needs to be moved out of the consent agenda, it should be done by motion.
- After simple clarifications or questions have been addressed, the Council votes to approve all remaining items on the consent agenda by a single motion "to adopt the consent agenda," which shall not be debatable. Adoption of the consent agenda shall be by the affirmative vote of all Councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item.

CITY OF ROCKAWAY BEACH PAID LEAVE OREGON POLICY

Paid Leave Oregon

Poster

A poster with Paid Leave Oregon (PLO) information, including eligibility and information about how to apply for benefits is in the city hall break room and should be cross-referenced while reviewing this policy.

The poster is also available at the Fire Department and the Public Works Department.

Reasons for Leave and Leave Length

PLO is a state-run program that allows eligible employees to take up to 12-weeks of paid time off per benefit year, for the following reasons:

- *Family leave* – for an employee to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement.
- *Medical leave* – for an employee experiencing their own serious health condition or disability due to pregnancy.
- *Safe leave* – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, or stalking.

The PLO program also allows employee to take an additional two (2) weeks of paid leave for pregnancy, childbirth, or related medical conditions.

An additional four (4) weeks of unpaid leave is also allowed for other OFLA protected reasons.

Notification Requirements

Although the plan is administered by Paid Leave Oregon, the City of Rockaway Beach requires employees to notify their supervisor when they have applied for PLO leave.

Foreseeable Leave: If the need for PLO leave is foreseeable or planned, the employee is required to provide their supervisor at least 30days' written notice before paid leave is to begin. Notice should be submitted in written format or by email.

Unforeseeable: If the need for PLO leave is unforeseeable or unplanned, an employee is required to provide oral notice to their supervisor 24 hours of the start of the leave, and the employee must also provide written notice within three (3) days after the start of the leave. Notice should be submitted in written format or by email.

A written time off request must include the employee's first and last name, type of leave, explanation of the need for leave, and anticipated timing and duration of leave. Timing

and duration of leave should include the employee's plan for taking leave on an intermittent basis or in one block of time.

If the employee's dates of scheduled leave change, are extended by PLO, or if the reason for leave becomes known and/or, if circumstances change during the leave and the leave period differs from the original request, the employee must notify their supervisor within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees are expected to comply with the City of Rockaway Beach's normal call-in procedures.

Under Oregon law, an employee who fails to follow these notification requirements may receive reduced PLO benefits; specifically, the first weekly benefit amount will be reduced by 25 percent (the penalty calculated for leaves that are taken in increments of less than a full work week differs). See OAR 471-070-1310(9) and (10).

Accrued Leave and Holiday Pay While on Leave

Employees on PLO leave will accrue sick, vacation, or other employer-provided leave, and employees will receive holiday pay.

Benefits While on Leave

If an employee is on a state approved PLO leave, the City of Rockaway Beach will continue the employee's medical, dental, life, disability, and all eligible voluntary coverage, on the same terms as if the employee had continued to work. An employee wishing to maintain coverage when on a state approved PLO leave, is responsible for paying his/her share of premiums, the same as when premiums were paid by the employee, prior to the PLO leave.

Medical Certification Prior to Returning to Work

If an employee takes more than three consecutive scheduled workdays for their own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

Job Protection (ORS 657.060)

Employees who worked for the City of Rockaway Beach for more than 90 consecutive calendar days prior to taking PLO leave may be reinstated to their former position if the position still exists. If the position has been eliminated, the employee may be restored to a different position with similar job duties with the same employment benefits and pay.

Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring PLO leave have been resolved. If an employee does not return to work at the end of a PLO leave, reinstatement may not be available unless the law requires otherwise.

Employees who work for other employers while taking PLO leave may be subject to discipline up to and including termination. Additionally, all employees who use PLO leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

Use of Accrued Leave to Supplement Paid Leave Oregon Benefit

Paid Leave Oregon benefits will not provide the majority of employees with 100% of their gross regular wages, so employees receiving PLO benefits, may choose to supplement their PLO benefits with other available paid leave such as accrued paid leave [sick, vacation, paid time off, etc.], and/or comp time, up to 100% of the employee's regular gross wage. When PLO Benefits and supplemental employer compensation are added together, the amount paid cannot exceed the employee's regular gross monthly wage.

To request use of employer compensation, employees are required to complete, sign, and then submit, a Time Off Request Form along with their PLO Benefit Determination Letter, no later than the last date and time the City of Rockaway Beach requires employees' regular payroll submissions to be submitted. The City of Rockaway Beach will then determine the amount of accrued leave and/or other eligible compensation needed, to equal 100% of the employee's regular gross wages. Failure to complete, sign, and return the Time Off Request Form to their supervisor in a timely manner may result in the employee not being allowed to use employer compensation to supplement PLO benefits.

Complaint Procedure

The City of Rockaway Beach prohibits discrimination and harassment against an employee who takes protected paid leave. Conduct that violates the City's no-harassment and no-discrimination policies will not be tolerated and may subject an employee to discipline, up to and including termination. See the No-Harassment Policy on page 1 of the Personnel Policy and Employee Handbook.

Employees who have experienced discrimination or harassment, or have witnessed such behavior, should bring the matter to the attention of their immediate supervisor, any member of the member of management team, or the City Manager as soon as possible.

Who to contact for more information

For more information about the City of Rockaway Beach's Paid Leave Oregon policy, contact the city's HR Department.

The City of Rockaway Beach does not administer the Paid Leave Oregon program, determine an employee's eligibility, or an employee's benefit payments. For questions

about eligibility, concerns or questions about benefit payments or status of payment, employees will need to contact Paid Leave Oregon directly. Employee information and Paid Leave Oregon contact information is available at the following website:

[Paid Leave Oregon: Employees: Employees: State of Oregon](#)

DRAFT



501 E First Street
Newberg, Oregon 97132
phone 503-554-9553
fax 503-537-9554

March 8, 2023

Luke Shepard
City of Rockaway Beach
PO Box 5
Rockaway Beach, OR 97136

Re: Rockaway Beach Street Capital Improvements Plan

Dear Luke,

The City of Rockaway Beach has expressed interest in completing a Capital Improvements Plan to evaluate the condition of various roads around the City and prioritize projects for repair. HBH Consulting Engineers, Inc. is pleased to provide planning and civil engineering services for the evaluation and preparation of a Street CIP for the City of Rockaway Beach.

The request will involve staff from HBH attending City Council meetings, public hearings, and work sessions to obtain an understanding of projects of interest by the City. HBH will then complete site visits as necessary to evaluate the condition of roads in question and prioritize projects for completion. The scope of the CIP is intended to prioritize street projects for the next five fiscal years.

We envision our scope of work as follows:

Task 1 – Kickoff Meeting and Project Management

HBH will meet with the City Manager and Public Works Director to determine a preliminary list of projects. This meeting can be virtual or in person. An inventory of projects will be created under this task and added to in subsequent tasks.

Additional work under this task will involve progress status updates, coordination with City Staff, and review of deliverables. One in person visit is included in this task. Additional trips will be billed on a time and material basis.

Task 2 – Meetings

This task will involve staff from HBH attending City Council Meetings, Public Hearings, or Work Sessions. The intent of these meetings will be to listen to council and the public to determine project priority based on public opinion. Projects requested by the City and the Public will be added to the inventory created in Task 1. Included in this task will be the attendance of five public meetings. HBH is happy to attend additional meetings at a time and materials basis.

Task 3 – Project Evaluation

Once a list of priority projects has been obtained and sorted from public meetings, HBH staff will complete one additional site visit to complete an evaluation of the road conditions. Site evaluations shall consider the condition of the existing road for capacity, safety, as well as use. HBH will rank the projects in accordance with the site evaluation completed. A preliminary ranking of priority projects as ranked by HBH will be delivered to the City Manager and Public Works Director for comment.

Task 4 – Preliminary CIP Report

Once the comments from the City Manager and Public Works Director have been received, HBH will begin preparing the CIP Report. A preliminary report will be developed based on a combination of public comment and consideration with projects being ranked based on the Engineer's evaluation. The preliminary CIP will be delivered to the City Manager and City Council for discussion at a public hearing. Included in this task is the attendance of one public hearing to discuss the preliminary report and take notes on public comment.

Task 5 – Final CIP Report

Public Comments from the preliminary CIP report will be incorporated into a final CIP report. HBH will prepare a final, stamped engineering report for delivery to the City Manager and City Council. HBH will attend one council meeting for presentation of the final report.

Deliverables:

- Street CIP Inventory
- Preliminary Street Evaluation
- Preliminary CIP Report
- Final CIP Report

Not included is the following:

- Surveying – Topo, Boundary, As-Built, Plat, Easements, Legal Descriptions, Etc.
- Geotechnical Report, Soils investigation or design (if required)
- Agency fees and permits

In consideration of the mutual promises exchanged herein, our fee for the above work shall be as follows:

Task 1 – Project Management	\$ 5,250.00 (Estimated T&M)
Task 2 – Meetings	\$ 6,000.00 (Estimated T&M)
Task 3 – Project Evaluation	\$ 8,750.00 (Estimated T&M)
Task 4 – Preliminary CIP Report	\$ 9,500.00 (Estimated T&M)
Task 5 – Final CIP Report	\$ 5,750.00 (Estimated T&M)

Subconsultant and reimbursables such as copies are at cost plus 10 percent. Mileage will be billed at the IRS mileage rate, which is currently at \$0.655/mile. Payment is due within 30 days of invoice (monthly) or be subject to 1.5 percent monthly interest. Administrative work requested above the scope listed will be billed at \$54/hr. If the agreed upon scope of work changes, HBH reserves the right to renegotiate the fee associated with the changes in scope of work or additional services.

If the above fee is acceptable, please signed and date below, keep a copy for your records, and return the original to our office. We are able to begin work as soon as we receive a signed agreement.

Accepted by: _____

Date: _____

Sincerely,
HBH Consulting Engineers, Inc.

Matt Del Moro, PE
Project Manager



City of Rockaway Beach, Oregon

Office of the City Recorder

276 S. Highway 101, PO Box 5

Rockaway Beach, OR 97136

PHONE (503) 374-1752

FAX (503) 374-0641

cityrecorder@corb.us

Public Records Request

Under state law, every person in Oregon has a right to inspect any **nonexempt** public record. To make a formal records request, submit this form to the Office of the City Recorder. The public records request policy is set by Resolution 23-996, and costs are established by resolution of the City Council. For Sheriff's Department requests, use the Sheriff's Records Request Form.

Name:

Phone:

Address:

Email:

Pursuant to ORS 192.311-192.478, I request inspection of the following records in your office:

(Please be as specific as possible. Clearly provide the type of record(s) requested, subject matter, date ranges, names of businesses and/or people involved, and key words. Attach additional sheet if necessary.)

How would you like to receive these records?

Email

Mail

Pick-Up at City Hall

Make appointment to view at City Hall

By signing this form, I understand that the City of Rockaway Beach (the city) has adopted reasonable measures to ensure the integrity of its records and effectiveness of its office operations. The city will respond in writing as soon as practicable and without undue delay. If any material contained in this request is exempt from disclosure, I understand the city will provide the name of the document and the reason for the exemption. I am aware that there may be costs related to this request based on the fee structure adopted by the City Council, and I am aware that I will be notified by the city if any fees need to be paid to complete this request.

Requestor Signature

Date



CITY OF ROCKAWAY BEACH PUBLIC RECORDS REQUEST POLICY

POLICY NUMBER: 200.1	EFFECTIVE DATE: REVIEWED: REVISED:
CATEGORY: Records Management	RELATED DOCUMENTS: Resolution 19-674 – providing for fees Resolution 23-996 - adopting this policy

I. Purpose and General Information

It is the policy of the City of Rockaway Beach to make public records easily accessible to interested parties. The City of Rockaway Beach recognizes that 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 Rockaway Beach to respond to public records requests in an orderly, consistent and reasonable manner in accordance with 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 residents, staff and officials of the procedures and guidelines that apply to public records requests.

Although the city needs to respond to a request under the federal Freedom of Information Act (FOIA), Oregon public bodies are covered by the Oregon Public Records Law and are not bound by the timeframes or other requirements of the federal act.

The city is not required to create a public record to disclose the reasoning behind an action or knowledge the staff might have. The Attorney General's Office has concluded that:

The Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to a request.

II. Definitions

CITY OF ROCKAWAY BEACH
PUBLIC RECORDS REQUEST POLICY

- A.** “**City**” refers to the City of Rockway Beach and all employees, appointees and elected officials associated therewith.
- B.** “**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.
- C.** “**Public Record**” has the meaning established in ORS 192.311(4). 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.

III. Procedures for Public Records Request

A. Making a Request

1. A request to inspect or obtain copies of a public record must be made in writing. Persons are encouraged to use the City’s Public Records Request Form that is available on the Forms page of the City’s website at: <http://corb.us>. Other forms of written requests will be accepted only if all of the following information required to respond to the request is provided, including name, address, email, phone, date of request, and a detailed description of the requested records including year of creation or range of dates. If electronic records are requested, keywords must be sufficient to locate the requested records.
2. The written request shall be delivered to the City Recorder either by email to cityhall@corb.us; or by accessing the Public Records section on the City’s website at <http://corb.us>. Requests may also be delivered in person, by mail, or by facsimile, to the City Recorder, P.O. Box 5, Rockaway Beach, OR 97136; 503-374-0641 (fax).

CITY OF ROCKAWAY BEACH
PUBLIC RECORDS REQUEST POLICY

3. Except as otherwise provided by these rules, public records will not be released for inspection or copies provided to the requestor unless the City receives payment of the required estimated fee from the requesting party.

B. Initial Response to Public Records Request

1. After receiving a request for a public record, the City will reply to the requester within five business days with one or more of the following responses:

- 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.

CITY OF ROCKAWAY BEACH
PUBLIC RECORDS REQUEST POLICY

C. Clarification of Request

If the City receives an unusual request, or the scope of the request is unclear, the City may request 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, the City will close the request.

D. Completed Response Deadline

Within 10 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 due to staffing unavailability, the City's ability to perform other necessary services, or the volume of other public records requests being simultaneously processed. 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.

IV. Fees.

A. The Oregon Public Records law [ORS 192.324(4)] allows the City to recover its actual costs in fulfilling a public records request.

B. Fees for public records requests are set by resolution by the City Council.

C. If a record contains exempt information, the city will provide a copy with the exempt portion redacted. The city may include the cost of having legal assistance to redact material in the charged fee.

D. The city will establish a fee that is reasonably calculated to reimburse the city for the actual cost of making public 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;

CITY OF ROCKAWAY BEACH
PUBLIC RECORDS REQUEST POLICY

- Fees set by the Council may be calculated at an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in processing the request;
- Charges for the time spent by the city attorney reviewing, redacting and segregating records at the City's request;
- A per-page charge for photocopies of requested records; and
- A per-item charge for providing CDs, DVDs, audiotapes, or other electronic copies of requested records.

E. A listing of these fees is available on the city website. A request that would significantly disrupt staff's regular duties will be assessed a fee regardless of whether copies are provided.

F. The city may not establish a fee greater than \$25 unless the city provides written notice of the estimated amount to the requestor and the requestor confirms that they want the city to proceed. Pre-payment of at least half the estimated fee amount is required if the amount of the request is greater than \$25. If a requester fails to provide written confirmation of the estimated fees within 60 days of the City's estimate, the city will close the request.

V. Inspection of Records

A. Inspection of records will occur during regular City business hours, by appointment. All records shall be inspected at the City of Rockaway Beach's place of business. A person making a public records request may personally inspect the requested records, but the right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present while any records are inspected to ensure protection of the records. If any person attempts to alter, remove, or destroy any record, the City staff shall immediately terminate review and notify the City Attorney.

B. If the City maintains copyrighted material, the City will permit the person making the request to inspect the copyrighted material, any may allow limited copying of such material if allowed under Federal copyright law. The City may require the requestor to obtain written consent from the copyright holder before allowing copying of such material.

VI. Application of Fees.

CITY OF ROCKAWAY BEACH
PUBLIC RECORDS REQUEST POLICY

1. A fee will not be charged if a requested document(s) is current and readily available and requires less than 5 minutes of staff time or resources to be made available.
2. All time for public records requests will be recorded in 15-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.

VII. Fee Waiver Request.

1. Under ORS 192.324(5), the custodian of a public record may reduce or waive fees if the custodian determines that doing so is in "the public interest because making the record available primarily benefits the general public." Application of the public interest test requires analysis of whether disclosure of a record will benefit the interests of the community or society as a whole, i.e., "the public." A personal benefit to be derived by the requester alone is insufficient to permit a fee waiver. Requests for a fee waiver should identify the reason for the request and the public interest served in waiving or reducing fees. The decision to waive or reduce fees is within the reasonable discretion of the City. Requests for a fee waiver or reduction must be evaluated on a case-by-case basis.
2. Requests for fee waiver or reduced fees may be made in writing to the City Manager at the contact address listed above. The City Manager shall determine if the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public and outweighs the cost of furnishing the record.
3. In accordance with ORS 192.324 (6), a requester who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a requester who petitions when inspection of a public record is denied under ORS 192.311 to 192.478. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as when inspection of a public record is denied.

RESOLUTION NO. 23-996

A RESOLUTION ADOPTING A PUBLIC RECORDS REQUEST POLICY

WHEREAS, Oregon Public Records Law (ORS 192.311 to 192.478) requires that a public records policy be in place; and

WHEREAS, the Rockway Beach City Council wishes to update its 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;

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1. The City of Rockaway Beach City Council hereby adopts the City of Rockaway Beach Public Records Request Policy, attached as Exhibit A.

Section 2. Any public records request policy or procedure in effect before August 9, 2023 is hereby repealed.

APPROVED AND ADOPTED BY THE CITY COUNCIL, AND EFFECTIVE THE 9TH DAY OF AUGUST 2023.

APPROVED

ATTEST

Charles McNeilly, Mayor

Melissa Thompson, City Recorder



~ O R E G O N ~

Records Requests

Request Policy

I. Policy and Purpose

It is the policy of the City of Rockaway Beach to make public records easily accessible to interested parties. The City of Rockaway Beach recognizes that Oregon Public Records Law (ORS 192.410–192.505) gives the public the right to inspect and copy certain public records maintained by the City. The City also recognizes that certain records maintained by the City are exempt from public disclosure, or that disclosure may require balancing the right of the public to access the records against individual privacy rights, governmental interests, confidentially issues and attorney/client privilege. Additionally, when the City receives a request to inspect or copy public records, costs are incurred by the City in responding to the request, and that it is in the public interest that those costs be recovered by the City.

The purpose of this Public Records Policy is to: (a) Establish an orderly and consistent procedure for responding to public records requests; (b) Establish the basis for a fee schedule intended to reimburse the City for the actual costs

incurred in responding to public records requests; and (c) Inform citizens of the procedures and guidelines that apply to public records requests.

II. Public Records

Oregon Public Records law defines a public record as:

“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).

A record may be handwritten, typed, photocopied, printed, microfilmed, or exist in an electronic form such as e-mail or a word processing document, or other types of electronic recordings.

Many public records requests are requests for information that would actually require the creation of a new public record. Public bodies are not obligated under Oregon’s Public Records Law to create new public records where none exists in order to respond to requests for information. Although a public body may, if it chooses, create a new record to provide information, the public body does not have to create a new record and only has a duty to allow the inspection and copying of an existing public record.

The City will provide public records in the format in which they exist, unless an alternate format is requested. If the City agrees to convert the records to an alternate format the requestor will be responsible for any additional cost. If requested public records are in electronic form, the City will make arrangements to inspect the record with the appropriate device. This City will provide records in alternative format at no cost, if necessary to provide reasonable accommodation to persons with disabilities.

III. Public Records Exempt from Disclosure

Some public records are exempt from disclosure under state law. Many of these exemptions may be found in ORS 192.501 and ORS 192.502. Others may be located in other Oregon statutes. Some of the exemptions include:

- 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. **Trade Secrets – ORS 192.501(2).** Public records that include “trade secrets” may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
4. **Personal Discipline Actions – ORS 192.501(12).** Public records of a discipline action or materials or documents supporting that action are exempt from disclosure.
5. **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 is in the public interest by clear and convincing evidence. Personal information includes home address, phone number, weight and age.
6. **Public Employees 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.
7. **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.

IV. Copyrighted Material

If the City maintains public records containing copyrighted material, the City will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under federal copyright law. The City may require written consent from the copyright holder,

completion of a Request for Reproduction of Copyrighted Materials form, or an opinion from the person's legal counsel before allowing copying of such materials.

V. Fees

The fees for responding to public records requests are established in a fee schedule adopted by the City Council. The fees established are reasonably calculated to reimburse the City for its actual costs in making the records available, and may include:

1. Charges for the time spent by City staff or a City contractor to compile 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 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.
2. A per page charge for photocopies of requested records.
3. A per item charge for providing CDs, audiotapes, or other electronic copies of requested records.
4. Charges for preparation of a written transcript.

Payments. The City 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 the City will begin to compile the requested records. The City may require that an initial deposit for costs be paid. If the actual costs incurred by the City are less than the amount of any required prepayment, the overpayment will be promptly refunded. If the actual costs incurred by the City are more than the amount of the prepayment, the requestor will be responsible for the additional costs, and will be required to pay the additional amount in prepayment before the requested records are provided.

VI. Procedure

The following are the procedures for submitting and responding to requests to inspect or receive copies of public records maintained by the City:

A. Making a Request.

1. A request to inspect or obtain copies of a public record must be made in writing. Persons are encouraged to use the City's Request for Public Information Form that is available on the Forms page of the City's website, at: <http://corb.us>. Other forms of written requests will be accepted only if all of the following information required to respond to the request is provided: name, address, email, phone, date of request, description of request.
2. The written request shall be delivered to the City Recorder either by email to cityhall@corb.us; or by accessing the Public Records section on the City's website at <http://corb.us>. Requests may also be delivered in person, by mail, or by facsimile, to the City Recorder P.O. Box 5, Rockaway Beach, OR 97136; 503-355-8221 (fax).

B. Processing a Public Records Request.

1. Acknowledgment. Within five business days of receipt of a public records request the City Recorder shall send a written acknowledgement to the requestor, containing the following:
 1. Confirmation of whether or not the City is the custodian of the requested record, if known: or
 2. A statement that no such records exist, or
 3. If the request is unclear, a request to clarify the records sought, and
 4. A cost estimate with a notice that a deposit for costs must be paid before the request will be processed.

If it is not possible to provide a full cost estimate within the initial five day period, the acknowledgment will indicate that a more accurate cost estimate will be provided when available, and that a deposit for costs in an amount not to exceed \$25.00 must be provided before the City will continue to process the request.

2. The City shall close the request if within 60 calendar days of date of the acknowledgment, the requestor fails to pay the required fee or respond to the City's request for clarification.
3. Upon receipt of the deposit for costs or upon approval of a fee waiver, the City Recorder will direct the Designated Records Manager to compile the public records for either inspection or to make copies of the public records if copies were requested. If copies were requested, the copies should be forwarded to the City Recorder along with a report of the final

costs incurred in responding to the request. If requested, the City Recorder shall certify the requested records upon payment of the applicable fee.

4. Within 15 business days of receipt of the public records request, if the applicable fees have been paid, and the requestor has responded to any request for clarification, the City shall;
 1. Complete its response to the request, or
 2. Provide a written statement that the City is still processing the request and a reasonable date by which the public body expects to complete its response.
5. After the records have been compiled for inspection, or copied, and upon receipt of any additional monies owed for processing the request, the City Recorder will notify the Designated Records Manager and the requestor that an appointment may be scheduled to inspect the records. If copies are requested, the records will either be mailed to the requestor at the requestor's cost, or made available for pick up. It is the requestor's obligation to schedule the inspection appointment with the Designated Records Manager.
6. If an inspection of public records is to occur, the Designated Records Manager, or their designee, shall be present at all times to supervise the inspection and to ensure that no documents are removed, destroyed, or otherwise tampered with. There may be additional costs associated with the inspection process that must be paid at the time of the inspection.
7. If the Designated Records Manager believes that the request should be denied in whole or in part, the Designated Records Manager shall prepare a written explanation of the basis for the denial, which shall identify all applicable exemptions from disclosure for each part of the record being withheld. The written denial and the records shall be forwarded to the City Attorney, with a copy to City Recorder. The City Attorney shall review each proposed denial, and either approve, modify, or reject the denial and approve disclosure of the records.

If a request is denied in full or in part, the Designated Records Manager shall provide the requestor a written denial, explaining the basis for the denial, with reference to the applicable law for the denial. All denial letters shall include notice that the requestor may appeal the denial to the Tillamook County District Attorney, pursuant to ORS 192.450 and 192.460.

C. Exceptions

Requests for the following categories of records are exempt from the procedures in this policy.

Easily accessible or routinely requested records. If requested records are easily accessible by City staff, or are publicly available, such as on the City’s website, and contain no materials that are exempt from disclosure, the Department may inform the requestor how to access the records, or provide the records a no cost.

Endnotes

[1] The City is required to respond to public requests by Oregon Public Records Law. The Federal “Freedom of Information Act” (FOIA) does not apply to requests for the City’s public records. This law only applies to requests for public records maintained by the federal government.

Record Request Forms

-  Police Dept. Public Records Request
-  Public Information Request

Record Search Fees

First 5 minutes of staff time	\$0.00
Additional Time Required	\$40 Per Hour

Public Records Requests

At least 50% of Est. Cost

Other Fees

Copy of Meeting CD	\$20
Fax Fee (1st Page)	\$2.50
Fax Each Additional Page	\$0.25

Printed Copies Of City Documents

8.5 x 11" – 1st Page	\$0.25
Additional page	\$0.15
8.5 x 14" – 1st Page	\$0.30
Additional page	\$0.20
11 x 17" – Per Page	\$0.50
Additional page	\$0.20