

RESOLUTION NO. 1-27-09-1

A RESOLUTION ADOPTING A PUBLIC RECORDS POLICY

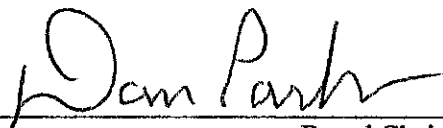
WHEREAS, the Ochoco West Water and Sanitary Authority (“Authority”) is an Oregon special district formed under Oregon Revised Statutes (ORS) Chapter 198 and authorized by ORS Chapter 450.600 to 450.645, and thus is a public entity subject to Oregon’s Public Records Laws, ORS 192.001 to 192.595; and

WHEREAS, ORS 192.440(7), requires each entity subject to Oregon’s Public Records Laws to make a written public records policy available to the public;

NOW, THEREFORE, the Authority’s Board of Directors hereby resolves as follows:

The Public Records Policy attached hereto as Exhibit A is hereby adopted as the Public Records Policy for the Authority.

APPROVED AND ADOPTED on Jan 27, 2009.



Board Chair

ATTEST:



Board Secretary

Exhibit A

Ochoco West Water and Sanitary Authority Public Records Policy

1. Obligation of Authority. The Ochoco West Water and Sanitary Authority ("Authority") shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505.

Upon receipt of a written request submitted pursuant to Section 3 of this Policy, the Authority shall provide, as appropriate:

- A. A copy of the public record if the public record is of a nature permitting copying; or
- B. A reasonable opportunity to inspect or copy the public record.

The Authority shall respond as soon as practicable and without unreasonable delay. The Authority may take a reasonable amount of time to determine whether a requested record is partially or fully exempt from disclosure; to redact portions of the requested record(s) as necessary; and to consult with the Authority's attorney for this purpose.

2. Written Request. Requests to inspect or copy public records shall be submitted in writing. Requests shall specify the record(s) requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable Authority personnel to readily locate the records sought. The Authority may request additional information or clarification from the requester for the purpose of expediting its response to the request. To facilitate this process, a public records request form is available on the Authority's website and at the office. An alternate form may be used provided all the required information is included. Requests must be presented in person or by mail to:

Authority Manager
Ochoco West Water and Sanitary Authority
5488 NW Prine Road
Prineville, OR 97754

3. Written Response. If the request cannot be accommodated, or cannot be accommodated within the time periods established in Sections 4 or 5 of this Policy, the Authority shall provide a written response as required by ORS 192.440(2), indicating the reason for such delay or denial. The written response shall indicate one or more of the following:
 - A. The Authority does not possess, or is not the custodian of, the public record.
 - B. The Authority is the custodian of at least some of the requested public records, an estimate of the time the Authority requires before the public records may be inspected or copies provided, and an estimate of the fees that the requester must pay under paragraph 6 of this Policy as a condition of receiving the public records.

- C. The Authority is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided within a reasonable time.
 - D. The Authority is uncertain whether it possesses the public record and that it will search for the record and make an appropriate response as soon as practicable.
 - E. State or federal law prohibits the Authority from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph shall include a citation to the state or federal law relied upon.
4. Inspection of Records: The Authority shall permit inspection and examination of its non-exempt public records during regular business hours in the Authority's offices, or such other locations as the Authority may reasonably designate from time to time. During on-site review of original records, a staff person will be present to ensure the integrity of the records.
5. Copies of Records: Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested within a reasonable period of time as determined by the Authority. Under normal circumstances this period will not exceed 15 business days. If not available in the form requested, such records shall be made available in the form in which they are maintained.
6. Fees: The Authority may charge reasonable fees to reimburse the Authority for the cost of responding to a public records request. This includes staff time for making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request. The Authority also may charge a fee to cover the cost of time spent by the Authority's attorney in reviewing the public records, redacting material from the public records, or segregating the public records into exempt and nonexempt records.
- A. If the response process requires more than 15 minutes of staff time, the Authority will charge for staff time at the employee's regular hourly rate of pay.
 - B. Attorney time shall be charged at the attorney's regular hourly rate.
 - C. The Authority will charge 20 cents per page for black-and-white, letter-size, printed copies. For copies of sound recordings, color copies, maps and other unusual formats, the charge will be the amount necessary to reimburse the Authority for the actual costs incurred, unless the format request is exempt under the Americans with Disabilities Act.
 - D. The Authority may provide an estimate of costs in advance, and may require such amount to be paid prior to providing the requested record(s). If the estimated amount exceeds \$25, the Authority shall provide written notification to the requester and obtain confirmation that the requester desires to move forward with the request. If the actual amount to produce the record(s) exceeds the amount of the estimate, the

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requester shall pay the additional amount prior to receiving the record(s). If the actual amount exceeds the amount of the estimate, the difference shall be refunded to the requester.

- E. Per ORS 192.440(4), whenever it is determined that furnishing copies of public records in the Authority's possession at a reduced fee or without cost would be in the public interest, the Board or District Manager may so authorize.
7. Unauthorized Alteration, Removal, or Destruction of Records: If during a public records review any person attempts to alter, remove or destroy any Authority record, the Authority representative shall immediately terminate the review and notify the attorney for the Authority. Law enforcement authorities may also be notified.