

East Multnomah Soil & Water Conservation District Public Records Policy

1. The District shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505.
2. Upon receipt of a written request submitted pursuant to Section 3 of this Policy, the District 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 District shall respond as soon as practicable and without unreasonable delay. The District 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 District's attorney for this purpose.

3. 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 District personnel to readily locate the records sought. The District 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 District'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 Jean Fike, Executive Director EMSWCD, 5211 N Williams Ave, Portland OR, 97217.
4. Written Response. If the request cannot be accommodated, or cannot be accommodated within the time periods established in Sections 5 or 6 of this Policy, the District 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 District does not possess, or is not the custodian of, the public record.
 - B. The District is the custodian of at least some of the requested public records, an estimate of the time the District requires before the public records may be inspected or copies provided, and an estimate of the fees that the requester must pay under paragraph 7 of this Policy as a condition of receiving the public records.
 - C. The District 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 District 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 District 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.

F. Whether or not the record is exempt from disclosure under state or federal law. Exempt records include personal information such as but not limited to employee addresses, social security numbers, birth dates and phone numbers, materials submitted to the District with an expectation of confidentiality, records subject to attorney-client privilege, workers compensation claim records, and certain internal advisory communications. Where required by law, the District will weigh the public benefit of disclosure against the benefit of non-disclosure.

5. Inspection of Records: The District shall permit inspection and examination of its non-exempt public records during regular business hours in the District's offices, or such other locations as the Executive Director 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.
6. 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 District. 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.
7. Fees: The District may charge reasonable fees to reimburse the District 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 District also may charge a fee to cover the cost of time spent by the District's attorney in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.
 - A. There is no charge for responding to records request if the request can be accommodated in 15 minutes or less. If the response process requires more than 15 minutes of staff time, the District will charge for staff time required at a rate of \$30 per hour, prorated.
 - B. Attorney time shall be charged at the attorney's regular hourly rate.
 - C. The District 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 set to reimburse the District for the actual costs incurred, unless the format request is exempt under the Americans with Disabilities Act.

- D, If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.
 - E. The District 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 District 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 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.
 - F. Per ORS 192.440(4), whenever it is determined that furnishing copies of public records in the District's possession at a reduced fee or without cost would be in the public interest, the Board or Executive Director may so authorize.
8. Unauthorized Alteration, Removal, or Destruction of Records: If during a public records review any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate the review and notify the attorney for the District. Law enforcement authorities may also be notified.