

**PORT OF NEWPORT  
RESOLUTION NO. 2015-04**

**A RESOLUTION ADOPTING A PUBLIC RECORDS POLICY**

**WHEREAS**, the Port of Newport Board of Commissioners By-laws states in Section 13 that the Port Commission shall adopt a Public Records resolution in accordance with ORS 192.440; and

**WHEREAS**, according to ORS 192.420, every person has the right to inspect any nonexempt public record of the Port of Newport subject to reasonable procedure, and

**WHEREAS**, the Port of Newport recognizes that some informal requests for public records may exceed its ability to provide the requested documents by electronic means or that the public may prefer to submit a formal request for records, and

**WHEREAS**, the Port of Newport recognizes and respects the public's right to public documents and the importance of maintaining orderly files to facilitate public access in an efficient and cost-effective manner, and

**WHEREAS**, the State Attorney General suggests that public bodies establish protective measures to maintain the integrity of public records or to prevent interference with the duties of the records custodians, and

**WHEREAS**, the State Attorney General recommends there be a process in which the public has opportunity to comment on these measures; NOW THEREFORE

**THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:**

**Section 1.** The Port shall keep and maintain all public records for the retention periods required by Oregon Administrative Rules (OAR 166-150-0005).

**Section 2.** The Port shall permit inspection and examination of its non-exempt public records during regular business hours in the Port's offices, or such other locations as the Port may reasonably designate from time to time.

**Section 3.** All requests to inspect a public record should be in writing when possible with the date, name, address, email address, and signature of the person making the request.

**Section 4.** The request form (Attachment "A") must contain the specific records requested, furnishing the dates, subject matter and such other detail as necessary to enable Port personnel to readily locate the records sought. The records officer shall have the authority to modify the form to more efficiently meet changes in state statute.

**Section 5.** The Port shall respond to all public document requests within five working days or explain why more time is needed for a full response.

**Section 6.** The Port shall not create any new documents or customize any existing documents in response to a records request.

**Section 7.** If the public record is maintained in machine readable or electronic form, staff shall provide copies of the public record in the form requested, if available. If the record is not available in the form requested, it shall be made available in the form in which it is maintained.

**Section 8.** A person making a public record request may personally inspect the requested document during normal business hours. A Port staff member must be present while any original public records are being inspected to insure protection of the documents.

**Section 9.** Providing nonexempt public records is a governmental activity covered by the American with Disabilities Act (ADA). The Port will provide an opportunity for individuals with disabilities to request an alternative form.

**Section 10.** A staff member must review the requested document to make certain the record does not contain any exempt information before releasing the public record for inspection. If a document does contain exempt information, a copy, in lieu of the original, will be provided for inspection with the exempt portion blanked out.

**Section 11.** Original public documents may not be taken out of the Port's custody.

**Section 12.** Port records shall be released only under the conditions that the records are "public" records; the records are not exempt from disclosure under ORS 192.410 - 192.505. In order to recover its costs for responding to public records requests, the following fee schedule is adopted:

- A. Copies of Public Records: Copies of public records shall be \$.25 cents per page for standard, single-sided, letter size copies.
- B. Copies of Port Code or By-laws: Copies of the Facilities Code or Bylaws shall be \$20.00.
- C. Copies of Maps and Other Nonstandard Documents: Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the Port.
- D. Research Fees: If a request for records requires Port personnel to spend more than 30 minutes compiling a record to meet the person's request, the minimum fee shall be the actual labor rate per hour or portion of a half hour unit, with a minimum charge for one half hour. Such calculations shall include time spent by staff in locating the requested records, reviewing the records in order to delete exempt material, supervising the inspection of original documents, and copying the records. The Port shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.
- E. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the Port's normal operation, the Port may impose such additional charges as are necessary to reimburse the Port for its actual costs of producing records.
- F. Fee Waivers or Reduction:
  - 1. Copies of public records may be furnished without cost or at a substantial reduction if the General Manager determines the waiver is in the public interest because making the record available primarily benefits the general public.
  - 2. A person requesting a waiver of charges shall file a written request to include his/her identity, the purpose for which he/she intends to use the information, and whether he/she can demonstrate the ability to disseminate the information to the public. The General Manager will review the waiver request while also considering the requester's ability to pay and any financial hardship on the Port that might arise from granting the waiver.
  - 3. Copies of routine materials requested by the news media will be made without charge. Any non-routine materials requested by the news media will be charged at the fee described above unless the fees are waived or reduced.
  - 4. Copies of routine materials personal to a requester will be furnished without charge. Any non-routine materials requested will be charged at the fee described above.

5. Copies of routine materials requested by any Port of Newport elected official or appointed advisory body member will be furnished without charge if the request relates to information needed in his/her official capacity. Any other materials requested will be charged at the fee described above.
6. Routine materials are defined as those items already regularly produced during the Port's regular course of business.

**Section 13.** The Port shall adopt personnel policies for the keeping of all e-mails that qualify as public records for the retention periods required under OAR 166-150-005; the specific retention period shall be determined by the subject matter of each e-mail. All port business shall be conducted using Port-provided e-mail addresses.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS** this 28th day of April, 2015.

“Attachment A”

**PUBLIC RECORDS REQUEST**

**Requestor's Name** \_\_\_\_\_ **Date** \_\_\_\_\_

**Requestor's Name** \_\_\_\_\_ **Phone** \_\_\_\_\_

**Email Address** \_\_\_\_\_

I wish to \_\_\_ view / \_\_\_ receive copies of the following public records:

**Name or topic of the document(s)** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date(s) or date range of the document(s)** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I request that the fees be waived in whole or part \_\_\_\_ Yes \_\_\_\_ No (See back for explanation)

**Reason for the Request of the Record** (Complete only if there is a request to waive fees)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree to be charged for the time and out of pocket requests by the district to comply for this public records request.

I have seen the fee schedule.

Requestor's Signature \_\_\_\_\_

For Office Use Only

Info Compiled By \_\_\_\_\_ Date Completed \_\_\_\_\_

Amount Due \_\_\_\_\_ Date Delivered \_\_\_\_\_

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