

Malheur County  
Public Records Request Policy

Table of Contents

<u>Section</u>	<u>Page</u>
1. Purpose and Compliance.....	1
2. Public Records Requests - Procedure.....	1
2.1 Method of Records Requests.....	1
2.2 Specificity of Records Requests.....	1
2.3 County Response.....	1
2.4 Completion of Records Request.....	2
2.5 County Attorney.....	2
2.6 Access to Public Records.....	2
2.7 Public Records Request Form.....	2
2.8 Certified Copies.....	2
3. Fee Schedule.....	3
3.1 Fees for Public Records.....	3
3.2 Fees Exceeding \$25.00.....	3
3.3 Advance Payment of Fees.....	3
3.4 Reduced Fee or Free Copies.....	3
3.5 Modifications to Fee Schedule.....	3
4. Original Records.....	3
4.1 Authorization Required for Removal of Original Records.....	3
4.2 On-Site Review of Original Records.....	3
4.3 Unauthorized Alteration, Removal, or Destruction of Original Records.....	3

1. Purpose and Compliance. The purpose of this policy is as follows: (a) ensure that all requests for public records are handled in a manner that complies with the Oregon Public Records Law, ORS 192.311 - 192.431, as amended; (b) provide reasonable measures to protect and preserve the integrity of the public records; and (c) maintain office efficiency and order. To the extent this policy conflicts with any federal, state, and/or local laws, regulations, and/or ordinances, Malheur County ("County") will comply with the applicable federal, state, and/or local laws, regulations, and/or ordinances.

2. Public Records Requests - Procedure.

2.1 Method of Records Requests. A request for public records that are in the custody of County must be made by submitting a written request, on the form prescribed by County, to the appropriate department head or elected official as set out on the contact schedule attached hereto as Schedule 2.1.

A public records request may be submitted in person or via mail, facsimile, or electronic mail.

2.2 Specificity of Records Request. All requests for public records must be dated and signed by the person (the "Requester") requesting to inspect or receive a copy of the public records. In addition, to facilitate the public's access to public records in County's possession, and to avoid unnecessary expenditure of County's personnel time, a request for public records must contain the following minimum information: (a) the Requester's name and address; (b) the Requester's telephone number or other contact information; and (c) a sufficiently detailed description of the public records requested, including the dates, subject matter, and such other information concerning the requested public records as may be necessary to enable County personnel to search for and readily locate the desired public records.

2.3 County Response.

2.3.1 Subject to and except as otherwise provided under this policy or applicable law, if County receives a written request to inspect or receive a copy of a public record in accordance with this policy and applicable law, County will, within five business days after receiving the public records request, acknowledge receipt of the request or complete County's response to the request. County's acknowledgment will (a) confirm that County is the custodian of the requested record, (b) inform the Requester that County is not the custodian of the requested record, or (c) notify the Requester that County is uncertain whether County is the custodian of the requested record. For purposes of this policy, the term "business day" means a day other than Saturday, Sunday, and/or a legal holiday and on which at least one paid County employee that received the public records request is scheduled to and does report to work.

2.3.2 County may request additional information or clarification from the Requester to expedite County's response to the request. If County requests additional information or clarification, County's obligation to further complete its response to the request is suspended until the Requester provides the requested information or clarification or affirmatively declines to provide that information or clarification. County will close the subject request if the Requester fails to respond within 60 days to County's request for additional information or clarification.

2.3.3 County will provide the Requester an estimate of the fees applicable to making the public records available for inspection or providing copies. County will also advise the Requester that the requested public records will not be released (i.e., County's obligation to provide the requested records is suspended) unless and until County receives payment of the estimated fees for providing the

service. County will close the subject request if the Requester fails to pay the fees within 60 days after the date on which County informed the Requester of the fees, or fails to pay the fee within 60 days after the date on which County informed the Requester of the denial of a fee waiver (if applicable). County's failure to advise the Requester of the prepayment obligation will not relieve the Requester of the obligation to pay applicable fees.

2.4 Completion of Records Request. County will complete its response to a properly completed written records request as soon as practicable and without unreasonable delay. To this end, as soon as reasonably possible, but no later than 15 business days after County receives the written records request, County will (a) complete its response to the public records request, or (b) provide a written statement that County is still processing the request and a reasonable estimated date by which County expects to complete its response based on information then-available. Notwithstanding anything contained in this policy to the contrary, the time periods established under Section 2.3.1 and/or this Section 2.4 do not apply if compliance is impracticable because (x) staff or volunteers necessary to complete the response are unavailable, (y) compliance will demonstrably impede County's ability to perform other necessary services, and/or (z) the volume of public records requests being simultaneously processed by County. If County is unable to comply with the time periods established under Section 2.3.1 and/or this Section 2.4 for a reason identified under this Section 2.4, County will, as soon as practicable and without unreasonable delay, acknowledge the public records request and complete the response to the request.

2.5 County Attorney. Complex public records requests and/or public records requests that may implicate the application of one or more statutory exemptions from disclosure will be submitted to the County's attorney for review and evaluation. After reviewing and evaluating the public records request, the County's attorney will (a) make a determination as to whether the public records request may be processed, and (b) inform County department or office whether to process the public records request. If the attorney determines that County is unable to process the requested public records, the attorney will provide the Requester a written response identifying the basis for the denial.

2.6 Access to Public Records. County will permit inspection and examination of its non-exempt public records during regular business hours in County's offices, or such other locations as County may reasonably designate from time to time. Copies of non-exempt public records maintained in machine readable or electronic form will be furnished, if available, in the form requested. If not available in the form requested, such public records will be made available in the form in which they are maintained. County is not required to engage in any of the following activities: (a) create any new public records and/or customize any existing public records in response to a public records request; (b) produce "lists" of public records that are not already available in the form of a "list"; (c) create a public record to disclose the reasoning behind County's actions or other knowledge County personnel may have; and/or (d) explain or answer questions or provide legal research and analysis on or about any public records.

2.7 Public Records Request Form. A request for public records must be made by submitting a written request to County on the form prescribed by County. The public records request form will be made available to the public. County may make modifications to the public records request form at any time and from time to time as County deems necessary or appropriate.

2.8 Certified Copies. Certified copies of non-exempt public records will be furnished upon request and receipt of payment therefor.

3. Fee Schedule.

3.1 Fees for Public Records. To recover County's actual cost for responding to public records requests, County adopts the fee schedule attached hereto as Schedule 3.1.

3.2 Fees Exceeding \$25.00. County will not charge a Requester a fee for making the public records requested available for inspection, or for providing copies of the same, in excess of \$25.00 unless County first provides the Requester written notification of the estimated amount of the fees and the Requester confirms that the Requester wants County to proceed with making the public records available.

3.3 Advance Payment of Fees. All estimated fees for making the requested public records available for inspection, or for providing copies of the same, must be paid before the public records may be inspected or copies released. If County's estimated fees exceed the actual cost, the overpayment will be refunded by County to the Requester. If County's estimated fees are less than the actual expense incurred by County to process the records request, the Requester will pay such additional fees before the public records may be inspected or copies released. Public records will not be released for inspection or copying unless and until County has received payment from the Requester for providing the requested public records.

3.4 Reduced Fee or Free Copies. County may furnish copies of any public record without charge or at a substantially reduced fee if County determines that the waiver or reduction of fees is in the public interest because making the public record available primarily benefits the general public.

3.5 Modifications to Fee Schedule. Schedule 3.1 may be modified at any time by resolution. Any change to Schedule 3.1 will apply as of the effective date of the resolution modifying Schedule 3.1 and will not apply retroactively to any public records request that has been submitted and processed prior to the effective date of such resolution.

4. Original Records.

4.1 Authorization Required for Removal of Original Records. At no time will an original public record be removed from County's files or the place at which the public record is regularly maintained except upon authorization of the department head or county official in the office where the record is maintained (or his or her designee).

4.2 On-Site Review of Original Records. If a request to review original public records is made, County will permit such review provided that search fees are paid in advance in accordance with Section 3. If County deems necessary or appropriate, County may require that County personnel be present during the review of any original records. The person reviewing the original records will be charged for County personnel's time for being present while the original records are being reviewed.

4.3 Unauthorized Alteration, Removal, or Destruction of Original Records. If any person attempts to alter, remove, and/or destroy any public record, County's representative will immediately terminate such person's review and will notify the county attorney.

Schedule 2.1

Department and Elected Office Contact information for Public Record Requests

A public records request may be submitted in person or via mail, facsimile, or electronic mail.

**Administrative Office**

Human Resources, Accounts Payable and Receivable

Attn: Lorinda DuBois, Administrative Officer

251 B. Street West #1/ Room 104

Vale, Oregon 97918

Telephone: (541) 473-5183 ; Facsimile (541) 473-5168

Email: [Lordinda.DuBois@malheurco.org](mailto:Lordinda.DuBois@malheurco.org)

**Ambulance Service District**

Attn: Jeffrey Rodgers, Coordinator

316 NE Goodfellow Street

Ontario, Oregon 97914

Telephone: (541) 881-8367

Email: [jeffrey.rodgers@malheurco.org](mailto:jeffrey.rodgers@malheurco.org)

**Assessor's Office**

Attn: David Ingram, Assessor

251 B. Street West # 2/ Room 109

Vale, Oregon 97918

Telephone: (541) 473-5105 ; Facsimile (541) 473-5109

Email: [David.Ingram@malheurco.org](mailto:David.Ingram@malheurco.org)

**Building Department**

Attn: Adele Schaffeld, CBO

14 S. 3<sup>rd</sup> Street / PO Box 2783

Nyssa, Oregon 97913

Telephone: (541) 372-5460; Facsimile: (541) 372-5465

Email: [adele.schaffeld@bldgmalheurco.org](mailto:adele.schaffeld@bldgmalheurco.org)

**Community Corrections**

Attn: Lt. Jim St. Michell

1682 SW 4<sup>th</sup> Street

Ontario, Oregon 97914

Telephone: (541) 881-2407

Email: [Jim.Stmichell@malheurco.org](mailto:Jim.Stmichell@malheurco.org)

**County Clerk**

Attn: Gayle Trotter

251 B. Street West #4/ Room 101

Vale, Oregon 97918

Telephone: (541) 473-5151; Facsimile (541) 473-5523

[Gayle.Trotter@malheurco.org](mailto:Gayle.Trotter@malheurco.org)

**County Counsel**

Attn: Stephanie Williams  
251 B. Street West #5 / Room 106  
Vale, Oregon 97918  
Telephone: (541) 473-5501; Facsimile: (541) 473 - 5576  
Email: Swilliams@malheurco.org

**County Court /County Judge/County Commissioners**

Attn: Kim Ross, Executive Assistant  
251 B. Street West #5, Room 106  
Vale, Oregon 97918  
Telephone: (541) 473-5124; Facsimile: (541) 473-5576  
Email: kim.ross@malheurco.org

**District Attorney**

Attn: David Goldthorpe, District Attorney  
251 B. Street West #6  
Vale, Oregon 97918  
Telephone: (541) 473-5127; Facsimile (541) 473-5199  
Email: David.Goldthorpe@malheurco.org

**Environmental Health Department**

Attn: Eric Evans, Interim Director  
251 B. Street West #9  
Vale, Oregon 97918  
Telephone: (541) 473-5186; Facsimile: (541) 473-5580  
Email: eric.evans@malheurco.org

**Fair**

Attn: Dawnita Haueter, Manager  
795 NW 9<sup>th</sup> Street  
Ontario, Oregon 97914  
Telephone: (541) 889-3431  
Email: fair@malheurco.org

**Health Department**

Attn: Sarah Poe  
1108 SW 4<sup>th</sup> Street  
Ontario, Oregon 97914  
Telephone: (541) 889-7279  
Email: Sarah.Poe@malheurco.org

**Information Services**

Attn: Joshua Kreger, Director  
251 B. Street West #1, Room 105  
Vale, Oregon 97918  
Telephone: (541) 473-5184  
Email: [joshua.kreger@malheurco.org](mailto:joshua.kreger@malheurco.org)

**Justice Court**

Attn: Office Manager  
1178 SW 4<sup>th</sup> Street  
Ontario, Oregon 97914  
Telephone: (541) 889- 5712  
Email: [justicecourt@malheurco.org](mailto:justicecourt@malheurco.org)

**Juvenile Department**

Attn: Ted Martinez, Director  
251 B. Street West #11  
Vale, Oregon 97918  
Telephone: (541) 473-5101; Facsimile (541) 473-5182  
Email: [ted.martinez@malheurco.org](mailto:ted.martinez@malheurco.org)

**Planning and Zoning Department**

Attn: Eric Evans, Director  
251 B. Street West #12  
Vale, Oregon 97918  
Telephone: (541) 473-5185  
Email: [Eric.Evans@malheurco.org](mailto:Eric.Evans@malheurco.org)

**Road Department**

Attn: David Tiffany, Supervisor  
1001 Barkley Drive or  
251 B. Street West #8  
Vale, Oregon 97918  
Telephone: (541) 473-5191; Facsimile: (541) 473-3701  
Email: [Shelly.dennis@malheurco.org](mailto:Shelly.dennis@malheurco.org)

**Sheriff's Office**

Attn: Travis Johnson, Sheriff  
151 B. Street West  
Vale, Oregon 97918  
Telephone: (541) 473-5126; Facsimile: (541) 473-5504  
Email: [Travis.Johnson@malheurco.org](mailto:Travis.Johnson@malheurco.org)

**Surveyor**

Attn: Derrick McKrola, PLS  
251 B. Street West #7  
Vale, Oregon 97818  
Telephone: (541) 473-5520  
Email: [Derrick.Mckrola@malheurco.org](mailto:Derrick.Mckrola@malheurco.org)

**Tax/Treasurer**

Attn: Jennifer Forsyth, Treasurer/Tax Collector  
251 B. Street West #14  
Vale, Oregon 97918  
Telephone: (541) 473-5165; Facsimile: (541) 473-5164  
Email: Jennifer.Forstyth@malheurco.org

**Veterans Services**

Connie Tanaka, Veterans Officer  
316 NE Goodfellow  
Ontario, Oregon 97914  
Telephone: (541) 889-6649  
Email: Connie.Tanaka@malheurco.org

**Weed Department**

Amanda Zander, Director  
1001 Barkley Drive  
Vale, Oregon 97918  
Telephone: (541) 473-5102; Facsimile: (541) 473-3701  
Email: Amanda.Zander@malheurco.org



Schedule 3.1  
Fee Schedule for Public Records Requests

1. Copies of Public Records; Certified Copies. Copies of public records are \$0.25 cents per page for standard, letter size copies. Copies may be certified for an additional charge of \$3.75 per document.
2. Copies of Sound Recordings. Copies of sound recordings of meetings are \$10.00 per copy.
3. Copies of Maps and Other Non-Standard Documents. The actual cost to County for copying maps or other non-standard size documents will be charged to the Requester.
4. Records on Compact Disc. Copies of public records may be provided on compact disc if the record(s) are stored in County's computer system. Discs will be provided at a cost of \$25.00 per disc and may contain as much information as the disc will hold. Due to threat of computer viruses, County will not permit a Requester to provide discs (or any other electronic storage device) for electronic reproduction of computer records.
5. Records Transmitted via Facsimile and Electronic Mail. The cost of public records transmitted by facsimile is \$4.00 for the first page and \$0.25 cents for each additional page, limited to a 25-page maximum, not including the cover page. The cost of public records transmitted by electronic mail is \$4.00 per electronic mail, plus \$0.25 cents per page, and is limited to 10 MB in size per electronic mail.
6. Labor Costs. County's personnel time for researching, locating, compiling, editing, summarizing, tailoring, and/or otherwise processing information and records will be at the hourly rate (or its equivalent) of the personnel responsible for processing the information or public records request, which time will be charged in quarter-hour increments; provided, however, County may waive County's labor costs for a public records request requiring 10 or fewer minutes of total personnel time. County will estimate the total amount of time required to respond to the public records request and the Requester will make payment for the estimated cost in advance. If the actual time and costs are less than estimated, the excess amount paid will be refunded to the Requester. If the actual costs and time are more than estimated, the difference will be paid by the Requester before the public records may be inspected or copies released.
7. Delivery and Postage. The Requester will pay the actual cost for delivery of the public records, including postage or courier fees.
8. Attorney Fees. As applicable, the Requester will pay the actual attorney fees charged to County for the cost of time spent by the attorney reviewing the public records, redacting material from the public records, and/or segregating the public records into exempt and nonexempt records. The cost of the attorney's time spent determining the application of the Oregon Public Records Law will not be included in the "actual attorney fees."
9. Additional Charges. If a request is of such magnitude and nature that compliance will disrupt County's normal operation, County may impose such additional charges as are reasonably necessary to reimburse County for its actual costs of producing the requested public records.