

## RESOLUTION NO 2025-002

### A RESOLUTION OF THE TUMALO BASIN SEWER DISTRICT ADOPTING POLICIES AND FEES FOR OBTAINING PUBLIC RECORDS OF THE TUMALO BASIN SEWER DISTRICT

WHEREAS, ORS 192.324 (4) authorizes and regulates the establishment of fees by a public body to reimburse its actual costs of making public records available, including costs for summarizing, compiling, or tailoring the records to meet the request.

NOW THEREFORE, the Board of Directors of the Tumalo Basin Sewer District resolves the following:

#### SECTION I - THE FOLLOWING POLICY IS HEREBY ADOPTED:

- A. This policy applies only to the District records that are not exempt from release.
- B. Public Records Requests shall be made to the District as follows:
  - 1. A request for public records that are in custody of the District may be made by submitting a written request to:
    - Board of Directors
    - Tumalo Basin Sewer District
    - By mail to: Tumalo OutPost
    - 64682 Cook Ave, Box #19
    - Bend, Oregon 97703
    - By email: [tumalobasinsd@gmail.com](mailto:tumalobasinsd@gmail.com)
  - 2. All written requests may be submitted by mail, by email, or in person during the District's normal working hours.
  - 3. The request must:
    - a. Include the name and address of the person requesting the public record;
    - b. Include a telephone number or other contact information for the person requesting the public record.
    - c. Include a sufficiently detailed description of the record(s) requested to allow the District to search for and identify responsive records;
    - d. Be dated and signed by the person requesting the public record.
- C. Readily available non-exempt records will be provided as soon as possible. Non-exempt records which are not readily available because of the magnitude or the nature of the request shall be produced within a reasonable time. In such case, the District shall inform the individual requesting the records of the estimated cost of production (if over \$25), and when they will be available for review and/or copying.
- D. Upon receipt of written public records request that complies with these policies, the District shall respond as soon as practical. The District may request additional information or clarification from the requester for the purpose of expediting the

District's response to the request. The District's response will acknowledge receipt of the request and including one of the following:

1. A statement that the District does not possess or is not the custodian of, the public record.
  2. Copies of all requested public records for which the District does not claim an exemption from disclosure under ORS 192.410 to 192.505.
  3. A statement that the District is the custodian of at least some of the requested public records that may be inspected or copies of the records will be provided, and an estimate of the fees that the requester must pay as a condition of receiving the public records.
  4. A statement that 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 by the District within a reasonable time.
  5. A statement that the District is uncertain whether the District possesses the public record and that the District will search for the record and make an appropriate response as soon as practicable.
  6. A statement that state or federal law prohibits the District from acknowledging whether the record exists or that acknowledging whether the record exists would result in loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the District.
- E. Tumalo Basin Sewer District's nominal fees are reasonably calculated to reimburse the District for its actual costs to search for, review, release and copy any public record, including photographs. These fees are set as follows:
1. Charges for copies of public records shall be \$0.25 cents per copy for letter size copies and \$0.50 per copy for legal size copies.
  2. If a request for District records requires personnel to spend 15 or more minutes researching, locating, compiling, editing, reviewing or otherwise processing information and records prior to their release or copying, the minimum fee shall be \$100.00 per hour or \$25.00 per quarter-hour per individual involved, with a minimum of one-quarter hour charge. The time to be spent responding to public records requests shall be estimated by the District.
  3. In accordance with ORS 192.440, the District may furnish copies without charge at a substantially reduced fee if the District determines that the waiver or reduction of fees is in the public interest because making a requested record(s) available primarily benefits the general public.
  4. The actual cost of materials and equipment needed to produce copies of non-standard records shall be charged to the requester.
  5. The actual cost for delivery of records such as postage and courier fees shall be charged to the requester. Staff time and the cost of materials shall be charged to the requester as provided in these policies for each true copy certification.
  6. The actual attorney fees charged to the District for the cost of time spent by an attorney in reviewing the public records or answering any public request, redacting material from the public records or segregating the public records into exempt and non-exempt records shall be charged to the requester. The cost of

the attorney's time spent determining the application of ORS 192.410 to 192.505 will not be included.

7. The District may require prepayment of estimated fees before taking further action on the request. If the cost of production of the requested records is less than the amount of the deposit, the excess deposit shall be refunded to the requester. If the actual cost of production of the requested records exceeds the amount of the deposit, the difference shall be paid by the requester before the requested documents are provided.
8. If a request is of such magnitude and nature that compliance would disrupt the District's normal operations, separate arrangements will need to be made prior to such release of records in accordance with advice from legal counsel.
- F. At no time shall original records or photographs of the District be removed from the District files or from the place of regular record retention, nor shall copies of original records be made by people other than District personnel or their designee. Original District records and/or photographs shall not be reviewed unless District personnel are available to oversee that review. The charge for District personnel time for monitoring shall be set forth above.

**ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by action of the Board of Directors of Tumalo Basin Sewer District.

APPROVED BY:

ATTEST

\_\_\_\_\_

President

\_\_\_\_\_

Secretary