

SRD MEETING MINUTES December 12, 2019

Present: Pala Bailey, Neal and Annie Ehlen, Tina Ward, Rod and Sue Napier, Ron Brown, Barbara Krane, Rick Thompson, Mike Stowe, Alice Swanson, Bill Swanson, Aileen Winge

Meeting opened at 12:00 Noon

Quorum present.

The State of Oregon requires all districts adopt a PREVENTION OF WORKPLACE DISCRIMINATION, HARASSMENT, AND RETALIATION (OREGON PUBLIC SECTOR). Bill Swanson presented the FRESRD policy and made a motion that the FRESRD Board move to adopt this policy (RES 003) which was seconded and voted on, and adopted by the district.

The Board reviewed and discussed Adopting a Public Records Policy for the district. Bill Swanson moved that the resolution (RES 002) be adopted. It was seconded and voted on. The quorum of the board present voted "yes" to adopt the policy. The District now requests all members, who wish to review or obtain copies of FRESRD documents, to fill out the required form. Bill Swanson said he'd ask Alice Carey-Swanson to post it on her website so that it is easily accessible to all SRD members

On the subject of the volunteer applicants for the January opening of a position on the SRD Board, Aileen Winge commented on how appreciative she was that four people actually volunteered. In her 27 years in Fall River this was a first. In the past it was difficult to recruit members without a little arm twisting. Hopefully, this surge of volunteerism will continue in the years to come.

Having independently reviewed the applications for a new Board member to replace Aileen Winge (term Jan 1, 2020-Dec. 31, 2022), Bill Swanson and Aileen Winge voted in turn for Ron Brown. Rick Bestwick, the third member of the SRD Board voted by email for Ron Brown. The Deschutes County Commissioners will be advised of the Board's choice.

Bill Swanson mentioned that the SRD Board has attempted to arrange an informal meeting between the SRD and the HOA Boards to discuss problems in the neighborhood. At this time, it is uncertain if this offer will be accepted - John Burns would speak to the other HOA Board members.

Aileen Winge thanked the SRD members for their support and confidence over the last dramatic year. She is leaving the board at the end of December.

Public Comment Session:

Rick Thompson spoke to the question of public input, or the lack of it at the SRD meetings. Bill Swanson explained that the monthly SRD meetings are working meetings for the Board, it is their only time to conduct District business. The public is always welcome to attend but there is no requirement that they be allowed to speak. However, Alice Swanson pointed out that at all of 2019 meetings there has been public comment. It was pointed out that Mike Stowe has spoken at every meeting this year, and that Tom McManus spoke at every meeting he attended.

Mike Stowe spoke of his desire for peace in the neighborhood. He recommended that everyone should forgive and forget past differences. It is Christmastime, after all.

Pala Bailey thanked Aileen Winge for her service to the community. She feels that what would heal this neighborhood is a change of leadership of the HOA.

Meeting adjourned. Minutes presented by Aileen Winge

These minutes are preliminary as they have not yet been approved.

Respectfully Submitted

Aileen Winge

A copy of the Public Records Policy is attached to these meeting minutes.

RESOLUTION NO. 002

**ADOPTING A PUBLIC RECORDS POLICY
FOR THE FALL RIVER ESTATES SPECIAL ROAD DISTRICT**

WHERE AS, the Fall River Estates Special Road District is a municipal corporation of the State of Oregon; and

WHERE AS, the District is bound by the Oregon Public Records Law (ORS 192.410 to ORS 192.505); and

WHERE AS, the Oregon Public Records Law allows the District to establish fees reasonably calculated to reimburse the District for the District's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, in response to a request; and

WHEN/IF, The Fall River Estates Special Road District proposes to impose fees for public documents, the District will provide an opportunity for interested persons to comment on the enactment of a Resolution to impose fees, pursuant to ORS 294.160.

NOW THEREFORE, THE DISTRICT RESOLVES AS FOLLOWS:

SECTION 1. PURPOSE: Oregon law states that every person has a right to inspect any non-exempt public record. Oregon Revised Statute (ORS) 192.410 defines a "public record" as any writing containing information relating to the conduct of the public's business, prepared, owned, used or retained by a public body regardless of the physical form or characteristics. ORS 192.410 goes on to define "writing" as handwriting, typewriting, printing, photostating, photographing and every means of recordings of any type, which includes letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, discs, drums or other documents.

SECTION 2. REQUESTS: Requests to inspect records shall be referred to the Board Chair, or his or her designee, prior to allowing inspection or releasing copies of such records.

If there is doubt that the records requested for inspection are not clearly within the definition of "public record," or are exempt records, the request will be referred to the District's attorney for review and recommendation.

SECTION 3. PROCEDURES: All requests shall be made in writing using the Public Records Request Form attached as Exhibit A and incorporated into this resolution by reference. Requester shall provide sufficient descriptive information to enable staff to identify and locate the records requested.

The District will acknowledge all requests for public records within five business days of the written request to the Board Chair on the portion of the request form identified as "Acknowledgment," and in most cases will complete the request on the form attached as Exhibit B within fifteen business days of written request to the Board Chair.

The District may request additional or clarifying information in good faith to expedite its response to a request. Response timelines are suspended until such information is provided by the requester or the requester affirmatively declines to provide the information. If the requester fails to respond within 60 days to a good faith request from the District for additional information or clarification, the District shall close the request.

SECTION 4. FEES: The District has NOT established fees to reimburse it for costs associated with making public records available, at this time. If/When the district resolves to impose fees, Requesters will be advised of the fee associated with their request and payment of the fee must be received prior to release of the requested material. Response timelines are suspended until all fees are paid in full. If the requester fails to pay the fee within 60 days of the date the District informed the requester of the fee, or fails to pay the fee within 60 days of the date on which the public body informed the requester of the denial of any fee waiver, the District shall close the request.

TO OBTAIN A PUBLIC DOCUMENTS REQUEST FORM, CONTACT THE FRESRD BOARD CHAIRMAN OR SECRETARY. A FORM WILL BE SENT TO YOU VIA EMAIL OR YOU CAN PICK ONE UP FROM THE BOARD CHAIR OR SECRETARY. A WEBSITE ADDRESS MAY BE PROVIDED TO YOU WHERE YOU CAN DOWNLOAD THE FORM.

If the records requested are documents which are produced by the District for general distribution and printed copies are available (i.e., Board Agenda, brochures, etc.), a copy will be provided at no charge. Similarly, if the records requested are available on the web, the requester will be referred to the appropriate website, free of charge.

ADOPTED by the Board of Directors this ____ day of _____, 2019

Chairman, Fall River Special Road District Board of Directors

Secretary, Fall River Special Road District Board of Directors

Treasurer, Fall River Special Road District Board of Directors



Fall River Estates Special Road District
PO BOX 4181
Bend, Oregon 97707

Public Record Request

Name: SAMPLE Daytime Phone #: _____

SAMPLE

Address (City/State/Zip Code): _____
SAMPLE

Email address: _____

Preferred method of contact:

Phone Email US Mail SAMPLE

SAMPLE SAMPLE

Request is for: Inspection of Public Record (Reviewed at District Headquarters) Copies of Public Record(s)

Information Requested: Please be specific and provide as much detail as possible to allow District staff to determine the SAMPLE requested records' nature, content source, including dates and key words:
SAMPLE

SAMPLE

SAMPLE

SAMPLE

SAMPLE

How would you like to receive these records?

Pick up Emailed US Mail (cost of postage will be added)

SAMPLE SAMPLE

SAMPLE

SAMPLE

REQUESTOR TO READ AND SIGN UPON SUBMITTING REQUEST

SAMPLE

I understand that every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505. Further, I understand that fees may be charged to reimburse the District for its actual costs in making the records available. Such calculation may include staff time, costs for summarizing, compiling, or tailoring a record to meet my request. Copies of large documents are sometimes taken to a commercial copy business. For those documents, the fee will be actual cost plus staff time. I hereby request that the District produce, as best to the District's ability, the records specified above. Any fees must be paid prior to release of the record(s) requested. A deposit for fees, based on the estimated cost, will be required for any estimate above \$25.00. For estimates above \$25.00, the District will provide a written estimate of the cost, and will seek confirmation to proceed or cancel the request. I understand that if the fee is not paid or additional requested information is not provided within 60 days, the request will be closed.

The District does not charge fees at this time (December 2019). This section will be modified if/when the District decides to impose fees for reimbursement for actual costs.

SAMPLE

Signature

SAMPLE

Date Submitted

SAMPLE

SAMPLE

SAMPLE

FOR OFFICE USE ONLY

SAMPLE

Date request acknowledged: ____/____/____

Estimated completion date: ____/____/____

Info compiled by: _____

Date completed: ____/____/____

Amount due: _____

Date notified: ____/____/____

Receipt # : _____

Date picked up/mailed/Emailed: ____/____/____

SAMPLE

Procedure for Public Records Request

1. Complete and return the Records Request form with as much detailed information as you can.
 2. When/If the District decides to impose fees, The District will provide a written cost estimate and MUST receive confirmation that you want the District to proceed with your request.
 3. The District will contact you with the estimate and a time the records will be available for inspection.
 4. If you request to inspect records, you will be informed of the next available time for such inspection. A place for ONE person to review the files will be provided. One file at a time will be made available. When you are through with the file, return it to receive the next file. Any pages to be copied should be marked with sticky notes provided by District.
 5. When you complete your inspection, return the last file. If staff is available, requested pages will be copied at that time. If staff is not available, you will be informed via your preferred method of contact once staff has copied the requested pages.
 6. If more than one person wants to review your requested records at the same time, reservations must be made in advance for a conference room
-

SAMPLE

RECORDS OFFICER ACKNOWLEDGMENT OF REQUEST:

SAMPLE

SAMPLE

The District is the custodian of the requested records.

The District is NOT the custodian of the requested records. This completes the request and no further action is required.

The District is unsure whether it is the custodian of the requested records. We will search for the record and make an appropriate response as soon as practicable.

SAMPLE

SAMPLE

Additional details: [if needed, we specify which records the District is the custodian, which the District is not the custodian, and which records the District is unsure about]

We request the following additional information to clarify and/or expedite the request:

SAMPLE

SAMPLE

SAMPLE

Exhibit B



Fall River Estates Special Road District
PO BOX 4181
Bend, Oregon 97707

[DATE]

To: [Insert Requestor information] SAMPLE

This letter is in response to your public records request. On [date], Fall River Estates Special Road District (District) received your request for the following record(s):

SAMPLE

“[Describe records requested].”

Having reviewed your request, we are able to inform you that: SAMPLE

___ Copies of [all/the following] requested public records are enclosed or can be accessed at:

[Describe what records are enclosed; describe where to access records - e.g. providing the website link satisfies this requirement;] SAMPLE

SAMPLE District asserts exemptions to the following requested record(s):

[State record(s) and which exemption(s) apply] SAMPLE

___ District is not the custodian of record for the following requested records:

[Insert any records of which District is not the custodian]

SAMPLE ___ State/federal law prohibits District from acknowledging whether the requested record[s] exist[s]. [Cite to relevant state/federal law.] SAMPLE SAMPLE

___ District is unable to acknowledge whether the requested record[s] exist[s] because that acknowledgement would result in [the loss of federal benefits/other sanction]. [Cite to relevant state/federal law.] SAMPLE

___ The District is still processing your request and expects to complete its response by [SAMPLE], based on the information currently available. SAMPLE

You may seek review of the District’s determination that any of the requested documents are exempt from public disclosure pursuant to ORS 192.450, 192.460, 192.465, 192.470, 192.480 and 192.490. SAMPLE

SAMPLE

SAMPLE
Sincerely,
SAMPLE

SAMPLE

SAMPLE

SAMPLE SAMPLE

Name, Board Chairman, Fall River Estate Special Road District

SAMPLE