

**COOS COUNTY RULES
CHAPTER 3 – PUBLIC RECORDS**

Table of Contents

3.300 Policy Statement 1
 3.305 Purpose 1
 3.310 Definitions 1
 3.315 Records Request Procedure 2
 3.316 Records Custodian 2
 3.317 County Response to Records Request 3
 3.320 Security for Record Inspection 3
 3.325 Exempt Records Procedure..... 3
 3.330 Litigation Request Procedure 4

Appendix

Public Records Form i
 County Response to Records Request iii

3.300 Policy Statement

It is Coos County’s policy that the public has a right to inspect or copy any Public Record, except those records exempt from disclosure by law. The County shall endeavor to respond to Records Requests as soon as practicable and without unreasonable delay, subject to factors such as the need for clarification, the nature of the request, and the workload of the County Department.

3.305 Purpose

The purpose of these rules is to provide a procedure to the public and employees for the request and inspection of Public Records and the County’s response to the requests. These rules apply to all County Departments, except for special procedures in the following Departments:

- (1) Sheriff’s Office for law enforcement reports;
- (2) Health Department for protected health information;
- (3) Mental Health Department for protected health information; and
- (4) District Attorney for all records.

3.310 Definitions

The following definitions are applicable to the terms set forth below when they appear capitalized in Chapter 3, Division 300, of the Coos County Rules.

“**Copy**” means a reproduction of a Public Record in the format available, including audio tapes, CDs, or photographic copies.

“**Employee**” means any person serving the County as an employee, officer, or agent, regardless of whether the person is compensated for such services.

“**Exempt Records**” means those records specified in ORS 192.501, 192.502, or other law, which have been determined by County Counsel to be exempt from public inspection.

“**Fee**” means those costs ordered by the Board of Commissioners to reimburse the County for costs incurred in complying with a Records Request.

“**Fee Reduction or Waiver**” means the Board of Commissioners’ decision to reduce or waive a Fee because making the record available at a reduced or no cost primarily benefits the general public.

“**Litigation**” means any matter in which the County is a party to a lawsuit. The filing of litigation or a tort claim notice requires that a Records Request be presented or forwarded to Legal Counsel.

“**Public Record**” has the meaning set forth in ORS 192.410, but a Public Record does not include those records for which the County is not the custodian.

“**Public Records Form**” means the County form provided to the public by the County for the public to request Public Records.

“**Records Custodian**” means the person in the County Department responsible for maintaining Public Records.

“**Records Request**” means a written or oral request for the inspection and/or copying of a Public Record.

3.315 Records Request Procedure

- (1) Persons requesting Public Records must submit a completed Public Records Form to the appropriate Records Custodian. If multiple Departments possess the requested record, the requestor must submit one form for each Department. Requests should clearly identify the specific records requested, if possible.
- (2) If a request can be honored at the time the request is made, the Records Custodian may waive the requirement that the request must be in writing.
- (3) Fees and Deposits. Persons making Records Requests shall pay a deposit in the amount of the estimated cost according to the Fee Schedule before the County responds to the Records Request, and shall pay any additional costs incurred by the County in responding to the request. If the deposit exceeds actual cost, then the excess shall be refunded. If a requestor failed to pay a Fee for a previous Records Request, the requestor shall pay the outstanding Fee and deposit the estimated Fee for the pending Records Request. Records Custodians may waive the deposit requirement if the estimated Fee is less than \$20.
- (4) Fee Reduction or Waiver. A request for a Fee reduction or waiver must be submitted with the Request for Public Records Form. The request must include sufficient information and evidence to allow the County Board of Commissioners to determine whether a reduction or waiver of the Fee is in the public interest because making the record available would primarily benefit the public. A Department receiving a waiver request should forward the request to the Board of Commissioners as soon as possible. The Board shall decide whether to waive or reduce the Fee. The County is prohibited from reducing or waiving Fees from Departments receiving sole funding from statutorily or constitutionally dedicated funds.

3.316 Records Custodian

Each County Department has designated a Records Custodian. The names and addresses of the Records Custodians are maintained at <http://www.co.coos.or.us> and may be obtained from Board of Commissioner’s Office, Coos County Courthouse, 250 N. Baxter, Coquille, OR 97423. All written Records Requests must be sent to the appropriate Records Custodian.

3.317 County Response to Records Request

- (1) If a request is satisfied immediately at the time the request is made, the requestor waives a written response from the Records Custodian.
- (2) The County will not create a record that does not already exist in response to a Records Request.
- (3) Once the Records Custodian receives a Request for Public Records Form, the Records Custodian will respond as soon as practicable and without unreasonable delay. The Records Custodian may request additional information or clarification from the requestor to expedite the Department's response. The response will acknowledge the receipt of the request and state one or more of the following:
 - (a) The Department does not possess or is not the custodian of the records requested;
 - (b) The Department has some or all of the records and provides an estimate of the time and fees to be charged;
 - (c) The Department is uncertain whether it possesses the public records requested, and that it will search for them and make an appropriate response as soon as practicable;
 - (d) Some or all of the records requested are exempt from disclosure under Oregon law. The Department must cite the law that it is relying upon; or,
 - (e) State or federal laws prohibit acknowledging whether the record exists, or acknowledging whether the record exists would result in loss in federal benefits or other sanctions. The Department shall cite the law it is relying upon.

3.320 Security for Record Inspection

- (1) Original records shall not be removed by any person from the Department.
- (2) An appropriate location within each office should be used for a record inspection that permits sufficient monitoring by the Records Custodian.
- (3) The public may not make any notes, comments or markings on a Public Record.
- (4) Any Department may, in its discretion and subject to the provisions of this Chapter, furnish a Copy of a record in lieu of inspection if it determines that it is necessary for the protection of the records or, the request interferes with Department duties.

3.325 Exempt Records Procedure

- (1) Unless Legal Counsel and the Department have established that specific categories of records are exempt from disclosure, the Records Custodian shall forward all Records Requests that involve records fully or partially exempt from disclosure to Legal Counsel. The Records Custodian shall provide a Copy of the record and an explanation why the Custodian believes the record may be exempt.
- (2) Counsel will review the documents and direct the Records Custodian how to respond to the Records Request.

3.330 Litigation Request Procedure

In addition to CR 3.315 to 3.317, the following steps are required for Record Requests that relate to Litigation:

- (1) Any person who makes a Records Request related to Litigation, must submit a Public Records Form to Legal Counsel pursuant to ORS 192.420.
- (2) Any Records Custodian who recognizes that a Public Records Form relates to Litigation must immediately notify Legal Counsel before providing any information. Legal Counsel will advise the Records Custodian regarding the appropriate response.

**COOS COUNTY
PUBLIC RECORDS FORM**

This form must be submitted to the appropriate Records Custodian at the address attached to this form.

Date: _____

Name: _____

Address: _____

Phone: _____

E-mail: _____

Have you contacted any other Coos County employee about this request?
 _____ If yes, name of employee contacted _____

Information Requested:

Use the back of this sheet if more room is needed. Please attach any additional background information that will help County staff to locate requested records.

Fees

This fee list does not include all of the fees. For an updated fee list, visit <http://www.co.coos.or.us>.

- Staff: Current rate which includes wages and benefits. Staff charges depend upon which staff person performs the work, which in turn depends upon the expertise required for the research.
- Copies: \$.50 per page, for all departments except Clerk’s Office.
 \$.25 per page for Clerk’s Office per ORS 205.320(4)(c).
- Audio: \$15.00 first tape or CD.
 \$ 5.00 each additional tape or CD.

Please check how you would like to receive requested documents:

- _____ Inspection of Documents (Add staff time to supervise inspection, to compile records)
- _____ Pick Up (No additional charge)
- _____ Fax (Add \$1 plus \$.25 per page)
- _____ Mail (Add the cost of postage)

By signing this form, you agree to the following: I authorize the County to process my request for public records. If any material contained in this request is exempt from disclosure, I understand that the County will provide the reason for the exemption. I agree to pay the deposit estimated for the County to respond to this request. If the actual cost is above the amount of the deposit, I will pay any additional fees before the records are provided.

Signature: _____ Date: _____

SUBMISSION OF PUBLIC RECORDS FORM

Each Coos County Department has its own Records Custodian. The Coos County Public Records Form must be sent to the County Department that possesses the record you wish to acquire.

Unless another address is provided below, the Public Records Form must be sent to:

ATTN: [insert name of Records Custodian]
[insert name of County Department]
Coos County Courthouse
250 N. Baxter
Coquille, OR 97423

COOS COUNTY RECORD CUSTODIANS

Assessor

Denise Harris, Chief Deputy
Assessor

Commission on Children and Families

Christy Brance, Administrative
Aide

Board of Commissioners

Bobbi Brooks, Administrative
Aide

Community Corrections

Kelly Church, Business Manager
155 N. Adams, Suite B
Coquille, Oregon 97423

Community Service

Andy Levin, Release Officer

County Clerk & Elections

Terri Turi, Clerk

County Counsel

Dianna Dague, Office Manager

Crime Victims Assistance

Maureen Knudson, Director

District Attorney

Heidi Dieu, Office Manager

Fair

Debbie James, Assistant Fair
Manager
P.O. Box 332
Myrtle Point, Oregon 97458

Emergency Management

Glenda Hales, Coordinator

Forestry/Land Agent

Kathy Hathaway, Lands
Assistant

Health Department

Cynthia Black, Administrative
Aide
North Bend Annex
1975 McPherson, Ste #1
North Bend, OR 97459

Human Resources

Martha Bright, Office
Manager

Information Technology

Sandi Arbuckle, Director

Jail

Sgt. Delphine Green
Coos County Jail
200 E. 2nd
Coquille, Oregon 97423

Juvenile

Janet Evans, Director

Maintenance

Ken Gross, Foreman

Mental Health

Joann Caudle
North Bend Annex
1975 McPherson, Suite #2
North Bend, OR 97459

Parks

Tami Haagen, Secretary

Planning

Jill Rolfe, Administrative Aide

Road

Sharon Shinnick, Business
Operation Manager

Sheriff

Breana Hilding, Records Clerk

Solid Waste

Cheryl Westgaard, Interim Solid
Waste Director

Surveyor

Lynae Queen, Office Manager

Tax/Treasurer

Angela Allen, Deputy
Treasurer

Veterans

Mary Ann Sackett, Director