

**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 3

3.317 County Response to Records Request 3

3.320 Security for Record Inspection 4

3.325 Exempt Records Procedure..... 5

3.330 Litigation Request Procedure 5

Appendix

Public Records Form vi

County Response to Records Request viii

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 the applicable time frames outlined in ORS 192.324 and ORS 192.329, and 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) Public Health for protected health information;
- (3) Behavioral Health for protected health information;
- (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.

“**Business Day**” means a day other than Saturday, Sunday or a legal holiday and on which at least one paid employee of the public body that received the public records request is scheduled to work.

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

“**Custodian**” means a public body mandated, directly or indirectly, to create, maintain, care for or control a public record.

“**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 192.345, ORS 192.355, 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 Body**” has the meaning set forth in ORS 192.311(4), and includes every Coos County department, division, and commission.

“**Public Record**” has the meaning set forth in ORS 192.311(5), but for purposes of these Rules 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, or Legal Counsel acting on the Record Custodian’s behalf.

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

“**Response**” shall have the meaning set forth in ORS 192.329.

3.315 Records Request Procedure

- (1) Persons requesting Public Records shall submit a completed Public Records Form to the Records Custodian of the appropriate County Department. 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. If a written request is sufficient to clearly identify the specific record requested, and is directed to the appropriate department/departments, the requirement that the request be submitted via a completed Public Records Form under subsection (1) above may be waived.
- (3) Fees and Deposits.
 - (a) Persons making Records Requests may be requested to 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 hourly rate for the County Employee responding to the request is not found in the County Fee Schedule, the actual fully loaded hourly rate for that employee may be charged. 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. If a deposit is required and the requestor fails to pay the fee within sixty (60) days of the date on which the County informed the requestor of the fee, or fails to pay the fee within 60 days of the date on which the County informed the requestor of the denial of the fee waiver, the public body shall close the request.

(b) If the fee estimated by the Records Custodian is greater than \$25, the Records Custodian must provide the requestor with a written notification of the estimated fee amount. The Records Custodian may not complete the records request unless the requestor confirms that the requestor wants the Records Custodian to proceed with making the public record available.

- (4) **Fee Reduction or Waiver.** A request for a Fee reduction or waiver must be submitted prior to the County's response to the public records request submitted. The request must include sufficient information and evidence to allow Legal Counsel to determine whether a reduction or waiver of the Fee is required by ORS 192.324(5). A Department receiving a waiver request should forward the request to Office of Legal Counsel as soon as possible. Legal Counsel shall decide whether to waive or reduce the Fee under ORS 192.324(5).

3.316 Records Custodian

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

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) Upon receipt of a public records request, the Records Custodian shall respond as follows:
- (a) Within five (5) business days after receiving a public records request, the Records Custodian must complete the response to the request or acknowledge receipt of the request.
- (i) Acknowledgement under this subsection must:
- (A) Confirm that the Department is the custodian of the requested record;
- (B) Inform the requestor that the Department is not the custodian of the requested record; or
- (C) Notify the requestor that the public body is uncertain whether the public body is the custodian of the requested record.
- (ii) If a request for clarification from the requestor is required, the Records Custodian shall include this request with the acknowledgement under this subsection. Additionally, any fee estimate or request for deposit under section 3.315(3) above shall be included with the acknowledgement required by this subsection.
- (b) The Records Custodian shall complete its response to a written public records request as soon as practicable and without unreasonable delay. Except as specified in subsection (c)

below, within ten (10) business days after acknowledging a request pursuant to subsection (a) above, the Records Custodian must:

- (i) Complete its response to the public records request; or
- (ii) Provide a written statement that the County is still processing the request and a reasonable estimated date by which the public body expects to complete its response based on the information currently available.

(c) The ten (10) business day response period specified in subsection (b) above may be modified as follows:

- (i) If a requestor is required to pay a fee deposit under section 3.315(3)(a) herein, the ten (10) business day period for a response to the request shall not commence until the required fee deposit is paid to the County.
- (ii) If a requestor is notified of a fee in excess of \$25 as required by section 3.315(3)(b) herein, the ten (10) business day period for a response to the request shall not commence until the requestor confirms that the requestor wants the Records Custodian to proceed with making the public record available.
- (iii) If a request for clarification from the requestor is required, the ten (10) business day period for a response to the request shall not commence until the requestor provides the requested clarification or affirmatively declines to provide the clarification.
- (iv) The request shall be closed if the required confirmation, fee, or clarification under subsections (i)-(iii) above are not provided by the requestor within sixty (60) days.

(d) The time periods for responding to a request under subsection (c) above do not apply if low staffing levels, heavy workload, or other factors render such response impracticable.

(4) The final response provided by the Records Custodian is complete when the Records Custodian:

- (a) Provides access to or copies of all non-exempt requested records within the custody of the Records Custodian, or explains where the records are already publicly available;
- (b) Asserts any applicable exemptions to disclosure and cites the state or federal law allowing the exemptions;
- (c) Cites any federal or state law that prohibits the public body from acknowledging whether a records exists; and
- (d) If the Records Custodian asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of this determination pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431.

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; Role of Legal Counsel

- (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) Legal Counsel is authorized to respond to any records requests on behalf of a Department's Records Custodian if Legal Counsel determines that it is appropriate to do so.

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 Records Custodian at the applicable County Department. The addresses for the County Departments are 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)
- _____ Email (No additional charge)

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 understand that I may be charged a Fee under the County Fee Schedule and that the County’s response to this request may be contingent upon payment of that Fee.

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(s) you wish to acquire.

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

ATTN: Records Custodian
[insert name and address of County Department]

COOS COUNTY DEPARTMENT MAILING ADDRESSES

Use this address for the following departments:

Coos County Courthouse
250 N. Baxter Street
Coquille, OR 97423

- Assessor
- Board of Commissioners
- County Clerk & Elections
- County Counsel
- Crime Victims Assistance
- District Attorney
- Emergency Management
- Forestry/Land Agent
- Human Resources
- Information Technology
- Juvenile Department
- Maintenance
- Parks
- Planning
- Public Works Department
- Sheriff
- Solid Waste
- Surveyor
- Tax/Treasurer
- Veterans

Use this address for the following departments:

Coos Health & Wellness
281 Laclair
Coos Bay, OR 97420

- Behavioral Health
 Division of CH&W
 (formerly Mental Health)
- Public Health Division
 of CH&W
- Health Promotion
 Division of CH&W

Other County Addresses:

Coos County Fair
 PO Box 332
 Myrtle Point, OR 97458

Community Corrections
 155 North Adams, Suite B
 Coquille, OR 97423

Coos County Jail
 200 E. 2nd
 Coquille, OR 97423

**COOS COUNTY'S
ACKNOWLEDGEMENT OF RECORDS REQUEST**

Date: _____

Dear _____:

The _____ Department received your Records Request on _____.

Mark one or more as appropriate:

_____ The Department does not possess or is not the custodian of some or all of the records requested. The following Department(s) may be the custodians of the records requested: _____.

_____ The Department has some or all of the records and it is estimated that the fee for production will be \$_____. In order for the Department to complete your request, please:

mark one as appropriate

_____ Confirm in writing that you agree to pay the fee required and would like the Department to continue processing your request.

_____ Send the estimated fee as a deposit to_____.
Once the deposit is received, Coos County will promptly complete the processing of your records request.

_____ The Department is uncertain whether it possesses the records requested, and will search for them and make an appropriate response as soon as practicable.

Sincerely,

Records Custodian