

# Yamhill Fire Protection District

District Policies, Procedures, & SOG's

## MISSION

*Yamhill Fire Protection District is dedicated to  
serve and protect our community*

# District Policies

ADMINISTRATIVE

ADMIN – 121

Public Records

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**Issued: January 11, 2005**

Revised: January 14, 2014

**Revised: February 13, 2018**

## PUPOSE

The Yamhill Fire Protection District recognizes that the Oregon Public Records Law (ORS 192.410-192.505) gives members of the public the right to inspect and copy certain public records maintained by the Fire District. The Fire District also recognizes that certain records maintained by the Fire District are exempt from public disclosure, or that disclosure may require balancing the right of the public to access the records against individual privacy rights, governmental interests, confidentially issues and attorney/client privilege. Additionally, when the Fire District receives a request to inspect or copy public records, costs are incurred by the Fire District in responding to the request. The purpose of this Public Records Policy is (a) to establish and orderly and consistent procedure for responding to public records requests; (b) to establish the basis for a fee schedule designed to reimburse the Fire District for the actual costs incurred in responding to public records requests; and (c) to inform citizens of the procedures and guidelines that apply to public records requests.

## POLICY

It is the policy of the Fire District to respond in an orderly, consistent and reasonable manner in accordance with the Oregon Public Records Law to requests to inspect or receive copies of public records maintained by the Fire District. The Fire District shall respond to all requests as soon as practical and without unreasonable delay within five (5) business days to either (a) acknowledge the response, or (b) complete the request.

The District will acknowledge the response by:

- Confirm that the District is the custodian of the requested record, or
- Inform the requester that the District is not the custodian, or
- Notify the requester that the District is unsure whether it is the custodian of the record.

After acknowledging the response and within an additional ten (10) business days (for a total of fifteen (15) business days after receiving the request) the District will:

- Complete the request, or
- Provide a written statement that the District is still processing the request and provide a reasonable estimated completion date.

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Complete means the District has:

- Provided access to or copies of all non-exempt requested records,
- Asserted any exemptions to disclosure,
- Complied with ORS 192.505 – separate exempt from non-exempt material and make non-exempt material available,
- Provided written statement that the District is not the custodian of record,
- Provided a statement that federal or state law prohibits the District from acknowledging whether any requested records exists, AND
- Told the requester appeals rights exemptions were asserted.

The District will follow the following guidelines as defined in the ORS:

- The shot clock pauses when: (1) the District tells the requester a fee is due to process the request (once paid or waived, the clock resumes), or (2) the District requests additional information or clarification for the purpose of expediting the District's response (clock starts once the requestor provides this information or affirmatively declines to provide it).
- The time limits do not apply if: (1) necessary staff to complete the request is unavailable, (2) processing the request would impede other necessary services, or (3) the volume of requests is too large. However, the District will still acknowledge and complete the request as soon as practicable and without unreasonable delay in these situations.
- The District shall close the request after 60 days if the requester fails to pay fees due or fails to respond to a request for information or clarification.

## PUBLIC RECORDS

Oregon Statutes define public records to include “any writing containing information relating to the conduct of the public business, including but not limited to court records, mortgages, and deed records, prepared, owned, used, or retained by a public body regardless of physical form or characteristics.” Oregon Statutes also provide that a record may be handwritten, types, photocopied, printed, microfilmed, and exist in the electronic form such as e-mail or a word processing document, or other types of electronic recordings.

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Many public records requests are requests for information that would require the creation of a new public record. Public bodies are not obligated under Oregon's Public Records Laws to create new public records where none exists in order to respond to requests for information. Although a public body may, if it chooses, create a new record to provide information, the public body does not have to create a new record and only has a duty to allow the inspection and copying of an existing public record.

The Fire District is obligated to provide public records in the format in which they exist. The Fire District will provide records in alternative format at no cost, if necessary, to provide reasonable accommodation to persons with disabilities.

## PUBLIC RECORDS EXEMPT FROM DISCLOSURE

There are certain records that are exempt from disclosure. Other public records are conditionally exempt from disclosure. A determination based on any exemption will be made only after review and advice from the District Attorney.

A few specific exemptions that apply to public records include, but are not limited to, the following:

- a) Personal Safety Exemption – ORS 192.445 (1)
- b) Public Records Relating to Pending Litigation – ORS 192.501 (1)
- c) Personnel Discipline Actions – ORS 192.501 (12)
- d) Personnel Privacy Exemption – ORS 190.502 (2)
- e) Public Employees Addresses, Dates of Birth and Telephone Numbers – ORS 192.502 (3)
- f) Confidential Information Submitted by Citizens – ORS 192.502 (4)
- g) Records Deemed Confidential or Privileged under Federal and State Laws or Regulation – ORS 192.502 (8) & (9)
- h) Social Security Numbers

## COPYRIGHTED MATERIAL

If the District maintains public records containing copyrighted material, the District will permit the person making the request to inspect the copyrighted material and may allow limited copying of such material if allowed under Federal copyright law. The District may require written consent from the copyright holder

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or an opinion from the person's legal counsel before allowing copying of such materials.

## FEES

The fee for responding to a public records request will be established in the fee schedule adopted by the District. The fee will be reasonably calculated to reimburse the District for its actual costs in making the records available and may include:

- a) Charges for the time spent by District Staff or any District contractor to locate the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure, to segregate exempt records, to supervise the requestor's inspection of original documents, to copy records, to certify records as true copies and to send records by special or overnight methods such as express mail or overnight delivery.
- b) A per page charge for photocopies of requested records.
- c) A per item charge for providing CDs, audiotapes, or other electronic copies of requested records.

The District will prepare an estimate of the charges that will be incurred to respond to a public records request. If the estimated cost is \$25 or more, the District will require the requestor to deposit the full amount of the estimated amount before fulfilling the request. If the actual costs incurred by the District to respond to the request are more than the amount deposited, the District may charge the requestor for all additional costs and may require an additional amount be deposited before any additional work on fulfilling the request proceeds. If the actual costs incurred by the District to respond to a records request are less than the amount of any required prepayment, the overpayment will be promptly refunded. If the cost to fulfill the request is estimated to be less than \$25, the District will fulfill the request and present the requestor with an invoice to be paid before the release of the documents.

Unless otherwise prohibited by law, the District may, at the District's discretion, with the permission of the Fire Chief & Board of Directors, furnish copies of requested records without charge or at a reduced fee if the District determines that the waiver or reduction of fees is in the public interest.

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## PROCEDURE

1. All public records requests must be made in writing (by mail, in person delivery, fax, or electronic transmission). Persons are encouraged to use the standard Public Records Request Form provided by the District, although other forms of written requests will be accepted if all the information required on the standard form is provided.
2. Requests shall be submitted directly to the Fire Chief by the person making the request. Requests can be submitted directly to the District's website ([www.yamhillfpd.org](http://www.yamhillfpd.org)) or can be made in person, by mail, by facsimile or via electronic mail, and shall be directed to: Yamhill Fire Protection District, Attn: Fire Chief, PO Box 249, Yamhill, OR 97148. Phone: 503-662-4653; Fax: 503-662-3740.
3. The District shall respond to all requests as soon as practical and without unreasonable delay within five (5) business days, the District will either (a) acknowledge the response, or (b) complete the request.
4. The District will provide to the requestor and estimate of the costs incurred by the District to provide the requested documents, including copying charges, research time (if required), and redaction of materials. There is no research cost for the first ½ hour of staff time. Upon receipt of the cost estimate, the requestor must confirm to the District in writing that the requestor wishes for the District to proceed with the request.
5. If the estimated cost is \$25 or more, the District will require a deposit in the full amount of the estimate before fulfilling the request. If the actual costs by the District to respond to the request are more than the amount deposited, the District may charge the requestor for all such additional costs and may require an additional amount be deposited before any additional work on fulfilling the request proceeds. If the actual cost exceeds the estimate, the District will not release the documents until the fee is received in full. If the cost estimated is less than \$25, the City will fulfill the request and present the requestor with an invoice to be paid before release of documents.
6. Upon receipt of payment the District will contact the requestor and arrange for inspection of the original public records, or to pick up the copies, or to confirm the copies are to be mailed, and advise of the final cost which must be paid before inspection occurs or the copies are provided.

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7. A place for one (1) person will be provided for reviewing files. One file at a time will be made available. If more than one person wants to review files at the same time, reservations must be made in advance for a conference room. A research fee will be charged to cover staff person's time for remaining in the room with the files.
8. If a public records request is denied, the District shall prepare a denial of the request, which shall be provided to the person making the request in writing as soon as is practicable.
9. If a public records request is denied, the requestor may appeal the decision to the Yamhill County District Attorney.

## DEPARTMENTAL DUTIES AND POLICIES

The District Fire Chief is the designated Records Custodian for all public records maintained by the District, regardless of where the record is located. In the absence of the Fire Chief, the Fire Board shall serve as the Custodian.

The Fire Chief shall establish a system to monitor each step of the process in responding to a request to inspect public records to insure, that the person making the request has a response within a reasonable time frame, and shall maintain a copy of each request and corresponding records related to the District's response, including notes of each contact with the person making the request.

The Fire Chief may establish a separate District policy to allow verbal or written requests to be made directly to the District for public records maintained by the District that are routinely requested by members of the public in connection with The District's regular duties.

Once it is determined whether any responsive public records exist, the Fire Chief will make an estimate of the expected costs in complying with the request and forward a copy of the estimate to the requestor within five business days of receipt of the request. If the estimate cannot be completed within five business days, the requestor will be advised of the estimated time to complete the review and estimate. **No further work on the request will be undertaken until the Fire Chief has received notice that the estimated costs have been deposited with the District.**

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When the Fire Chief has been given notice that the estimated costs have been paid, the Designated Records Officer (Fire Chief) will proceed to prepare the original public records for inspection, or have photocopies made of the records if copies have been requested.

The Fire Chief shall keep a record of all time spent in responding to the request and any applicable costs, and a final report of cost incurred.

Should the Fire Chief believe there are public records that are, or may be, exempt from public disclosure, the records shall be provided to the District Attorney for review and redaction before the records are released for inspection or copying. The District Attorney shall keep a record of all time spent in reviewing the request and provide that information to the Fire Chief for inclusion in the final report of costs incurred.

## COPLIANCE

The District shall fully comply with the Oregon Public Records Law, ORS 192.410 – 192.505.

## AUTHORIZATION REQUIRED FOR REMOVAL OF ORIGINAL RECORDS

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors of the District.

## PROTECTION

The District Record Officer shall protect the District records if they feel that the method used to copy or inspect the record by individuals using their own equipment, will cause the records damage.

## UNAUTHORIZED ALTERATIOIN, REMOVAL OR DESTRUCTION OF ORIGINALS

If any person attempts to alter, remove or destroy any District record, the District Records Officer or their representative, shall terminate such person's review,



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recover all records and notify the President of the Board and the attorney for the District.

Examples of such records include medical records pertaining to personnel, confidential communications from legal counsel, employment tests, or examination materials, and other materials exempt from public disclosure under the Public Records Law, ORS 192.501 and 192.502.

## FEES FOR PUBLIC RECORDS

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

1. Copies of Public Records; Certified Copies: Copies of public records shall be 50 cents per copy for standard, letter size copies, with a minimum charge being \$5.00. Copies shall be certified for an additional charge of 25 cents each.
2. Copies of Sound Recordings: Copies of sound recordings of meetings shall be \$25.00 per copy.
3. Copies of Maps and Other Nonstandard Documents: Charges for copying maps and other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.
4. Research Fees: If a request for records requires District personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the minimum fee shall be \$25.00 per hour with a minimum charge of one quarter hour. The District shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.



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5. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.
6. Reduced Fee or Free Copies: Whenever it determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the Board may so authorize. ORS 192.440(4).

## OTHER DOCUMENT CHARGES

- |  |          |
|--|----------|
| 1. District Policy, Procedure and SOG Manual | \$100.00 |
| 2. Fire Report – Copy                        | \$ 25.00 |
| 3. Strategic Plan for the District           | \$ 50.00 |
| 4. Standard of Cover                         | \$ 25.00 |