



Tualatin Valley Water District Public Records Request Policy

Purpose: To comply with Oregon public records law (ORS 192) and to provide a clear public records request process so requestors will understand how the District will respond fully and appropriately to each request.

1. Requests

- A. Requests for inspection and copies of public records must be in writing on a form prescribed by the District.
- B. Public records requests will be submitted to the District Recorder by mail or email for processing. The mailing address is 1850 SW 170th Avenue, Beaverton, OR 97003. The email address is recordsrequest@tvwd.org. The District Recorder (or designee) will record the date of submittal and maintain the request as an official record. The District Recorder (or designee) may contact the requestor for clarification of the request and may request a revision or resubmission of a request for clarity.
- C. The District will not author or prepare new documents in response to a public records request.
- D. Based upon the nature of the request, the District may notify affected persons or third parties that certain records have been requested.

2. District Response

- A. Within five business days from receipt of the request, the District Recorder (or designee) will either provide a written response to the public records request or explain in writing why more time is needed for a full response. Additional time may be necessary when the District is presented with an extensive or legally complex public records request.
- B. Staff may need to consult with District legal counsel to obtain legal advice prior to releasing records. The requestor will be informed in writing by the District Recorder (or designee) if the District determines a legal opinion is necessary.
- C. If the District is unable to comply with a public records request, a written response from the District Recorder (or designee) explaining why will be sent to the requestor.

3. Inspection of Records

- A. A person making a public records request may personally inspect the requested records, but the right to inspect records does not include the right to access physical or electronic files or the right to disassemble or change records in any way.
- B. Inspection of public records will occur during regular District business hours by appointment.

- C. The District will designate the place for inspection. A District staff member must be present while original public records are inspected.
- D. The inspection of any public records will occur at a time mutually convenient to the requestor and staff.
- E. Original public records shall not leave the custody of the District.

4. Costs

- A. Upon receipt of the public records request, the District Recorder (or designee) will first prepare a cost estimate reflecting the full, actual cost of District staff time and materials required to make the public records available, including observation of inspection of records and costs of summarizing, compiling or tailoring the public records, either in organization or media, to meet the request.
- B. Labor costs will be based on a fixed hourly rate as set out in the fee schedule. There will be no charge for the first half hour of staff time required to respond to a public records request.
- C. Materials costs to reproduce any requested material will be charged as set out in the fee schedule.
- D. Except as otherwise provided by these rules, public records will not be released for inspection or copies provided unless the District receives full payment of the required fee from the requestor. The requestor will be informed of the required fee prior to release of the records. Failure to inform the requestor of this requirement does not relieve the requestor of the obligation to pay the required fee.

5. Deposit and Payment Requirements

- A. If the estimated cost is \$250 or more, the District will require a deposit in the full amount of the estimated cost before expending additional resources on the public records request.
 - i. District staff will begin work on the request only upon receipt of the deposit.
 - ii. If the actual cost of completing the request exceeds the estimate, the requestor must pay these costs in full before the District Recorder (or designee) will release the records in response to the request.
 - iii. If the actual cost of responding to the request is less than the estimate, the balance of any deposit will be refunded as soon as practicable in the ordinary course of District business.

- B. If the estimated cost is less than \$250, the District will begin to fulfill the public records request and will present a bill for the District's full actual costs payable in full upon completion of the request.
 - i. The District Recorder (or designee) will not release the records responding to the request until the total costs are paid.

6. Waiver or Reduction of Fees

- A. Copies of public records may be furnished without cost, or at a reduced cost, if the District Chief Executive Officer (CEO) determines on a case-by-case basis that a waiver or reduction of fees is in the public interest (making the record available primarily benefits the public because it affects the District community as a whole).
- B. A person requesting a waiver or reduction of fees must file with the District Recorder a written request that includes the purpose for which the records are requested, the character of the information, how the public interest will be served by providing the records at no cost and whether the requestor can demonstrate the ability to disseminate the records to the public or otherwise benefit the general public with the records.
- C. Any requestor disabled within the meaning of the Americans With Disabilities Act may also apply for a waiver or reduction of fees if any of the cost of complying with the public records request relates to the requestor's disability.
- D. The District CEO will review the request and may also consider the requestor's ability to pay and will assess the financial hardship on the District that would or could arise from granting a waiver or reduction.
- E. Routine public records requests by the news media (e.g., a list of top water users) and requests that require less than one half hour of staff time will be made available without charge. Non-routine public records requests by the news media and requests that require more than one half hour of staff time may be charged according to this policy. News media includes news gathering representatives of institutionalized media that ordinarily report to the general public on matters of District business.
- F. Routine public records requests personal to the requestor (e.g., personal utility bills) will be provided without charge if the request requires less than one half hour of staff time. Non-routine public records requests and requests that require more than one half hour of staff time may be charged according to this policy.
- G. Copies of routine materials requested by any District elected official or employee will be provided without charge if the request relates to information needed in the requestor's official capacity.
- H. The decision of the District CEO on any fee waiver or reduction is final.

Tualatin Valley Water District



Tualatin Valley Water District Public Records Request Fee Schedule

Annual Review

The Board may update this fee schedule following the District's annual review of rates and charges.

Materials Fees

If the requestor asks to have the response to the public records request emailed to him or her and the response can be sent in one email, no fees for materials will be assessed. If the response is too large to send in one email, it will be printed and assessed the fees indicated below.

Photocopies	
• Black and white (8 ½" x 11")	\$0.02 per sheet of paper
• Black and white (8 ½" x 14" and larger)	\$0.05 per sheet of paper
• Color (8 ½" x 11")	\$0.05 per page
• Color (8 ½" x 14" and larger)	\$0.15 per page
Data media (e.g., CD or DVD)	Actual cost
Mailing and postage supplies	Actual cost

Service Fees

Staff time (no cost for first half hour of staff time)	\$35 per hour
Staff time to transcribe a recording	\$35 per hour
Attorney time (for reviewing and redacting records)	Actual cost (billed in tenths of an hour)
Certified copy service	\$5 per certification