

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-06-26-01

IN THE MATTER OF AMENDING LANE  
MANUAL CHAPTER 2 TO UPDATE THE  
PROVISIONS PERTAINING TO PUBLIC  
RECORDS LAW TO CONFORM WITH 2017  
LEGISLATIVE CHANGES (LM 2.163)

WHEREAS, Board Order 18-06-05-03 adopted June 5, 2018, amended Lane Manual to update the provisions pertaining to public records law to conform with 2017 legislative changes, and

WHEREAS, reference to revisions contained in section 2.163 were erroneously omitted from Board Order 18-06-05-03,

NOW THEREFORE, the Board of County Commissioners of Lane County ORDERS as follows:

Lane Manual Chapter 2 is amended by removing, substituting or adding the following sections:

**REMOVE THIS SECTION**

2.163

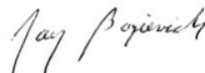
**INSERT THIS SECTION**

2.163

If any section, subsection, sentence, clause, phrase or portion of this Order or the referenced Lane Manual provisions is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution is to update the provisions pertaining to Public Records Law to conform with the 2017 legislative changes (LM 60.851).

**ADOPTED** this 26th day of June 2018.



\_\_\_\_\_  
Jay Bozievich, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date

\_\_\_\_\_  
LANE COUNTY OFFICE OF LEGAL COUNSEL

### **2.162 Responses to Public Records Requests.**

(1) A response to a public record request must be made as soon as practicable and without unreasonable delay. If the record is readily available for inspection, the records may be provided for inspection in accordance with the procedures in LM 2.165. If the record is not readily available at the office where the request is made, a written public records request must be made as provided in LM 2.163.

(2) The County may request additional information or clarification from the requester for the purpose of expediting the response.

(3) In accordance with ORS 192.324(2), the response must acknowledge receipt within five business days after receiving the request or complete the response to the request. The acknowledgement must include one of the following:

(a) A statement that the County does not possess, or is not the custodian of, the public record.

(b) Copies of all requested public records for which the County does not claim an exemption from disclosure under Oregon law.

(c) A statement that the County is the custodian of at least some of the requested public records, an estimate of the time the County requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records.

(d) A statement that the County is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the County within a reasonable time.

(e) A statement that the County is uncertain whether the County possesses the public record and that the County will search for the record and make an appropriate response as soon as practicable.

(f) A statement that state or federal law prohibits the County from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the County in making the statement.

(4) If the County asserts that one or more requested records are exempt from public disclosure, the County must include a statement that the requester may seek review of the County's determination pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427, and 192.431. *(Revised by Order No. 08-2-20-2, Effective 2.20.08; 11-12-14-10, 1.1.12, 17-09-12-01, 9.12.17; 18-06-05-03, 6.5.18)*

### **2.163 Procedures for Public Records Requests.**

The County will make available to the public the written procedures for making public records requests. These procedures must be posted on the County's website and available at the Board of Commissioners' Office.

#### **(1) Form and Method of Requests.**

(a) Certain County offices maintain particular records generally available to the public, such as the Assessment & Taxation office, Deeds & Records office, Sheriff's Office, and the Customer Service Center. Such records may be requested directly at these offices.

(b) Other public records requests must be made in writing. The written request may be submitted using a completed copy of the form contained in the Oregon Attorney General's Public Records and Meetings Manual (a copy of which is available on the County's website or from the Public Records Officer at the address below). A request may also be made in another written manner, so long as the request contains all of the information required on the Attorney General's form.

(c) Written public records requests must be submitted by email to the Public Records Officer at [publicrecords@co.lane.or.us](mailto:publicrecords@co.lane.or.us) or in writing to:

Public Records Officer  
Lane County Office of Legal Counsel  
125 E. 8th Avenue  
Eugene, Oregon 97401

Requests made in any manner other than those stated in this section can and will require more time for a response.

(2) A person making a request may ask that the copies of the documents be produced in a specific format, such as compact disc, providing that the person pays the fee charged for this service.

(3) Fees must be calculated to reimburse the County for the actual costs of making records or information available. Fees must include the full cost of the staff providing the information, calculated at an hourly rate; plus 2.5% (to cover costs associated with building, maintenance, utilities, etc.); and copying fees as established in this section. Staff costs are to be computed on a quarter-hour basis. Other costs that may be included in the fees are:

(a) Staff time spent to locate, review, segregate, and/or redact exempt materials from requested records,

(b) Staff time spent to copy, certify, or mail records or supervise inspection of original documents.

(c) Staff time spent to search for and review records, even if the located records are subsequently determined to be exempt from disclosure or no records can be found.

(d) Supplies and materials used to produce information on audio tapes, video tapes, microfilm, magnetic tape, photo paper, CD, DVD, or other media,

(4) If fees are estimated to exceed \$25, the Public Records Officer will inform the person making the request of the amount of the fees and may not proceed until receiving confirmation from the person making the request that the person agrees to pay the fees. If the requester fails to pay the fee within 60 days of the date on which the County informed the requester of the fee, or fails to pay the fee within 60 days of the date on which the County informed the requester of the denial of a fee waiver, the County shall close the request, pursuant to ORS 192.329(3)(b).

(5) Prior to delivery of the requested public record, the person making the request must pay the fees.

(6) Fixed copying costs are

(a) Copies (black and white).....	\$ 0.25 per page
(b) Copies (color).....	\$ 1.50 per page
(c) Copies (11 x 17 in black and white).....	\$ 1.50 per page
(d) Copying or Recording information to a CD.....	\$ 10.00 per CD
(e) Copy of Annual Budget (per copy).....	\$ 35.00

(7) The Office of Legal Counsel should be consulted if there is any question about whether a document is exempt from disclosure or should nevertheless be disclosed. Absent unusual circumstances, such as litigation, the decision on whether to disclose is made by the Public Records Officer or the County Administrator. *(Revised by Order No. 8-2-20-2, Effective 2.20.08; 11-12-14-10, 1.1.12, 17-09-12-01, 9.12.17)*

**2.165 Procedures for Inspection of Public Records.**

The following procedures are required in responding to requests for inspection of public records.

(1) To the extent possible requests for inspection of public records should be honored at the time the request is made, or as soon thereafter as practicable and without unreasonable delay.

(2) Requests to inspect public records should clearly identify specific records desired for inspection. The request must be made in writing, unless a writing is unnecessary to understand the request and provide the response.

(3) Records may not be removed by the public from the office where they are maintained, unless a procedure that protects and ensures the integrity of the records during removal has been established.

(4) No written notes, comments, or marks, may be made on any public record by any member of the public.

(5) A logging system for keeping track of original records made available to a member of the public must be maintained by each office for those records to be examined by the public or transferred to other County offices in the course of official County business. The system must:

(2) Is necessary to satisfy the fiscal, legal and administrative or historical policy requirements or needs of the state agency or political subdivision.

Public Records Officer. The Public Records Officer is the County employee or employees designated pursuant to ORS 192.324 for receipt of public records requests.

Request for information. A request for limited or specified pieces of information extracted from one or more records. *(Revised by Order No. 76-5-26-8, Effective 12.26.76; 11-12-14-10, 1.1.12, 17-09-12-01, 9.12.17; 18-06-05-03, 6.5.18)*

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