

NEAH KAH NIE WATER DISTRICT
9155 Nehalem Road a Nehalem Oregon 97131

RESOLUTION 2022-4

Neahkahnie Water District Public Records Policy

Purpose: Under Oregon's Public Records law (ORS 192), individuals, organizations, and businesses may request copies or access to non-exempt written documents and materials. The Neahkahnie Water District (District) is committed to transparency and access to appropriate public records. This policy is intended to establish an orderly and consistent procedure for responding to public records requests and calculating the fees, if any, for responding to such requests for public records.

A. Procedure for Obtaining Copies of Records:

- 1) All requests for copies of public records shall:
 - Be made to the General Manager of the District;
 - Be in writing preferably using the District's Public Records Request Form on the District's web site (www.nknwd.org), or using United States Postal Service mail (or other delivery service), or by email using the District's Public Records Request Form or delivered in person to a District employee at the District's Office;
 - Specify the records requested with particularity providing information such as dates, subject matter or key words and other details to enable District personnel to readily locate the records sought; and
 - Provide adequate contact information so that requested non-exempt records can be provided and the requester can be contacted with any questions District personnel may have regarding the records request.
- 2) All requests for copies of public records will either be completed or acknowledged as soon as possible but no later than five business days after receiving the request. An acknowledgment will:
 - (a) confirm that the District is the custodian of the requested record;
 - (b) inform the requester that the District is not the custodian of the requested record; or
 - (c) notify the requester that the District is uncertain whether the public body is the custodian of the requested record.
- 3) Subject to the following item (4) and Section D, copies of all non-exempt public documents will be provided as soon as possible but no later than 15 business days following receipt of the actionable request.
- 4) If a request requires additional information or clarification, the time period for providing copies of public records may be extended until the necessary information is received.

Notice: If the requester fails to pay fees due or fails to respond to a request for information or clarification after 60 days, the District will close the request and take no further action.

B. Fees for Obtaining Copies of Public Record

NEAH KAH NIE WATER DISTRICT
9155 Nehalem Road a Nehalem Oregon 97131

RESOLUTION 2022-4

The Oregon Public Records Law allows the District to recover up to the actual costs incurred in fulfilling a public records request including actual costs for supplies, postage/shipping, and staff time.

- If the cost of providing the requested copies is expected to exceed twenty-five dollars (\$25.00), the requester will be provided with a written notification of the estimated amount of the cost. If the requester agrees to paying the estimated cost of providing the copies, the District may request that all or a portion of the estimated cost be paid prior to the District taking any action toward fulfilling the request.
- There will be no charge for the first thirty (30) minutes of staff time spent in addressing the request.
- No copies will be provided to the requester until the full cost of providing the copies has been paid.
- If the actual cost is less than the estimated amount paid, the excess payment will be refunded at the time the copies are provided to the requester.
- The District may furnish copies without charge or at a substantially reduced fee if such a request is made by the requester and the District determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

The following fees will be charged:

- 1) Copies of Public Records: \$.20 per copy.
- 2) Copies of sound recordings of meetings: \$ 10.00
- 3) Copies of maps and other nonstandard documents: actual cost incurred by the District
- 4) Cost of staff time spent in fulfilling the records request: \$ 40.00 per hour
- 5) No staff time fee will be charged if the requested record(s) can be obtained and processed in less than 30 minutes.
- 6) Any fee due will be paid by check or credit card made out to: Neahkahnie Water District

C. Inspection of Non-Exempt Public Records

- 1) All non-exempt public records of the District are available for public inspection at the District office during regular business hours.
- 2) A request for inspection of records shall be made with the District General Manager (GM) either in writing (which includes email) or by phone.
- 3) Any such request shall include enough details of the records to be inspected to permit the GM to readily retrieve such records for inspection. If a request requires additional information or clarification, the GM will contact the requester for such.
- 4) The GM will as soon as possible, but no later than five (5) business days following the request, access the availability of the requested records and contact the requester to determine a mutually agreeable time for inspection of the records.

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RESOLUTION 2022-4

5) If more than thirty minutes of a District employees' time will be required to make the records available or if other charges would be incurred by the District in providing such records, the actual costs incurred by the District may be charged to the requester. The GM shall provide an estimate of any such costs to the requester to determine if the requester wishes to proceed. If the requester wishes to proceed, the estimated costs will be paid before any action is taken by the GM. Any payment exceeding the actual cost will be refunded to the requester when the inspection of the records is completed.

5) The GM shall be present during the inspection of any public records. Time the GM must spend overseeing the inspection that exceeds 30 minutes may be charged at the rate set forth herein for staff time.

6) The requester shall have a reasonable time in which to inspect the requested records. However, if in the GM's sole judgment, the requester is interfering with the normal course of business of the District, the GM may ask the requester to schedule time for further inspection and to immediately leave the District's office.

6) No original public records shall be removed from the District's office. Any attempt to remove a record will be reported to the appropriate authorities.

D. Time Periods Not Applicable

The time periods set forth in Sections A and C herein do not apply if (a) staff necessary to complete the request is not available; (b) processing the request would impede other necessary services; or (c) the volume of requests is too large. However, the District will acknowledge and complete the request as soon as practicable and without unreasonable delay and will to the extent possible notify requester of progress on the request.

E. Exempt Public Records

Oregon Revised Statue Chapter 192 provides that certain public records are exempt from disclosure. If the District determines that certain requested records are exempt, the requester will be promptly notified.

F. Water District General Manager Contact Information:

- Email: nwdmanager@nehalemtnet.net
- Mail: Neahkahnie Water District
9155 Nehalem Road
Nehalem, Oregon 97131
Attention: General Manager

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RESOLUTION 2022-4

- Phone: 503-368-7309

Neahkahnie Water District Public Records Request

Please submit this completed form to: General Manager, Neahkahnie Water District

Name of Contact: _____ Phone: _____

Mailing Address: _____

Email: _____

Requested Records: Describe the records requested as **specifically as possible** including relevant dates, subject matter, type of records, and any other information that would permit District personnel to readily located the records sought. Use addition pages for description if necessary.

Subject to the time limitations set forth in the District's Public Records Policy, a notice will be sent to you as soon as reasonably possible but no later than 5 business days following receipt of this request. The notice will either ask for clarifying information about the records requested or indicate what records are available. Under Oregon Revised Statutes, Chapter 192, the District may charge for its actual costs in providing the records. You will be provided a written estimate of such charges if the cost is estimated to exceed \$25.00. All such charges must be paid prior to accessing the records. The District may furnish copies without charge or at a substantially reduced fee if such a request is made by the requester and the District determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.


Note: State and federal law prohibits disclosure of certain records and permits certain public records to be withheld from disclosure.

Date Request Received by Water District: _____

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RESOLUTION 2022-4

Adopted by the Board of Commissioners of the Neah Kah Nie Water District this 12th day of July 2022.


Robert Joseph, Board Chair

ATTEST:


Board Secretary