

**TUALATIN VALLEY IRRIGATION DISTRICT
PUBLIC RECORDS REQUEST POLICY**

1. *Purpose.* This Public Records Request Policy (“Policy”) is adopted pursuant to ORS 192.440(7).
2. *Definitions.* For purposed of this Policy, the following definitions apply:
 - a. “Board” means the Board of Directors of the District.
 - b. “Business day” means a day other than Saturday, Sunday or a legal holiday and on which at least one paid employee of the District is scheduled to and does work.
 - c. “District” means Tualatin Valley Irrigation District.
 - d. “Public record” has the meaning provided in ORS 192.410, as amended from time to time.¹
 - e. “Public Records Law” means ORS 192.410 to 192.505.
 - f. “Manager” means the manager of the District.
 - g. “Writing” has the meaning provided in ORS 192.410, as amended from time to time.²
3. *Procedures for Submitting Public Records Requests.*
 - a. A request for public records that are in the custody of the District must be made by submitting a written request to:

Tualatin Valley Irrigation District
Attn: District Manager
2330 Elm Street
Forest Grove, OR 97116
 - b. The request must include:

¹ As of December 2017, “public record” includes “any writing that contains information relating to the conduct of the public’s 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.”

² As of December 2017, “writing” means “handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.”

- i. The name and address of the person requesting the public record(s);
- ii. A telephone number, email address, or other contact information for the person requesting the public record(s);
- iii. A sufficiently detailed description of the public record(s) requested to allow the District to search for and identify responsive records;
- iv. The date of the request; and
- v. The original signature of the person requesting the public record(s).

4. *Calculation of Fees.*

- a. The District calculates fees for responding to public records requests in the following manner:
 - i. \$0.25 per page for letter- and legal-sized, black and white photocopies (nonstandard sizes and color copies will be billed at actual cost to the District);
 - ii. \$5.00 for each true copy certification;
 - iii. \$5.00 for each electric storage device (e.g., disk, compact disk, USB drive, or similar device) used to deliver the public record(s);
 - iv. Labor charges that include researching, locating, compiling, editing, or otherwise processing information and records will be billed at \$65.00 per hour or \$16.25 per quarter-hour (no pro-rated fee is available for increments less than a quarter-hour);
 - v. The actual cost for delivery of records such as postage and courier fees; and
 - vi. Actual attorney fees charged to the District for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records, or segregating the public records into exempt and nonexempt records.
- b. The District will not charge a fee greater than \$25.00 unless the District first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the District to proceed with making the public record available.
- c. The District may require prepayment of estimated fees before taking further action on a request.

- d. The District may furnish copies without charge or at a substantially reduced fee if the Board determines, in its sole discretion, that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
5. *Format of Documents.* If the public record is maintained in an electronic format, the Manager will provide a copy of the public record in the format requested, if available. If the public record is not available in the format requested, the Manager will make the public record available in the format in which the custodian maintains the public record.
 6. *Procedures for Responding to Public Records Requests.*
 - a. *Scope of Obligation.*
 - i. *Applicable Laws.* The District will disclose only those nonexempt public records (or portions thereof) required to be disclosed under applicable laws, including ORS 192.410 to 192.505.
 - ii. *Interpretation.* The District will interpret its obligation to disclose public records consistently with the Oregon Department of Justice's *Attorney General's Public Records and Meetings Manual* (available at http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf), as amended from time to time.
 - iii. *Creation of Public Records.* The Public Records Law does not require the District to create public records. In responding to a public records request, the District will disclose only those nonexempt public records that existed on the date the District received the request.
 - iv. *Continuing Requests.* The Public Records Law does not require the District to disclose documents on a continuing basis in response to a single public records request. Persons requesting disclosure of public records on a continuing basis must make successive requests for such records.
 - b. *Acknowledgement of Request.* Unless compliance would be impracticable for the reasons described in Section 6.g of this Policy, within five business days of receipt of a public records request, the Manager will complete the request or acknowledge receipt of the request. An acknowledgement will include a statement that:
 - i. The District is the custodian of the requested record;
 - ii. The District is not the custodian of the requested record; or
 - iii. The District is uncertain whether it is the custodian of the requested record.

- c. *Fee Estimate.* If the requester must pay fees under Section 4 of this Policy as a condition of receiving the public records, the Manager will provide the requester with a written estimate of the fee. The District's obligation to complete its response to a public records request is suspended until:
 - i. The requester has paid the fee;
 - ii. The fee has been waived pursuant to Section 4.c of this Policy; or
 - iii. The fee otherwise has been ordered waived.

The District will close the request if the requester fails to pay the fee within 60 days of the date that the District informed the requester of the fee or informed the requester of denial of the fee waiver.

- d. *Additional Information.* The Manager may in good faith ask for additional information or clarification from the requester for the purpose of facilitating the District's response to the request. The District's obligation to complete its response to a public records request is suspended until the requester provides the information or clarification asked for by the District, or until the requester affirmatively declines to provide that information or clarification. The District will close the request if the requester fails to provide the asked for information or clarification within 60 days.
- e. *Timing of Response.* Upon receipt of The Manager will complete its response to a written public records request as soon as practicable and without unreasonable delay. Unless compliance would be impracticable for the reasons described in Section 6.g of this Policy, within 10 business days of the date that the District was required to acknowledge receipt of the request, the District will:
 - i. Complete its response to the request; or
 - ii. Provide a written statement that the District is still processing the request and a reasonable estimated date by which the District expects to complete the request based on the information available to the District.
- f. *Completed Response.* A completed response to a public records request will include the following:
 - i. If the District does not possess, or is not the custodian of, the public record, a statement to that effect;
 - ii. If the requested record is already publicly available, an explanation of where the record is available;

Access to or copies of all requested records that are not already publicly available, and for which the District is the custodian and does not claim an exemption from disclosure under ORS 192.410 to 192.505;

If the District claims an exemption from disclosure, a statement to that effect that includes:

1. A citation to the exemption that the District believes applies to the requested records;
2. If the District cites to an exemption at ORS 192.502(8) or (9), the state or federal law that the District relied on to claim the exemption; and
3. A statement that the requester may seek review of the District's determination pursuant to ORS 192.450, 192.460, 192.465, 192.470, 192.480, and 192.490.

If state or federal law prohibits the District 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 to that effect (a statement under this paragraph must include a citation to the state or federal law relied upon by the District).

- g. *Impracticability.* If the District is unable to comply with the timing requirements described in Section 6.b or 6.e of this Policy because compliance would be impracticable, the District will acknowledge the records request and provide a complete response to the request as soon as practicable and without unreasonable delay. Compliance may be impracticable for the following reasons:
 - i. The staff members or volunteers necessary to complete a response to the public records request are unavailable (staff members or volunteers may be unavailable because they are on leave or not scheduled to work);
 - ii. Compliance would demonstrably impede the District's ability to perform other necessary services; or
 - iii. The volume of records being simultaneously processed by the District makes compliance impracticable.

Adopted May 14, 2024.

TUALATIN VALLEY IRRIGATION DISTRICT BOARD OF DIRECTORS

By: _____

Name: James Love III

Title: Chairman