

**A RESOLUTION ADOPTING AN UPDATED
PUBLIC RECORDS POLICY, INCLUDING
REASONABLE MEASURES FOR PUBLIC
RECORDS REQUESTS, AND REPEALING
RESOLUTION NO. 2019-23**

**) RESOLUTION NO. 2026 - 2021
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WHEREAS, according to ORS 192.420, every person has the right to inspect any nonexempt public record of the City of Lebanon subject to reasonable procedures; and

WHEREAS, the City of Lebanon recognizes and respects the public's right to public documents and the importance of maintaining orderly files to facilitate public access in an efficient and cost-effective manner; and

WHEREAS, the State Attorney General suggests that public bodies establish protective measures to maintain the integrity of public records or to prevent interference with the duties of the records custodians; and

WHEREAS, the State Attorney General recommends there be a process in which the public has an opportunity to comment on these measures; and

WHEREAS, the City Council periodically reviews its Public Records Policy to ensure compliance with Oregon Public Records Law and to provide an efficient and consistent process for responding to public records requests.

NOW, THEREFORE, BE IT RESOLVED by the Lebanon City Council, that:

Section 1: Resolution No. 2019-23 is hereby repealed and replaced by this Resolution.

Section 2: The City shall provide proper and reasonable opportunities for inspection and examination of the records during usual business hours if such request does not interfere with the regular discharge of duties.

Section 3: A request to inspect or receive a public record may be made orally or in writing. Public records requests may be submitted through the City's designated online public records portal or by another written method. The City encourages use of the online portal to facilitate accurate tracking and timely processing of requests. Requests shall include sufficient information to enable the City to identify and locate the requested records and sufficient contact information to provide a response. The City may request additional information or clarification when necessary to identify the requested records or facilitate an accurate and timely response.

Section 4: The City shall respond to a person who makes a written request for public records within five business days. The response will acknowledge receipt of the request and include one of the following:

- A. Confirm that the City is the custodian of the requested record;
- B. Inform the requester that the City is not the custodian of the public records; or
- C. Notify the requester that the City is uncertain whether it is the custodian of the requested record.

Section 5: The City is not required to create a new public record, customize an existing record, compile information in a manner not already maintained, or otherwise create information in response to a public records request.

Section 6: If the public record is maintained in an electronic or machine-readable format, the City shall provide a copy of the public record in the format requested, when that format is available. If the requested format is not available, the City will provide the record in the format in which it is maintained.

Section 7: A person making a public records request may personally inspect the requested document during normal business hours. A City staff member shall be present while any original public records are being inspected to ensure protection of the documents.

Section 8: Providing nonexempt public records is a governmental activity covered by the Americans with Disabilities Act (ADA). The City will provide an opportunity for individuals with disabilities to request an alternative form.

Section 9: Before any public record is released or made available for inspection, City staff shall review the record to determine whether any portion is exempt from disclosure under Oregon Public Records Law. If exempt information is contained within a record, the City may redact the exempt material and provide the remainder of the record. Costs associated with legal review and redaction may be recovered in accordance with the City's adopted Fee Schedule.

Section 10: Original public documents may not be taken out of the City's custody.

Section 11: City records shall be released only when they are subject to disclosure under Oregon Public Records Law and not exempt from disclosure.

Section 12: The City shall complete its response to a public records request as soon as practicable and without unreasonable delay, and no later than 10 business days after the City's five-business day acknowledgment, unless additional time is permitted under Oregon Public Records Law.

- A. Time periods established by ORS 192 do not apply to the City if compliance would be impracticable due to:
 - 1. The staff necessary to complete a response to the public records request are unavailable. Staff who are on leave or are not scheduled to work are considered to be unavailable.

2. Compliance would demonstrably impede the City's ability to perform other necessary services.
3. The volume of the public records requests being simultaneously processed by the City.
4. If the City cannot comply with the time periods established by ORS 192, it shall as soon as practicable and without unreasonable delay acknowledge a public records request and complete the request.

Section 13: Fees

- A. The first 15 minutes of staff time required to respond to a public records request shall be provided without charge. Staff time exceeding 15 minutes may be charged in accordance with the City's adopted Public Records Fee Schedule. The City will establish a fee in its annual fee resolution that is reasonably calculated to reimburse the City for the actual cost of making public records available, including locating and retrieving the requested records, reviewing the records to delete exempt material, supervising a person's inspection of original documents to protect the integrity of the records, summarizing, compiling, or tailoring a record, either in organization or media, to meet the person's request. The City may charge allowable fees for staff time incurred in responding to a request, including requests that require substantial staff time or significantly disrupt the regular discharge of City duties, even if no responsive records are located or the records located are exempt from disclosure. Copies and other records provided in response to a public records request shall be charged in accordance with the City's adopted Fee Schedule.
- B. The City may recover the actual cost of attorney review when legal services are necessary to determine whether records are exempt from disclosure, review proposed redactions, or otherwise advise the City regarding compliance with Oregon Public Records Law.
- C. For purposes of applying the 15 minutes of staff time provided without charge under the City's adopted Public Records Fee Schedule, the City may consider multiple requests from the same requester to be a single request when the requests are related to the same substantive matter, seek the same or substantially similar records, constitute additions or continuations of a prior request, or divide a larger request into separate requests. This includes recurring requests for the same type of records covering successive time periods. Related or recurring requests shall be considered together only within the same calendar year. Beginning January 1 of each year, a subsequent request shall be treated as a new request for purposes of applying the complimentary staff time.
- D. The City may not establish a fee greater than \$25 unless the requester is provided written notice of the estimated fee and confirms that the City should proceed with making the records available.
- E. The City may require a deposit of up to 50% of the estimated cost when the estimated fee exceeds \$100.

- F. If the requester fails to respond within 60 days to a good faith request from the City for information, payment of fees, or clarification, the City may close the request.

Section 14: Fee Waivers or Reductions

- A. Copies of public records may be furnished without cost or at a substantial reduction if the City Recorder or designee determines the waiver is in public interest because making the record available primarily benefits the general public.
- B. The City Recorder or designee shall evaluate requests for fee waivers or reductions consistent with Oregon Public Records Law and whether disclosure primarily benefits the general public.
- C. Routine materials that are readily available may be provided without charge, consistent with this policy, at the discretion of the City Recorder or designee. Any request requiring additional staff time or resources shall be assessed fees in accordance with the City's adopted Fee Schedule.
- D. Copies of routine materials requested by any Lebanon elected official or appointed member of a City advisory board or committee will be furnished without charge if the request relates to information needed to act in one's official capacity. Any other materials requested will be charged at the fee set by City Council resolution.
- E. Routine materials are defined as those items already regularly produced.
- F. A person who believes there has been an unreasonable denial of a fee waiver or fee reduction may petition the district attorney.

Section 15: The City will periodically review and make available to the public a written procedure for making public records requests that include:

- A. A person and address to which public records requests may be sent;
- B. The amounts and the manner of calculating fees that the City charges for responding to requests; and
- C. Any other information that will assist a person seeking public records of the City.

Passed by the Lebanon City Council and executed by the Mayor on this 9th day of September 2026 by a vote of ____yeas and ____nays.

CITY OF LEBANON, OREGON

Kenneth Jackola, Mayor ☐
Michelle Steinhebel, Council President ☐

ATTESTED BY:

Julie Fisher, MMC, City Clerk