



Angela Flood <angela.flood@gmail.com>

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## FW: Public Records Request from 2013

3 messages

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**Brad Berry** <berryb@co.yamhill.or.us>

Tue, Jun 30, 2015 at 8:37 AM

To: "Angela Flood (angela.flood@gmail.com)" <angela.flood@gmail.com>

Cc: Preston Polasek <prestonp@ci.lafayette.or.us>

Ms. Flood:

Below is the response from the City. I wanted to give you a chance to add anything to your request (your appeal of the denial) that you wish me to consider before I make a decision. I would ask that you do so by the end of today if possible. If you need additional time, please just let me know. You may have nothing further to add, and that's fine, but I wanted to be sure you had a chance to respond.

Brad Berry

Yamhill County District Attorney

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**From:** Preston Polasek [mailto:[prestonp@ci.lafayette.or.us](mailto:prestonp@ci.lafayette.or.us)]

**Sent:** Monday, June 29, 2015 3:08 PM

**To:** Brad Berry

**Cc:** Angela Speier

**Subject:** RE: Public Records Request from 2013

Hello Brad,

The basis for the charge two years ago was a half-hour of employee time + four copes at 25 cents each for a total estimate of \$19.20. Melanie no longer works for the City, but if I did the calculation today, the estimated charge for this research and documents would be at least \$25.00. This charge is a reasonable estimate for the time to retrieve the records from archives. The estimate in this case is a deposit that must be paid prior to the City producing the records. Requiring a deposit for this particular request is required due to the requester's identity. Since Angela Flood has declined to pay at times when we have produced documents for her in the past, a deposit is required up front.

The character of the information in this document request pertains to a personal matter involving a private citizen who is an unpaid and unelected City volunteer. In addition, the matter does not affect the community as a whole; therefore, the general public's interest is not served by releasing these documents without charge. Also, I have never seen an assertion from anyone that the subject public documents request from two years ago has a general public interest.

I assume you have the policy and fee schedule from the City. I don't know all of the policy issues that confuse Angela Flood, but she stated in her email that such document requests will receive 30 minutes of free staff research time. This notion is incorrect, as the policy states that the first half-hour of research time will be charged at a minimum rate of \$10. Nowhere in policy or the fee schedule is there an explicit mention of free research time. Instead, the policy states just the opposite and goes on to mention that the City may impose such additional charges as are necessary to reimburse the City for its actual costs of producing records.

Please let me know if you need more information.

Best Regards,

*Preston Polasek*

City Administrator

City of Lafayette

phone: 503-864-2451

fax: 503-864-4501

[prestonp@ci.lafayette.or.us](mailto:prestonp@ci.lafayette.or.us)

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**Angela Flood** <angela.flood@gmail.com>  
To: Brad Berry <berryb@co.yamhill.or.us>

Tue, Jun 30, 2015 at 10:30 AM

Thank you for allowing me an opportunity to respond:

The fact that this matter has taken over two years to get a response is irrelevant to the charges involved. If the city had responded at the time, the charge in question would have been \$19.20.

Resolution 2003-02, under section Research Fees (bottom of page 2 to page 3), states:

“If a request for records requires City personnel to **spend more than** 30 minutes compiling a record to meet the person’s request, the minimum fee shall be \$10.00 per half hour.” That statement infers that research under 30 minutes is at no charge.

At the time, two years ago, at a time when the information was fresh, staff advised it would take 30 minutes. Preston’s statement regarding the resolution stating otherwise is incorrect. The fact that these records are now “archived” is their issue, due to a lack of response. **It cannot be acceptable that I would be penalized for their failure to respond.**

Requiring a deposit because of who I am is not relevant. Preston’s statements regarding my failure to pay upon document requests is false. That has never happened. Has the city produced documents prior to my approval of fees? That may be possible. There have been multiple instances of the city refusing to abide by their own policy in regards to the fee schedule. Conversely, if the city feels I am benefitting them in some way, fees are waived and the documents are produced without delay, often within the same day. It very much depends on what I am asking for, who is working that day, and whether or not the information may embarrass them. Public records requesters must stand on equal footing and be treated equitably. Unfortunately, that has not proven true in Lafayette.

On the reverse of that, I have multiple instances of making payment for documents, and being provided information that was incorrect. Specifically, requesting a video of a city meeting, after paying for this when the city website advises they are online, only to receive a meeting different than the one requested. I waited several weeks for a response and had to wait several more for a refund, despite making my payment in cash.

The character of the information statement is false. This was a public improvement project, paid for by tax dollars, that Preston proceeded without prior council approval. Our city code advises the city administrator may only proceed, without prior council approval on expenditures of less than \$15,000.00 if the item was made part of the city budget. This project was not part of the city budget. Citizens are interested to know what money is being spent on projects, and they have that right to know. While a private citizen may have signed the check, it was from a non profit organization that receives multiple tax funded resources from the citizens of Lafayette. I was asked to determine how much extra this project cost the tax payers than what was donated for the project from the non profit.

According the resolution, with the research being within the 30 minutes outlined, and having requested electronic copies of the documents, not paper, I stand by my request. City staff has advised all documents are digitized. This is a matter of emailing the documents in question. Ironically, if they had just sent the documents, instead of spending all this time and effort fighting such a simple item, it would have been done already.

Thank you for your time.

[Quoted text hidden]

Additionally, my initial request was simply for a dollar total. I did not request actual documents. It was city staff who volunteered there were documents involved. I find it incomprehensible that it would take 30 minutes to determine what an accounting item cost.

But, now that I have been through all of this, and have spent more hours than I can count, I would like them provided.

Angela Flood

[Quoted text hidden]