



Marion Soil and Water Conservation District

Policy: Public Records Retention, Management, and Disclosure

Effective Date of Policy: 01-08-2025

Adopted by Resolution #2025-01-08

Superseding

- ◆ Marion SWCD Public Records Disclosure Policy #2005-02-03
- ◆ Marion SWCD Records Retention Policy #010406

Purpose

The purpose of this resolution is to determine by what administrative rules the Marion Soil and Water Conservation District (Marion SWCD) will use to retain and archive all records according to Oregon's Administrative Rules (OAR) Chapter 166 Division 150 covering County and Special District Retention Schedule published by the Oregon Secretary of State Archives Division and to adopt policy for the Marion SWCD to manage and disclose all public records.

Resolution

WHEREAS the Marion SWCD is an Oregon Special District that is required to follow state law; and,

WHEREAS the Oregon's Administrative Rules (OAR) Chapter 166 Division 150 covering County and Special District Retention Schedule published by the Oregon Secretary of State Archives Division; and

WHEREAS the Marion Soil and Water Conservation District (Marion SWCD) wishes to adopt a public records management and disclosure policy to ensure public records are managed and disclosed appropriately; therefore

BE IT RESOLVED that the Marion SWCD Board of Directors hereby adopts to use those rules that are appropriate under Oregon's Administrative Rules (OAR) Chapter 166 Division 150 covering County and Special District Retention Schedule published by the Oregon Secretary of State Archives Division and hereby adopts the Public Records Retention, Management, and Disclosure Policy (Attachment A) and the Public Records Request Form (Attachment B); and

BE IT FURTHER RESOLVED that the previous Public Records Disclosure Policy and Records Retention Policy of the Marion SWCD and all amendments thereto are hereby rescinded effective immediately and that this Resolution is effective immediately upon passage.

UPON MOTION OF Director Hart seconded by Director Koch the foregoing resolution was passed approved and adopted by the Marion Soil and Water Conservation District this 8th day of January 2025 by a vote of 6 to 0.

Signature of Board Chair - Darin Olson

Date

01-08-25



ATTACHMENT A PUBLIC RECORDS RETENTION, MANAGEMENT, AND DISCLOSURE POLICY

General Information

The goal of this Policy is to ensure public records are retained, managed, and disclosed appropriately within the Marion Soil and Water Conservation District (Marion SWCD). This Public Records Retention, Management, and Disclosure Policy addresses the following components and where applicable follows the laws set forth in ORS Chapter 192-Records; Public Reports and Meetings.

Contents

- Section 1** Records Officer
- Section 2** Public Records Retention and Management
- Section 3** Storage and Retrieval
- Section 4** Destruction of Records
- Section 5** Public Records Requests and Disclosure

Attachment B Public Records Request Form

The Marion SWCD shall develop and implement internal processes and procedures that support compliance, deter abuse, and detect violations of this Policy.

SECTION 1. RECORDS OFFICER

The Marion SWCD Board of Directors delegates the role of Records Officer per ORS 192.318 to function as the custodian of Marion SWCD public records.

1. The custodian of any public records, including public records maintained in machine readable or electronic form, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in the office of the Records Officer during the usual operating hours, to all persons having occasion to make examination of them. If the public record is maintained in machine readable or electronic form, the Records Officer shall furnish proper and reasonable opportunity to assure access.
2. The Records Officer of the records may adopt reasonable rules and procedures necessary for the protection of the records and to prevent interference with the regular discharge of duties of the Records Officer.

SECTION 2. PUBLIC RECORDS RETENTION AND MANAGEMENT.

Public records shall be maintained by the Records Officer and managed in a manner that protects the integrity of the records within the Marion SWCD without regard to the technology or medium used to create or communicate the record, from the time of creation of a public record to the time of final disposition of the public record as adopted under Oregon's Administrative

Rules (OAR) Chapter 166 Division 150 covering County and Special District Retention Schedule (Schedule) published by the Oregon Secretary of State Archives Division and shall further establish policy or policies that follow the appropriate rules and any future revision to those rules. Link to schedule:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=589>

EXCEPTIONS TO THE SCHEDULE:

1. **Personnel Records:** Personnel records will be retained for a period exceeding the state's minimum retention schedule of three years and are to be maintained for seven years following an employee's last day of work and continuously for current employees throughout their tenure.
2. **Meeting Records-Recordings:** Audio and video meeting recordings will be retained for a period exceeding the state's minimum retention schedule of one year after minutes have been prepared and approved and are to be maintained for seven years after minutes have been prepared and approved.
3. **Capital Outlay Financial Receipts and Associated Files:** Financial receipts and related files for capital outlay (fixed assets) will be retained for a period exceeding the state's minimum retention schedule of three years. These records will be maintained for a minimum of three years and up to the full lifespan of the capital outlay assets.

SECTION 3. STORAGE AND RETRIEVAL

1. **Paper Records.** The Marion SWCD will maintain a filing system and naming conventions for all the Marion SWCD's paper records based on authorized retention schedules. The filing system and naming conventions will include the location of records in Marion SWCD paper filing system, retention periods, access controls, and privacy conditions to support management of the Marion SWCD inventory of paper records. The Records Officer will follow established procedures for retrieval to ensure the accessibility of the agency's paper records.
2. **Electronic Records.** The Marion SWCD will maintain a filing system and naming conventions for all the Marion SWCD's electronic records based on authorized retention schedules. The filing system and naming conventions will include the location of records in Marion SWCD server directories, retention periods, access controls, and privacy conditions to support management of the Marion SWCD's inventory of electronic records. The Records Officer will follow established procedures for retrieval to ensure the accessibility of the agency's electronic records.

SECTION 4. DESTRUCTION OF RECORDS

With authorization by the Board of Director's Secretary-Treasurer, Marion SWCD records covered by this Policy shall be destroyed by the Records Officer according to the retention schedule established by the State Archivist. All destroyed records must be documented and tracked in the Marion SWCD Destroyed Records Log maintained on the server by the Records Officer. In general, records shall not be retained beyond the prescribed retention schedule.

SECTION 5. PUBLIC RECORDS REQUESTS AND DISCLOSURE

The Records Officer will respond to all official requests for public records under the following guidelines:

1. Within five [5] business days after receipt of the Public Records Request Form (Request). The Records Officer will acknowledge the Request in writing and confirm:
 - a. that the Marion SWCD is the custodian of the requested record or notify the requester that the Marion SWCD is not the custodian or notify the requester that the public body is uncertain whether the Marion SWCD is the custodian of the requested record; and,
 - b. that the requested records to retrieve and process are either at no cost, or at an estimated cost per ORS 192.324 (3)(a). The estimated charges will reflect the calculated fee to reimburse the district for the actual cost of completing the public records request. The actual charges may vary from the estimated charges and are determined by the Records Officer.
2. Within ten [10] business days after the date on which the Marion SWCD was required to acknowledge receipt, the Records Officer will either complete its response to the Request or provide a written statement that the Marion SWCD is still processing the Request and provide an estimated date by which the Marion SWCD expects to complete its response.
3. If the Marion SWCD cannot comply with the above time limits, the Marion SWCD must complete the public records request as timely as possible, consistent with the proper exercise of judgment relating to the Marion SWCD's other duties, staffing ability, volume of other public records requests being simultaneously processed, and in accordance with Oregon law.
4. When the Marion SWCD is the custodian of the requested record the Records Officer shall furnish proper and reasonable opportunities for inspection and examination of the records in the office of the Records Officer during the usual operating hours, to all persons having occasion to make examination of them at the Marion SWCD office at 408 N Third Ave, Stayton, OR; or,
5. If the public records are maintained in machine readable or electronic forms, the Records Officer shall furnish proper and reasonable opportunity to assure access by electronic files sent by e-mail or by printed and US post mailed copies.

ATTACHMENT B: MARION SWCD REQUEST FOR INFORMATION FORM



Marion Soil and Water Conservation District Public Records Request Form

Looking for a Public Record? It could already be online.

- ✦ Board of Directors Meeting Minutes
<https://www.marionswcd.net/about/meeting-minutes/>
- ✦ Plans and Reports
<https://www.marionswcd.net/about/plans-and-reports/>

Public Records Request

The Public Records Request may be submitted:

In person at: 408 N. Third Ave, Stayton, OR

By mail: PO Box 537, Stayton, OR 97383

By email: office@marionswcd.net

Marion SWCD may refuse to disclose any record that is exempt from disclosure under Oregon law.

Name or Organization of Requester:

Date:

- ☐ I would like to view the record(s) at the Marion SWCD office.
- ☐ I would like to pick up a photocopy of the record(s) at the Marion SWCD office.
- ☐ I would like a photocopy of the record(s) mailed to me at the mailing address provided.
- ☐ I would like an electronic copy of the record(s) to be emailed at the email address provided.

Email Address:

Mailing Address:

Requested Records:

Marion SWCD Response to Request

Within five [5] business days after receipt of the Public Records Request Form (Request). The Marion SWCD will acknowledge the Request in writing.

Within ten [10] business days after the date on which the Marion SWCD was required to acknowledge receipt, the Marion SWCD will either complete its response to the Request or provide a written statement that the Marion SWCD is still processing the Request and provide an estimated date by which the Marion SWCD expects to complete its response.

For mailed paper copies and sending electronic files there may be a fee to recover costs accrued in responding to public records requests, Marion SWCD may charge fees as directed by the Public Records Law. Fees vary depending on the actual time required to research and provide the information. Public records requests are submitted without payment. Once received, Marion SWCD will review the request and provide an estimate for any required fees. If there is a fee, the request will be processed after payment is received.

Make check or money order to: Marion Soil and Water Conservation District

Send to: PO Box 537, Stayton, OR 97383

ATTN: Marion SWCD District Manager

With a scheduled appointment, records may be viewed in person at the Marion SWCD office located at 408 N Third Ave, Stayton, OR. If you have any questions, please contact the Marion SWCD District Manager at 503-391-9927 or at office@marionswcd.net.

FOR OFFICE USE ONLY

Date Request Received:

Date Request Processed, Acknowledgement Sent, and Fees Assessed:

☐ Request Denied-Reason:

If applicable, are fees assessed? ☐ Yes ☐ No Amount to be paid:

If applicable, fees are received? ☐ Yes ☐ No Amount paid:

Date Request Completed:

Date Public Records Sent, Received, or Viewed by the Requester:

Marion Soil and Water Conservation District complies with the American with Disabilities Act (ADA) and does not discriminate based on race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. If special physical, language, or other accommodation is needed for this request, please contact the District Manager at 503-391-9927 as soon as possible, and at least 48 hours in advance of any needed accommodation.