

Rural Water District No. 5, McCurtain County, Oklahoma ("District")
Open Act Records Policy and Fee Schedule

Section 1. Purpose: The Oklahoma Open Records Act, Title 51, Oklahoma Statutes §24A.1 *et seq* ("Open Records Act" "ORA" or "Act") provides: "The purpose of this act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power." (§24A.2.) Accordingly, the purpose of the District's Open Records policy is to adhere to Oklahoma statutory mandates to provide the public prompt, reasonable access to the District's public records, and to establish reasonable procedures to protect the integrity and organization of the District's records, while preventing excessive disruptions of its essential functions.

Section 2. Statement of Policy: The District and its Board of Directors, and its officers, officials, and employees (collectively "Public Officials") will comply with the Oklahoma Open Records Act and other related federal and state laws. Subject to the Open Records Act's requirements, limitations, and/or exceptions, and those provided for in federal and other state laws, all records generated by or in the custody, control, or possession of Public Officials in connection with the transaction of public business, the expenditure of public funds, or the administration of public property, will be open for inspection, copying, and/or mechanical reproduction during regular business hours, *provided* that records subject to discretionary exemptions under the Act shall be managed according to the decision framework described in Appendix A.

Section 3. Appointment of Open Record and Record Retention Custodians.

- A. The District has designated or will designate in writing primary open record custodian(s), who are authorized to release its public records, and primary record retention custodians, who are charged with maintaining records according to the District's retention of records policy. Record Custodian appointments shall be sufficient in number to ensure that at least one authorized person is reasonably available to release public records during regular business hours.

Section 4. Open Records Requests.

- A. **Intake.** Excluding requests for documents or records specifically prepared for public distribution by the District, all requests for District public records must be submitted to the District via U.S. Mail or in person submission on a form approved by the District.

B. Reasonable Specificity

- 1. All record requests must describe the records sought with reasonable specificity; that is, to a degree that the Record Custodian can be reasonably certain that the records produced for inspection, copying and/or mechanical reproduction are responsive to the request. Relevant considerations include whether the request:
 - a. Specifies at least a specific time period within which the requested records would have been created or transmitted;
 - b. Seeks identifiable records, rather than general information without any qualifiers or other specification; and/or

- c. Includes search terms that are sufficiently specific that they do not generate an unreasonably large number of records (e.g. thousands of pages of emails).
- 2. The District's Office Manager or a Record Custodian may ask the requestor to clarify a request that is unreasonably vague, open-ended, or otherwise does not describe the requested record with reasonable specificity. If a request is not described with reasonable specificity after the District's Office Manager or Record Custodian has asked the requester to clarify the request, the request may be denied.
- 3. If the request is for electronic mail, text messages, or similar electronic communications, and if the request does not identify a date range of six months or less *and* either the originator, the recipient, or the general subject matter of the message, the District's Office Manager or Record Custodian will ask for clarification. Without more specific information, such open-ended searches, as well as the reviews and (if necessary) redactions they would necessitate, are presumed to cause excessive disruption to the District's essential functions.

Section 5. Processing Record Requests.

- A. Record Custodians will provide prompt, reasonable access to the District's open records. The processing of a record request, in all cases, must ensure the integrity and security of District records, and every request shall be processed in a manner which avoids excessive disruption of the essential functions of the office in which the records are maintained.
- B. The date and time when a request is submitted and the date and time when the requested records are produced should be noted on the processed record request.
- C. Records Custodians will provide regular, timely updates on the status of request responses in the appropriate manner to the Board Chairperson.
- D. Records Custodians will track all billable time, on the day the work is completed.
- E. The District's Office Manager shall track the status of all pending requests and provide periodic reports on the status of requests to Record Custodians, the Board Chairperson and the District's Attorney.

Section 6. Scope of Records Search. The responsibility of a Record Custodian shall include only those records maintained by the District. In no instance shall a Record Custodian be responsible for the production of records which are not subject to his/her authority.

Section 7. Fees for Records. The District adopts the schedule of Open Records Act fees appearing at Appendix B. No charge shall be assessed or collected for any District public record which was specifically prepared for public distribution. A copy of this fee schedule shall be posted on the District's website and made available in the District's office.

Section 8. Accountability for Funds. Record custodians shall be responsible for the collection of

required fees and accountable for their deposit into an appropriate District registry.

Section 9. Legal Questions. Any Record Custodian having a question concerning whether a requested document is a "public record" as defined by Oklahoma's Open Records Act or whether a record is otherwise exempt, or a question relating to the amount of the charge which should be collected pursuant to Appendix B to this order, is directed to contact the office of legal counsel for the District for guidance.

APPENDIX A

DISCRETIONARY EXEMPTIONS

Although some ORA exemptions are mandatory (i.e., require that a record shall not be disclosed), some are discretionary (i.e., provide that the District *may* withhold or release them). Aside from records related to the exercise of constitutional rights, all records subject to discretionary exemptions should be presumptively withheld unless disclosure is specially authorized by legal counsel for the District. The details of this policy are summarized in the table below.

Certain personnel records (§24A.7)	Withheld
Personal notes (§24A.9)	Withheld
Certain information voluntarily disclosed to the public body that would give unfair advantage to business competitor (§24A.10(B))	Withheld
Certain utility service provider contracts (§24A.10(d))	Withheld
Certain library, archive, or museum materials donated, and donor identity (§24A.11)	Withheld
Litigation files & investigatory reports (§24A.12)	Withheld
Federal records if required by federal law (§24A.13)	Withheld
Personal communications related to exercise of constitutional rights (§24A.14)	Disclosed with redactions to protect identity of person exercising rights
Research Records (§24A.19)	Withheld
Confidential information, e.g., information related to terrorism (§24A.28)	Withheld

APPENDIX B

PUBLIC NOTICE OF CHARGES FOR REPRODUCTION OF DISTRICT RECORDS PURSUANT TO OPEN RECORDS POLICY OF THE DISTRICT

Except as otherwise provided by law, the following schedule of charges shall apply to records requests pursuant to the open records policy of the District and in compliance with Oklahoma's Open Records Act, Title 51 Oklahoma Statutes, Section 24A.1 and following. This schedule of charges is posted in the public access area of the District's Office. Payment of fees in advance of production may be required.

STANDARD COSTS FOR PRODUCTION OF OPEN RECORDS REQUESTS		
1.	Paper Reproduction	
	a. Legal sized or smaller (8.5 x 14" or smaller)- black and white	\$0.25 per page
	b. Legal sized or smaller (8.5 x 14" or smaller) - color	\$0.50 per page
	c. Ledger sized (11 x 17")	\$0.50 per page
	d. Paper larger than 11 x 17", microfilm, photographic paper, or other specialty papers	Actual cost of media and reproduction
2.	Digital Reproduction (scanned or electronically generated and processed for electronic delivery)	\$0.15 per page
3.	Flash, thumb or USB drive, external hard drive, memory card, or other media	Actual cost+ \$5.00
4.	U.S. Mail or Other Shipping Service	Actual cost
5.	Certification	\$1.00 per page

PRODUCTION FEES FOR COMMERCIAL REQUESTS OR REQUESTS INVOLVING EXCESSIVE DISRUPTION

These fees are in addition to the Standard Costs for Production above. Per-hour costs will be billed in one-minute increments. Pre-payment of costs may be required.

"Excessive disruption" is defined as a request that requires more than one hour of time to comply with the request.

1.	\$55.00 per hour <i>Base</i>
2.	\$80.00 per hour when computer programming is required on a customized request
3.	\$85.00 per hour when legal support or legal review is required
4.	\$50.00 per hour when redaction of audio or video is required

OPEN RECORDS POLICY F.A.Q.

Several key terms are not specifically defined in the Open Records Act. In the absence of clear definitions or judicial case law interpreting specific provisions, this guidance is provided to assist in understanding the District's processes for handling these requests, which must necessarily be evaluated on a case-by-case basis.

The Open Records Act provides:

"If the request:

a. is solely for commercial purpose, or

b. would clearly cause excessive disruption of the essential functions of the public body,

then the public body may charge a reasonable fee to recover the direct cost of record search and copying..... "

What is a "commercial purpose"?

A commercial purpose advances the requester's financial or economic interests, as distinct from personal, educational, or non-profit interests. In other words, if the records request promotes or supports work for which the requester may be paid, it likely serves a commercial purpose. A request made for a commercial purpose would include a request for records, such as demographic information, economic data, geographic data, or statistics, with the intent of manipulating or packaging the data into a marketable format, offering the data for sale, or using the data to generate revenue.

What is "excessive disruption"?

A request will be presumed to cause excessive disruption if it requires more than one (1) hour of actual employee or contractor time to search, compile, and/or produce requested records for inspection. Search and copying costs will not be assessed for the first hour. For purposes of calculating excessive disruption, all pending requests from the same requester should be considered together.

The Act provides: *"In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants."*

Requests from news media and authors in the public interest may also serve commercial purposes, but such requests are nonetheless exempt from search fees (but not necessarily copying costs) under this provision of the Act. Whether a request falls within the terms of this exception must necessarily be determined on a case-by-case basis.

How do we define "news media" when anyone can disseminate information on social media?

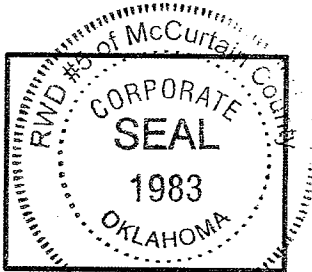
"News media" does not mean a person who might post records only on personal social media sites, but rather:

(a) any entity that is in the regular business of news gathering and publishing or broadcasting news to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution; or

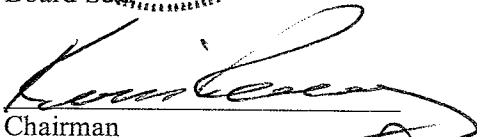
(b) any employee, agent, or contractor of any such entity, who is engaged in news gathering (commonly a journalist).

How do we determine if a requestor is a "taxpayer seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants"?

This language is intentionally broad and should be applied to any person who is not making a commercial or strictly self-serving request. An example of a self-serving request might be a request for a record to support the requester's insurance claim or case in litigation. If the requester's intent is fairly debatable, Record Custodians should give the benefit of any doubt to the requester.



Board Seal ☆


Chairman

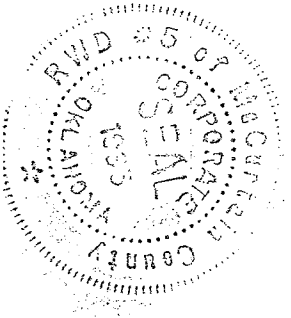
10/14/25

Date


Secretary/Treasurer

10/14/25

Date

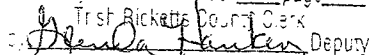


State of Oklahoma McCurtain Co., SS
this instrument was filed for record

2:40 o'clock pm

OCT 15 2025

and duly recorded in book _____ page _____

Trish Ricketts County Clerk
 Deputy

District

Form

REQUEST FOR INSPECTION OR COPYING OF
McCurtain County Rural Water District No. 5 Open Records Request Form 10-14-25

Name: _____

Date: _____

Name of Company: _____

Phone: _____

Address: _____

Email: _____

This request is for ☐ INSPECTION or ☐ COPYING (please check one) of the following described records pursuant to the Oklahoma Open Records Act:

Record Title/Date

Number of Copies or Email PDF

1. _____
2. _____
3. _____
4. _____

Record Custodian Shall Note in Margin Any Record Not Produced

The Request is made for ☐ Business or ☐ Personal (Please Check One)

I have been advised that a charge for copying public records is authorized by state law and has been established by McCurtain County Rural Water District No.5.

Signature _____

Title or Business Identity (If Applicable) _____

Internal Use Only

Request Date: _____

Request Time: _____

Delay in Production Yes or No

Reason _____

\$ _____

Search Fee Charged \$ _____

Total Charges \$ _____

The following record (s) were not produced for the reason (s) indicated:

Record	Reason
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

Produced Date: _____ Produced Time: _____

Copies Made _____

Charge for non-office equipment _____

Search Time _____ hours, _____ minutes

Receipt number _____

Signature of Record Custodian _____