

Transcript

February 25, 2026, 7:03PM

□ **ALBERT Todd * PRA** started transcription

AE **April Ehrlich** 0:04

I mean, First off, I just want to say that again.

I am new to this.

I'm probably gonna say stupid things.

I am not familiar with a lot of the history that led up to where we are today, so please forgive some of my ignorance and I am totally open to hearing any thoughts or.

Suggestions. So with that, I guess we should approve the agenda.

Data. So does somebody wanna make a motion to approve the agenda?

ML **Mark Landauer** 0:39

So moved.

AP **ALBERT Todd * PRA** 0:39

Yeah. If no one's suggesting any mark, go ahead.

Or Shasta.

Someone can say something?

ML **Mark Landauer** 0:43

So moved.

AP **ALBERT Todd * PRA** 0:45

Seconded.

SS **Scott Stauffer** 0:46

2nd.

AE **April Ehrlich** 0:47

All those in favor say aye.

This is really weird.
I've never done this before, OK?

AP **ALBERT Todd * PRA** 0:51
Aye.

AE **April Ehrlich** 0:54
Chanda approved.

OK.
So moving on to the discussion of potential legislative priorities and concepts, OK, so this is what the first meeting for our legislative subcommittee, which I believe we are basically talking about what it is we would like to do for the 2027 legislative session.
And.

I would like to maybe kind of set some groundwork and.

Yeah, I did.

I did talk to chest a little bit like about this and she was really great in helping me understand, like how to run a committee subcommittee like this. And I think it would be really helpful. It sounds like to maybe establish like some like a mission statement shared.

Values. Goals.

Etc. So that we have an idea of what it is we're doing.

It'll help me.

And I imagine it'll help everybody else.

So we have like a clear idea of what it is we're doing and when we wanna get it done by.

How does that sound, everybody?

OK, great. So in terms of a mission statement?

So let's see.

We could say something along the lines of we are convened to provide legislative concepts to advance public interest and disclosure by whatever date.

And maybe we can ask, I guess, Representative Anderson isn't here, but I don't know if there's, like, I don't know when we need to get things done by.

I have no idea.

I've never done anything like this so.

Maybe we can all talk about it considering you all have had experience with this.

SM Shasta Kearns Moore 2:48

Yeah.

Go ahead.

I can raise my hand.

AP ALBERT Todd * PRA 2:53

No, go ahead, I could.

I could talk next.

SM Shasta Kearns Moore 2:56

Yeah. Just kind of like, you know, just like a statement of, like, we're here to do X by X date, you know, for X purpose.

So that we, you know, just have like a framework to contain this work and and move it forward.

So I know that that there are legislative days and so and Rep.

Anderson had said that he was gonna, you know, help push us forward, so you know.

Is this for? Are we getting something?

To present to the Council, by what time? In order to get it on the agenda for 2027?

AE April Ehrlich 3:39

I think some folks raise their hands.

Todd.

SM Shasta Kearns Moore 3:49

No, you're muted.

AE April Ehrlich 3:49

You are needed.

AP ALBERT Todd * PRA 3:50

OK, OK.

I'm sorry I've been accused of being a solutions guy, not a process guy.

More than once.

I think that's probably for my years as a litigator, but I've learned enough through

this Council, and I think before we could even agree to a mission statement, it might be helpful or my suggestion is that we share sort of what we hope to get out of this. And maybe for when?

Because I certainly have my own ideas that I'd like to share, I think might help inform our decisions.

I would also say I always defer to mark in terms of dates for the legislative action. And so we have him here, thankfully. And also, unfortunately, I just wanted to say I have a heart out at noon.

So if we were likely to go longer, I'm just gonna have to leave by then.

Thanks.

AE April Ehrlich 4:34

Well, I would like this to end at noon.

So let's let's do that.

Mark.

ML Mark Landauer 4:41

Yeah, I'll be taking my son to the airport by then. So just a heads up.

I looked at a previous calendar in for legislature and I think that if you wanted to get a bill pre session filed for the 27th session, you're probably gonna need something by.

Mid November, if not a little earlier, maybe.

In mid-october and the reason I say that is.

So in 2025, just before the Legislative Assembly was to convene in.

The on February 2nd, right?

We had to have bills drafted.

I'm sorry, I'm looking at the. Yeah, it was by November 21st.

1st going into the 26 session.

But you have to understand that short sessions begin in February, whereas long sessions begin the day after MLK Day in January.

So it's probably gonna be a little earlier.

Than November 21st. So I'm just ballparking it by by no later than mid-october. If you want to get a bill.

Pre session file.

Now, having said that, you don't need to get a bill pre session filed, right?

You can get your bill printed couple.

I'd have to look at another old old calendar, but there are ways to do things.

But I'm just giving you a general guideline that you don't have to meet that deadline of pre session file. What that simply means?

Just if you get a bill pre session filed, that Bill will be in most cases printed by the first day that the session begins. The advantage of that is that you get your bill referred to a committee and you have lots of time, right? Because of the dead.

So if you have other questions about process I can help on that but.

That's a a ballpark and I hope that that that helps anyway.

AE **April Ehrlich** 7:12

Yeah. Oh, go ahead, Shasta.

SM **Shasta Kearns Moore** 7:12

So and so, because we're a subcommittee, it would need to get to the Council, you know, before that. And then the, you know, we had agreed to meet. And I think it was August and then maybe late November, early December, we could always hold an emergency meeting that.

Just about this particular topic, but you know, so just keeping those timelines in mind as well.

AE **April Ehrlich** 7:42

OK.

So in terms of process, what is it that we are doing?

So we are going to what write some legislative concepts and then provide those.

To somebody and they will actually write the bill or like how does, how does that whole process work?

ML **Mark Landauer** 8:05

Well, Scott has his hand up, so I April, I'm sorry. I didn't mean to interrupt.

AE **April Ehrlich** 8:08

Go ahead, Scott.

ML **Mark Landauer** 8:11

I just want to make sure that we don't forget to call on people.

SS **Scott Stauffer** 8:16

And and I might pivot us a little bit from the process question, because I think that's it's a good question and I think this committee for the two pieces of legislation, 417 and 107.7 that Shasta, that was the information shared we we had the.

Concept, you know.

Of course, then I think it was the Senator Thatcher and so in this case it might Rep. Anderson. But they would take that concept and then the magic of legislative counselor. Someone turn that into a formal bill, happens.

But we get the to the concepts together and then.

Our our legislative partners put that forward.

I was gonna just flag in terms of the mission statement. Our bylaws do have a couple of passages which rely on the statute that created the Council, and if I'm sure we've all seen this and if no one minds me sharing my screen real quick, it's just under.

Article 2.

Section B. Purpose items three and four talk about. I think what really is the mission of of this of the Council. But this legislative subcommittee.

Three is the survey of agencies to ask about all the things record related, and Shasta LED that subcommittee, and we have that data to to review as one potential source of things to propose for legislation. And then #4 is really identify in inefficiencies and inconsistencies in the.

Public records law that impede transparency in public process and government and make recommendations so that I think that.

That is really our call to action for this and it's that's very broad and I think it's super helpful to be in this position.

SM **Shasta Kearns Moore** 9:45

Yep.

SS **Scott Stauffer** 9:49

Today and that we've got at least, well, the Council is nearing 10 years old, right?

So it's got a couple sessions under its belt in terms of monitoring and weighing in

and then drafting legislation. And I think starting points for where to pick up this conversation exist in those things that Shasta shared.

I really found I I was a little bit of going down memory lane because I had forgotten some of the the steps, the back and forth that happened.

So that that short timeline was super helpful.

Well, I appreciate you sharing that, Shasta, but my my guess is in those documents are that the kernels that we'll wanna continue playing on the thread to to create new legislation.

But that's why I want to weigh in without know if that's.

Helpful or not, but those two sections of the bylaws I think are those are the kernels of our mission statement.

AE April Ehrlich 10:46

Go ahead, Shasta.

SM Shasta Kearns Moore 10:48

You know, just saying, you know, just kinda what the yeah. Again, just like what is the container for this particular subcommittee?

So that we know that like by this time we're gonna provide legislative concepts to the 2027 legislature, I think, you know, to me that was just the kind of the basic of, like, here's what we're here to do.

AE April Ehrlich 11:14

Mark.

ML Mark Landauer 11:16

Well, I'm gonna probably smell my guts here a little bit. Just as a forewarning, because, regrettably, I have three years of experience of working with the PRAC and a subsequent committee that spent nearly three years to achieve virtually nothing.

And I think that there are some important lessons learned from that experience.

And I don't know if you want me to share those or not, but I'm gonna offer a few observations that I think are important for us to consider.

And that is if I may.

If we're going to be talking about a comprehensive.

Legislative proposal.

It's my belief and we don't have to abide by my belief that all the stakeholders need to be at the table.

And.

We don't have them in this group.

I'll just put it bluntly.

Having said that.

And having gone down this road of of sort of comprehensive overhaul as it relates to fees and and things of that nature, I think you absolutely have to have the stakeholders at the table otherwise.

It's a.

It's a fool's errand, OK? Having said that.

I do think we would be wise to look at our survey.

And use that as a potential jumping off point for any potential legislative concepts that we might want to entertain.

I'm really biting my tongue here and trying to be as helpful as I can, but the political realities are folks that if.

If you're not at the table.

You're considered part of the menu and.

I don't think that, for example, the school boards or the school administrators, the district attorneys, all of these individuals, and I haven't even begun to list them all out would have to be at the table if we were to try to do something really substantial.

And that's just my cautionary sort of advice.

At this point I don't know where we're gonna go with this and I'm always happy to entertain ideas.

But I think my role here is also to.

Be a reality check from a political standpoint and.

That I'm I'm providing that now.

So I'll I'll end my soliloquy if if you will and just wanted to give that impression from my experience so far.

AE April Ehrlich 14:35

I guess I'm a little confused.

SS Scott Stauffer 14:35

If.

AE April Ehrlich 14:36

Are you suggesting that we invite like 100 people to this meeting to talk about a legislative concept?

SS Scott Stauffer 14:38

I.

AE April Ehrlich 14:43

Because we can't.

We can't have everybody at the table on this discussion.

ML Mark Landauer 14:49

I I agree, April.

I I having as I said, spent three years trying to do this without any success.

I think we have to really think seriously about what it is we want to tackle and that's why I suggest that we look at the survey and see if we can't glean any.

Potential ideas from that, because I do think that there's some valuable information contained.

In there and that we can make some potential recommendations from just the the data that we've received from that.

AE April Ehrlich 15:30

Scott.

SS Scott Stauffer 15:32

Thank you. I was thinking on this before and then your your comments mark brought it back to the top of my head.

I kind of vaguely remember the last time we made an effort an SP 4/17 was born.

There was an attempt to do comprehensive, but there was also things and obviously we there were things that got caught that there was.

We couldn't reconcile.

Would it be smarter as we look to the 27 session?

Are there?

Should we propose like a less comprehensive thing?

Find those places where there's agreement to make it better and just kind of chunk it out a little bit.

It it was that a smarter approach to maybe think about taking as we look at the survey as we think about what happened in the last three years, would it be smarter?

I mean, last time we went comprehensive, do we go do we go?

Maybe a little more piece meal this time because my my my pondering question.

AE **April Ehrlich** 16:23

Faster.

SM **Shasta Kearns Moore** 16:26

Yeah. So I mean, I was thinking that we would kind of take a look at the the 1077-1, basically like where you guys ended up and like see, is there anything that we wanna keep from that?

And you know, so kind of like old business and then new business, we have the survey.

Is there a legislative concepts that can come out of that so?

You know, in preparation for this meeting, I did take a look at 1077.

And and like kind of went through things that are frankly non starters for me and then things that are fine or are we just so sick of that problem that we just want to like start over.

And in that case I also have ideas for what we could do moving forward.

I think that having some standalone concepts would be great.

I know that in a long session there isn't like the limits on how many bills like there is in the short session.

For representatives, yeah.

ML **Mark Landauer** 17:26

Yet.

SM **Shasta Kearns Moore** 17:28

I mean like they kinda go overboard, right?

But you know, so I don't think we can run, you know, 10 different bills.

But like you know, if there's, I don't know, three or four concepts that are of like standalone. But I also think that there's several concepts that cost money and you

know, one of the things that I liked about 1077 is that there was a way to.

Get money.

But I also don't have the history around how politically viable that was.

So yeah, those are kind of my thoughts of how we could structure our work.

SS **Scott Stauffer** 18:00

I'm just wondering if at this point it'd be good just to get a couple of wins, even if they're not huge, just like get a couple of pieces and and while we continue to have the bigger discussion that was.

AE **April Ehrlich** 18:01

Odd.

1.

AP **ALBERT Todd * PRA** 18:16

Personally, I mean, I've also been working on this legislative effort since 2021, so I have my own trauma. I think informing my.

Motivations here. I'm certainly in favor of a more pinpointed cost neutral bill that I think still advances.

At least the requirements of communication at all public bodies should effectively still be doing now, but just codifies it.

That improves the conversation between requesters and public bodies.

Born of the work you've already done, it's well informed by input from our own council and stakeholders who testified, and there was general agreement about these particular concepts in the two legislative work groups that continued after our work finished. But in terms of process or plan, look, the.

Majority of us on this Council wear two hats, Council members and representatives of their constituency, and a failing, in my opinion, of.

Our work is that Council members will vote for something that makes sense to them.

In session but it doesn't also represent necessarily the perspective or decision of their client or constituency.

So when it comes time to advocate for the bill, you know, before testimony or when it comes time to testify about the bill, they have to put on their other hat and then come out against the bill or remain neutral. That's not going to work because every bill.

Is going to invite dissent and concern. People will appear to say things about bills. That never participate in our process.

And I think unless we have a robust bench of advocates from our Council representing their constituencies and the Council advocating for any bill we put forth, it's going to be dead in the water. And So what?

I'm proposing as a way to move forward. Is A2 pronged approach?

The first prong is that members of this subcommittee review all available material on the work we've done.

Visit their own thoughts and feelings about a bill and speak to those they represent and come back to the next Council Council meeting with ideas that they think generally have some support within the communities that they speak for and present those as potential legislative ideas. Obviously we can.

Compel anyone here on this subcommittee to do that, but it's a recommendation.

The second prong would be to invite those who came out against the prior versions of the bill in the legislature to come speak to us about their concerns and what they'd like to see, and also put out a general ask.

And a notice about our next meeting that anyone who would like to talk.

About concepts or has concerns about potential concepts come and talk to us. Our next meeting potentially could just be a listening session for we hear from those in the Community, whether they're requesters or records custodians who want us to know what they think we should do with the.

Bill as much buy in as we can get early on I think will give us a chance to have a bill that might pass.

But I do think we have a lot of work ahead of us.

So that's just my proposal at this point.

AE April Ehrlich 21:14

Yeah, it's interesting to me because.

As totally new, ignorant person, I thought this was what the legislative process was for.

Like I thought, that's what public hearings were for.

So people can air their grievances, and then we could adjust the bill language.

But what I'm hearing is that work actually needs to happen before it even gets to the public hearing process.

Yeah. And that makes a lot of sense.

It's unfortunate because I feel like we already have a public structure and why isn't it working?

But that's a conversation for another day.

But I do like the idea of coming to these meetings prepared, you know, like reading the materials, talking to your, your, your constituents and anybody else you think might have an opinion that might be a stick in the mud of getting anything done.

I think that type of homework is kind of part of our charge as a subcommittee.

And I I would hope this meeting we can actually set up a structure so that we can ensure we are.

Successful in getting at least one win, regardless of whether we pursue 1077 or or start a new legislative concept. I I think this meeting it would be good to set up a structure for what it is we would like to accomplish and what our deadlines are.

Without necessarily committing to a specific bill or concept at this point, how does that?

Sound to folks.

SS **Scott Stauffer** 22:44

Yep.

AE **April Ehrlich** 22:46

OK, great.

So.

SM **Shasta Kearns Moore** 22:49

I guess I would propose.

That, like September, would be a good time to be done.

You know, with whatever we're gonna present to the Council.

And then you know, we can have a meeting in October with the Council and then we can forward that along to our legislative champion in time for the pre session filing.

So what? You know what?

We're able to do by September is kinda what I think we should do and I don't know if that involves.

Like a lot of listening sessions, because we have already done the survey and we have kind of done that work of of, you know gleaning from the community of records providers like what it is.

That would be helpful for them.

You know, getting people's buy in is a is a different conversation and it frankly involves a lot of like marketing. So and we're not really set up to do that.

So I think kind of using.

The relationships that we have as Council members in our communities is going to be a great way to kind of vet, you know what it is that we're putting forward and whether it has any legs.

+19***03** 24:00

Yeah.

AE **April Ehrlich** 24:02

And so we're we're thinking September to get something done in terms of coming up with the legislative writing, a legislative concept and getting it to our legislative representative person, OK.

AP **ALBERT Todd * PRA** 24:15

Well, getting it to the Council for a full vote.

AE **April Ehrlich** 24:17

And.

SM **Shasta Kearns Moore** 24:19

Yeah, I'm getting it to council first.

AE **April Ehrlich** 24:20

Oh yes. OK.

So we come up with the the legislative concept and the language and stuff.

We put it in like whatever a Google doc and then.

Bring that to the Council.

Then there's a full vote.

OK. And how do we go about drafting this sort of language? Like does working in a Google Talk dock make sense if that's potentially like a violation of, like, open meetings law? I don't really know how that works. Go ahead, Todd.

AP **ALBERT Todd * PRA** 24:47

Well, in the past, either the chair or myself would take what everyone said and put together a rough draft that we would then work off of in meetings or people would review it prior to meetings and send like their edits directly to either the chair or myself to.

Be incorporated then be worked on in a meeting.

AE **April Ehrlich** 25:06

OK, I think that sounds good.

AP **ALBERT Todd * PRA** 25:07

And it's certainly generally not written like you would see a draft bill like the legislative language and stuff.

It's more just like straightforward ideas, generally in the beginning.

AE **April Ehrlich** 25:17

OK.

So what I'm hearing is like a goal of September getting a legislative concept. Written.

And ready for a full vote at the Council.

Maybe I think in order to get to that point, we might need to like, I don't know, talk about maybe setting some ground rules so that we can ensure that we get to that place.

I imagine.

I mean, from what I'm hearing, there was.

A complicated history.

With 1077 in previous legislation and and the reason why those things may have died was because people just couldn't come to a consensus.

So maybe we can establish some ground rules in terms of we can try to get a consensus if possible, but if not, like at what point do we just go with majority rules?

Anybody have any thoughts or suggestions on that?

SM **Shasta Kearns Moore** 26:15

Yeah.

That was first.

AE **April Ehrlich** 26:19

I mean chest.

I know you have.

I know you have.

You've suggested this to me, so go ahead and tell me what you're I mean, what what should we do?

SM **Shasta Kearns Moore** 26:23

OK.

Yeah.

AE **April Ehrlich** 26:27

Like should we put these like mission statement, ground rules and stuff in like a document?

Todd maybe can do that, I don't.

I don't quite know what what sort of framework we should establish and how official it should be.

SM **Shasta Kearns Moore** 26:40

So I think that's kind of like how the group wants to be set up, but.

To me, it's that consensus is great. But you know we need to move on.

So if it's a point where you know there is a minority, maybe that's something that goes into like a minority report and that gets appended to the thing that goes on to the full Council.

Just so that we can move along and it's not like a you know?

We're not attacking the person or, you know, debating the idea.

But sometimes I've seen, you know, kind of government meetings get bogged down and.

Yeah. Well, not everybody agrees.

So we can't move forward.

So just kind of establishing that like it is OK to move forward and we're all OK.

Yeah.

AE April Ehrlich 27:34

So maybe Todd, we could formulate like a mission statement.

For what the subcommittee is charged with doing, which to me it sounds like get a legislative concept in by September, so we can have at least one legislative win.

Put that in however, Lawyery language you want to put and then in terms of establishing like ground rules, maybe we can establish like more formal language on, you know, we'll try our best to get.

Consensus. If not.

If there's a, you know, disagreement in a minority, they can submit a minority report and then we'll move on.

Does that I mean how?

What are people's thoughts on that?

AP ALBERT Todd * PRA 28:13

Yeah. I mean, if I if I may.

I mean, I do feel like Scott's right that this, this mission statement is essentially embodied in our what you're call it by laws already, as is the fact that, you know, so the culture of the prac from day one through multiple chairs, including myself briefly and now.

Shasta has always been we attempt to work from consensus and we try that for a while with the understanding that majority rule ultimately.

May have to win the day, and certainly with both SB 4/17.

Well, 1077 was not born of our work.

It was grown out of 417, became from elsewhere, but certainly 417. Even the legislation making the Council a permanent body in my office independent had detractors had people who voted no or abstained.

So certainly full consensus was not reached and we move forward because you know ultimately the rule is majority rule and Chasse is right that people can always you know petition or or move to write a minority report.

Frankly.

I think we're there with those two concepts you want to achieve. April, we've always been somewhat informal in our work, but we do have these concepts reduced to writing in our bylaws. If you want me to generate a document that essentially reiterates those, I'm happy to, but I.

Feel like like we've reached that point and we're OK, or at least that's that's that's my perspective on this.

AE **April Ehrlich** 29:33

I I think that's probably fine. I think also just saying it out loud in a meeting makes a lot of sense too.

AP **ALBERT Todd * PRA** 29:39

Yeah. I mean, I like, I'm happy to affirm those values right now.

I certainly believe in them and also I'm prepared to abide by them and maybe you could have everyone speak their mind on that if you want or agree to it or not.

AE **April Ehrlich** 29:54

Yeah, I mean I I am a processoriented person and I do like, I don't know.

I like organization so, but I also am totally fine with all of us.

Just kind of agreeing, you know what our overall goals are and sounds like legislative concept by September totally makes sense.

For the most part, we'll try to get consensus, if not majority rule minority can issue and minority report.

Also, I want to emphasize again coming to meetings prepared, you know there's going to be materials that we need to read.

Homework. We need to do, and people. We need to talk to before getting to a meeting.

So I would really love for us to be able to accomplish things.

By coming to the meeting prepared and having already talked to the people that we need to talk to.

And if we're OK with just me saying that out loud and all agreeing to it, then that's that's great with me. Would love to hear people's thoughts.

SM **Shasta Kearns Moore** 30:47

I think that's great. Thank you.

SS **Scott Stauffer** 30:50

I agree too, and our bylaws also have a code of conduct section that talk say the exact same words to that consensus and then when it comes to minority points, so is

everybody else seeing the waiting and the lobby keep popping up in front of them.
Yeah, I.

AE **April Ehrlich** 31:06

I don't know what's going.
I think it's Nick.

AP **ALBERT Todd * PRA** 31:07

Keep trying.

AE **April Ehrlich** 31:07

I think he's having issues or something.

AP **ALBERT Todd * PRA** 31:09

I keep. I keep admitting him, and unfortunately it doesn't seem to be working.

SS **Scott Stauffer** 31:09

OK.

AP **ALBERT Todd * PRA** 31:12

I'm texting him now to tell him that.

SS **Scott Stauffer** 31:15

OK.

Not just me, that's all.

AE **April Ehrlich** 31:16

No, I've been getting that too.
He he was here for a second.

SS **Scott Stauffer** 31:20

Mm-hmm.

AE **April Ehrlich** 31:20

Then he disappeared.

Maybe it's his cell phone.

OK.

Is there anything else we need to talk about here?

+15*****25 31:26

It was her.

SM Shasta Kearns Moore 31:28

I think you know, if we wanna start a discussion of 1077 and where people are at with that language, like, do we salvage whatever we can from that bill or do we just start from scratch?

AP ALBERT Todd * PRA 31:44

Right.

OK, I want to win, but I want to win.

That works for requesters and records custodians, and my version of that win is salvaging.

And I could be.

I think it's precisely three things from 1077 that had broad consensus should already be mostly being done by public bodies and should not increase their costs.

So I'm in favor of taking those 3 concepts only at this point before we do more work and I hear from others that might make me think differently because I think we can have an easy win.

I think it improves.

The work.

Of of records, custodians and makes it easier for records requesters to understand what they're facing and should not lead to any fiscal impact statements. As Mark will frequently remind us, probably means the death of the bill.

SM Shasta Kearns Moore 32:36

Yes, I would love to hear the three concepts, sorry.

AP ALBERT Todd * PRA 32:39

Oh, sure.

Sorry if I may. Yes. So the three are if a public body is provided, provided a written

fee estimate and a requester asked for an explanation, the public body must provide an explanation of that fee estimate to the satisfaction of a reasonable person, not any person or an.

Unreasonable person, but a reasonable explanation of the fees beyond what was in the estimate is #1.

#2 if a public body is going to deny a public interest fee, waiver or reduction, they must do so in writing.

Very straightforward and three, while the law already requires public bodies to publicly post their public records policies, there are no consequences for doing so.

The only concept that had universal agreement both on the PRAC and then later in our legislative subgroups was add teeth to that provision.

You may not charge fees unless you publicly post your public records policy. At this point. Those are the three things I'm advocating for.

AE April Ehrlich 33:38

Somebody else have their hand up? Nick thing keeps popping up and I have no idea who's raising their hand or not.

ML Mark Landauer 33:44

Yeah, it it.

That was me, April, and I was gonna ask Todd what his three ideas were.

So I took my hand back down.

Thank you.

AE April Ehrlich 33:58

OK, great. I mean.

I will say I I looked at 1077 and.

I'm not entirely sure what parts people love and hate. I mean the the 500 percent on commercial requesters, I imagine was was a big, controversial thing.

And I don't understand.

Maybe that was like a way to appease government bodies who were like, it's gonna be expensive for us to waive all these fees. So we have to have funding somehow.

And so maybe whoever came up with that Bill came up with this fund.

And it was going to be funded through commercial requesters.

OK.

Maybe that's what happened there, but.

In terms of like what I would like to see, I mean I think, Todd, I think your your goals make sense and I'm probably more here to just say what I do and don't like from other people's ideas because again, I'm new to all this anybody else.

Have thoughts on on what if they would like to see us work on 1077 or if maybe we should focus on something else?

Good, mark.

ML **Mark Landauer** 35:04

Well, I I do think that that there's been a lot of work that has been done and I I tend to agree with Todd.

In that, if there's some low hanging fruit from 1077, we should look at those opportunities.

Frankly.

I think 1077 morphed into a really big complex.

Bill.

That.

Well, it never even got heard.

And I think it didn't get heard was because it was a big, complex bill with a lot of concerns from from a number of different parties.

So I think we need to keep it simple.

And we need to keep it.

And trying to pick those low hanging pieces of fruit because I think if we come in big, we're we're going to be doomed again.

So I I just think that being really strategic about.

Trying to understand different perspectives and considering those perspectives will do us.

Will make our jobs ultimately easier.

I worry about getting too big of an appetite here because again, I think that if we keep it simple and understandable, we're going to have a lot more chance of success.

AE **April Ehrlich** 36:45

Scott.

SS **Scott Stauffer** 36:47

Yeah, I'll just simply echo Todd's three as a starting point and and concur with Mark. So I think that's start with those pieces from 1077 and give folks time to chew on it and talk about those at the next one at the next meeting and then continue to shop those to other groups that we represent and and and other things come up.

In the next couple months.

But yeah, I I like the three of it.

Todd blank.

AE **April Ehrlich** 37:22

Shasta.

SM **Shasta Kearns Moore** 37:24

Yeah, I also like those three that Ted flags I.

Will rely on the historians of the group to tell me what happened with the.

Adding a public interest appeal process.

Because the public interest waiver fee can't be appealed and so.

I can.

There was some additional language in there saying that you could appeal it to the AG.

AP **ALBERT Todd * PRA** 37:58

Oh well, if I recall correctly, it's because we were changing the parameters of the public interest fee waiver reduction test and there was concern that it needed to line up appropriately and also mirror the sort of analysis that public bodies can do for denials and also from the.

Requester side but also I was also the opinion that we need to give additional powers to DAS and AGS in terms of what they could order when reviewing.

Fee waived public interest denials.

So that was all tied together.

With the reforming the public interest fee waiver consideration process, so those were inextricably linked.

SM **Shasta Kearns Moore** 38:34

Got it.

OK. Yeah.

Yeah, I will just.

I was pretty shocked by the public interest like test thing being I I'm not in support of that.

I'm glad that that's not on the list. What about?

It at towards the end there's like kind of a A there would have been a new like firewall at the DOJ between like if.

You're representing that state agency.

In a different capacity, you're not also ruling on their public records appeals.

What about that part?

AP **ALBERT Todd * PRA** 39:19

Maybe Mark remembers differently, but I feel like that was effectively codifying existing practice 'cause the same would have to apply to district attorneys, and it's essentially largely right exists in practice.

SM **Shasta Kearns Moore** 39:19

Was that Austin too? Yeah.

AP **ALBERT Todd * PRA** 39:31

I don't remember a whole lot of discussion on that particular issue.

I don't recall it being much of a problem before. I think it was again.

Oh oh, I didn't remember.

I think it was because there was that was tied to moving all.

Local appeals, but Multnomah County's to the attorney general.

Office. So it was trying to just ensure like a robust, properly established system. But as things stand now, it's really not an issue because it's not the line attorneys that the A TS office who do the appeals, they have a public records Council who handles appeals.

But doesn't otherwise really advise in that capacity.

SM **Shasta Kearns Moore** 40:07

OK. Then I guess the only other thing that's on not on your list was just a teeny tiny change.

Under that you could charge up to the public body's actual cost rather than actual

costs.

So I mean probably that's happening in practice anyway, but.

AP **ALBERT Todd * PRA** 40:21

No. Yeah, no, right.

That was actually only still in there due to my persistence because I thought it was an accurate reflection, but the law actually says rather than what it currently says.

Honestly, it is the same thing either way, but we're putting the law does help remind public bodies they don't have to charge or charge full freight.

I'm fine either way with including that language.

SM **Shasta Kearns Moore** 40:45

OK, great.

Then yeah, those are all I had.

And then I also have concepts out of the survey.

AE **April Ehrlich** 40:56

Can I add one thing and this is a can of worms and probably not something for the next legislative session, but I think.

The fact that government agencies have been suing requesters for their public records requests, including my colleague Monica Sanayo, at OPB.

But she's not the only one who's been sued over a public records request has had a chilling effect on people being able to request records or being willing to request records.

If they may face a lawsuit, OB is lucky. We have a legal team, but not every news agency is like.

In fact, we may be the only news agency, maybe besides The Oregonian, that has a legal team.

So I don't know if that's something for the session. I just wanted to put that out there that I think it's really bizarre that agencies do that and it seems to be a recurring thing.

And that's just something I personally, yeah, have an issue with.

Yep, Todd.

AP **ALBERT Todd * PRA** 41:57

I have strong concerns about that as well, although I would say that's more of a dumpster of worms, not a can. I am wholeheartedly in favor of working on that, but I think it should be a separate standalone bill in my opinion.

I think if we worked into what is otherwise potentially low hanging fruit, it could be a death blow for the bill.

But you know, I'm only one vote and also I'm not rushing this out of this meeting.

I just wanted to remind you that we do have a public commentary period.

We need to get to as well before we conclude, so I just wanted.

To put that out there.

AE **April Ehrlich** 42:28

Scott.

SS **Scott Stauffer** 42:29

Yeah, real quickly, 'cause. I respect the time too.

I think I've heard like four, maybe five things that there seem to be some consensus about talking about for lunch and concept. Can I prevail upon?

Maybe Todd or somebody to put that into a not in the bill format, but just in maybe some sort of a quick bullet point layout for our next discussion.

So it's a little bit cleaner in terms of what exactly we're talking about. The bill, the Bills are kinda hard to read. So that's my one I wanna ask. Thank you.

AP **ALBERT Todd * PRA** 42:57

Well, Scott then.

Let, then just tell me so it was.

My initial three ideas essentially about communication. It was Shasta's mention of up to actual cost.

Is there one more thing?

'Cause I don't.

SS **Scott Stauffer** 43:08

That might have been all of them. I just.

I just.

I wanna make that's kinda my question to you.

AE **April Ehrlich** 43:10

I heard.

SS **Scott Stauffer** 43:11

I just wanna make sure there was like 3 and then one at least from Shasta.

So it's 4.

I just wanna make sure we lock those in.

SM **Shasta Kearns Moore** 43:19

I guess the only other thing that I would add if we were like salvaging 1077 is and this is not like language, but just like aware as section where there's like some like establishing of like values and this is something that we as Oregonians like I.

Mean. I don't know.

Yeah.

AP **ALBERT Todd * PRA** 43:39

I anticipated Mark's hand raising.

I'm not sure we get to do that, and I think Mark's gonna tell us.

SM **Shasta Kearns Moore** 43:44

OK, can't do that.

AE **April Ehrlich** 43:45

Mark.

ML **Mark Landauer** 43:47

Well you can.

It has no force of law.

It clutters the statute. Legislated council doesn't like it because, again, it clutters that statute.

SM **Shasta Kearns Moore** 43:52

Right.

ML **Mark Landauer** 44:01

And so they're very resistant to that.

And so I would.

I would recommend that we steer clear of that.

SS **Scott Stauffer** 44:11

But maybe those are the the initial talking points that we would share with the consensus of the Council. Who goes that advocates and writes letters, and that's those were as type language.

SM **Shasta Kearns Moore** 44:11

OK.

SS **Scott Stauffer** 44:21

Maybe that's the nucleus of our speaking points.

SM **Shasta Kearns Moore** 44:25

I like that.

Maybe our one pager on it.

Can we get to kinda new concepts?

OK, I have to call them up. Where are they?

So when I looked at the survey, there was kind of four things that stood out to me, which was.

Two things.

Well, maybe three or three things that cost money and one that doesn't.

But so creating grant opportunities or budget lines for agencies, especially small local governments, to hire or train public records coordinators, you know if that great concept of a public records fund from 1077 happened.

I would want to see the money go to something more like that, but like front loads, the capacity of public records officers to provide this information.

And then you know, so kind of that one and #2, you know, the creation of some sort of like central or like Memorandum of understanding or Emergency Strike team or something maybe out of Todd's office that could go in and help local agencies when there's some.

Public interest.

Like that.

Like you know, some soil and water board has like a super big interest in all of their emails or something. You know, having a high volume of requests happen and having the ability to respond to that in a timely fashion.

#3 was there were a lot of like IT solutions and I don't think that I think that we need some you know like I would love to invite the CIO to a Council meeting or something so that we can kind of talk through those concepts I think.

There's a lot of solutions, especially with AI, that can start happening, but I don't think that's a something we could tackle, you know, in the next three months.

Whenever so. But I do think that that's something that people are kinda crying out for.

And the survey is some like tech solutions.

And then finally for is exemptions and I know that that's the Sunshine Committee's work.

And so I'm interested to hear more about what they've been working on because you know from requesters to agency staff, everybody's saying that our public records law is just way too complex and we need to, like, simplify it down to make it easier for everybody to get.

Access to government information.

Those are my 4 concepts very quickly.

AE **April Ehrlich** 47:02

So to make some time for, I want to leave time for public comment, but I guessed maybe we'll wrap up this discussion of with maybe I think, Scott you were asking for Todd to like summarize what our key takeaways are with how we could salvage 1077 and.

Then maybe also list these new legislative concepts that Shasta has put forward. We can all think about those.

And then maybe come to the next meeting.

With thoughts about what we would like to do moving forward. Does that sound good? Great.

Sweet. Then I'm going to move on to agenda item three public commentary.

Is there anybody who would like to provide public comment?

Nick did.

+15*****25 47:55
Can you hear me?

AE April Ehrlich 47:56
Yes, there you are.
Go ahead.

+15*****25 47:58
Oh great.
Hi sorry for the tech difficulties.
I think teams did not like my Wi-Fi connection.
I have appreciated the discussion very much. Appreciate everybody's energy and and ideas.
And let me extend.

AE April Ehrlich 48:16
Could you state your name for the record, Sir?

+15*****25 48:18
I'm apologize, Nick, but Nick, reporter and also a board member of society, professor.
Journalists speaking for myself right now to express sympathies to Mark and Todd over the trauma that we all share over the public records.
Fee reform legislation.
I do want to raise a whole separate red flag, which is what an incredible time suck. These legislative issues are for the office of the Advocate.
Itself and.
And so I guess I would caution you to think about that as you pursue these issues and talk and speak to whether that's a legitimate concern or not.
The other issue is I wonder if.
The PRAC should be looking at ways to make public records advocates office more. More impactful and I know that the.
What helps DAS and AGS settle disputes is that they're able to access the public records that are in dispute and suggest compromises.

And sort of it's it's sort of crucial for them in their unofficial role as a mediator.

The legislation that led to the PRA does not give.

The PRA.

That authority, the discretion to request or or demand those records. And I I wonder if that would be a pretty narrow change to the law that would assist Todd or whoever the PRA is.

PRA staff to settle disputes. The other question is I'm not sure if the facilitated dispute resolution rules wherever.

Promulgated by the PRAC, but perhaps the law needs to be looked at to fix the that aspect of the office that was intended to be sort of a life preserver for local governments facing.

Requests that are challenging.

To deal with, or requesters, sometimes known as vexatious requests, which is not necessarily.

Term that I think is productive, but.

Is there a way that the Advocates office could be more of a help to not just the public, but local government?

So those two ideas I would encourage you to look at and maybe Todd can address at some point in the next meeting.

The the analysis the post mortem on 1077 I would have is little different than what you've heard so far, but I don't think we have time for that.

So and then the whole idea of fixing the part of the law that enables local government to sue reporters, we've gone down that road before.

It's incredibly so, much more thorny to fix that than you would imagine that.

That's about all I want to say 'cause. I know y'all have to go.

Thanks for your time.

AE April Ehrlich 51:43

Thank you.

I'm not familiar with everybody's names in this group right now.

Are there any other public comments?

OK. Hearing that move on to next meeting date and ideas?

When would we like to meet next, Todd.

AP ALBERT Todd * PRA 52:11

Oops, sorry. My recommendation is that the next meeting be a listening session with both invited guests and open to whomever else wants to talk to us.

My vote for invited guests are those who testified against prior versions of the bill, so 1077 and 417, and then an ask for anyone else who wants to share their thoughts and be part of the process. And then.

After that meeting, I would recommend that next meeting.

So our third meeting to be you know our own take on legislative concepts.

It's again based on our ideas, review of the past, what we heard from those who spoke and talked with our constituents. For those of who have them.

So maybe four to six weeks for the next listening session and then maybe two to three weeks after that for the next meeting.

AE **April Ehrlich** 53:03

I think that makes sense.

Will we do another doodle poll to decide when we wanna meet next?

AP **ALBERT Todd * PRA** 53:10

Works best.

I guess I would try.

I guess I will get that out quickly and we should turn that around quickly.

So then if we are actually inviting people or otherwise putting out an ask, we could, you know, give them as much notice as possible.

AE **April Ehrlich** 53:24

Do Shasta.

SM **Shasta Kearns Moore** 53:27

I kind of feel like.

Before we have a concept.

Where we already know what they're gonna say, right? 'cause. Like we already have their testimony from what happened in the 1077 process.

But until we have something to put forward that says, you know, we're gonna go after these parts of 1077 that we all are in consensus about and then kind of put that forward and say, do you, do we have anybody who wants to talk to us about?

Us about that.

I feel like that's a better way to do it because if we front load it then people don't know what they're commenting on and then if we come out with something then they'll be like, oh, well, I didn't have a chance to comment on that.

AP **ALBERT Todd * PRA** 54:07

I mean, I think either approach works.

I think they just represent different philosophies, one being this is what we think we should do react to and the other is tell us what you think in general so it can inform our thoughts on what we choose to do and then we might need further hearings to. Then get feedback on what we actually choose to go forward with.

I don't know.

I've learned through this Council that input and stakeholder perspective and a lot of talking actually does bear fruit.

So I don't know.

I'm just in favor of sort of starting more open and then getting narrower.

But this is my take.

AE **April Ehrlich** 54:39

My my one concern is just the timeline. I I would like to move as quickly as we can. And I think if we can put something together so people have an idea what they're commenting on and if they would like to add, why don't you guys also talk?

About XYZ, I mean that's also their ability to do that.

So in a way, we're kind of, you know, killing two birds with one stone by already having something for people to comment on. And also, you know, providing a space for people to maybe say what?

What else they would like us to focus on if we decide to, you know.

Realize that.

Oh, we are focusing on the wrong thing and we're getting a bunch of comments on this other thing.

We can decide at that point.

I mean, that's my two cents.

AP **ALBERT Todd * PRA** 55:18

So then four weeks for a subcommittee meeting where we come back with our own

ideas.

1st.

AE **April Ehrlich** 55:25

Yeah, I mean 4-4 weeks.

Yeah. What do you think?

SS **Scott Stauffer** 55:30

I am pretty much out the last two weeks of March, which is not helpful.

SM **Shasta Kearns Moore** 55:33

Yeah, it's spring break.

SS **Scott Stauffer** 55:35

Yeah.

But I'll respond to the poll and we can find a date, but.

SM **Shasta Kearns Moore** 55:39

I mean, yeah.

AE **April Ehrlich** 55:42

I'm guessing early March is probably too soon for everybody.

SM **Shasta Kearns Moore** 55:45

I mean I could do 2 weeks from now.

You know 'cause, I came to this meeting prepared to already talk about it.

So, you know, I think having things written down is helpful.

So, but I'm prepared to meet in two weeks.

But if people need longer, we can do that too.

AP **ALBERT Todd * PRA** 56:03

Yeah. I just want to ensure that for those of us who do want to go back and talk to those, they represent, that they have enough time to do so, including our member of members of the media members as well.

So if everyone feels two weeks is sufficient, that's fine with me.

AE **April Ehrlich** 56:18

I.

I think what we could do in a doodle poll is maybe provide options from 2 for two weeks from now and then one for whatever mid-april. I mean preferably or early April.

I mean, I would like to do it in two weeks, but you know, my schedule is probably a little bit more flexible.

But I don't know. Maybe we can vote on it in a doodle poll. Does that sound good?

AP **ALBERT Todd * PRA** 56:40

So I'll put in two weeks approximately from now and early April dates and then OK, perfect.

SM **Shasta Kearns Moore** 56:47

And I think our in person prac like full Council meeting is sometime in April.

I don't remember exactly when, but mid-april something like that.

SS **Scott Stauffer** 56:55

It's true.

AP **ALBERT Todd * PRA** 56:58

Date is not set, but I actually our group has consensus.

SM **Shasta Kearns Moore** 57:01

Maybe that's why I don't know.

AP **ALBERT Todd * PRA** 57:03

Our group has consensus for the afternoon of April 17th, but now I've queried the Portland Building to make sure that space is still available that day.

So spoiler if it's available will be April 17th in the afternoon, but I have to hear back from them first before I can tell the full Council.

SM **Shasta Kearns Moore** 57:16

Awesome. Oh, since we have like 2 seconds, do we have anything planned for

Sunshine Week or is anybody doing anything? 'cause. I think it'd be great to, like kind of re tell the media about our survey and the report that happened.

SS **Scott Stauffer** 57:28
Hi.

AP **ALBERT Todd * PRA** 57:31
Yeah, we've, we've, we've our office has done stuff in the past.

SM **Shasta Kearns Moore** 57:31
In advance of that.

AP **ALBERT Todd * PRA** 57:34
We are way past bandwidth to really do much, except occasionally put out a statement, but I'm happy to work with you, Shasta, if you want to put one out on behalf of the Council.

SM **Shasta Kearns Moore** 57:43
Thanks.

AE **April Ehrlich** 57:45
Yeah, I mean, we could just do a press release.
It's like it's sunshine week. Here's the prac.
We exist.
Here's what we've done.

SM **Shasta Kearns Moore** 57:51
Yeah, exactly.

AE **April Ehrlich** 57:53
I don't know.
But yeah, I I don't think I could put together something like that.
Shasta, if you if you have the bandwidth for that, great.
But if not, I think that's fine too.

SM **Shasta Kearns Moore** 58:02

I can do that.

AE **April Ehrlich** 58:04

OK, great.

Anything else?

Do we need to vote on ending the meeting or can we just say bye?

SS **Scott Stauffer** 58:14

I say bye.

AE **April Ehrlich** 58:15

OK, bye.

SM **Shasta Kearns Moore** 58:15

Thanks everybody.

SS **Scott Stauffer** 58:16

Good job, April. Nice job cheering.

AE **April Ehrlich** 58:18

Thanks.

SM **Shasta Kearns Moore** 58:19

Good job.

□ **ALBERT Todd * PRA** stopped transcription