

PRAC Legislative Subcommittee meeting-20260505_120133-Meeting Recording

May 5, 2026, 7:01PM

59m 56s

● **ALBERT Todd * PRA** started transcription

AE **April Ehrlich** 0:03
Action.

SM **Shasta Kearns Moore** 0:06
I will make a motion.

SS **Scott Stauffer** 0:08
Second.

AE **April Ehrlich** 0:10
All those in favor, say aye.

SM **Shasta Kearns Moore** 0:13
OK.

SS **Scott Stauffer** 0:14
Aye.

AP **ALBERT Todd * PRA** 0:14
Alright.

AE **April Ehrlich** 0:14
Mm.
All right. Agenda approved. Then we'll go on to the vote on proposed communication-based legislative concepts to recommend to the full council, which Todd shared with us.

AP **ALBERT Todd * PRA** 0:30
Yeah, and actually I failed to note discuss added language first.

AE **April Ehrlich** 0:31
Oh.

AP **ALBERT Todd * PRA** 0:36
I guess we want to make sure everyone likes it and it works.
Before we before we vote.

SM **Shasta Kearns Moore** 0:47
Yeah, I read through it and I think it looks good.

AP **ALBERT Todd * PRA** 0:57
I will say I'm fine with it too.

SM **Shasta Kearns Moore** 1:01
Good, I'm glad you don't have like a...
Personal Doctor Jekyll and Mister Hyde thing going on.

SS **Scott Stauffer** 1:09
Oh.

AP **ALBERT Todd * PRA** 1:10
I can't be that insecure. Sometimes just gotta accept it.

SM **Shasta Kearns Moore** 1:12
Yeah.
Okay.

AE **April Ehrlich** 1:16
Yeah, I'm fine with it.

SS **Scott Stauffer** 1:18
Same.

AE **April Ehrlich** 1:20
Okay. Somebody want to make a motion?

AP **ALBERT Todd * PRA** 1:26
I'll move that we adopt the communication recommendation or communication legislative concepts in the form they currently are in, which includes my recent amendments to the language along the lines requested by the subcommittee.

SM **Shasta Kearns Moore** 1:46
Second.

AE **April Ehrlich** 1:46
All right, Shasta seconds. All those in favor say aye.

SM **Shasta Kearns Moore** 1:50
Hi.

SS **Scott Stauffer** 1:51
I.

AP **ALBERT Todd * PRA** 1:52
I.

AE **April Ehrlich** 1:54
Do I vote too, I?
Okay, motion passes.

SS **Scott Stauffer** 1:59
Okay.

AP **ALBERT Todd * PRA** 2:02

I'll clean it up. I'll accept the new language. I'll clean it up, and then I'll post it in its final form for when we have our full council meeting.

AE **April Ehrlich** 2:02

Uh, what?
Okay.

SM **Shasta Kearns Moore** 2:12

So forward that on. And so our next council meeting isn't until August, but we're talking about September now. Yeah, because Scott and I both realized that we probably can't make the one that we already set. So we'll have to redo the poll. Okay.

AP **ALBERT Todd * PRA** 2:17

September.
Yeah.

SM **Shasta Kearns Moore** 2:30

Well, that's good to know.
Yeah.

AE **April Ehrlich** 2:36

Okay. I think next we are talking about the public records toolkit legislative concepts. And that was the things you outlined in that initial document.

SS **Scott Stauffer** 2:44

Yeah.

SM **Shasta Kearns Moore** 2:44

Yeah.

AE **April Ehrlich** 2:49

We handed out.

SM **Shasta Kearns Moore** 2:50

Yeah, so I have to apologize. I have to get used to the like timeline for these

meetings because I'm used to like, oh, the meetings at noon, so my deadline is noon, but actually it's two days ago so that I can get you guys the documents so that we can put them up online.

So.

So I have something that we can just use as like a discussion piece, but I failed to get it to you two days before at least. So, so kind of the first one is a public records capacity grant program. So this is, you know,

from the survey feedback that shows that, you know, compliance failures are largely capacity failures. And so this would establish A recurring dedicated fund to support staffing, training, and system improvements for public records compliance.

And then there would be a kind of priority criteria.

So it could be administrated in the Public Records Advocate Office or a DOJ equivalent office. So that's kind of 1 concept to talk about.

And then like what the reporting requirements would be, you know, where the funding would come from is another important question. Personally, I think a general fund appropriation is the cleanest because, you know, as we're always advocating that democracy, you know, a core function of democracy is transparency. So this kind of

ties in with that.

So some of the eligible uses could be hiring or contracting public records coordinators, or we can put that into the other concept that we'll talk about, which is the kind of mutual aid agreement thing. Backlog reduction.

Staff training, but I think we already have like staff training with Todd and his wonderful services. So I don't know, like you're not charging for those, right? Right.

So.

AP **ALBERT Todd * PRA** 5:15

No, we don't charge anyone for the trainings.

SM **Shasta Kearns Moore** 5:17

Yeah. And then maybe technology upgrades. So that would be kind of the uses for these grants. And then kind of some suggested priority criteria, a demonstrated backlog or a request volume strain, so sudden public interest in some aspect.

Um...

also first time applicants or historically under-resourced entities. Also having as part

of the criteria evidence of a strong public interest fee waiver practices could be another thing to kind of incentivize people to do that.

So we could have, yeah, and then kind of allowing regional or shared applications. So like city and county could apply together if they wanted to, if that made sense for them. So that's kind of.

Concept number one is this grant program. Do we have any discussion on that?
I'm going to close my door. I'll be right back.

AE **April Ehrlich** 6:31
Hug?

AP **ALBERT Todd * PRA** 6:36
So...

Yeah, this is kind of like so big and I have so many ideas because thinking about how to make something like this work. Honestly, I think step one would be keeping it rather vague and conceptual because anything we introduce, even if it somehow passed, will not look like anything we introduce. It's going to go through so many iterations.

and discussions and like stakeholder input that I think offering a broad framework might be a better way. Like even funding, because then moving on, like even funding, I was like, you know, it kind of made me think of the notion of a susu where everyone puts money in a pot every month and then you're chosen kind of randomly or when needed.

to get the money out. It's almost like an insurance fund that everyone benefits from periodically or like a Christmas club. Because I think, I don't know if it should just come from the state. I think maybe if everyone puts in at the state and local level, they'll feel more invested in this program because they're a part of funding and supporting it. And maybe the funding can be proportional to their FTEs or something like that.

SM **Shasta Kearns Moore** 7:26
Mhm.

AP **ALBERT Todd * PRA** 7:46
like that to make it reasonable, but also increase the amount of people paying into it.

And then they'll be, and maybe they'll be more inclined to use it as well because they're actually putting their money into this too. I don't know. So I think, so one, I just think we should keep it vague and I think we should also keep it open to different potential sources of funding.

AE April Ehrlich 8:11

So, um...

What you're saying is like, like county cities, whatever water districts, they would contribute money to this big pot, but then they would also benefit from it by getting grants and stuff. Is that right? Don't you think, don't you think that would end up getting more pushback through the legislative process by like,

AP ALBERT Todd * PRA 8:25

Exactly.

I...

I do, I do.

AE April Ehrlich 8:34

Association of Oregon Counties and stuff.

AP ALBERT Todd * PRA 8:37

Yeah, I do think there could be more pushback, but also if their input is de minimis, but they get a pretty good output when needed, I think I think maybe we could get more buy-in, but yeah, I think I think no matter what we do is going to be pushback, but I just like the idea of leaving an open explorer various.

SS Scott Stauffer 8:37

Yeah.

AP ALBERT Todd * PRA 8:56

Concepts to make this work.

Yeah.

AE April Ehrlich 9:00

Yeah, I think it could work if we, I mean, obviously we would bring them in as like

stakeholders and ask them what would make this, what would make this worth it for you so that there is buy-in. So maybe, maybe this stuff is it, but maybe there's something else that.

that would make it easier for them to want to actually contribute to something like this.

SM **Shasta Kearns Moore** 9:30

I think Scott has his hand up.

SS **Scott Stauffer** 9:32

Yeah.

AE **April Ehrlich** 9:32

Sorry, I'm failing my duties. Scott.

SM **Shasta Kearns Moore** 9:34

Okay.

SS **Scott Stauffer** 9:34

That's all right. That's all right. We're such a small group. It's like any one of the four of us could. I wanted to express my general support for the concept. And I hear what you're saying, Todd, about keeping it fairly high level because the legislature is going to do what they do with it and it will twist and contort and evolve.

But I think it's a really good idea.

I'm conflicted because I see the point to the people involved should put some resources in the game, A, just to make it happen because I think no one here is kidding ourselves or think the legislature is just going to start handing out money because everyone's asking for money. So if the people involved who benefit, if they can pony up, I get.

why that makes sense. But I also think that will automatically create a knee-jerk reaction from certain groups to be like, absolutely not. And then it slaps that or anything with money is going to slap the fiscal impact on it, which will also cause some knee-jerk reaction. So I don't know if I have an answer for the funding piece of it, but I think this is a really good idea.

AP **ALBERT Todd * PRA** 10:38
Well...

SS **Scott Stauffer** 10:43
And I think.

I think there's some nucleus started. There's some groups across the state, and I'm thinking of some of the works that state archives has done with records folks and records managers. And so maybe there's a group of people that we could connect with, maybe Stephanie or Chris.

Stenson from archives might come to a future meeting and just kind of chew on this with us, but I think there, I think this is a really good idea.

AP **ALBERT Todd * PRA** 11:12

Yeah, what about even something like, you know, it probably started out as a pilot program, so limited run, limited impact. But what if it was even something like, you know, some seed money from the state, and then for all other public bodies, it's almost like a subscription service. Join if you want, and then you can get the help. But if you don't join,

SS **Scott Stauffer** 11:16

Mhm.
Mhm.

AP **ALBERT Todd * PRA** 11:31

you don't get the help, at least in its initial iteration, so that only those who feel they have the means and desire could be a part of it. And then we could see how that scales up to you. I mean, look, there's going to be as many ideas as there are people talking about it.
for sure.

SM **Shasta Kearns Moore** 11:46
Yeah.

SS **Scott Stauffer** 11:46

Which again makes me think of what State Archives does with their Oregon Records Management solution. Basically that same thing, it's just that also comes with the software package.

AP **ALBERT Todd * PRA** 11:49

Mhm.

Exactly.

Yeah.

AE **April Ehrlich** 11:57

Justa.

SM **Shasta Kearns Moore** 11:59

Yeah, and that might tie into the technology piece later, but yeah, I worry a little bit that everybody contributes model would lead to good governments who feel like they're doing it right, feeling like, oh, those people who aren't doing it right and aren't putting in the...

SS **Scott Stauffer** 12:15

No.

SM **Shasta Kearns Moore** 12:19

the funding where they need to are getting more out of it than we are. I don't know. That just kind of seems to happen when human beings get involved.

SS **Scott Stauffer** 12:28

And, and you, and we do have...

AP **ALBERT Todd * PRA** 12:28

Well, I was thinking if you don't subscribe, you don't get it. You don't get to use it, at least initially.

SS **Scott Stauffer** 12:32

Yeah.

SM Shasta Kearns Moore 12:33
Right.

SS Scott Stauffer 12:34
To Shasta's point, there are governments who will be able to afford it, and there are governments who will not be able to afford it. And so by eliminating the people who can't put in, then you lose a significant portion of our state, our governments that won't be able to participate then.

AE April Ehrlich 12:53
Yeah, and this would be the ones that we'd be most concerned about, right?

SS Scott Stauffer 12:57
No.

SM Shasta Kearns Moore 13:00
You know, there's also, um, like...
Yeah, like there are certain records that happen and usually not the ones that, you know, journalists are interested in, but you know, like I'm thinking of filing fees or court records or something. We could have like a dollar surcharge on all of those and then those go into this fund.
Um...
And it's just kind of...

AE April Ehrlich 13:29
I like that idea because then it's just...

SM Shasta Kearns Moore 13:31
Transparency surcharge.

AE April Ehrlich 13:35
He loves surcharges.

SM Shasta Kearns Moore 13:36

Yeah.

AE April Ehrlich 13:38

And it's one of those things that doesn't really hurt right away because it's, oh, it's just dollar or whatever, but it adds up.

SM Shasta Kearns Moore 13:44

Yeah.

SS Scott Stauffer 13:47

And then that idea, as an agency issues a fee for a record request, it's just adding a dollar or whatever the amount would be to that fee.
to every, all cities, state agencies, it would be the government's adding a fee.

SM Shasta Kearns Moore 14:01

I'm thinking at the point of creation of a record. So like every time you, you know, have a filing, like when you go to get an insurance or a driver's license or you go to file something at the court or something like that, like at the point where a record is created, that's when the fee would happen, not when the request happens.
Because then we're messing with actual cost.

AE April Ehrlich 14:30

If.

Do you think there might be pushback from these fees like impacting like everyday Oregonians?

SM Shasta Kearns Moore 14:40

Absolutely. I mean, you know, I know that I've heard Republican lawmakers say, you know, we're, we have fees out the wazoo. So, I mean, it's, there's only two mechanisms for revenue, right, fees or taxes. So, like poison.

AE April Ehrlich 14:41

Yeah.

Yeah, I'm just trying to think about if it would like disproportionately affect like a certain Oregonian, right? Like low income Oregonians or something, and that would make it look bad. So I don't know if that would be the case with this or not, but I guess just something to like keep in mind.

SM Shasta Kearns Moore 15:19
Yep.

ML Mark Landauer 15:21
I apologize, I I came to the party, a little late what what is the what is the fee to be used for would it be to help the public body. Can you describe to me what that \$1 fee would be I apologize again i've.

SM Shasta Kearns Moore 15:23
Yep.
Hey, Mark.
Yes.

ML Mark Landauer 15:40
For being a few minutes late.

SM Shasta Kearns Moore 15:42
Yeah, so I was explaining the public records capacity grant program. Oh, Scott left. Yeah, so it would create a, you know, recurring dedicated fund to support staffing and system improvements for public records compliance. So it would be. like a grant program that people or entities would apply to in order to, you know, have backlog reductions or technology upgrades or something like that that benefit public records and transparency.

ML Mark Landauer 16:19
generally. So this would be a a a fund that would be a a presumably um held at the State level for for grants, or is that is that the concept, or is the dollar to be

SM Shasta Kearns Moore 16:31
Yeah, it would be.

It would be administered by either the public records advocate or a DOJ equivalent office.

ML **Mark Landauer** 16:39

Gotcha. Thank you.

SM **Shasta Kearns Moore** 16:41

Uh-huh.

ML **Mark Landauer** 16:48

I I think that the only pushback you're gonna have.

is just the administrative burden. So so just track me for a second. You know, if you get a a vector control district out in, you know, Timbuktu that only gets one record request a year.

they're going to have to administer and somehow send that \$1.00 back to the state. Is the juice worth the squeeze is the question.

SM **Shasta Kearns Moore** 17:22

Right.

And I also feel like, yeah, again, like the point at record creation is what we want to look at rather than messing with our actual cost standard.

ML **Mark Landauer** 17:35

right? So it's just a flat. You're just imposing a flat one dollar fee for any records being produced by a public body.

SM **Shasta Kearns Moore** 17:43

No, I mean, if we did a fee model, like my concept would be we do it at the point of creation of a record. So at the creation of a driver's license record, at the creation of filing something with the court system, at the creation of vehicle registration.

ML **Mark Landauer** 18:05

Yeah, I, yeah, I, boy, a dollar fee doesn't seem like a whole lot. I don't think you're going to get a lot of pushback on that. I mean, I could see.

Some people who are regular and frequent filers, as you said, like court documents.

and filing fees at counties, you know, for real estate transactions. What have you? But I don't know if a dollar fee is going to really generate a lot of opposition, either.

SS **Scott Stauffer** 18:32

Okay.

Well, I'm trying to wrap my head around the list of moments and opportunities of when a record is created. Taken broadly, every time an email is sent, you're creating potentially a public record. So you will have to be just logistically looking for those

SM **Shasta Kearns Moore** 18:59

Of course, right?

SS **Scott Stauffer** 19:05

more transactional instances, the building permit fees. When a police department issues a citation, that's creating a record. So are we adding a dollar to every citation across the state? Especially, I mean, right? You'd want to be very specific. And then if you have to get

SM **Shasta Kearns Moore** 19:22

Right.

SS **Scott Stauffer** 19:25

specific about which new record creation interactions you're gonna attack, put a fee on, then you're basically calling out not everybody, you're calling out specific moments. I, yeah.

SM **Shasta Kearns Moore** 19:39

Yeah. I mean, another thought that I had, I mean, I don't think that it could be every, like, I don't think that it would generate enough to be the entire capacity of the program, but some sort of additional penalty on if a court decision doesn't go.

SS **Scott Stauffer** 19:48

One.

SM **Shasta Kearns Moore** 20:01

their way, there's an additional penalty that then gets routed into the transparency fund.

ML **Mark Landauer** 20:08

The local government's probably not going to like that idea.

SM **Shasta Kearns Moore** 20:11

Okay.

ML **Mark Landauer** 20:13

I just, I just, I'm just being open and transparent.

SM **Shasta Kearns Moore** 20:15

Yeah, no, I appreciate it.

Yep.

I mean, that's why I think, you know, couching it as a general fund appropriation, because this is a core and central tenet of our democracy, is going to be the cleanest, whether that's politically viable, I don't know.

But if we're talking about high level concept and we want to pass this kind of more abstract thing on, then I think that that's probably the way to do it.

ML **Mark Landauer** 20:36

Yes.

So Shasta, will you help me understand a little bit more about what, how this fee would be used? Because I see

I don't know, I...

Are we trying to help with the fund?

you know, that the big people who are getting just, you know, gobs and gobs of requests, like Department of Human Services or the state police or the correctional institution, to better

And more quickly.

address public records or requests, or is the intent behind the pro the program to help the small smaller

government entities process records request, or is the answer yes to both, right?

SM Shasta Kearns Moore 21:48

It's yes to both. Yeah. So the priority criteria would be they either have a demonstrated backlog or request volume surge, or they are first time applicants. You know, so then we're getting kind of more of the, you know, it can't be Portland Police gets to have a grant every year. And then evidence of a strong public interest fee waiver practices would also be like kind of add weight. There would be like a priority criteria formula for how these grants are awarded.

ML Mark Landauer 22:11

Mhm.

Gotcha. Thank you.

SM Shasta Kearns Moore 22:28

Yeah.

So I think I don't think I talked about the reporting requirements that I think would be important to include and that would be like a biannual report by whatever the administrative agency is showing reduced litigation or faster response times or backlog reduction.

And this would not be complicated. Like I don't want it to have a bunch of pieces to it, but just a basic like cause and effect. Like this grant did this so that it can, you know, hopefully justify its existence.

So that's the grant program. I could talk about this other concept that we had on mutual aid and search support.

AE April Ehrlich 23:27

Yeah.

And so the grant program kind of has a solution to that, right? But we're talking about like a separate mutual aid thing. Is that right?

SM Shasta Kearns Moore 23:40

Yeah, so this is either like we could. So another question that I had was, are we trying to do like a public records toolkit omnibus bill where all three of these concepts are part of it, or are we going to split them out into two different ones and which one's more politically viable? So there's the grant program, which is money. So, you know,

maybe that's not.

viable because as we just discussed, it's really hard to get money. But then kind of the mutual aid and surge support thing probably wouldn't have a fiscal impact. I mean, it would because it would be kind of a mutual aid thing. So do we separate that out or we do we mush them together? So I can explain kind of what more on what the second concept would be.

Ready? Okay.

So public records mutual aid and search support program. So we would establish a formal like system for high volume or high profile requests. So once again, could be housed in the Public Records Advocate Office. And then this administrator would maintain a roster of either trained.

temporary staff, temps that can like go into these surge events or contracted like subject matter experts such as legal reviewers or digital forensics or something like that. So that would be deployable on request so people can say, hey, the water board got, you know, this huge influx in requests, can you help us out? Or for requesters, you know, that are not doing what they're supposed to be doing, there could be like certain thresholds that we put in place saying, you know, that you guys need help. Let us help you. You know, such as, you know, consistently not meeting the time window that's in the law. Say, you know, this, this, what I really see this as is a,

fix for the safety valve provision in the public records law saying we don't have enough capacity, so we can't do that within the time frame. So this would be a way to say, okay, then let's help you out.

So again, triggers for use would be a sudden spike in requests, such as a major incident or a massive media attention, requests of exceptional complexity or size, and again, a demonstrated backlog beyond the statutory timelines.

So this would allow for intergovernmental agreements for staff sharing or cost reimbursement or temporary reassignment. You know, funding model would be like cost sharing between the agencies or the state could cover like baseline program costs, the administrative part of it.

So this again ties back to our survey and public comment that highlights these kind of flashpoint events that overwhelm mostly small agencies.

AE April Ehrlich 27:01

Todd, I think you had a question. Oh, there it is. Do you want to go ahead?

AP **ALBERT Todd * PRA** 27:04

I just had some thoughts when I realized Shasta wasn't done, so I took my hand down because I don't want to interrupt. You know, this is the one I think I have the biggest concerns about, not because it isn't a good idea. I just don't know practically how well this could be implemented. First of all, look, I think you guys won't be surprised when I say this, that I have a concern about any concept that adds to our existing workload without the guarantee of additional staff. Because to administer any of these

SM **Shasta Kearns Moore** 27:25

Yeah.

AP **ALBERT Todd * PRA** 27:29

these programs will require a great deal of time as well as knowledge and experience to do them effectively. And new statutory mandates often do not come with the requisite staffing. And unless there's a one-to-one here, you know, I'd have a hard time supporting these programs being placed in our office no matter what they were. And I think that's just obvious. You know, you've seen our numbers and you understand how many we are.

et cetera. In terms of implementing this idea specifically about bringing in effectively outside staff, you know, we've heard from respondents to our survey, as well as those that have come and testified before us that, you know, some people are doing spreadsheets for tracking their information. Others are using GovQA and every solution in between. So there's the ability to have someone either already trained on existing systems or to come in and understand them effectively in a timely fashion for completing the request. Like if we're trying to address delays in timelines, I'm not sure bringing in new staff would help that. I mean, certainly it could take the pressure off of staff that are dealing with existing requests so that maybe whomever comes in can work on new stuff, but then it's like.

Well, how does it affect timelines? When is it fair for a public body to wait to respond to a request? What about even just like reaching out to our office or whomever's administering this program and applying for help because their timelines are becoming like attenuated? Are they allowed to delay requests because they're now

saying, well, we asked for more help and we're waiting for them to come. So when they still effectively

SM Shasta Kearns Moore 28:50
Yeah.

AP ALBERT Todd * PRA 29:00
be using the safety valve provision or giving, you know, reasonable estimates of when they're going to complete work that is now like weeks out simply because they're waiting to hear back from who's ever running this program and getting someone in place and training them up on their programs. And then what about things like liability? What if this person comes in and just wreaks havoc or makes a total mistake or discloses something they're not supposed to that's not covered by the indemnity portion of the public record statute. Who pays for that? Whose insurance pays for that? Whose risk management? So, I mean, I love what we're doing, but I just, I think this one might be the hardest one to make happen. It's not impossible. And maybe, again, for those that want to cooperate with the program,

SM Shasta Kearns Moore 29:35
Mhm.

AP ALBERT Todd * PRA 29:41
It could be like, okay, tell us how you keep track and so on and so forth so that maybe.
If we were looking for people to have like a stable ready to go, they could be broken up by, well, I'm ORMS trained, I'm GovQA trained, I'm great at spreadsheets. I don't know, just some ideas that come to mind about this one in particular.

SM Shasta Kearns Moore 29:59
Mhm.

AE April Ehrlich 30:04
Scott, it looks like you shared a link. What's going on with the link?

SS **Scott Stauffer** 30:10

I did, but I think Mark had his hand up first.

AE **April Ehrlich** 30:12

You wanna go, okay, Mark, Mark, go ahead.

ML **Mark Landauer** 30:15

Yeah, I tend to agree with with Todd's concerns. You know, I'm just thinking out loud to myself here as to having somebody come in and I don't do police.

at all, but I just don't see a large police or even a small police department having somebody come in from the outside who's not an employee having access to departments, criminal records or what have you. I just, I don't see that.

happening. I do like the concept of being able to assist, you know, a public body that may be reaching these thresholds that you had shared. I just, I just don't think that there's going to be a

comfort level of public bodies, allowing some outside individual to come in and potentially access.

government documents, even though they may be public records, I just there seems to me an awful lot of potential for problems, but the concept I don't disagree with. I

just think the implementation of something like this

will be extraordinarily difficult. That's all I have. Thank you.

AE **April Ehrlich** 32:05

Scott.

SS **Scott Stauffer** 32:07

Yeah, I kind of share the same concerns that Todd and Mark have noted. It's there's, you know, 240 cities in Oregon and 36 counties, and we all do things the same, but all very slightly differently, right? And then I got to me thinking, I know that in Washington state, and that's the link I shared, they

have, I think, tackled this idea in a way that is interesting to look at how they fund it.

It's called the Municipal Research and Services Center, Cooperative Center, the Municipal Research and Services Center. And it's a

funded by the Association of Washington Cities, Washington State Association of

Counties, and a small portion of city and county liquor revenue is distributed by the state of Washington to the Department of Commerce, which send contracts with the MRSC to provide city and county. And this is specific for legal and research and policy, but it's the same idea.

SM **Shasta Kearns Moore** 33:04

Mm.

SS **Scott Stauffer** 33:06

pooling resources and making services and support available. So I just wanted to highlight that there's perhaps an adjacent and slightly overlapping concept of this very nature that they've had in Washington for, I think, going on 25 or 30 years. So My, when you under this idea, that's sort of where one of my, where my mind went. The other mind, and it's along the lines, and I think Mark and I both represent and speak for associations, that part of which, like the Recorder Association, special districts, part of our mission is to connect folks during the government work to kind of get at this.

information and resource and expertise sharing on that professional networking level. So I think, I think, again, I think it's a really good idea and I think.

SM **Shasta Kearns Moore** 33:50

Mhm.

SS **Scott Stauffer** 33:57

taking steps to ask the state to encourage that and to continue talking about it. Maybe later in this year or leading up to a session next year or the year after that, having conversations with some of these groups that are already starting, that have been doing this, and maybe inviting someone from the MRSC up in Washington. That's, you know, a different state, different laws.

But it just got me thinking, I think there are models out there that we might be able to encourage. It looks like very briefly, they cite their revised code of Washington. So the legislature at some point adopted a law, which could be something that if we were to model that, we could advocate the legislature to adopt something similar. But that's where my mind went. Just wanted to share that example from up north.

SM Shasta Kearns Moore 34:48

Yeah, I think that's all really good feedback. And so I guess the thought around this is like, you know, Todd, you're providing a lot of like legal and that kind of expertise. And this would be more like the technical like doing side.

SS Scott Stauffer 34:54

Bye.

SM Shasta Kearns Moore 35:07

So I guess like how do we get at that problem? The like physically actually looking for records problem that we're seeing identified in the survey.

AE April Ehrlich 35:28

Tom.

AP ALBERT Todd * PRA 35:30

In a lot of ways, I think the answer is the same old answer, more money, because more money, because more money means more people and more technology and more of a will to actually sort of like upgrade technology, make records available, proactively disclose them, have sufficient staff available to process requests in a timely manner.

shield them from other duties that would take away their time from processing public records requests. And it's the same old problem. You know, if all these issues had more money, like maybe they wouldn't exist because, you know, the law on its face is clear that's about disclosure, but then...

all these other aspects have been rolled into it to sort of somehow limit that in part, I think, recognizing the difficulties of actually being fully like into disclosure. So never enough money, there's never the right technologies, never enough people in time. So I really like some sort of centralized fund or grant system. And I like the idea of how.

helping public bodies acquire the types of technology that would assist them to do their work. Because yeah, like a special district that's three people, maybe doesn't need GovQA or ORMS, but they need some reasonable way of tracking their records, making them easy to find and to parse and to disclose.

And so maybe you're headed that way, Shasta, but I think if we're already discussing grants and people, we should talk next about how can we make technology reasonably affordable to these public bodies to meet their needs.

SM **Shasta Kearns Moore** 37:02

Yes, that is an excellent segue to my next topic.

Okay, so next concept would be a statewide public records technology collaborative. So this would create shared IT infrastructure and purchasing power to modernize records management. So this could mean, you know, a centralized request tracking system, but it would be like an opt.

in because again, not everybody is going to need something like that. But there would be a standardized kind of intake tracking and reporting method to, you know, creating records and public facing request portals.

This could also mean shared software licensing, so state negotiated contracts for things like redaction tools or e-discovery platforms or record management systems. You know, this could be like one of the systems that we're already using and then just allowing.

the state to negotiate for a larger license that includes, you know, entities that opt in. So there could be, like as part of this, there would be data standards such as transparency by design concepts, like a data dictionary, and I can dig out more of the transparency.

transparency by design stuff from many years ago, but kind of uniform metadata and categorization to improve that searchability that, you know, drags down records requests.

So again, I imagine this would be best as kind of an opt-in, like what Todd was talking about earlier with like a subscription or something, but, you know, it's that kind of a, not a mandate, but an opt-in to start with, with incentives. Maybe we tie the grants to this concept. And then the state would offer technical assistance for onboarding. So that kind of training piece. So again, the tie into the evidence of need for this is in the survey feedback. There was a lot of complaints about fragmented, outdated, or even non-existent record management systems, especially in small jurisdictions.

AE **April Ehrlich** 39:39

Go ahead, Todd.

AP**ALBERT Todd * PRA** 39:42

I like this idea and I think it could work. And I think maybe the biggest incentive here is bargaining power. I remember when I worked for the Oregon Unified Court System and they were onboarding a new technology and I remember talking, like reviewing it and saying like, wow, there's like all these concepts that don't apply to us or can't we modify this? Can't we modify that? And they'd say, no, this is like a third party private.

you know, company and the state of Oregon simply isn't big enough compared to their other clients negotiate successfully for anything other than off the shelf software that we can afford. And I think a lot of local public bodies have that issue too. They're just too small to really get terms that make sense. So if the state partners with local public bodies to

you to contract together for licenses for software or for these systems, I think it could lead to a lower price point. Also, you know, my office is now contracting to use ORMS for our data for our record storage. I think we're getting something like 10 licenses. We don't need 10 licenses, that's like the minimum you get at their minimum, still rather high price. So if.

Let's say I enter into a partnership with four other public bodies to share those licenses, and we're only paying for the licenses we're using amongst ourselves, even though we're paying the singular cost for 10 licenses, it becomes cost effective for everyone to adopt this technology. And so I think this one might have the most legs, or at least I like it the most so far.

AE**April Ehrlich** 41:07

Uh, Scott?

SS**Scott Stauffer** 41:09

Yeah, I would just piggyback and I shared the link to the ORMS page. It's a really good idea and I really honestly think it's the nucleus of that ORMS system that State Archives created like 16 years ago. And in my mind, I've heard conversations from colleagues and cities about adopting and trying to use state contracts for gov. FOIA, you know, all the records request form. So maybe there's room to have a conversation with State Archives about maybe it's a module or another add-on to ORMS. I know there's a contractor, there's a private developer involved, and so that's

got to be worked out. But there's sort of a vehicle existing. for this exact thing. And the more and more we move into the 21st century and all levels of government are dragged into technology, I think there's room to discuss with state archives about adding a public records request module. So maybe in my mind, Shasta, on a couple of these fronts, I think there are maybe two groups that will want to maybe invite the future conversations in the legislative subcommittee, OMS for sure, Chris Stenson and Stephanie are whoever they want to bring. But then I also know that. Like city recorders, IT managers across the state have a professional association. At least I know of that for cities are the case. And I think, I'm sure Mark, I'm sure there may be other levels of IT managers at special districts or whatever. There are these other groups that I'm sure would love to collaborate and have this conversation. It'd just be good to hear their feedback. So I think it's a great idea. I think there's some things moving already and maybe there's a couple of groups we should invite to future meetings.

AE April Ehrlich 42:56
Mark.

ML Mark Landauer 42:58
Yeah, I kind of like this idea too. But before I forget one of my points, I want to mention it. Shasta, you had asked whether we should put these all in one bill or do them separately. And I'd like to address that by saying do them separately.

SS Scott Stauffer 43:11
Yeah.

ML Mark Landauer 43:17
And I'll be advocating for a very, very narrow relating to clause on each of these bills, just so we can avoid shenanigans. For those of you who aren't lobbyists, trust me.

SM Shasta Kearns Moore 43:30
Yeah.

ML Mark Landauer 43:35

I know that's hard to swallow when a lobbyist says, trust me, but I'll just put that aside. Having said, thank you. I appreciate it. I just think that you're going to create more trouble for yourself if you

SM **Shasta Kearns Moore** 43:41
Yeah.

SS **Scott Stauffer** 43:42
Okay.
We like you, Mark. We like you.

SM **Shasta Kearns Moore** 43:46
Yeah.

ML **Mark Landauer** 43:56
to an omnibus bill because there are going to be some that like components and there are going to be some who don't like components. And why would you sacrifice the whole ship in the event that, you know, one of them is too heavy of a lift, right? So I would recommend, at least from a strategic standpoint, on doing these separately. Having said that, back to the concept that Shasta was just describing. And Scott, I think, knows this as well, that on state contracts, local bodies can often piggyback off of existing contracts that a public body has entered into. And so I think that if you were able to establish a program, as you described, Shasta, I think other public bodies could easily join as a piggyback contract. So this may be I think that the, excuse me, the groundwork has already sort of been laid for that, if you will. Now it's a matter of, you know, identifying the resources to make this happen. But I do, I do like this concept and I think it would be helpful. and frankly attractive. But at the end of the day, I'm gonna just be honest with you with Todd's admonition earlier, we're entering a legislative session where resources are going to be very scarce and it's going to be very difficult to

SM **Shasta Kearns Moore** 45:45
Okay.

ML **Mark Landauer** 45:49

shake any general funds loose to be able to stand up any new programs. So just that caution, but I do think that this one is worthy of pursuing. Thank you.

SM Shasta Kearns Moore 46:06

Thanks. So I'm not a lawyer. I can't write this in legalese, but I could kind of write out a document that kind of incorporates this feedback and we can discuss it at the next meeting and see what we want to take out and what we want to edit.

AP ALBERT Todd * PRA 46:28

And no matter what we submit, ledge council is always going to put it in their own words anyway.

SM Shasta Kearns Moore 46:32

Right.

AP ALBERT Todd * PRA 46:33

I think as long as we're clear and concise, we'll be okay. And plus, I'm always happy to help with the writing.

ML Mark Landauer 46:41

Yeah, and you'll get, if you do this properly, okay, I would recommend, again, here's the lobbyist in me, I'd recommend putting together a concept paper earlier rather than later with as much detail as possible.

because once that, and I know that Todd will help, maybe help in drafting, but again, as Todd said, Leg Council is going to write what they write. And the good thing about it is if you get your legislative concept in early,

you'll get an opportunity to make any corrections. You'll only get one chance at it, but you'll get a chance to modify the first draft that is composed by Legislative Council. And so I would recommend that you try to get these

concepts together sooner rather than later. I believe that legislative concepts, I don't have my calendar in front of me right now, but I think it's like September 21st. You have to have a legislative concept in for pre-session filing. And

That's the deadline, and I'll go back and look, or Todd can even look, what that first pre-session file deadline is, because I'd really recommend that you get it in before that.

SM **Shasta Kearns Moore** 48:14

Yeah, so we were talking, I think, before you got on, Mark, that the August 20th meeting is going to have to be rescheduled because both me and Scott aren't available now. But we'll have to make sure that it's before that so that we can have the full council forwarded on. And then Rep Anderson's chief of staff is not here, but he was saying that he
He's happy to.
Submit those.

ML **Mark Landauer** 48:42

Andy Smith.

SM **Shasta Kearns Moore** 48:45

Yeah, well, maybe is that his name?

AP **ALBERT Todd * PRA** 48:48

It is.

SM **Shasta Kearns Moore** 48:49

Okay.

AP **ALBERT Todd * PRA** 48:50

Mark, can I just ask you, are there alleged days in September?

ML **Mark Landauer** 48:57

So, I think we have June.

and then September and then December. Again, I don't have my calendar in front of me, but I believe we do have September legislative days.

AP **ALBERT Todd * PRA** 49:11

Okay, because I'm going to send a new Doodle poll for September, plus now we have this potential legislative concept deadline. So I just wanted to know when to avoid in September. Can you maybe get back to me and let me know?

ML **Mark Landauer** 49:21

Yep, I'll do so.

AP **ALBERT Todd * PRA** 49:24

Thank you.

SM **Shasta Kearns Moore** 49:26

Um, you know, and if we want to...

get going a little sooner. I mean, the one that we approved at the beginning of this meeting, we could just have an emergency council meeting sooner and at least forward that one on.

SS **Scott Stauffer** 49:43

Yep.

AE **April Ehrlich** 49:47

Cut.

AP **ALBERT Todd * PRA** 49:49

Yeah, I mean, my opinion is especially based on the past work of former iterations of the legislative subcommittee, is I think we're off to a great start, but we really do need testimony from those both who would be part of this and those who might oppose it to understand what they're looking for, what changes they'd want to see, and if we could draft the concept that's reasonably uncontested when we submit it. I mean, there's always going to be people who have issues, but I think we need to hear from others. So yeah, this one's going to take time in my opinion, but the other one's ready to go.

SM **Shasta Kearns Moore** 50:23

Okay, how much time should we wait for the next meeting of this subcommittee? Because we'd need time to get these two entities, at least, that Scott mentioned, and then I'll put the call out to all the journalists.

AE **April Ehrlich** 50:47

We'll have a public comment section pretty soon here. I think we're just wrapping up this one section, Joe. Did somebody else have something to say before I started chatting?

AP **ALBERT Todd * PRA** 50:47
Yep.

SM **Shasta Kearns Moore** 51:03
Just like, like, are we gonna have another meeting in two weeks or a month, or what are we, what are we looking at?

AE **April Ehrlich** 51:12
I have voted in so many doodle polls. I don't know what's what anymore. I thought we were meeting next in August, but, or September, but.

SM **Shasta Kearns Moore** 51:24
That's the full council meeting, but the subcommittee should be, yeah.

AE **April Ehrlich** 51:26
Oh, the subcommittee. Okay. I mean...

AP **ALBERT Todd * PRA** 51:30
Maybe 4 weeks if we're trying to get people to come.

AE **April Ehrlich** 51:35
Yeah.
Yeah, and so the goal is to get people who would comment on the IT solutions thing we're discussing right now, is that right?

AP **ALBERT Todd * PRA** 51:46
Or potentially all of them.

SM **Shasta Kearns Moore** 51:46
Yeah, I mean, I would, yeah, I would.
Yeah, I can put together something written for all three of them and then those, you

know, and then obviously I would do a better job about submitting that before the deadline. And then, you know, that would be the basis of, you know, us soliciting feedback and then kind of drafting the concepts that would go on to the council and then the legislature.

The.

SS **Scott Stauffer** 52:12

Just if we had something in writing that we could share real quick, I could try to get an invitation to the IT folks and...

AE **April Ehrlich** 52:13

Cool.

SS **Scott Stauffer** 52:21

And I don't know if you want to do, Todd, or I'd be happy to reach out to Stephanie and Chris and invite RMS to come talk to or hear about it and try to be back.

AP **ALBERT Todd * PRA** 52:29

It's your idea, I'm fine with you running with it. What about OEMR?

SS **Scott Stauffer** 52:35

Yeah.

Yeah, our Records Management Committee.

SM **Shasta Kearns Moore** 52:38

So I'm happy to share what I put together for this meeting, but I do kind of want to like tweak it a little bit based on the feedback and then I can get it to you by the end of the day or get it to everybody. I don't know. I'll get it to Todd and they'll put it up on the website.

AP **ALBERT Todd * PRA** 52:54

Yeah, get it to me. I'll post it and then yeah, people can use it. Whomever's reaching out to bring people in so they know what they're coming to talk about.

SM **Shasta Kearns Moore** 52:56

OK.

Yes.

SS **Scott Stauffer** 53:02

We're going to do another poll for a June meeting then. Sounds like 4 weeks out.

AP **ALBERT Todd * PRA** 53:07

Or I mean, we're all here, so after public testimony, we could all try to work together right now and pick something too.

SM **Shasta Kearns Moore** 53:12

That'd be great.

AE **April Ehrlich** 53:14

That sounds good.

SS **Scott Stauffer** 53:15

Yeah.

AE **April Ehrlich** 53:17

Okay, anything else before we move on?

Okay, closing that discussion, moving on to public commentary. It looks like we got a member of the public here. If there's anybody else, please just raise your hand. Joe, go ahead.

JB **Jo A Barker** 53:36

Thank you, April. I do have, excuse me, I do have a concern with using the FTEs for a point of a record surcharge, but by the same token, I see Scott's concern over at what point does a record become created email, blah, blah, blah, blah, blah, blah. What I've seen on some applications is that a surcharge is the \$1.00 surcharge, 50 cent surcharge is applied to the actual point.

in which the application for the records request is submitted. Just like when you file a court document, when the complaint is submitted, the money goes down on the table, unless of course you get a fee waiver. Dealing with the secondary point, of what Mark was raising concern about of having outside people coming in and

looking at police records, health records, human resources, blah, blah, blah, blah.

There is the metadata.

documentation in which the computer records itself when a document is created. If a records request is created on June 12th and it hasn't been fulfilled till June 28th, you know there's a gap there in compliance.

You do not have to look at any of the personalized records there. The firewall, the licensing, I like the concept overall, but I do feel that there needs to be a very strong firewall, as well as a likeness in which

Groups.

join the license. For example, a police department might want a whole lot more different bells and whistles as compared to someone like in Mark's instance who just does water.

a smaller community type of thing. I also think that the archivist should come to the table with respects to

how to structure records because those are already structured within the archivist but

What do I know? I'm just a public person looking on the inside. So thank you so much for allowing me to make comments.

AE April Ehrlich 56:13

Thanks, Joe. And with that, seeing no other comments, going to close the public commentary. And we'll talk about next meeting date now.

JB Jo A Barker 56:14

Yes.

AP ALBERT Todd * PRA 56:33

How's around 11 or 12 for everyone during the week of June 6th, June 8th?

Like, during that week.

SS Scott Stauffer 56:45

June 8th, I'm pretty wide open.

Monday, June 8th.

AP ALBERT Todd * PRA 56:50

Okay, yeah, or any timeouts during that. Actually, I may not be available on the 8th, but during that week. So I guess Tuesday to Friday of that week.

AE **April Ehrlich** 57:00

I just have a thing on the 10th at 11.

AP **ALBERT Todd * PRA** 57:05

Okay.

AE **April Ehrlich** 57:05

Everything else is, yeah, flexible.

SM **Shasta Kearns Moore** 57:08

I'm available that Thursday and Friday, but not earlier.

AP **ALBERT Todd * PRA** 57:08

Yep.

Thursday and Friday? Okay.

SS **Scott Stauffer** 57:15

Thursday and Friday, I'm available too.

AP **ALBERT Todd * PRA** 57:17

So the 11th at noon, does that work for everyone?

SM **Shasta Kearns Moore** 57:21

Yep.

SS **Scott Stauffer** 57:21

Sure.

AP **ALBERT Todd * PRA** 57:24

Alrighty, although I might, I just realized it's the last day of school for my kids, so hopefully it's not a half day, but my wife, I get to work with my wife to figure that

out. Although one of them, yeah, I know, one of them's driving, so I just have to worry about one of them. I'm sure we'll make it work. Okay, so noon on the 11th.

SM **Shasta Kearns Moore** 57:28

Yeah, that's why I was like, eh, finals is that Monday.
Mhm.

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

Mark, you still with us? Does that work for you?
We'll have to hope it does.

AE **April Ehrlich** 57:52

Yeah, we'll message him.

SS **Scott Stauffer** 57:55

Ohh.

AP **ALBERT Todd * PRA** 57:56

Okay.
I will get an invite out.

AE **April Ehrlich** 57:58

OK.

SS **Scott Stauffer** 57:59

And that's the date that once we get the writing from Shasta, that's the date we'll invite people to.

ML **Mark Landauer** 58:04

It's.

SM **Shasta Kearns Moore** 58:05

Yeah.

AP **ALBERT Todd * PRA** 58:06
Yes.

ML **Mark Landauer** 58:06
I think that works. I think that works. I have to go to a memorial on the East Coast, but I'll figure I'll figure it out.

SS **Scott Stauffer** 58:06
OK.

SM **Shasta Kearns Moore** 58:08
Oh yeah.

AP **ALBERT Todd * PRA** 58:15
Okay, and Mark, I was wondering, I realize you were the lobbyist for the special districts, but do you think there's anyone else from the special districts who would want to come and talk to us about this sort of knowledgeable across the board doing the work in the trenches for the special districts?

ML **Mark Landauer** 58:25
Yes.
That's it. I mean, it's a great question, Todd. And and honestly, so just so I love it when Scott says there are 241 cities and I get to say there are 950 districts. So just wanted to make that plug. But to answer your question, Todd, if if anybody was an IT person, it's typically going to be a much

SM **Shasta Kearns Moore** 58:47
Yeah.

SS **Scott Stauffer** 58:47
Okay.

ML **Mark Landauer** 58:57
larger district, so like a Tualatin fire and rescue, things like that. Most of our districts,

quite honestly, don't have these IT or city recorders or things of that nature, so it makes it a little bit more difficult.

I can certainly drag my net and see if there's somebody who would be willing to address the council.

AP **ALBERT Todd * PRA** 59:30

Great, thanks.

SM **Shasta Kearns Moore** 59:37

OK.

Look at us sending on time.

AE **April Ehrlich** 59:41

Yeah, wonderful. Guess I'll see you all in June.

SM **Shasta Kearns Moore** 59:41

Okay.

K.

AE **April Ehrlich** 59:47

Bye.

AP **ALBERT Todd * PRA** 59:47

Alright, thanks everyone.

SM **Shasta Kearns Moore** 59:48

Thanks, everybody.

● **ALBERT Todd * PRA** stopped transcription