

Meeting of the Public Records Advisory Council- 20250602_110039-Meeting Recording

June 2, 2025, 6:00PM

1h 37m 5s

● **ALBERT Todd * PRA** started transcription

ML **Mark Landauer** 0:07

Alright, I believe we have the recording operating at this point.
I will convene the public Record Advisory Council.

AP **ALBERT Todd * PRA** 0:13

Yes.

ML **Mark Landauer** 0:18

Today is June 2nd at 11:00 according to my wrist Rod Wrist watch.

So excuse me for that.

Let me just quickly.

Get a little bit of.

Want to bring up the agenda?

Just so I can see what we're going to do here, and I think that we are at the point where we're gonna have a review of the agenda and any changes, questions, comments on the agenda.

OK, doesn't sound like it.

So next thing we are this is this is gonna be a potentially a long meeting. We're gonna get a lot of stuff in in an hour and a half.

So at this point I'm gonna go to the report of the bylaw Subcommittee and Council vote on adopting draft bylaws. Scott.

You're up and good morning to you.

SS **Scott Stauffer** 1:23

Morning members of the Records Advisory Council colleagues and anyone watching us in our audience today.

Scott Stauffer. I served as the Chair of the bylaw subcommittee and for the last well, it it's kind of an odd. I was preparing myself what I was going to say, and I was like,

you know, it's been almost half a year since we met. We kind of.

Hammered out our bylaws a year last fall? Really.

Looking back, we had three meetings September, November and January.

And we felt by January that we were in such a good place that and with the legislative session starting that we probably didn't need again.

So the version of the bylaws that was presented to the Council, posted online by Todd is what the bylaw subcommittee kind of came to agreement on as of January.

My knowledge there's been no further discussion or revisions to it since then.

I think as as bylaws go, it's a pretty standard document. Bylaws are meant to inform and guide.

The logistics of how the body meets and kind of answer some of those, those institutional.

Questions. We started off, if you remember a year ago we we created a hiring practice for our public records advocate position and we wanted to make sure that was a piece that was in place. So that could also be included in these bylaws. And so it has been.

Included in these bylaws we we asked we we cast as wide a net as we could last fall. We got other state agencies examples we provide got examples of bylaws from other levels of government.

And quite honestly, the version that we used is one that I kind of cribbed from local government, since that's my baby Wick, and I think it does a pretty good job. It's 6 pages.

Plenty of text in all kinds of ways.

It refers to the relevant Ors, the stat, the state laws in terms of our terms and and meeting schedule where appropriate.

It refers to.

Meetings, talks about quorum and related matters. Pretty standard stuff.

Public comment.

By taking how we vote the official record, that was a bit of a discussion in one of those meetings, talking about the official record related matters.

But we got to a good place, I think with record with language there.

We talked about officers and the chair and vice chair and then Council members.

And then the duties of the public records advocate and Deputy PRA are mentioned.

Subcommittees are dealt with interactions with our agencies.

There's a paragraph on that.

And the meeting expectations.

And then there's some.

Standard goals and amendments stuff so.

Mark Todd, anyone else who joined us on the Bylaws committee?

I think that was my.

My overview it's in the packet. If anybody has questions about specific passages, happy to entertain those. But I think once we get to that point, the motion is probably simply the person. Whoever moves to accept the bylaws as presented by the by subcommittee.

Something with that effect? Mark, Todd and I leave you anything out in that summary.

AP **ALBERT Todd * PRA** 4:26

No, no, Scott, I think you you covered it really well.

I'll remind everyone just for those that are really invested in that position. We did eliminate the secretary position.

So it's no longer listed in the bylaws.

Otherwise, no. Thanks Scott.

ML **Mark Landauer** 4:42

It's got. It's been a while since I probably should have reviewed the bylaws.

It's been a while. I I wanted to.

I.

I believe that we had added one additional section sort of last, I don't know if it was last minute, but since the time that the Bylaws Committee met and now did we include.

A requirement to review Todd.

In that process that that was not included.

I saw Todd shake his head in a negative fashion.

AP **ALBERT Todd * PRA** 5:17

No.

No, Mark, where we left off was because we weren't going to have a subsequent meeting of the Subcommittee to go over the drafts again.

Scott felt it would be better not to speak for you, Scott, but based on our

conversation, be better to work on these completed bylaws. The draft as a whole and then have a Council discussion about adding that section.

ML Mark Landauer 5:38

OK.

Very good.

I I just wanted to make sure we didn't lose that review of the PRA.

Sort of, and get that ultimately enshrined if if the Council feels necessary to get that enshrined into the bylaws too.

But I also know that we've been operating.

For many, many years without a bylaws. And so I'm very excited that we finally will hopefully have some after.

This meeting, so any other comments from members or questions at this time?

And and so, Scott, I gathered that.

I know that I was a member of that subcommittee, but I gather you you feel that the bylaws?

Are in place in in shape for adoption at this time?

SS Scott Stauffer 6:38

I do.

ML Mark Landauer 6:39

Very.

SS Scott Stauffer 6:39

I do mark.

And I would suggest you bringing up that that conversation we had via e-mail, I think that's a good start for the bylaw subcommittee in the next few months to me. And consider that and perhaps bring amended bylaws to the next Council meeting.

So yes, I I I believe they're in good shape.

And you know the the great thing about bylaws is that they are wholly owned by this body. And if this body ever designs to further revise it, we can do that without.

Too much fanfare.

Except being on an agenda.

So yes, long way of saying yes, Mark.

ML **Mark Landauer** 7:13

Are there any questions?

Comments from members of the Council.

Well, Scott and Members, I would certainly entertain a motion for the bylaws to be adopted.

WG **Will Glasson (Multnomah County)** 7:31

To have the bylaws adopted.

ML **Mark Landauer** 7:34

Thank you, will.

Is there a second please?

AP **ALBERT Todd * PRA** 7:37

2nd.

ES **Emily Gothard - She/Her** 7:37

2nd.

ML **Mark Landauer** 7:38

I'm going to give it to Emily Todd.

Haven't had Emily around for a little bit, so I'm going to get let some new faces go in.

I think this is just a vote by a voice vote.

So all those in favour, please indicate by saying aye. Aye, aye, aye.

BW **Brent Walth** 7:57

Aye.

WG **Will Glasson (Multnomah County)** 7:57

Aye, aye.

ML **Mark Landauer** 7:58

Aye. Are are there any opposed?

No opposition.

Well, Scott, again, I want to thank you and the Subcommittee on Bylaws. It is now, as I said, January 2nd, 2025, and the PRAC now officially has some bylaws.

Thank goodness.

So I feel a little bit more official now.

SS **Scott Stauffer** 8:22

Oh.

ML **Mark Landauer** 8:25

So we've dispensed with #2 very good, Scott.

Again, thank you so much for your.

Work.

And you know, I know it's taken some time, but we're finally at the well, at least halfway finish line on that.

So thank you.

So agenda item number three, mandatory annual council Best Practices Survey for members and its implications for oversight of the Office of Public Records. Advocate Todd I gather this is something that you're going to discuss today or.

How do you want to address this?

Particular agenda item.

AP **ALBERT Todd * PRA** 9:06

Sure. Happy to. Yeah, actually meant to put my name there for that item number and just forgot and this will lead into item number 4.

It's all kind of connected, so I guess I'll just start by reminding the Council that when our office as a state agency was developing key performance measures, which are required to go along with any budget, ask one KPM that I was told we have to do for as.

A councils answer this annual service.

About like Council best practices every council.

Committee Commission so forth is required to do and done it yet, so we will need to do so moving forward.

I'll share those questions soon. As you will see several of the questions relate to the Council's oversight of its I don't know what you'd call it.

It's connected state agency because most councils that are part of a state agency

have an oversight function. And of course, this Council has already.

Taken on its role of being the sole decision maker in appointing an advocate, we created. That process is now part of our bylaw.

Laws. This is another step that we are required to take and before I show you the questions, I will say that based on the kpms we created, the survey should be completed before each year's annual meeting.

Our meeting is usually in November or December, and so you know probably working with the chair and Vice chair will discuss times to send it out. But I was thinking maybe like September, the goal is not necessarily 100%.

Compliance with the questions.

For rather 100% completion by Council members.

So in other words, if there's currently 12 of us, we need twelve set of responses to meet our goal of 100% completion of this survey.

So whether you answer yes, no, I don't know or not applicable to any of the questions. The goal is to still have you answer all the questions and get them in by the date that we set.

So I can just go ahead and show the questions unless anyone has any questions so far about what I've said.

All right. I'm gonna find the questions and then share my screen.

No, I don't think I did that right.

Hold on. Stop.

Sure, I always, always takes me forever.

Windows. Sorry everyone. OK, here we go.

Now, as you may recall, there are 15 required questions.

So this best practices survey now consists of 15 questions and I'll go through them.

And you'll see that for instance.

678 actually looks like it's all related to oversight of our agency. For the most part, for instance, Executive director's performance expectations are current. Executive director receives annual performance feedback.

The agency's mission and high level goals are current and applicable, so on and so forth. So given that this is new to all of us and so far the only thing the Council has instituted in terms of oversight of my office is the.

Director 360 Every four years.

We're clearly going to have to come up with a process for doing an annual Executive Director review, which is the Council's annual review of the public records advocate,

and we'll have to decide, does that mean it's just the chair, the chair and the Vice Chair or the?

Full Council that wants to perform this review annually.

I'll Scroll down just so you can see the remainder of the questions.

And then you see there are Council specific questions like 10. The board is appropriately accounting for resources.

12 Board members act in accordance with their roles as public representatives.

13 the board coordinates with others where responsibilities and interests overlap.

14 the Board members identify and attend appropriate training sessions.

So these questions because they have to be answered, may force us to think about our practices and procedures and if there's things we want to do differently. But nevertheless, these are the questions we have to answer every year.

So I'll stop sharing unless anyone wants to keep seeing the questions.

These are posted also on the Prax page and I can drop a link mark.

ML **Mark Landauer** 13:21

Yes, sorry.

Somebody was calling me right in the middle of that, Todd, on some of those questions.

Can we?

Is is an appropriate response, not applicable.

AP **ALBERT Todd * PRA** 13:34

Yes, because that's the thing we these are the 15 questions we have to answer. And So what, yeah.

ML **Mark Landauer** 13:35

OK.

That adds OK and not applicable. Is a perfectly fine answer I gather then.

AP **ALBERT Todd * PRA** 13:48

I would believe so.

I, you know, not all this is A1 size fits all solution, but of course not all boards, councils, commissions etc.

ML **Mark Landauer** 13:51
Right.

AP **ALBERT Todd * PRA** 13:54
Are the same.

ML **Mark Landauer** 13:56
Will do. OK, understand.

AP **ALBERT Todd * PRA** 13:57
So let me see.
So manpower, right?
So though so that's that's agenda item number three, these are the questions we have to answer.
There are obvious implications for oversight of my office.
And so Mark, I'll pass it back to you for agenda item 4, which I believe this leads into and we'll direct it.

ML **Mark Landauer** 14:18
All right.
Well then discussion item number 4.
Discussion and vote about adding a standing annual public records advocate out evaluation Biennial Council report subcommittee.
So Todd, I believe what we need to do is put together.
A review.
Council to review your.
Outstanding work.
How do you wanna go about this?

AP **ALBERT Todd * PRA** 14:54
Yeah, I would say well, one, if Scott's up for it.
I think the bylaw subcommittee would be a good place for us to go to, especially if we're going to be adding a new subsection of the bylaws related to an annual review,

including creating a process that the Council wants, and then, of course, that that work will also.

ML **Mark Landauer** 15:07

Yeah.

AP **ALBERT Todd * PRA** 15:10

Be ongoing because we have our biennial report to do every two years. It's often sort of a last minute thing for us and it's better if we could build it out in advance. In a subcommittee.

ML **Mark Landauer** 15:20

Agreed. So why don't we go in that direction?
How do you wanna do?

AP **ALBERT Todd * PRA** 15:28

I'm happy to join any subcommittee. Sorry, mark.

ML **Mark Landauer** 15:31

So so let let's let Todd. Why? Why don't you make a a recommendation here so that we sort of have the guidance as to where we're rowing here.

I'm happy to.

You know, make a motion in that direction, but how?

How do you wanna do this?

You want the bylaw committee to be responsible for the evaluation.

Is that sort of the direction you think we should be going?

AP **ALBERT Todd * PRA** 16:01

Yes, as well as the biennial report planning.

But I would love to hear from Scott before I sort of volunteer him for this work.

SS **Scott Stauffer** 16:10

I.

I I think that's wholly appropriate, I mean.

We're all in various levels of government, right?

There's always an instinct to create another subcommittee or task force, but controlling that containing that because one of the things that the bylaw subcommittee did discuss is we had two tasks to get through, and we've kind of done that.

We created a process for hiring and now we've got bylaws, so it's workload is somewhat lighter. None of those two things are off. And then we already were planning on talking about adding this process to the bylaws.

And so, at least for the first go, we'll see how it goes.

I have no objection to the bylaw subcommittee taking that on.

ML **Mark Landauer** 16:45
Will.

WG **Will Glasson (Multnomah County)** 16:48
Thank you. I don't want to add work, but.

I like. I like having these types of processes at least sketched out and and the inputs described. I think it's helpful. I think Todd's position gets exposed to a lot of things, administrative and political. And so it's it's helpful to have, in my experience, the criteria and.

The process at least sketched out so that the bylaw committee would have that to work from until we're not.

Reinventing the wheel.

Time. So I I would propose.

Developing at least a draft and and figuring out what's the right way for us to do that, to ensure transparency and and a good process is that our outcome.

ML **Mark Landauer** 17:40
Thanks will.
Steve.

SS **Steve suo** 17:47
Yeah.

Scott, I appreciate your taking on this extra work.

I and I'm wondering whether it's the anticipation that the the the annual review will

be performed solely by the committee, or will you be, will there be some medium for input from the full Council?

WG **Will Glasson (Multnomah County)** 18:09

And I think that's something that we again should frame out and sketch out in the in the process.

I think that again, the the history of the Public Records Advisory Council and advocate shows that in at different times, different inputs have been more or less important.

And so if we provide, I think.

An ability to have that kind of input to kind of similar to the the kind of input that's a larger.

Public bodies have around the budget process that when we're subjected to the tax supervision and Conservation Commission, I think that's there's a real benefit and again, greater transparency in in, in providing that kind of an additional process input.

SS **Scott Stauffer** 18:57

My initial thought, just Steve and my my thought was, I think the whole Council has to be involved in it and I would see this subcommittee as more facilitating facilitators.

AP **ALBERT Todd * PRA** 19:14

Yeah, one idea could be for the subcommittee to explore different forms of annual reviews and prevent that, present them to the full Council for the full Council to vote. For instance, we could take a minimalist view. The annual review. The annual review consists only of answering questions that.

Allow us to answer questions in the survey or it could be a maximalist approach.

What are standard annual reviews look like and do we want to go down that route?

I've had annual reviews pretty much my entire career before this position.

They've been two-minute conversations.

They've been hour long inter.

Use. It really just depends on what this Council wants to do.

Including again, does the chair just do it, or does the whole Council do it?

So on and so forth.

So we could either or maybe you guys can decide that today and give us our

marching orders in the subcommittee or the subcommittee could come up with options to present back to the full Council on this.

ML **Mark Landauer** 20:08

Shasta.

SM **Shasta Kearns Moore** 20:10

Yeah, I think it would be good to balance, you know, kind of the, you know, more work for the Council with, you know, a need for input across the Council.

So I think having a subcommittee is a good idea to kind of facilitate that process and make sure all the boxes are checked and everything.

But I thought that the 360 process worked well that everybody could answer the questions in kind of a survey format.

And so would that continue to happen every four years?

Could we make this annual thing like that in some way?

But not have it be so comprehensive.

ML **Mark Landauer** 20:51

Yeah, I I you know, I I first of all, I trust the bylaw subcommittee to bring proposal to the full council.

Being a member of the bylaw committee, I can say that with some confidence, but I do think that that perhaps.

Well, I do believe that we should provide an opportunity for any member of the Council to provide input, if they so feel compelled to do so.

I don't want it to be exclusionary.

I do feel that everybody ought to be able to provide input, recommendations, suggestions.

So my my feeling on that is that I would prefer that the review allow for the opportunity for Members to provide input, but I also have confidence in the bylaw committee presenting something that is is thorough, comprehensive and exceeds. Adequacy, shall we say so. I guess the next step would be.

I don't know if we need to make a motion or anything, but I I do think that we need to assign this this next task to the bylaw committee. I suspect there's no opposition to that and I don't think we need to make a a formal motion or.

Anything to that effect, Scott?

SS **Scott Stauffer** 22:24

Mark, give me to cut you off if you're in a sentence, but I I'm agreeing with what you were saying and I had a logistical request. If we could review the the membership of the Bylaws Subcommittee real quick before we hop off. If this is the appropriate moment.

Or some just because we're renewing the committee's workload and it'd be good just to confirm who is and who may be a family wants to join. Would that be appropriate?

ML **Mark Landauer** 22:48

I.

I.

I don't see why not.

Todd, do you have our list of bylaw committee members?

I knew that was gonna Scott.

AP **ALBERT Todd * PRA** 22:55

I could go.

ML **Mark Landauer** 22:56

I bet you do.

Because you're the one who has the e-mail list, right?

SS **Scott Stauffer** 22:57

Thank you.

AP **ALBERT Todd * PRA** 22:58

I yeah, I was gonna say I can unearth an old e-mail or we could just self identify.

I'm one.

SS **Scott Stauffer** 23:05

I.

I.

I I have a list from January of 2024 that I think is, at least in the starting point.

I have Andrea Ciappella, Mark Scott Todd, Representative Anderson, Emily Gothard, and Yufeng.
That's the list I have.

ML **Mark Landauer** 23:21
Sounds good.

SS **Scott Stauffer** 23:22
Anybody wanna add or remove?

WG **Will Glasson (Multnomah County)** 23:25
I thought I was on the Bylaws subcommittee.

ML **Mark Landauer** 23:28
Well, you are now well.

SS **Scott Stauffer** 23:30
Yep, welcome.

WG **Will Glasson (Multnomah County)** 23:30
Too.

SS **Scott Stauffer** 23:32
Yep. Anybody else anything else?

ML **Mark Landauer** 23:36
Perfect.
Scott, what? What I'd like to do.
I don't know what your timeline is on this, but if if you could.
Perhaps.
Between you and Todd put out a doodle or what have you.
Let's do this for after the session concludes, so session constitutionally.
Concludes June 29. So anytime after that, although I'll confess on June 30th, I'm gonna disappear for a week at least.
Not to be reached so.

You can certainly meet without me, but just so you know, I think that after the, you know, second week of July target July early August to get this thing rolling if that makes sense.

Do you think that the timing on that is OK?

When do we?

When do we, I guess, do we have a timeline as to when we wanna get that completed, folks?

Because we're gonna have to. Todd, let me.

Let me ask you this, when do we have to have those that review completed?

Is it by December ish?

Was that the the timeline?

AP **ALBERT Todd * PRA** 25:00

Well, we actually don't have to report out on the annual survey.

We have to do till next spring but as just part of the KPM construction we linked it to the annual meeting because that seemed most convenient.

HJ **Harrison, Janet** 25:06

OK.

AP **ALBERT Todd * PRA** 25:11

So if we want a performance review of the Advocate before that, we were thinking what September, October, even early November, so that it could be reported out and then the Council can fill out the survey.

ML **Mark Landauer** 25:23

Yeah, let's try to.

Let's try to sequence it in that fashion, just so that we're.

I always like to be a little bit ahead of schedule if, if, if at all possible.

Great. OK. Any, any follow up on that Todd or Scott, do we need anything at this point?

We don't need any motions.

We sort of put this in in play.

We know who the players are.

Let's get a doodle pull out and we'll dive into that next.

Work product so great.

All right, so sounds like we've we've completed agenda items.

One through 4.

Agenda item number 5 legislative update Todd was kind enough to sign me that responsibility. Thank you, Todd.

As you folks know.

Senate Bill 1077 was introduced by Senator Thatcher as a potential vehicle for the PRAX.

Let's see for I it's not the.

Prac bill. Actually, it was a work group, bill that.

Was the product aftermath, I guess of the PRAC bill in 2013?

I mean, we're going back, Todd.

Todd reminded me that I think we began this process in late 2021.

Todd, we've been at this for almost four years now.

Four years of our lives and the product.

Of that workgroup, Steve was involved.

I know I'm trying to look who else was actively involved in that work group.

I know.

Todd was Steve was I was.

I don't see anybody else here who actively participated in that work group.

It was a work group and I will try to mention some of the names who were there, but I will confess.

It's been a while.

We had Members from the media, John, Bile OPB, Nick Budnick, Steve Suo local government was myself.

Jennifer Johnson from the city of Portland, Eric Mitten from the city of Medford.

I'm trying to remember there were probably some more local government types for sure.

We had.

The district attorney's, a gentleman named Brian Powell from Clackamas County.

Steve Todd, you guys want to help me out?

I know we had the trial lawyers were a participant in the work group, the state we had Cameron Miles with the governor's office, who participated.

Mm hmm.

TriMet.

ML **Mark Landauer** 28:33

Long story short is that we came up.

With.

With a another proposal that is now what is called the Dash, one amendment to Senate Bill 1077. That bill was scheduled for a hearing last week.

Regrettably, the Senate.

Rules Committee was running late due to a long floor session.

The bill the committee was scheduled to convene at 1:00.

Block that day, regrettably.

They convened at 1:55, so we lost 55 minutes of hearing time and they simply weren't able to get to the bill.

The bill has been rescheduled for a hearing.

Boy, I didn't even look at what day that's gonna be, but I OK, so it will be heard on the 5th.

AP **ALBERT Todd * PRA** 29:30

The 5th.

ML **Mark Landauer** 29:34

That's. Thank you, Todd, in.

AP **ALBERT Todd * PRA** 29:36

Oh no the 4th.

Sorry Mark the 4th.

ML **Mark Landauer** 29:38

This.

Let me let me see that.

AP **ALBERT Todd * PRA** 29:41

It's the 4th at 1:00 PM.

ML

Mark Landauer 29:44

Oh yeah, it is the 4th.

Yes it is.

It's at the 4th on the 4th at 1:00 PM before the Senate Rules Committee.

That will be the first public hearing for this measure.

I've seen bills go all the way through the process in shorter amount of time. However, I'm not sure whether or not.

This particular bill has been green lighted by leadership to move forward.

It will get a public hearing, of course, on Wednesday.

And I expect that there will be some robust discussion about it.

One of the key things that I found very interesting that we did learn last week was that the Department of Justice.

Is neutral on the bill, and that's really actually pretty important folks because.

We are in the in that particular amendment.

We are shifting quite a bit of responsibility from district attorney's offices to the Department of Justice, whereby they will the Department of Justice will be.

Making determinations on whether or not public records should be released, and furthermore, whether or not.

Individuals deserve fee waivers.

Substantial we fee waivers based on public interest review.

And furthermore, that review by the district or excuse me, the Department of Justice.

Are a de Novo review.

And so that is a little bit more comprehensive, if I understand correctly. Then just regular old review that the district attorneys would have been.

Or have been at least historically, responsible to conduct.

I'm going to pause there briefly to see if there are any questions.

However, I will note the bill will be heard again, heard for a public hearing

Wednesday, barring any unforeseen.

Scheduled delays or or whatnot.

Siesta.

SM

Shasta Kearns Moore 32:13

For the overview I was kinda lost on what this bill was.

That's a good refresher.
So I wondered if.

ML **Mark Landauer** 32:22

Yeah, I apologize.

I didn't really get to the thrust of it.

This the the amendment is to address the fee issue that we have been discussing for the last I don't know, actually we've been discussing it for about 7 years, but we actually put pen to paper.

For in the 23 session with Senate Bill 417, so sorry about that.

SM **Shasta Kearns Moore** 32:49

Yeah, no problem.

So I'm just kinda reading through the dash one amendment right now.

And do you think that there's gonna be a fiscal on this or?

ML **Mark Landauer** 32:58

Well, that's a very good question, Shasta.

I think that there are a couple possibilities here.

First of all, one might be able to argue that this is.

MS **McDonald Clare S** 33:09

Sorry.

ML **Mark Landauer** 33:09

A revenue raising proposal that is a that is important because if it is determined to be a fee raising proposal, this bill would have to start in the House.

Now, Legislative Council drafted it as a Senate bill.

But nobody has actually formally asked whether or not this is a bill for raising fees.

It may vary.

That may very well happen.

Another issue that could come up with this bill is if it is a fee raising measure. It would require a supermajority.

I believe in order to pass a 3/5 majority right.

That is one of the.

Requirements on revenue raising bills, OK, so that is another question that is out there.

I don't have the answer because I don't think anybody has necessarily formally asked for that determination.

It could very well happen.

Beyond that, the next question becomes whether or not the bill would have a fiscal impact to the state.

Right. So if it were to have, I believe the threshold now is \$50,000, if the bill would cost the state.

\$50,000 or more to implement. Then the bill would need to be run through the Ways and Means Committee. So.

There still are some very important questions that need to be asked about or determined on this bill.

But again, the purpose for.

Wednesday's hearing is really to get the public's feedback and thoughts on the measure.

So, Shasta, very good question.

There's those are in really important questions that ultimately need to be answered, but to my knowledge have not been addressed at this point.

SM Shasta Kearns Moore 35:15

And that has to happen in the next three weeks or something, right?

ML Mark Landauer 35:19

Well, if if the bill were if the yeah, if the bill was if they intend to move it, they they're gonna have to address those questions, yes.

SM Shasta Kearns Moore 35:20

If it's gonna get through.

Great. And then the other question that I had was, it looks like the open government impact statements from February, so that's not.

But yeah, I always look at those and they're always say no impact. And it seems like if anything's going to have an impact, it would be the.

So maybe they just have to redo it, but.

ML Mark Landauer 35:47

Well, I would say, Shasta, that, that that impact statement was probably conducted on the base bill, which is essentially a study bill rather than the amendment itself.

So I hope that that helps.

I didn't look at. I can pull that up and actually probably answer that question for you without having to look because we can look at the date of the amendment which was 5/28.

I think we can pretty positively say that that impact statement was based on the base bill rather than the amendment itself.

SM Shasta Kearns Moore 36:30

Yeah, I think so too.

I just don't know how at what point they redo it.

But maybe after the hearing.

ML Mark Landauer 36:34

They yeah, if they were to plan on scheduling a work session, legislative, fiscal, legislative revenue will do their work.

I suspect that the analysis will be.

Well, it's required that that analysis be done on the actual amendment as well.

Steve.

SS Steve suo 37:01

I just wanted to to elaborate a little bit further on the evolution of the bill that the PRAC reached a consensus on.

Senate Bill 417 back in 2022 and there have been several changes that, but that was that was the baseline that the work group was negotiating from.

Which was already a negotiated version, but.

Some of the important changes to mention.

And these relate to the the fiscal and the revenue.

That we're not in, in our our discussions within the PRAC one is the as as Mark mentioned, the movement of the appeals decision making from district attorneys to the Attorney General's Office.

So, you know, from a statewide standpoint, you're moving from 36 attorneys part or

full time, mostly part time around the state handling appeals.

To a handful of attorneys in the Attorney General's office, this was something that the District Attorney's Association felt was important.

And there's a good argument for specialization, and you know one core group of people statewide handling handling appeals and the other another item that I I I don't believe we touched directly on commercial requesters than the original bill, but.

There was a decision made to carve out for for commercial requesters the ability for public bodies to impose up to 500% of actual costs, whereas everyone else would pay up to actual costs.

And that revenue raising?

The the belief is at least my my understanding is that because these.

Added fee collections.

Will pay for other public records activities that on the whole it's not a, it's not a revenue increase, it's it's it's actual costs on average for all public records requests being paid for by requesters and some requesters being if they're commercial, we'll pay more.

And that will.

But that should go away both toward providing.

Fee waivers.

And also to some degree, paying for that the added cost in the Attorney General's Office, if there is any.

And there were some other tweaks to the public interest test, but the basic framework that we developed as a group originally is still there.

There is a public body shall grant a fee waiver if it's in the public interest, and then the the test for public interest includes factors such as the burden on public body.

ML **Mark Landauer** 40:03

I'm trying to think if there were any other big substantive changes, Steve, but that was a really good summary. I think of some of the big, big items that we had to get through to get to where we were or where we are, I should say, excuse me.

Any other questions on this topic or any comments?

At this time.

Well, so we'll see how the hearing goes on on Wednesday, folks.

But I I would say again that the Attorney General's office.

Going going neutral on this was a pretty big surprise.

I do want. Well, I think it was a welcome surprise.

I do want to qualify though, that.

Multnomah County chose not to have their.

Appeals taken by the Department of Justice.

So actually it would be 35 of the 36 counties that would go to the Department of Justice in Multnomah County.

Would retain that authority, Brett.

BW **Brent Walth** 41:22

Mark, I just wanted to ask, why do you think the Department of Justice?

Neutrality statement is a welcome surprise.

ML **Mark Landauer** 41:31

Frankly thought that personally I thought, Brent, that they would oppose it.

I thought that and and just from my experience it would be an added cost and frankly burden to the department that is frankly got a lot of other things on its plate with our friends at the federal government so.

BW **Brent Walth** 41:38

OK.

ML **Mark Landauer** 41:57

Personally, I was a little bit skeptical.

Cool if you will as to whether or not they would want to take on this new responsibility and that's why I was a little bit surprised if I hope that that.

Satisfies your question, but I I frankly was a little skeptical that they would want to take on this. This new added work, considering everything that is happening happening at our at the federal level.

Mobile.

BW **Brent Walth** 42:32

Gotcha. No, that makes sense.

I just appreciate it.

I just wanna understand your thinking on that.
So umm, thanks for sharing.

ML **Mark Landauer** 42:37
Yeah.

BW **Brent Walth** 42:38
I appreciate it.

ML **Mark Landauer** 42:38
Yeah, of course, Shasta.

SM **Shasta Kearns Moore** 42:42
Yeah.
So.
Two thoughts around the proposed language and you know I'm not sure where it goes at this point.
Sounds like it's in the hand of the legislature, but I have long felt that.
Actual costs, including attorney's fees, is kind of a way to manipulate the cost upward.
So I would love to see language on when it's appropriate to have.
Attorney's fees be included in actual cost.
And secondly, you know the AI revolution is coming faster than any of us want to reckon with.
And so having some clear language around.
AI use cases and whether there are commercial requesters or not.
And kind of requiring AI developers to disclose their use of public records if they are and just kind of making sure that the public.
Interest is is served when when that happens. So those are kind of my thoughts on the legislation, but I can also just submit that in testimony or something at this point.

ML **Mark Landauer** 43:53
Well, first of all, Shasta, I didn't understand half of what you just said, but I'm a technological troglodyte, so that's probably not terribly surprising.
But yeah, I think that if you have.

Suggestions, recommendations, concerns. You know, obviously, the public hearing is the venue where that should be addressed.

So if if you have feelings.

About the language I I would certainly recommend that you get that submitted into the record.

Just for everybody's understanding, you can submit testimony into the public record exactly up to 48 hours after the hearing begins.

I I wanna make sure that I get that right.

Not when it ends, but rather when it begins.

In so, Shasta, you would have until 1:00 Friday to get that submitted into the record to ensure that it is included in the record.

SM Shasta Kearns Moore 45:06

Thanks.

ML Mark Landauer 45:06

Steve.

SS Steve suo 45:08

Yeah, there, there is one important component of the bill that I I believe urge new with us, which is the opportunity for a requester to to ask for an explanation of a fee estimate and then the the public eye has to provide it within a certain time frame.

ML Mark Landauer 45:25

Five days.

SS Steve suo 45:27

And I I think that will go a long way toward being able to come up with realistic numbers.

The other thing I wanted to mention briefly.

When the prac.

Came up with its compromised saying. You know, if it's in the public interest then the fee waiver shall be granted waiver or substantial reduction.

We did not at that time define what substantial would be and now this bill provides a floor of two hours of free labor.

Now that's all conditional again on the public body deciding that it is in the public interest, and if they reach that determination, then they have to give two hours free. And that's just a starting point.

It can be.

You can make a point that the public interest is so great that it should be should be, you know, a full fee waiver if it. If it's more more than two hours.

But I think that's I think that's really important for the kind of routine requests that may cost 75 or \$100 that in amounts for that would pose an insurmountable obstacle for a lot of ordinary folks. So.

I think that was an important improvement.

ML **Mark Landauer** 46:38

Yeah. If I could just tag along, Steve, one, one of the other things that I think is actually really helpful is that the proposal provides guidance as to how to determine what is and is not in the public interest.

And that to me, I think may be one of the most useful components, at least for the public bodies.

In in determining.

What is or is not in the public interest so.

There's certainly some commendable parts to this bill.

I don't know how everybody's gonna come out on it, but nevertheless we'll learn more Wednesday.

Anything else on this topic?

Well, I I do wanna acknowledge both Todd and Steve for enduring through this Steve and Todd.

Both have been at this for as long as I have.

It's been a lot of work.

It's been a lot of.

Finger. Teeth gnashing, I suppose. But we do have a product that we can finally talk about, and I think that that will be helpful.

So thanks again to both of you for for working on that.

I know it's been a long, long road, so anything else on this topic?

All right, we've beaten that one pretty good.

I'm just trying to get to my agenda here, folks.

Forgive me.

We're on agenda item number six, I believe, which is.

SM Shasta Kearns Moore 48:25

Help me.

ML Mark Landauer 48:25

Planning planning the Prax survey of public bodies, Shasta, first of all. First of all, just a little. I want to set this up a little bit.

SM Shasta Kearns Moore 48:32

Hello.

ML Mark Landauer 48:38

Back in, prior to Todd, actually the original public records advocate, Todd, remind me her name again.

SM Shasta Kearns Moore 48:49

Gender McCall.

AP ALBERT Todd * PRA 48:50

Ginger McCall.

ML Mark Landauer 48:51

Ginger, thank you.

Back when Ginger was the advocate, we actually conducted a survey which was one of the responsibilities of the PRAC, and we haven't done it for quite some time.

Shasta Todd and I were in a meeting and believe that we raised this lack of a survey.

Having done a survey since 2019.

And we thought that it is well past time for us to actually conduct another survey and try to actually get it regularized.

So having said that, Shasta was very eager to take this on.

And first of all, thank you for that, Shasta.

I'm gonna hand this over to Shasta because she's the.

She's the leader.

On the upcoming survey that I hope we can get completed this year, right, Shasta?

SM Shasta Kearns Moore 49:56

Yeah, I don't think there's any reason why we couldn't.

So we decided to set this up as a Google form.

You know, just to make it, that seems like the easiest way to go about across all of these different public bodies.

I'm trying to change my verbiage for Todd that they're not all agencies. Some of them are public bodies, so.

So there's basically 6 sections.

This is what it looks like on my end but.

ML Mark Landauer 50:25

Hey, hey, hey, Shasta.

I'm sorry for interrupting, but for those of us who are a bit older with not great eyes, is there any chance that you can enlarge the that's now?

SM Shasta Kearns Moore 50:27

Yeah.

Yes.

ML Mark Landauer 50:37

I can now.

I can see it.

Thank you very much.

SM Shasta Kearns Moore 50:40

Yep, no problem.

So yeah, so we would, you know, if the Council approves it, we would send this out, I think.

Todd, did you say the last one was sent out to some 200 agencies or something so?

AP ALBERT Todd * PRA 50:57

Something like that, yeah.

 **Shasta Kearns Moore** 50:57

With a lot, yeah.

So I can kinda take us through.

I don't wanna take a ton of time, but if people wanna read it, the kind of PDF format. Is on the website.

And you can take a look at that.

So this is just kind of explaining what we're doing here.

I was hoping that if there are any public body members on this board, and I believe there are if anyone wants to volunteer to take it for their.

Public body. Then we could have a a good estimate on how long it does take to do 'cause it there. You know, we're hoping that it won't take too long.

But I think it would probably be good to know exactly how long it takes, Andrea.

Are you volunteering?

 **CHIAPELLA Andrea * DAS** 51:49

Sorry all the buttons to push.

Yes, actually we can volunteer for that.

 **Shasta Kearns Moore** 51:52

Yeah.

 **CHIAPELLA Andrea * DAS** 51:54

We got a new system.

Last July that we implemented that is super helpful and like tracking and we can pull reports super easily. So that'll be helpful.

The one note I wanted to make was in Google forms.

I know that we are as state agencies. We're like, less encouraged to use those types of tools.

We're kind of a Microsoft only type of group.

So I don't if that I was asking my team here to see if like can we fill out Microsoft or Google forms without a Google account? I don't know yet.

So that may be something to note.

SM Shasta Kearns Moore 52:31

Yeah, I know that you can.

 **CHIAPELLA Andrea * DAS** 52:32

Or if you could make it anonymous or something like without without having somebody required to sign up for an account. I'm not sure however, that works.

SM Shasta Kearns Moore 52:40

Right. So if you're an editor of a Google thing, then you would have to have a Gmail account.

But if you're just taking the form, you don't have to.

 **CHIAPELLA Andrea * DAS** 52:48

OK, OK. Yeah.

SM Shasta Kearns Moore 52:50

Yeah.

So this would you know the on the the survey taker side of things, it would just say section and then you would fill it in. And I there's a setting where you can require that people put in their e-mail address.

But.

But and I think that that was another piece of feedback that we wanted from the Council is, you know, which of these questions should be mandatory and which are OK to to not be.

Because it is pretty comprehensive.

So yeah, so the first section is general information, just kind of who are you? What's what public body do you represent and what are they like?

And we tried to make as much as possible like easy click buttons.

We turned a lot of the short answer texts into like whole number only fields so that we can just kind of get consistency across.

The survey takers so that we can have data at the end that all kind of aligns up and matches in a way that we can interpret Scott.

SS Scott Stauffer 54:05

I don't.

I'd be happy to take it as a city, but also on question three and I don't know if you wanted feedback on the wording of questions. Question three and section one, you want the approximate number of FTS. The agency has an all or just FTS working on records.

SM Shasta Kearns Moore 54:09

OK.

Yeah.

Thanks.

SS Scott Stauffer 54:23

Or do we want to differentiate at all? OK.

SM Shasta Kearns Moore 54:24

And all. Yeah. Yep.

SS Scott Stauffer 54:30

Thank you.

SM Shasta Kearns Moore 54:33

Yeah. We're just trying to get a sense of like, are you a teeny tiny agency or are you a big agency?

Yeah. So it's the next section is more about like how many requests you get and how quickly are you able to get them out.

And then you know, we tried to kind of turn this into like choose three Max of your why it might take longer than five business days, just so we can start to identify some of those common issues.

And then a lot of these are just numbers.

Yes, mark.

ML Mark Landauer 55:23

Trouble with my mute button there.

Forgive me. You know, one of the one of the things that we've always talked about and I do think this is an important question to pose to the public bodies. Shasta is

whether or not you have a policy on public records, right?

This is some oh, never mind.

 **Shasta Kearns Moore** 55:41

That's the next section you're getting ahead.

 **Mark Landauer** 55:45

I'm. I knew you had anticipated this. Good.

I'm glad you did.

I'll shut up now. Very good.

 **Shasta Kearns Moore** 55:52

Yeah, no problem. OK.

So yeah, so more kind of like why if you couldn't get it out in 15 days and then there is on some of these and other fields?

So if these, you know answers don't meet your needs, you can also just fill that in.

It'll be a text box.

So redaction appeals lawsuits and the involvement of the public records advocate.

Then this is our section on policies and best practices.

So do you have a public records policy? And then we thought this would be really cool if at the end of the survey we have like a whole list of links of the public records policies for folks.

So we changed this to be, you know, just provide the link if you have it or right now if you don't.

Andrea.

OK.

 **CHIAPPELLA Andrea * DAS** 56:52

There's a statewide policy that is in need of some brief updates.

And agencies each should have their own policy.

But if you can, you scroll back up just a bit.

There was something that lawsuits.

I was like, there's something that triggered lawsuits, so I don't that may be difficult to research because.

I don't know like it.

It depends.

I think it'll that may that question may cause some extra.

Extra homework.

I suppose is a good way to put that but.

 **Shasta Kearns Moore** 57:26

OK.

 **CHIAPELLA Andrea * DAS** 57:27

And maybe mostly ADAS question. I'm not sure though. So you may wanna chat about that.

 **Shasta Kearns Moore** 57:33

So do you think that?

Like the public records, custodians would not be aware of lawsuits that no OK, interesting, OK.

 **CHIAPELLA Andrea * DAS** 57:42

Not necessarily, no. Yeah.

Yeah. Well, I mean, I can only speak to ask for us.

It's an entirely different division, so.

 **Shasta Kearns Moore** 57:54

OK.

 **CHIAPELLA Andrea * DAS** 57:55

If that helps.

 **Shasta Kearns Moore** 57:56

Yes, I will think about how to re answer reorder that question or maybe if it's so I could change it so that it's not a whole lot number. And then people could answer.

I'll figure that out later.

Yes, well.

 **Will Glasson (Multnomah County)** 58:22

So it should be relatively easy to research.

Lawsuits brought in a given reporting period based on a simple.

Search because the lawsuits are filed in reference to a particular statute, so we we might have sort of a back end side to this for interpreting survey data and then having our own diligence.

And that could be an effective tool for identifying lawsuits harder on the appeal side.

But when the lawsuits move forward, they're always referencing one particular statute.

You can oftentimes a couple others.

That are that are very specific to public records litigation.

SM Shasta Kearns Moore 59:04

OK, so you could look it up through the court system.

All right.

OK.

So yeah, policies and best practices and then.

You know, just kinda asking them how are. How are you doing this?

Are you tracking? And if there's other ones other common uh trackers that people know about, please let me know.

Yes, Scott.

SS Scott Stauffer 59:35

You probably wanna list laser fish on there.

Have to really comment one among cities.

SM Shasta Kearns Moore 59:41

Laser fish.

SS Scott Stauffer 59:43

LASER.

FICHE.

It's oms is.

SM Shasta Kearns Moore 59:52

I call one word.

SS **Scott Stauffer** 59:53

Yep, I like that.

It's the biggest competitor for cities with OMS.

SM **Shasta Kearns Moore** 59:59

OK.

Thank you.

And then again, if you have a fee schedule, provide the link.

Do you have a policy on fee waivers? Provide the link.

And then do you have a policy on waiving fees without the requester asking for it, such as a member of the media?

And then how many waivers reductions were made in 2024?

So that's combined total waivers and reductions.

And how many were granted? How many times were we were fee requests?

Fee waiver requests denied. What is the amount of fees collected from requesters in 2024? That was a question that was also on the 1 from 2019.

That's where they we included that there.

Any other questions on section?

Four section.

Feel like I've used it.

Got numbered.

Weird. OK.

Accessibility and engagement. So.

Is your records officer's contact information easy to find?

Is it clearly posted online?

This is, you know, what are ways that requesters are permitted to submit requests at your agency?

Can you just e-mail the public records officer?

Do you have to fill out?

That kind of stuff.

And.

Support and training needs.

So, you know, kind of what are the, what's the culture in your public body?

To agency heads receive onboarding or regular training, to staff, receive regular

training, and who gives the training. And then at the end are these two questions that are just kind of, you know, long answer like, you know, what kind of challenges do you face and what kind of?

Supports. Could you use so that kind of gives people at the end of the survey?

To talk about anything that wasn't asked or that they feel like could help.

Any other questions or any part that you wanna see again?



CHIAPELLA Andrea * DAS 1:02:29

Questions on this section.

Was there a conversation about doing this in a calendar year versus a fiscal year?

Because I know that question comes up a lot with like reporting things.

And also I don't know last time this was done.

What? What that was. If that was a calendar year or fiscal year. Also don't know if it matters.

Just a question.



Shasta Kearns Moore 1:02:52

Yeah, my thought was it would be a calendar year, but I'm open to hearing from others.



CHIAPELLA Andrea * DAS 1:02:59

I'm just asking selfishly because we implemented our system in July of last year, so half the data would be in the not new system.



Shasta Kearns Moore 1:03:06

Yep.



Emily Gothard - She/Her 1:03:11

Let the survey taker.



Shasta Kearns Moore 1:03:11

Considering.



Emily Gothard - She/Her 1:03:14

Say what?

The reporting period was so that they can use whatever reporting period.

SM Shasta Kearns Moore 1:03:19

Well, I would want it to be uniform so that we can compare apples to apples.

ES Emily Gothard - She/Her 1:03:20

They're they're using.

SM Shasta Kearns Moore 1:03:25

You know, but if we're getting this out after July anyway, I don't see any reason for us not to say it's the 202425 fiscal year and that would be easier I think for reporting on the budget numbers that we were asking for.

OK so.

Did I see another hand go up?

ML Mark Landauer 1:03:53

Doesn't look like it.

SM Shasta Kearns Moore 1:03:53

OK.

ML Mark Landauer 1:03:59

So are there any questions for Shasta at this time?

Why don't we talk, Shasta?

Perhaps about timing. I don't know. If you had given that much thought.

I know that you put a lot of work into putting the survey questions together.

Timing. You want to talk about it?

SM Shasta Kearns Moore 1:04:24

Yeah. I mean, we're kind of coming to the Council to see if this is OK for approval.

We can.

You know, I guess I would lean on Todd to say what's your workload like and could we get it out in July?

And see if we can get answers back within a month.
Is that a reasonable time frame?

AP **ALBERT Todd * PRA** 1:04:48

July might be a little tough.

I'm gonna be gone for close to two weeks and then we're also having the Bylaws subcommittee.

SM **Shasta Kearns Moore** 1:04:52

OK.

AP **ALBERT Todd * PRA** 1:04:55

It's probably more like August.

SM **Shasta Kearns Moore** 1:04:57

August. OK.

ML **Mark Landauer** 1:05:00

I I think that August, September probably more like September and the the reason why I say that, Shasta.

Maybe a little bit selfishly, but.

We'll be in the fire season.

And I can tell you the predictions are not terribly positive right now.

SM **Shasta Kearns Moore** 1:05:23

Mm hmm.

ML **Mark Landauer** 1:05:23

And so.

What I recall is that we randomly picked a whole bunch of local governments when we conducted the previous.

Survey I don't recall what the timing of that survey.

It was frankly, but I do know that if we can shoot more towards early fall, that might result in a better response just because of vacation, school, etc etc etc so.

I think for us to get and I realize that governments get public records requests at all

times of the year, but at the same time, I think.

I think that we are likely to get a better response if we were to do it, maybe maybe in September. Just that's just me thinking out loud.

Any thoughts on that folks?

And then I guess not only the timing aspect, but then the next question becomes you know, what's the workload that this would create?

You know, if we do 200 local governments.

Or local and state governments.

That's a pretty big workload.

I'm gonna just say that out loud now.

My recollection was that when we did the survey in 2019, I think we maybe had about 40, didn't we?

We certainly didn't do 200 local governments, Todd, go ahead.

AP **ALBERT Todd * PRA** 1:07:01

We did well over 100. We were looking for.

ML **Mark Landauer** 1:07:04

We did.

AP **ALBERT Todd * PRA** 1:07:05

Yeah. We're looking for geographic and numerical.

Representation. I will say that I did the majority of that work as a deputy public records advocate.

Both drafting and sending out as well as compiling the results.

I don't know if any of you recall, but at the outset of talking about creating a survey, this time I made clear that that was a workload that my office could not take on, and that since this is the Council survey, the work would have to be done.

By the Council.

Of course, I am a Council member and will do my share.

I'm happy to be a part of it, but this will be the Council survey, so the Council will have to collect and analyze results and I will do a lot of that work with you.

But I think the Council needs to lead this effort.

SM **Shasta Kearns Moore** 1:07:49

Do you have the list or? I assume you do like emailed it out the survey out.
Do you have a list of governments that you did?

AP **ALBERT Todd * PRA** 1:07:56

Yes.

Yes, you know, actually it might. I think we're gonna have to a little extra homework because what I did was based on the governments we chose, I found e-mail addresses for either submitting public records requests or public records officers. It's interesting because one very large county in particular claimed they never got it, even though we sent it to their declared e-mail addresses for receiving public records requests and other people within their agency.

So perhaps this time we might need to put out some information ahead of time that a survey is coming, maybe even try to.

Identify as many specific people within those public bodies as possible so we know it's arriving at a real person or some otherwise. Talk about it somehow to make sure it's received better than maybe sort of the scattershot way it was done the first time. Or just a straightforward way. It was done first time.

SM **Shasta Kearns Moore** 1:08:51

Yeah. I mean, if we're gonna wait all the way until September, I feel like I would at least wanna let people know that it's coming.

ML **Mark Landauer** 1:08:58

I.

I almost disagree with that Shasta and, and let me tell you why.

Because one of the things we're trying to determine is responsiveness, right?

And giving people a heads up that, hey, guess what. We're doing a survey and part of that survey is testing your responsiveness and compliance with statute.

SM **Shasta Kearns Moore** 1:09:08

True.

ML **Mark Landauer** 1:09:21

So, you know, watch your inbox.

No, I think that this needs to be.

Treated as a typical public records request.

That's just my personal feeling.

This is not an attempt to be a gotcha, but it is a test to see whether or not local governments are in compliance with the statutes.

Now we're not going to necessarily call people out individually saying you didn't get your response back on time, but it does give us a sense for local and state.

Government's compliance with the statute. And so I'm not sure personally that giving a heads up to people that a survey is coming, that's in part designed to check people's responsiveness, giving them the heads up now if others disagree that's I certainly can be convinced other.

But.

I do think that this to some degree is also a test.

Of the existing systems that are out there.

So that's just my feeling and that's how I kinda took the last survey as well.

Is are our local governments and state governments compliant with responsive times that are baked into statute?

And I saw that.

Is it Cecily?

Yep, nut you're still on mute.

Still unmute.

SM Shasta Kearns Moore 1:11:06

Are you able to unmute Cecily?

No. OK.

ML Mark Landauer 1:11:11

Why don't you if you have a comment or a question Cecily, why don't you type it into the chat? Hopefully that'll work.

I see that.

Mark, they wouldn't be bound by responsibility.

It's not a public.

Yeah, that that's true.

But we could, couldn't we?

Todd, Steve just raised an interesting question.

Was our last survey that we did in 2019 treated?

Did we design it to be a public records request?

We did not.

AP **ALBERT Todd * PRA** 1:11:52

No, mark.

Especially because we're asking questions. We're not asking for records.

It's the only the only sort of statutory obligation here is that every public body in Oregon has a duty to comply with the practice inquiries to the extent whatever confidentiality laws at issue aren't affected by that.

But that's it.

So this is wholly not a public records request, simply because we're asking questions about their public records request practices.

They have to answer us to the extent that they can, but there's no deadline.

Maybe we want to update our statute? I don't know.

But right now, no.

ML **Mark Landauer** 1:12:24

OK.

Well, thank you for that clarification.

I was just completely off base there. Never mind what I said earlier.

Although I do I I do think that.

At some point, we may want to.

Do maybe some public records requests in the form of?

Maybe not a survey, but just to test people.

Anyway.

OK.

So we've got the timing.

She has to what?

What next steps, if any, do we need?

I assume that we need to identify the targets.

I suspect we're gonna want.

The four stools of local government that would be school District, special District Cities, counties, obviously state government.

Umm.

Anybody else?

I well knowing that there are 950 districts, there's plenty of district cities and counties.

School districts there 192, I think.

141 cities. There are plenty of targets out there.

All right.

Next step.

I guess we're going to need to, Shasta.

What do you need from us in order to push this out?

I mean, I guess those are the next steps we need to to figure out.

SM Shasta Kearns Moore 1:14:08

Yeah, I guess.

ML Mark Landauer 1:14:08

And if the if the advocates, if the Advocates Office really can't take this workload on.

I don't know how we're going to go about identifying.

You know who who the targets will be.

SM Shasta Kearns Moore 1:14:24

Well, it would be great if.

Scott and Andrea, who volunteered if you guys wouldn't be mind taking the survey and then maybe if you can advise on what questions.

Should be mandatory.

And then other questions maybe shouldn't be.

And then that would be kind of a way to have this survey light?

Thing because I I am sensitive to this being a lot of work, if not all the stuff is in the same place.

But I also think it is something that's gonna.

Be very valuable. The answers of this.

You know, I can just see as a person who's interested in open government, like having a whole list of all the links of everybody's.

I think it's gonna really help us in, in the Council's work kind of figure out the lay of the land, of what's going on.

Out there.

So yeah.

So yeah, and then just figuring out if I can get the list from Todd of what the ones were last time, then I can start working on, you know what, what would be the next? Step and maybe when's our next council meeting? Maybe I can come to the Council and the next time and say here's who I'm thinking of sending it to. And see if I get your guys is OK. And then by September we can send it out.

ML **Mark Landauer** 1:15:45

I have two hands up.
I still have Cicely. Who hasn't put anything in the chat yet, are you?

SM **Shasta Kearns Moore** 1:15:51

Oh, she can unmute.
Nope. But we can't hear you.

ML **Mark Landauer** 1:15:53

Can can we hear you now?
Oh no, we can't hear you, Cecily.
Why don't you sign out and just sign back in?
Maybe that'll do the trick.
I do see Todd's hand up. We'll take Todd.

AP **ALBERT Todd * PRA** 1:16:09

Thanks. First of all, again, I'm happy to do my part and I'm sure you know, I'm happy to be part of this. In fact, all the responses I think will come to me, I just want to work with others this time to make all this happen. So I.
Really appreciate Chess's leadership on this and obviously please keep including me. Stephanie Clark put a link in the chat to the former survey that lists 110 public bodies that were contacted and responded, and the 40 some odd.
Did not respond to the request, so that'll. That'll show you, Shasta, who? We reached out to in 2019, and obviously we don't know if we wanna do the same ones this time. But I'll just show sort of what the spread was last time.

SM **Shasta Kearns Moore** 1:16:50

Mm hmm.

ML Mark Landauer 1:16:51

Great.

Shasta, I don't think we have a meeting scheduled at this time.

However, I would be more than happy to convene a short meeting of the PRAC to get this thing.

Approved by everybody and sort of to execute the the survey itself.

So I'm happy to work with you and Todd to identify a time you think you're ready to maybe move on this so that we can get the prax sort of approval, if you will, to go forth and and and conduct the survey.

Does that does that sort of address the that question?

SM Shasta Kearns Moore 1:17:44

Yeah. Sounds like August might be a good time frame.

ML Mark Landauer 1:17:47

Yeah, we could.

We could do a probably a pretty quick meeting on that and get that done.

I I know that we have to have an end of year meeting.

That'll probably be, as Todd mentioned previously, either November or December, at which time hopefully we'll have some results that we can share as well.

So I think that the timing of of August for meeting just to get this thing teed up and moved out would be.

In order.

Alright. Are we good with this?

I do note that there is some back and forth about the number of questions in the chat.

You know I chassis.

You can perhaps review some of that and take into account some of the comments that have been taken in the chat. At this point, I think.

Have we covered this one now?

I think we're at the draft PRA public records policy.

Todd advocates training and mediation update as well.

AP ALBERT Todd * PRA 1:19:05

Yes, yes.

Thanks mark.

Here I'm gonna drop a link to the draft survey. In the chat there.

Not survey, sorry.

Draft public records advocate Public Records Advisory Council public records policy.

The statute says that the public records advocate is the custodian for the Council's records as well. Therefore, this policy will apply to both entities.

I'm not gonna pull it up and take you through.

It's actually quite straightforward.

Follows the requirements of the law.

The only sort of policy statement expansive section is.

Where under fees.

Well, I'll just.

I will go to that section just so I can read it back to you on page four under policy for. God policy for production.

We do state that the public records advocate endeavors to not charge fees for its cost to produce public records whenever possible.

However, the advocate may exercise discretion to charge fees. As noted, if the request is voluminous.

Requiring substantial time. So to date, the handful of public records requests this office has gotten for either our records or those of the Council. We have never charged fees.

The goal is to not charge fees, but we are preserving the right to do so if necessary.

Otherwise, the amounts mirror Dash's fee schedule to try to keep them minimal and not charge at, for instance, Yufeng Rai as the deputy public records advocate is the lowest paid person in the office, capable of doing the work we would charge.

Or minimal rate for things like clerical time if necessary. If we ever were going to charge fees.

So I just recommend everyone read this through if you haven't already, and either just ask me questions now or follow up with me one-on-one if you have questions to avoid any public meetings concerns or mark if you feel there were any place to do so, we.

Could go ahead and vote on adopting this now.

Well, I my preference of course is to get this policy into place.

But I also don't want to rush the Council into approving something that they may or may not have had an opportunity to read.

So having said that, I would like to get a sense from the Council as to whether or not you would like to adopt this policy now or.

Or wait until our next meeting in theoretically August, that we were going to discuss the survey to actually adopt this policy.

So I would welcome thoughts from the Members.

Well, don't jump all in at once. Thanks Steve.

SS Steve suo 1:21:55

I guess I would like additional time to look at, digest it and have a discussion about it, but I don't know Todd how much of A bind that puts you in for in terms of responding to requests.

AP ALBERT Todd * PRA 1:22:06

No. Well, I will say, well, let me say a few things, I guess.

One it you know, this policy was approved as to form in a previous meeting.

So there is no derivation from that, but of course that happened in the past and we only discussed it.

You didn't see it in writing to any requests we get, we follow the law.

We endeavor not to charge.

There's nothing in this policy that differs from what a response would look like without a policy.

But I understand if people want to take time and review it anyway.

It won't hinder us responding to any public records requests that come in in the interim.

SS Scott Stauffer 1:22:43

Kinda like with the like what Steve said in the comments in the chat, I I support bringing it back in August.

ML Mark Landauer 1:22:51

Fair enough.

Then that's what we will do. Todd, if you would mind.

Including in our August meeting, a formal adoption of the policy.

Great. OK, good.

And then Todd, you were going to give us a brief update on training and mediation and then we will go to public comment.

AP **ALBERT Todd * PRA** 1:23:17

Yes, I will fumble until I share my presentations one moment.

Yeah, you should all be seeing it now.

It will actually work, sorry.

Slides. Whoops. Sorry. Slideshow beginning OK. And of course, please ask any questions throughout.

Starting with requests for assistance, so I put in a new category of numbers. As you can see, overall year on end starting in our first full year 2019, going through the end of last year, 2024 requests for assistance to this office have continued on an.

Upward projection.

Trajectory as of Friday when I completed this report, we had already received 140 individual requests for assistance merely for this year, and I wanted to do something new, which was compared those numbers to the same time in previous years.

I was actually kind of delighted to see that we had been sufficiently tracking them all the way back through 2019 that I could do that comparison. And just like our overall numbers, but for a dip during the outbreak of the pandemic.

And interestingly.

Enough at this time last year.

The numbers for this time of year have also continued to go up, and so we're at well over.

We're at 140 so far this year.

As a reminder, these are the categories of information that we track when we receive a request for assistance.

And you know, it's interesting because much like with the public records request, we don't require those who contact us to identify themselves and inevitably happens for the most part anyway.

Ways. So while we track this information, we don't require people to tell us who they are any more information than they want to other than what we need in order to of course help them mediate a disputed request.

And of course, once you involve a public body, if it has to do with an existing

request, we usually end up finding out who the person is anyway.

Here are the numbers on the RF as so over the course of this year since January 1st.

We've received a total of 42 requests for assistance.

From state and local government, broken down as you see it here.

14 from individuals who identify themselves as members of the media and 84 from the general public.

So the general public remains the majority of who is contacting us for assistance and in response to someone's question last time I did a presentation, I broke out who the media and general public were contacting us about. And as you can see for the media, we've been.

Most contacted about disputed public records requests with state agencies.

For members of the general public, it's a little more evenly distributed across state agencies, counties and cities, with, of course, special districts and school districts being in there.

And we have a category of other or unknown entities.

Those are individuals who are, for instance, called and left us messages or emailed us without initially identifying the public body they were seeking assistance with, and then simply never followed up with us so that we were able to learn who they were, seeking records from or in fact.

Didn't want to tell us and were asking more generalized.

Which does happen out of those 140 public RF as through Friday. 136 of them are closed.

Eight of them were closed because the requester, whether it's the public body or member of the public, became nonresponsive and didn't get back to us within 30 days.

Although of course, if they ever reach back out to us after that, we would continue assisting them. Otherwise 103 of them were resolved within seven days. And the reason that figure is there is that another KPM.

Key performance measure that our office has is that for 2026 we we complete all RF as within seven days and I'm tracking these numbers to see how likely that is. And so we're doing OK, but obviously we're not at 100% completion of all R.

For this year, within seven days and we currently have 4 open.

And the last slide, unless anyone has any questions is about trainings conducted so far.

Rather, I've expanded this category. As you might recall, to include Q&A's interviews

and presentations as well.

Because the office is doing more than just training nowadays, we've done 9 total since the year started, with state agencies being our biggest customer so far. And after another request from a Council member.

We're doing a better job of tracking how many people are actually attending these trainings because I'm usually so focused on giving them that I forget to count, but I'm actually making an effort to do so this year.

So we've reached a good amount of people and I definitely believe this is more trainings than we conducted last year.

And obviously there's one upcoming and there's more in the works, but there's still too speculative to include on this list. 'cause, we don't really have any set dates for them as of yet.

I can hold there.

I can go back to other information and certainly if anyone has any questions.

Please let me know.

ML **Mark Landauer** 1:28:27

No. Are there any questions for Todd?

Well, Todd, thank you.

AP **ALBERT Todd * PRA** 1:28:33

And of course, this is up on the website. If you wanted to go back and take a look at it.

ML **Mark Landauer** 1:28:38

Great. Well, Todd, thank you for the presentation.

Glad to see that your services are in demand.

And that you're getting through most of it in pretty quick order?

So good work and thank you for that.

Are there any questions for Todd?

Not seeing any.

So before we go to public comment, I did just want to make an announcement that I did share with Shasta and Todd previously.

I figure this is probably the appropriate time.

I have served now for two terms as the Chair of the PRAC, and it's time for somebody

else to take the reins.

I've enjoyed doing this.

And we'll continue to enjoy doing it until December, but I believe that's when my term as the Chair concludes and.

Despite the fact that I have been elected twice against my own self-interest and having taken it this time, I'm just not going to make myself available for nomination. So.

The reason being is again, I've served two terms.

I think it's time for somebody else to.

Lead this body.

I've done, I think, to at least to the best of my abilities, but I also feel that.

I've.

Not really succeeded in some areas, so for example, it took us this long to get bylaws into place.

There's been a lot of turmoil this office has seen in the past.

We haven't gotten a fee bill over the finish line.

I actually have taken that a little bit personally because I thought well, I thought that we could get something past the finish line.

I suppose we're still in the race, though.

But I do feel strongly that somebody else needs to take over the reins and and perhaps improve upon what I've done thus far.

And so I just wanted to make this announcement in order to let.

Everybody know on the prac that it will be my intention not to seek another term and in fact would refuse to do so even if you elected me to do so.

So I think it's the best thing for this Council. I do think that we need new leadership and wanted to make that announcement to everybody today because we will be electing new officers. I believe in December.

Todd, if my.

Understanding is correct.

So having said that, I do want to make time available for the public and so if you are a member of the public and would like to address the Council, please raise your hand at this time.

And I guess there's a second page here, so I better look.

Doesn't look like anybody.

Wants to address the Council.

Anything else for the good of the order today, people.

SM Shasta Kearns Moore 1:32:02
OK.

ML Mark Landauer 1:32:03
Yes, Scott. And then Steve and then Shasta.
Sorry, wow, lots of hands. OK, Scott.

SS Scott Stauffer 1:32:10
Real quick.
Thank you for your your service, mark.
I appreciate that and I wholly respect your your your decision there.
Speaking of membership, and forgive me if you mentioned this earlier, Todd, but we do have two vacancies.
Does anybody do we?
Where are we in filling those?
Do we know process?

AP ALBERT Todd * PRA 1:32:31
I've been told by both bodies that would be in charge of filling those positions, which is the Oregon Attorney general in the governor's office.
Quote we are working on it.
That is the extent of the information I have for either position.

SS Scott Stauffer 1:32:43
OK.
Thank you.

ML Mark Landauer 1:32:46
Steve.

SS Steve suo 1:32:47
Yeah. Thanks.

I think there the last agenda item was to talk about next.
Next, meetings agenda and I'd like to request that we include a discussion of.
Council e-mail addresses state e-mail addresses for council members.

ML **Mark Landauer** 1:33:03
Yes.

SS **Steve suo** 1:33:05
I believe we agreed a year ago or more that we're gonna move in that direction, but it was not practical at that time and maybe it would be possible to get not simply an update from DAS, but actually.
Play. Maybe you know a recommendation on how to proceed.

ML **Mark Landauer** 1:33:21
Yeah, Steve, that that is a a long standing issue that I acknowledge.
I do agree with you that we had agreed previously to get that process into place and I recognize that we still have not done so.
This is another example of your leaders failing.
So I I would if we could, Todd, maybe add that to the August agenda.
If that if that, if that's at all possible.
Well, maybe that'll be my last success story.
Go ahead.
Was that it, Steve?
Great. OK.
Thank you for that. And then, Shasta, thank you.

SM **Shasta Kearns Moore** 1:34:04
Yeah. Also just wanted to echo.
Thanks for your leadership and totally understand that it's a lot of work.
I there was something you said in that speech about, you know, the horse race.
So what do you think about the chances of 1077 getting out of the session?

ML **Mark Landauer** 1:34:24
OK.
So now you're asking me to look into my foggy crystal ball.

SM Shasta Kearns Moore 1:34:28

Yes.

ML Mark Landauer 1:34:29

And I will confess, it is. I will.

SM Shasta Kearns Moore 1:34:30

You have so much more legislative experience, yes.

ML Mark Landauer 1:34:33

Yeah, it is foggy. I will tell you.

Shasta my my instinct is that.

They're probably not going to move it this session just because we are now into June.

It's not.

Certainly not.

Impossible to get this thing through the process.

But I do think that because they have taken this up so late, it's it's a steep hill to climb.

Furthermore, it it will likely depend on how the hearing goes and whether or not.

All those questions that I had raised earlier can be adequately addressed.

I mean if it if it does have a fiscal impact.

To the state, I think it's going to be a real long shot simply because the the revenue forecast.

Is really limiting.

The legislature's ability to enact new sort of programs, if you will, that will have ongoing.

Fiscal impacts to the budget.

So I do think it's a steep hill to climb, but I've seen stranger things happen.

On many occasions, so stay tuned.

I it's just foggy.

But if I were a betting man, I probably wouldn't bet my next mortgage payment on its passage.

At, at least at this time.

 **Shasta Kearns Moore** 1:36:05

All right.

Thank you.

I have another meeting to get to.

 **Mark Landauer** 1:36:06

And then, yeah, OK.

And yeah, just just the last item.

 **Shasta Kearns Moore** 1:36:09

Sorry, I gotta go.

 **Mark Landauer** 1:36:12

As Steve pointed out, we will have a meeting in August to address the policy. The survey and I think there was one other item that I escapes my mind.

We'll build that a little bit more.

It won't be a long meeting like this one was. I suspect it won't take more than an hour so.

Wolf between Shasta, Todd and myself will probably get a doodle poll.

Out to find a time that works for everybody.

With that, we are now 10 minutes over No 7 minutes over time.

Thank you everybody for attending today.

I hope you have a wonderful rest of your week.

 **CLARK Stephanie * SOS** 1:36:55

Thank you.

● **ALBERT Todd * PRA** stopped transcription