

Public Records Advisory Council meeting-20260902_123607-Meeting Recording

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● **ALBERT Todd * PRA** started transcription

PD **Portland-Oregon.Room1D-70 * DAS** 0:04

They're recording. They're recording and it's 1236.

Good afternoon, everybody. Welcome to the September 2nd, 2026 Public Records Advisory Council meeting. I am Vice Chair Scott Stauffer filling in today. We believe our Chair Shasta is en route and indicated that she planned to be here. We just haven't seen her yet, but we'll go ahead and get started.

So we don't need to do roll call, Todd, because we've established this quorum right here. Yes. Okay. So that's done. Does everybody have a copy of the agenda? Does everybody see what's on the agenda?

Yes. Yes. Yep. Does anybody have any amendments, questions, additions, changes to propose to the agenda? Just one, I believe you have an announcement. I do have an announcement, and I will get to that in a minute. I have, yeah, so I will add after the after we approve the agenda, I did, I'm adding an announcement.

call it maybe an item 2. or 1.1 perhaps. So I'll add an announcement and I will also propose since item two, oh, there's Shasta.

Hello, Shasta.

SM **Shasta Kearns Moore** 1:13

Hi, everybody. Sorry, I had this written down for 130, so I guess I'm not going to make it a percent.

PD **Portland-Oregon.Room1D-70 * DAS** 1:20

Yeah.

SM **Shasta Kearns Moore** 1:20

I was like, okay, I'm getting ready to go. Wait, what's happening?

PD **Portland-Oregon.Room1D-70 * DAS** 1:25

We did just start Shasta, but I will happily hand the gavel back to you as chair. And we were, we were, we have established quorum, so we were just taking any changes to the agenda. And I, Todd and I had added a brief announcement right after this. So

SM **Shasta Kearns Moore** 1:25

Sorry.

But.

Right.

Yeah.

That sounds good.

PD **Portland-Oregon.Room1D-70 * DAS** 1:44

I don't think, were there any other changes to the agenda that anyone wanted to propose?

SM **Shasta Kearns Moore** 1:49

Yeah, I was going to propose just having a topic specific public comment period before we vote on the legislative subcommittee concepts. It seems like allowing people the opportunity to talk to us would be good.

PD **Portland-Oregon.Room1D-70 * DAS** 2:09

It.

I think we have two changes to the agenda.

SM **Shasta Kearns Moore** 2:17

Third, an announcement of terms, I'm assuming, and public comment section to the legislative concept section. All in favor?

PD **Portland-Oregon.Room1D-70 * DAS** 2:32

Okay, but...

SM **Shasta Kearns Moore** 2:33

Mhm.

CS **CLARK Stephanie * SOS** 2:34
Hi.

SM **Shasta Kearns Moore** 2:38
Right.

Okay, so let's move on to the second part of our agenda, which is legislative subcommittee concepts. So yeah, so we're, I've been working for a long time on several concepts. So the legislative committee has met over the spring and summer to kind of flush these out. We have four in total, and I will let someone else talk about the communication concepts because they come out of SB 1077-1, which was a previous legislative effort. So if maybe Todd or Scott or Mark want to take it away.

PD **Portland-Oregon.Room1D-70 * DAS** 3:28
I have to get started. I'm just gonna drop the link to it in the chat.

SM **Shasta Kearns Moore** 3:33
Okay.

PD **Portland-Oregon.Room1D-70 * DAS** 3:40
Okay, so yes, the three legislative concepts that the legislative subcommittee has approved were born prior legislative efforts, and in my opinion, represent unified but low-hanging fruit that should not increase costs for any public body that implements them. Specifically, they are all communication focused and really just try I think the long story short is it says public bodies show the work you're already doing, share with requesters when necessary or asked so that both requesters and public records custodians have the same information about fees, how to submit public records requests and fee waivers. And I'll just go through them quickly. Specifically, the first one says that any public, any requester who receives a fee estimate is permitted to ask for additional information that the public body is required to then explain to the requester, but not to sort of any requester. They are supposed to explain it to the satisfaction of a reasonable requester. You send a request or an itemized list, the requester says, why does it say review three different times on here? The public body should explain why those levels of

review are necessary. And that actually dovetails with the recent case against, I believe, the city of Portland. I could be wrong about that. I apologize if I am, in which multiple lines of review were included on a fee estimate and the public body would not explain why and ultimately lost in court for not being a reasonable explanation of their fees. So a public body should know why or how they generated their fees, and they should be able to provide a reasonable explanation to a requester when they do. I think it's important to note also currently when a public body requests payment, if a requester does not pay within 60 days, or otherwise respond, a public body can close the request. Under this proposal, if a request for explanation of the fees was requested, the 60-day period to close the request doesn't, it pauses until the public body actually provides that explanation and then assume a presumably ask for payment again or continues to ask for payment. And then the six day period would run. The second one is if a public body denies a request for a fee waiver in the public interest, put it in writing, like tell the requester why. They should already know why they're denying the fee waiver or reduction. This would now just require them to actually tell the

I don't think anyone's arguing for paragraphs or pages, but any reasonable explanation of why they're denying the fee waiver request should be able to be related to the requester. And finally, as we all know, every public body is supposed to have a publicly posted public records policy. This concept merely says You cannot charge fees until you actually post it. So it's giving the law that's been in existence for however knows how long a little bit of tea. And that's it for the communication concepts. So I'm happy to hear anything else from anyone else who worked on them.

SM Shasta Kearns Moore 6:38

Great. Thank you, Mark.

ML Mark Landauer 6:46

Yeah, thank you. So again, I want to remind everybody, although I'm a member of the PRAC, I'm also representing the Special Districts Association of Oregon. And as a member of the PRAC, I don't necessarily have any objections. I do have one concern with one of the proposals

that I'll describe here momentarily, but I just want to make sure that people on the PRAC understand that I'm not the person who determines where SDAO falls on particular pieces of legislation. We have a legislative committee that makes those determinations. So I just want to be clear with everybody that even though I am likely to support these, it does not necessarily mean that SDAO will support it. And of course, my role as a lobbyist or SDAO will be determined by that legislative body. So I just wanted to make that clear for everybody. Todd, on the first concept, I do have one concern about the timeline. It says that, but no more than five business days after the request for an explanation is received by a public body. I can tell you at the outset that that is going to be problematic. And I'll tell you why. As many of you may or may not know, the special district sits comprised of about 241 fire districts. And I don't need to explain to folks that we've had about 2.5 million acres of land in the state of Oregon under fire, and many of those fire districts have been completely deployed due to conflagration calls by the governor. My concern with this is the five-day limit without any exceptions. That is highly problematic because I can tell you that for an all volunteer fire department that has been called on a conflagration to address a wildfire, I can assure you that that five day period will not be met. There are other circumstances where that five day threshold may not be met for other reasons as well by various small bodies. For example, there are irrigation districts, so on and so forth. So I don't have a problem with the notion of a public body providing a requester a, you know, a description of how those fees are estimated. I do, though, have a problem with the timelines and that is contained in this proposal and believe that there needs to be some type of an exception similar to the timelines for a public body to respond to a public records request in the event that there are issues outside of its control that won't allow them to meet that timeline. I hope that that makes sense. And I'll leave it at that and happy to answer any questions. And I see Todd. is already raising his hand. Thank you.



Shasta Kearns Moore 10:51

Thanks, Mark. Todd?

PD **Portland-Oregon.Room1D-70 * DAS** 10:54

Mark, I hear your concerns and I truly appreciate them. And I believe the law already provides a means for these certain types of special districts to respond based on their particular circumstances. And actually, I have two responses. The first is that, and you actually help add that to the law and it's the safety belt provision.

ML **Mark Landauer** 11:11

Yes. And Todd, I'm just not clear if the safety valve clause would apply to that timeline. If it does, then I feel much better. But I just unfortunately have been thinking about other things than the public records laws and timeliness of responses recently. So

PD **Portland-Oregon.Room1D-70 * DAS** 11:12

Thank you.

ML **Mark Landauer** 11:32

I kind of just put that out there. So I apologize for interrupting, but I feel better knowing that the safety valve applies in this instance.

PD **Portland-Oregon.Room1D-70 * DAS** 11:43

This is merely 1 lawyer's opinion, but I cannot see why it would not apply the same way it applies to both the acknowledgement and completion portion of a public records request. But think about this as well. If a special district, including a fire district that's emits fire season, was able to generate a fee estimate that they sent to a requester, presumably they're in the office and working when the requester responds, hey, Can you explain this to me? And if circumstances have changed so that they now are out in the field, then they can implement the safety belt provision. So I see no circumstance in which a special district acting in good faith will get dinged for not being able to meet this requirement in five business days if, you know, if the facts meet the law.

ML **Mark Landauer** 12:25

So long as the attorneys agree with that opinion, Todd, I feel much better. Thank you.

PD **Portland-Oregon.Room1D-70 * DAS** 12:30

Let's see, we got at least one other rep in the room. I have a similar caveat to Mark's, you know, I represent counties, the public records guy for the state's largest county. As A practitioner, I please don't necessarily concern me, although subpart 3 is something I struggle

because when we're talking about fees, we're talking about legislative acts on the part of public bodies. And so anytime you're looking at the state taking away a local government's ability to charge fees in any sort of scenario, that's a preemption issue. And I'm not going to we're not going to weed into preemption willy-nilly. I need to get the horn books out.

spend some time on a question before development could have been divided. But for one and two, yeah, this doesn't strike me as unreasonable. I think it's consistent with one of the county's practices. That said, the largest county, the county benefits from having more resources to

respond to the public records law requirements. And frankly, the landscape of fairly technical issues that come up under the current law. Now, these are sort of prophylactic measures. And on the one hand, I consider them in many ways reasonable and appropriate. But on the other

I think the public records law generally is already fairly complex and hard for many of, especially our smaller counties, to adequately resource and handle, given the smaller staffing numbers and turnover and the the greater difficulty that particularly some of our urban, or rather rural counties have in finding attorneys to join them in their rural location. So I have to think about that from a support standpoint.

And I'll just jump in, Scott.

SM **Shasta Kearns Moore** 14:23

So perhaps we need a mutual aid agreement so that they can rush in and help.

PD **Portland-Oregon.Room1D-70 * DAS** 14:28

Well, I mean, I was excited about the agenda items regarding some of the assistance. It was something that I talked about, thought about when I joined the PRAC. I think

that's a great idea.

I was just going to chime in and say, on the same vein as Mark and Will, on behalf of cities, they're going to be the same concerns that both Mark and Will expressed. I personally, as a member of the council, have no qualms with supporting these concepts. I think I am not a lawyer, but I play one on teams. No, just kidding. But I would concur with Todd's analysis. And that's that is what I want to see as my job to message to the folks that represent the cities that there is a safety valve. You know, change is hard. Doing more of asking more public servants is always hard. But messaging that at the same, you know, safety.

SM Shasta Kearns Moore 15:01

Yeah.

PD Portland-Oregon.Room1D-70 * DAS 15:20

develops applied to the smaller cities as well as the bigger cities, because as Todd just pointed out, sometimes it's not necessarily the size of the city or the agency that determines their ability or inability or an interest in responding to requests like this. So I think I support this, and it would be a lot about messaging should Did this come to pass as well, so it's...

SM Shasta Kearns Moore 15:45

Great, Tom.

PD Portland-Oregon.Room1D-70 * DAS 15:45

I just want to say our office would certainly craft trainings that were around this issue. We could put them online. Obviously, we go anywhere in person or virtually provide these trainings. We answer questions. We would, I think we'd become a resource on making public bodies understand. And listen, I think it's important to keep in mind, like I'm not trying to downplay anyone's concerns. If a public body has already generated a fee estimate, they should understand what they're charging and why. So While yes, it would be an additional step in the process for those requesters that ask, but it shouldn't be a heavy lift to be able to put into words an answer you already know. We're charging fees X, Y, and Z, because blah, blah, blah. Now all I have to do is reduce that to an e-mail. I get it's more work. I get it takes more time.

I just don't think it's a really heavy lift, but I do understand the concerns that are being that are we're hearing about for sure.

SM Shasta Kearns Moore 16:37

Yeah. Thank you.

ML Mark Landauer 16:38

Yeah, and Todd, I just want to be clear. I agree with you, right? If a public body is charging people, they should be able to show the math, right? It's that simple. It's just, you know, again, my concern has been largely a leave due to the timeline, which was really my only concern. And with your assurance that the safety valve does apply here, I'm good. I don't quibble with anything that you said. If we if we are charging people, we should know the math, right?

And so I do not disagree with any statement that you made there.

PD Portland-Oregon.Room1D-70 * DAS 17:25

I'd be curious to dig up the legislative history. Sorry, Shasta, for when the provision that you're supposed to have a policy posted was actually like, you know, testified to the legislature to see what kind of concerns existed then and to see if any of those have ever actually come to pass. Anyone wants to help me with a deep dive research paper.

It might help us support this concept.

SM Shasta Kearns Moore 17:47

All right, that sounds good. Well, we have a big agenda to get through, so I think I'm ready to vote. Seems like most people are, so I would entertain a motion to forward this concept or these concepts to the legislature.

BW Brent Walth 18:05

So mood.

PD Portland-Oregon.Room1D-70 * DAS 18:07

Second.

SM Shasta Kearns Moore 18:08
Moved by Scott, second by Todd. All in favor?

PD Portland-Oregon.Room1D-70 * DAS 18:12
Chair, Chair Board.

AE April Ehrlich 18:12
I...

SM Shasta Kearns Moore 18:12
Right.
Oh.

ML Mark Landauer 18:14
Discussion quickly.

PD Portland-Oregon.Room1D-70 * DAS 18:16
Yeah, I, I...

SM Shasta Kearns Moore 18:17
Oh, sorry, discussion, yes.

BW Brent Walth 18:18
Ohh.

PD Portland-Oregon.Room1D-70 * DAS 18:19
I had a question of clarification. Sorry, Mark. Are we voting on all three concepts or just the legislative?

ML Mark Landauer 18:19
Um...
No worries.

SM Shasta Kearns Moore 18:27

Just the communication one.

We're still gonna discuss.

PD **Portland-Oregon.Room1D-70 * DAS** 18:30

Communication, three or just the first one, all three.

SM **Shasta Kearns Moore** 18:32

That all three of the communication concepts.

PD **Portland-Oregon.Room1D-70 * DAS** 18:36

Okay, can I just, oh, do you want to say something? I say first, like. The first one. And are we going to, did we amend the agenda to take comment before we voted?

SM **Shasta Kearns Moore** 18:47

Right, yes, Mark was reminding me of that. So yes, sorry, we're rolled back. We have a motion and a second. Do we have any comment from the public?

PD **Portland-Oregon.Room1D-70 * DAS** 18:48

Yeah, every.

ML **Mark Landauer** 18:59

Well, my question again was, are we voting on all three or each one individually? That would just be helpful.

SM **Shasta Kearns Moore** 19:10

We're voting on all three of the communication concepts. We also have three other concepts, so I'm hoping to get it through it quickly, but if we would like to break it up, I would entertain that motion.

PD **Portland-Oregon.Room1D-70 * DAS** 19:25

I have a motion to set a comment.

SM **Shasta Kearns Moore** 19:28

Todd, go ahead.

PD **Portland-Oregon.Room1D-70 * DAS** 19:29

Okay, so, you know, in the past, the practice worked really hard and diligently and often unanimously, or at least close to unanimously in passing these concepts. When it comes time to testify about them, however, we usually empower maybe the chair or the chair in my office to go and testify on their behalf. And because a lot of our members wear 2 hats, they sometimes don't testify.

on behalf of whatever concept we're proposing, or they even have to come out and testify against it or raise concerns. I know that there's no one in this meeting who wears 2 hats who can make any promises now, but we have not been successful in part, I think, in passing some broad strokes that we've tried to get past in the past. because we haven't come out forcefully enough with enough members of our council testifying on behalf. And to the extent anyone feels like they can or is willing to do so, go back to their employers to truly advocate for these concepts if they actually believe in them as PRAC members and think they can be beneficial to their clients too.

to vote with that in mind, because even these low hanging fruits that shouldn't cost any public bodies more money to implement are probably going to have people come out and testify against them with ballot concerns. And I think we need a full court press if we really hope to get this done. And I hope that those who have bosses to answer to that might have different thoughts or need to be convinced are willing to do that this time around for these concepts. And I just asked them to consider that before they voted.

SM **Shasta Kearns Moore** 21:01

Okay, thank you.

Mark, more discussion.

ML **Mark Landauer** 21:06

Well, two things. Just quickly, do we know whether or not we have a sponsor for the bill lined up, or for these concepts lined up? I know that we have ex-officio members. I assume that Rep Anderson, I didn't see if Andy Smith was on here today.

SM **Shasta Kearns Moore** 21:26

Yeah, he's...

ML **Mark Landauer** 21:26

Um...

PD **Portland-Oregon.Room1D-70 * DAS** 21:27

Is it? I thought it was saying it would be on there.

BW **Brent Walth** 21:28

Yeah.

SM **Shasta Kearns Moore** 21:28

Yeah.

ML **Mark Landauer** 21:29

Oh, okay, good. Well, I'm glad to hear that we have somebody there on that. That was my first question. And then, Todd, to your point, just real briefly, you know, I understand what you're saying. I will

PD **Portland-Oregon.Room1D-70 * DAS** 21:39

Yeah.

ML **Mark Landauer** 21:48

also submit that the legislation that we introduced last time was somewhat controversial. And so I don't disagree with the premise of what you were stating, but the content of that legislation was controversial. And I would just point that out because, frankly, my organization wasn't willing to support it. Okay. And I think that that's fair. I would say, though, that these are far less controversial. And as a result, I think it's less likely that or more likely that you will see support or neutrality rather than opposition. So I just wanted to make that point because I do agree with you generally, but the content of the bill matters. Thank you.

SM **Shasta Kearns Moore** 22:53

Thank you. All right, looks like we have public comment from...

That disappeared from my screen, Charlie.

Yes, go ahead.

CC **Charlie Conrad** 23:03

Yes.

Thank you, appreciate it. I appreciate the chance to, for public comment about this.

So Charlie Conrad, League of Oregon Cities, lobbyist, and you know, just piggybacking, piggybacking on #3. I think the league would have a significant problem supporting #3, given that it's preempting local and smaller cities.

from actually charging a fee for something they're mandated to do until they actually have it posted on the website or the public space. Certainly not an issue with the transparency part, right? The first few lines of that is absolutely fine. We should have that information out there. People should know how to request public records, do all those kind of things. But the simple fact of

barring local governments, cities, smaller cities from charging a fee until this criteria is met is to use Mark's word problematic. And I don't see where we would be supporting that based off that concept alone. Again, not the goal of the transparency side, certainly support that.

but that section is going to be an issue for us. Thank you.

SM **Shasta Kearns Moore** 24:07

Great. Thanks.

Great, any other comments?

All right, are we ready for a vote?

PD **Portland-Oregon.Room1D-70 * DAS** 24:13

The question, Charlie, this is Michael Anderson on the crack. Charlie, is that mitigated by if there were some sort of a deadline built in, like you can't charge a fee past the date January 1st, 2028 or whatever?

SM **Shasta Kearns Moore** 24:15

No, sorry, I can't see you.

CC **Charlie Conrad** 24:30

I'd have to look at those dates. So, you know, the comments that I'm making now are

based simply on what the six lines that are presented on the agenda. You know, if there's a, yeah, if there's some details, if there's some something to be fleshed out, I'd look at it at that point in time and see if that makes sense and get a sense from our members of, you know, how easy it would be for them to be able to comply with that if that's a reasonable time frame.

PD **Portland-Oregon.Room1D-70 * DAS** 24:38

Yeah, same here.

Thanks.

ML **Mark Landauer** 24:59

Yeah, Todd, I want to ask a question of you to Mr. Conrad's comment. It's my understanding that public bought, I'm sorry, you want to make sure, make sure you make sure you hear me.

PD **Portland-Oregon.Room1D-70 * DAS** 25:11

No, I'm sorry, go ahead, Mark.

I, I had two kids, Mark.

ML **Mark Landauer** 25:17

It's my understanding that the law already requires that a public body post or have a procedure in place. All this is doing is requiring the public body to make it available either on their website
or if they don't have a website posted in a public place or made available on request.
Is that correct?

PD **Portland-Oregon.Room1D-70 * DAS** 25:46

Yes, the law of the land since time immemorial under public records is that you have to publicly post your public records policy saying how, you know, who your custodians are and what fees you're charging. The only difference here is this ad, put it on a website if you have it, because nowadays that is the public billboard, and if you don't make it publicly available otherwise,
The only real conceptual change here is it says this law has existed for decades, now has the consequence. You can't charge fees until you do. So certainly I would oppose, for instance, a bill with that concept in it having an E clause because public

bodies that don't have a publicly posted public records policy should be given the time

ML **Mark Landauer** 26:14

That's right.

PD **Portland-Oregon.Room1D-70 * DAS** 26:28

to either draft it and post it on their website or elsewhere, or go ahead and post it. I am in no way in favor of penalizing any public body that needs time to make this happen. And one thing our office does regularly is work with any public body at any level in the state to either draft the public records policy if they don't already have one, or help them update it because a lot of them are out of date.

But this in no way should be viewed as a mechanism to penalize public bodies, but merely bring them into compliance with what the law has always said. It just says, now, hey, you have, by the way, you have to actually do it. And to be honest, in my experience, posting a policy benefits public records custodians, not just requesters, because then requesters know

where to submit a request, how much they might be charged, and they could actually draft a public records response that hopefully will be cheaper and faster for them and the records custodians. And so I think it's everyone's benefit, but yes, there will be an adjustment for those that haven't already complied with this law that's been on books for a long time.

ML **Mark Landauer** 27:27

Yeah, I just wanted to make that clarification for Mr. Conrad, because I would agree that it's not a significant departure. It's really not.

Uh, this is already required by law. It's just putting, it's just putting teeth.

SM **Shasta Kearns Moore** 27:42

Yeah, I'm going to wrap up discussion because we have so much to get through today. So if we're ready for a vote on these concepts as written, then let's move forward.

Okay. All right. All in favor.

PD **Portland-Oregon.Room1D-70 * DAS** 27:59
Bye. Bye.

CS **CLARK Stephanie * SOS** 28:00
I.

SM **Shasta Kearns Moore** 28:04
Name.
Looks like one, two, three, 4, 5.
Six.
Six in favor, any opposed?

PD **Portland-Oregon.Room1D-70 * DAS** 28:13
Thank you.

SM **Shasta Kearns Moore** 28:19
Any abstentions?
Okay. Motion passes, I believe. Yeah.

PD **Portland-Oregon.Room1D-70 * DAS** 28:27
I just question.
Could you just ask Andrew what the next steps are for submitting this concept through Anderson?

SM **Shasta Kearns Moore** 28:35
Andrew, what's the next steps?

SA **Smith Andrew** 28:37
So the first happy to help in whatever way needed. We do have an initial deadline that I could help probably meet, but by September 11th or early pre-session filing bills. But I didn't know whether the original bill for this PRAC gave the guideline for how legislation goes forward. You know, if there is no guidance in our bylaws or the bill,
then, you know, we would be happy to do that. So kind of two avenues. Was there

any direction or existing direction in anything that established the PRAC for how this works? And if not, then we can just, we can do it different ways.

PD **Portland-Oregon.Room1D-70 * DAS** 29:10

Yes.

Yeah, Andrew, we've always worked through our ex official members and submitted concepts that way. And when the PRAC was made permanent, our statute says that the PRAC is able to submit legislative concepts and we don't have to go through the governor's office.

SA **Smith Andrew** 29:19

Okay.

Sounds good. So it's good timing because the deadline actually is a week from Friday. It's not a hard deadline, but it's called the pre-filing, bills that will be filed and submitted before the session starts. So I think that was what you would want, correct?

SM **Shasta Kearns Moore** 29:46

Mhm.

SA **Smith Andrew** 29:48

So, so very quickly, how many different concepts do you is, you know, the one that you just voted on, that's one bill?

SM **Shasta Kearns Moore** 29:55

That's one.

SA **Smith Andrew** 29:56

And how many more will there be two more?

SM **Shasta Kearns Moore** 29:58

Three more.

SA **Smith Andrew** 30:00

Okay. I mean, that's doable. I'm glad I'm here just to help facilitate that. But yeah, all

members, there are no bill limits or anything like that. It's just work on my end and I accept Venmo payment, you know, soda pop, whatever. So.

PD **Portland-Oregon.Room1D-70 * DAS** 30:12
Yeah.

SA **Smith Andrew** 30:15
But so happy to do that.

SM **Shasta Kearns Moore** 30:16
Well, I wasn't there to bring cookies today, so...

SA **Smith Andrew** 30:19
But to the degree if I have questions, I think I'll be able to handle it all. Who's the best lead for me to ask on this call? Who should I work with?

SM **Shasta Kearns Moore** 30:28
You can work with me.

SA **Smith Andrew** 30:30
That's you, Shasta.
Okay.

SM **Shasta Kearns Moore** 30:37
Okay, so let's move on to this other, these other three concepts, which are kind of a slate because they're new, but they are, we agreed as a subcommittee to forward them on individually in case, you know, because they're all.

PD **Portland-Oregon.Room1D-70 * DAS** 30:43
Yeah.

SM **Shasta Kearns Moore** 30:55
pretty different concepts. So we'll kind of take them one by one. And so the first one would be establishing a public records capacity grant program. So one of the things that we identified in the survey is that there's a lot of, you know, small under-

resourced districts.

that are jurisdictions that, you know, could use like a one-time payment to update their technology or, you know, responding to a surge event or something like that. So, you know, this would, you know, be a general fund appropriation and we could potentially, you know, pay for it through some sort of like surcharge of certain records, such as court filings or building permits, like a very small fee. So that's the concept. You know, the, you know, it could tie in to the technology collaborative that maybe if you're a member of this, then you.

you're eligible for this grant. So, you know, something like that. So.

Yeah. Any thoughts or discussion on this public records capacity grant program?

PD **Portland-Oregon.Room1D-70 * DAS** 32:22

Yeah.

I was just going to say I support this concept. I'll be voting for it. I have concerns about embedding it in my office without commensurate staffing increases as well, because obviously we're already maxing out the workload for Yufeng and I under our current cut requirements.

SM **Shasta Kearns Moore** 32:46

Thank you for that.

Um, well...

PD **Portland-Oregon.Room1D-70 * DAS** 32:51

I also support this. I think this is a great idea that I would suggest maybe one tweak to it, and that would be, you know, when I talk to lawyers who are working for counties, particularly lawyers who are just beginning their

SM **Shasta Kearns Moore** 32:52

Here.

PD **Portland-Oregon.Room1D-70 * DAS** 33:07

their experience with the public records law, they often comment on the... the distributed nature of guidance on the public records law that exists. So there are kind of two gold standards, the Attorney General's Manual and the League of Oregon City's Manual. But they're both periodically updated, and so they don't

necessarily capture changes as they go through the legislature. It'd be great if this grant could also be used to fund a law clerk at the AG's office to update that manual more consistently or same thing with the manual of the League of Oregon Cities.

SM Shasta Kearns Moore 33:46

All right, thank you.

Any other comment from the council? Oh, Michael? Sorry, you're so tiny on my screen.

PD Portland-Oregon.Room1D-70 * DAS 33:53

Yes, Michael.

No problem. The I all but certain that this would not be able to move without some sort of a pay for. Do you have has anybody run the math on how big the small fee would need to be in various scenarios?

SM Shasta Kearns Moore 34:14

I did some very back of the napkin calculations that I would have to dig up, but yeah, not I think legislative fiscal office would have to do that for real real.

PD Portland-Oregon.Room1D-70 * DAS 34:26

Yeah, or are you talking about like 20 cents, \$4.00?

SM Shasta Kearns Moore 34:30

Yeah, I was thinking like a dollar per court filing or something like that. Yeah.

PD Portland-Oregon.Room1D-70 * DAS 34:30

Twelve dollars.

Yeah, fair.

SM Shasta Kearns Moore 34:40

You know, you don't want it to be too small because then there's like more administrative costs than it's worth to collect, but yeah.

PD Portland-Oregon.Room1D-70 * DAS 34:45

Yep, yep.

Well, actually, Mike made me think of something that we didn't really address about how these concepts differ from the communication ones that we voted on. The communication ones have been, are the product of what, like four years of discussion amongst various stakeholder groups and are essentially being handed to the legislature in a form that we'd like to see passed, like work for work, more or less. Obviously, that's not guaranteed. Who knows what will happen.

Whereas these concepts are in fact just that. We're sort of saying to the legislature, please officially explore these concepts, right, if I'm not wrong. And certainly that could result in something that looks very different in the end. It could just result in a work group to discuss this further, like what happened with our prior bill. And so I think when everyone's

SM Shasta Kearns Moore 35:20

Yeah.

PD Portland-Oregon.Room1D-70 * DAS 35:31

discussing these concepts, we should keep in mind that these are a lot less fully formed and probably won't survive in the same form, but are just general ideas, even within this long concept. You know, we're saying funded from the general fund and or maybe surcharged. There's a lot more wiggle room or ambiguity with these concepts versus the other one.

As we just discussed, a lot of it's really up in the air at this point. Thanks for the clarification.

SM Shasta Kearns Moore 35:55

Yep, for sure.

All right, any comment from the public?

Hearing none, I will entertain a motion to vote on this concept.

PD Portland-Oregon.Room1D-70 * DAS 36:11

Remove.

SM Shasta Kearns Moore 36:11

Or they, who is that?

And.

Second.

PD **Portland-Oregon.Room1D-70 * DAS** 36:18

Second, Scott.

BW **Brent Walth** 36:19

Second.

SM **Shasta Kearns Moore** 36:21

OK, any discussion?

All in favor.

PD **Portland-Oregon.Room1D-70 * DAS** 36:27

Bye, bye.

CS **CLARK Stephanie * SOS** 36:27

Hi.

SM **Shasta Kearns Moore** 36:31

So that's eight in favor. Any against?

Any abstentions?

Okay, I was getting really nervous about that first one. That would be the least controversial. So we'll move on to the third concept for discussion today, which is the Public Records Mutual Aid and Surge Support Program. If you notice the yellow highlighting there for those who are able to look at it on the screen. That is just a change from the original concept proposed in, I think it was May. And so the idea here is...

Well, I can let April explain it if she wants to. Yeah.

AE **April Ehrlich** 37:26

Yeah, I mean, the way I understand it is that there would be like a group of folks who would be willing and able to help in times of searching public records requests at a given agency. So like, for instance, let's say there's a large tank that is that holds a very dangerous chemical and it explodes and injures

and kills a bunch of people. Suddenly we have a bunch of districts in that area getting a bunch of public records requests. We would be able to tap some other people in other agencies.

in other parts of the state who are maybe in a slower time who might be able to help. I did talk to the League of Oregon Cities and the Association of Oregon Counties about the logistic realities of this sort of model and whether it could potentially work. And it sounds like it might logistically not be the best, but we can maybe talk about that a little bit more. But it just sounds like being able to get a public records person into a system that they're entirely like not familiar with is it's just not as plug and play as like the phrase I heard as like maybe emergency managers.

SM Shasta Kearns Moore 38:30

Yeah.

AE April Ehrlich 38:49

are, which is kind of where the inspiration came for this model is from emergency managers who do move around between the state and help with responding to catastrophes. Yeah, I mean, is that kind of everything?

SM Shasta Kearns Moore 39:08

Yep, so, and so I would say, you know, it's kind of like it can be, you know, so it's on request. You can say, hey, help, we need help. And then another concept that we kind of added in was if you do use that safety valve, if you say, you know, pursuant to ORS 192329.

like we can't fulfill this request in the amount of time that we were given, that kind of would trigger a request for aid as well. So, you know, you know, it, you know, it doesn't have to be like you have to accept a person in your place who doesn't know what they're doing.

PD Portland-Oregon.Room1D-70 * DAS 39:32

The.

SM Shasta Kearns Moore 39:51

but also kind of like making sure that when you do have those small, overwhelmed

agencies, that they have the resources available to meet the request, because public records are a core form, a core function of government.

Yes, Todd.

PD **Portland-Oregon.Room1D-70 * DAS** 40:10

I definitely see this if there's interest in getting rolled out maybe as a pilot program first amongst a handful of public bodies that want to participate or are interested in accepting help if needed, are willing to talk about what their file systems look like, the technology they're using. And I think, you know, if this has any legs, it would start out in that small sort of way and would definitely probably benefit from something like a database where each

public body routinely updates it with like staff available systems they're trained on and things like that so that those who are interested in sort of shopping from this platform could go and look and say, okay, I need half FTE and on this system and they could sort of make it plug and play in some ways because you look for the elements you need.

and don't have to just start it like sort of start shopping around. So I think it's viable. It would just take a lot of work and certainly not be something I think that could be rolled out like ready to go in year one, but could have viability down the road, especially as everyone becomes more integrated with technology. And I hate to say, but maybe even AI could help with it.

SM **Shasta Kearns Moore** 41:12

Yep.

PD **Portland-Oregon.Room1D-70 * DAS** 41:16

No, we'll have.

SM **Shasta Kearns Moore** 41:17

Nope, very well.

PD **Portland-Oregon.Room1D-70 * DAS** 41:19

I second something that Todd said. I love the idea of this as a pilot. I think what April said earlier, there are logistical issues, at least that I can see with rolling this out. So for example, at Multnomah County, I think by volume, most of our public records

requests come into the sheriff's office. A lot of Those deal with information that's called criminal justice information that's subject to compliance with complicated federal and state laws. Just getting people access to those databases is a bit of a headache. So the idea of somebody parachuting in and getting access to them as our CJIS guy. makes me wonder. So I think kicking the tires on this and trying to look at some of these practical issues like data access and, you know, I just under see just, but for corrections health, HIPAA, that sort of thing, is an important step in figuring out how it could work. for which public bodies it could be useful.

SM Shasta Kearns Moore 42:24

OK.

Can I see another hand?

ML Mark Landauer 42:32

Yeah, I just say I don't have much objection to the concept. I think that there are some practical hurdles like payroll, liability, things of that nature. But having said that, I'll be supportive of the concept.

SM Shasta Kearns Moore 42:58

All right, are we ready to try, I guess, for public comment?

All right.

Have I done the motion yet? I don't think I did. I did? Okay.

Motion, well, I didn't write it down, so motion for this concept, the...

PD Portland-Oregon.Room1D-70 * DAS 43:22

No.

So moved.

SM Shasta Kearns Moore 43:29

Yes, who's that?

PD Portland-Oregon.Room1D-70 * DAS 43:31

Michael, Michael.

SM **Shasta Kearns Moore** 43:32

Like.

One second.

BW **Brent Walth** 43:35

Brent Second.

SM **Shasta Kearns Moore** 43:38

Right.

Great. All in favor?

PD **Portland-Oregon.Room1D-70 * DAS** 43:43

Bye.

AE **April Ehrlich** 43:44

Bye.

SM **Shasta Kearns Moore** 43:46

OK, 8 in favour.

Are we 8? Is that how many we are?

PD **Portland-Oregon.Room1D-70 * DAS** 43:50

Nine with you, nine with you, chefs.

SM **Shasta Kearns Moore** 43:53

Nine. Who am I missing? One, two, three, 4. One, two, three, 4.

CS **CLARK Stephanie * SOS** 43:56

So.

PD **Portland-Oregon.Room1D-70 * DAS** 43:56

Nina.

There were five members online and four present in Portland.

SM Shasta Kearns Moore 44:04

I'm missing somebody there.

CS CLARK Stephanie * SOS 44:05

Has Chris from DAS been voting?

It says Chris is sitting in for Brianna, or can he not vote?

PD Portland-Oregon.Room1D-70 * DAS 44:10

No, I...

Four.

SM Shasta Kearns Moore 44:13

Oh, it's you, Stephanie. You're the one I'm missing.

PD Portland-Oregon.Room1D-70 * DAS 44:14

My apologies.

CS CLARK Stephanie * SOS 44:17

Ohh.

PD Portland-Oregon.Room1D-70 * DAS 44:17

I didn't know Chris was sitting in for Brianna.

LD LIEDLE Chris * DAS 44:21

Setting in for Brianna, yes. Am I supposed to be voting?

CS CLARK Stephanie * SOS 44:21

Yeah.

PD Portland-Oregon.Room1D-70 * DAS 44:25

If you're, in my experience, if you're officially here on her behalf, then you can vote on her behalf. Because you're here instead of her on behalf of DAS, so you should be able to vote.

LD **LIEDLE Chris * DAS** 44:33

Okay.

OK.

CS **CLARK Stephanie * SOS** 44:41

Um, I voted in favor of everything so far, Shasta, yeah.

SM **Shasta Kearns Moore** 44:43

Okay, thank you.

Hi, Chris, how about you?

LD **LIEDLE Chris * DAS** 44:52

It's hard. Sorry, it's just so hard sitting in here on her behalf and voting on her behalf. I'll abstain. Yeah, thank you.

SM **Shasta Kearns Moore** 44:55

Yeah, okay. We'll just abstain for you. Yeah.

All right. Great. Thank you all. Moving on to the Statewide Public Records

Technology Collaborative. So this is one that I kind of took on to try to figure out.

And unfortunately, I have still not really figured it out because it's very complicated.

Who knew, state government was so complicated. But Scott did some great work in getting ORMS folks to come to a previous meeting to explain how their system, I think it's called Oregon Records Management System, works and that different jurisdictions can kind of.

buy into that, and that there are a certain number of licenses that you can get, and it is sort of, you know, a collaborative way of managing data, but it's not really a collaborative way of like having a public records portal. So explored, could we kind of expand ORMS to have that to be a public records portal?

that, you know, could simultaneously, you know, receive requests and maybe even like process them within that whole sphere. But then I had a meeting with Secretary of State's office who handles ORMS and they are like, we are in the middle of a massive thing to update or star.

CS CLARK Stephanie * SOS 46:19

No.

SM Shasta Kearns Moore 46:29

And so we don't think that we could take on that as well. And then I reached out to Enterprise Information System, which is housed within the Department of Administrative Services, who is our sort of technology solutions folks.

And they very helpfully surfaced a thing that I was in the middle of preparing. So it's not as prepared as I would like it to be. But so in the 2021-23 budget, DAS already sort of received money from their budget.

in 2023 for two positions to oversee a software as a service public records request management system. So they have already sort of done a very similar thing to what we were talking about in getting a

Gov QA purchasing agreement that other places can buy into. What's still unclear to me is whether this like statewide negotiated agreement is just for each state agency to buy into if local jurisdictions can also

buy into it. And just to remind everybody, this is all coming out of the 2025 survey that we did of various jurisdictions. And this pie chart that I would love to do right now, which is basically like the biggest sliver, but still pretty small, is that most places are using Gov QA, and then just like so many tiny slivers of like everything else that people are using. And so there really is a vast variety of different public records management systems that people are using. And so, you know, our intention was. not only simplifying that system, but making it so that local governments don't have to, you know, negotiate and research their own contracts for these situations. And, you know, kind of the work that we were just talking about of like, if somebody needs to come in and help, they already know that system.

So I'm still kind of at loose ends on like, who, like what exactly this new system is that they have been setting up since 2023 is and how we can help. So if anyone on the call knows about this, I would appreciate it.

PD Portland-Oregon.Room1D-70 * DAS 49:10

So, it's if you help you out.

SM Shasta Kearns Moore 49:13
Of QA.

CS CLARK Stephanie * SOS 49:21

So, anecdotally, Shasta, I know that a lot of state agencies use GovQA, right? But our jurisdiction at the State Archives, you know, I think you talked to some of my staff, is really records management. So that's what ORMS is and that tool.

From what I understand is not the right technology to also.

do what Gov QA is, they're different systems. So like Gov QA is for receiving requests and processing their requests and redaction. And then ORMS is for the original records to live for their lifecycle and be managed for retention. There's also web portals where agencies like the State Archives and...

the city of Milwaukee can push out publicly available documents that are searchable across the entire data set. So we already have those websites. And sorry, the concept that as I'm reading it here is sort of mixing a records management technology and a public records request technology.

So...

That doesn't exist that I'm aware of, so I don't know.

SM Shasta Kearns Moore 50:37
Yeah.

CS CLARK Stephanie * SOS 50:37

And who would run it? Because I have six staff members that run it at the State Archives and it's taken us 15 years to do it.

SM Shasta Kearns Moore 50:44

Right. And that was kind of why I updated, you know, after the conversation with Secretary of State's office was like, okay, well, let's just make this a little more vague so it doesn't have to be ORMS if that's not the right place for it. But, you know, this is sort of, you know, the concept is just,

CS CLARK Stephanie * SOS 50:45

Where we have it now.

PD **Portland-Oregon.Room1D-70 * DAS** 50:45

And.

CS **CLARK Stephanie * SOS** 50:49

Yeah.

So, we're already doing it, like...

SM **Shasta Kearns Moore** 51:03

Yeah.

CS **CLARK Stephanie * SOS** 51:05

So we're already doing the records management thing. We've been doing that for, you know, as long as I've been here, 14 years. And we have tried to get every entity in Oregon to join. Like we have traveled the state and still do. We will talk to anyone who will listen. So if this group.

PD **Portland-Oregon.Room1D-70 * DAS** 51:16

Yeah.

Yeah.

CS **CLARK Stephanie * SOS** 51:25

encourages more folks to join ORMS, that'd be great. But the platform's already there and it's ready for whoever wants to join it. And we have master services agreements. We have all the contract stuff. It's super easy to join. But I also want to fully support those entities that are not part of ORMS. that also needs support from the State Archives. So we don't favor ORMS. groups. So, Steve, Scott, sorry.

PD **Portland-Oregon.Room1D-70 * DAS** 51:56

I'm raising my hand on.

CS **CLARK Stephanie * SOS** 51:56

Not that I can, not that I can call on you. Sorry, not the chair, but I saw, I saw your hand up.

SM Shasta Kearns Moore 51:59

Yeah.

That's OK.

Yes, Scott, go ahead.

PD Portland-Oregon.Room1D-70 * DAS 52:03

I'm raising my hand on behalf of Will and Michael, who both have their hands up. I think Will was up. He was. I was just going to note that being able to procure this more easily is done under a quantum procurement, but that's a fairly easy thing to set up. You have particular language in your

CS CLARK Stephanie * SOS 52:07

Okay.

SM Shasta Kearns Moore 52:07

No, thanks.

One.

PD Portland-Oregon.Room1D-70 * DAS 52:22

contract that provides for it, you make sure that the original solicitation is a formal one that's competitive and you kind of are off to the races. For GovQA and for many of these systems, the hard part is the configuration, the standing system up and then the integrations with your existing tech stack.

And that's, I think, where the real value that we can state can bring is. The state does a lot of cooperatives, and I'd be surprised if there wasn't one with Granicus for GovQA. But the work of getting the system up and running, getting the forms,

SM Shasta Kearns Moore 52:56

Well...

PD Portland-Oregon.Room1D-70 * DAS 53:00

created within the system so that we're communicating with the public, making requests in a manner that's consistent with Chapter 192. And a lot of that stuff is hard. And this program would be great in addressing that process.

SM Shasta Kearns Moore 53:19

Okay, yeah, I guess, well, Michael, you have your hand up.

PD Portland-Oregon.Room1D-70 * DAS 53:26

My only comment is a quick web search suggested that Washington has a pilot along exactly these lines that is just launching right now-ish. Has anybody looked into that?

SM Shasta Kearns Moore 53:38

I haven't talked to Washington, like WCOG. I don't know how they pronounce their acronym, but the Coalition on Open Government.

PD Portland-Oregon.Room1D-70 * DAS 53:48

Apparently, WaTech, the state's technology agency, is managing this pilot.

CS CLARK Stephanie * SOS 53:56

Is it records management or is it public records request management?

PD Portland-Oregon.Room1D-70 * DAS 54:00

I think it is a common public records portal.

CS CLARK Stephanie * SOS 54:05

Okay, for requests? Okay, sorry.
Just for requests, can you tell or?

PD Portland-Oregon.Room1D-70 * DAS 54:11

I do not know, sorry, I just...

CS CLARK Stephanie * SOS 54:12

Okay.
Gotcha.

SM Shasta Kearns Moore 54:16

Thanks. Oh, look, Chris. Yes. Maybe you can help us.

LD **LIEDLE Chris * DAS** 54:18

Hey, Shasta. Yeah, no, thank you. I guess like I kind of share some similar thoughts to Stephanie. I'm just a little bit confused on whether we're talking about a records management system or a public records management system.

SM **Shasta Kearns Moore** 54:33

Public Records Management System.

LD **LIEDLE Chris * DAS** 54:35

Public records management system, okay.

CS **CLARK Stephanie * SOS** 54:36

For the requests.

SM **Shasta Kearns Moore** 54:38

for the requests.

LD **LIEDLE Chris * DAS** 54:38

For the requests, because some, yeah, like there's language in here that talks about, right, like, like the retention and holding the records, and then there are, there's language in here that actually like talks about like the full public records life cycles, but I want to make sure that we're talking about the same thing here, and that's the public records.

CS **CLARK Stephanie * SOS** 54:39

Yeah.

LD **LIEDLE Chris * DAS** 54:58

management cycle and system. Okay, thank you.

SM **Shasta Kearns Moore** 55:03

Yeah.

We can.

I mean, the, I guess.

I, like, with the knowledge that...

Like the main thing that I think we were trying, the main problem that we were trying to solve is having some way for the state as a whole to have, you know, a public records management system. And originally we were like, well, let's develop one in-house because Oregon does that already with ORMS.

And then we were kind of looking and going, well, if that's going to be too difficult, the one that most people use is GovQA. Well, now it's kind of like, well, maybe most people use it because that's the one that the state is already negotiated a contract for. But kind of the missing piece for me is still like, why aren't local governments using it?

Todd.

PD **Portland-Oregon.Room1D-70 * DAS** 56:05

Some local governments are.

SM **Shasta Kearns Moore** 56:07

Yeah.

PD **Portland-Oregon.Room1D-70 * DAS** 56:08

at the city and county level. What about this? Well, first of all, so under the description of the concept that we're discussing, I think the language itself is, you know, broad, well, pinpointed, but also broad enough that it works as a concept to introduce a conversation if the legislature wants to go in that route that could lead to the different types of things we're talking.

SM **Shasta Kearns Moore** 56:16

Mhm.

PD **Portland-Oregon.Room1D-70 * DAS** 56:31

about. I don't know how much we really need to drill down if we're simply proposing a concept here. Like for instance, if GovQA is kind of becoming the more dominant one, even though it's like sort of a small dominant system, maybe then the idea is to dovetail with concept one in this group of ideas, which is.

SM Shasta Kearns Moore 56:37

Uh-huh.

PD Portland-Oregon.Room1D-70 * DAS 56:50

the state provides grants to local public bodies to be able to afford the QA or something like that, or there's some kind of collective pot to help those who want to adopt QA but may not have the ability to do so afford it. Or if the state and local public bodies can join together and negotiate with QA to become a much larger client with greater negotiating power to get better rates from Gov QA. Like I remember when I worked at for the court for the court system, you know, we had an off-the-shelf system that was really buggy and wasn't well developed for like the state of Oregon's needs, but the concern was always like, well, we're a pretty small fish compared to the other.

clients, the software company has, we kind of have to accept what they offer us off the shelf. So I think merely a concept that could maybe improve the state's bargaining power by unifying some of those who are working with this contractor can also bear fruit. So, but my point, I guess, is that like, I think the concept is improve technology,

cooperation amongst public bodies in Oregon to lead to better systems overall.

Maybe, you know, I don't know how much more we need to worry at this point about going deeper in the concept.

SM Shasta Kearns Moore 58:03

Okay.

All right.

PD Portland-Oregon.Room1D-70 * DAS 58:14

Okay.

SM Shasta Kearns Moore 58:18

Is, uh, let's see, do we have any discussion from members of the public?

On this concept.

Hearing none, I will entertain a motion.

PD **Portland-Oregon.Room1D-70 * DAS** 58:38

Sorry, can you just, I just have one more comment. Would it help if we amended this concept? Because right now the first line says create a collaborative software licensee program or state-run IT solution for records management. What if we change that word to from management to disclosure to greater focus this concept on

SM **Shasta Kearns Moore** 58:42

Yeah.

PD **Portland-Oregon.Room1D-70 * DAS** 58:58

What I think are all kind of favorites.

SM **Shasta Kearns Moore** 59:01

Mhm.

CS **CLARK Stephanie * SOS** 59:02

Yeah, I would be more comfortable with public records request management or anything with request in there because records management is like...

SM **Shasta Kearns Moore** 59:09

Mhm.

CS **CLARK Stephanie * SOS** 59:10

My job, Sue.

SM **Shasta Kearns Moore** 59:12

Okay.

PD **Portland-Oregon.Room1D-70 * DAS** 59:14

No one wants to step on your toes, Stephanie.

CS **CLARK Stephanie * SOS** 59:16

Hey, you're welcome to try to duplicate it. It took so long. It's fine. I'm just kidding.

SM Shasta Kearns Moore 59:24

Hey, I think I saw Michael's hand go up.

PD Portland-Oregon.Room1D-70 * DAS 59:28

No, just, I'm gonna send you more information on Washington's pilot.

SM Shasta Kearns Moore 59:29

No.

Okay, great.

Yeah, I mean, I definitely will admit that I feel like this needs still needs some work that's not fully baked, but I think with the timelines, I'm, you know, still prepared to vote it through so that we can continue discussing it for the session. But. you know, this kind of new information that DAS already kind of has, what we thought that they should have, means that we probably need to really refine what it is that we're trying to do here. So.

ML Mark Landauer 1:00:08

I'll make the, I'll make the motion.

SM Shasta Kearns Moore 1:00:10

Great. Thank you, Mark.

And.

Let's have a second if there is one.

PD Portland-Oregon.Room1D-70 * DAS 1:00:20

Second, Scott.

SM Shasta Kearns Moore 1:00:21

It's good.

Great. All right, and looks like there's discussion from a member of the public.

YD YELLESETTY Leela * DEQ 1:00:33

Oh, hi, sorry. This is Leila from Oregon Department of Environmental Quality. I just had a clarifying question because, you know, at DEQ we use both ORMS and GovQA

and they have.

Very distinct functionality. We use RMS to store our public records. We make a lot of records directly available to the public on that portal, but we obviously still get requests for records that aren't publicly available, need to be collected, reviewed, and that's what we use GovQA for, is it's like the workflow processing for those requests. My understanding, and maybe this is just to clarify, is that the statewide contract for GovQA only applies to state agencies and not to local government. So I could see a real value if there's a way to do a contract like the ORMS statewide agreement, but for Gov QA that was applicable to all local governments and other entities. Certainly it took us like almost four years to get our Gov QA contract in place. So anytime we can simplify the contracting process and procurement process, for these kind of tools, the better, so I'd be very much in favor of that.

SM **Shasta Kearns Moore** 1:01:58
Scott.

PD **Portland-Oregon.Room1D-70 * DAS** 1:02:00

I think it depends on the local procurement contracting rules that each agency and city has adopted. But I know that my city frequently uses state negotiated pricing contracts. And I would be very surprised if the Gov QA, once it's finalized, if it's not available.

assuming that the local jurisdictions have adopted it. So you have 241 cities, you have 900 districts, and we've all got to have the same contracting procurement stuff in place to be able to take advantage of it. But I think it would be something we should eventually be able to be accessible to cities.

SM **Shasta Kearns Moore** 1:02:38

Mark, was your motion for this to go forward as written, or are you adding in the amendment from Todd and a couple others around?

ML **Mark Landauer** 1:02:50

Yeah, my motion was the amended version to deal with public records requests, I believe it was taught.

PD **Portland-Oregon.Room1D-70 * DAS** 1:03:00

And that's what I seconded. Yep. Yeah, I mean, it's a disclosure. I think Stephanie said request management, so maybe we could settle on some links.

ML Mark Landauer 1:03:09

Whatever the amended, whatever Todd's amendment was, Shasta.

CS CLARK Stephanie * SOS 1:03:12

Yeah, whichever.

SM Shasta Kearns Moore 1:03:14

Okay, public records disclosure. Yes.

PD Portland-Oregon.Room1D-70 * DAS 1:03:19

Yes, and then we need to then change management or modify it at the end of the sentence as well.

SM Shasta Kearns Moore 1:03:25

Okay.

Yep, we can make those adjustments. And it sounds like Scott is still seconding that. So all in favor.

PD Portland-Oregon.Room1D-70 * DAS 1:03:35

Alright, bye.

SM Shasta Kearns Moore 1:03:36

Hi.

AE April Ehrlich 1:03:37

Hi.

SM Shasta Kearns Moore 1:03:39

We are 9 again.

Thank you all.

ML Mark Landauer 1:03:45
Shest, I'd like to make one request.

SM Shasta Kearns Moore 1:03:46
Yes, uh-huh.

ML Mark Landauer 1:03:50
In the drafting of these, of all four of these proposals, Andy, if you could please strive to have as narrow of a relating to clause as possible when you make these requests. What I'd like to try to avoid is a relating to clause relating to public records. I'd like, if possible, for these relating to clauses to be as narrowly tailored to the subject that the proposal is trying to accomplish simply because if you have a broad relating to clause, a lot of shenanigans can take place. And I'd like to keep the discussion focused on the concept that the PRAC is forwarding rather than serving as an engine to pull a whole bunch of other cabooses behind, if I make sense.

SM Shasta Kearns Moore 1:04:57
Sounds good. Looks like Andy supports that.

SA Smith Andrew 1:04:58
Yep, Rep Anderson Mark is that pro shenanigan and he doesn't like Caboose's expanding shenanigans.

PD Portland-Oregon.Room1D-70 * DAS 1:05:04
Yeah.

SM Shasta Kearns Moore 1:05:06
I also heard from Todd that maybe we would avoid having an emergency clause on it to give folks time to implement these solutions.
Pardon?

PD Portland-Oregon.Room1D-70 * DAS 1:05:25
Actually, I guess this is a question for Andy as well. Do you think it's beneficial to try

to introduce a mirrored bill in the Senate as well, or is it...
Okay to just start with the house and work our way through.

SA Smith Andrew 1:05:37

No, that's always advantageous, but I can't vouch for who could, I can't commit to you who that would be. That request would have to be made from the chair, or I could come up with ideas, happy to help you do that, but that's up to those members, of course. But I, as a general purpose, they'd be probably exactly the same. It's not really that.

Well, let me share this. We get it drafted. Once it's drafted, that same draft can be dropped in either chamber. So you actually don't need to identify that senator yet. So let's.

SM Shasta Kearns Moore 1:06:09

I could try reaching out to you.

SA Smith Andrew 1:06:09

So, that is, that is, that is a hurdle, but one that can be crossed later, or a good idea later.

PD Portland-Oregon.Room1D-70 * DAS 1:06:15

Thank you.

SM Shasta Kearns Moore 1:06:15

I could try reaching out to Senator Thatcher.

PD Portland-Oregon.Room1D-70 * DAS 1:06:19

Yes, Mark, do you recall when her term ends?

ML Mark Landauer 1:06:24

She's barred from running again, so this is her last term.

PD Portland-Oregon.Room1D-70 * DAS 1:06:29

So it might benefit us to identify other senators who could assist.

SM Shasta Kearns Moore 1:06:35

What is the process for getting, and actually maybe we should move on to that part of the agenda. So yes, if we're done with the legislative concept part of the agenda, I do want to have a quick question to council members on if they are able to stay past two.

Because we're scheduled to end at 2, but we are not going to get through this agenda. I'm seeing thumbs up.

PD Portland-Oregon.Room1D-70 * DAS 1:07:04

I may have to move my car, but I could otherwise stay. Me too. I have to move my car at like 2:50, but I gotta go. He's gotta go.

SM Shasta Kearns Moore 1:07:11

Okay. Okay. All right. Well, it seems like seems like we'll still have a quorum. So we didn't really talk about when we would talk about this, but I think now is a good time that we talk about the discussion of terms. So I think if Cameron is on, he might have information on when the council members terms

AE April Ehrlich 1:07:12

I can, I can stay.

SM Shasta Kearns Moore 1:07:31

and what the process is for talking about new members.

PD Portland-Oregon.Room1D-70 * DAS 1:07:38

And I just, I get a note of that, Jeff, I believe there are seven of us or seven members of the council who are appointed by the governor, confirmed by the legislature. Those are the ones whose terms are at issue, because those who are proxies for other agencies serve at the pleasure of those agencies and are not term limited. So And 2 of their governor appointed positions are currently vacant. So there's potentially 5 members who are governor appointed who are on this council who could be facing the end of their terms this year. We all have that information in front of us.

M **MILES Cameron D * GOV** 1:08:14

I have that information in front of me. I'm not sure exactly what the question is though.

SM **Shasta Kearns Moore** 1:08:20

The question is which council members are up at the end of this year?

M **MILES Cameron D * GOV** 1:08:26

Um, you, your position is up.

SM **Shasta Kearns Moore** 1:08:30

Okay.

M **MILES Cameron D * GOV** 1:08:31

As is Mark Landauer's.

And well, Scott Stauffers is already up, but so it's those three.

SM **Shasta Kearns Moore** 1:08:41

Okay.

Um, Scott, did you have anything to say?

PD **Portland-Oregon.Room1D-70 * DAS** 1:08:48

Thank you. I just want to say I have to express my unavailability to be reappointed. I've super appreciated and it's been an honor to serve on the council and I've enjoyed working with all of you. There are strictly speaking things at my city that I need to be able to focus on.

the next couple of years. So I apologize for not being available further, but I can't stand for reappointment. But it's not a reflection on the council. I am super proud of the work we've done together and the friendships I've built. I just, I have to refocus at work. So.

That's my news. I can't, I can't be reappointed.

SM **Shasta Kearns Moore** 1:09:25

Thank you. Thank you so much for your service and we're sorry to see you go. Mark, do you have any comments?

ML Mark Landauer 1:09:35

Oh, I'm sure that my association will renominate me. They'll probably keep me, so. Happy to deserve.

SM Shasta Kearns Moore 1:09:45

All right. We're happy to have you. Thanks for being here. I would also be interested in being reappointed. I feel like we kind of just got started. I can't believe it's been only a year or whatever it is. So, but definitely would love for council members to start thinking about

if they would like to be a vice chair, because that is very helpful. So looks like we will have at least one vacancy. And then Cameron, our other question for you is how does the legislative liaisons get selected? Because it sounds like we'll need a new one in 2027.

For the Senate position.

M MILES Cameron D * GOV 1:10:29

Those are the President of the Senate and the Speaker of the House assigned those positions.

SM Shasta Kearns Moore 1:10:36

Great. And that just happens automatically or do we have to request it or?

M MILES Cameron D * GOV 1:10:43

Um...

ML Mark Landauer 1:10:45

That's a great question. That's a great.

M MILES Cameron D * GOV 1:10:45

Trying to remember from your council. I think for this, for either for this or the Sunshine Committee, it's automatic if you're on the Public Records Advisory Council,

Legislative Council Committee. I cannot remember if this is the one that is automatic or if this is the one that's just assigned by the.

SM Shasta Kearns Moore 1:10:46
Yeah.

M MILES Cameron D * GOV 1:11:04
respective leaders. It should happen automatically though. I mean, they have a list of things they do and appointments they make, and it should be on that list, provided that it ever got added into it. But I assume since we have been continually putting people on it, that it's on their list of.

PD Portland-Oregon.Room1D-70 * DAS 1:11:09
We've never made.

SM Shasta Kearns Moore 1:11:12
Mhm.
Tech.

M MILES Cameron D * GOV 1:11:23
appointments to make.

SM Shasta Kearns Moore 1:11:24
Great. I love it when it's somebody else's job. Okay. Any other comments on terms ending?
Okay, I'll move on to the council report to the governor and legislature. So this is part of our charter or whatever you want to call it that we have to report to the governor and legislature by December 1st of every even numbered year. So that would be our findings and recommendations for legislation like we just covered.
So right now, I'd like to discuss what that process will look like. We are currently scheduled to have another meeting in December. So that would be after this deadline. So do we want to establish a report subcommittee that is empowered to then finalize and forward the report to the governor and legislature?
Or do we want to move our meeting or have another meeting in December, or I

mean November, so that we can do that process?

Scott.

PD **Portland-Oregon.Room1D-70 * DAS** 1:12:29

I don't have the bylaws right in front of me, but our bylaws do spell out this process, which I believe strongly leaves room for the chair to appoint a committee, but it strongly suggests that the subcommittee be the chair and vice chair. And then I think there's language that the chair can appoint whoever else they want.

But at least the chair and vice chair work on that. Is that your collection, Mark? I know we based it large on what you had done the last couple of times.

ML **Mark Landauer** 1:12:58

Yeah, at least in the last couple of times, we didn't have bylaws in place, and therefore I wrote it and presented it to the council for feedback if my recollection is correct, and then it was ultimately approved. Shasta, I might make a suggestion on your pathways. I

I do believe that you could simply get a subcommittee to draft it, and we can hold a 10-minute meeting to approve it, to forward it. I don't think that that should be an issue. I agree that the council should approve it before it's forwarded, but that's just my humble opinion, and I see Todd's hand up, so I'll shut up.

SM **Shasta Kearns Moore** 1:13:48

Great, Todd.

PD **Portland-Oregon.Room1D-70 * DAS** 1:13:49

I found the language in the bylaws, so I hope I just read it. Sorry, Shasta, but it says the chair will draft the biennial report to the legislature as required by ORS 192-481. The chair may ask the vice chair and other council members to participate in drafting the biennial reports. Essentially, your process.

SM **Shasta Kearns Moore** 1:13:51

Oh, great. Yes.

PD **Portland-Oregon.Room1D-70 * DAS** 1:14:08

feasible and either way is your process.

SM Shasta Kearns Moore 1:14:12

Okay. So I guess I would, I'm asking for volunteers for a subcommittee and whether people are cool with a 10 minute November meeting to review that report.

ML Mark Landauer 1:14:30

My only suggestion, if I may, Shasta, is that you provide the report in advance, of course, to the council so we can review it prior to that meeting.

SM Shasta Kearns Moore 1:14:41

Yep, I believe materials need to be submitted at least 48 hours before a public meeting, so.

The Portland Room is frozen for me, so if anybody's raising their hand, you might have to...

PD Portland-Oregon.Room1D-70 * DAS 1:14:57

Shasta, this is Scott. Can you hear me? I'll help you write it.

SM Shasta Kearns Moore 1:14:58

Virtually refined, yeah, yep.

Oh, great. Thank you. Brent. Yeah.

BW Brent Walth 1:15:04

Yeah, it's just, yeah, I'm in Portland, but apparently not frozen. So yes, I'm happy. I'm happy to help as well if you need it.

SM Shasta Kearns Moore 1:15:09

Yeah.

PD Portland-Oregon.Room1D-70 * DAS 1:15:09

You.

SM Shasta Kearns Moore 1:15:14

Okay. Scott, Brent and me will form a subcommittee and we will have a doodle poll perhaps on a November meeting that will be very brief, ideally, as long as there isn't

a bunch of controversy to forward that before

December 1st. So perhaps pre-Thanksgiving break would be a good thing so that if there is any changes that need to be made, we can do that.

PD **Portland-Oregon.Room1D-70 * DAS** 1:15:45

And Chester, this is Todd. When you set on a date, just let me know and I'll set up the meeting.

SM **Shasta Kearns Moore** 1:15:50

Great.

All right, I will get together with Scott Brent and figure out a subcommittee date and let Todd know. Okay, so it looks like we are going basically with option B as listed on the agenda.

Sunshine Committee invitation. Mark, you want to take that?

PD **Portland-Oregon.Room1D-70 * DAS** 1:16:16

Yes, I'm sorry to interrupt. Did we skip agenda item 3, public body survey?

SM **Shasta Kearns Moore** 1:16:23

Yes, I did.

PD **Portland-Oregon.Room1D-70 * DAS** 1:16:24

I would.

If you entertain a motion, if you entertain a motion, I recommend we move that item to our next meeting.

SM **Shasta Kearns Moore** 1:16:26

Sorry about that.

Okay.

PD **Portland-Oregon.Room1D-70 * DAS** 1:16:33

I'll second that.

SM **Shasta Kearns Moore** 1:16:33

Yeah, yes. So I, so Todd and Scott second. All in favor of moving that discussion to the next meeting.

PD **Portland-Oregon.Room1D-70 * DAS** 1:16:44
Hi.

AE **April Ehrlich** 1:16:46
Hey.

SM **Shasta Kearns Moore** 1:16:49
All right.
Mark, Sunshine Committee.

ML **Mark Landauer** 1:16:57
Well, I know I sent invitations. I just don't remember what they said. So I'll have to go back, Shasta, and report back, but I'll follow up on that. And I apologize for maybe fumbling that ball. I don't think it turned over to the other team, though. So I'll get back to everybody. Sorry about that.

SM **Shasta Kearns Moore** 1:17:16
No problem.
I think it's basically just informational, like they're having a meeting on September 16th, if anybody wants to join, log on in, and we might be able to collaborate on the open government impact statements and maybe making those a little more useful or at least adding some sort of notification function.

ML **Mark Landauer** 1:17:22
Yeah.

SM **Shasta Kearns Moore** 1:17:39
All right, Todd, we are ready for your report and hopefully it will not be frozen for me anymore.

PD **Portland-Oregon.Room1D-70 * DAS** 1:17:45
Probably not. Well, I'm going to share it from my laptop, so hopefully it shouldn't be

an issue then.

Sorry, I forgot to open it. Give me one second.

I'm going to need to step away anyway, so I think I've got to take off. Thanks, Mark.

Thank you very much.

If you want to look at the report, it's online. I'll look forward to it.

Okay, looks like it's working. You can see it, Jaska.

SM **Shasta Kearns Moore** 1:18:35

I can. Thank you.

PD **Portland-Oregon.Room1D-70 * DAS** 1:18:37

OK, great.

this. Okay, everyone, as you know, at our full council meetings, the advocate reports on requests for assistance and trainings provided. The rubric is since the last meeting, but since we're so far into the year and it's been about five months since the last meeting, I decided to show totals for the year so far. I thought it'd be a good encapsulation of where the office is at.

This point, oops, come on.

Oh, there we go. So first off, big numbers. This is a comparison of where our office is at this point this year in terms of individual requests for assistance. Of course, as you probably already remember, requests for assistance are individual requests we received from either requesters or custodians to assist with a disputed public record request.

Obviously, that's the biggest thing we do in the office and takes up the lion's share of our time. As you can see, the numbers have continued to steadily increase and are being compared from this year versus all years past since starting in 2019, which was our first full year of operation. Obviously, the numbers can continue to go up, we're more than double where we were in 2019 in terms of individually disputed public records requests. I continue to see that as a sign of our success and not just a sign of trouble in the world of public records. I think that means more and more requesters and record custodians are aware of our services and find benefit in it. And you'll see the numbers soon about who is actually reaching out to us and about what. Quick reminder, these are the fields of data we capture. And this year we started using the super sophisticated system of Google Forms, which is really helping

to standardize our information collection process and making analysis at the back end much easier as well.

SM Shasta Kearns Moore 1:20:30

So.

PD Portland-Oregon.Room1D-70 * DAS 1:20:30

So, Shasta, I took your request into account from our last meeting to do a deeper dive into both the types of requesters who are seeking us out, the issues that are at the that are being disputed, and who are the frequent flyer with flyers within those issues.

I used the state's approved AI chat bot, Ms. 365 Copilot, to help parse through this data, which is a really interesting learning curve for me, because you have to be really concise in what you're asking and also sort of check the data more. Like, for instance, I knew that we had 290

one entries in the spreadsheet that the chat that Google Forms generated for us of all the requests for assistance we received this year. But for some of the talent, we kept turning numbers lower than 291, and I had to keep the system like, what did you miss? Why did you only count this much? And I had to clarify a lot of terms. So there's definitely a bit of a learning curve for me working with this system, but I think overall,

It will be beneficial. And just because I'm persnickering you this way, you'll see inconsistencies in my color scheme in this presentation, which also represents the input of new slides generated by AI rather than those created by me. And I hope to standardize those over time. But one thing I did at the start of the year when we implemented Google Forms was

did a really sort of like really deep dive into the types of individuals who are requesting our assistance and broke them up as specifically as possible. So for instance, the number one type of individual who contacts our office for assistance are members of the public who have issues with a public records request to the state and specifically to an agency within the

executive branch of the state. And that's why the first one up there is public state executive. The thing is underneath the number 2 user of our services for RFAs is actually state agencies themselves. We work with a lot of state agencies who reach out to us about disputed public records requests when trying to understand

everything from A-Z, timelines, fees, fee waivers, exemptions, et cetera.

And then we have a pretty nice spread across every other type of requester and public body in the state, I would say. You know, certainly like as another example, you'll see it says media state executive about 1/4 of the way down from the top. That is a member of the media who is seeking our services for help with the public records request or state agency.

in the executive branch. So before I move on from this slide, does anyone have any questions about the types of people who are requesting our assistance?

No, okay. One thing I will say, oh, I'm sorry, Shasta, go ahead. Yeah.

SM **Shasta Kearns Moore** 1:23:11

Yeah, I guess I do have one question. So the numbers down at the bottom are like one, I assume.

PD **Portland-Oregon.Room1D-70 * DAS** 1:23:18

Yeah, yeah, so like, for instance.

SM **Shasta Kearns Moore** 1:23:19

Okay.

PD **Portland-Oregon.Room1D-70 * DAS** 1:23:22

One member of the media contacted us about a public records request to the state legislature.

SM **Shasta Kearns Moore** 1:23:27

Interesting. OK.

PD **Portland-Oregon.Room1D-70 * DAS** 1:23:28

Yeah, and I did increment to five because that seems sufficient, but I could always break them down first to really get to the nitty-gritty of the numbers. But yeah, I mean, across the board, we're getting contacted by people on both sides of the public records request. Often we'll get contacted by both parties to just be the public records request, but in terms of who initiated it, that's who gets noted in terms of these numbers about like who's contacting. But we will sometimes hear both sides. Okay, so in terms of the types of records at issue,

these are the custodians whom we're most often being contacted about.

And it kind of makes sense. Those who are most often contacting us are members of the public who have issues with state agency records and the executive branch. So it makes sense that the number one records custodian would be state agencies and the executive branch. This is just another way of pretty much showing the same data. You know, sometimes we don't know.

SM Shasta Kearns Moore 1:24:24

Mm.

PD Portland-Oregon.Room1D-70 * DAS 1:24:26

what a public body someone is contacting us about. Sometimes it's simply because we never, we never hear from the requester again. And sometimes it's because it's a lawyer, for instance, maybe that's at a law firm that represents a small public body and doesn't want to reveal their client. They just want to get some help or information. Sometimes it's a member of the media who doesn't want to give away a lead and rather would just have their questions answered.

So we do get a fair amount of unknowns, both from requesters and the public body. As you can see at the very bottom, some requests are actually about private bodies. Rarely do they fall under the public records law, but there are parts of the public records law that may make a private body subject to a request as well, and we get questions about that too.

Any questions about record code in type?

SM Shasta Kearns Moore 1:25:10

Yeah.

PD Portland-Oregon.Room1D-70 * DAS 1:25:13

It was like corporations time. Private bodies? Well, you know, it could be, but like it could also be like public employees associations or unions, the organizations that look like they might be government or government adjacent, but when you do a deep dive into like their background and how it fits with the facts, they often don't line up as being subject to the public records law.

SM Shasta Kearns Moore 1:25:14

Thank you.

If things says in the chat, HOA's interesting.

PD **Portland-Oregon.Room1D-70 * DAS** 1:25:38

That did come up too. I was actually really contentious when that went on for a while.

SM **Shasta Kearns Moore** 1:25:42

I bet.

PD **Portland-Oregon.Room1D-70 * DAS** 1:25:44

Okay.

And these are the top 10 disputes. Now, Shas, the one thing that came up when trying to give as much data as possible to sort of answer your questions is fitting them onto slides. And because the top 10 disputes really represent a large portion of the RFAs that we deal with, I didn't really want to try to crowd this slide more with more information about other issues we face, but obviously that information is available and I can provide it.

SM **Shasta Kearns Moore** 1:25:55

Mhm.

PD **Portland-Oregon.Room1D-70 * DAS** 1:26:10

we want. But the number one issue that we have dealt with up to this point this year has been denial of public records requests, but it's constructive or non-response handling. In other words, the number one issue we've had is requesters contacting us about public bodies that are either not acknowledging the requested time or completing it in time, therefore becoming what is essentially A constructive denial or at least considered non-responsive handling, which I think demonstrates that our communication concepts, those three in the one legislative concept we're proposing, is an important ask that could start to address some of the bigger problems at least at our office.

sees. The next biggest one that we get questions about, of course, are exemptions. And this will come from public bodies as well as public records requesters. A public body will contact us and say, we commonly use this exemption, is this correct? Or we have this information that's being asked for, are we permitted to disclose it? What I

find generally with public bodies is not that they're purposefully trying to withhold information, but they are concerned about violating the law or potential liability if they release information that they're not supposed to. But again, that is our second biggest issue. And of course, it goes down the line. I will say #3 was kind of interesting for me that our third biggest question we get actually relates to issues that are not specifically within the mandate of our office. And that could be things like records retention, what you call public meetings law and just other issues that on their space sound like maybe they're a public records issue, but then really aren't. And, you know, I give a lot of credit to certain other large agencies in our state that constantly refer people to us. But I will say I think there's an education component here that we need to work on because it feels like a lot of the people we get sent to us aren't actually dealing with the public records matter or one specific to our work, but the second these other agencies here like records or records requests, they assume it's in our wheelhouse and they send them to us and don't necessarily ask more questions that might allow them to send the request or elsewhere. But of course, our office policy is no wrong door in state government, so we will open through everything we can to find the actual resource at that.

SM **Shasta Kearns Moore** 1:28:19
Mm.

PD **Portland-Oregon.Room1D-70 * DAS** 1:28:25
individual needs, even if it's not our office. Any questions about top 10 disputes or any other disputes we face?

SM **Shasta Kearns Moore** 1:28:29
That's great.
Are there any?

PD **Portland-Oregon.Room1D-70 * DAS** 1:28:36
And of course, I'm always happy to answer questions offline, too.

SM **Shasta Kearns Moore** 1:28:40
Are there any like exemptions that seem particularly problematic?

PD **Portland-Oregon.Room1D-70 * DAS** 1:28:47

Well, you know, we don't collect specific exemptions at issue. So, you know, certainly common ones related to things like criminal investigatory information, personnel investigations, and just probably the ones you can more easily think of that come up routinely.

We see a lot of it as well, but I would, yeah, I don't have all that information for me at the moment.

SM **Shasta Kearns Moore** 1:29:09

Mhm.

Does your office's inability to see the records at issue ever be a problem?

PD **Portland-Oregon.Room1D-70 * DAS** 1:29:20

It really hasn't been so far because I find that for those public bodies that are willing to work with us, they have provided sufficient answers to our questions that we always get the information we need to offer advice. So so far that has not come up as an issue for us.

SM **Shasta Kearns Moore** 1:29:35

Kim.

PD **Portland-Oregon.Room1D-70 * DAS** 1:29:37

All right. So, so within the top 10 disputes, I queried the system to provide us with the public bodies that reoccur most often within those top 10 disputes. And honestly, I was surprised that we did not have more recurring public bodies for particular issues. But again, this data is only for 2026 through August 31st. So certainly we probably did a

historical look across all our years, we would see more public bodies showing up under the same recurring issue. And I will note that this, I find that this chart is actually fairly accurate because for instance, ODHS, which shows up nine times this year so far for constructive non-responsive handling.

of requests is currently facing a 3000 plus public record backlog. And so they, despite valiantly working against that at the staff, you know, the frontline staff level, have the majority, as I understand, of their requests taking longer than the standard

or allotted amount of time to complete. So of course, we hear from a lot of requesters who learn about our office and are frustrated with having to wait. Also, the Washington County Sheriff's Office has presented a really unique situation that I've been trying to ameliorate to the extent I can with absolutely no authority to do so.

Is that any?

victim who is 65 years or older, they classify the matter as elder abuse, which may or may not be appropriate. But then within the elder abuse statute, there is a very small subset of elder abuse offenses, a very small subset. And as it is only reports related to that small subset of elder abuse offenses, that prohibits law enforcement from releasing the report to anyone asking, including the victim. But despite what I think is a clear interpretation of the law, the Washington County Sheriff's Office still chooses to withhold reports that do not fall under that small subsection of elder abuse offenses that requires them to withhold a report. So I think this number of five actually probably significantly underreports the problem, but shows up in the data as a clear trend.

SM **Shasta Kearns Moore** 1:31:49

Mhm.

PD **Portland-Oregon.Room1D-70 * DAS** 1:31:51

If anyone wants to warn me about that issue, fine, I would be happy to. I've been butting my head with that issue for two years.

SM **Shasta Kearns Moore** 1:31:56

Huh.

I'm not familiar with OHCS.

PD **Portland-Oregon.Room1D-70 * DAS** 1:32:02

Oh, I'm sorry. Yeah, that was a little too inside baseball for me. I should have spelled out the names. Oregon Housing and Community Services Agency.

So they handle a lot of like federal grants and other pass-through money for housing initiatives in the state. So they've been getting a lot of public records requests related to their work.

SM Shasta Kearns Moore 1:32:22

Interesting.

ML Mark Landauer 1:32:23

Hey, hey Todd, you say at the top of this, this is the top 10 disputes, frequent flyers. I'm only counting 6. Am I reading this incorrectly?

PD Portland-Oregon.Room1D-70 * DAS 1:32:33

Oh, thank you, Mark. Sorry, no, I forgot, I forgot to preface this. So like for instance, so if you go back to top 10 disputes, like one category was not a public record request matter, so I didn't bother to include that. And the other, and I would just say the other three categories didn't actually have any frequent flyers, but I forgot to say that, so thanks, Mark.

ML Mark Landauer 1:32:45

I got you, I got you.

PD Portland-Oregon.Room1D-70 * DAS 1:32:55

And then, and of course, I classified a frequent flyers two or more, just to be clear. Okay, and then, as you all know, our office has a key performance measure related to how long it takes us to close out a an RFA request for assistance. For us, close out doesn't mean that the issue is necessarily resolved, but that we've reached the end of our interaction with the issue. We provided our advice, we told someone how to appeal. We, you know, whatever we do that ends our work with the RFA, that's when we close it. Our goal is to close the majority of them within seven days, and we are meeting that goal, which I'm very proud of, despite the endless growth of our numbers, we are staying on target here. We've made an office policy to close any pending RFA 30. If we haven't heard from the person who reached out to us in 30 days, we close it. And that's considered a closed RFA. Of course, if that person reaches back out to us after the 30 days, we will continue to help them, but we'll count it as a new RFA. So the majority of those 30 plus days are ones where the person who is reaching out to us or dropped off the map, although a handful of

them represent just ongoing issues where it took a long time to get to a resolution.

Any questions about these numbers?

Oh, okay. And just finally, trainings, Q&As, interviews, and presentations. As I've mentioned before, you know, we do a lot more than just straight up trainings where I stand at the podium and tell people what the law says. We engage with requesters and public employees in any way they want that will help them learn in a beneficial manner.

So, you know, we do interviews with the media, we do presentations to affinity groups, and with sometimes with new public employees, we handle public records requests. There may only be one, two, or three of them in the office, and that doesn't necessarily justify a full-blown training or they don't want one. So we'll set up a Teams meeting or I'll go out to their office and sit down with them, and I'll just fire their questions at me, which I call.

Q&A. So these are all the ones that we completed this year, and we have at the moment one more pending in November. So of course, we don't have those numbers yet. And I believe, yeah, that's everything.

So any other questions? Yeah. And of course, this is online, and I will continue to strive to include the data in a helpful and easy to read way. And it's available for anyone who wants to see it.

SM **Shasta Kearns Moore** 1:35:12

Thank you so much.

Wonderful. Thank you so much. I really appreciated all that additional information on disputes and who and what and all of that. I guess just a comment that, like, I didn't see any journalism groups on that list. Maybe the University of Oregon Roundtable is 1, but yeah, I mean, I think it's mostly a commentary on how decimated our industry is, but

You know, if there's a way to kind of reach out to students or maybe a certain board member can help facilitate, yes, that would be great.

PD **Portland-Oregon.Room1D-70 * DAS** 1:36:01

Yeah, I will say, Shasta, in years past, we've definitely did presentations, trainings, Q&As, interviews with members of the media. This year, it has been kind of quiet for those trainings. We don't necessarily have the bandwidth to go out and solicit, but every conversation I have with anyone relates to a public records request always ends

with, and if you want training, please give me a call. And if it's a public body, I'll also include, and if you need to write or update your policy, please give me a call. So it's pretty much just baked into anything I say to anybody at this point.

SM Shasta Kearns Moore 1:36:30

Wonderful.

Wonderful.

Any other comments on the report?

ML Mark Landauer 1:36:42

Good work, Todd. Thank you.

SM Shasta Kearns Moore 1:36:42

Great.

Yeah.

PD Portland-Oregon.Room1D-70 * DAS 1:36:44

Thank you, Todd. Thank you.

SM Shasta Kearns Moore 1:36:47

Um...

I feel like I had one more thing, but I can't remember what it was.

Okay, if it comes to me, I'll e-mail you.

All right, did we get through? So we're ready for any public comment from members of the public on just anything in general.

Alright, hearing none.

We are 13 minutes over, but I just wanted to add some some time for any updates for from the general from board members. I have heard from folks saying that the AI is AI requests are becoming a problem, like a huge load of.

of lots of AI requests, but not sure if other people are hearing that, especially special districts. No? Okay. Maybe that's just a rumor.

AE April Ehrlich 1:37:52

Well, uh, I've...

PD **Portland-Oregon.Room1D-70 * DAS** 1:37:53

I just need to hear you.

AE **April Ehrlich** 1:37:55

I've been to a training where I learned about like AI agents that can be automated and just like send requests to people kind of like bots. I mean it sounds like it's... only an issue for a few folks right now, but maybe it could become a bigger issue later.

PD **Portland-Oregon.Room1D-70 * DAS** 1:38:14

I've heard that cities are starting to get those.

Yeah, I'm hearing it too, Shasta, from different levels of government that they're starting to receive requests that they perceive to be from AI as well. And they're really general and broad and often don't have a person on the other end to answer questions about them. So they tend to go nowhere, but then the public bodies do the work initially just for it to go into a whole.

SM **Shasta Kearns Moore** 1:38:40

Well, maybe we can start thinking about what solutions to that problem are.

M **MOYES Jonathan H * WRD** 1:38:46

Um...

ML **Mark Landauer** 1:38:49

That's a really interesting new development. I have to admit that I haven't given that much thought, but

M **MOYES Jonathan H * WRD** 1:38:52

All right.

ML **Mark Landauer** 1:38:58

I.

Boy, how do you, how would a public body deal with that? That's a great question.

PD **Portland-Oregon.Room1D-70 * DAS** 1:39:06

I, I, not that we're going to have this whole conversation, but I have an idea, like, for instance, you know how I want public bodies to have consequences if they don't post their policy? Well, if they post their policy, maybe it needs an amendment that, like, when you submit your request to whatever process the public body outlines, do you admit that, like, you're a person qualified under the law to submit a request or something like that? One of those catcha things. Yeah, something.
How many sidewalks do you? Yeah, something.

SM **Shasta Kearns Moore** 1:39:31

Yeah.
I mean, I think legislature last year, the year before, there was a bill saying that you can't practice medicine if you're AI. So like defining what, you know, so maybe we have to define what a person is who can make a request. I see a hand, but it just kind of flashes on my screen. So yeah, Jonathan.

M **MOYES Jonathan H * WRD** 1:39:53

Yeah.
Sorry, that was me. I'm the public records custodian for Water Resources Department. And I have received probably about five of these requests, all with the same general format with just different names.

SM **Shasta Kearns Moore** 1:39:56

Yeah.

M **MOYES Jonathan H * WRD** 1:40:16

all requesting information about physical information for companies that we have no business or no records or business associating with. I actually contacted the public records advocate about this to see if are we actually obligated to respond to these. because of course it's formatted as a proper public records request. And after the first two, where we received no response back saying that we have no records, we went through the entire process.

BW **Brent Walth** 1:40:44

Thank you.

SM **Shasta Kearns Moore** 1:40:45

Mmh.

M **MOYES Jonathan H * WRD** 1:40:57

Um, you know, on contact and and uh, according to Todd Alvarez said, yeah, if these are just, if these are formatted correctly, we kind of still have to go through the whole motion of it, even if we are 99% sure that this is just a bot farm sending out.

BW **Brent Walth** 1:41:13

It.

M **MOYES Jonathan H * WRD** 1:41:17

massive amounts of these requests to every single public records custodian that they see. I was actually able to get a response back from, I believe, the last one, who's thanked me for saying that there's no records, but that's the only response I've ever gotten from five of these requests.

BW **Brent Walth** 1:41:19

Yeah.

SM **Shasta Kearns Moore** 1:41:22

Mm.

Okay, thank you for sharing your experience, Chris.

LD **LIEDLE Chris * DAS** 1:41:42

Yeah, I'll further share my experience. We have not seen or received requests like Jonathan described, but I will say we are seeing requesters use AI to varying depths to submit their requests, and a lot of it is jargon, and we spend a lot of time trying to decipher what they're actually asking for. And a simple request where it may have just been like, I'm requesting these one or two items are now like 20 items. And so this, it's becoming very cumbersome. You know, obviously it's on us to seek that

clarification from the requester.

But I can tell you that's definitely an area that we're seeing AI being introduced into the public records process. I would say as much as I would love to have a checkbox like in GovQA that says like I verify I'm a human being, I think we also need to recognize that

You know, GovQA is a records management system that we use, and it's not the only form that we receive public records requests. And so that can come in through e-mail. It can be even in person. And so I think, you know, I would absolutely support an amendment like that, or maybe some kind of policy discussion.

SM Shasta Kearns Moore 1:42:49

Yeah.

LD LIEDLE Chris * DAS 1:42:59

around how we could include that to like limit AI's ability to send us and have to process those records requests, but also recognize that we can receive public records in so many different formats.

SM Shasta Kearns Moore 1:43:14

Okay. Great. Well, it seems like there's enough, you know, kind of meat here that maybe we'll put this on a future agenda. So yeah. Okay. Well, thank you very much for the conversation. Is there any other topics or things that have come up in your public records universes that you would like to bring?

To the council's attention.

All right, hearing none, thank you guys so much for staying late. I apologize again for not being there. I fully planned on it, but got the time wrong. So we'll try again at a future meeting. So next steps are I'm going to figure out a subcommittee for the report.

We'll meet again briefly in November and then have another full council meeting in December.

AE April Ehrlich 1:44:05

I, before we end, can I just say one thing before we go? Earlier, and I don't know when to interject with this, but I'm just going to do it now. Earlier we were talking

about like communicating with our employers about stuff we talk about here and to make sure they're also on board. I just want to make it clear that I am here

SM Shasta Kearns Moore 1:44:09

Yes.

Yeah.

AE April Ehrlich 1:44:27

Just to provide a perspective of a media member, I am not representing Oregon Public Broadcasting. I'm not a lobbyist for Oregon Public Broadcasting. They have their own lobbyists, but I am not allowed to do lobbying. So I just wanted to put that out there and make it clear that they are paying attention as much as they can, but they're like a totally separate arm. And I

BW Brent Walth 1:44:37

Yeah.

AE April Ehrlich 1:44:46

You know, I just wanted to, like, whatever I say here is like, it's I'm representing me.

SM Shasta Kearns Moore 1:44:52

Yes.

Yeah, I think that's good to mention. And one of the advantages, I was going to mention this before in the discussion, one of the advantages of being an underemployed person and being a full-time unpaid caregiver is that I don't have that sort of obligation. So I can go to the legislature and feel comfortable testifying on behalf of these bills. So

BW Brent Walth 1:45:01

And.

SM Shasta Kearns Moore 1:45:17

Yeah, so hopefully that won't be a problem this go around. And I do think that everybody understands that we're all kind of speaking on our own behalf and not any of the other hats that we wear. But also it's great to kind of bring in those folks

and kind of bring our colleagues along, because that's kind of the point of the makeup of this council is that we, you know, have so many members from different places so that we can be a body that all comes together and agrees on things to move them forward.

Okay, anything else?

BW **Brent Walth** 1:45:51

I, I, if I might, I just want to thank the legislative subcommittee for all the work. I don't think we did that, and I it's it's the the language in the proposals are all very impressive, so thank you everyone who was involved in that.

SM **Shasta Kearns Moore** 1:46:08

Great.

All right, Mark.

No, no, just bye. Okay. Okay. All right. Bye, everybody. See you next month, two months from now. Bye.

ML **Mark Landauer** 1:46:14

I was just bye.

PD **Portland-Oregon.Room1D-70 * DAS** 1:46:23

What?

● **ALBERT Todd * PRA** stopped transcription