

## MEETING MINUTES

Oregon Public Records Advisory Council

Sept. 10, 2021

Called to order at 1 p.m.

Members present: Todd Albert, Molly Woon, Mkhichael Kron, Emily Harris, Steve Suo, Les Zaitz, Scott Winkels, Mark Landauer, Shirin Khosravi, Tony Hernandez, Sen. Kim Thatcher

Members absent: Adam Crawford, Rob Bovett, Rep. Karin Power

### I. Approval of the agenda

A motion to approve the agenda was made by [Les](#), and seconded by Tony, and the motion was approved with no discussion.

### II. Approval of Minutes

A motion to approve the Meeting Minutes dated May 6, 2021 was made by [Les](#) and received a second by Emily, and the motion was approved with no discussion.

### III. Election of PRAC chairperson, vice-chairperson, and secretary

A. Public Records Advocate [Todd](#) Albert, serving as chairperson for the meeting, explained SB 500 calls for the election of a chairperson and vice-chairperson from the PRAC membership.

#### B. Discussions, questions and considerations included:

- [Mark](#) asked about term limits and also asked for official information about PRAC term limits of current members.
- [Emily](#) asked Todd to review the duties of the chair, vice-chair and secretary, a position also up for consideration at the meeting. Todd defines the chair as the “administrative director of the council” before describing the other two. [She followed up](#) with questions about the advocate’s role in working with the elected positions.
- [Todd](#) said the advocate could serve as chair, if elected, and had considered pros and cons, which could be worked out with PRAC. He told members he intended to run for chair.
- [Steve](#) pointed out a process would be needed to remove the advocate, if the person serves as PRAC chair and the unlikely need arose. Scott suggested consultation with the state Department of Justice for review, and [Les](#) also discussed concerns and opposition.
- [Tony](#) suspects his term is due soon and asked if the PRAC should consider creating bylaws that could be ready for the new cohort of PRAC members. Todd said bylaws would be a good idea, and noted members have worked well without bylaws since the beginning of PRAC. He also [said](#) the time commitment for a leadership role would depend on the time of year and how the teams work together.
- [Molly](#), a new member to PRAC from the Secretary of State’s Office, suggested the chair and vice-chair position be balanced with a requestor and responder constituencies. Later in the meeting, [Scott](#) furthered the idea by suggesting alternating terms for chairperson to be held by either a requestor members of the PRAC or public agencies and employees, while throwing support for Mark as chair and Emily as vice-chair.

- [Mark](#) spoke about his hesitation to accept a leadership nomination because of doubts the Legislative Assembly considers the PRAC as an advisory body. He later [accepted](#) the nomination. [Todd](#) noted the unfortunate circumstances of the last few years have denied the PRAC the opportunity to share its expertise with lawmakers and policymakers. The day's meeting and next week's meeting aim to get members back on track, he said.
- [Tony](#) suggested the PRAC pause on elections until details, such as term limits, were settled for the positions, and bylaws and rules created. He was also concerned about Mark's earlier references to lawmaker's viewpoints of PRAC as reason for delaying. No one agreed.
- [Sen. Thatcher](#) said because the PRAC can create a process to reconsider the appointment of the Public Records Advocate, the person serving as advocate can also serve as chairperson.

C. The [election](#) of Mark Landauer for chairperson of the Public Records Advisory Council.

- **Motion by Les** to elect Mark Landauer as chair and Emily Harris as vice-chair died for a lack of a second after Todd, as the day's chairperson, preferred to elect each position separately.
- **Motion by Scott** and seconded by Emily to close nominations for the election of a new chairperson carried.
- **Votes for Mark** - NINE from Scott, Todd, Tony, Les, Steve, Emily, Molly, Shirin, Michael
- **Votes for Todd** - ONE from Mark
- With a 9-to-1 vote, Mark Landauer was elected by the PRAC and congratulated.
- **Motion by Todd** and seconded by Mark for the new leadership term to take place after the Sept. 16 PRAC meeting. The motion was carried with unanimous consent.

D. The [election](#) of Emily Harris for vice-chairperson of the Public Records Advisory Council.

- **Motion by Michael** nominated Emily as the vice-chairperson of the PRAC.
- Todd called for other candidates, and after hearing none, the PRAC elected Emily with a unanimous voice & thumbs-up vote.

E. The [election](#) of Tony Hernandez as secretary of the Public Records Advisory Council.

- Todd suggested a six-month term if the PRAC were to move forward with the creation of a secretary, with the option to continue in the role.
- [Michael](#) suggested the duties be carried out by the Public Record Advocate.
- [Mark](#) indicated the sole role of keeping meeting minutes may not be desirable for PRAC members. He also asked about the PRA Office full-time equivalency, and [Todd](#) responded that he was the only employee of the office for the near future.
- [Tony](#) nominated himself because he has fancy software to help transcribe minutes.
- [Emily](#) asked for clarity about the secretary's role of providing minutes of meetings as a full transcript or rather summaries of discussion.
- **Mark motioned a second** in support of Tony's nomination, and the motion carried via a unanimous vote by voice.

E. Legislative Goals: The first discussions for policy proposals for the 2023 Legislative Session. Each member was encouraged to provide broad ideas or issues important to them and their constituencies.

- [Todd](#) spoke about four concepts that would like the PRAC to consider.
- [Emily](#) spoke about the need to reform the system of fees for public records.
- [Mark](#) would like PRAC members to review public attorney-client information, and also a review about technology and its use of metadata in public agencies.
- [Les](#) said fees are at the top. He also said public records requestors have expensive options in circuit court if they want to challenge a city council or school board member for not releasing public records. He's interested in seeing the impact of 2017 legislation related to public records and to learn more about the progress of the Sunshine Committee.
- [Steve](#) joined Mark in supporting "transparency by design," that helps agencies think about building computer systems prepared to handle the requestor needs. He also said he believed fees was the top issue for the PRAC, and he also wished to see a way to promote disclosure and transparency as a public good.
- Tony said he hopes for more access and easier to find policies to help the public learn about a particular public agency's records policies.
- Molly shared how the Oregon Sustainability Board share public records policies, and she is looking to find way for the PRAC to be resources to folks in the spirit of transparency.
- After Todd developed a lengthy list of ideas, mostly centered on fees, Mark motioned to use that document as the PRAC's guiding document to start the work of developing legislative concepts.

# Full Transcript

[Todd Albert] OK. A quorum, we do have a quorum, and so let me share my screen and put up the agenda so we can move onto the first item which is approving the agenda. I just want to say hello and welcome to everyone, council members and others who have joined us today, especially for those who are not council members who have joined us. Thank you for taking the time to be part of this process. Your input is very valuable, and I hope you will speak up at times that public commentary is invited for two, for one agenda item that we have today. I see. Tony has joined. Hello, Tony.

[Tony Hernandez] Hi everyone. Really sorry about being late. Logged onto the wrong week.

[Todd] Well, sorry for that, but no worries. We're just getting started, OK. This should be our agenda for today. Now, when this agenda is open, I cannot see anybody, so if anyone has any issues with on the technology side or anything else, please just speak up and let me know otherwise, let's move to our first agenda item, which is approving today's agenda. Do I have a motion?

[Les Zaitz] Move for approval.

[Todd] Thank you. Second? I think I heard a second.

[Tony] I'll second.

[Todd] Thank you. Today's agenda is approved.

So next, I will share the minutes. We could move for their approval as well. Let's see. Here we go. OK, the minutes should now be up. I did provide copies of those minutes in advance and they are on the website. Hopefully you are viewing them now. Can I get a motion to approve the meeting minutes from our last meeting on May 6, 2021?

[Les] Move that we approve the minutes of the May 6 PRAC meeting.

[Emily Harris] Second.

[Todd] OK. Those minutes are approved and made part of the record. Thank you.

OK. All right. So our next agenda item is election of a chairperson and vice chair person for the Public Records Advisory Council. Now, these positions were created upon passage of SB 500 and went into effect immediately. And so, therefore, the PRAC is now obligated to create to select individuals for those two positions. The terms for those positions are spelled out in the bill, and they can be renewed continuously for whomever is elected into those positions now.

What I'd like to do is have any member who's interested nominate either themselves or somebody else on the council as chair or vice chair, upon which we could discuss the process for taking the votes. But before we do that, I'd like to put it to this council how exactly we should go about this. Should we have individuals just offer up their names, other council member names, and then the top vote getter would be chair, and the second most highest vote getter would be vice chair? Or should or would you prefer that people are nominated separately for chair and vice chair? So I'd like to take discussion on that. And I think Mark's finger went up first. So go ahead, Mark.

[Mark Landauer] Todd, thank you very much. My question actually has to do with the terms of the existing members and how soon, if any of us are terming out of our present position. If that makes any sense, and I think that it's important for us to have an understanding. [Musical octaves practicing in the background] That's not me. By the way, it sounds like my daughter 10 years ago, but it's not me. I do not play the violin.

[Todd] I have two kids who play cello, but it's not either of them.

[Emily] Sorry. It's my husband teaching cello lessons. I will try to remember mute.

[Todd] Thanks Emily.

[Mark] Sorry, I had the wrong wood-string instrument there, Emily. The reason I asked Todd is simply I don't know if anybody would term out, say, within the next year. And I don't know if we as a council necessarily want to consider somebody for the chair, vice chair or secretary if they're going to be a short term'er. That's that's really the only question I had. Thank you.

[Todd] Mark, that is an absolutely fair question, and I do not have a complete answer for you. Appointment of members to the council, as well as their reappointment when their terms are completed is a process that's wholly in control of the governor and then subject to Senate confirmation. There has been some question over everyone's term on the PRAC as to when your terms expire. And there has been, I believe, at least some confusion as to when those terms actually end, given the previous bill that made the PRAC permanent that passed in the 2019 session. I believe so. That being said, anyone who is appointed is eligible to be reappointed to the PRAC.

And thus, if they were interested in staying on and the governor reappointed them, then they could continue in whatever position they held at that time. I do believe you all might be coming up for renewal. I also believe that some of you may have chosen not to stay on as well, and presumably whomever isn't intending on staying on won't be running for a position. But of course, that's up to each individual to decide for themselves.

So, Mark, honestly, I think we should proceed with those who wish to be considered, because we're all you know, most members are subject to not being, I guess, continuing on the PRAC even if they wish to do so, if the governor chose not to reappoint them anyway. So we cannot

guarantee what's going to happen down the road. But if you're a current member, you'd like to be renewed, if the governor chose to do so and had no reason to believe you were leaving. I'd say go ahead and put your name in if you're interested. And then I suppose we could worry about the repercussions later should that change, if that makes sense to everybody.

[Mark] But Todd, could I could I make just one request? And I'm perfectly happy with going along with your recommended pathway forward. In the meantime, though, it would be helpful, I think, if we could get some clarity on that. You know, I, I don't know when my term ends. I just don't off the top of my head. It'd be nice to know and get official ideas when that happens, because for some of us who had served since its inception, there may be need to think about transitioning and so forth. So I would just make that one request. Thank you.

[Todd] I'm happy to reach out to the governor's office to see if they will tell us. So Emily wishes to speak and maybe Scott. But before you do that, I'm very bad at remembering to check the chat. So I would like to do that periodically. I'm going to do that now just to make sure I haven't missed anybody's comments. So please bear with me. OK, we're good.

[Emily] My question is whether you could go over the duties of the chair, the vice chair and the secretary before we talk about who would serve.

[Todd] Absolutely, Emily. Good question, and as with most things related to our work, those positions are undefined. Presently, the chair of the PRAC, the Public Records Advocate, is the chair. And I have envisioned that to mean that you are the administrative director of the council. You set the agenda. You set the meetings, of course, in consultation with your council colleagues. And the Public Records Advocate is the custodian of the records. So that probably wouldn't change even if I were no longer the chair or vice chair.

And I assume the vice chair might be a more flexible position and one that could be developed in conjunction with the chair, but would essentially assist with meetings, serve in place of the chair when the chair is absent and things of that nature.

I'd love to hear if anyone has any other ideas about those positions? But these are definitely things we would have to flesh out over time. Oh, so anyone care to comment on that? Because if not, I'll go to Scott next.

[Emily] I mean, I'm also wondering about like as we think about this, like what is the time commitment for these for these roles and how would they, what would your role as the advocate be in working with conjunction? Do you see this as being, you know, you could not serve any of these positions that you could serve in some, but not others? Yeah. And the the responsibilities and the time commitment would be interesting to really know.

[Todd] Yeah. Fair enough,

[Emily] as best you can.

[Todd] Yeah, no, you know, as the you know, as the advocate, I think I can serve in this role. It's certainly, there are pros and cons to doing so for my own personal view. I mean, I'm the only person that gets paid to think about this stuff full-time, and it's clear outgrowth of my other work as the advocate. So, you know, I'm a I'm a likely candidate to do this work.

At the same time, the PRAC is now responsible for appointing and terminating the advocate. And, you know, it could be that's definitely one reservation I had about establishing that system from the outset, because obviously, as the chair, you may have to do things that the council doesn't always like.

And could that, you know, just speaking hypothetically, could that then affect reappointment or other working relationships? But I think that's just the reality of this situation. I have no concerns about continuing in this role, and I do intend to put my own name in as a candidate because I think it makes sense for the person in this role to be the chair, but it certainly doesn't have to be. And if I am not chair or vice chair after this election, then I will just be another member of the council that will continue to work with everyone and assist in any way I can. OK, if if there's no response on that.

[Emily] People have their hands, people have their hands up.

[Todd] I want to move on everyone else, whether to talk about this or whatever they point they wanted to make. Go ahead, Scott.

[Scott] So I did inquire the governor's office of my term. I believe it ends in December. We are I think I'm looking for a practitioner within the league to fill the city spot per my conversation with the governor's office. However, I think you know. Given given the nature that I think several of the terms are either up in December or in the next quarter if elected, I mean, I think we vote in who wants the job?

If the governor chooses not to appoint or there's some issue with confirmation, then there's a process to fill those vacancies with who does get those spots. So let's see if people are going to put in, and they intend to continue on that, just do that. And if it doesn't work out, there's a mechanism.

[Steve] Yes, Steve, and then, Tony.

[Steve] Yeah, I was thinking the reason why we included, we separated the chair from advocate was because of the issue they, because the PRAC was becoming the appointing body when the legislation was written, as I recall.

And so I can see a lot of sense to your continuing as chair as long as, the only question is, like not just you, but kind of the abstract advocate person in the future, you know, is there a mechanism by which the council could convene in dire need to, you know, to remove the

advocate or to or to simply deliberate on the upcoming expiration of the advocate's term? Like does the vice chair or have the ability to call the meeting of the PRAC? Or like what would our avenue be for that is to avoid the conflict of interest?

[Todd] Yeah, that's that's a good point, Steve. And we can develop some sort of mechanism either that, you know, if a majority of the members of the PRAC contact the chair, whomever that is about advocates for removal or reappointment, or alternatively, it just becomes the sole duty of the vice chair to address those issues. Either one could protect the process. But yeah, these are the kinds of things we're going to have to figure out for sure.

[Emily] Another thing to figure out is agenda setting, I guess in general, I think, you know, so far. Todd, if anybody wants anything on the agenda, and I think this is true in the last go round as well, we just got on the agenda. But yeah, I guess that would be an extreme situation, right, where the council wanted to discuss the removal of the advocate, and the advocate didn't want to put it on the agenda, and the advocate was the chair, right? So there would be maybe some mechanism of just how does anything get on the agenda that would be more formalized than the discretion of the chair.

[Todd] Yes. Tony.

[Tony] Yeah. Just to kind of go along those lines. Would it be worth, I think I'm one of the people that's on the first wave of term expirations. So what what would it be worth maybe this period between now and the next round of terms, kind of putting develop and developing, sorry, if this the a dumb term but like a by-law for operating groups. You know not the minutia of state law, but, you know, just like, this is what the chair is going to do and what the vice chair and the committee heads, and kind of have that all set together by the time the next I think the term starts in January. It would seem, I mean, we've waited this long for the first cohort of members to just kind of seems kind of appropriate to me, to just kind of fully vet that the preparation and then next cohort, whoever that is, if it's all of us, it would be great, but you know could then take on as carrying forward those elections and polic- I don't know. I don't want to call, you know, whatever the bylaw regulations come out. Yeah, that would be my suggestion.

[Todd] Yeah, this body is operated really well without written bylaws for its entire history and always made it successful, collegial process. But having something in writing, at least around these issues of concern is definitely a good idea. The second half of our meeting next Thursday is non legislative goals and then forming committees to effectuate all legislative and non legislative goals. So why don't we include defining the chair and vice chair positions in, you know, as one of our non legislative goals, and then either folding it into another committee we create or making a committee of its own to effectuate that outcome.

And just to Emily's point or question about time commitment, you know, it's in some sense up to the chair and vice chair, like to what extent, you know, when it's when it's close to meeting time. Of course, this occupies more of my time than where we're in an intervening period,



because especially since I'm on my own, I'm focused on the day to day work of running the office and doing the other advocate's core duties. But, you know, a chair and a vice chair could kind of make the position their own and go deeper if they want, beyond the mere administrative process and agenda setting, realistically.

And, you know, the chair doesn't have to head every subcommittee for sure, I think we should be looking for a balance. That's part of the reason we'll get to discussion the secretary position, because, frankly, it's one more duty that I don't have the bandwidth to take on. And I'm asking the PRAC to be a part of the process. Oh, Les sorry. I believe you wanted to say something.

[Les] That's OK. I can stay quiet for a little longer. So I guess I'll put up a minority point of view here that I'm not sure it is a good idea to have the advocate also serve as the council chairperson. That was the original structure. Right.

Well, the council and and the reform legislation that we all worked so hard for made a very deliberate distinction to separate those responsibilities for for good reason, I think. It's not that I don't think, Todd, that you could execute on that duty. I just believe that that the the long fight we've had to establish the independence of this council, I think, calls for a chair and vice chair separate from the paid advocate position.

I'd be interested in hearing maybe from Scott and Mark, I'm trying to think of any other governing body where the the principal staff person also is the chair of the oversight council. But I so I, I would I would be reluctant to support sort of going back to what we originally started with. And I think that the independence, those leadership positions are important for the public facing view of the council.

[Todd] Sorry, Scott, go ahead.

[Scott] I believe Emily had her hand up first.

[Todd] OK, Emily, please.

[Emily] So I think just a confusion between the mechanical hand and the actual hand. Thanks, Scott.

[Scott] So I'm happy to respond to Les' question. It is a, to my knowledge, a unique governance structure. I think there are some reasons why, Todd, you may not want to be the chair. I mean, I think I will say somewhat rhetorically, do you want to preside over the conversation where we review your performance? I mean, that seems strikes me as somewhat awkward and potentially a violation of other ethics statutes.

You know, you are you're presiding over the hire and fire board. So that creates certain problems that that I think are best avoided. You think you may want to consult with your with your DOJ attorney on some of that, but I, as a board member, that strikes me as somewhat

complicated. So, you know, you, if you want to put your name in for it and make your case, by all means, but I think there I think there are some considerations that that technical and practical that that are challenges.

[Todd] Yeah, I don't disagree, Scott, I think there are strong arguments in both directions, and I appreciate everyone sharing. OK, anybody else?

Before we move to a motion about electing, well, we still need to figure out the process as well in terms of those who are interested. Do we just go for the top top two vote getters for chair and vice chair, or do we elect people separately? And I honestly don't have a strong opinion either way. So maybe we need to put that to a vote first. Molly.

[Molly Woon] Hi, everyone. Nice to meet many of you. I haven't met before, and I'm here as the Secretary of State's designee to the PRAC. I think, first of all, with the caveat that I have no interest in any of these positions, and I think I would actually be in trouble with my boss if I was to take one. I think there would be a benefit in, and I don't want to belabor it either, having two different votes because I it feels like we've got different constituencies and viewpoints here. And so having some balance in the chair and the vice chair and not having, you know, both of our chair and vice chair be government people. Say, you know, might you know, that's that's what feels right to me, is just to try to have some balance in the views that are represented. But if at the end of the day, there's only two people here that are willing to do it, and I'm not going to put up a fight.

[Todd] Thank you.

[Michael Kron] Todd, this is Michael Kron on the phone.

[Todd] Go ahead, Michael.

[Michael] And I don't know that we need to vote on it, but I actually agree with what Molly just said. It seems to me the easiest way to handle it is like if someone wants to nominate someone for a position, including themselves, they just nominate themselves for that position or you can just take nominees and then if people who are disappointed not to get one position want the other one, they can either renominate themselves or renominate the person if they feel like it.

[Todd] That's fair, and I appreciate Molly's acknowledgment that balance would be helpful. I don't think it's guaranteed by tune by doing two votes, but it very well could help us along. And balance is favorable. So having two votes works for me, does anyone have any strong disagreements and think we should just go for the two top vote getters? Steve, is your hand up or is it just still up, sorry?

[Steve] Not directly related to that question but I was curious whether, Scott, whether you're concerned, and you too Les, if the concern about the advocate in the chair position also would pertain to vice chair?

[Les] Yeah, I still. This is Les. I still think that the leadership ought to come from from the appointed members of the council, separate from the advocate in both positions.

[Scott] I would still have a concern, I would say it's less of a concern for the vice chair. I think I think the potential conflicts and the potential jeopardy that the chair might be and could be alleviated through scheduling changes if they were. If the chair was unavailable. But still a concern.

[Tony] What about cochairs?

[Todd] That's not what our statute says. The statute says chair and vice chair. I guess it doesn't preclude having two people in the chair position, but I think that will become unwieldy and could be subject to challenge over the definition. And we're not that many people anyway. OK, well, any other comments before I move ask for a motion?

I guess not a motion. No. OK, well, then let's do this. I have a handy piece of paper here. What I'm going to do on it is ask anyone interested in being chair of the Public Records Advisory Council to state their names. We will take names and then we will move to a vote after that. So I will get started. I am submitting my name as chair or that PRAC. Anybody else? Remember and you can nominate yourself or others? I suppose.

[Steve] I think I know the answer to this, but I'm going to throw Michael Kron's name in the ring.

[Michael] Steve Suo, please don't.

[Steve] ... just to get under your skin.

[Scott] I second Steve, actually.

[Todd] OK, so we got Michael, unless he's saying no.

[Michael] Oh, I really do not think that I can take that on you guys.

[Emily] OK, you know, I'm interested, but I'm really wary of the time commitment. It's hard to do this already with a full time job. So that's a real hesitation.

[Todd] Yeah, I won't say it's not a time commitment, Emily, but it's definitely variable, like certainly during the legislative session, it gets a lot busier. during the in-between times. And I will say so what I'm trying to put forth here is us to establish some like definitive work goals of a reasonable amount that we will then dig into over the coming year or so, that I hope will essentially almost start an automated process among subcommittees that will report back to the larger committee periodically so we could take appropriate next steps.

But if we are successful, it might alleviate some of the time commitment to doing the work during the "regular times." That being said, it's no guarantee what might then require more time commitment.

[Les] Well, I put forward Mark Landauer.

[Todd] OK.

[Todd] Mark, is that something you're on board with to Mark?

[Les] Too late, Mark.

[Mark] Well, I'm having I'm having a little trouble here, Les, honestly. And if I may address the council just briefly on on this subject, I'd appreciate it.

[Todd] Go ahead.

[Mark] Thank you. When the council was first created and, you know, I was super excited about it for a lot of different reasons, but one of them was sort of my understanding when this was sort of pulled together by John Hoffman that the PRAC was going to serve in some sense as a balance for legislative issues, that were both being considered by the Legislative Assembly.

Now I'll be the first to admit that the Legislative Assembly can do whatever it wants. It's a legislative body, so on, so forth. However, there was a bill that was considered by the Legislative Assembly to address for, among other things, costs as they are charged by public bodies to members .... [inaudible].

[Todd] Mark, you're broken up. Can't hear you.

[Mark] ... [Inaudible] ... discussion around

[Todd] Hey Mark,

[Mark] public record charges for the media. So, so sorry, go ahead Todd.

[Todd] Sorry, Mark, you broke up there for a moment. I'm not sure if we missed part of your point.

[Mark] OK, sorry about that. I'm I'm personally really torn because I don't see that the legislative body necessarily views us as sort of an advisory committee. That was sort of my sense after this last session, and so I'm honestly I'm very torn about wanting to accept Les' nomination because I don't know if the council, at least as I have viewed it historically up to

now, or at least up until the previous legislation, Legislative Assembly, is really what I thought it was supposed to be. And I hope that that makes sense, at least to some of you.

So I'm I'm quite honestly, I'm I'm a little torn here because of that that challenge. I won't go into greater detail, but I think Scott and if Rob were around, they would understand why I'm sharing this because it really was centered on a particular bill that got quite a bit of attention. And unfortunately, I just I'm torn. So I very much appreciate the nomination, Les, I would prefer that somebody else were the chair. I remain committed to this group and to this system, but I'm seriously having doubts as to whether or not the Legislative Assembly really considers us as an advisory board, as at least I thought it was designed to be.

[Todd] Well, Mark, if I just want to respond to what you said, because I really appreciate you, your willingness to be so open and definitive about your feelings. As someone who's been primarily an outside observer of the PRAC until recently, although an active participant in its work, I understand how you're feeling and where you're coming from, and I think it's unfortunate that a lot of the PRAC's work up until now has been centered around attempting to appoint a new advocate, which has really eaten into its ability to do other, more substantive work.

Really, the reason, my goal in these having these two meetings is to pivot back to what the PRAC was envisioned to do, which is dig down into these weighty, important public records issues and establish itself as a presence, as an advisory board, as a guide through these public records issues. Because the reality of the situation is none of us are the ultimate decision makers when it comes to changing the law or enacting new policy within public bodies.

We are merely there to provide our expertize and hope. Much like attorneys who write law review articles, that we are putting wisdom out there into the ether so that those who can do, will with it, and in a lot of ways too, PRAC has been denied that opportunity up until now. And so my goal in having this particular agenda is to put us on that footing and to start making it clear that we are always going to be a party to most these conversations and more than that, we are worthy of being listened to and trusted.

That's what I've been trying to do as the Public Records Advocate, as someone who's in a position of higher authority with little enforcement power, I just want public bodies out there to know, as well as members of the public and the media, that if there's an issue, I will be there with an opinion, and you can always come to me for help or guidance or disagreement but that the office will always be there.

I think the PRAC can be the same thing. It's just going to take time. But I understand your frustration, and I would never try to convince anyone to move into a leadership role in this council if they're not ready to do so, but I do think there's hope. I do think there's a lot of good we can accomplish over time. All right, well, let's. So right now, I think I still might be the only candidate for chair. So do we have anybody else? I'm sorry.

[Scott] I'm I'm confused, Mark, was that was that was that comment a non-accept or don't accept or?

[Mark] How long is the term?

[Todd] Oh, does anyone have quick access to

[Les] We'll negotiate. We'll negotiate that.

[Mark] I'm sure we haven't figured that one out either.

[Todd] hold on one second, Tony. Do you know that answer?

[Tony] I don't know the answer, I think that's kind of the kind of want to come back to the point I made earlier and puts me back, Mark, thank you for being open and expressing your kind of pushback is. You know, this first again, first group of council or council members, whether it's almost up or just about, you know, our time is almost over, but there's still three or four months of opportunity to go.

You know, there, I can't speak for everyone else but you know, my story. If someone were to ask me tomorrow what my experience on PRAC was I would honestly say I served on a public board that mostly dealt with finding it's it's it's it's Public Records Advocate and didn't get the opportunity to do much. And that's fine. It is what it is. It's the story of this first PRAC council. But I don't think and I commend, Todd, you for wanting to pivot and kind of move that that that storyline of of of what this group should be doing.

But if the Senate and lawmakers already have this maybe preconceived notion of the political capital, for lack of a better word, that the PRAC might have in shaping policy for open records, then I think, this group needs to kind of figure out what that pivot is going to specifically look like and not kind of go, as you know, kind of lay the foundation as you kind of move along.

I think you should probably spend this last term or the last remaining months of this term, figuring out what exactly, is there going to be a balance of requesters and government people leading, you know, a chair and a co-chair? Or how will they review the job performance of the of the Public Records Advocate? How committee members hold meetings? You know, how how does a member of the public, you know, reach out to council members if they're not satisfied with the Public Records Advocate? I feel like there's probably a lot of discussion that could probably happen that this group can present to the next cohort and say, we did our best, you know?

And maybe we're just talking to ourselves, but like this is this is what we're going to have ready for the next term instead of just trying to, you know, and I just I kind of feel, I'm not saying that this is what you are trying to do, Todd, but just instead of just trying to etch out a small

win before the term is over. I'd rather have, I'd rather serve, you know, this is, these are learning lessons and sorry, I'm talking too long. I'll just keep it there.

[Todd] Thank you Tony.

[Tony] I was just you know, if anyone else would agree on that, like I would just suggest pausing on the selection of a leader until we figure out what the terms are, you know, if a chair, if these are four-year terms, maybe a chair could do two years or something like that. I don't I don't

[Todd] I actually, I have that info that might help. I looked at SB 500. I'm sorry, I didn't refamiliarize myself before the meeting. Its two year terms, or until that individual's term is up. So we did actually or you guys did actually provide for that in the drafting of SB 500.

Whoever is in that position is subject to or can be reappointed like re re renewed, sorry, or reappointed into the same position as well. So there are two year terms or until your term is up, and you can continue beyond that if you wish to do so.

Here's the deal, or at least hear how I'm seeing this partially in response to what Tony said, is this is the bill that the Public Records Advisory Council drafted, this is the result of your work and your desire. Obviously, it would have been helpful if maybe you and we had addressed some of these issues in detail before. This is the state of the law at this moment, although the bill, as far as I understand, how bills work, doesn't doesn't mean we have to do this instantly in this meeting, but we are required to do it.

So we have the option of either discussing this in more detail and fleshing out a better understanding of what these positions entail. Or assume that when you created this language and accepted it, you understood that it means we vote for a leader and a vice leader, and we move forward with that, and those positions become defined or flushed out over time. Steve.

[Steve] Yeah, I mean, I think we all share the frustration over how the past couple of years have gone. I also remember, though, before Ginger left and during the process of locating her, hiring her and working with her in the first year, I think we did get a lot done, at least in terms of figuring out how to work together.

And I think it's easy to forget that and have that be overshadowed by the recent experience. And I think I think, Tony, one of the things that you mentioned was, you know, we have time left in our terms and we shouldn't squander it. I think I am in favor and moving ahead with this and getting on to the rest of the agenda that we had planned so we can talk about some substance.

I think one of the things that I found in the first year and a half on the council is that, you know, that that we we actually have a pretty surprising capacity to form consensus, and it really comes down to personal relationships, and, you know, you mentioned, Tony, you know,

a balance of requestor in in government agencies. I think, you know, I was kind of leaning toward having somebody in the middle like, you know, like Michael or Secretary of State's Office for that reason. But I also think from what I know about about about Mark and what I know about Emily, I think I think a chair and co-chair role for the two of them would work really well.

It would, it would offer some balance. And and I'm not too worried about like bias in that regard. I think, you know, either we're going to figure out how to work together and make something productive and be heard or not. And and let's just, let's just move forward with it.

[Todd] I do you want to be respectful of everyone's time and keep this moving. This is an important discussion, and I believe I've neglected Senator Thatcher's hand. Before you speak, though, Senator Thatcher, I did just want to say to me the fact that everyone is so willing to openly share their feelings, I think shows how well this council has been working together, how much it's grown into its role, and everyone are willing to share their clear, open, honest opinions to keep this conversation moving forward. And to me, that's a favor and that's a vote in favor of moving forward because of that. Senator Thatcher, please go ahead.

[Kim] Thank you. I just, it seems like there's a concern that needs to be addressed, whether it applies to the situation at hand now or to a future advocate and a completely different committee. We, you know, the concern about having the advocate be the chair is, you know, that's a that's a concern, but if we got rid of that particular conflict of interest by, you know, ensuring that there was a way, that the board could, excuse me, the committee could actually ensure that there's a process to to make sure that if there is ever a time where the committee wants to re-, excuse me, reconsider the appointment, I'll just put it that way, of the advocate, that there's a way to do so without it being blocked by the chair slash advocate. So maybe we could make that the purview of a vice chair, perhaps.

[Todd] Yes, thank you. OK, any more discussion? Mark, is your hand up?

[Mark] Well, I kind of took it quickly down, but you caught me. I'm uh yeah, I I'm I'm really torn. I'm committed to this group. I'm committed to this process. I'm committed to the council. Um, you know, I'm I'm I'm I suppose I'm willing to serve, but at the same time, I do it with a little bit of trepidation, if you know what I mean, so I'll just I'll leave it at that.

I really am torn about this because I am having some difficulties, but, you know, if if it's, if it's the will of the group, I think I've demonstrated my willingness and desire to reach consensus on most issues among this group, and I remain committed to trying to find that path of not necessarily least resistance, but for the most where to most of us can come together to agreement.

So I'll just leave it at that. You know, I'm willing to go forward as far as the council desires, whether it be with Todd or Emily or myself. I do understand the concerns of Todd being in that position. But at the same time, I also think there are probably some workarounds that we could



put into a set of bylaws that would prevent that type of shenanigans. Although I highly, highly doubt we'll ever get to that point. So I certainly understand the concern. There may be some concerns about optics as well with Todd being the chair. I'm frankly not as concerned about that as much, but I'll shut up and leave it at that.

[Todd] OK, Emily, is your hand still up?

[Emily] It's not up, but I'd certainly support Mark as chair, and I think there's arguments on all sides as far as that. I think it also, you know, what people have said that we could handle the potential conflict of interest of the advocate being the chair could handle that other ways. It does seem maybe a little bit cleaner just to not have to, but, hand down.

[Todd] OK. Thank you, Tony. Is your hand still up? No. OK. Scott.

[Scott] I would support a Landauer Harris ticket for the chair-vice chair, and I would suggest that it is not in the statute, but the PRAC can make it a custom that the chair alternate between the agencies and the requestor community by term. So I and I understand the nominations aren't closed, but I would be, I'm willing to support the slate.

[Emily] Sounds like Israel. They have a rotating premiership right now because of, you know, a difficult oh, bypass impass in elections there.

[Todd] Or NATO.

[Emily] Oh, does NATO do the same thing?

[Scott] It's not uncommon.

[Todd] ... one of our members. OK, so we have me and we have Mark. Do we have any other nominations? Les go ahead.

[Les] Well, I wanted to see if you'd entertain a motion for the election.

[Todd] And what are you proposing?

[Les] I would move that the council elect Mark Landauer as chair and Emily Harris as vice chair.

[Todd] I appreciate the motion, but I think it would be cleaner if we just went through a straight vote. So so we could have all votes counted of council members present. So I guess I'm going to deny the motion. If anyone wants to fill me in on terminology, I'd appreciate it.

[Les] It would die for lack of a second.

[Todd] OK. OK, well then, do we have any other names to put in the pot for chair?

[Scott] Can I move to close the nominations?

[Todd] Yes. Second?

[Emily] Second. [Les] Second.

[Todd] OK, now, because I am a candidate, I do not want to collect the votes. Molly Woon, who has made it clear she does not want to be a candidate for chair or vice chair, can I impose upon you to collect the votes for the chair position, please?

[Molly] Yes, you can. OK.

[Todd] Go ahead.

[Molly] How are we doing that?

[Todd] I think poll each member and they can state who they're voting for or if they are abstaining and if that's wrong, someone can let me know. Steve.

[Steve] One candidate per voter? One vote per person?

[Todd] Yes. Because I think we'll get hopefully get to a clear majority. Let me see how many of us are present, and I'm sorry, I'm just gonna have to ask this question because I don't know the answer and I don't mean any disrespect for purposes of this type of votes. Is Senator Thatcher able to vote as well for chair? I'm getting a head head shaking no from Scott Winkels. Does anyone have an answer to that question?

[Sen. Thatcher] I'm ex officio, I don't think I can vote.

[Todd] Even for this purpose. OK, thank you. OK, then let's see. We have including myself, we ... 10 members present, so it is possible we could end up with a tie.

[Molly] Who are the members I've got, Scott, Mark, Les, Steve, Emily, Molly, Todd, Tony. Who else?

[Todd] Shirin.

[Molly] Shirin.

[Todd] ... and did you say Michael?

[Michael] And Michael.

[Todd] So I'm going to go down the list just in the order I have it, so I don't confuse it. I have myself. I have you, Molly, I have Michael Kron, Emily Harris, Steve Suo, Les Zaitz, Scott Winkels, Mark Landauer, Shirin Khosravi, and Tony Hernandez. OK.

[Molly] And I'm sorry, is it Shirin or Sharon? I just wasn't getting that name correct.

[Todd/Shirin] Shirin.

[Molly] Shirin. OK, thank you. OK, we're ready to do this? Cool. So we have either Todd or Mark, and and in no particular order, I promise this is just the way I wrote down the names. I will call on you and you can vote for one or abstain. Scott.

[Scott] Mr. Landauer.

[Molly] OK. Mark?

[Mark] Todd.

[Molly] Tony.

[Tony] I vote for Mark.

[Molly] Les.

[Les] Mark Landauer.

[Molly] Steve.

[Steve] Mark.

[Molly] Emily.

[Emily] Mark

[Molly] Todd.

[Todd] Sorry, Mark.

[Molly] Shirin.

[Shirin] Can you hear me?

[Molly] Yes.

[Shirin] OK, Mark.

[Molly] Michael.

[Michael] Well, they'd both be great, but I'm going to vote for Mark, too, since, that's what we're doing right now.

[Molly] Great, and I am a voting member, and I'm voting for Mark. So that is a clear majority for Mark.

[Todd] Congratulations, Mark, and Godspeed. Before we move on to the vote for vice chair, I just realized because Tony alluded to, that the term of the chair and vice chair wouldn't start until after the new year. That's not actually in our statute, as far as I know. So. I would recommend because we have an agenda set for these two meetings that I continue to preside over them as chair and the nominations or the elections take effect for the next meeting, but I'm open to discussion on that and a different outcome.

[Mark] I second that motion.

[Todd] All in favor.

[Michael] Do you need a third? I'm in favor, yes.

[Group] Aye

[Todd] All opposed? Any abstentions? OK, the motion passes, Mark. You will preside as chair at the start of the next meeting that will commence after the second part of this meeting on September 10th. Congratulations. Or a September 16th. Sorry. OK. Now let's move on to nominations for vice chair. Do I have any?

[Micael] This is Michael, I nominate Emily, consistent with the discussion we've been having.

[Todd] And how does Emily feel about that?

[Emily] Yeah, that'll be fine.

[Mark] I'll second that motion.

[Todd] We're not up to motions

[Mark] I'll second that motion.

[Todd] Thank you. OK. Any other names? OK. Hearing none, I don't think we need a motion, I'll close nominations for vice chair, and I don't think we even need a vote, but we could for the record.

[Molly] All those in favor, say aye or hold up a thumb.

[Group] Aye

[Molly] That's a voice vote. No? Any no's? No. All right.

[Todd] Great, congratulations, Emily. You know, this is great, and we are just at the hour mark, so not too bad, everybody.

Let's talk about creation of a secretary position, although actually now that I'm no longer a chair or will no longer be, this might be worthy of discussion because I did not feel competent to administer the meetings and then effectively create minutes in a reasonable time period after the meetings to get them out to the PRAC and other stakeholders.

Now, that I would no longer be chair, you know, perhaps the chair and vice chair could discuss among themselves if they would like to create some secretary position, how they want those duties administered. Or we could just move to create a secretary position today.

What I was going to recommend was if we did create a secretary position, it would be a six month term. So that would be essentially perhaps two meetings per member. They could continue into additional six months terms if they wished, or we could elect additional chairs. And I would obviously have suggested that we are all open to rotating through those positions so it doesn't become too burdensome for any one person.

So we can move forward and create a secretary position and elect someone into it for a six month term. We could do away with that idea or we could table it until the Landauer Harris administration. Comments?

[Michael] I wonder, Todd, I wonder, given that at least part of this, I assume, is going to be making records of our meetings timely and publicly available. It probably makes sense for, since you're not going to be doing the other stuff, I wonder if this is something you would be able to manage for us, like having a record and making it available on the website and things of that nature.

Seems like they're going to be harder for other members of the PRAC to do without interfacing with, I don't know, staff that we maybe don't work with regularly etcetera?

[Todd] Well, I appreciate what you're saying, Michael, but when Emily volunteered at the last meeting. Yeah. It was incumbent on me to provide her with the video so that she could then generate the record, and I'm more than happy to continue doing that, especially if I will be the

one that continues to set up these meetings for the PRAC, which I'm open to that discussion because literally when this is over, it automatically renders the video. It gives me a link, and I can immediately email that to whomever is doing the minutes. So I ,,,

[Mark] As the, Todd, as the future chair, that will be one of my first edicts. Okay, so just so you know.

[Todd] Which would, what will be?

[Mark] That that you will ensure that the record is maintained and sent to either yourself or whoever the secretary is for a quick Scribner's summary of the tape. I'm personally of the opinion, if it makes any sense. Todd, let me ask you this. Where are you on staff levels at this time?

[Todd] There's one FTE. Me. I am currently working with DAS to create the job posting for the deputy because that position is currently fully funded. However, DAS, I believe, is attempting to hire for like 3,000 new positions. So it's a very slow moving process.

My goal is to have a deputy in place by the end of the year barring any any additional delays. And that's it. In [2023, 2025] when the independent budget is put to the Legislature, it will hopefully include and ask for two additional FTEs. But, you know, nothing's guaranteed at this point.

[Mark] Well, it's just for consideration of everybody. It seems to me that that if we're probably going to have two, well, considering this meeting, next week's meeting, probably one, maybe two more meetings before the end of the year.

It seems to me that I don't know if we have to go through the formal process of actually electing a secretary because it seems to me that the office itself, by the end of the year, may very well be staffed up double in size, and the capacity may exist. I just throw that out there because it seems to me that being the secretary whose only responsibility is a regurgitation of the tape that they have to listen to, I don't know if that's a terribly desirable position for anybody to want, just to be very honest.

[Todd] Well, yeah, Mark, I appreciate what you're saying, but my concern is that my other duties may get in the way of my ability to do this in a timely manner, which is how this started. But the reality of the situation is the you you elected someone other than the advocate to have greater independence and separation from the office.

Yes. This is kind of like the dirty work of doing that, but I do view it as part of the PRAC kind of establishing its own structure and the advocate as a member. I'm I could be the secretary, but it wouldn't necessarily be the duty of the advocate to be the secretary for those reasons.

I've been a member of committees on the bar, and we have, you know, chair, vice chair and secretary positions and treasurer positions as well, which really isn't an issue for this council. And yeah, all I did as secretary was take minutes. That is the role of the secretary. It's a small duty, but it is a formal and important one. And I, I just like this notion, if this is PRAC 2.0 after the independence bill, that it continued to evolve and look like an official independent council with all the sort of inherent structures and rights and responsibilities. Tony, I see your hand on.

[Tony] I'll volunteer it. I have a Premiere Pro which has this voice to text things. If you're able to like, automatically, quickly download the audio and video and send it to me. I'll plug it through the machine and basically transcribes, It's artificial intelligence. And it transcribed everything into a document, word for word. And then I'll like all I got to do is just kind of read through it as the tape goes to make sure all the words are correctly and then send it back out.

[Todd] I think that's great. And I appreciate I appreciate you volunteering. I see that as a vote in favor, creating a secretary position, but I don't think anyone in any way should be obligated beyond individuals, six months terms unless they wish to continue. That's so that's what I would be suggesting, Emily.

[Emily] I like the idea of a six month term, because you have identified it as you know, it is it is extra work. I also think it could fit fine into the into the duties of the advocate's office. It is a it is a process of business of keeping this office running.

I think it might be helpful to clarify what's expected to be posted because what the purpose of it is, we're in a great position to kind of model public records, especially in this era of recorded meetings and remote meetings that may, in fact, continue. But we we want to present the context of the meeting so that it's accessible to many people, and that the idea of a transcript is that they don't have to listen to the whole two hour meeting again, but can reference it if necessary.

However, I think that we may want to set some kind of expectation that there's some kind of summary, a list of members present, something that someone who just needs to know what business the PRAC accomplished and at what timecodes they can find out more. If it in fact, was a recorded meeting, then that would be helpful. But I think we may want to consider whether the expectation would be something a little bit more than simply a transcript because our job is to help people understand what happened and make it as easy as possible for them to do that.

[Todd] Yes, and true, although that is definitely going above and beyond the public meetings requirements for posting minutes and may be beyond the abilities of anyone who volunteers for this role. The fact that we post a video and minutes, it all actually exceeds our obligation, as I understand it, under the law.

Of course, I would love to do more and make this as accessible to everyone as possible. The current process is that the meeting video itself is posted on the PRAC's website, as well as YouTube, and then a transcript that meets current requirements under the Public Meetings Law, so not necessarily voluminous or with time codes, is also posted on the PRAC's website for anyone to access and of course, is provided as requested through email or other means.

So this is something else then to discuss and consider and decide upon potentially, if we want to actually go above and beyond what's required. And that's something we need to figure out.

[Emily] Can I just jump back? I didn't actually imagine it as being more work. I sort of thought it was less because AI work with it all the time, as as many of you I know do, isn't very accurate. And the heavy burden of I mean, it's accurate, but it's not like you can't just read it and know what's going. You have to listen back.

So the real burden of creating a transcript is listening back to a tape and correcting the transcript. And that can take quite a long time. However, if you're keeping track of what's going on during a meeting, like these are the people present, this is what was decided. Here are the votes and how they went. That information could just be summarized at the top. And yet you may not need to do time codes, but if it was in order, people could scan the transcript and find it.

So I was just trying to actually save time in my, but it may be that may not be that may not be true either. So it might not be something we need to decide right now.

[Todd] OK, I hear what you're saying, and especially if the position will be rotating, though I am concerned about obligating anyone who does it to kind of going beyond what's required, even though more access and information is better.

[Emily] Is it transcript the same as minutes?

[Todd] No, I mean, a transcript, isn't a transcript, essentially a word-by-word recounting of what occurred and the minutes is essentially a legally appropriate summary of what transpired.

[Tony] I've seen government agencies do both, do transcripts and do the extra mile, so I mean, we we're I get your what you're saying, Emily, and for a reporter and writer who is used to doing government watching meetings, maybe a summary would be good.

I wasn't trying to propose that, you know, me having some sort of program that has machine based learning, transcribe it and dump it. Of course I did, even if I didn't properly express that, that, yes, there would be some sort of review time to make sure that the machines got it right. But you know that.



I was just trying to promote something quickly because it sounded like there was a lack of time for people and that that seems like a quick option than having 10,000 words on a text document for anyone with a little bit of time could easily maybe summarize it. But as Todd says, that goes beyond from what the expectations are. I think it should be up to that person, but I just leave it there.

[Emily] Yeah. I also didn't mean to imply that you were just going to dump some, you know, hard to read transcripts out to the public. Not at all. I didn't want you to have to take the time to go back through and listen and correct. That's all.

[Todd] Taking minutes, being the secretary is work, it will impinge upon the work you do outside of this council, and that's why I'm advocating we kind of all share the burden.

[Emily] Correct me if I'm wrong, but I mean, often meeting's minutes were taken during the meeting, so you don't necessarily have to review the tape, correct? Sure.

[Todd] But yeah. No, absolutely. You know, everyone just operates differently. And I know for me personally, even outside of chairing this council, if I were just a member, I would have a hard time because of the way I learn and operate to keep useful, fulsome, contemporary minutes. I would have to go back and that takes time. So, yeah, everyone's different. So do we have a motion? Mark?

[Mark] Yeah. So, so in complete and full disclosure, I suppose in part, my willingness to serve as the chair was due to my extreme fear of being the secretary. With that having been said, I'd like to second the nomination of Tony. Thank you.

[Todd] OK. I guess Tony made the motion to begin with for him to nominate himself. Well, but I accept that only with the caveat that this is to a six month term subject to renewal upon Tony's interest and a vote of the council. I have a thumbs up from Mark, so I will Mark has seconded the motion as modified. Tony, thank you for volunteering to be our first ever secretary of the Public Records Advisory Council.

I see Senator Thatcher has to go. Senator, thank you for your time and your input, and we look forward to talking to you again soon. So, having said that, can I get a vote on Tony being the first secretary of the Public Records Advisory Council for a six month term subject to renewal upon his interest and the desire of the council?

[Emily] Second Sorry, yeah.

[Todd] Yeah. All in favor.

[Group] Aye

[Todd] All opposed? Any abstentions, OK? Motion carries congratulations, Tony, and I should have added this before, but I'll say it now.

Obviously, I will continue to make the record available as soon as possible though it may not be the day of the council meeting, but, you know, within a few days and make it available to you as soon as possible. So thank you.

Great, everybody. OK, well, we are at 2:12 p.m. I'd like to keep us to our three o'clock time period as possible, but we're moving into a very important section of the meeting, which is establishing legislative goals for this council.

This is what I am envisioning. As we all know, any legislation can often take a long time to gather the appropriate stakeholders, community consensus and impetus to pass. I am not proposing we establish any legislative goals to bring in the short session, but rather come up with ideas that we want to bring the earliest to the long session in 2023, if not beyond that, because I think anything we do, in my opinion, should affect public bodies at all levels in this state.

And that's why I'm grateful that we have the input of local government on this council. But I think it'll take time to build consensus around any types of legislative changes we want to impart that will affect everybody. So this is what I am proposing. We go one by one through our members. We list our legislative concepts, if we have any.

Essentially, we would start out with you give me the title or the one sentence explanation, I put it on an Excel document. I've already started and populated with my ideas, and then once all ideas are listed, we go back through and adopt our top two, three or four ideas. That we will then form subcommittees around the next meeting to flesh out to bring back to the full committee. So I'd like to invite any discussion, comments or concerns about that process before we dove in. Steve.

[Steve] So I wonder whether. I mean, we're not going to have consensus right now as to a legislative concept or concepts that we all want to support. I don't think so, would it be better to reformulate this as identifying number one problem that you want solved by the group?

[Todd] I don't know. Yeah. Well, for instance, I have four. I'm calling them concepts. This is a general term, but they are for issues that I'd like to address with in the Public Records Law. I'm kind of viewing this as a process that auditors do, at least the auditors I know. They all go to a retreat. And I originally envisioned this as a daylong meeting of us all in person at some really nice place, where like the office would have paid for your lunch and everything. We would've had a whiteboard, and we could have listed out these ideas. And then essentially because what auditors do is they list all ideas and then choose the ones they're going to actually work on or the audits will undertake in the coming calendar year, fiscal year, what have you.

And so because so many ideas have been batted around by all of us throughout the history of this council, I thought it'd be important to drill down to the ones who want to focus on the most, that maybe not have unanimous support, but at least majority support, and then start building out those ideas in the time that we have available available to us to do so. So, I mean, there is more than one way to kind of do this, but that's just what made the most sense to me. I can't imagine that any of us are lacking for ideas about how this law needs to be changed or when we hear others concepts, ideas we can get behind. And again, this is merely essentially a choosing like folder titles for the work that will then develop over time rather than, well, yeah, I voted for this concept. Now I'm locked into like this box of what it has to look like.

No, I merely want us to choose the ideas that we will then flesh out in subcommittee and full committee over full council over time. That's what makes the most sense to me. But I'm just one brain here. Emily, your hand is up. It's not up. OK, sorry. We have the same problem, I usually can't find the hand up there. OK. Any other comments at the moment on this issue before we move to actually listing them out?

OK. Hearing none, I'm going to share the screen with my ideas and remember, all we're going to do initially is I'm just going to tell you what they are or like quickly read them out to you and then we'll go through other members. They can list their ideas if they have any. And obviously, you're not obligated to list anything. You might just want to work on someone else's concept, which, of course, is fine. And we'll reduce the number that we have to vote on, and we'll take it from there.

So I'm going to share my list. If I could find it. Ah. OK. And just remember, once again, I can't see you or most of you while I'm doing this, you have to speak up if there are any issues. OK, so I have four in this handy dandy Excel spreadsheet I created. Oops. The first one is update the definition of a "public body." Currently, you might recall there was litigation out of West Linn, a member of the City Council refused to disclose any notes that she might have had in a personal notebook related to a City Council meeting. The Circuit Court in Clackamas County ruled that she, in fact, was not a "public body" because the definition, while it refers to state officers, presumably including elected officials, did not have a definition for for the moment, I'll just say local government officers as well.

That case is now on appeal to the Court of Appeals. So it's possible we'll end up with a judicial ruling from the Court of Appeals. The Supreme Court that might make this moot. But at the same time, if anyone has concerns about the outcome of that or just wants to ensure as soon as possible that that issue is clarified into the law, then I think we should include language about public body officers. Just expressly being in the definition. That's number one.

Number two is expand the definition of a public record, because although it's easy to interpret the public records law as it currently exists to include social media or other online and digital platforms, I know there has been some confusion around that among some public bodies that I've worked with. And I understand maybe in some court cases as well. So thinking about some sort of forward looking language, obviously the statutes do not evolve as quickly as society

does, but trying to think of some sort of encompassing term that might adequately take in social media and other digital platforms for at least the next decade or so, to make it clear that they are public records and subject to disclosure, under the appropriate circumstances, I think would help alleviate some confusion.

The next one is related to fees, and I suspect I will not be the only person who has legislative concepts about fees. But this is the one that I feel like is most important. Currently under ORS 192.324 subsection 4 A, as you know, it says a public body can recoup its actual costs in providing a public record. I firmly believe that more money needs to be invested in our systems upfront so that constituents, members of the public or the media are not necessarily paying the full cost of providing records, because I think that's under undermining the spirit of the law. And so I think the actual cost language should be changed to "up to actual cost." Therefore, making it clear to public bodies that they do not necessarily have to charge the full freight for providing records.

More to that within the same concept is duplicating what's done under the federal public records law, which is creating a tiered system that divides the cost of providing the public records public record into search duplication and review fees, and then only permitting certain of those three categories to be charged to a requestor, depending on if they are commercial, educational or a general request. So just, for instance, commercial requestors at the federal level, as you might know, pay for all three categories of having the records provided to them. Educational institutions only pay duplication fees and "general requesters," which would encompass the media, pay search and duplication fees. So establishing some sort of tiered system within our law would go a long way towards perhaps initially reducing costs at the outset and then establishing maybe a better system for charging fees moving forward.

And then finally, within this concept is, well, actually, it's two parts. I'm sorry. Establish more detailed criteria for what why when a public body would offer a fee waiver or reduction. You know, it's not very well, it's not very flushed out in our law right now. I don't think any additional criteria we add to the law should be the beginning and end of it. So it would be something along the lines of, you know, offering a fee reduction or waiver in the public interest includes but is not limited to the following, and it gives them a baseline of elements that have to be considered when determining whether or not a fee waiver or reduction should be offered.

And then finally, if a public body satisfies its own criteria that the public interest has been met, then they must provide a fee waiver or a reduction rather than the, currently, it's not obligatory. So that is with the all within the fee concept that I have. Excuse me. And then finally, kind of to the points that were made earlier, I highly recommend that we as a council draft a white paper about the feasibility of eliminating all current specific exemptions in the public records law, all six hundred or so that aren't under federal law, and instead creating a body of categories of information that would be either conditionally or specifically exempt under any circumstances.

And as the second part of that white paper address, all low hanging fruit that's currently in the public records law. In other words, any exemption that has never been subject to an AG order or adjudication in court because, for instance, let's say there's 350 of those, if those are eliminated from the law and we're down to 250 exemptions or something like that, it might become a more feasible concept to then take those 250 and add them into a handful up to maybe a dozen categories of exempt information or records rather than are endlessly scrolling list of exemptions that currently exist.

So those are the four that I am proposing we consider at this point. So I'd like to do now is just go through the membership. Get your ideas, and then we could go back and each person and then if anyone has questions about the existing concepts, the person who suggested them could discuss them, answer the questions, and then we can move to a vote. I can't see anybody, so unless you speak up, I'm assuming you're all in agreement.

[Mark] Emily's first.

[Todd] OK, Emily, if you're willing.

[Mark] Emily, your hand is still up.

[Emily] Is my hand up? My hand is not up, but Mark I saw your hand go up, but I'm happy going to first.

[Todd] I'm going to write this down as you say them, too. So please just bear with me and correct me as I go. But Emily. Yeah, if you're willing, let's go.

[Emily] Sure. And Todd, I did not get a specific like in terms of identifying language. I really stayed more in the conceptual area, like issues that need because I some of them I'm not sure where to land on. Yeah.

[Todd] No, obviously I had a little extra time to think about this as I prepared the meeting, and that's why it's so detailed. But no, I don't expect it necessarily be that fleshed out. We really just need ideas. And then the next, you know, obviously an explanation of them as questions are asked so we could figure out what we want to vote for.

[Emily] Yeah, great. And I do appreciate this detail. It's it's really helpful. I have some detail that I've thought through, but thought I would if we got to those issues, I could just bring those to the to the meeting at that time.

[Todd] And I'm sorry to interrupt. Let me just say, you know, for the sake of time, we're probably going to end up going over at this point if people are willing to stay. So, you know, I said four, I would have preferred if I had said three. So maybe, if possible, stick to your top three or four concepts because we could probably all list like 10 or 15 things we'd like to see change since we're going to vote anyway on top concepts, you know, an overly exhaustive list

might just not be helpful to us. So I apologize for my four, but let's see if we could kind of keep it to three to four each, max.

[Emily] I actually just focused in on one that I think, you know, we we've began to address before and which is fees. So, you know, you've honed in on a few nitty gritty pieces. I think the outline I made for myself is a bit more holistic, but I think fees is something that we should we should look at and come up with some some improved process. It seems to be a pain point all across the board.

[Todd] Indeed. Do you want to dove in deeper at all to define it or do you want to leave it at fees?

[Emily] No, I guess I see that as the. I mean, I could suggest some questions that would be answered in the process of a subcommittee tackling this and coming up with a proposal. But but I think that right now I would just leave it open. I my my understanding was like we would make subcommittees and then that's where we would get into the nitty gritty, both taking very specific suggestions of language changes, you know, from PRAC members or from the public, as well as, you know, maybe addressing overall, you know, how do we solve identifying the problem and solving the solving it, but just fezzes enough, I think, for now.

[Todd] Great. OK, thank you. Makes sense. OK. Who is next to volunteer?

[Mark] I'll go just because I just happened to look at my legislative report to sort of rejigger my mind. I agree that fees has got to be addressed. OK, so Todd, be sure to put down these,

[Todd] OK.

[Mark] You know, there are two other things that I have sort of on my list that are perhaps legacy issues. One is public attorney-client information that is releasable under, at least right now, a court order after twenty five years. Public bodies do believe that attorney-client information, whether it's a public body or a private body, should remain confidential, despite the twenty five year issue that's out there right now.

The other thing that I want to throw out there and good Lord, I can't believe I'm saying this is a sort of a concept that Steve Suo brought, And I continue to be interested in it, although I'll confess I don't understand it. And that's probably not surprising to many of you who know me, because I'm not very good at technology, but the metadata issue that Steve has raised in the past. I think has the the possibility of potentially reducing government burden in handling public records and also make them cheaper to access by the public.

My challenge with local governments don't necessarily have the IT professionals out there, but I still want to examine this issue because I do think that there is something to be said for using technology to better inform the public. And I'll just leave it at that. I don't really know what the hell I'm saying here, but I do know that there are some upsides, but there are also some

counter balances that make it difficult for small local government. So I'll just leave it at that. Thank you.

[Todd] Thank you, Mark. OK. Next person, speak up, please.

[Les] I'll go, Mark, you know, I like listening to you. You don't know what you're talking about, but you say it so well. Yeah. Hey, so I will also pile on the fees. That is enough said. That's that is a source of contention on both for requestors and providers.

Secondly, I would like us to revisit the reforms we did to the deadlines for disclosing records to assess whether the reforms that we did that were meant to tighten up government response for requests for records, has produced the results that were expected.

Another issue this is, this is probably a legal issue, maybe too challenging, but I still think it's worth considering, is the elected official treatment under the Public Records Law in terms of if a school board member or a city councilman turns you down, any requestor for a record, the only recourse is through the circuit court, which is a significant impediment, in my judgment.

Finally, on the exemption side and let's hear from Michael Kron, on where things stand with the Sunshine Committee. I have kind of lost track, to be honest. But I would like us to identify the five exemptions that are the source of the most consistent conflict between requestors and providers. In other words, let's focus our firepower on the primary sources of conflict as opposed to trying to take on all 600 exemptions. That's it.

[Todd] Thanks, Les. Next up.

[Steve] I'll go. I, I like all of it laid out Todd and, I guess in terms of priority, I definitely number three, fees, are an issue, I think generally speaking, I'd like us to be able to promote the notion of disclosure and transparency as a public good. That is a core function of government. And any way we can promote that and anticipate that, that it's not just a burden placed on government, but that something that it is a service to to taxpayers and citizens, will be helpful.

And I think fees gets at that sort of accounting for like there. Somebody needs to bear the costs of this. And it's not just the requestor because so often it is a public good. When it's purely for profit, then fine to charge him for full freight, but I think I think anticipating that is important.

I think what Mark was describing. I'll give it a hopefully a snazzier buzz word. Actually, I think either Michael Kron, or his boss came up with this term "transparency by design," and the notion is simply so often the cost of disclosure is driven by the assertion or the reality that it's hard to retrieve the records. And it's hard to duplicate the records. It's hard to export the data. Hard to get it into the hands of the requester.

And so the idea of transparency by design is that we anticipate that at the front end and make sure that our data systems in our filing systems are all built, knowing that there's a public records law and that people are entitled to this information and that we want to make it as efficient as possible for them to get it. And I don't know whether there's new there may be new legislation.

There's definitely room for more for new legislation on this. I think there was legislation passed actually in 2017 that I'd be interested in revisiting to see the whether how well it's working at the state level. There are requirements for for contracting with I.T. systems to not impede disclosure. That's a that's a starting point, but, there's definitely more that could be done in that area, so those are my two. And if I had to prioritize the two, to be honest, I think fees is probably the most pressing one. The other one is Is well, they're both important to me. I guess that's all of it. Thanks.

[Todd] Thank you, Steve. OK, next up?

[Tony] I'll go. Steve, thank you for bringing up your issue because mine kind of is. I mean, I would the way I would go about saying it for me, Steve, is accessibility and education to broader communities that don't have the experience of finding or experiencing the the process of relating of requesting public records.

You know, I'm thinking of a car accident victim getting a police report, or I worked it to two nonprofits in my last two jobs that could have benefited that much better from in their policy work to to do some sort of public records requests, but there was just a limited understanding and appreciation of the value that the public records law provides to the to the residents of the state.

And so so Todd, I threw in the chat, I just, you said one sentence. So I just it's not meant to sound like a law or anything, but like just I think it would be great if, you know, I understand that not all agencies have some sort of website or public effort, but if there is some sort of public facing presentation, that there should be some sort of easy to read comprehensible and a compulsory level, you know, language.

Here's your rights. Here's what it costs. Here's what you can get, you know, and here's who you can contact, put that on the home page visibly instead of having just the residents or someone and in the moment of, you know, whatever, having to hire an attorney just to get public records that maybe they could have done themselves.

[Todd] Thanks. Sorry. I just that actually is currently an obligation under the law. All public bodies are required to have a policy that says things like this. And there's it's supposed to be a written policy that's publicly available. Of course. What does that mean in our day and age? Put it on your website. But a lot of public bodies are either unaware of this policy or this requirement, haven't done it or have incredibly out-of-date policies online that just have like old statutory references, like section references and just incorrect information, don't include



deadlines that were instituted in 2017. So there's that's definitely part of the education piece that I undertake with public bodies, and I work with them regularly to either draft or update their policies, but I could definitely see a need for that then.

[Tony] Todd, I appreciate knowing that. Then I would move it forward and have some sort of enforcement mechanism to penalize those that don't because it is an equity issue and whether it's someone who just doesn't have that, you know, that I'm going to say it. but education of knowing that the public that, you know, the emails of a city council person or of the police officer that pulled them over or of that teacher that is communicating with others about their child, I don't I don't. There's there's there's all sorts of applications that, you know, that this law could apply to beyond the journalist and beyond the lawyer. And I, I think I think it's just a great tool for the public to regain trust with its government, and we should promote that.

[Todd] Thank you, Tony. OK, who's next?

[Molly] I'll go. This is Molly. These are all really great ideas, and I haven't heard anything that I don't, you know, that doesn't make me happy. But as the newer member here, you know, I don't have anything super concrete to offer. I'm kind of still learning here.

I will, one idea that I have talked about a little bit with Todd, that's more of a like, you know, maybe, maybe in a few years from now. Idea is to position the PRAC as kind of the approver or the the expert for other state agencies to come and share their public records policies. And this is kind of modeled off of one of the boards that the secretary sits on, which is the Oregon Sustainability Board.

And every state agency is required to have a sustainability plan, just like every one has to have public records policy. And they come the board meets four times a year and they come. The agencies are scheduled to come, you know, rotationally and present their sustainability plan and get feedback from this group of experts in the world of sustainability. And, you know, maybe one day because this is kind of a big undertaking, that is kind of the way the that's one of the things the practice do is could be the experts that are telling, you know, public entities like here's what's working in your policy.

Here's where we you know, and it might not be it's approved or disapproved, but, you know, you have to check it and you have to you have to recognize that you've got this group of experts that are here to to help you and you have to be helped. So I just you know, all of our agencies, you know, so all of our levels of government are just operating with such different resources. And some folks will have a bunch of attorneys that can help them have a great public public records policy. And some of them are like three FTE. So I just I wonder if there's a way for us to be better, to be resources to folks and in the spirit of transparency.

[Todd] And Molly you're promoting this as a legislative concept right now, right, as opposed to

[Molly] I mean

[Todd] go ahead, sorry.

[Molly] Yeah, I'm like, I guess it's just like that's the only idea I have to offer so or whether it's a legislative concept or not. I don't know. I mean, I think it's like this is just eventually it would be a legislative concept, and whether there's, you know, kind of ground work to be done or not, I'm not sure whether it's like a pilot or something, whether there's cost, I don't know. I haven't thought that far ahead. But just thinking about kind of like the longer term role that the PRAC could play in the governance, you know, in general.

[Todd] Fair enough. Thank you. Anybody else?

[Michael] Sorry, I was on mute. Todd, this is Michael. I'm going to just repeat what everyone else has said, which is I think if we can come up with a workable and satisfactory to the requestor community, especially a solution on fees, that would be doing a great service to the people of the state.

I don't really know that I would endorse a particular solution at this point. So yours was maybe a little detailed, but what I think we should have a group or maybe just as a group we should be talking about that is probably the the number one issue. Certainly, like Les said, I'm happy to kind of revisit the timing discussion.

Although my sense from at least the reporters that I talk to the most is that the law is generally working pretty well and that places where it's not working is the oh, I guess I would say that it feels more like there are particular public bodies that maybe don't really deal with a request in good faith and try to overly bureaucratize and spend time on things, and maybe one of the things we can think about is like, are there systemic approaches that the law could take to public bodies that are just kind of systemically trying to thwart the purpose of the law?

I know there's been some small accountability pieces put into the law recently, and our office actually issued an order not too long ago where we basically told a state agency we were requiring them to waive the fees. Sort of a first step on what could be a sort of progressive discipline under the authority that the law gives us to enforce the timelines, and that if they didn't actually dedicate more resources to this statutory duty, that we would start actually funding them as the law allows.

But maybe there are sort of more more useful ways we could we could look at that and deal with those sort of bad actors, because I do think there are some bad actors in the system. And honestly, they're probably bad actors on the other side, too, unfortunately, that there may be a more more sticky problem. So I guess I would say fees and bad actors and the two are kind of related, actually.

[Todd] Thank you, Michael. OK. OK, any other suggestions?

[Scott] Hi, this is Winkels. Yeah, so I'm all in favor. I think we do need to have a conversation about fees. There are some things that you outlined, Todd, that. I think are really interesting, and I want to explore further. On top of what Mark said about that 25-year issue with attorney-client privilege or some other records that would be subject to that, that we might have an interest in talking about as well.

So things like critical infrastructure blueprints. Those sorts of things that we'd we'd want to see, we'd want to see protected, so I would hope that that could go down to a into the committee as well. And I'm we're really interested in transparency by design and what that looks like. So that's that that's a good conversation.

I will also add that that we would probably we would want to have a conversation additionally about employee, public employee personal information as that case that's currently being litigated as well. So that's that's my take. Thank you.

[Michael] Scott out of curiosity. Can I ask a question, Mr. Chair?

[Todd] Yes. Go ahead, Michael.

[Michael] When you say personal information, you're talking about like addresses and phone numbers and stuff or what?

[Scott] Yeah. It's the person. Yeah, that was it was that conversation we had over the doxing bill during the during the in the judiciary committee in the special, or I'm sorry, it wasn't, well, it was special, but not in that way in the legislative session.

[Todd] And so would this include like disciplinary actions as well?

[Scott] No, no, no, no. This is about. There. This is about employees being harassed and threatened in their homes. OK, thank you.

[Mark] Mister Chair, can I have a just a quick, quick question because, you know, I look at two of these and they both have to do with really what I understood to be the Sunshine Committee's responsibility in reviewing current exemptions.

You know, it seems to me that at some point in the future, as an agenda item for the for the council, that we ought to get an update from somebody at the working with the Sunshine Committee, Michael, and see where they are in this process and whether or not the issues that were raised by us today are being addressed by that particular body. Thank you.

[Todd] Yes, Mark, that's a great idea, and yeah, that's why for my idea related to this, I proposed a white paper because we wouldn't be attempting to put forth a legislative agenda ourselves directly to the Legislature in the form of a proposed bill, but rather providing, you

know, research and recommendations to those whose duties it is to put forth that, you know, that those recommendations to assist them in their work.

So that's why I thought that white people would be better. But, yeah, it would be good to get clarification from the Sunshine Committee where they're at on these issues, and if they will be addressing them themselves. I just know my office has previously provided research on one occasion to the Sunshine Committee to assist them in their work. But good point. OK.

[Michael] That was very helpful to the committee and the Sunshine Committee will be having a meeting in two weeks from yesterday. I'm happy to share the information and you guys can all kind of learn with me what what will be coming next for the committee. I would say that so far our work has been most successful in the organizational in terms of agreeing that we can organize the law better and otherwise, how do you say not very productive without saying not very productive? Otherwise, there have been challenges. Yeah.

[Todd] Yes. Thank you, Michael. Yes, we've all been dealing with some of those same challenges over the last year and a half or so for sure. OK, any council member who has not yet spoken, who would like to share their legislative concepts with us now?

OK. Hearing none, and if you're just having a mute issue, please feel free to speak up and interrupt me. I've actually had an evolution of my own thought on this process if we really need to vote on these concepts now to pick our top ones, or is it better, especially because there is much repetition here and I'm willing to fold my four ideas under the heading of fees as well, that we just assume this as the guiding document for any subcommittee reform to to initially address these issues, to bring back to the full council, or we're just going to move forward as the full council on legislation, legislative concepts but use this as our guiding record.

Let me, I'm going to stop sharing the document for a minute. But also, I have to apologize to everyone who's joined us today, because I skipped over the public commentary period for this agenda item, which could of which we are obligated to listen to and should listen to.

So before we continue, it's 2:49 [p.m.], I'm going to ask everyone to bear with us so that we can hear from the community if anyone wishes to address potential legislative concepts that the Public Records Advisory Council should pursue. I'm going to ask anyone who speaks to state their name and limit their comments to two minutes for the sake of moving this meeting forward and ask you to use the raise hand feature too, so I can identify you if you're on the phone I think you'll have to just speak up and let us know you wish to be heard. So is there any public commentary on the issue of the PRAC adopting legislative concepts?

[Todd] Checking the chat. OK. Hearing none, I'm going I will note for the record that we did receive one written public comment from a member of the public, and I made that part of the record of this meeting and sent it to each PRAC member before this meeting as well.

So seeing no additional request to offer public testimony and hearing none, I'm going to close out public testimony and move back to my statement about whether or not we need to vote on these issues or merely use it as our guiding document. Emily.

[Emily] Thanks. And I just want to echo what Tony put in the chat of great discussion and appreciate hearing these thoughts and ideas. I second that, Tony. I wonder if maybe because some of these to me appear to be non-legislative, maybe at the next meeting, we look at all of the things that are on people's minds and sort sort out the wheat from the chaff, the legislative or non-legislative, because it seems to me some of the non-legislative may be, you know, a task, a work product that may come through your office over the course of whenever the staffing is appropriate.

And as far as whole, committee versus subcommittee, that we should definitely discuss that. One concept I had with some of this stuff may need more research or some flushing out of things that, you know, you know this, you know this, pull them together. So there may be, if not a subcommittee that decides something, there may be an appropriate role for people to bring some research and recommendations back to to we may move forward a little bit faster if we take an approach like that. That's just a thought that the initial piece was, maybe we should look at all of the things that are on the table and sort this out together, which would mean next week.

[Todd] Right. And I definitely want us to commit to committees or whatever process we desire to fulfill the goals that we are now fleshing out. I broke up legislative and non-legislative simply be for time. I didn't think anyone wanted to sit through a four hour meeting to do that all at once, and I trust everyone here is experienced enough to kind of like like choose which bucket they want these to go into, but you certainly can also promote a concept in both buckets if you feel like it's appropriate or if ultimately whatever committee doesn't adopt your concept in one, say, legislatively, right, bring some version of it to the non legislative committee. But it's really just in consideration everyone's time and ability to commit that. I broke it up, but I totally hear what you're saying, Les.

[Emily] And totally appreciated on that, Todd.

[Todd] Go ahead, Les. Your muted. We have nothing. Oh, your hand was up, sorry.

[Les] Oh, sorry.

[Todd] And Scott, your hand is up. Scott? I see your hand is up.

[Scott] My bad. Sorry.

[Todd] Well, then maybe let's just put this to a motion as to whether or not we want to make this the guiding document for the work of the PRAC or subcommittee or pick top priorities for

those same purposes. And I'm not really sure how to word that in a motion or if we need to separate ones. Mark. You're muted, sir.

[Mark] Forgive me. So can I discuss the motion, perhaps?

[Todd] Yeah, please.

{Mark} It just seems to me and to some degree I do agree that some are legislative, some are not. Is the what what are we shooting for here? Todd, are we first of all, are we shooting for 2023?

[Todd] I think that is the earliest we should be shooting for, in my opinion.

[Mark] Thank you. Okay, thank you. I just wanted to be sure that that, you know, I don't want to set expectations off too early here, because some of these are very complex. And to me, fees has obviously risen to the top, undoubtedly, and it seems to me that that we probably ought to think about putting together a work group already for that. I think we were about to do so when we had a little bit of a problem that we ran into that we've been dealing through the last two years on.

So, um, I would hope that we would get that work started, because the legislature certainly has something to say about it, or at least some people in the legislature have something to say about it. I certainly would welcome the opportunity to see if we as a body can come up with something that we can agree on.

I think that that would show that this body has something really positive to offer beyond the education that you do, Todd. And the mediation that you do, I think that we could very well distinguish this body as something that they can rely on. And that was the source of my frustration. I'm done.

[Todd] Thank you, Mark. Listen, I am eager to dig in and get us back to work, which is why I want to say force us on a path, but put us upon a mutually agreed path to get done, the type of work that we're capable of doing, and one of those is legislative proposals, and that's why I very much want us to define the universe of legislative change we're interested in now or soon.

So we don't have to constantly bat around concepts, whether we are wholeheartedly in favor of what we choose or merely willing to compromise, that it will make up our legislative work over the next year or so without distraction, confusion or delay. So I think we need to pick stuff, be willing to live with it and just get to work. Hence the list. Emily.

[Emily] I'm afraid I inadvertently sent us down, I'm totally in favor of moving forward on a few things. I just yeah, we don't have to wait till next week. It was clear fees are going to be something we need to address if we want to make a workgroup on that today, great. No problem.

[Todd] Oh, well, yes, well, no, the subcommittees or workgroup or whatever the council is going to do is the next meeting. This is merely creating our universe of legislative concepts. So which eloquent member of this council wants to put a motion forward regarding, do we just use the current full document as our guiding document, or do we vote to pick the top priorities and use that as our guiding document going forward? Steve.

[Steve] I think I want to wanted to take up what what Mark was saying. I mean, regardless of what else we do in terms of our or our. the universe of priorities there there's clearly consensus around fees. What if we just go ahead and say right now we're going to form a subcommittee to to address fees and everything else we can figure out later.

[Todd] Well, what's wrong with the wait until next Thursday, because by then we will have our fully defined universe of legislative and non-legislative concepts, I hope, which will then dictate to us potentially how many committees we need because, OK, we could say sure. Fees committee. That's obvious. That's going to happen. Then, do we go back and start folding in other stuff as these concepts develop, over these next two meetings?

It's just the way it makes sense to me, which doesn't necessarily mean it makes sense to other people this way, too, is to know all our factors before we start kind of then establishing processes to deal with them. So for me, it just makes more sense. Let's just say three legislative concepts, five non-legislative concepts.

It's probably too much, and then build out the system to make that happen rather than still developing the amount of work we're going to do while developing processes for them at the same time. We're all incredibly busy people with a lot of other obligations. We all want to do the work, and I just want us to do the work most effectively and the most efficient sort of way. So I'm eager to get to work on phase two, but I would just I recommend we just get everything defined by the next meeting and then build the committees around the work. Who else someone else have their hand up? Or Steve, I'm sorry if you want to respond.

[Steve] Yeah that makes sense. Certainly another week can't hurt. I do think, you know, in terms of within the legislative concept universe, like sounds like nobody disagrees with any of the other ideas have been put out there. But fees is such a big discussion and such a heavy lift, even with the years ahead of us, it seems like, that's where I would put the energy, and I think we could leave the others.

I mean, in terms of voting for our agenda, I don't know. I would I would kind of put the others in the backseat or I would like to be able to get to those as well. But I would hate to get hung up on trying to you know, I don't think we should be forming six or eight subcommittees.

[Todd] Yeah. And there very well could be one legislative committee that then takes this full list or the smaller list we vote on and gives the full council its prioritized legislation to develop that we then vote on as a council to move forward with, and others could agree with you, and

then we just we focus on fees. We dove in. That's the one thing. We bring it forward eventually, or we we try to develop additional concepts as well, depending on what people want to do. But it's certainly valid to consider tackling the biggest, most important thing, focusing all our energy on it and just moving forward with that, too. Absolutely. Scott, your hand up.

[Scott] I do I, I would have a hard time voting on a priority legislative concept at this point, not not seeing what that is. I think saying we need to talk about it, we need to develop something, I'm all in favor of that. But there are some things we may not be able to get to agreement on that we might vote on today a a priority, but we we deadlocked.

So it's just hard to say this should be our, this should be our top priority. as an LC if we don't know, you know, what it is yet. Although I do really, I am really interested in some of the stuff you said on this, and I think that's going to be a really great conversation.

[Todd] Steve?

[Steve] Yeah, I that makes sense, Scott. I mean, I don't think we're voting on Todd's legislative concept, but it seems like we're voting on the issue.

[Todd] Yeah, and I will say now I'll reform the list. I'm willing to fold my my fees idea under just the heading of fees and then suggest it later as a possible avenue to consider when dealing with fees. So you could just consider my my concept related to fees being about fees and not the additional detail at this time. So I'm in favor of a motion to just take this list that we've drafted and use that as our guiding document, moving forward however we choose to move forward on developing legislative concepts.

[Mark] So moved.

[Todd] Do we have a second? [Shirin] Second. [Todd] All in favor.

[Group] Aye

[Todd] All opposed? OK. The motion carries. We have our list. Congratulations, everybody. And it's only 3:02 p.m. Not bad.

So that concludes our agenda. I want to thank you all for your time and continuous energy in this regard. I welcome our new chair and vice chair, and I commit to continue working with all of you in supporting this council to the fullest extent possible. Thank you all for your time.

[Emily] Les, did Les have his hand up?

[Todd] Oh, I'm sorry. Les I'm leaving you hanging.

[Les] Oh, that's OK. We'll talk about it next week.



[Todd] OK. Thank you.

[Les] I think it's important for us to think about community engaging the public in its early stages of this work, that we're not working just in isolation so that we'll discuss it next week.

[Todd] Yes, I definitely recommend using whatever platforms you have to advertise part to this meeting next week. OK. Everybody, thank you. Take care.

[Emily] Thanks, everybody.