

From: [SOWA Amy](#)
To: [Public Records Task Force](#)
Subject: RE: Public Comment for Public Records Task Force
Date: Tuesday, May 10, 2016 5:20:28 PM

Public Records Task Force Members,

I want to thank you for holding a public hearing in Eugene at the UO yesterday evening to discuss public records. My colleague and I attended the first 40 minutes, but unfortunately had to leave as we both had City Council meetings we had to attend at 5:30pm. We had both signed up to speak and were truly sorry we had to leave before our time was available.

Although we weren't able to speak last night, we found the testimony from the two gentlemen we did hear speak very informative, yet disconcerting. We are both City Recorders and the Records Managers for our cities, and strive to provide outstanding customer service in all areas, including records requests. It is upsetting to hear of the experiences these people have faced when trying to obtain public records. I know there are agencies that do push back on records requests, but I know of many cities that work as hard as I do to accommodate records requests to the best of our ability and at a reasonable, or often no, cost.

I applaud you for taking on the task of reviewing and making changes to the existing public records law. The exemptions are clunky and hard to interpret, and there are far too many.

The concerns I have relate to the deadlines and fees. Some of the changes being considered may have an adverse effect on small cities.

Deadlines

As noted in my testimony, some of our smallest cities have only one or two employees tasked with all of the duties of a municipality, including state and federal mandates. Even cities with more employees, are often spread very thin with only one person managing requests for the City along with many other duties. Instituting strict deadlines for public records requests could do one of several things:

- Force a small city to determine whether or not they can comply with the records request deadlines, or put that aside while they complete another State or Federally mandated task. Because records requests, and many other things that come into a City, are not planned or scheduled, it is difficult for staff to set out a schedule for every task ahead of time.
- Penalize a small city if a request is not responded to by the deadline, when the reason it is missed is because the one staff person that handles requests is out sick or on vacation.

If deadlines are enacted, I would ask that you take into account these small cities and look at providing an exemption or more flexible schedules for cities of a certain size, including a process to extend the deadline, and/or providing a process to appeal or provide explanation for a missed deadline (staff out of the office, etc.).

Fees

In recent years, some of our cities, both large and small, have been hit hard with dozens of records requests coming in at once from outside companies or political parties fishing for information that only provides gain for that company or political party, and not the citizens of the municipality. As noted previously, many cities in Oregon strive to provide outstanding public service and will do what is needed to accommodate all requests. My concern is that the time it takes for staff to process these large and multiple requests is incurring a significant cost to the City in both money and staff time. If the records being provided benefit a private company or political party, it seems unethical for the municipality and their taxpayers to be required to subsidize these requests.

In our City, we have reduced costs considerably by having records available on our website, or available in an electronic format that can easily be emailed. Emailing electronic records saves the requestor copying charges and saves staff time in making those copies. Some of our smaller cities, however, have not been able (either due to funding or resources to scan) to implement any type of electronic records

system. All of their records must be researched manually, and either copied or scanned and then sent to the requestor. **Again, I would like you to take into consideration those small cities that are already struggling with tight budgets and only one or two staff members trying to do it all.**

In our City, our fee schedule includes a provision that the first 30 minutes of staff time for researching, compiling and processing records is free of charge. After the first 30 minutes, we charge at a rate to recover staff time spent on the request. We do take into consideration any waiver request we may receive, and have in the past, reduced or waived the fee when appropriate. We do all we can to provide the records at the lowest cost to the requestor, while still remembering that we are responsible to our taxpayers to be good stewards of local funds.

Please take into account that some requests are not for the betterment of the citizens, and some cost recovery is an important balance in providing the requested information and being good stewards of our taxpayers' money.

Thank you again for this opportunity. You have a difficult task ahead of you, and I appreciate you listening to all sides of this important issue.

Amy Sowa

From: SOWA Amy
Sent: Friday, May 06, 2016 4:57 PM
To: 'publicrecordstaskforce@doj.state.or.us'
Subject: Public Comment for Public Records Task Force

Please see my attached comments to be considered during the Public Records Task Force public hearing on Monday, May 9 at the University of Oregon in Eugene.

Thank you,
Amy

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