

PRAC Proposal Feedback- 8/24/22

Tyler Janzen, PRAC member and Association of Oregon Counties Legislative Affairs Manager

Before proceeding, I'll offer the standard caveat that AOC's voting membership (county commissioners, judges, and chairs) carefully reviews the final language of any legislative proposal before taking a position. With that in mind, I've done my best as a PRAC member to offer the following feedback using my county expertise to outline where I think we can achieve unanimous agreement. As I mentioned at our last meeting, I believe the PRAC should focus where we have unanimous consent to both bolster our credibility as an advisory body and ensure that we aren't moving so fast as to enable unintended consequences.

GOALS

- Reduce costs for requesters;
- Preserve the ability of public bodies to charge fees and determine when to offer fee waivers or reductions; (*emphasis added*)
- Improve and increase communication between records custodians and requesters as normal part of public records request and disclosure process;
- Clarify terms and processes;
- Incentivize public body leadership to better fund public records systems/staff, etc.; and
- Respond to feedback from District Attorney's Association

Likely county support in 2023

1. Defining what costs are recoupable as "search, duplication, and review"- akin to an itemized receipt, will help eliminate egregious unreasonable fees
2. Adding some sort of penalty for noncompliance with statutory policy posting requirement- education first approach needed, some time to get into compliance
3. Clarifying required timeframes for communication between requesters and requestees
4. Expanding public body appeal time and DA/AG adjudication time

Needs more work

1. Determining an appropriate deposit amount and a backfill for dropped requests- state fund?
2. Defining what personal records we're talking about when we discuss automatic granting of an individual's own information- police records? Medical examiner? We already charge fees for birth certificates, etc.

Largest county areas of concern

1. Proposing fee waivers with no accompanying backfill for requestees- does not meet goal #2
2. Statutorily defining a universal hourly rate- counties have wildly different budgets and professionals