



Mendocino County

Legislation Text

File #: 22-0460, Version: 1

To: Board of Supervisors

From: County Counsel

Meeting Date: June 21, 2022

Department Contact: Christian Curtis

Phone: 707-234-6885

Item Type: Regular Agenda

Time Allocated for Item: 45 min.

Agenda Title:

Discussion and Possible Action Introduction and Waive First Reading of an Ordinance Adding Chapter 5.190 Relating to Fees for Public Records Act Requests
(Sponsor: County Counsel)

Recommended Action/Motion:

Introduce and waive first reading of an ordinance adding Chapter 5.190 relating to fees for Public Records Act requests.

Previous Board/Board Committee Actions:

None.

Summary of Request:

Under the California Public Records Act, the County of Mendocino is required to provide any requester copies of disclosable public records and to assist in locating and identifying records that are responsive to such requests. Over the last two years, the number of public records requests has doubled, to the point that the County now receives approximately 4.7 online records requests per business day. Many of these requests require a large amount of manual review, as they use broad search terms for electronic records (such as email) that comingle public information and non-disclosable information subject to privacy laws or other exemptions. As a result, County Counsel currently estimates that approximately 20%-30% of attorney time is spent reviewing records or responding to requests for records.

Currently, the County only charges a requester the cost of direct duplication, and all staff time identifying, locating, and reviewing records is born by the County. By statute, however, the County is authorized to charge requesters a fee up to the amount of its actual cost to provide the requested materials, if that fee is imposed by ordinance. Several other counties have enacted such ordinances to impose fees on those requests that consume more the two hours of such staff time. County Counsel is proposing that this Board adopt a similar ordinance, in order to reduce the financial impact of the most burdensome of these requests.

Alternative Action/Motion:

1. Direct staff to make changes to the proposed ordinance; or
2. Decide to proceed without the proposed fees for Public Records Act requests

Does This Item Support the General Plan? N/A

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: n/a

current f/y cost: not measured at this time

annual recurring cost: none

budget clarification: In FY 21/22 the County received over 900 Public Record Requests. These requests require staff time. In many cases the time required is very minimal in other cases many hours of various different level employees are required to review and provide information. Currently the County is not charging for these requests. The proposed plan would implement a \$20.00 per hour charge for staff time and \$150.00 per hour for an attorney's

budgeted in current f/y: No

if no, please describe:

revenue agreement: Yes

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk II

Final Status: Approved with Direction

Date: June 21, 2022

