



# Mendocino County

## Legislation Text

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File #: 22-0907, Version: 1

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**To: Board of Supervisors**

**From:** County Counsel

**Meeting Date:** July 12, 2022

**Department Contact:** Christian Curtis

**Phone:** 707-234-6885

**Item Type:** Consent Agenda

**Time Allocated for Item:** N/A

**Agenda Title:**

Adoption of an Ordinance Adding Chapter 5.190 Relating to Fees for Public Records Act Requests

**Recommended Action/Motion:**

Adopt ordinance adding Chapter 5.190 relating to fees for Public Records Act requests; authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On June 21, 2022 the Board introduced and waived the first reading of the ordinance.

**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

**Strategic Plan Priority Designation:** An Effective County Government

**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

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**CEO Liaison:** Executive Office

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Deputy Clerk II

Date: July 12, 2022

Final Status: Adopted

Executed Item Type: Ordinance Number:  
4507

