



The Office of
CITY MANAGER

Testimony by Ron Chandler, City Manager, of The City of Lincoln City in Opposition to HB 4130:

For Public Hearing Scheduled on February 5, 2016
Before the House Committee on Rules

To Chair Williamson, Vice-Chairs Gilliam and Hoyle, and Members of the Committee:

I respectfully request that you vote “Do Not Pass” on HB 4130 as it has been introduced.

The City of Lincoln City devotes a considerable amount of time and money to filling records requests and records retention. Changing public policy on this important issue should be carefully considered and the benefits of any change should be weighed against the cost. Currently, the Oregon Association of Municipal Records (OAMR) is working with the Attorney General’s Public Records Task Force to review these and other issues related to public record requests. Action on HB 4130 should be deferred until the task force completes the review and issues legislative recommendations.

The City of Lincoln City has received 38 record requests since April 2015. The following language is typical of the records requests we’ve received.

“I respectfully request a copy of all communications, sent, or received, by city representatives or other parties regarding. . .”

“Please include all communications sent or received between”

“Please interpret ‘communications’ to include (but not limited to) written correspondence, emails (including deleted emails), instant messages, and/or text messages. For non-written communications, please provide whatever evidence of the communications is available, such as teleconference recordings (including deleted ones), voice mail messages (including deleted

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ones), appointment schedules, phone logs, Skype or other chat logs, meeting logs, phone messages, meeting notes, etc.”

“Please interpret “city representatives” to include (but not limited to) City Councilors, City officers, and/or City staff.”

“Please interpret “other parties” to include (but not limited to) internal or external outside consultants, advisors, counsel, and/or other involved persons.”

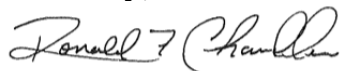
It takes many hours for our City Recorder and other employees to fill these requests. In addition, many of the requests were appealed to the District Attorney which required more time and resources from the City. The City of Lincoln City hired a temporary employee to help our City Recorder fulfill her other duties because of the time it takes to fill these records request.

This bill as introduced limits a city’s ability to recover the full costs of researching and providing records. As stated above, the City’s cost to fill records requests is significant. Limiting local government’s ability to recover its costs shifts the financial burden to the taxpayer.

As part of the Oregon Association of Municipal Records Records Management Committee, our City Recorder worked with the Oregon State Archivist to adopt a revised City Records Retention Schedule (OAR 1660-200-0200) just over a year ago. Our records management programs have already adjusted to the recently adopted schedule. There appears to be no public benefit to creating a new retention period as adjustments were recently made.

Thank you for your consideration. Again, I encourage you to vote “Do Not Pass” on HB 4130 and allow the Oregon Association of Municipal Records (OAMR) to continue to work with the Attorney General’s Public Records Task Force to review these and other issues related to public record requests

Sincerely,



Ronald F. Chandler
City Manager