



AGENCY: City Council  
MEETING DATE: November 26, 2018  
DEPARTMENT: City Manager  
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## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report on Public Records Request Platform and Provide Direction to Staff and Consider Adoption of Fort Bragg City Council Resolution Approving Budget Amendment No. 2019-04**

**ISSUE:**

The purpose of the California Public Records Act (PRA) is to give the public access to information that enables them to monitor the actions of their government. A foundation of the PRA is that records will be made available to the public, when requested, unless there is a legal basis not to do so. Public records are broadly defined as any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency. A writing is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." What is considered a public record available for production is very broad and the legal exceptions to producing those are very limited.

The City of Fort Bragg has experienced a significant increase in the number and complexity of PRA requests in the last few years. A copy of the 2018 PRA requests log is included as attachment No. 3. It illustrates the increase in the number of requests and the complexity of those requests. One requestor has made 49 of the 130 PRA requests to date. Many of these requests ask for an expansive range of communications, that must be identified by individual employees and elected officials and then reviewed in detail for responsiveness to request and extraction of privileged or confidential information.

Fees that can be charged for providing records are very limited and do not come close to covering the costs of responding to PRAs. Fort Bragg only collects fees to cover the cost of photocopying records and the cost of a USB thumb drive to accommodate larger requests. The result is that staff time and City resources spent on PRA requests reduce the time and resources available for other projects. The City has very limited options in trying to control the number or complexity of the requests. However, we can manage how we respond and how we provide the documents requested.

NextRequest is a web-based all-in-one platform for managing records requests. It automates much of the process, including the City's response and the requestor's submittal and receipt of requested documents. It provides online functionality that allows anyone to see and access other public records requests and it is a portal for the City to proactively post documents that may be of interest to a larger portion of the public. This was not included in the City's 2018-19 budget, but provides staff time savings and a solution to more efficiently and effectively respond to PRA requests.

### **ANALYSIS:**

As the graph below demonstrates, the number of PRA requests have increased every year for the last five years and by a factor of more than five times. The year to date requests for 2018 have already exceed last year's total requests by 23%.



### **Staff Resources Responding to Public Records Requests July 1, 2018 to November 16, 2018**

Employee Name	Hours
Bengtsson-Davis, Lynda	6.00
Bianchi-Limbird, Laura	0.50
Damiani, Victor	10.50
Ferraiolo, Janet	4.00
Gonzalez, Joanna	4.00
Gregory, Natalie	10.00
Jourdain, Brenda	11.50
Lemos, June	190.25
McCormick, Sarah	2.00
Miller, Tabatha	24.50
O'Connor, Diane	8.00
Perkins, Scott	18.25
Prairie, Crystal	0.25
Schneider, Scott	27.50
Varga, Thomas	3.50
<b>Total Hours</b>	<b>320.75</b>

Since July 1, 2018, staff has been tracking where time is worked with more detail, including time spent on PRA requests. For the first 19 (of 52) weeks of this fiscal year, 320.75 staff hours have been tallied for work responding to PRA requests. That represents a staff cost of \$24,380 fiscal year to date. Assuming the same volume and complexity of request for the remainder of the fiscal year, responding to PRA requests will cost \$66,723 or consume 878 hours of staff resources. Because staff costs are relatively fixed, the \$66,723 isn't an additional expense but it represents resources that cannot be applied to other City projects, services or needs.

The City Clerk, who has primary responsibility for responding to PRA requests has spent approximately 25% of her worktime on PRA requests since July 1, 2018. In addition to the limited legal exceptions for producing records, the PRA requires timely written responses to the requestor within time limits as to the status and expected date the records will be available. Managing these deadlines adds to the work of PRA requests. Manually tracking requests, due dates, responsive documents and providing necessary written correspondence is time consuming and while some of the requests may seem burdensome, case law on the PRA errs on the side of the requestor and a response is required.

At the staff level, we have discussed how to better manage public records requests, so that this work does not displace other projects and tasks. Two realistic options were identified. One, is to allocate a reasonable number of hours per week to responding to public records requests and providing estimated response times based on that limited resource. The second is to automate as much of the process as possible.

NextRequest is a system specifically designed for local governments to manage public records requests. Mendocino County, has used NextRequest since September, 2015. <https://mendocinocounty.nextrequest.com/>. The online portal allows members of the public to complete their public records requests online and also provides public access to all requests made. Additionally, the County can post documents that they believe will be of interest to public, thereby adding transparency to local government.

Here are some specific services provided by the NextRequest platform:

- **Save time** by allowing staff to more easily respond to and take action on a request
- **Help track and publish staff time and cost spent** on fulfilling a request
- **Allow City to publish who submitted the requests**
- **Centralize all requests in one system** where it's easier to respond quickly and automatically
- **Make it easier for would-be requesters to self-serve**, rather than submit additional requests into your workflow (both by pre-publishing documents but also through keyword alert triggers that direct them elsewhere)
- **Provide a detailed audit trail of all actions** taken on a request so that you don't need to worry about a requester claiming something happened that didn't, etc.
- **Show read receipts** so you know the requester has viewed your response

NextRequest automates responses and provides tools to streamline the process. One testimonial from the Sr. Deputy City Clerk for City of West Sacramento estimated a staff time savings of 50%. Based on product demonstrations, our City Clerk estimates that NextRequest would reduce the time she spends by 20-35%. On an annual basis, a 20% saving in staff time is equal to \$13,345. A 35% savings in staff time would be equal to \$23,353. The annual license cost for NextRequest is \$3,750 plus \$750 for the redaction module. There is a one-time configuration fee of \$1,000. The

cost for fiscal year 2018-19 will be \$5,500 with an ongoing cost of \$4,500. The annual savings in staff time or time that can be better spent on other projects, is somewhere between \$7,845 and \$17,853. The platform allows us to work smarter and use technology to more efficiently provide the same services. It also adds a level of transparency to our local government.

A perspective on the number of PRA requests that the City is receiving – Mendocino County's NextRequest portal shows 389 responses (as of November 15<sup>th</sup>) since September 2015. The City has received and responded to 340 during that same period of time, this is 87% of the volume processed by the County. The County has 1,406.75 budgeted Full-time-equivalent (FTE) positions and the City has 60.8 FTEs, 4.3% the number of employees at the County. The County's fiscal year 2018-19 General Fund budget is \$188.4 million. The City's 2018-19 General Fund budget is \$9.5 million or 5% of the County's General Fund budget.

**RECOMMENDED ACTION:**

Staff recommends that the City Council adopt a resolution amending the Fiscal Year 2018-19 budget by \$5,500 in order to purchase the NextRequest platform.

**ALTERNATIVE ACTION(S):**

City Council does not adopt the Resolution amending the budget and the City does not purchase the NextRequest platform.

**FISCAL IMPACT:**

The \$5,500 is an increase in the expenditure budget for account number 110-4150-0319 (Administrative Services - Professional Services account). The existing budget is \$30,000 and if approved, this amendment will increase the budget to \$35,500 for fiscal year 2018-19.

**CONSISTENCY:**

N/A

**IMPLEMENTATION/TIMEFRAMES:**

If the budget amendment is approved, implementation of the online portal will be initiated as soon as possible.

**ATTACHMENTS:**

1. Resolution Budget Amendment
2. NextRequest Quote
3. PRA Log 2018

**NOTIFICATION:**

None.