

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Monday, March 30, 2015
5:45 p.m.

Conference Room 104 - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Winstead, Deputy Mayor Eggen, Councilmembers McGlashan, Hall, McConnell, Salomon, and Roberts

ABSENT: None

STAFF: John Norris, Assistant City Manager; Margaret King, City Attorney; Jessica Simulcik Smith, City Clerk

At 5:50 p.m., the meeting was called to order by Mayor Winstead.

Ms. Simulcik Smith explained that staff was before Council to discuss retention and disclosure of handwritten notes, remind Council about the policies governing the use of electronic devices to conduct City-business, and to provide an overview of the City's Public Disclosure Program.

Ms. Simulcik Smith reviewed that the City has received 85 public disclosure requests so far in 2015, which represents a 117% increase from this point in time last year. Of these requests, 66 have been closed, and 19 are open and still being processed. She pointed to historical data on the number of requests the City has received and noted increases every year. She stated what the data does not show is that, not only is the number of requests increasing but also the scope and depth of each request. This is due to the use of technology in the workplace and increase in the amount of electronic public records being created. Also certain types of records, such as email, are stored in a way that can only be retrieved by keyword. A search can result in thousands of emails that need to be reviewed for responsiveness and possible exemption. Ms. Simulcik Smith then reviewed the City's procedures for responding to public disclosure requests, and reminded Council of their responsibilities in the process.

Ms. King reviewed that handwritten notes taken in a way that indicates a private purpose can be destroyed as soon as they are no longer useful to the person who took them. However, if they exist at the time of a public records request, and are responsive to that request, they must be handed over to the City Clerk's Office. The City Attorney's Office will then perform a review of the notes to determine if they are personal or public record, or if they contain any exempt information.

Ms. Simulcik Smith reminded Council of the City's no texting policy, and that posts or comments on social media sites related to City-business are prohibited. She stated the creation of any City-business related documents from a personal device is permitted if a Councilmember

saves it on the City server. And a call from a personal cellular phone can be placed if it is to a City phone.

Councilmembers stated they do not have remote access to the City's network and asked how the City would like them to save electronic documents that they create. Mr. Norris responded that a Councilmember can email the document to City staff using their City email account. Ms. Simulcik Smith added that it can also be saved to a pen drive and provided to staff.

Councilmembers asked what records are requested most often and indicated a desire for the City to look for opportunities to post more records online to proactively get information out to the public and reduce the number of public records requests.

Councilmembers asked about the annual cost of server storage and amount of staff time spent responding to requests. It was suggested that the City look for ways to reduce labor costs and at hiring a junior attorney to help review records for exemption. Mr. Norris responded that server storage is inexpensive and the real cost is staff time spent searching for and reviewing records. Currently there are three City Clerk's staff processing requests and many other staff members throughout the organization. He acknowledged the City cannot control the volume of requests it receives and that it must be responsive. The two options for managing the heavy workload are for the City to extend time estimates for fulfilling a request, or to increase resources.

Councilmembers discussed how to determine an appropriate level of staff time to be spent on public disclosure and asked if the City tracks the time spent on requests. Ms. Simulcik Smith responded that the City Clerk's Office started tracking time starting this year. She shared that the City of Kirkland found that for employees whom responding to records request is not one of their core duties, the need to dedicate more than 10 hours a month would interfere with their essential job function. Mr. Norris stated the City would perform a time study and cost analysis before asking Council to make a policy decision on formally dedicating existing resources or adding new resources.

Councilmembers asked what to do when the public sends an unsolicited email to a personal account, or a text message to their City cellular phone. Council was reminded of previous instruction to forward the email and metadata to their City email account and then respond from there. Ms. King also stated it would be appropriate to not respond or for a Councilmember to contact the person explaining that the message was sent to a personal account and ask them to resend the message to their City account.

Councilmembers asked if the City has any relief from requests that are malicious or harassing. Ms. Simulcik Smith stated the Public Records Act requires that all requests be processed no matter the motive or how broad. Ms. King added that the Act does provide limited relief for requests made from inmates.

Councilmembers stated they appreciated the update and noted it would be helpful to know how much time the entire City is spending on processing requests.

At 6:40 p.m. the meeting was adjourned.

Jessica Simulcik Smith, City Clerk

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