

DATE: June 26, 2017

TO: Mayor Stokes and City Councilmembers

FROM: Kyle Stannert, Assistant City Manager
Charmaine Arredondo, Assistant Director, City Clerk's Office
Katherine Ebner, Public Records Officer

SUBJECT: Open Government Training – 2017 Update

The Open Government Trainings Act establishes that all elected officials, members of governing bodies, and agency public records officers shall receive training at least every four years. Tonight's training is intended as an update to recent amendments to the Public Records Act (RCW 42.56) and emerging best practices since the last training in 2014. Similar training for newly appointed Boards and Commission members will be scheduled in the coming weeks in order to satisfy the requirement for Open Government Training within the first 90 days of appointment.

Tonight's presentation is for information only, and no action is being sought from Council.

Background

The Open Government Trainings Act (ESB 5964), effective July 1, 2014, requires public officials to receive training, within 90 days of taking the oath of office or assuming official duties, on the following:

- **Open Meetings Act (OPMA)** - Every member of a governing body, as well as members of appointed boards and commissions, must complete open meetings training.
- **Public Records Act (PRA)** - All elected officials and public records officers must complete training on public records and records retention. The training must be consistent with the Attorney General's model rules.

After passage of ESB 5964, the Attorney General recommended that all affected officials take the training in 2014 to set the baseline for compliance. The City Council was trained on September 15, 2014 as well as the East Bellevue Community Council and all members who were seated on Council-appointed Boards and Commissions as of July 2014 also received training over the summer and fall of 2014. Refresher training for all public officials is required to be completed at intervals of no more than four years or when new members are seated.

Included in tonight's training will be discussion of the recent amendment to the PRA by two pieces of legislation, Engrossed Substitute House Bill (ESHB) 1594 and Engrossed House Bill (EHB) 1595, signed into law in May 2017. ESHB 1594 amends several sections of the PRA related to providing initial responses to PRA requests, the definition of public records and required training for public records officers. ESHB 1594 further establishes a competitive grant fund for local agencies to improve technology information systems for handling PRA requests. This law also requires agencies to maintain an extensive and detailed log of all PRA requests and report information annually to the legislature if the agency spends at least \$100,000 a year in staff and legal costs fulfilling public records requests.

EHB 1595 primarily addresses an agency's ability to charge for producing and transmitting electronic records and allows agencies to recoup these costs as well as charge a "customized service charge" for requests that require use of "information technology expertise" if the agency provides notice to the requester in advance. EHB 1595 also clarifies the scope of an agency's responsibility to respond to certain types of requests, including automated "bot requests."

Tonight, Matt Segal and Jessica Skelton from the Pacifica Law Group will provide Council the required refresher training on the OPMA and PRA and will be available to answer any questions the Council may have. Mr. Segal and Ms. Skelton are Partners with Pacifica Law Group, with strong backgrounds in municipal law, open public government and public records.