



MEMORANDUM

Date: May 13, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner *JL*
County Administrator

Re: **Public Records**

At the May 3rd Board of Supervisors meeting the Board asked for more information about how the County processes public records requests, whether there could be improvements to perceived delays in receiving records, and whether the Board could be given copies of all requested records.

Under Administrative Procedures 4-4 and 4-5, the Clerk of the Board manages the County's public records program and the distribution of records requested by the public. The Communications Office is often involved in helping to manage requests for records from the media. The Communications Office and the Clerk of the Board conferred on the Board's request and offered the attached memorandum with their suggestions. The Clerk will provide Board offices printed and digital instructions for accessing and viewing records on GovQA, and also will provide one-on-one training, as requested.

I concur with their recommendations and will be taking steps to enact them immediately.

JKL/anc

Attachment

- c: Carmine DeBonis Jr., Deputy County Administrator for Public Works
- Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
- Melissa Manriquez, Pima County Clerk of the Board
- Mark Evans, Director, Communications Office

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May 6, 2022

To: Jan Leshar, County Administrator

From: Mark B. Evans, Communications Director
Melissa Manriquez, Clerk of the Board

Re: Public Records Response Processes

The Communications Office and Clerk of the Board have conferred on the requests for more information from the Board of Supervisors, and specifically District 4 Supervisor Steve Christy, about the County's public records requests response processes. We offer the following:

Board Members Receiving Requests of All Requested Records

In calendar year 2021, the Clerk of the Board received more than 800 records requests through the County's Records Request Portal. The majority of those requests were for records from County Departments or other County agencies – the Sheriff's Department, for instance – that are considered "normal course of business" requests. The Departments and the elected Row Officer agencies handle these common requests themselves and don't require tracking by the Clerk of the Board. Examples of these would be copies of traffic accident reports, zoning plats, dog licenses, tax bills, and the like. Many of the requests also were for records that exist on pima.gov or the websites of the elected Row Officers. Requestors for those records are referred to the respective websites where those records reside (*see ARS 39-121.01(D.1)*).

About 30 percent – 250 or so - of the requests received in 2021 required responses from County departments and were tracked by the Clerk of the Board using web-based GovQA software. These requests vary from a few pages of records to many hundreds of pages and come from a variety of people and professions, including attorneys and the media. Delivering to Board offices many thousands of pages of records a year would be quite daunting for Board office staff, especially since the overwhelming majority of the released records are benign and ministerial – traffic camera sequencing data, for instance. Moreover, adding dissemination of requested records to the Board offices further encumbers an already cumbersome tracking process. **Our recommendation is for Board members to identify a member of their staff to be given access to GovQA. This would allow Board members to easily view all requests received through the portal, their response status, and see copies of all responsive records provided to requestors.** Board members would be able to view any of the requests involving Board offices, or any others that pique their interest, while ignoring the plethora of routine requests. The Clerk will provide Board offices printed and digital instructions for accessing and viewing records on GovQA, and also will provide one-on-one training, as requested.

Perceived Records Response Delays

The vast majority of records requests processed by the Clerk of the Board and County departments are responded to in just a few days, easily meeting anyone's definition of "promptly" as required by the state's Public Records Law, ARS 39.121. Out of 250 requests tracked by the COB in 2021, the average time to close the request was 12 days (this calculation is for calendar days and includes weekends and holidays). So far in 2022, the average is 5.6 calendar days for the 111 requests tracked by the COB.

Some requests are for large numbers of records from multiple departments. These requests take longer to process for release because of the “duty to redact” requirement established by the courts, as described in Chapter 6 of the Arizona Attorney General’s Public Agency Handbook (section 6.5.3) There are over 300 exemptions to the Public Records Law approved by the Legislature, including numerous exemptions for release of personally identifying information. The Pima County Attorney’s Office has advised the Clerk of the Board that all records prepared for dissemination to the public should be reviewed for personally identifying information, including personal email addresses. When presented with large numbers of documents to review for redaction, departments must balance complying with the request with all the other duties of their office. On occasion, the amount of time a department needs to process large records requests can stretch into several weeks. These incidences raise the issue as to whether the County is being “prompt” in its response to the request.

Since what constitutes a prompt records response is not defined in the statute, and absent guidance from the Arizona Attorney General or state courts, it would be in Pima County’s interest to provide its own guidance to staff for promptly responding to records requests. Therefore, we propose the following language, or similar, be added to Administrative Procedure 4-4 where appropriate:

- Authorized Department Contacts are to be responsible for receiving requests, and retrieving, reviewing, and redacting as needed responsive public records. In the absence of the Authorized Department Contact (vacation or sick leave, position under recruitment, etc.), the Department Director must designate an alternate Authorized Department Contact to process the request. Department Directors will receive a copy of all records requests transmitted to their Authorized Department Contact.
- Authorized Department Contacts will attend annual public records training, to include instruction on the County’s standard for redaction, using Chapter 6 of the Public Agency Handbook as a reference. The Clerk of the Board and the Communications Office will conduct the training with assistance or guidance from the County Attorney’s Office as needed.
- Departments will process all public records requests as soon as received, with an eye toward completing them as soon as possible, and must fully respond to all requests within 20 business days.
- If a Department is unable to fully respond to a public records request within 20 business days, the Department Director must provide to the County Administrator in writing the reasons the Department is unable to complete the request in the designated time, and describe the efforts made to comply with the request over the preceding 20 days. A copy should be provided to the Clerk of the Board via publicrecords@pima.gov.
- The Clerk of the Board will provide a monthly report to the County Administrator regarding any open records requests that includes the number of days the request has been open.

cc:
Alina Barcenas
Monica Perez
Sam Brown