

CITY OF SHAWNEE

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SENATE FEDERAL AND STATE AFFAIRS COMMITTEE HEARING ON SB 86

Written Testimony in Opposition of SB 86 on Behalf of the City of Shawnee By Nolan Sunderman, Assistant City Manager February 1, 2017

Honorable Chair and members of the Senate Federal and State Affairs Committee:

The City of Shawnee values transparency and has been recognized by the Sunshine Review, a national non-profit, with an A+ grade for enhancing our website, increasing access to information, and proactively championing government openness. At the same time, some of the requests we receive require considerable staff time to complete and do not always come directly from persons within our community.

We appreciate that SB 86 allows cities to recoup some of the costs in providing open records, however there are still some issues of concern. The requirements that an agency only charge staff time at the lowest hourly rate of the person that is qualified to provide the requested record is unreasonable and ambiguous. With limited staff, an employee may not be available or they may not be employed in that department/division. We have concerns that this vague requirement could open the City to litigation.

The City of Shawnee responds to a great number of records requests. In 2016, the City Clerk's Office responded to 196 requests, a 39% increase over 2015. Approximately 140 hours of staff time were spent on these requests and the City Clerk's Office charged \$1,806 for copies and staff time primarily for research. This does not include requests for Court and Police records. Many of the requests that the City Clerk coordinates come from for-profit companies and individuals that are not residents of the City or state.

The City of Shawnee is not opposed to having state requirements on open records and meetings and supports the intent of having open government. Many public records are available on the City's website for no charge. The current Kansas Open Records Act does not allow a local city to charge unreasonable fees. The City's current fee structure was adopted by the Governing Body and is reviewed annually by staff. The fee for most copies is \$0.25 per page. Staff time is not charged unless it takes longer than 15 minutes to make copies or perform research. The intent of the fee is not increase revenue but to recover the cost to provide the service. As stated in the City of Shawnee State Legislative Program, we support the ability to recoup costs of requests as allowed in current statute.

The issues that remain in this bill have the potential to create an unfunded mandate that in many cases support organizations and individuals that are not Kansas residents and provide no public benefit. For these reasons, the City of Shawnee opposes this legislation.

Thank you for your time and consideration.

