

Testimony in Opposition to Senate Bill 98 – pen records, charges limited; open meetings; minutes required.

To: Honorable Chairman Senator Ralph Ostmeyer
Members of the Senate Committee on Federal and State Affairs

From: Nolan Sunderman, Assistant to the City Administrator

Date: February 9, 2015

Thank you for the opportunity to provide comments in opposition regarding Senate Bill 98.

The City of Prairie Village has several concerns about SB 98. As written, the proposed bill would significantly limit our ability to recover costs associated with public information requests. Although the bill requests these costs be free for requests under 25 pages, some requests can take significant staff time even though the end product is small in terms of paper length. The City of Prairie Village does not charge high fees for these requests but ensures the fee is able to recover the actual cost. In some cases, these requests must be verified by the City Attorney.

The City of Prairie Village has worked diligently to ensure transparency is our priority. Transparency efforts include a robust City website featuring complete agenda packets, minutes, and supporting documentation for all meetings including the City Council and other committees, including a web-search of City archives. The City website also features a “PV Checkbook” detailing all expenses and the vendor.

A large request can create a shift of resources on small organizations such as ours with a limited staff. The proposed legislation erodes local control and creates an unfunded mandate for local government. It is for this reason the City of Prairie Village is opposed to SB 98.

For illustrative purposes, the City of Prairie Village received a large open records request from a law firm in 2012 preparing to file a lawsuit against the City. The request included numerous components in a single request. The response to the open records request (please see the photo below) included over 60 hours of staff time and 3,000 pages for a charge of \$5,170.80. If this bill was enacted, the City’s fee would be reduced and the local taxpayers would subsidize the remaining amount.

