

## Item #4 - Department Response

The Commission would appreciate hearing from you regarding the following questions:

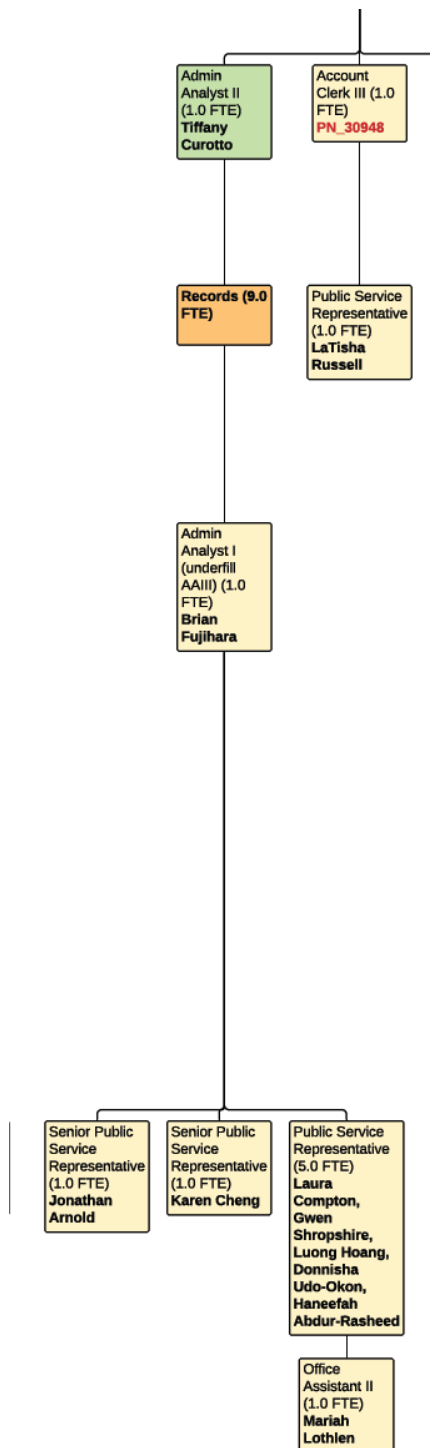
**1. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications and response to the requester, and who supervises and supports the public records liaison when challenges arise?**

As of January 2020, Tiffany Curotto, Administrative Analyst II supervises the Records Unit. Currently, the team is made up of nine (9) staff: one Administrative Analyst I (Brian Fujihara), two (2) Senior Public Service Representatives (Jonathan Arnold and Karen Cheng), five (5) Public Service Representatives (Donnisha Udoon, Laura Compton, Luong Hoang, Gwen Shropshire, and Haneefah Abdur-Rasheed), and one Office Assistant II (Mariah Lothlen). Each Senior Public Service Representative is responsible for separate Records Unit areas—Records Management and Public Records Requests. As of September 20, 2021, Karen Cheng holds the role of Senior (Sr.) Public Service Representative (PSR) and is responsible for monitoring NextRequest for Public Records Requests (PRRs) and assigning them to the PSRs to research responsive records. Once responsive records are identified, the PSR saves them into a folder on the Shared Drive and notifies the Sr. PSR who then reviews the documents for responsiveness and redaction and then uploads to the requester. Sometimes, Electronic Data Requests (EDDR) are required and these are processed by the Information Technology Department. The receipt of results for EDDR results can vary. The Sr. PSR is responsible for maintaining a PRR Log that outlines the status of every PRR and who it is assigned to, and they are responsible for reaching out to the City Attorney's Office should any questions arise about a certain request. The Administrative Analyst and supervisor support the Sr. PSR for complex requests.

Prior to Curotto, the former Assistant Director, Katie Dignan supervised the Unit (and prior to Dignan, it was Civil Principal Engineer, David Harlan). Prior to July 2020, former Sr. Public Service Representative David Guillory provided lead direction for the Records Unit. Sophia Uwadiale took on this role upon Guillory's departure, and Donnisha Udoon acted as Sr. PSR prior to Karen Cheng's hire.

Here is a screenshot of the current Organization Chart:

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### 2. Roughly how many requests come in to your department each week/month/year?

PBD receives a large number of requests annually. This year (2021), PBD has received approximately 2,114 (two-thousand-one-hundred and fourteen) PRRs. This is projected to approximately 52% more than last year (in 2020, PBD received approximately 1,785 requests). On average, in 2021, PBD has received approximately two-hundred and twenty-seven (227) PRRs per month and 52 per week. Here are annual figures based on data pulled from NextRequest:

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	2018	2019	2020	2021*
<b>Opened</b>	815	1259	1785	2114
<b>Closed</b>	815	1259	1784	2064
<b>Average # of Days</b>	31.32	37.16	25.28	8.3
<b>Yr to Yr Growth Requests</b>		54.48%	41.78%	52.61%**

\*Year to date as of 10/11/21

\*\*2021 percentage based on projected # of PRRs received

### **3. What challenges does your department face in responding to records requests? What changes, if any, have you made to improve retention or response to records requests?**

The main challenge that the Records Unit has faced is with respect to personnel. The Unit has experienced a high level of transition within the past two (2) years. Between the lack of consistent supervision, and the loss of key staff (and with them key institutional knowledge), the Unit has had to work together, and often overtime, to handle the amount of PRRs on top of the other services overseen by the Records Unit (re-roofing/insulation certification, 3-R Reports, etc.). Prior to January 2020, there were no documented standard operating procedures (SOPs) and with the building closure in response to the local shelter-in-place declaration and the initiative to digitize application services, SOPs became a priority. COVID-19 also posed a challenge to the team with respect to training. Six (6) staff joined the team during the building closure (four of which were new to PBD, one of which was entirely new to the City). Another shift that occurred last year was the reorganization of the unit. PBD also had to release key part-time staff that supported the Records Unit. A Sr. PSR was reassigned to the Records Unit. An Administrative Analyst II position was added and a Sr. PSR position transitioned to full-time. That Sr. PSR then left the department and a PSR acted in the position until we filled it permanently. The Administrative Analyst II position was underfilled with an Administrative Analyst I to provide for the opportunity to grow and promote to the higher-level position via flexible staffing (as of 10/11/21, this process is in motion) and each Sr. PSR position was given a particular role within the unit (Records Management and Public Records Requests respectively). The outcome to PRRs has been that there is an improved chain of command that allows staff to work on specific tasks and for higher-level staff to review the work before it is released to the public. As the table in #2 shows, the average number of days between receiving a request and closing it is under the mandated ten (10) days.

Another big change that the Records Unit made has been to the PBD webpage on the City's website. A new Records Unit page was created that provides the public with information on the various services for which the Unit is responsible and provides digital forms and links. There is a Frequently Asked Questions section as well. This will hopefully result in a more transparent and efficient way for the public to get the information that they are looking for. This is also another resource for staff—within the Records Unit and outside of it—to appropriately direct customers.

### **4. Is your department required to collect and maintain copies of Radio Frequency Emissions reports as required to be submitted to the City during the application process for wireless facilities as described in our PEC's Mediation Summary M-2019-17?**

The City maintains three (3) copies of the Radio Frequency Emissions report. The initial report is collected with the Planning Bureau and is maintained with their case file. The other two (2) reports are filed with the Building Bureau: one at the beginning of the project and the second at the end and saved in Accela (the City's land-use management software).

At the time of the request in 2019, the Building Bureau did not require a separate Radio Frequency Emissions report prior to final since it was our understanding at that time that the applicants submitted the

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Radio Frequency Emissions report directly to the Federal Communications Commission. Since that request, the Building Bureau has been collecting the Radio Frequency Emissions Report.

### **5. Is your department required to collect and maintain a copy of a signed Conditions of Approval between the City and a developer applicant as indicated in our PEC's investigation of Case #18-48?**

One of the standard Conditions of Approval states the following: "*A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.*" In conformance with this provision, the project applicant is to submit the signed Condition of Approval. As part of a permit plan submittal, the signed Conditions of Approval would be maintained with the project record. Even if the project applicant were to fail to sign the Conditions of Approval, compliance with them would still be required. The department has historically been inconsistent in confirming the project applicant's submittal of a signed record. The department is working towards more consistent project applicant adherence with this provision of the Conditions of Approval to ensure that the project applicant submits a signed copy, which is consistently maintained. It is also important to note that there are instances where Planning cases do not receive Conditions of Approval: ministerial cases such as Design Review Exemptions (which is how most telecom facilities are now processed due to changes in Federal regulations) are not issued Conditions of Approval.

### **6. What training and support do you provide to the various individuals that play a role in the department's records retention and public records response process?**

Each task that the Records Unit is responsible for has a SOP. Since the creation of the SOPs in early 2020, we have implemented a mid-year review to ensure that the SOPs are updated (if needed). Trainings have been held for all staff within the Unit to provide refresher training on key tasks. Citywide training has been assigned to staff in Excel, email communication, and Outlook. The Administrative Analyst I also holds trainings as-needed when it comes to our attention that staff may not be comfortable with a certain assignment. A bi-monthly Team meeting was instituted to allow for a secured time to discuss new items or issues that staff may be experiencing. One-on-one meetings with each staff and their supervisor have also been instituted. The Unit also regularly consults with the City Attorney's Office to review any responses or records if there are questions.

### **7. What steps will you take, or have you already taken, to ensure that the process, policy, and people involved in the department's public records system are operating in a manner that ensures compliance with state and local public records laws?**

A combination of steps has been taken to ensure that the process, policy, and people involved in PRRs are operating in a manner that ensures compliance with state and local records laws. From the creation and regular review of SOPs to the reorganization of the unit to provide for more efficient chain of command—the Records Unit is committing to providing staff with the proper training and resources to provide excellent and responsive customer service.

### **8. What additional information would you like to share with the Commission on this issue?**

We would like to thank the Commission for taking the time to provide us with the opportunity to share the improvements that we have made and are continuing to make to the Records Unit. We would also like to highlight the number of digital transformations that we have made—outside of the website, we have created digital forms using OpenForms to further streamline the process for customers to submit requests and to make clear the distinction between the various requests (i.e., what necessitates a PRR). We would like to reiterate that we have made many improvements to the Records Unit since the time of these

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requests and are working with staff to make sure that they are confident in understanding requests and know when to reach out to the customer to clarify the scope and how to work with the City Attorney's Office to ensure that timely responses and accurate projections are made for providing documents for voluminous requests.