

Meeting Minutes

Oregon Public Records Advisory Council

January 22, 2021

1:00 pm

Present:

Les Zaitz, Rob Bovett, Mark Landauer, Scott Winkels, Steve Suo, Emily Harris, Shirin Khosravi, Stephanie Clark, Adam Crawford, Senator Thatcher, Representative Power

Not present: Tony Hernandez, Michael Kron

Also present: Todd Albert

Minutes

Having a quorum, Stephanie Clark brought the meeting to order and the council approved the agenda. The council approved the meeting minutes from October 7th. Stephanie outlined the process for reviewing bills as a council and explained that there are a few bills that need to be prioritized for review, as they specifically relate to either the Advocate's office or the Public Records Advisory Council. Stephanie started the conversation by focusing on SB 500 – the PRAC's requested Advocate independence bill co-sponsored by Rep. Power and Sen. Thatcher, and HB 2029 – the Gov/DAS Advocate independence bill. Stephanie asked Adam Crawford to explain DAS's plan for HB 2029. Adam let the council know that DAS would either drop the bill or modify the house bill to reflect the council's preferred language and that it would be helpful to have a back up vehicle in case it is needed. Adam recommended that the council focus on SB 500. Les Zaitz asked Adam to clarify the differences in the bills. Adam explained that the differences were mostly immaterial and did not represent major policy changes. The council walked through each difference and voted to recommend the following amendments to SB 500:

"1. Page 1 - lines 6-7:

a. SECTION 1. ORS 192.461 is amended to read: 192.461. (1) The office of the Public Records Advocate is created as an independent office **within the executive department**, separate and distinct from any other state agency.

b. The intent is to affirm that Advocate's Office is as independent from any other state agency as is possible while still being part of the Executive Branch (ie not part of DAS).

2. Page 1 - line 18:

a. (7)(a) The Public Records Advocate shall select, appoint, **and fix the compensation of** a Deputy Public Records Advocate. The Deputy Public Records Advocate shall be a member in good standing of the Oregon State Bar.

b. The intent is to ensure that the Advocate has complete control over the process of hiring a deputy (subject to budgetary limitations) from start to finish.

3. Page 1- Line 21:

a. **The Public Records Advocate may hire and fix the compensation of other professional staff to assist in performing the duties assigned to the Public Records Advocate. Officers and employees of the office of the Public Records Advocate who are appointed or hired by the Public Records Advocate are in the exempt service.**

b. The intent is to mirror the language in HB 2029 to allow the Advocate to hire additional staff if necessary, to carry out the work of the office.

4. Page 2 - line 4-8:

a. **The Advocate may seek out office facilities and administrative support from other state agencies or local public bodies. State agencies shall assist the Public Records Advocate. Local public bodies may assist the Public Records Advocate.**

b. The point is to make clear that while it is still appropriate for the office to be assisted by other public bodies, it is the Advocate's choice to seek out that assistance rather than an obligation on the part of those public bodies. However, state agencies are obligated to assist when asked, while it is conditional for local public bodies.

5. Page 2 – line 38-40:

a. [(c)] (b) The council shall take up *only* the question of the **process**, selection, and appointment of a new Public Records Advocate.

b. The intent is to allow the council to carry out other statutory duties, even while conducting a recruitment for a new advocate.

6. Page 4 – line 6:

a. (2) Moneys in the Public Records Advocate Fund are continuously appropriated to the Public Records Advocate for the purpose of funding the operations of the office of the Public Records Advocate and the Public Records Advisory Council. **Interest earned by the Public Records Advocate Fund shall be credited to the fund. The fund consists of moneys appropriated or otherwise transferred to the fund by the Legislative Assembly.**

b. The intent is to mirror language from HB 2029, further specifying that the Advocate's Office is to receive its funding directly from the Legislature."

The council voted to keep SB 500 at the forefront of the council's attention and to keep HB 2029 in play as an option and if we need to deploy it, that we would seek to amend it to reflect the changes made to SB 500.

The council voted that the Chair should seek an amendment to SB 500 to reflect the council's views.

The council discussed SB 294 – the PRAC survey bill. The council decided it did not need to vote if it planned to remain neutral on SB 294.

The council discussed HB 2224 – the fees/arbitration bill. The council asked for the Chair to reach out and gather more information from Representative Wilde and invite him to attend a future PRAC meeting.

Representative Power spoke to the council and let them know that there are a few public records bills requested by the Society of Professional Journalists that she has sponsored.

The council agreed upon the meeting schedule of every other Friday starting at 1:30 pm, understanding that there may be times when the Chair cancels a meeting if it is not deemed necessary.

Emily Harris asked when Todd will be confirmed by the Senate to be the permanent Public Records Advocate. Mark answered that the Senate Rules Committee Chair would decide that.

Council meeting adjourned at 3:15 pm.