

Resolution

Whereas:

The Public Records Advisory Council believes that the Legislature intended, when it created the the Office of the Public Records Advocate in 2017, that it be an independent body;

The current Advocate has offered evidence that members of the Executive Branch recently interpreted Oregon statute contrary to this legislative intent and the opinion of the Department of Justice;

The Advocate provides a tremendous direct service to all state agencies and local public bodies, specifically by training thousands of public employees in Oregon records law and answering hundreds of requests for information or mediation since 2018;

Independence is the only means by which the Advocate and the Council can fulfill their responsibility to recommend improvements to Oregon records law purely based on their consideration of the public interest;

Be it resolved:

1. That the Public Records Advisory Council will recommend emergency legislation for the 2020 Legislature to ensure the independence of the Office of the Public Records Advocate.
2. That this recommendation will propose a new section in statute stating: "The Office of the Public Records Advocates is independent from any state agency or elected official";
3. That this recommendation will propose making the Advocate an appointee of the Council itself;
4. That this recommendation will propose stating that any physical or organizational placement of the Advocate's office within another agency of state government is for administrative purposes only, and that nothing in this co-location should be construed as limiting the Advocate's autonomy;
5. That this recommendation will propose a dedicated, non-general fund source of fiscal support for the Advocate, with a minimum funding level set in statute and the cost burden shared among all state agencies and local public bodies.

