

Meeting Minutes

Oregon Public Records Advisory Council

October 7th, 2020

1:00 PM

Council Members present

Adam Crawford, Tony Hernandez, Rob Bovett, Steve Suo, Emily Harris, Stephanie Clark, Mark Landauer, Les Zaitz, Scott Winkels, Shirin Khosravi, Ginger McCall

Not present: Michael Kron, Senator Thatcher, and Representative Power

Also present: Todd Albert

Minutes

Having a quorum, Stephanie Clark brought the meeting to order and the council approved the agenda. Mark Landauer asked that the council please remember that a Biennial Report was due December 1. Stephanie acknowledged that this item was on the agenda and that she would address it. Without opposition, the council voted to approve the meeting minutes from August and September 2020 meetings. Stephanie then jumped to item 4 on the agenda, letting the council know that she and Deputy Advocate Todd Albert would work together to write the PRAC's Biennial Report. Emily Harris asked that a draft be sent around for council members to review and Stephanie agreed to this.

The council then discussed the topic of whether or not to make recommendations to the Governor as to what her offices' next steps should be in the recruitment of the next Public Records Advocate, following Becky Chiao's resignation. The council also debated and discussed several possible options for what those recommended steps should be. Stephanie's suggestion was that DAS/Gov appoint Todd Albert as Acting Advocate until such time that the legislature could meet to solidify the independence of the office, then allowing the PRAC to restart the recruitment process.

Mark Landauer stated that he believed DAS still had two names of qualified candidates to choose from and that the Governor should select from those candidates. Scott Winkels agreed with Stephanie's suggestion. Steve Suo agreed with Mark's suggestion and stated that the council had fulfilled its obligation to forward three names because Becky Chiao was never confirmed by the Senate. Les agreed with this sentiment stating that it was a continued vacancy. Adam stated that the PRAC was off the map at this point. Ginger stated that she was familiar with the statute, and she believed that the PRAC did not have to go back and restart the process. Tony did not like the idea of going through another round of recruitment and supports Mark's idea. Ginger spoke highly of Todd Albert's performance as the Advocate and expressed concern with the idea of keeping Todd as Acting without appropriate compensation. Mark, Adam, Emily, and Ginger discussed Todd's salary. Steve suggested that the council recommend that the Governor select Todd Albert as the next permanent Advocate. Rob confirmed others' opinion that the PRAC had fulfilled its statutory duty to provide 3 names and that this was not

voided because Becky resigned. Emily suggested that if the PRAC was required to put up 3 names for consideration, that perhaps the PRAC could re-interview previous final candidates. Mark suggested that the PRAC express preference for Todd to the Governor's office. Ginger reiterated that the PRAC should express preference for Todd. Adam agreed with Stephanie and Scott that the PRAC should recommend that the Governor appoint Todd as Acting Advocate and wait for the legislature to weigh in on their intentions for this office. Tony supported sending a letter to the Governor asking for Todd be appointed. Les Zaitz strongly supported the concept of urging the Governor to consider appointing Todd to be confirmed in December. Shirin expressed support for Stephanie's suggestion. Stephanie said there were two clear options voiced. Stephanie asked for public comment.

Scott Forrester spoke asking that public comments be noted in the minutes for the September meeting and going forward. Mr. Forrester also expressed support for Todd Albert's name being forwarded to the Governor for consideration.

Mark voiced concern that the legislative schedule is still up in the air and that the PRAC should not count on the PRAC's independence bill being a priority and should not delay the filling of the advocate position. Adam said that he did not think it sounded that different from a regular legislative session and that he felt it was very important for the legislature to weigh in. Adam also said that he was concerned because it looked like there were going to be several PRAC member's terms up for renewal. Adam asked Rob if he knew when PRAC members' terms expired. Emily asked Adam why this was important to the discussion at hand. Adam said he thought it was relevant if there was going to be turnover of the council in three months. Rob asked if there could be an option for just asking the Governor to select from the list of two names remaining. Stephanie said that he was the only council member who had suggested just that without also taking it a step further to endorse Todd Albert. Mark, Rob, and Emily discussed re-wording the two options.

Stephanie read a comment from the public from Sean Green voicing support for Todd Albert. Ginger re-stated support for Todd and voicing concerns for the success of the office if he is not appointed and confirmed. Steve reiterated Les' point about how long this process has already taken and stated that the office needs stability. Emily voiced support for Mark's point about legislative uncertainty. Emily stated that she fears ongoing limbo and supports Tony's point.

Mark made a motion to send a letter to the Governor's office asking that she consider the PRAC's duties fulfilled, having offered up three names for her consideration for Advocate. He said that it would be the PRAC's wish that she select Todd Albert from the remaining two qualified candidates. Votes were:

Emily Harris – Yes; Steve Suo – Yes; Les Zaitz – Yes; Scott Winkels – No; Rob Bovett – Yes; Mark Landauer – Yes; Shirin Khosravi – No; Tony Hernandez – Yes; Adam Crawford – No; Ginger McCall – Yes; Stephanie Clark – No

Motion passed. Stephanie stated that she will draft a letter with assistance from Mark and Emily. Mark asked Stephanie to summarize next steps on the Report to the legislature. Stephanie stated that she will draft the report with assistance from Todd and circulate for comments. If there are substantive comments from PRAC members that warrant a meeting, Stephanie stated that she would call a meeting in November.

Pete Shepherd asked to provide public comment. He wanted to encourage the members to keep up the work of the PRAC regardless of whether or not there is a permanent Advocate. Mark expressed that the PRAC has been working diligently to fill the vacancy and that he believes that there is a firm commitment from all members to do this important work. Emily asked what the process is for the term renewal for council members, and Rob stated that someone needs to identify whose terms are going to be up. Stephanie volunteered to take this on.

Scott Forester suggested that the minutes incorporate more details about the meeting. Tony mentioned that he had worked with Becky Chiao to try and figure out how to download transcripts from youtube. Stephanie acknowledged Mr. Forrester's suggestion. Les thanked Stephanie for her service as Chair.

Mark motioned to adjourned. Finding none opposed, the meeting was adjourned at 2:15 pm.