

RESOLUTION No. 37324

Authorize the City Attorney to institute proceedings challenging the Multnomah County District Attorney's ordering the release of public records identifying union membership status to Ben Straka of the Freedom Foundation (Resolution)

WHEREAS, The City of Portland is committed to an open and transparent government, in which all people have access to public documents, and

WHEREAS, The commitment to open government must be balanced with the right of employees to make private decisions about whether to be a union member or fair share, along with the right of the existing labor organization to represent its members without interference from the City, and

WHEREAS, The right for employees to retain as private certain information has been long recognized under Oregon law and is currently codified under ORS 192.502(2), and

WHEREAS, The Public Employees Collective Bargaining Act (PECBA), ORS 243.650 *et seq*, makes it an unfair labor practice for a public employer to interfere with an employee's right to join or participate in the activities of a labor organization, or to interfere with the existence or administration of an employee organization. The Union has demanded that the City not disclose this information as the Union has taken the position that release of this information would constitute unlawful interference with its representational responsibilities as the exclusive representative of employees in represented classifications. Release of this information places the City at risk for an unfair labor practice complaint determination by the Oregon Employment Relations Board, and

WHEREAS, In response to a public records petition from Ben Straka of the Freedom Foundation the Multnomah County District Attorney has ordered the City of Portland to disclose to Ben Strake the names of employees who are union members, and the disclosure of such information also then discloses the names of employees in the same classification who are fair share, and

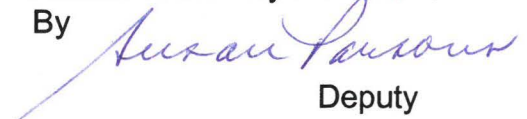
NOW, THEREFORE, BE IT RESOLVED, the City Attorney is authorized to institute proceedings in Multnomah County Circuit Court to challenge the District Attorney's Order in the petition of Ben Straka, or other legal proceedings in other venues, including but not limited to the Oregon Employment Relations Board, that may be appropriate to reach a determination as to any legal issues related to the release of the information, and to pursue to conclusion those proceedings through all level of appeal, and to join all appropriate parties, and, in furtherance or resolution of such proceedings, is authorized to make any stipulation, agreement, or admission as in her judgment may be in the best interest of the City.

Adopted by the Council: OCT 25 2017

Commissioner: Mayor Wheeler
Prepared by: Heidi K. Brown
Date Prepared: October 17, 2017

Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

Agenda No.
RESOLUTION NO. 37324
 Title

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INTRODUCED BY Commissioner/Auditor: Ted Wheeler	CLERK USE: DATE FILED OCT 17 2017
COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler <i>KL</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: City Attorney <i>[Signature]</i> Bureau Head: Tracy Reeve Bureau: Human Resources <i>A</i> Bureau Head: Anna Karwit Prepared by: Heidi K. Brown <i>HB</i> Date Prepared: October 17, 2017	ACTION TAKEN:
Financial Impact Statement & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date October 25, 2017	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>20</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	