

**Authorize City Attorney to appeal judgment in Alan Lloyd Kessler v. City of
Portland, Multnomah County Circuit Court No. 18CV43134**

If you wish to speak to Council, please print your name, address and email

Name (PRINT)	Address and Zip Code (Optional)	Email (Optional)
✓ Lightning Super-Harms		
✓ Emily Green		
✓ Charles Bridges Ane JOHNSON		

McClymont, Keelan

From: Open Oregon <openoregondotcom@gmail.com>
Sent: Wednesday, February 5, 2020 10:01 AM
To: Council Clerk – Testimony
Cc: Adam Gibbs; Dawn Albright; Duane Bosworth; Emily Harris; John Schrag; Justin Mitzimberg; Kateri Walsh; Lisa Phipps; Mary Beth Herkert; Nick Christensen; Norman Turill; Shasta Kearns Moore; Therese Bottomly; Tim Gleason
Subject: Re: Kessler v Portland, Agenda item 102
Attachments: Kessler v Portland appeal decision testimony.pdf

Hello Portland City Council,

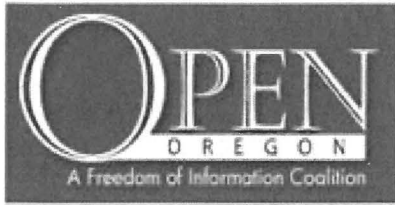
Please see attached for testimony on the decision to appeal the decision in the Kessler vs. Portland case. I believe this is agenda item number 102 on today's agenda.

Thank you very much,

Shasta Kearns Moore
Vice President, Acting President
Open Oregon,
A National Freedom of Information Coalition

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<http://www.open-oregon.com>



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February 5, 2020

To: Portland City Council, and
Mayor Ted Wheeler

Re: Agenda item 102 - Kessler v Portland appeal decision - **Comment**

Thank you for your work for the public on government transparency issues.

Since 1997, members of the public and government officials have cooperatively led Open Oregon, a member of the National Freedom of Information Coalition, which stands for the people's access to their government's open meetings and open records. As you may know, transparency in government is one of the most universally popular issues among Oregonians.

Open Oregon exists to educate Oregonians about their rights to government information. We believe high fees are often an impediment to disclosure, and we favor government transparency at all levels. We support systems and policies that help citizens receive information about their government.

Thank you for providing the opportunity for public debate on this proposal.

Shasta Kearns Moore
Acting President, Open Oregon
A National Freedom of Information Coalition chapter

cc: Open Oregon Board
Therese Bottomly, Treasurer
Duane Bosworth
Tim Gleason
Emily Harris
Mary Beth Herkert

Lisa Phipps
Norman Turrill
John Schrag
Kateri Walsh
Nick Christensen
Justin Mitzimberg
Adam Gibbs
Dawn Albright

Moore-Love, Karla

From: Rachel Alexander <rachelwalexander@gmail.com>
Sent: Wednesday, February 5, 2020 8:32 AM
To: Moore-Love, Karla; Council Clerk – Testimony
Subject: Comments on Item 102 in today's Council agenda
Attachments: SPJcomments-PRA.2.5.20final.pdf



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Please see my attached comments regarding Item 102 on today's agenda: Authorize City Attorney to appeal judgment in Alan Lloyd Kessler v. City of Portland, Multnomah County Circuit Court No. 18CV43134.

Please feel free to contact me if you have any questions.

Best,
Rachel Alexander
President
Society of Professional Journalists, Oregon Territory



Feb. 5, 2020

Dear Portland City Commissioners:

You are being asked today to authorize the Portland City Attorney to appeal a judge's order that the city no longer improperly overcharge for public records.

Oregon's records law remains the public's ally. Thanks to the law, prosecutors have secured public corruption convictions that include a Portland city manager. The law's use has triggered important reforms and millions in savings.

The Oregon Territory Chapter of the Society of Professional Journalists encourages the council to reject this appeal and pursue best-practices reforms:

- In September 2018, at the request of Mayor Ted Wheeler's then-Chief of Staff, SPJ facilitated input from 15 reporters who dealt with the city. Among the input: city records-fee practices appeared to violate public records law. The city should review records-fee practices to ensure transparency.
- As was recommended to Mayor Wheeler's staff in September 2018, the city of Portland should establish a formal council policy, ordinance or resolution to ensure compliance with the law's pro-disclosure intent.
- As SPJ noted to the City Council on June 19, 2019, the city should not enter a database contract that fails to anticipate the need to export public-information data in response to a records request. Current city practices can be a self-inflicted barrier to transparency, at odds with the law.

Oregon SPJ stands ready to assist should the city desire to address these areas.

Rachel Alexander

President, Oregon Territory Chapter, Society of Professional Journalists