

SB 890 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/16, 3/23

WHAT THE MEASURE DOES:

Allows limited disclosure of legally privilege information without waiver of privilege if disclosure is by city, employee, or agent of city to elected auditor or employee of elected auditor. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Measure specific to Portland's City Auditor's Office
- Portland's elected auditor, with specific powers and duties, may be unique in nation
- Information necessary for accurate and complete audits

EFFECT OF AMENDMENT:

-1 Specifies privilege not waived to extent records or information disclosed for purposes of audit or investigation.

BACKGROUND:

In 1868, the City of Portland, Oregon elected its first public auditor. Several major cities across the nation include an auditor's office within their city government, but Portland may be the only city in Oregon to have an independent auditor's office. The mission of the Portland auditor's office is "to promote open and accountable government by providing independent and impartial reviews, access to public information, and services for City government and the public." One way in which auditors carry out this function is by reviewing documents and interviewing individuals. At times, this may require review of legal documents prepared by city attorneys. The city holds a privilege to keep communications made between the city and its attorneys confidential. Revealing confidential legal communications could be in violation of the Oregon Evidence Code and the Oregon Rules of Professional of Conduct.

Senate Bill 890 specifies that disclosure of privileged information and records by the city, or any officer, employee, or agent of the city to the city auditor or employee of the city auditor, does not waive the privileged nature of the communication or information.