



**Testimony by City of Wilsonville Mayor Tim Knapp Amending HB 2353-A:
*Proposed Legislation Has Adverse Consequences that Could Hurt Local
Governments, Facilitate Tax-Payer Funded Research for Companies***

Scheduled for public hearing on May 14, 2019, before the
Senate Committee on Business and General Government

Chair Riley, Vice-Chair Girod and Members of the Committee:

On behalf of the City of Wilsonville City Council, I am testifying in opposition to HB 2353-A that would authorize the Attorney General, district attorney, or court to require a public body to pay a penalty, including reasonable attorney fees, to a requester upon determining that the public body failed to respond to the request or responded to the request with undue delay. I would respectfully request that the bill be amended to exclude local governments or those with a smaller population from the penalty provisions.

This proposed legislation may be appropriate for executive-level state agencies; however, it carries potential substantial negative impacts to local governments, especially smaller cities with less staffing capacity. Of the 241 cities in Oregon 192 of them—nearly 80%—have a population of under 10,000. Very nearly all – if not all – of these cities have just one person responsible for public records requests, the city recorder. This person usually is responsible for multiple duties that can include risk management, human resources, finance and administration.

The City of Wilsonville has found increasingly that nearly all public-records requests received are from for-profit companies seeking to have City staff conduct research on the companies' behalf. Adopting a policy that allows for financial penalties against local governments without any kind of recourse or appeal is undemocratic and encourages 'fishing expeditions' by special interests on the public's dime. I do not believe that this result is the intent of the bill sponsors and would therefore encourage consideration of an amendment.

I urge you to reconsider this legislation to amend so as to exclude local governments from the penalty provisions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp". The signature is written in a cursive, flowing style.

Tim Knapp, Mayor
City of Wilsonville