

SB 1506 restores trust and effectiveness

Problem: On Sept. 17, 2019, Gov. Kate Brown aptly described why the Legislature should make the Oregon Public Records Advocate independent.

“I see now that the structure of the Advocate position, which I supported, was flawed from the beginning. Given their policy roles, the Advocate and the Public Records Advisory Council could not be truly independent as long as they were overseen by the Governor’s office, or any other elected official for that matter. Under this structure, any meaningful supervision had the potential to be seen as politically-motivated meddling, even if it was not intended that way.”

<https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=3426>

Background: Oregon’s first Records Advocate resigned citing a lack of safeguards to protect her from pressures she faced from Gov. Kate Brown’s staff. Brown later confirmed these pressures were real, indicating she’d been unaware.

<https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=3416>

McCall’s resignation followed a legal opinion from DOJ that found that:

- The Advocate is a subordinate to, and directed by, the Governor.
- Legislative recommendations from the Advocate or the state Public Records Advisory Council could be required to go through the same governor-overseen process for approval as any executive-branch agency.

SB 1506: The state Public Records Advisory Council, including Association of Oregon Counties and Special Districts Association of Oregon, endorses SB 1506:

- Removes the Governor’s authority to hire and fire the Advocate, restricting that authority to the Public Records Advisory Council.
- Explicitly allows the Advocate and Public Records Advisory Council to recommend legislation directly to the Legislature.

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The hostile -1 Amendment:

The League of Oregon Cities’ amendment removes all protections for the office and eliminates clear authority to recommend legislation. It also curbs the Advocate’s existing powers, limiting the office’s potential effectiveness.

Conclusion: Approving the LOC amendment or failing to pass SB 1506 would contribute to the already significant challenges the state faces in finding quality candidates for the job. Doing either would also send a message to Oregonians that the Advocate is not independent or neutral.