



MEDFORD
CITY ATTORNEY'S OFFICE

February 18, 2021

via email only
Cindy Robert
Rainmakers Government Strategies

Re: City of Medford opposition to HB 2485

Dear Ms. Robert,

The City of Medford respectfully opposes HB 2485. The Oregon Attorney General has already provided a comprehensive and well-considered balancing test, refined through decades of Public Records Orders, for when taxpayer resources should be used to subsidize the costs associated with an individual's request for public records and when the individual requestor should bear the financial responsibility for their request. That balancing test recognizes that public interest is not a binary decision where it either exists or does not exist. Instead, it asks public entities to weigh the character of the public interest in the particular disclosure, the extent to which the fee impedes the public interest, and the extent to which a waiver would burden the public body. Other situation-specific considerations are also allowed.

This bill would supersede the Oregon Attorney General's balancing test and replace it with an oversimplified analysis that can lead to unfair and impractical results. It reduces public interest to a binary true-or-false test instead of recognizing that public interest is a complex question full of shades of grey. It requires that taxpayer resources subsidize 50% of any request that is "in the public interest," including any request from any reporter, even if the scope of the request is unquestionably burdensome and unreasonable. And it requires that taxpayer resources be used to fully subsidize any response to a "narrowly tailored" request from a reporter, regardless of whether the request nevertheless still requires substantial staff time (for redaction and similar activities) and regardless of whether or not the request actually ties to issues of widespread concern.

Sincerely,

Eric B. Mitton
Deputy City Attorney