

Submitter: Matthew Moriarty
On Behalf Of: HB4140-2
Committee: House Committee On Rules
Measure: HB4140

Dear Chair Smith Warner, Vice Chairs Breese Iverson and Fahey, and Members of the House Rules Committee:

My name is Matthew Moriarty and I am a resident of Dundee, Oregon. As you may know, my community has become a "ground zero" of sorts with respect to Oregon's public meeting laws. But I write in support of HB4140-2 today not as a Newberg School District parent, but as a citizen of the State of Oregon and, with me, I bring a warning:

What we just endured in my hometown can happen in any community in the state. Without immediate action at the legislative level, it is guaranteed to happen, again and again, at the expense of the very transparency that is so essential to a functional democracy. I strongly support any effort to make our state's public meeting laws enforceable by the state itself and HB4140, with the "- 2" amendment, is a powerful step in the right direction.

As I write this, the OGEC's lack of authority to enforce public meeting laws represents an open door to lawlessness. It's like hanging a "closed" sign on the door of the sheriff's office in an old Western town. It places the burden of upholding important state laws entirely upon private citizens. Oregonians ought to be able to focus on raising our children and being successful contributors to our state economy. Instead, we now find ourselves on the front lines of the fight to contain bad actors who've risen to power in local government. I know this because I just lived it.

And not only is this unfair, it's unsustainable. Please ask yourselves, how many Oregonians have both the skills and the free time necessary to orchestrate a lawsuit? How many Oregonians can afford to fund a lawsuit out of their own pockets? How many Oregon attorneys are willing to file these suits pro bono purely in the interest of safeguarding our democracy? Or, conversely, ask yourselves how many Oregon attorneys are getting rich under a scenario that puts enforcement entirely within their purview?

Even when a suit does get filed, everyone knows that civil suits go to the absolute back of the line in our court system — behind child endangerment, behind violent felonies, behind almost everything else on the docket. Bad actors know this. They know that whatever consequences might arise from violating the law are months, if not years, away. In the meantime, they are free to make a mockery of our laws. Again, I know this because I just lived it.

The OGEC must be empowered to enforce our public meeting laws. Never again should a private citizen like me get a letter from that agency declaring “Yes, these are clearly violations but we can’t help you and your only remedy is a lawsuit.” Not only does HB4140-2 help eliminate letters like the one I received, it does so quite powerfully. Page 2, Lines 15-17 of the “- 2” amendment reads: “A complaint made under this subparagraph may not be brought against a public...or...governing body...and may only be brought against individual members of a governing body.”

This is critical. Currently, it is shockingly easy for violators to force the institution they govern to share in the hardship associated with their individual lawlessness. Bad actors are literally able to hide behind their institution and, as was the case in Newberg, put taxpayers on the hook for doing so. Violators must be entirely, personally, individually responsible for their actions. Otherwise, we will watch as our state’s public institutions are driven to insolvency by the simple fact that our laws allow bad actors to force court costs upon them.

Thank you for taking the time to hear my comment. You have done good work on this amendment and it is my sincere hope that the Oregon Legislature is able to put HB4140-2 - or something very close to it - on the Governor’s desk as soon as possible.

Sincerely,

Matthew Moriarty
Dundee, OR