

## **Testimony in support of HB4140 (OGEC Enforcement of Public Meetings Law)**

Chair Smith-Warner and Members of the House Rules Committee:

The Society of Professional Journalists (SPJ) is the association of working reporters and editors in all forms of new media: Print, broadcast, and web based. SPJ's North Star is open government: Public access to the people's business, which means access to meetings and transparency of records.

HB4140 addresses what long has been a pain point: What should be public meetings instead held in secret and executive sessions on matters that by law must be deliberated in public. Often, especially with small, largely volunteer public bodies, violations are accidental. But too often they are nefarious: Intentional efforts to keep from the public difficult, unpopular, or merely embarrassing deliberations.

This bill is a very good start to fixing this perennial problem, with an emphasis on education, paired with enforcement by the Oregon Government Ethics Commission that can distinguish between incidental violations and conscious efforts to frustrate the public's right to know what their government is doing. Rep. Neron has gone to great lengths to consult with stakeholders, including SPJ, and to keep the bill tightly focused.

Opponents complain that the OGEC may levy fines of up to \$1,000 per violation, as if that would be a common result. But it would be a common result only if intentional flouting of Oregon's public meetings law were common. OGEC, by longstanding rule, has a penalty matrix that ranges from warning letters to fines of varying levels. The biggest fines are reserved for repeat and blatantly intentional offenders who are impervious to being educated about compliance with the law.

Opponents also complain that requiring newly elected officials to get training in public meetings law – which could be as easy as an online webinar. Every elected office holder takes an oath to uphold the law. One would hope they would want to know the basic law under which they function.

Here are a few examples from our files of the sorts of problems we believe HB4140 would alleviate or fix altogether:

- In 2014, the Oregon Dental Board inappropriately invoked executive session rules on a matter discussed tangentially to a disciplinary case. The board, on appeal, was overruled

by the Attorney General because the subject matter in question was not subject to statutory executive session protections. By the time the reportable information was available as a result of the appeal, it no longer was timely.

- Last summer, the Grant School Board met in closed executive session to deliberate its position relative to the state’s renewed COVID restrictions, and it apparently made decisions about the substance of its position and how it would communicate its position to the community. The board did this despite protestations from the community. This was a blatant violation of public meetings law.
- Just a few weeks ago, it came to SPJ’s attention that the City of Ashland was seeking to bar journalists from statutorily required access to City Council executive sessions. We wrote to the Ashland City Council to outline the access requirement and urged them to “reject unlawful efforts to limit media access to executive sessions or bar journalists based on a city-approved list of acceptable media outlets.” We will see how the City of Ashland responds, but we believe such educational efforts would carry appropriate weight if coming from the Oregon Government Ethics Commission.

In summary, many of the objections heard to HB4140 illustrate exactly why the bill, with the Dash-2 amendment, is needed. We urge the Rules Committee to move this bill to the House floor with a do-pass recommendation.

- Tom Holt, on behalf of the Society of Professional Journalists