

Ilwaco limits staff time spent on information requests

By KATHERYN HOUGHTON
EO Media Group

ILWACO, Wash — The City of Ilwaco has limited the time public employees will spend responding to public records requests after receiving an unusually high number of public disclosure requests from one person,

During a regular Jan. 1 meeting, the city council unanimously passed an amendment to their public disclosure policy to include a limit on public records requests work of 22 hours per month.

According to the amendment, the monthly cap is intended to ensure that requests won't "interfere excessively with the City's essential functions."

City Attorney Heather

Reynolds said that once the amendment goes into effect on Saturday, city staff will spend a maximum of 22 hours a month responding to records requests. If a request comes in after workers have hit the limit, it will be set aside until the next month. If city staff have not completed an in-progress request by the time they hit their cap, they will put it on hold until the next month.

Reynolds said while the amendment could delay access to public records, it is legal.

"Some (people) have hijacked the original purpose of providing free and public information," Reynolds said during the meeting.

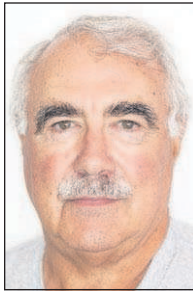
Pushing for rules

Under the Washington State Public Records Act, state and local governments

and agencies must make most records available to the public. All Washington cities are required to have a policy that explains how they will respond to public disclosure requests to comply with the law.

According to a memo from Reynolds regarding proposed changes to the city's disclosure policy, state law does not define how much time cities must spend working on records requests. However, in previous legal battles over public records, judges have ruled that a city's size and staff responsibilities to the public can affect policy.

According to the Washington Attorney General's



Mike Cassinelli

"Open Government Resource Manual," agencies without a full-time public records officer are required to provide the "fullest assistance" to requesters and respond to requests in the "most timely possible" way.

"Twenty-two hours is less than most other cities allocate, but then Ilwaco is smaller than most other cities and provides water and sewer services as well as traditional municipal functions," Reynolds wrote in the memorandum.

According to Reynolds' memorandum, city officials tried to develop a policy to deny requests that "... appear to be for unsavory purposes, such as extortion or retribu-

tion." However, Reynolds said that policy would be unlawful, so it wasn't included in the amendment.

Reynolds also told city council members that they could not create a tax on public records requests, though state law allows them to charge for hard copies.

Expensive fights

In an interview after the meeting, Ilwaco Mayor Mike Cassinelli said council passed the amendment because a recent flurry of requests have overwhelmed city employees, making it difficult to attend to their other duties.

Between Oct. 1 and Dec. 31, the city received nine records requests. City documents recorded that the search for public records since October has cost the city \$6,000.

According to Cassinelli, the majority of requests came from Ilwaco resident Ryan Crater, a citizen who criticized Cassinelli's performance during the fall and recently announced a future campaign for an Ilwaco City Council seat.

"We did this because of the harassment that came from one person," Cassinelli said.

In a phone interview, Crater said he and his wife filed multiple requests in preparation for his upcoming campaign.

"It's not harassment for me to ask for public documents," Crater said. "The city has responsibility under state law to provide public documents. As a citizen, this is our government and we should have access to our city documents."

Portland dock work wanes, but pay doesn't

By MOLLY HARBARGER
The Oregonian

PORTLAND — You work, you get paid. You don't work, you still get paid.

It's a deal that helped longshore union members at the Port of Portland collect more than a million dollars in salaries last year, even as cargo container traffic almost ground to a halt and workloads fell fast.

The longshore union has reaped the benefits for decades of a port-supported fund that pays members whether or not they work. During a lock-out at the Port of Portland's grain terminal in 2013, the fund paid \$1 million over the course of a year — while no work was going on at all.

Terminal 6, Portland's container port and the former lifeblood of the state's small and medium-sized exporting industry, now receives a single ship per month. Between April and July, the container terminal had no work at all.

Elvis Ganda, the head of terminal operator ICTSI Oregon, said the company hires for just 30 eight-hour shifts a month now — down from 500 jobs a week before February. That means longshore workers are doing 1 percent of the work they were doing before.

But dock worker pay at the Port of Portland barely took a hit. The International Longshore and Warehouse Union has a pay guarantee plan that assures many longshore workers will be paid for nearly a full week of work at nearly four times minimum wage, regardless of how much work there is to do.

Union advocates say the plan gives members financial certainty in a business that can ebb and flow over time.

But critics of the longshore union say the plan is why union members aren't working with the port operator to bring shipping lines back to Terminal 6. "It's not much incentive to go back to work," Ganda said.

Without the union on board, port officials say bringing Portland's direct ties to Asia and Europe back is a hard sell. Greg Borossay, a general manager of the Port's marine trade development, said that ongoing litigation between the Port of Portland, the union and ICTSI Oregon doesn't necessarily need to be resolved to bring interested carriers back, but a workforce with a history of slowdowns could hurt Terminal 6's chances.

"It would certainly be helpful if the labor issue could be fully resolved," Borossay said at an Oregon Board of Agriculture meeting in December.

The Portland chapter of the union has been found guilty by the federal labor board and judges several times in the past few years of intentionally slowing work on the docks at the container terminal, making threats to ICTSI Oregon officials and other unfair labor practices. Hanjin Shipping

Co. and Hapag-Lloyd both stopped calling at Terminal 6 in the midst of a West Coast-wide slow down, but the Port or Portland issue started before and likely will continue long after other ports are back to normal.

The International Longshore and Warehouse Union did not respond to repeated requests for comment. In 2013, a union spokeswoman said the pay guarantee plan is necessary for workers who have families and mortgages to survive during disagreements with the port.

The Pacific Maritime Association, which represents 29 West Coast container port operators, maintains the pay guarantee fund and each port contributes based on the tons of cargo going in and out. That means the ports in the Puget Sound and in Los Angeles are heavily subsidizing the lack of work in Portland.

In 2014, the fund paid out just over \$600,000 to Oregon longshore workers in total,



Mark Graves/The Oregonian

Portland longshore workers paid \$1.2 million to not work at Port of Portland.

with Portland workers averaging less than one day of pay without work over the year, according to the Pacific Maritime Association's annual report.

Last year, the 426 eligible longshore workers in Portland exceeded that total by August. The full 2015 tally will be released in a few weeks, and will likely climb much higher than the \$1.2 million figure racked up as of the end of September.

Longshore workers are

hired in batches, when a ship is pulling into port. They load and unload containers, which are then sent by truck, train or barge elsewhere to be filled and returned.

Usually, unions use members' dues to create their own contingency funds for strikes and downtimes. The ILWU negotiated the pay guarantee fund into its contract with the port operators as early as 1971, according to previous reporting from The Oregonian/OregonLive.

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