

Gov. Brown, lawmakers have done little to boost transparency

Waning drive for reforms

By HILLARY BORRUD and PARIS ACHEN
Capital Bureau

SALEM — A year after Gov. John Kitzhaber resigned under the cloud of a federal criminal investigation, there is waning momentum for government transparency reforms in the state capital.

Federal prosecutors launched the investigation after news reports revealed Kitzhaber's fiancée Cylvia Hayes since 2011 worked as a paid consultant for groups that wanted to influence state policies. The news also prompted some people to call for government to operate more openly.

After succeeding Kitzhaber as governor, Kate Brown pledged to spearhead legislation to strengthen government ethics and public records laws.

"It was clear that transparency was not a priority in the prior administration," Brown said in November. "I changed that my first day on the job and every day since. Since I was sworn in, my team and I have worked to increase the level of transparency in state government."

Yet 13 months later, Brown and lawmakers have done little to increase transparency.

Lawmakers have twice failed to pass legislation that would set limits on the time and fees for responding to public records requests. And groups that shape state policies and laws, including political party caucuses and work groups that advise the governor and Legislature, routinely meet in secret.

Jim Moore, a political science professor and director of the Tom McCall Center for Policy Innovation at Pacific University, said the situation was not surprising, given the trend in Oregon over the last 40 years has been to whittle away at the state's open meetings and public records laws, effectively reducing transparency.

"Occasionally, there will be a blip kind of the other way," Moore said. "You would think that the Kitzhaber thing would cause that reaction, but it really didn't."

Public records backlog

Journalists' inquiries late in 2014 into Hayes' clients and the extent of her influence on state policies caused a backlog of public records requests at the Governor's Office. It took months for Kitzhaber's staff to release some of the records, and



Mateusz Perkowski/EO Media Group

Members of Oregon's House of Representatives are depicted on March 3 at the end of the legislative session. Neither the Legislature or Gov. Kate Brown did much in the recent session to bolster government transparency.

other requests remained unfulfilled when Kitzhaber resigned in February 2015. There is no deadline to release public records under Oregon law.

The public records backlog prompted proposals to improve the state's public records law.

Brown introduced three bills in 2015 as part of her ethics reform and transparency agenda. The bills, all of which passed the Legislature, were narrowly targeted at some of the issues in the Kitzhaber and Hayes scandal and did not make any sweeping changes to government transparency.

One bill required an audit of how state agencies handled public records requests.

At the same time, a broad public records bill introduced by state Rep. Julie Parrish, R-West Linn, died due to lack of support. Parrish's bill would have required government officials who conducted public business using private email accounts, as well as social media and cellphone texts, to hand over a copy of those records to the government for archiving within 30 days.

Top state officials, including Kitzhaber and his staff, Hayes and former Gov. Ted Kulongoski all used private email accounts to discuss state business in recent years.

The legislation also would have required governments to respond to public records requests within seven days and to waive all fees if employees were unable to release the record within three weeks.

Rep. Val Hoyle, D-Eugene, who at the time was House Democratic Leader and chair of the committee where the bill died, said it stalled because city and county governments opposed the deadlines and fee limits in the bill. Hoyle said she and other lawmakers still wanted public records reform, but they decided they needed more time to reach consensus

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Pacific University

with local governments.

Hoyle formed a bipartisan work group in May to discuss ideas for this year. Those meetings, like other legislative work groups, were closed to the public and required no public notice.

Stricter timeline

Hoyle's group proposed House Bill 4130, which would have required governments to fulfill public records requests within 30 days or provide an explanation for why the records are delayed.

Even with compromises and bipartisan support, the proposal ultimately died in committee. As lawmakers prepared to wrap up work at the end of February, the state Senate already had a backlog of 80 bills it was trying to consider before the end of the session in early March, said Robin Maxey, Senate President Peter Courtney's spokesman.

Brown had also planned to introduce reforms in the short session, based in part on the audit of state agencies' handling of public records requests.

The Secretary of State's Office released the audit in November. Auditors found that the nine state agencies

they examined generally furnished records in two weeks or less for routine requests, while more complicated requests could take more than 265 days and result in high and inconsistent fees.

Brown ordered state agencies to develop standardized public records fees and procedures, and said she planned to offer legislation "to establish a neutral third party entity to mediate disputes regarding public records between requesters and state agencies."

Brown's communications director described the job as an ombudsman. The governor did not follow through on that plan. Instead, she asked lawmakers to approve two temporary positions at the Department of Administrative Services to help process public records requests. Neither position has duties involving helping the public when an agency denies a public records request.

Ombudsman

Kristen Grainger, Brown's spokeswoman, said the Governor's Office determined "there was a more pressing need for technical assistance helping agencies respond to requests for electronic records."

Brown plans to propose legislation for a public records ombudsman in 2017, Grainger said.

Brown has also committed to increasing day-to-day transparency in the Governor's Office, for example by ordering her staff not to use private email accounts to conduct public business.

At the same time, Brown's office has adopted unwritten policies that preclude the media from speaking to her advisers and limit the public's ability to observe policymaking.

Grainger, Brown's communications director, recently told the EO Media Group/Pamplin Media Group Capital Bureau that only she and the governor's press secretaries are authorized to speak to the media.

Former Knappa superintendent fills in at Jewell School

By EDWARD STRATTON
The Daily Astorian



Alice Hunsaker

Terrence Smyth

When Terrence Smyth resigned as superintendent of Knappa School District and principal of Knappa High School in January after less than six months on the job, he cited health concerns and his commute from Jewell.

Later that month, Smyth started working at Jewell School, where he lives in a district-owned residence with Alice Hunsaker, his partner of five years and superintendent of Jewell since 2013.

"I'm simply a sub, a long-term sub," Smyth said. "I'm not even bothering getting hired into the job."

He is teaching art, personal finance and filling in for student services representative Kim Morrison, who Hunsaker said abruptly resigned from Jewell shortly after he had left Knappa. Starting this week, Smyth also started filling in for Principal Mike Scott, who left for a hip replacement.

Smyth was hired over the summer as high school principal and superintendent in Knappa after his predecessor Jeff Leo became superintendent of nearby Banks School District. But Smyth said there was a misunderstanding about how he would split his time between the two positions. He said the long hours, the 2 1/2-hour daily round-trip commute between Jewell and Knappa and all the events he was attending combined

to cause some stress-related health issues.

At Jewell, Smyth said he is brushing off his teaching hat and only commuting five minutes to work.

"It is less stress ... maybe," he said. "I'm still learning. We'll see here, after I start subbing for Mike Scott."

After Smyth left, Knappa entered into a contract with Assistant Superintendent Paul Peterson from the Northwest Regional Education Service District to replace Smyth as a part-time superintendent. Science instructor Laurel Smalley is on special assignment, handling many of the daily functions of a principal.

The Knappa School Board recently decided to expand the administration to a part-time superintendent and full-time principal.

"I imagine we'll be wrapping up the principal hire within the next six weeks," Peterson said.

After the principal is hired, he said, the district will begin searching for a new superintendent. Greg McKenzie, whose search firm Window to Leadership helped find Smyth, has offered search services at no charge.

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NOAA Fisheries finalizes new ban

By PHOUNG LE
Associated Press

SEATTLE — The federal government has finalized a West Coast ban on new commercial fishing for forage fish, the small fish that bigger fish, seabirds and marine mammals depend on for food.

NOAA Fisheries says the move is needed to proactively protect the little fish that play such a critical role in the marine food web.

The ban does not affect existing fisheries for sardines, anchovies and Pacific herring.

It covers species including Pacific sand lance, silversides and certain varieties of herring, smelt and squid. The restrictions apply to federal waters off the coast of Washington state, Oregon and California.

Conservation groups praised the new protections, saying it represents a real change in the way ocean resources are managed.

Last March, the Pacific Fishery Management Council adopted the ban by unanimous vote. On Monday, NOAA published final rules on the ban, which takes effect in May.

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