

Brown's budget includes \$247 million for rural projects

By **CLAIRE WITHYCOMBE**

Oregon Capital Bureau

On the campaign trail, Gov. Kate Brown was eager to tell voters she would represent all regions of the state.

"I'm the only candidate in this race with a track record of bringing Republicans and Democrats together, urban and rural Oregonians together, to tackle the problems facing Oregon," Brown said during one debate.

A month after her reelection, she is following through on that claim.

Brown's proposed budget, released last week, includes more than \$247 million for rural infrastructure projects and other increased spending to benefit rural residents.

"I also believe that the work we are doing to continue to grow the economy by investing in infrastructure, housing, broadband, water and of course, career and technical education will benefit communities large and small across Oregon," Brown told reporters as she released her budget proposal.

There's enthusiasm from observers about Brown's spending plans for rural Oregon, from dams to housing to high-speed internet.

But some advocates and lawmakers worry about other parts of her budget that cut fire protection on forestland, hold steady money for community colleges and increase taxes by \$2 billion.

Rural areas of the state face unique challenges. Despite the state's robust overall economic growth, rural Oregon has yet to fully bounce back from the Great Recession.

Rural unemployment has been declining since its peak in 2009, and the state's



Gov. Kate Brown

rural economy is less diverse, making it more vulnerable to shocks. And the populace and workforce in non-metro areas of Oregon are aging, according to a report last year from the state Employment Department.

While the income of rural Oregonians is about equal to other rural areas of the country, state economists say, housing is about 30 percent more expensive.

The governor wants to offer a carrot to developers to build more affordable housing across the state.

She wants to boost funding for loan programs and for public-private partnerships to build housing for people who can't find affordable homes in the communities where they work. Brown wants the state to borrow \$130 million through bonds to build up to 2,100 affordable homes for communities of color and in rural areas.

The governor has also proposed millions in water projects.

Brown's budget allots \$16 million to replace the Wallowa Dam, which is more than a century old and whose operators keep less water than it was built to hold to avoid a failure.

Todd Nash, chair of the Wallowa County Commission, said that replacing the dam could help increase water for irrigating crops such as timothy hay and alfalfa.

"That would mean additional water for some of those areas that have been underserved by water ... to continue to irrigate and that

is a big win for Wallowa County," Nash said.

And Brown wants to divvy millions for rural community colleges across the state, with a focus on career readiness.

Brown's wish list includes an agricultural workforce center at Blue Mountain Community College in Pendleton and an industrial trades center at Klamath County Community College in Klamath Falls.

Oregon's 17 community colleges had about 280,000 students in the 2016-17 school year, according to the Higher Education Coordinating Commission. They primarily serve rural areas.

But unless the Legislature raises nearly \$2 billion in new taxes for her major education revival plan, Brown's budget would reduce money that community colleges say they need to continue current operations for the next two years.

It would also cut funds to Oregon Promise, which covers tuition for certain students.

Ron Paradis, head of college relations for Central Oregon Community College in Bend, said the college would get less money under the basic budget than it currently does.

"It would definitely mean cuts, or tuition increases," Paradis wrote in an email.

The college operates campuses in Bend, Redmond, Prineville and Madras with an enrollment this fall of about 5,000 students.

The governor wants more rural Oregonians to have high-speed internet that could "literally bridge the urban-rural divide," she said in October.

Joseph Franell, CEO of Eastern Oregon Telecom

who chairs the state Broadband Advisory Council, said that he was "thrilled" about the governor's proposal to create a Broadband Office and allocate \$5 million to a broadband infrastructure fund.

The Broadband Office would develop partnerships between government and private companies to expand high-speed internet to rural Oregon, pursue federal funding and support local efforts to develop faster internet.

There's a technical advantage in having a dedicated broadband office. It could help the state qualify for more federal funding, Franell said.

As the economy and daily life depends more on the internet, reliable and fast internet service can connect rural Oregonians to services like health care and education, Franell said.

"If the Colt .45 revolver was the great equalizer of the 1800s, broadband is the great equalizer of our era," Franell said. "And when I say that, there's no one thing other than broadband that has such potential for positive impact on people's lives."

For example, instead of traveling for hours to see a specialist, more rural residents could use medical video conferencing, often called telehealth.

"If you have good, reliable, fast access to broadband, regardless of location, you can get educated, literally all the way up to a Ph.D.," Franell said. "Regardless of where you live, you can get health, you can connect with government in ways you couldn't before."

Rural communities have had problems enticing private companies to build high-speed internet infrastructure.

John Day City Manager Nick Green said that there is not much incentive for companies to invest in high-speed internet in rural or frontier communities. There's a lot of space and not many people per square mile to pay for the service.

And getting federal money is tough. Green found out last week that the city hadn't been awarded a federal grant to help bring broadband to the area. It had spent about \$100,000 to prepare the grant application.

Internet is so sluggish at John Day City Hall that he couldn't directly upload that application.

He hopes that more support from the state would help communities like his get federal dollars to close the broadband service gap, which impacts schools, libraries and other government functions.

A smattering of other proposals could improve life in rural communities. The governor wants to phase in hundreds of new state troopers over the next 10 years, which would improve emergency response times in rural areas of the state.

And she wants to put \$10 million toward cleaning up contaminated rural Oregon lands.

A front-and-center environmental concern in many rural areas, though, is smoke. Come summer, gray skies and ash afflict rural parts of the state where wildland fires are more common, and local residents and lawmakers have clamored for a change to forest management policies to address smoke issues.

Brown wants to establish, through the executive order, a council on wildfire response to evaluate Oregon's system for responding to large fires.

The council's job would be to figure out whether Oregon's current mode of fighting fires is "sustainable" and recommend changes.

Senate Republican Leader Jackie Winters of Salem said that while the governor's efforts to address fire issues were "long overdue," she didn't think decreases in the fire protection budget would help.

The governor's budget attributed the dip to one-time costs for recent large fires.

Jonathan Sandau, government affairs specialist at the Oregon Farm Bureau, pointed to a number of proposals in the governor's proposed budget that could be a boon for rural communities.

He was encouraged by her support of economic development projects in rural Oregon through the Regional Solutions program and efforts to expand broadband service. She also wants to extend tax credits for farmers who house agricultural workers and donate crops to food banks or other charities.

Those credits are set to expire in the next budget.

But Sandau worried that the governor's push for education funding — if new taxes don't pass — could sideline funding for natural resource agencies like the state Agriculture Department, the Fish and Wildlife Department and the state's watershed enhancement board.

Those agencies do everything from regulating the pesticides that farmers use to managing wolves that prey on livestock.

"Oregon is a natural resources economy, and a lot of lives and jobs and communities depend on that," Sandau said.

State public records advocate finds litany of flaws in Oregon's public records laws

By **AUBREY WIEBER**

Oregon Capital Bureau

Governments in Oregon unreasonably delay handing over public documents or charge too much for that access, and put records of elected officials sometimes nearly beyond reach of citizens, according to a new state report.

Those are the findings of Ginger McCall, Oregon's public records advocate and included in a formal report issued last week by the state Public Records Advisory Council. Her observations are her own, though, based on her experiences in recent months with government officials, reporters and editors and citizens who want public documents.

McCall found that Oregon's public records laws are confusing to government and requesters. It allows government officials to delay or withhold records that should be public, and there is little punishment for agencies who violate the law. If citizens or others want to challenge a government's decision to withhold public records, the recourse can be a costly court battle.

Since April, McCall has trained 1,300 government employees on Oregon's public records laws. She has also been called on in 90

instances by reporters and editors for help getting government records.

The council's report is meant to inform Gov. Kate Brown and the Legislature and promote reforms in the law.

McCall and the public records council received reports of government officials overusing their authority to keep records secret relating to criminal investigations, personnel matters, trade secrets and internal communications.

Decisions to withhold records are based on employees' reading of the law, and they are sometimes poorly trained to do so, the report said.

One example is waiving the cost of providing a record. Public agencies can provide records at free or reduced cost if the information serves the public interest. Some agencies often waive fees, while others have a policy against it, even if the information serves the public. McCall's report flagged the city of Molalla's policy not to waive fees.

Kelly Richardson, city recorder for Molalla, said the city charges the cost of gathering and copying records because it wouldn't be fair for the community to have city employees doing the work for free.

"I have found if there is no monetary value attached to the request often times people will make a frivolous request and waste my time and I never hear from them again," Richardson said via email.

McCall called the issues "systemic" and said they are caused by a range of challenges, from governments that can't search databases to citizens making sweeping requests that can involve thousands of pages of material.

McCall said the law is ambiguous in many ways. According to her report, there are at least 550 exemptions in Oregon's public records law.

The report noted that government agencies use exemptions to withhold information when there is no reason to do so. Government agencies are supposed to weigh benefits of keeping the information private against the interest of the public.

McCall also found some jurisdictions, such as the cities of Portland and Salem and Marion County, charge a flat fee to provide specific records. The law allows them to charge only the actual cost of providing the documents.

Those agencies say they have assessed the average actual

cost of each type of record and charge that amount.

"Charging all requesters based on an 'average' cost of processing public records requests removes incentives for requesters to submit narrowed requests and is unfair to a requester who submits a properly narrowed request," McCall said in her report.

McCall also found delays to be prevalent. Public agencies generally have 15 business days to disclose public records. Agencies can take longer if it's not practical to disclose the records within that time frame.

That provision, "is unnecessary and entirely undercuts the requirements" McCall found.

The result, McCall found, "can make it difficult for victims to obtain insurance payments, limit the damage of identity theft, pursue civil litigation, take precautions to protect their personal safety, or vindicate their rights in a variety of other venues."

Another provision in Oregon's record law provides the only way to legally challenge an elected official's decision to keep documents confidential is to sue in state court.

Appeals, however, can involve an arduous process.

"The avenues for appeal —

including appeals to the attorney general or district attorney or appeals to the courts — are often expensive or time consuming, and requesters are forced to bear the burden of enforcing the law," McCall said in the report.

But not all of the blame is on government. McCall found requesters often send broad requests, such as records of all communication between a government employee and another party. McCall found such requests appear to result from a growing distrust of agencies repeatedly showing a lack of cooperation with public records requests.


The council is already proposing two pieces of legislation. The first is to make the council permanent; it's scheduled to sunset at the end of 2020. The other would require state agencies to report annually how they handle public records requests.

But McCall wants further action. Her report is based on anecdotal information, but she wants data. To that end, the Public Records Advisory Council is surveying the state's 10 largest cities, all state agencies and a random mix of other government bodies.

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