

# Public records laws manipulated by government officials

The ostensible purpose of Oregon's public records laws is both simple and noble.

The 1973 law reads, in part: "Every person has a right to inspect any public record of a public body in this state. ..."

This is so sensible as to be obvious. Public agencies, including cities, counties and the state government, produce records using public dollars, and the public — which is to say, all of us — ought to be able to have a look at those records.

But the reality, as is so often the case when it competes against the conceptual, is neither simple nor noble.

Part of the problem is the rest of the above excerpt from the law, the words on the other side of the ellipsis: "... except as otherwise expressly provided by ORS 192.338, 192.345 and 192.355."

Ah, yes. Exceptions. There are dozens of exceptions to the public records laws, and this list has been larded considerably over the past five decades. The law, as a result, has been tilting ever more in favor of public officials being able to keep records hidden from the public.

Some of the exceptions aren't negotiable, like medical records or records prohibited from being released by federal law.

But many of the exceptions do not apply if the public interest requires disclosure in the particular instance. Investigatory information compiled for criminal law purposes, personnel discipline actions and investigations of public safety employees that do not result in discipline fall into this latter category — the public interest may require their disclosure, despite being conditionally exempt.

Grant County officials have used these conditional exemptions to block numerous requests from the Eagle for almost a year — despite multiple Grant County Sheriff's Office employees being investigated and placed on paid administrative leave.

A sheriff's deputy who has been paid more than \$58,000 on administrative leave since March was arrested for driving drunk this weekend. The Eagle had to fight to get the county to release any records at all or even confirm that

the employee was on leave months ago. Yet, despite repeated requests, the county still has not provided any information about why she was placed on leave.

Is that not in the public interest?

But even when public officials can't use any of those exceptions as the legal bricks and mortar to put up a wall between the public and the records, there are other methods to withhold public records.

When the Eagle first requested the records in April, Sheriff Glenn Palmer said the county had some of the records requested but said a fee of \$1,200 would be required before they would even search for them.

A situation happening in Malheur County is another troubling example.

The Malheur Enterprise newspaper in Vale, as part of its diligent coverage of Malheur County's effort to build a multimillion-dollar industrial park, has requested public records related to the project.

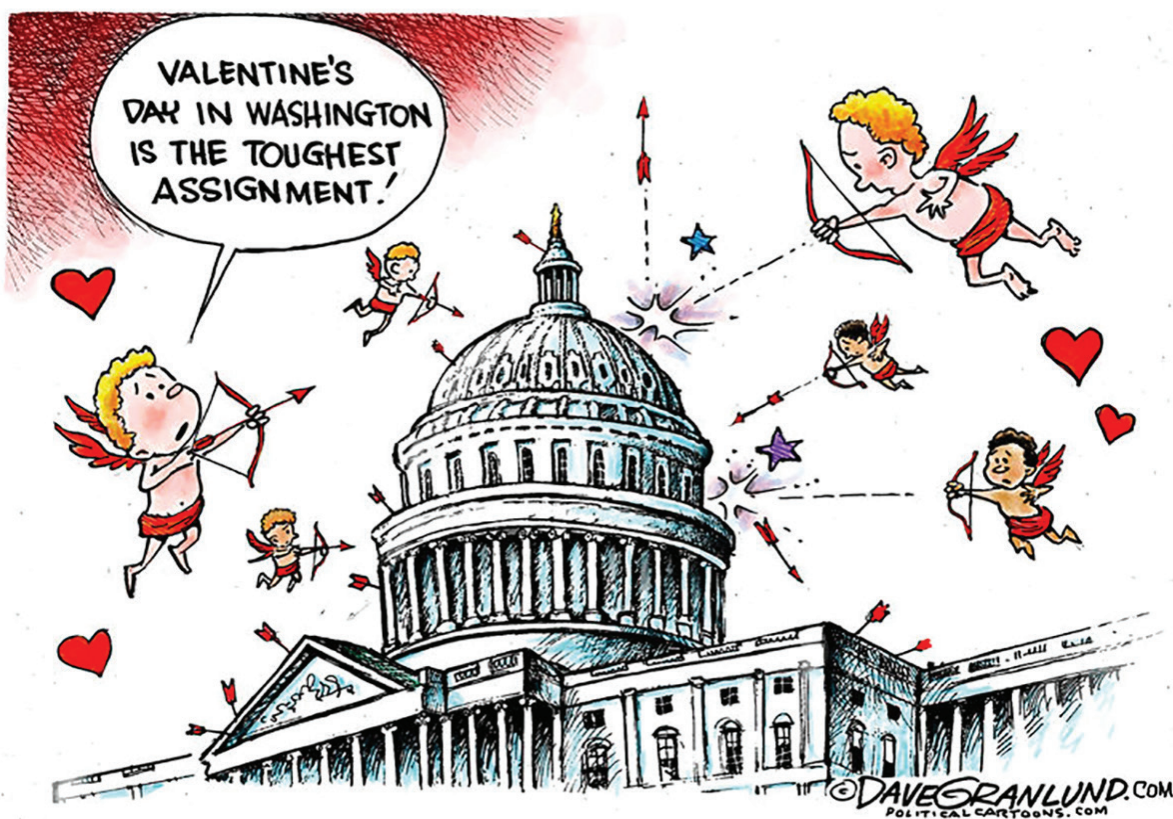
Publisher Les Zaitz said, after paying a requested \$300 fee for the records, Malheur County officials requested more money before agreeing to release the records.

Oregon's public records laws provide for agencies to waive fees in cases when releasing the records serves the public interest. It's difficult to imagine a topic more important to the public than how government officials are spending, or planning to spend, public dollars.

In part because public records laws lack significant penalties for public agencies and officials who use the law to obscure rather than to reveal facts, the sorts of stalling tactics that Grant and Malheur county officials employed are unfortunately common.

The Eagle will continue to push for the release of these records so we can inform the public how their public officials are spending public money, and we're sure Zaitz and his staff at the Enterprise will do the same.

Our success will serve both as a testament to the importance of journalism, but also, sadly, as an example of how a well-conceived law has been gradually bastardized to the point that it too often serves the interests of public officials rather than the public.



## BUILDING BLOCKS

# Healthy communities

What makes a community healthy? According to the Lincy Institute, "A person's health is a product of their environment. As such, a healthy community is one in which all residents have access to a quality education, safe and healthy homes, adequate employment, transportation, physical activity, and nutrition, in addition to quality health care. Unhealthy communities lead to chronic disease, such as cancers, diabetes, and heart disease." Merriam-Webster Dictionary defines a healthy community as "one that encapsulates both the health of people and place, where people can be physically healthy and live in a neighborhood that is thriving socially and economically."



Dorothy Nestlerode

Grant County is known for its beauty, Kam Wah Chung Museum and friendly and supportive community. I hear, on a regular basis, Grant County residents who moved away returning saying they missed home, the sun that shines daily, the community feel and safety. Let's hold on to these characteristics, value them and protect our way of life.

How do we get better and become a healthier community by thriving economically?

- 1) Get local businesses to cooperate and work together for the good of the town. Sac City, Iowa, population estimated at 2,105 and falling, boasts of its hospital, recreation center, two pools, public school, library, robust day care and the world's largest popcorn ball attraction despite the decline in residents. Steve Irwin, board member, says, "Sac City's 'secret sauce' is people: super-involved citizens, willing to work together for the good of the town. We always seem to have a champion for a project, somebody or some group that kind of takes the lead."
- 2) Support and expand exist-

ing businesses, attract new businesses, encourage entrepreneurship, expand and diversify the tax base and improve quality of life with new services and amenities. The U.S. Environmental Protection Agency Smart Growth Economic Development program states, "Many communities are finding economic success by cultivating a competitive advantage by using their unique assets to attract new investment and support existing businesses. These place-based assets might include residents and their skills; local architecture and infrastructure; academic, technical, and medical institutions; local and regional business and employment concentrations; cultural, natural, and artistic resources; and general quality of life. What distinguishes smart growth economic development from conventional economic development is this emphasis on building on existing assets, rather than on pursuing jobs or tax base growth without particular regard for location or synergies with existing assets."

For more information, visit [epa.gov/smartgrowth/framework-creating-smart-growth-economic-development-strategy](http://epa.gov/smartgrowth/framework-creating-smart-growth-economic-development-strategy).

- 3) Support quality of life. A variety of factors can improve quality of life, such as a thriving downtown with retail shops and services with a focus on nutritious and affordable foods, medicine and essential items and restaurants; options for walking, biking, driving and public transit; artistic, cultural and community resources such as museums, public art, community centers, religious institutions and other community gathering spaces; and medical,

technical and academic institutions; streets lined with trees and other vegetation that help improve the pedestrian and driver's environment while absorbing rainwater and improving water and air quality.

4) Ensure a wide range of housing types that are affordable to different income levels. If a city does not have enough appealing neighborhoods including attractive streetscapes and storefronts, it might not attract workers and businesses. Housing should contribute to a sense of place and neighborhood identity, helping retain existing residents. If housing costs are higher than the income of the residents, workers and businesses will not be sustainable.

5) Strategically focus on common goals. 1. Make the distinction between "growth" and "investment." 2. Be tactical and strategic. 3. Be focused. 4. Start where there is already momentum. 5. Find the right partners for specific goals. 6. Communicate and coordinate.

Let's take a look at Grant County. Does our chamber of commerce have a community event calendar promoting events that is utilized to support and collaborate with one another? Are Grant County downtowns thriving? Do Grant County leadership and city leadership have a focused strategy to promote healthy communities? What about the citizens of Grant County? Are you involved with community collaboration, revitalization of downtown, supporting downtown business, schools and health care? Does Grant County have affordable housing and housing types to meet our need?

Let's join together to become a healthier, thriving Grant County community.

Dorothy Nestlerode is a Grant County resident, mother and local author.

## LETTERS TO THE EDITOR

### Thankful for ranchers who feed daily

To the Editor:

Since I moved here in 2007, it has been a joy to live through the changing seasons, especially as it pertains to the cattle ranches between Prairie City and John Day. There are the baby calves in the spring, cattle being moved out to pasture for the summer, watching the hay being put up for winter, cattle brought back after the grass freezes and the wonderful scene of them being fed every day by those faithful folks who care for them well while they wait for the calving season once again.

And then there are a few who darken the joy of the season by just getting by, feeding as seldom as possible, keeping their hay in a stack, instead of in the cattle's bellies, making them hungry for two or three

days, before they get fed again.

It is hard to listen to them bawl after the second day, wondering when they will get any hay again, and makes one doubly thankful for the ranchers along the highway who let their cattle eat every day, much like they themselves do.

Mary Brown  
Prairie City

### 'The climate is changing'

To the Editor:

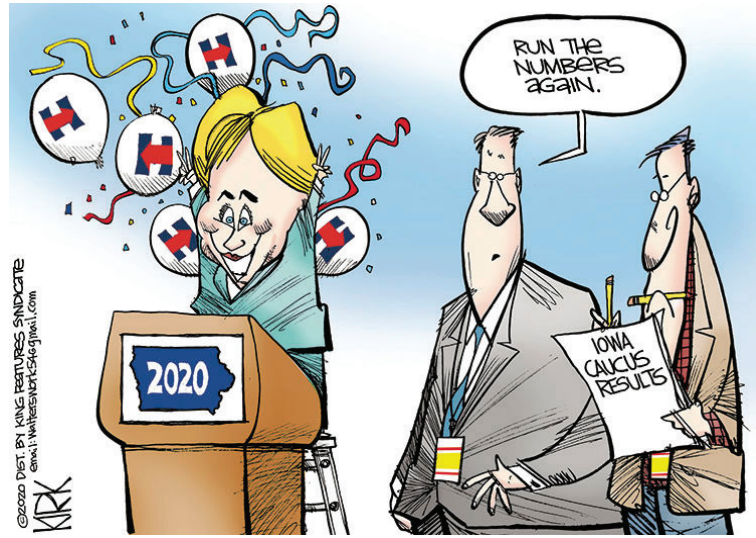
I caught my first fish in the headwaters of the John Day in 1952 near family property. The changing climate has caused changes we all should be aware of. Smaller average snowpacks, salmon killers due to warm water conditions, larger fires like the Canyon Creek Complex that burned more houses and barns than any fire ever in the state. The climate

is changing, and we all need to do our part to slow it down for the sake of our kids and grandkids.

Timber Unity just staged a protest in Salem mostly over diesel prices. I remember when diesel prices used to be much less than gasoline. Once it became a major export, the prices rose to about the same as gasoline, a significant increase. Look at a chart of our oil exports, they are increasing dramatically. If the oil companies have their way, we will someday be paying \$7 a gallon like they do in Norway. That's nice for oil company profits, not so good for the environment, ranchers and loggers.

I didn't hear any proposals by Timber Unity to help solve our climate crisis. It's time we all did our share, and the industrial polluters will have to be a big part of that solution.

Craig Lacy  
Bend



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