

**March 18, 2026**  
**Location: WebEx**  
**Sunshine Committee Members**

Charlie Fisher, OSPIRG State Director / Co-chair  
Morgan Smith, Polk County Counsel / Co-chair  
Cameron Miles, Government Accountability Attorney, Governor’s Office  
Elliot Njus, Editor, The Oregonian  
Leslie Wu, Policy Advisor, Office of Attorney General Dan Rayfield  
Mark Landauer, Lobbyist, Special Districts Association of Oregon

**Guests**

Daivd Pitcher, Public Records Counsel, Department of Justice

**Agenda**

**AUDIO STREAM 0:00:00-0.8**

**First Agenda Item: Approve Minutes**

**Ms. Wu** moved to approve the minutes from the December 21 and January 21 meetings. **Co-Chair Smith** seconded. All were in favor 6-0.

**Second Agenda Item: Special Projects Subcommittee Update**

**Co-Chair Smith** said the subcommittee was not able to meet despite attempts to schedule a meeting via a Doodle poll. The subcommittee still has some mental health and substance abuse records to go over.

**Third Agenda Item – Update on Letter to Legislature**

**Chair Fisher** said the letter has been finalized and as far as he knows, submitted as testimony to every bill that had an open government impact statement. He has not had the time to go back and look at all those bills to see what had happened with them.  
**Mr. Pitcher** said there were three or four bills that the letter went out with. He said there were some hurdles in the process and he needs to figure out a way to identify more quickly bills with open government impact statements. Some bills had hearings before they had the statement. The only bill he knew of that passed was related to gender affirming care. They expanded the existing conditional exemption for protections that would identify someone that provides gender affirming care and abortion services.  
**Co-Chair Fisher** said that it does seem to be somewhat problematic that legislators could have a hearing without a government impact statement available regarding the implications of the bills that they’re passing. He said that is something they could talk to them about in June during their legislative days.

**Fourth Agenda Item – Discussion of Bi-Annual Report Process**

**Co-Chair Smith** said that the report was ready for comments. **Mr. Landauer** moved to adopt the report. **Mr. Miles** seconded the motion. **Co-Chair Smith** provided more commentary on the report. He said the committee didn’t have a lot of widgets that they produced in the last two years and didn’t go through a large number of statutes. That’s because a lot of bandwidth was taken up on figuring out SB 890 and they took some meeting time to figure out legislative changes for the committee. There was robust discussion but only recommendations for two of the statutes. He wasn’t sure if the committee wanted more information on the legislative outreach the committee has been doing in the report.

**Mr. Landauer** said he didn't mean to cut off discussion and meant the motion in jest. **Mr. Miles** said that generally you need a motion to have a discussion; they could have a discussion and then go forward with the motion.

**Co-Chair Fisher** said this prompted a couple of thoughts on how to present the committee's work in the most effective way. He thought the content was good. He wanted to see inclusion of how many total have been reviewed. **Mr. Pitcher** said he had a spreadsheet to help with counting that.

**Mr. Njus** said he recalled a bit of frustration voiced in previous iterations of the report, that new exemptions were being piled on faster than the committee could look at them, and he wondered if that might be something worth including again. He also thought that they could use language from their letter to legislators.

**Ms. Wu** suggested including more information on the legislative outreach work they have done and the fact that the letter exists.

**Co-Chair Smith** added on his list of changes to add the legislative advocacy letter as an exhibit and put a blurb in there about what they did.

Committee members discussed how to edit the document given quorum rules.

**Mr. Miles** said that if they are just making minor changes they could approve it with the understanding that there are going to be additions.

**Co-Chair Smith** moved to adopt the report subject to modifications on the following topics, which is to outline the total number of exemptions reviewed to date with the caveat of how many have been added since the inception of the Sunshine Committee, with some commentary regarding the ongoing increase of numbers, add some more information related to legislative advocacy and include as an exhibit their advocacy letter, and some information on SB 890 and how that got enacted.

**Mr. Landauer** seconded the motion. All were in favor. Motion passed 6-0.

#### **Fourth Agenda Item – Discussion of Decedent and Survivor Exemption Summaries**

**Co-Chair Fisher** said he only had a note on the public safety memorial board being able to determine if information is being kept confidential. He thought there should be some public accounting of why they made that decision and some sort of public interest balancing test.

**Mr. Miles** said the board offered a benefit for the death of a family member in public safety in the line of duty. He said he's a little more comfortable with that exemption. He agreed that as it was public funds, there should be some oversight.

**Co-Chair Smith** said the bulk of the board is all public safety professionals, so they're savvy to the world of the information they're receiving. He said he did think it was a little wonky to have the board itself decide what is and isn't confidential, but he thought the board itself would seem to know where to draw the line.

**Mr. Njus** said he was a little suspicious of any situation where there are just some people who decide and there's no clear check on that. He said he thinks it can create a situation where the board will decide in most cases that the information should be kept confidential.

**Mr. Miles** said he thinks the money comes from gifts but not actually necessarily state funds. He understands the concerns with the board's complete authority to decide confidentiality. He also said there could be a possibility for fraud.

**Co-Chair Fisher** thought they could make a recommendation to standardize it and require a public interest balancing test.

**Co-Chair Smith** said he was comfortable converting it to a public interest balancing test so they have to make the argument.

**Mr. Landauer** agreed that a public interest balancing test was a good idea and didn't understand the justification for doing it this way.

**Co-Chair Smith** made a motion that ORS 243.960 be modified as such that the existing exemption from public records is instead of being in the discretion of the board itself to be in a public interest balancing test so it will be conditionally exempt from the materials they've received.

**Co-Chair Fisher** introduced an amendment that all materials are conditionally exempt based on a public interest balancing test.

**Mr. Miles** said he was going back and forth on the issue based on the type of benefits they offer, like mortgage benefits, health and dental benefits, scholarships. He wasn't sure why it was the way it was.

**Mr. Njus** said in this case they could say that the legislature should examine whether an exemption is needed at all and if so apply a public interest balancing test.

**Mr. Miles** said that financial information and personal information is already exempt.

**Mr. Landauer** and **Co-Chair Fisher** suggested inviting someone from the board to talk to the committee about it. **Mr. Pitcher** will reach out.

#### **Fifth agenda item – Discussion of Interpreter Information Exemption Summaries**

**Co-Chair Fisher** said he didn't have any thoughts on this exemption and opened the floor.

**Mr. Miles** said there are court privileges and he is generally going to be against changing court privileges based on public records law.

**Ms. Wu** said they don't want to dissuade people from using the services of an interpreter in a court proceeding ever.

The committee did not make a recommendation on this exemption.

#### **Sixth agenda item – Discussion of Whistleblower Exemption Summaries**

**Co-Chair Fisher** said he had a question regarding why the state landscape architect board was included. **Mr. Miles** said he thought that one should be removed.

**Ms. Wu** said that to be consistent they should invite them to talk to the committee as well.

**Mr. Miles** said he is a registered architect in Arizona and being a lawyer is his second career. He guessed the issue was related to unlicensed practice.

**Mr. Landauer** suggested inviting someone from the landscape architect board and the public safety board to have a discussion with the committee. **Mr. Pitcher** will reach out.

**Seventh agenda item – Further discussion or items**

**Co-Chair Fisher** talked about items to discuss in the next meeting. They will not be holding one in April. He'll give an update on the legislative session and look at bills they submitted their form letter to. Then other agenda items included a potential presentation to the judiciary committee in June, what the process is to come up with a more formal proposal for legislative changes ahead of the next session, review the next set of exemptions, and hear from those two entities if they are able to come. **Co-Chair Fisher** also talked about holding another in-person meeting in September.

**Ms. Wu** said she was happy to host it again at the DOJ conference room in Salem. She said there is also a conference room at the Portland DOJ building. Committee members agreed to hold the in-person meeting in Portland.

Adjournment

DRAFT