

August 5, 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 Emily Cureton Cook, OPB Bend Bureau Chief Mark Landauer, Lobbyist, Special Districts Association of Oregon
Guests
Daivd Pitcher, Public Records Counsel, Department of Justice Sam Dupree, Oregon Judicial Department Shasta Kearns Moore, Public Records Advisory Council Vice Chair
Agenda
AUDIO STREAM 0:00:00-0.7
<u>First Agenda Item: Planning for September 16 In Person Meeting</u> Co-Chair Fisher said that because they didn't have a quorum when they opened the meeting, the discussion was informational. They discussed where the September meeting would be held. Mr. Landauer completed the quorum and arrived at 1:45 p.m. Mr. Pitcher thought he remembered a prior discussion where DOJ was offered as a space, and DOJ could host in Salem or Portland. Ms. Cureton Cook said she will probably be remote because of child care conflicts. Co-Chair Fisher said the next meeting will be at the Portland DOJ office on September 16 at 1:30. He asked the committee what they would like to have on the agenda. He had one suggestion after speaking with Rob Davis, a reporter with The Oregonian and other outlets, regarding some work he has been doing on how money is being spent by the state agency that hands out money related to affordable housing, and how he found that access to public records related to that spending in Oregon were largely nonexistent. Mr. Pitcher said the agency was OHCS and he believed they had their own special exemptions. Co-Chair Fisher said he would reach out to Mr. Davis and invite someone from OHCS to speak to their September meeting. Mr. Landauer suggested inviting the chair and vice-chair of the Public Records Advisory Council to provide an update on the work they've been doing. He thought they would have as many as three legislative concepts that they would be introducing. Co-Chair Fisher liked the idea and asked Mr. Landauer to reach out to them. Co-Chair Smith said that from his perspective it would be good to hear what they've got planned going forward to make sure the two committees are not duplicating work. Co-Chair Fisher said that at the September meeting they could also come up with their framework with what they want to do legislatively. They could also collaborate with PRAC on that. He also talked about inviting legislative members to join the meeting.

Ms. Kearns Moore was present at the meeting and said she'd be available in September.

Second Agenda Item: Discussion of 2027 Legislative Session

Chair Fisher said as a recap the committee had talked about introducing one or several bills implementing some or all of the recommendations they've made thus far. There are two separate categories, their recommendations and how they could make open government impact statements more effective. At this meeting they could decide on a general approach, they would have to get a legislative member to submit a bill, then at the September meeting they would add details to the framework. Then at their November meeting they could take public comment from stakeholders. He asked how committee members would like to break up the bill; they could put all of their recommendations in one bill or break more politically challenging exemptions into a separate bill. He asked if they wanted to have a bill drafted to get pre session filed on September 11.

Mr. Landauer said he didn't have a strong feeling one way or another. He said a good starting point would be their 2026 report rather than going back through five years of history; that way they could see if they could get something passed that was fresh in people's minds. He said that last year there were five legislators who introduced 300 bills, and there is a financial consequence to that. He didn't think individual bills were the best way to go about it.

Ms. Kearns Moore, in public comment, asked how using the 2026 report would streamline the process instead of having 200 separate bills.

Co-Chair Fisher said he thought those were two separate things. What were the policy concepts that they wanted included, and what were the vehicles for them? They would draft a single bill for every policy concept.

Ms. Kearns Moore asked if it would make sense to prioritize the ones that have generated the most support from the Sunshine Committee and seem to be some of the more problematic exemptions instead of taking the whole report, maybe taking the last five exemptions.

Co-Chair Fisher said he didn't think they had that many separate recommendations. His thought was to put all five categories of exemptions in the bill that are in the report.

Mr. Njus said he didn't know much about the process of drafting bills, but he said it sounded like a lot to conceptualize all the exemptions. He wondered if the middle path was to submit the language for all the recommendations they had made and submit it with a letter that sets out the top priorities. He said they made some worthwhile recommendations and this was the closest they've gotten to getting them to someone who could make a decision on them. He didn't know that the last 12 months were the highest priority of the batch.

Co-Chair Fisher said that maybe an approach would require some homework on the part of the committee members. They would have the 2026 report as the starting point and members would look at previous reports and if there are specific exemptions that folks on the committee felt strongly about including, they could suggest them. He thought it would be a fair amount of work to turn those recommendations into a bill.

Co-Chair Smith said he thought **Co-Chair Fisher** and himself could work together to go over the past reports and look at bigger policy issues and bring it back to the committee next month.

Co-Chair Fisher asked about strategy for pre-session filing.

Mr. Landauer said he was once told that it usually takes three sessions to pass a bill. Interested parties will come out and explain why they want to maintain what they have. He said he believed getting a bill pre-session filed would give them time to hear them. If they

waited, since there were over 3,300 bills in the last long session, they could be behind already. But the pre-session filed bill could be broad and they could request amendments later on.

Mr. Miles said he partially agreed. Pre-session filed was really important if they wanted to get it passed in the same session they filed. The legislative counsel works with the member for the next couple of months and they wouldn't get their version of it until October.

Co-Chair Fisher agreed that they should try to meet the September 11 deadline.

Mr. Miles said he thought they needed to do it as strictly a placeholder.

Mr. Njus said he thought it was worth discussing the open government impact statement piece because it might help slow the firehose of exemptions coming their way.

Ms. Kearns Moore said that their group thought the impact statements would be a way to flag certain bills but it has turned out to be a huge flood to search through. She has reached out to the office that produces those and asked if there was a way to send only the ones that were positive to the PRAC or Sunshine Committee.

Mr. Miles said the statute is problematic in that it doesn't require it until it passes out of committee, which was too late, so legislative counsel started putting them in advance so people could see them before the public hearings. The problem with only flagging the ones that had an impact, he said, was that you wouldn't be able to tell which ones have been reviewed. He said there could be a system set up where if one was flagged with an impact it triggered an announcement to anyone that signed up for a mailing list.

Co-Chair Fisher will reach out to legislative members regarding drafting a placeholder bill.

Third Agenda Item – Discussion of Dispute Resolution Information Exemption

Summaries

Co-Chair Morgan said he reviewed these exemptions and he thought the bigger question for the group was what value do they place on transparency versus the desire for candor in mediation? The ability of parties to remain confidential and candid was important to him in making the process more effective and not having a chilling effect.

Ms. Cureton Cook said she thought there was a strong public interest argument. She said the outcome of mediations, especially with public bodies, is important, and maybe there was a middle ground.

Co-Chair Smith said the results of mediation were separate and distinct from the materials related to the process. He described the mediation process. He talked about the types of personal documents involved where he thought that candor was required for the process to work effectively.

Mr. Njus asked about the context in which a dispute goes to mediation.

Co-Chair Smith said it could be a landlord-tenant dispute brought before OHCS, or an agricultural dispute. It would be proceedings before formal litigation, at the conflict resolution stage.

Mr. Njus said that one thing that struck him was the different treatment of state agencies and other public bodies.

Co-Chair Smith said he didn't have an answer for that.

Co-Chair Fisher said he was in line with **Co-Chair Smith** in that they wanted people to go through mediation as opposed to litigation and an inherent part of the process was to provide a "safe space" where parties could discuss things in confidence. He thought the outcome of the settlement was the big thing to make public.

Mr. Miles said that was consistent with the law. The terms of the mediation agreement are not confidential except in certain situations, he said. Generally what is protected in confidential communications is private information, he said.

Co-Chair Fisher asked the journalists in the group if there were instances when the contents of mediation were something that they've requested and in what circumstance that arose.

Ms. Cureton Cook and **Mr. Njus** said they have not requested materials related to mediation.

Mr. Njus said he thought if it was in the public interest he could see examples where this information could be newsworthy, but he thought it would be an uphill battle and maybe it was not a hill to die on.

Mr. Landauer moved to move on and make no recommendation. **Mr. Miles** seconded with the caveat that they could possibly add a public interest balancing test if they had a reason, but he wasn't seeing any in this case.

Co-Chair Fisher wondered if they needed a motion to not do anything, then came around to the idea. All were in favor. Motion passed 6-0.

Fourth Agenda Item – Approve minutes

Mr. Landauer moved to approve minutes. **Co-Chair Smith** seconded. All were in favor. Motion passed 6-0.

Adjournment