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City Club of Portland (Portland, Or.)

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City Club of Portland

BULLETIN

Portland, Oregon

Vol. 55, No. 13

~~MEMBER DUES~~
~~ADMISSION FEE~~ ~~40¢~~ ~~50¢~~
~~SEVEN DOLLARS, SEVEN CENTS~~

Benson Hotel, Mayfair Room

12:15 p.m.

Friday, August 30, 1974

THE SPEAKER:

HOYT C. CUPP

Superintendent, Oregon State Penitentiary

THE TOPIC:

PRISONS IN TRANSITION

Printed herein for presentation, discussion and action at the Friday membership luncheon meeting August 30, 1974:

**REPORT
ON
OPENING ALL LEGISLATIVE DELIBERATIONS TO THE PUBLIC
(State Measure No. 2)**

The Committee: Douglas M. Parrow, Phyllis S. Pendergrass, Henry C. Willener,
Kenneth M. Winters, Karl A. Langbecker, *Chairman.*

THIS MEETING WILL BEGIN PROMPTLY AT 12:15 P.M.

*"To inform its members and the community in public matters and to
arouse in them a realization of the obligation of citizenship."*

PROPOSED FOR MEMBERSHIP AND APPROVED BY THE BOARD OF GOVERNORS

If no objections are received by the Executive Secretary prior to September 13, 1974 the following applicants will be accepted for membership:

Betty Leonard, Coordinator of Continuing Education, Portland State University. Proposed by Ken Kraemer.

David Glenn, Tax Accountant, Arthur Andersen and Co. Proposed by Roger Jauch.

Charles Sax, Architect, Vice-President, Harlan, Gessfor and Erichsen. Proposed by Roger Meyer.

Naomi C. Wrighten, R.N., Nursing Supervisor, Albina Health Care Center. Proposed by Lenora Morris.

ELECTED TO MEMBERSHIP

Helen Lindgren, Property Manager, Price Properties and Volunteer Social Worker, Metropolitan Family Service. Sponsored by Rodney Stevens.

Robert LaDu, Associate, William A. Nickerson, Realtor. Sponsored by Mary Anne Normandin.

Thelma Lester, Retired Bacteriologist. Researcher, Reed College. Sponsored by Robert E. Cobb.

STEELHEAD STUDY STARTS

The committee to report on State Measure #15 met for the first time last Friday. Chairman Charles Davis' committee selection includes Donna M. Dunbar, Public Information Coordinator, Tri-Met; Donald G. Hoffard, Economist, BPA; David J. Lewis, Retired Civil Engineer; Barbara Radmore, M.D., Psychiatrist; Frank Wetzell, Bureau Chief, Associated Press; Robert J. Yanity, Attorney.

Boyd MacNaughton, Jr., is Research Advisor.

HOW DO YOU PROPOSE SOMEONE FOR MEMBERSHIP?

It's a simple process to propose a friend or colleague for City Club membership; ask for an application blank from the staff. (There are always some at the weekly luncheon meeting.)

Any member in good standing may serve as a sponsor for an applicant; the applicant must fill out, sign and submit the form, accompanied by a check for at least half year's dues. This is submitted to the Board of Governors which acts on membership matters each week at its regular Monday noon meeting. Names of applicants are posted in that week's *Bulletin* for information to the membership, and they become members in two weeks if no objections are voiced to the Board.

COMING UP:

September 6—William Ruckelshaus (see back page).

September 13—Senator Eugene McCarthy.

CITY CLUB OF PORTLAND BULLETIN

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REPORT
ON
OPENING ALL LEGISLATIVE DELIBERATIONS TO THE PUBLIC
(State Measure No. 2)

Purpose: This constitutional amendment requires all deliberations of the legislature and all legislative committees to be open, eliminating the exception which now permits either house of the legislature to require secrecy for a particular meeting.

I. INTRODUCTION

Your Committee was assigned to study and make recommendations on State Measure No. 2 which will be voted on in the General Election on November 5, 1974. The amendment reads as follows:

Be It Resolved by the Legislative Assembly of the State of Oregon:

Paragraph 1. Section 14, Article IV of the Constitution of the State of Oregon, is amended to read:

Sec. 14. The (doors) *deliberations* of each house, *of its committees* and of committees of the whole, shall be (kept) open (except in such cases as in the opinion of either house may require secrecy (sic) . . .).

Paragraph 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout the state.

(Italicized words are additions and words in parenthesis are deletions.)

This measure allows the public to attend all meetings of the Legislature and its committees, and it was placed on the November Ballot by the Legislature through Senate Joint Resolution 36. The Oregon Open Meeting Law requires that all meetings of a public body shall be open, except for certain specified purposes, primarily personnel matters. (See Appendix 1 or full list of exceptions in Section 6 of ORS 192.620-690.) It was discovered that the Open Meeting Law might be unconstitutional as it applies to the meetings of the Legislature and of its committees, since the constitution as it is presently written permits closure of any meeting if secrecy is desirable.

II. ARGUMENTS IN FAVOR OF THE MEASURE

1. Public business should be conducted in public.
2. Information is power and open meetings insure maximum availability of legislative information to the public.
3. In an open meeting each legislator's stand on issues is known to his constituency.
4. Public interest is at stake in a joint conference committee and therefore, negotiations should be in public.
5. In closed meetings, special interests can be more easily pursued.
6. Even though the Oregon Legislature conducts almost no closed meetings, this could change if this measure is not passed. Many other state legislatures do conduct extensive closed sessions and our national Congress also conducts many closed sessions.

III. ARGUMENTS AGAINST THE MEASURE

1. Some information should not be made public, such as personal details about gubernatorial appointments which must be approved by the Legislature.
2. The public would not obtain the best decision if legislators are required to discuss all issues in public.
3. A constitutional amendment is not necessary because the Legislature already functions on an open basis.
4. A committee early in its life can best organize and conduct other business during closed sessions.
5. Committees or committee members can easily meet informally and thereby circumvent the intent of this measure.
6. Negotiations of joint conference committees can be best conducted in private.
7. The requirement of all open meetings might slow down the legislative process.

IV. DISCUSSION AND CONCLUSION

The constitution, as amended by this measure, would require a somewhat higher standard than that required by the Open Meeting Law, since the latter law allows the exceptions detailed in Appendix 1. Thus all meetings of the Legislature and its committees must be open to the public, without exception, if this measure passes.

Your Committee believes that the measure should pass, even though the exceptions detailed in Open Meeting Law will not be applicable to the Legislature or its committees. The principle that public business should be conducted in public is all-inclusive. Hence the public is entitled to know how the legislators think and feel about the issues. In an open legislature, the public has access to the total legislative process and therefore, is able to react to it.

The Legislature must approve some of the Governor's appointments. After due deliberation, your Committee has reached the conclusion that the public should have access to personal information about these appointees.

Although the broad language of this amendment to the constitution may be interpreted differently by others, your Committee believes that the clear intent of the amendment allows the public only the right to attend all legislative deliberations; the right to personally participate in the deliberations will still be governed by the practice currently in effect.

State Measure No. 2 appears to be relatively non-controversial. Objections seem to be minor. No adverse testimony was given during legislative hearings. This constitutional amendment will probably have little effect on the Legislature as it has functioned in the past. However, the fact that the Legislature has used closed sessions very little in the past does not mean that it will continue this practice in the future. The amendment will assure the public access to legislative deliberations in the future and for this reason passage of this measure is important.

V. RECOMMENDATION

The Committee recommends that the City Club go on record in favor of a "YES" vote on State Measure No. 2.

Respectfully submitted,

Douglas M. Parrow
Phyllis S. Pendergrass
Henry C. Willener
Kenneth M. Winters
Karl A. Langbecker, *Chairman*

Received by the Research Board August 8, 1974 and approved for transmittal to the Board of Governors.

Received by the Board of Governors August 19, 1974 and ordered printed for presentation to the membership for discussion and action.

SCOPE OF INQUIRY

Keith Burns, State Senator, Oregon Legislative Assembly, 1973
Richard V. Clement, Executive Vice President, Oregon Association of Insurance Agents
Vernon Cook, State Senator, Oregon Legislative Assembly, 1973
William Cross, Executive Director, Oregon Common Cause
Mason Drukman, Editor, *Oregon Times*
George Eivers, State Senator, Oregon Legislative Assembly, 1973
Thomas F. Hartung, State Senator, Oregon Legislative Assembly, 1973
Lynn W. Newbry, State Senator, Oregon Legislative Assembly, 1973
Merle G. Wright, Assistant Professor of Political Science, Portland State University
Al Laue, Department of Justice, Salem, Oregon

APPENDIX 1

ORS 192.620-690 SECTION 6 (Open Meeting Law)

Authorization for Executive Session

SECTION 6. (1) Nothing contained in this Act shall be construed to prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under this Act for the holding of such executive session. Executive session may be held:

(a) To consider the employment of a public officer, employe, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employe, staff member or individual agent, unless such public officer, employe, staff member or individual agent requests an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.005 to 441.060 and 441.085 to 441.095 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(2) Nothing contained in this Act shall be construed to prevent, upon a two-thirds majority vote of the members, the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under this Act for the holding of such executive session. Executive session may be held:

(a) To conduct deliberations concerning the authority of persons designated by the governing body to carry on labor negotiations or to negotiate the purchase of real property.

(b) To consider records that are exempt by law from public inspection.

(c) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(3) Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Notwithstanding the provisions of section 4 of this Act, subsequent sessions of the negotiations may continue without further public notice.

(4) Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as may be agreed to by the governing body and the representatives of the news media prior to such executive session.

(5) No executive session may be held for the purpose of taking any final action or making any final decision.

City Club of Portland

• Urban Studies Center

DINNER**WILLIAM D. RUCKELSHAUS**

Guest Speaker

Friday, September 6, 1974

No-host Cocktails & Reception, 6:30 PM

Dinner, 7:30 PM

Benson Hotel, Mayfair Room

\$7.00 per person

Informal

YOU ARE CORDIALLY INVITED!

William D. Ruckelshaus, former U.S. Deputy Attorney General, will speak at a special dinner meeting which has been planned in cooperation with the Urban Studies Center as part of its conference, "Coping with Urban Crisis: The Human Environment and Energy."

Mr. Ruckelshaus' address is the highlight of the conference, and City Club is pleased to participate by sharing its platform with the Urban Studies Center. This meeting is in lieu of our regular Friday noon luncheon, and guests are welcome.

Tickets are now available at the City Club offices. You can pay for them in advance, or you can reserve them and pick them up at the Benson the evening of the dinner. Call 228-7231.