

Lane County Animal Services Advisory

Minutes

January 5, 2015

Members Present: Ann Jensen, David Calderwood, Tamara Banavige, Dale Hyland, Dr. Bill Young, Dr. DuWayne Penfold

Members Absent: Scott Bartlett

Guests Present: None

Staff Present: Mike Russell, Lane County

Public Present (signed in): None

Chair Jensen called the meeting to order at 3:00 p.m.

Public Comment

None.

Changes to the Agenda

Chair Jensen asked Mr. Russell to speak to the changes to the agenda. Mr. Russell introduced Assistant County Counsel Andy Clark who is here to speak to issues around the public records law and address any questions the committee may have.

Mr. Russell explained that neither Mr. Lieberman nor Ms. Rudebeck were unable to attend today.

1st Avenue Shelter's Activities

No report.

Public Records Law

Chair Jensen told Mr. Clark that the committee has had requests for public information that involve making voluminous reports and interpreting actions. She said, in her research on the public records law, it seems to be limited to providing documents. She asked Mr. Clark if he could educate the committee on what people are entitled to ask.

Mr. Clark started by saying the Greenhill, as a private entity, is not bound by the public records law. He said they do not have to respond to requests for documents at all, if they don't want to other than what the County may request as provided by the contract. He said, the committee records and documents are public and could be requested and would need to be provided unless it met an exemption as provided by the law.

Chair Jensen said that the committee has been told by some private citizens that because Greenhill is acting as an agent of a County agency, then they are then a defacto public agency. Mr. Clark responded that there are a lot of services provided by contractors for the County, city, and state and simply by having a contract with a public agency does not convert the private entity into a public entity for the purposes of public record law.

Mr. Calderwood asked for clarification about the fact that Greenhill is operating the 1st Street Shelter, a public shelter run by the government. He asked if Greenhill is required to provide documents related to animals at the 1st Avenue Shelter as opposed to the Greenhill Shelter.

Mr. Russell clarified that the 1st Avenue Shelter property is owned by the government, but the shelter is run by Greenhill, a private contractor. He said the County has hired to run the shelter and Greenhill chose to use the facility that was there. They could have used their own facility on Greenhill Road. Mr. Clark said they are performing the service we hired them to perform. He said if they are leasing the property from the County, records related to that lease, to the extent they are held by the government, are government records. He said that does not mean that everything that goes on there are government records.

Mr. Clark went on to say that the government does not have to create documents to answer questions that are posed, rather it is just a matter of requesting already existing documents to the extent that the government possesses them. He said if there are documents held by the County, then those can be requested, if there are documents held by Greenhill related to the performance of the contract they have with the County, those are not public record, unless and until they become records of the County.

Mr. Russell gave the example of a request for Greenhill's Volunteer Handbook, which the County does not possess and is not a record that we asked Greenhill to provide.

Mr. Clark discussed the case where a request is made to Greenhill for records and they refuse to provide the records, the requesters may turn to the County to say request the records then provide them to us. He said this is dangerous for the County to the extent that we begin to monkey around with the provision of service that we hired them to perform, they become less of an independent contractor and more like a public employee of the County. Mr. Clark said, in situations where the County attempts to control the services provided, they become public employees and when the contract runs out, the entity can claim unemployment insurance or any other benefits of an employee of the County. He said the entity can claim that if the County is telling what to do, when to do it, and how to do it, they are no longer independent. Mr. Clark said we need to avoid that situation.

Chair Jensen asked if requesters do not get requested documents, can they file suit and go to a court to get them. Mr. Clark said yes, they could file suit against Greenhill and ask the court to make a decision, or could appeal to the District Attorney if the County refuses to provide existing documents.

The group discussed various aspects of the public records request process and charges that can apply to requests (i.e., per page or per hour).

Mr. Russell offered to take time to provide some responses to the list of questions submitted by Tamara Barnes. Mr. Calderwood stated he did supply County Counsel with his email record related to the question about any "investigation" performed by the committee.

Lane County Officer Activities Report

Mr. Russell reviewed the Officer Activity report. Mr. Russell discussed a horse neglect case that has been on television. Mr. Russell said that LCAS is actively responding and has worked to get the horses health back on track. He said Officer Perkins is back on full duty.

Mr. Russell mentioned the upcoming budget and thinking about adding a part-time employee to start training an eventual replacement for Officer Perkins.

Mr. Russell discussed the upcoming meeting of the Board of Commissioners where they will consider revising LCAS fees. He said it would be in February.

Mr. Russell reported that he has scheduled a project with Information Services to analyze using PetData versus PetTrack (current system) and how that might help centralize pet licensing. The group discussed the benefits and difficulty in getting other jurisdictions to work together to get to centralized licensing.

- Make it easier for buyers and sellers of licenses county-wide
- All money is collected and let a computer figure out how the revenue is split up (by address)
- Vets find it difficult to deal with selling PetData licenses
- Getting each jurisdiction to work together is a hurdle, although it should not be.
- Making it easier will not only increase revenue, it will increase compliance.

Next Meeting

Mr. Russell said the next meeting will be February 9.

Adoption of Minutes

Mr. Calderwood moved to adopt the minutes as presented. Mr. Hyland seconded. The motion passed unanimously.

Adjournment

The meeting ended at 4:59 p.m.

ADOPTED February 9, 2015

Minutes Recorder

Mike Russell, Parks Manager