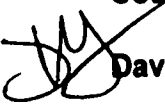


Memorandum Date: August 19, 2008
Order Date: N/A

CONTINUUM
BUSINESS
W. T. b

TO: Board of County Commissioners
DEPARTMENT: County Administration
PRESENTED BY:  David Garnick, Budget/Financial Planning Manager
AGENDA ITEM TITLE: REPORT BACK ON PUBLIC INFORMATION REQUEST
PERTAINING TO COMMISSIONER GREEN'S EXPENSES

I. MOTION

None

II. AGENDA ITEM SUMMARY

Lane County citizen Lonnie Clark spoke at the August 6, 2008 Board meeting under public comment. She raised several issues surrounding Commissioner Green's expenses and Lane County's apparent inability to provide sufficient documentation as requested under a request for public information. The purpose of this agenda item is to address and resolve each of these issues.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On January 23, 2008 the Elect Rob Handy County Commissioner Campaign Committee made a public records request for Commissioner Green's and Commissioner Sorenson's expense records for the period of January 1, 2005 through January 31, 2008. When the Campaign Committee saw how much it would cost for both sets of fiscal records they scaled back their request to only Commissioner Green's records.

B. Policy Issues

Compliance with Public Records Law.

C. Board Goals

One of the County's Guiding Principles is: We will always act in accordance with the law, with integrity, and in the public interest. One of the Board's Goals is to provide efficient and effective financial and administrative support and systems.

D. Financial and/or Resource Considerations

None

E. Analysis

During public comment Ms. Lonnie Clark raised three main issues related to the public information request from the Handy campaign:

- o Over half of the receipts totaling \$5,500 were missing,
- o Failure to comply with the initial public records request,
- o Commissioner Green was reimbursed twice for attending a meeting on behalf of the Association of Oregon Counties (AOC) and no records were provided by the county to indicate otherwise.

Missing Over Half of the Receipts – Lane County provided 246 expenditure items for the period of 1/1/05 – 1/31/08 and only 8 items were initially unaccounted for. Eight items are only 3.2% of the total, not over 50% as publicly stated.

Failure to Comply With the Initial Public Records Request

Lane County Finance staff spent additional time at the archives after receiving direction from the Board to investigate this matter. The outcome of this research was locating documentation for half of the missing receipts. This additional documentation was provided to Mona Linstromberg, Treasurer of the Elect Rob Handy County Commissioner Campaign Committee on August 13, 2008. On August 15, 2008 I provided Ms Linstromberg with documentation substantiating the remaining receipts previously unaccounted for after receiving VISA statements from US Bank.

It should be noted that under the public records law, we are under no obligation to create or collect documents that are not in our possession. This would include contacting hotels or other institutions to get copies of receipts.

From statements that I heard during my review of this matter it is clear that the Handy Campaign is doing an audit of Comm. Green's expenses. This is a much more detailed examination than what is generally contemplated under the public records law for an average citizen.

So, while there may still be some disagreement about certain records, the records that have been provided have been done so in good faith and in my opinion would demonstrate to the average citizen that the expenses were appropriate and justifiable. If the Campaign wants to continue to pursue specific items to an even finer level of detail then Lane County Finance will be happy to provide them with the materials after they pay for the copies and the cost of doing this additional research, which is also allowed by the public records law.

Therefore, I believe the submission of the remaining documentation to the Handy Campaign means Lane County has fully complied with the initial public records request in that all reasonably available documentation has been located and provided as requested.

Commissioner Green Was Reimbursed Twice for an AOC Trip

On August 13, 2008 material was provided to Ms Linstromberg documenting the fact that the county was officially reimbursed by AOC for Commissioner Green's trip. Documentation was also provided to show that the reimbursed funds were in fact deposited into the County's account to offset the charges previously paid by Lane County. This documentation clearly shows that Commissioner Green did not get reimbursed twice for the same trip. If the Handy campaign wants to go to an even finer level of detail to obtain copies of the bank statements they may once again do so after paying for the copies and the additional research time.

F. Alternatives/Options

N/A

IV. RECOMMENDATION

Accept the report.

V. TIMING/IMPLEMENTATION

N/A

VI. FOLLOW-UP

None recommended.

VII. ATTACHMENTS

None