

Charter Proposal - Transparency (Oct 2022)

(**Bold text** represents an addition to existing [City Charter](#) language. Plain text represents existing text. ~~Strikethroughs~~ are of existing text we are suggesting be removed.)

Chapter 2 Government

Article 8 Records

Section 1-801 Policy

Transparency in government is a cornerstone of democracy. Government must be performed in the open so that the public can hold their representatives accountable and trust their leaders. Therefore, it is the policy of the City of Portland to (a) construe all applicable laws, rules, and regulations pertaining to transparency, public records, access to information and open government in favor of disclosure as called for by those laws and by Oregon courts; (b) affirmatively make good faith disclosures of conditionally exempt information in the public interest; (c) acknowledge that transparency is an essential part of the mission of all City agencies and officials.

Section 2-8042 Official Public Records

~~The~~ **All** public records ~~of all the officers mentioned in this Charter are City property~~ **belong to the public**, and **are entrusted to City employees** ~~must be kept as such by such officers~~ during their continuance in office, and then delivered to their successors or to the Auditor; and such public records may be inspected at any time, **subject to the provisions of the State Public Records laws**, by any member of the **public, any member of the** Council, by the Mayor, or by the Auditor. The Auditor shall receive and preserve in the Auditor's office all public records regarding City business filed with the Auditor according to the Public Records laws of the State of Oregon.

Section 2-8023 Inspection, **Retention** and Certified Copies.

All public records of every office and department **of the City** shall be **available to anyone upon request**, ~~open to the inspection of any citizen at any time during business hours~~ subject to the provisions of the State Public Records laws. ~~except records of bureaus charged with law enforcement relating to investigations for possible prosecutions and interdepartmental or interbureau advice and memoranda, which records shall not be opened for such inspection unless such opening is ordered by a court or specific permission is given by the Council or Commissioner In Charge.~~ Certified copies or extracts from public records which are open to inspection shall be given by the officer in custody of the record to any person requesting the record who pays or tenders the fee prescribed by the Council for such copies or extracts.

Section 2-8034 Ownership Records.

The City officers responsible for property management shall keep a record of all property owned by the City and the income derived from it.

Section 2-510 Office of the Transparency Advocate

- (a) The Office of the Transparency Advocate is established within the Office of the Auditor. The Office of the Transparency Advocate shall be under the supervision and control of the Auditor, who is solely responsible for its operation and management. The purpose of the Transparency Advocate is to provide an impartial office, readily available to the public, that is authorized to safeguard the rights of persons to know about and participate in their government and promoting high standards of efficiency, accountability and transparency in the provision of City services.**
- (b) The Auditor shall appoint and may remove the Transparency Advocate.**
- (c) The Office of the Transparency Advocate shall be guided by generally accepted standards for government transparency advocates or ombudsman offices serving the public's interest in access to information about government decisions and operations.**
- (d) Pursuant to a complaint or on the Transparency Advocate's own initiative, the Advocate is authorized to investigate any administrative act of a City department, bureau or other administrative agency relevant to records or transparency, including the Office of the Auditor; recommend changes to City policy, practice or procedures; and issue public reports.**
- (e) Subject to collective bargaining obligations to the City's recognized bargaining units, the Transparency Advocate shall have timely access to all employees, information and records required to investigate or otherwise perform the Transparency Advocate's duties, including confidential and legally privileged information and records so long as privilege is not waived as to third parties. The Transparency Advocate shall maintain the confidentiality of any confidential or legally privileged information and records except as called for by state law or authorized by the City Council.**
- (f) A City department, bureau and agency director or manager shall respond in writing to Transparency Advocate recommendations within the time specified by the Transparency Advocate.**
- (g) The powers and duties of the Transparency Advocate may be further prescribed by ordinance in consultation with the Auditor. The powers and duties of the Transparency Advocate shall not be exercised in contravention of any collective bargaining obligations of the City.**