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Councilor Harper defends open access to public records

June 10, 2010



The following letter was submitted to NewLafayette.org in response to the intense questioning Councilor Leah Harper received at the May 19, 2010 city council meeting.

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Dear Residents of Lafayette,

Last night at the Council meeting I was attacked by councilors for my participation in inspecting and scanning city documents on Wednesday, May 12, 2010.

I, along with a consultant involved in our current water investigation, went to City Hall to obtain public water records. I was asked to oversee the inspection as a city councilor, and the inspection had been approved by Administrator Justin Boone.

Administrator Boone had informed us that councilors have access to all public records and I am in full agreement with this belief, as it is our responsibility to maintain oversight at City Hall. This opportunity to scan public water documents was necessary in forwarding the water investigation.

I agreed to supervise this action, as I also have had a request in to City Hall for information pertaining to \$2.7 million dollars which was spent as part of the city's Water Capital Projects under the Bond Proceeds from 2000. I want a break down and accountability of how this money was spent, but had not been able to obtain the information from Trena McManus, who is assistant to the City Administrator.

On May 12th, we were directed to a file cabinet that apparently contains all the public (not private) records related to Lafayette's water. I was not charged in assisting and participating in obtaining these records, as no staff time was spent supervising this.

As a city councilor, I take my role seriously and I believe the citizens of Lafayette deserve proper oversight. This is something Administrator Boone also was supportive of.

For a long time now, I have attempted to get answers and public records to much of the questions that I believe still remain regarding Lafayette’s water and financial state. I adamantly oppose any argument that a city councilor, or any citizen must pay to obtain crucial public records that should be readily available online.

I have forwarded the scanned documents I received to City Hall and expect that they will be posted online as soon as possible, making them accessible to anyone interested.

Unfortunately, only limited information was obtained on May 12th, due to time constraints. Though Administrator Boone is now gone from City Hall, I, along with others, will continue to press for every and all remaining public documents pertaining to Lafayette water. I also will continue to ask the council to change our current city ordinances that make it difficult and costly to get public records.

One resident stated in anger last night that she can’t afford to get public records. That is what is wrong with the current policy in Lafayette. Even as a city councilor, it has been very difficult to have access and bring proper oversight to City Hall. I have battled this issue, with much opposition, since I was sworn in and took an oath to serve the city.

Under [ORS 192.420](#) “every person” has the right to inspect any non-exempt public record. The file cabinet that I was directed to should not in any way contain citizens private information, therefore, any councilor or citizen should have the right to access and inspect records without risk. If the city has not kept citizens private information separate and secured, that too will have to be addressed at City Hall.

The state laws are clear, and city ordinances should follow the essence of the laws: access to public records should be open to the public and easily accessible for inspection by anyone that chooses.

Hopefully, in the future these records will be posted online, as they should be, and citizens and councilors will not have to endure the scrutiny and cost others have endured to get answers.

Sincerely,

Leah Harper
Lafayette City Councilor

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The following excerpt was read by Councilor Harper during the questioning at the council meeting.

“**RIGHT TO INSPECT** — Under ORS 192.420 “every person” has a right to inspect any non-exempt public record. Any natural person or any corporation, partnership, firm or association has this right. ORS 192.410(2). The identity, motive and need of persons requesting access to public records are irrelevant unless an exemption from disclosure allows consideration of those factors. Interested persons, news media representatives, people seeking access for personal gain, busybodies on fishing expeditions, persons seeking to embarrass government agencies, and scientific researchers all have equal footing.”



This entry was posted on June 10, 2010 at 2:37 pm and is filed under [Council, News & Info](#). You can follow any responses to this entry through the [RSS 2.0](#) feed.

One Response to *Councilor Harper defends open access to public records*



1. Mary on September 21, 2010 at 5:50 pm

With former councilors still vocalizing their anger about this records inspection, I want to respond to Nick Harris specifically on his statements that Councilor Harper violated city rules. This is more false information that shouldn’t be spread. The councilors can obtain public records at any time by email, a phone call or by going to City Hall. No records request form necessary. Trena stated this is the way she personally handled it for all council members. Mayor Heisler has done it many times. This is necessary to keep oversight of our city, something we elected them to do.

Most citizens want city hall staff to answer to the council — who are there to represent and protect the people. Councilor Harper takes her seat seriously and has taken a lot of unwarranted abuse for stepping in to get info to answer her (and many citizens) questions on our water debt. Yes, she had someone with her to help her scan the documents. Let’s move on. Do you know she and others had been asking for that water debt information for many months? Why was all this information being withheld even from the Mayor and Council? Shouldn’t the former councilors be more concerned that? I understand councilors can’t just have their own keys to City Hall, but this inspection was arranged with and supervised by the Administrator. Many are thankful for the records obtained by Harper as it moves our city forward on the water investigation, yet she was interrogated like a criminal at a public meeting. Personally, I think we need more public records inspections because we still need answers to 1.6 million dollars. We need Harper to go in again and work on this.

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