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Via U.S. Mail and e-mail

May 29, 2008

Ms. Rosie Sizer
Chief of Police
Portland Police Bureau
1111 S.W. 2nd Ave.
Portland, OR 97204

Ms. Jo Ann Bowman
Executive Director
Oregon Action
Alberta Simmons Plaza
6601 NE Martin Luther King Blvd.
Portland, OR 97211

Re: Public Access to Meetings of the Racial Profiling Committee

Dear Chief Sizer and Ms. Bowman:

I represent *The Portland Mercury* and write to you regarding the upcoming June 10-11 meeting of the Racial Profiling Committee.

On May 19, *Mercury* reporter Matt Davis e-mailed Ms. Bowman and Committee members John Doussard and Maria Rubio requesting a copy of the agenda for the June 10-11 meeting and confirmation that the meeting would be open to the public. On May 21, Ms. Rubio responded: "We don't have an agenda yet. The meeting will be a closed planning retreat." Mr. Davis immediately responded with the following question: "Is it closed, or an 'executive session,' and if so, which part of Oregon's open meetings law are you using to make this decision?" Mr. Davis never received a response to his inquiry.

Oregon's public meetings law requires that all meetings of the governing body of a public body be open to the public unless one of the specific statutory exceptions applies. ORS 192.630. We are not aware of any basis why the planned meeting of the

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Committee would fall within the statutory exceptions and none has been identified by the Committee. Moreover, pursuant to ORS 192.640(a), the Committee is required to provide the public, including members of the news media, with a list of the principal subjects anticipated to be considered at the meeting. Disregard of the statute makes decisions by the Committee voidable and a successful challenger is entitled to recover its attorney's fees from the Committee. If disobedience of the statute is willful, fees may be charged to the individual members of the public body.

According to Mayor Potter's website, the purpose of the Committee is to "work in partnership to develop strategies for both the public and the police to increase communication and understanding." Not only does the open meetings statute require access to the June 10-11 meeting, but so does the specific mandate to this Committee.

Please advise me by the close of business May 30 as to the agenda of the June 10-11 meeting and whether the meeting will be open to the public. If not, please advise as to the statutory basis for excluding the public.

Very truly yours,

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Jessica L. Goldman

cc: Maria Rubio, Director of Public Safety Policy
John Doussard, Director of Communications
Linda Meng, City Attorney
Kristin Lensen
Matt Davis