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DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

September 22, 2016

Board of County Commissioners
Clackamas County

Members of the Board:

Acknowledgement Regarding Public Meeting Notice Not Published as Requested

Purpose/Outcome	Acknowledgement Regarding Public Meeting Notice Not Published as Requested
Dollar Amount and fiscal Impact	None
Funding Source	None
Duration	June 30, 2017
Previous Board Action/Review	Board of County Commissioners Study Session August 9, 2016
Strategic Plan Alignment	The Finance Department, through responsible management, furthers the strategic objective of building public trust through good government.
Contact Person	Diane Padilla
Contract No.	503-742-5425

BACKGROUND:

On May 17, 2016, the Budget Office emailed the copy for three public meeting notices to Community Newspapers. These were to advertise the Budget Committee meetings for Clackamas County, Clackamas County Enhanced Law Enforcement District and Clackamas County Extension and 4-H Service District. Publication was requested in the Clackamas Review / Oregon City Review / Estacada News on May 25 for all three notices.

Our request was apparently caught in an updated spam filter at Community Newspapers and not published. We were unaware this had happened until we received affidavits of publication and billings for the public notices to advertise the budget adoption hearings on June 29th; we realized there were no corresponding affidavits and billings for the earlier budget committee meeting notices.

The Budget Committee Meetings began May 31st for Clackamas County and June 6th for both the Clackamas County Enhanced Law Enforcement District and Clackamas County. Timely notice for these meetings was published on the County website.

The hearings to adopt the budgets for Clackamas County and its component units were also published on the county website and in various newspapers as required. Those hearings and adoptions took place as scheduled on June 29th.

Oregon Budget Law provides guidance regarding sufficiency of publication of budget documents. Oregon Revised Statutes 294.451 states that “publication of the document shall be considered sufficient for all purposes if a good faith effort is made by the budget officer of the municipal corporation to publish by any one or more of the methods described.”

We have confirmed with the Oregon Department of Revenue that our request for publication meets the sufficiency requirement; and County Counsel has advised that we formally notify the Board of Commissioners of the omission at a business meeting and ask to have our testimony noted in the meeting minutes.

We acknowledge and sincerely regret that we failed to verify that the public meeting notices had been received and published as requested. We have instituted internal controls to ensure that such an oversight does not occur in the future. We are now flagging crucial email requests so we are notified when such emails were received and also when they were opened by the recipient. Further, we will flag our calendar to verify via telephone that any request for publication of a public notice has been received and acted upon if we haven't received confirmation from the recipient within two days. In addition, we have verified that Community Newspapers has specifically added the County as a source that should not be considered spam.

RECOMMENDATION:

Staff recommends that the Board accept this testimony and note such in the business meeting minutes.

Respectfully Submitted,

Diane Padilla
Budget Manager