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Sent: Tuesday, February 26, 2019 11:31 AM
To: Juan Chavez <jchavez@ojrc.info>; Wheeler, Mayor <MayorWheeler@portlandoregon.gov>
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Subject: RE: Open Meetings at BHUAC

Dear Mr. Chavez,

Thank you for your email and letter. The City continues to believe that the Behavioral Health Unit Advisory Committee (BHUAC) is not a governing body of a public body and is not legally mandated to comply with the open meetings provisions of the Oregon Public Meetings Law. The BHUAC advises the Portland Police Bureau, through the BHU Lieutenant, of its recommendations. The committee is not appointed by and does not report to the Portland City Council, nor do its recommendations require Council action or approval for implementation. Rather, they may be implemented by the Portland Police Bureau under the direction of the BHU Lieutenant and ultimately the Chief of Police. Please see Oregon Attorney General's 2014 Public Records and Meetings Manual, Public Meetings Section II.B.1.b. at pp. 133-134 (noting that an advisory body that reports and makes recommendations to an individual official, such as the individual head of a department, is not ordinarily a governing body subject to the Public Meetings Law, unless the individual official lacks authority to act on the advisory group's recommendations and must pass those recommendations on unchanged to a public body). Here, the relevant police officials (BHU Lieutenant and Chief) do have authority to act on the BHUAC's recommendations -- they are not passed on unchanged to the City Council or any other public body.

Of course, the BHUAC is not precluded from adhering to the processes required by the Public Meetings Law should it choose to do so. My understanding is that the BHUAC has considered this matter, and has determined that its current processes and structure are effective for the conduct of its business, but your clients who participate on the BHUAC can certainly continue to advocate for a change in this position.

Again, thank you for your email and for your clients' continued engagement in these important issues.

Very truly yours,

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