



MIKE SCHMIDT, District Attorney for Multnomah County

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April 8, 2023

VIA EMAIL ONLY

Patrick Cashman
pcashman20@gmail.com

Re: Petition of Patrick Cashman seeking minutes of a Multnomah Neighborhood Association meeting from the City of Portland's Bureau of Civic Life

Dear Mr. Cashman:

On March 14, 2023 you made a public records request to the City of Portland's Bureau of Civic Life for "the minutes of the March 7, 2023 board meeting of the Multnomah Neighborhood Association [MNA]." The City pointed you to a third-party website, where minutes for MNA meetings are routinely posted, and closed your request. As of April 5, 2023, when you petitioned this office for an order compelling the City of Portland to comply with your request, minutes for a March 7 meeting were not available on that website.

The MNA is not a part of the City of Portland nor, as the district attorney has previously determined, are local neighborhood associations "public bodies" subject to the public records law.¹ *Petition of Kerensa*, MCDA PRO 18-05 (2018). The City has confirmed in writing that the Bureau of Civic Life, although it does interface with neighborhood associations, does not possess a copy of the record that you are requesting.

If a public body is not the custodian of a responsive record, its obligations under the public records law are satisfied once it provides a written statement to that effect. ATTORNEY GENERAL'S PUBLIC RECORDS MANUAL (2019) at 14; ORS 192.329(2)(d). The City of Portland has done so in this instance. Accordingly, your petition is denied.

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: _____

Adam Gibbs

Sr. Deputy District Attorney

Cc: Trevor Byrd, Deputy City Attorney
Tony Garcia, Chief Deputy City Attorney

¹ You correctly note that as part of the requirements to maintain official recognition a neighborhood association, such as the MNA, is required by the City to make certain of its records available for public inspection. However the remedy, if any, for it failing to do so does not lie in the public records law, which applies only to "public bodies."

Page 2
March 24, 2023
Petition of Cashman
23-43