



Date: January 17, 2024

To: Mayor and Members of the Portland City Council

From: Scott Bruun, OBI

RE: Support of City Resolution to Appeal Mult. Co. DA Ruling/Item #52

Good morning, Mayor and Members of the Council:

Thank you for the opportunity to testify in support of Item #52. My name is Scott Bruun, and I am the VP of Government Affairs for Oregon Business & Industry, or "OBI." OBI is a statewide business association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 80% of which are small businesses, employ more than 250,000 Oregonians. OBI's primary mission is to strengthen the business climate in Oregon and protect jobs.

Toward that, OBI strongly supports the City's resolution authorizing its Attorney to appeal the Multnomah County's D.A. January 8th decision related to public records and disclosure of taxpayer information. The Jan 8th decision is problematic on multiple fronts, all of which, if allowed to stand, would further harm Portland's reputation as a place live, work and conduct business, A few points:

- First, the narrow interpretation of the Jan 8 decision misses larger law and precedent, at the federal and state levels, which prohibits disclosure of taxpayer information through public record requests. In fact, to the best of our knowledge, should the D.A.'s decision stand, Portland would be the only jurisdiction in the country where this was allowed.
- Second, it would set a precedent and path for the release through public record requests of other now confidential taxpayer information managed by the City of Portland, including the Multnomah County business income tax, the Multnomah County preschool for all income tax, the Metro supportive housing services personal and business income tax, and a host of other taxes. This would be harmful and unwelcome to regional taxpayers of every size and every stripe.
- Finally, let me say that the private tax information of a business is also a trade secret, and is treated as protected by federal and state governments. Any

required disclosure of that information would be competitively determinantal to Portland companies as it would disclose to competitors exactly what those companies are doing, or not doing, in the region. This issue, considered alongside the significant tax burden and recent tax increases that Portland businesses must already contend with, provides yet one more reason for businesses to consider investing and creating jobs elsewhere.

This resolution is a very positive step to avoid these outcomes. It defends Portland businesses and job creators, and its positive outcome would simply and appropriately match what is the well-established norm everywhere else in the country. OBI is very grateful for your support of this resolution and I'm happy to answer any questions. Thank you.

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