

CLATSKANE PARK AND RECREATION DISTRICT

RESOLUTION #16-001

January 21, 2016

RESOLUTION ADOPTING PUBLIC MEETING AND RECORDS LAW COMPLIANCE

WHEREAS, compliance with Oregon's Public Meeting and Records Law set out in Oregon Revised Statutes 192, is required by all Oregon special districts.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CLATSKANIE PARK AND RECREATION DISTRICT:

That the District shall comply with the provisions of Public Meeting and Records Law, and with the instructions and requirements of the Oregon Department of Justice, in accordance with Oregon Revised Statute 192.

ADOPTED BY BOARD OF DIRECTORS THIS JANUARY DAY OF 21, 2016.



Board President

ATTEST:



Board Secretary

CLATSKANIE PARK AND RECREATION DISTRICT

PUBLIC MEETING POLICY

Preparation for Board Meetings

- ***Distribution of Materials to Board Members***

The Agenda, Chief Executive Officer's Report, Treasurer's Report, and Statement of Bills shall be given to each member of the Board of Directors at least four (4) days prior to any regularly scheduled Board meeting.

At the same time, the Chief Executive Officer shall provide members detailed information relative to the Agenda, including existing Board policy pertinent to Agenda items.

- ***Distribution of Agenda to the Public***

The proposed Agenda will simultaneously be distributed to all District offices and other facilities, local and other news media, and posted at one or more locations convenient for review by District personnel and the public.

Board Meeting Agenda

The clerk of the Board shall draft the Agenda after conferring with the President of the Board. The following general order shall be observed:

- ***Call to order; Pledge of Allegiance to the flag***
- ***Roll call by the Secretary-Treasurer or designee***
- ***Approval of the minutes***
- ***Audience participation (testimony from citizens)***
- ***Secretary-Treasurer's Report***
- ***Statement of Bills***
- ***Old Business***
- ***Correspondence***
- ***New Business***
- ***Chief Executive Officer's report***
- ***Items not on agenda open to public, Board and staff participation***
- ***Agenda suggestions for future meetings from Board members and District personnel***
- ***Adjournment***

Notice and Location of Meetings

- ***Application***

This policy applies to all meetings of the Board of Directors of the District, and to any meetings of subcommittees, or advisory groups appointed by the Board if such subcommittees or advisory groups normally have a quorum requirement, take votes, and form recommendations as a body for presentation to the Board of Directors.

- **Compliance With Law**

All meetings shall be conducted in accordance with the Oregon Public Meetings Law, ORS 192.610-192.710, and 192.990.

- **Location of Meetings**

All meetings shall be held within the geographic boundaries of the District, except for training sessions held without any deliberative action. No meeting shall be held in any place where discrimination on the basis of race, creed, color, sex, age, national origin, or disability is practiced. All meetings shall be held in places accessible to the handicapped.

- **Meetings Held By Telephone**

Meetings held by telephone or other electronic communication is subject to the Public Meetings Law if they otherwise qualify by virtue of their deliberative purpose and the presence of a quorum.

ORS 192.670(1). Notice and opportunity for public access shall be provided when meetings are conducted by electronic means. At least one location shall be provided where meetings held by telephone or other electronic means may be listened to by members of the public. ORS 192.670(2)

- **Regular Meetings**

The Board shall hold regular monthly meetings on the third Thursday of each month. Such meetings shall be held at Clatskanie Middle High School, at 6:00pm, or at such other places and times as the Board may designate from time to time.

- **Special Meetings**

The Board shall hold special meetings at the request of the President or any three members of the Board. If the President is absent from the District, special board meetings may be held at the request of the Vice-President. No special meeting shall be held upon less than 24 hours public notice.

- **Emergency Meetings**

Emergency meetings may be held at the request of person entitled to call special meetings, upon less than 24 hours' notice in situations where a true emergency exists. An emergency exists where there are objective circumstances which, in the judgement of the person or persons calling the meeting, create a real and substantial risk of harm to the District which would be substantially increased if the Board were to delay in order to give 24 hours' notice before conducting the meeting. The convenience of Board members is not grounds for calling an emergency meeting.

At the beginning of any emergency meeting, the Director or Directors calling such meeting shall recite the reasons for calling such meeting, and the reasons the meeting could not have been delayed in order to give at least 24 hours' notice, which reasons shall be noted in the minutes. The Board shall then determine if the reasons are sufficient to hold an emergency meeting and, if not, shall immediately adjourn such meeting. Only business related to the emergency shall be conducted at an emergency meeting.

- **Notice of Meetings**

Notice of the time, place and principal subjects to be considered shall be given for all meetings. For regular meetings, the notice shall be in the form of an agenda, which shall be sent to all Board members, local media and to all persons or other media representatives having requested notices in writing of every meeting. The agenda shall also be posted at the following locations within the District:
365 S. Nehalem Street, Clatskanie, Oregon

Written notice shall also be sent to any persons who the District knows may have a special interest in a particular action, unless such notification would be unduly burdensome or expensive. For special meetings, press releases shall be issued or phone calls made to wire services and other media; and interested persons shall be notified by mail or telephone. For emergency meetings, the District shall

attempt to contact local media and other interested persons by telephone to inform them of the meeting.

- ***Executive Sessions***

Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings set forth above, except that the notice need only indicate the general subject matter to be considered at the executive session, but it shall also forth the statutory basis for calling the executive session.

The President or other presiding officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the President shall direct any representatives of the news media who are present not to report certain specified information from the executive session. In general, the extent of the non-disclosure requirement should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive sessions without prior authorization of the Board as a whole.

- ***Interpreters For the Hearing Impaired***

The District shall comply with ORS 192.630(5) regarding the provision of interpreters for the hearing impaired at Board meetings, in accordance with the following rules:

- The District shall make a good faith effort to have an interpreter for hearing impaired persons provided at any regularly scheduled meeting if the person requesting the interpreter has given the District at least 48 hours' notice of the request, provided the name of the requester, the requester's sign language preference and any other relevant information which the District may require. "Good faith efforts" shall include contacting the Oregon Disabilities Commission, or other state or local agencies that maintain a list of qualified interpreters.
- If a meeting is held upon less than 48 hours' notice, the District shall make reasonable efforts to have an interpreter present.
- The requirement for an interpreter does not apply to emergency meetings.
- The Chief Executive Officer shall be responsible for developing and maintaining a list of qualified interpreters, and shall have the responsibility for making the required good faith effort to arrange for attendance of an interpreter at any meeting for which an interpreter is requested.

Board Meeting Conduct

- ***Presiding Officer***

The President shall preside at Board meetings. In the President's absence, the Vice-President shall preside. If both the President and Vice-President are absent, any other member of the Board may preside.

- ***Authority to Conduct Meetings***

The President or other presiding officer at any Board meeting shall have full authority to conduct the meeting. Meetings shall be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner. Any decision of the President or other presiding officer at the meeting may be overridden by a majority vote of the Board.

- ***Public Participation***

If public participation is to be a part of the meeting, the presiding officer may regulate the order and length of appearances, and limit appearances to presentations of relevant points. Persons failing to comply with the reasonable rules of conduct outlined by the presiding officer, or causing any

disturbance, may be asked or required to leave. Upon failure to do so, such persons become trespassers.

- ***Electronic Equipment***

The authority to control the meetings of the District Board extends to control over equipment such as cameras, tape recorders and microphones. The presiding officer shall inform persons attending any meeting of the District Board of reasonable rules necessary to assure an orderly and safe meeting. The physical comfort and safety of members of the Board and the public attending the meeting shall be of primary concern in formulating such rules.

- ***Recording of Votes***

Votes shall be recorded. Any member may request that his or her vote be changed, if such request is made prior to consideration of the next order of business.

- ***Quorum Requisites***

Three (3) members shall constitute a quorum. If only a quorum is present, a unanimous vote shall be required to take final action.

- ***Vote Explanations***

Members of the Board may append to the record, at the time of voting, a statement indicating either the reason for their vote or abstention.

- ***Conflict of Interest/Ex Parte Contacts***

In the event of a potential conflict of interest, a member of the Board shall declare such conflict but may participate in discussions and vote. In the event any member of the Board has had any ex parte contact in a quasi-judicial matter, the member shall declare such contact prior to participating in discussion on the matter.

- ***Smoking***

Pursuant to ORS 192.710, no person shall smoke or carry any lighted cigar, cigarette, pipe or other smoking equipment into a room where a meeting is being held by the Board or is to continue after a recess. For purposes of the statute, a meeting is deemed to have started at the time the agenda or meeting notice indicates it is to commence, regardless of the time the meeting actually begins. This rule shall apply at any regular, special or emergency meeting at which the Board intends to “exercise or advise in the exercise of any power of government.” No quorum requirement shall apply for this smoking ban to apply. If the Board intends to reconvene after leaving a meeting room for an executive session, the Board will be deemed to be in a “recess” during which smoking shall be prohibited in the meeting room.

- ***Smoking Policy at Other Locations:*** If a meeting is held at a location other than one which is “rented, leased or owned” by the District, such as a hotel meeting room, where no separate charge is made for the room, the smoking ban of ORS 192.170 shall not apply, but other laws prohibiting smoking except in designated areas, such as that found in ORS 433.845, may apply.
- ***Smoking Reminder:*** Whenever members of the public are in attendance at a meeting, the presiding officer shall remind those present of the no smoking rule at the beginning of the meeting to avoid potential embarrassment.

- ***Adjournment***

The meeting shall be adjourned by a majority vote or as a result of the loss of a quorum.

Executive Sessions

- ***Notice***

Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings set forth above, except that the notice need only indicate

the general subject matter to be considered at the executive session, but it shall also set forth the statutory basis for calling the executive session.

- **No Final Decisions**

The Board shall not make any final decisions during any executive session. This policy, however, shall not prohibit full discussion of Board members' views during executive sessions.

- **Purposes**

Executive sessions shall be held **only** for the following purposes:

- **Employment of Personnel:** ORS 192.660(2)(a). To discuss the employment of a public officer, employee, or staff member, but only if the following requirements have been met:
 - ♦ The vacancy for the position has been advertised.
 - ♦ Regularized procedures for hiring have been adopted.
 - ♦ There has been opportunity for public input into the employment of such employee or officer.
 - ♦ Where employment of a Chief Executive Officer is under consideration, the standards, criteria and policy directives to be used in hiring such officer must have been adopted at a meeting open to the public at which the public has had an opportunity to comment. No executive session may be held under ORS 192.660(2)(a) for purposes of filling a vacancy in an elective office.
- **Discipline of Public Officers and Employees:** ORS 192.660(2)(b). To consider the dismissal or disciplining of a public officer, employee, staff member or individual agent, or to hear complaints or charges brought against such persons, **unless** the person complained against requests an open hearing.
- **Medical Staff of a Public Hospital:** ORS 192.660(2)(c). To consider matters pertaining to the function of the medical staff of a public hospital including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review, committees and all other matters relating to medical competency in the hospital.
- **Consultation with Labor Negotiator:** ORS 192.660(2)(d). To conduct deliberations with persons designated by the Board to carry on labor negotiations on its behalf. News media representatives may be excluded from executive sessions called under this section.
- **Real property Transactions:** ORS 192.660(2)(e). To conduct deliberations with persons designated by the Board to negotiate real property transactions.
- **Exempt Records:** ORS 192.660(2)(f). To consider records which are exempt by law from public inspection. Examples of such records include medical records pertaining to personnel, confidential communications from legal counsel, employment tests or examination materials, and other materials exempted from public disclosure under the Public Records Law, ORS 192.501 and 192.502.
- **Trade or Commerce:** ORS 192.660(2)(g). To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- **Litigation/Consultation with Legal Counsel:** ORS 192.660(2)(h). To consult with legal counsel concerning the District's legal rights and duties, as well as current litigation or litigation likely to be filed. Whenever written legal advice received from counsel is to be discussed, the Board may utilize an executive session to discuss the writing under the authority of ORS 192.660(2)(f), as well. This section authorizes an executive session to consider records which are exempt by law from public inspection.
- **Performance Evaluations:** ORS 192.660(2)(i). To review and evaluate the employment-related performance of the Chief Executive Officer, other officers, employees or staff members, pursuant to standards, criteria and policy directives adopted by the District, unless the person

whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluation Chief Executive Officers must first have been adopted by the Board in meetings open to the public in which there was an opportunity for public comment. Executive sessions called pursuant to this section may not include a general evaluation of any District goal, objective or operation, and may not include any directive to the Chief Executive Officer or other District personnel concerning agency goals, objectives, operations or programs.

- *Public Investments:* ORS 192.660(2)(j). An executive session may be called to negotiate with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- *Health Professional Licensee Investigation:* ORS 192.660(2)(k). A meeting to consider information obtained as part of an investigation or licensee or applicant conduct. Confidential information must be protected even when the Board convenes in public session for the purposes of deciding whether or not to issue a notice of intent to impose a disciplinary sanction on a licensee or to deny or approve an application for licensure.
- *Labor Negotiations:* ORS 192.660(2)(n). Labor negotiations may be held in executive session if either side requests an executive session.

- ***Conduct of Executive Session***

The President or other presiding officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the President shall direct any representatives of the news media who are present not to report certain specified information from the executive session. In general, the extent of the non-disclosure requirement should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board as a whole.

Minutes of Board Meetings

- ***Written Minutes***

The Board shall keep written minutes of all of its meetings in accordance with the requirements of ORS 192.650. Minutes of public meetings shall include at least the following information:

- All members of the Board present.
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- Results of all votes, including the vote of each member by name.
- The substance of any discussion on any matter.
- Subject to ORS 192.410 – 192.505 relating to public records, a reference to any document discussed at the meeting.

- ***Minutes of Executive Session***

Minutes of executive sessions shall be kept separately from minutes of public meetings.

Minutes of executive sessions may be kept either in writing, in the same manner as minutes of public sessions, or by tape recording. If minutes of an executive session are kept by tape recording, written minutes are not required, unless otherwise provided by law. ORS 192.650(2)

- ***Disclosure of Executive Session Matters***

If disclosure of material in the executive session minutes would be inconsistent with the purpose for which the executive session was held, the material may be withheld from disclosure. No executive session minutes may be disclosed without prior authorization of the Board. ORS 192.650(2).

- ***Retention***

Any tape recordings or written minutes of public Board meetings or executive sessions shall be retained by the District until such time as their disposal is authorized by rule or specific authorization of the State Archivist pursuant to ORS 192.105. It is recommended that minutes be retained forever.

- ***Availability to the Public***

Written minutes of public sessions shall be made available to the public within a reasonable time after the meeting. ORS 192.650(1)