

RESOLUTION 15101

**A RESOLUTION OF MULTNOMAH COUNTY DRAINAGE DISTRICT #1 ADOPTING
POLICIES RELATING TO PUBLIC MEETINGS AND PUBLIC RECORDS
REQUIREMENTS.**

THE BOARD OF SUPERVISORS (THE "BOARD") OF MULTNOMAH COUNTY
DRAINAGE DISTRICT #1, OREGON ("MCDD") DETERMINES AS FOLLOWS:

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

WHEREAS, the Special Districts Association of Oregon ("SDAO") has identified the adoption of
policies pertaining to Public Meetings and Public Records as a "Best Practice"; and

WHEREAS, the Board wishes to adopt such policies as a matter of good practice;

Now, therefore, be it RESOLVED:

1. That the Board hereby adopts Exhibit A, "Public Meetings Policy."
2. That the Board hereby adopts Exhibit B, "Public Records Policy."
3. That the Board hereby directs the Executive Director to designate a suitable staff
member to serve as the coordinator for public records requests.
4. That the Board hereby directs and empowers the Executive Director to implement the
policies herein.
5. That the terms of this Resolution supersede conflicting terms in prior resolutions.
6. That nothing in the Exhibits should be construed contrary to Oregon statutes applicable
to MCDD.

APPROVAL of this Resolution moved by Mike Wells, seconded
by Phil Ralston.

ADOPTED by the Multnomah County Drainage District #1 at a regular meeting this 22nd day of
October, 2015 by the following vote:

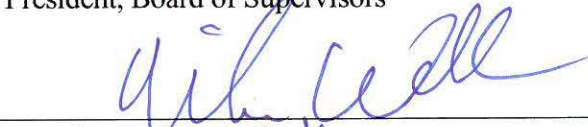
Ayes: 4 Nays: 0

MULTNOMAH COUNTY DRAINAGE DISTRICT #1,
OREGON

By: 

Printed: Tim Warren

Title: President, Board of Supervisors

By: 

Printed: Mike Wells

Title: Secretary-Treasurer, Board of Supervisors

ATTEST:

By: 

Title: Reed Wagner, Executive Director

MCDD

EXHIBIT A

PUBLIC MEETING POLICY

PREPARATION FOR BOARD MEETINGS

• **Distribution of Materials to Board Members**

The Agenda shall be distributed to each member of the Board at least one (1) week prior to any regularly scheduled Board meeting. At the same time, staff shall provide to members detailed information related to the Agenda topics, including existing Board policy pertinent to Agenda items.

• **Distribution of Agenda to the Public**

The proposed Agenda will be distributed to all board members, a local newspaper as provided below, and posted at the district's website, www.mcdd.org. Notice shall comply with applicable statutes, depending on the action(s) taken at the meeting. Generally notice shall be published in a newspaper of general circulation in the District.

BOARD MEETING AGENDA

MCDD staff shall draft the Agenda. The following general order shall be observed:

- Call to order
- Roll call by Secretary-Treasurer or designee
- Appointment of Acting President or Secretary-Treasurer if absent
- Approval of the minutes
- Audience participation (testimony from citizens) as required
- Staff Updates
- New Business
- Adjournment

NOTICE AND LOCATION OF MEETINGS

• **Application**

This policy applies to all meetings of the Board of Supervisors 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 Supervisors.

- **Compliance with Law**

All meetings shall be conducted in accordance with the Oregon Public Meetings Law, ORS 192.610-192.710, and 192.990, and also with applicable meeting statutes in ORS 547.

- **Location of Meetings**

In general, Board meetings will be held at Multnomah County Drainage District #1, except for training sessions or tours held without any deliberative action. Meeting venue may change based on decision of the Board or MCDD staff. 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 meetings as needed and as required by statute. MCDD staff will work toward scheduling these meetings at a regular date and time at a frequency determined by staff and the Board.

- **Special Meetings**

The Board shall hold special meetings at the request of the President or any member of the Board, or at the request of MCDD staff. No special meeting shall be held upon less than 24 hours public notice and notice to the Board and news media which have requested notice.

- **Emergency Meetings**

Emergency meetings may be held at the request of persons 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 judgment 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 or staff is not grounds for calling an emergency meeting. At the beginning of any emergency meeting, the Supervisor(s) or staff 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 directly 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 notice in writing of every meeting. 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 set 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 session 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 Executive Director 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 annual, regular, and special meetings of the membership and of the Board. In the President's absence, a board member will be designated by a majority of the remaining members in his or her place.

• 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. Votes for resolutions or ordinances shall be by roll call, alternating the board member that begins the voting and with the President voting last. 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

A simple majority of current Board members shall constitute a quorum. "Current Board members" means the number of board members currently elected or appointed to the board, not the total number of seats available. A "quorum" means 50% plus one (1), so a five-member board requires three (3) members to be present; a four-member board also requires three (3)

members to be present. 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 192.710 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. 249

- ♣ 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 evaluating 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**

The Board shall keep audio-recorded 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.

A meeting summary or written minutes may also be kept along with the audio-recorded minutes. The audio minutes take precedence over written minutes or meeting summaries.

- **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**

Minutes of public sessions shall be made available to the public within a reasonable time after the meeting.

EXHIBIT B

PUBLIC RECORDS POLICY

COMPLIANCE

The District shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505.

- **Specificity of Request:** In order to facilitate the public's access to records in the District's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable District personnel to readily locate the records sought.
- **Access:** The District shall permit inspection and examination of its non-exempt public records during regular business hours in the District's offices, or such other locations as the District Executive Director may reasonably designate from time to time. Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained. ORS 192.440(2).

FEES FOR PUBLIC RECORDS

Fees must be limited to no more than \$25.00 unless the requestor is provided with a written notification of the estimated amount of the fee and the requestor confirms that he/she wants the public body to proceed. In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

- **Copies of Public Records; Certified Copies:** Copies of public records shall be 15 cents per copy for black and white standard, letter size copies and 25 cents per copy for color standard, letter size copies. 8.5 x 14" or 11 x 17" copies shall be 50 cents per copy for black and white copies or \$1.00 per copy for color copies. Copies shall be certified for an additional charge as is determined reasonable by the District.
- **Copies of Sound Recordings:** Copies of sound recordings of meetings shall be the actual cost to make the copy and shall be made available on a CD.
- **Copies of Maps and Other Nonstandard Documents:** Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.
- **Research Fees:** For records requests that require District personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the District may establish a minimum fee to be charged in ¼ hour increments. The amount shall not be more than the actual cost to the District of the employee's time. When research fees apply, the District shall estimate the total amount of time required to respond to the records request, and the person

making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

- **Additional Charges:** If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.
- **Reduced Fee or Free Copies:** Whenever it determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the Board or Executive Director may so authorize. ORS 192.440(4).

AUTHORIZATION REQUIRED FOR REMOVAL OF ORIGINAL RECORDS

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors or Manager of the District.

ON-SITE REVIEW OF ORIGINAL RECORDS

If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordance with the Fees for Public Records section, above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

UNAUTHORIZED ALTERATION, REMOVAL, OR DESTRUCTION OF RECORDS

If any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate such person's review, and notify the attorney for the District.