

# **Grant Soil and Water Conservation District Public Meeting Policy**

(Adopted 10/1/15)

## **Purpose**

It is the policy of the Grant Soil and Water Conservation District (District) Board of Directors (Board) to fully comply with Oregon Public Meeting Law and assure the meetings and activities of District are open and transparent to the public.

## **Preparation for Board Meetings**

- Distribution of Materials to Board Members -

The Agenda, District Manager's Report, Treasurer's Report, and Statement of Bills shall be given to each member of the Board a minimum of four (4) days prior to any regularly scheduled Board meeting.

At the same time, the District Manager shall provide the Board 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 local and/or other news media, and posted at one or more locations convenient for review by District personnel and the public.

## **Board Meeting Agenda**

The District Manager shall draft the Agenda in consultation with the Board Chair. The following general order shall be observed:

- Call to order
- Approval of the minutes
- Audience participation (testimony from the public)
- Partner reports
- Old and new business
- Items not on the agenda
- District Manager's Report
- District's financial report
- Statement of bills
- 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, 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.

- 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 **first Thursday of each month**. Such meetings shall be held at **the USDA Service Center Conference Room, located at 721 South Canyon Boulevard, John Day, OR 97845, at 4:00 PM. PST.**, 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 Board Chair or any three members of the Board. If the Chair is absent from the District, special board meetings may be held at the request of the Vice-Chair. No special meeting shall be held upon less than 24 hours public 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.

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 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 upon request or 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 Board Chair 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 Board Chair 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.

### **Board Meeting Conduct**

- Presiding Officer –

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

- Authority to Conduct Meetings –

The Chair 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 Chair 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 Board extends to control over equipment such as cameras, tape recorders and microphones. The presiding officer shall inform persons attending any meeting of the 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 Board 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 Board 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 –

In the event of a conflict of interest, the relative Board member shall publically declare such conflict prior to discussion, recommendation, vote, or other official action on a District issue or item.

An “actual conflict of interest” is that which would result in private monetary benefit or detriment of that public official. If a member of the Board has an actual conflict of interest he or she must announce publicly the nature of the conflict (i.e., have it recorded in the minutes), and refrain from participation in discussion, debate, or voting on the issue. The Board member with the actual conflict of interest may not vote except in circumstances where their vote is required to meet the minimum quorum requirements.

A “potential conflict of interest” is that which could result in private financial benefit or detriment. If a Board Member has a potential conflict of interest, he or she must announce publicly the nature of the potential conflict, but may participate in discussions and vote 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.

## **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.

- Purposes -

ORS 192.660 outlines the topics governing bodies have authority to call for an executive session. Executive sessions shall be held only for the following purposes:

1. Employment of public officers, employees, and agents—a meeting to discuss the specific hiring of a public officer, employee, or staff member.
2. Discipline of public officers and employees—a meeting called to discuss the discipline or termination of a public officer, employee, or staff member, unless the person requests an open hearing.
3. Labor negotiations—labor negotiations can be held in an open meeting unless both sides of the negotiations request that they be held in executive session.
4. Real property transactions—a meeting to discuss or negotiate on a property transaction.
5. Exempt public records—a meeting to discuss any records considered exempt from public records law.
6. Trade negotiations—to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competitions with governing bodies in other states or nations.
7. Legal counsel—a meeting may be held in executive session for the purpose of consulting with legal counsel concerning the legal rights and duties of current litigation or litigation likely to be filed.
8. Performance evaluations—a meeting to review the performance of a chief executive officer, other officers, employees, and staff members of the District if the person whose performance is being reviewed and evaluated does not request an open hearing. In order to permit the affected person to request an open hearing, the governing body must give sufficient advance notice to the person of his or her right to decide whether to require that the performance evaluation be conducted in open session.

9. Public investments—an executive session may be called to negotiate with private persons or businesses regarding a proposed acquisition, exchange, or liquidation of public investments.

- Conduct of Executive Session –

The Chair 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 Chair 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:

1. All members of the Board present.
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
3. Results of all votes, including the vote of each member by name.
4. The substance of any discussion on any matter.
5. 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)

Approved at the October 1<sup>st</sup>, 2015 Board Meeting of the Grant Soil and Water Conservation District.

  
Patrick Voigt, Chair

10-1-15  
Date