

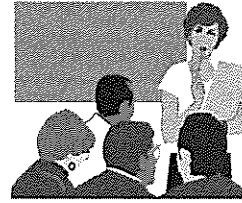
SPECIAL DISTRICTS ASSOCIATION OF
OREGON

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Public Meetings:
Guidelines for
District Officials

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OREGON PUBLIC MEETINGS LAW

INTRODUCTION

The Public Meetings Law, found in Oregon Revised Statutes (ORS) 192.610 to 192.710, was enacted by the Oregon legislature in 1973. It legally establishes the state policy that the public is entitled to know how public organizations operate. Almost all deliberations and decisions of public bodies are open to attendance by interested persons.

The Public Meetings Law (meetings law or law) has been amended many times at subsequent legislative sessions. In 1993 the Oregon Government Ethics Commission was granted authority to review complaints and impose civil penalties for violations of the executive sessions provisions.

The purpose of this material is to summarize the major provisions that apply to district boards. It borrows heavily from the *Attorney General's Public Records and Meetings Manual* (AGM) published January 2008.

A. POLICY

The Oregon policy of open decision-making is established by ORS 192.620:

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.

B. PUBLIC BODIES

The Public Meetings Law applies to not only the state, but also the cities, counties and special districts despite any conflicts with their charters, policies, ordinances or other rules. Cities, counties, special districts and other public bodies may impose greater requirements than those of the law by their charters, policies, ordinances, administrative rules or bylaws.

1. Governing Bodies

The Public Meetings Law applies to meetings of the “governing body of a public body.” ORS 192.630(1). A “public body” is the state, any regional council, county, city or district, or any municipal or public corporation or any board, department, commission, council, bureau, committee, subcommittee or advisory group or any other agency thereof. ORS 192.610(4). If two or more members of any public body have “the authority to make decisions for or recommendations to a public body on policy or administration,” they are a “governing body” for purposes of the meetings law. ORS 192.610(3).

Thus, the district board (board), and citizen advisory commissions and committees are “governing bodies.” A subcommittee of a commission or committee can also be a “governing body” if it is authorized to make decisions for or to advise the board.

a. Public Body Decisions

A committee or commission that has authority to make decisions for the district on “policy or administration” is a governing body. ORS 192.610(3). A subcommittee that has authority only to gather information for the full board, commission or committee is not a governing body. However, if the subcommittee has the authority to take action on a district issue of policy or administration, then it is a governing body under the meetings law.

b. Recommendations to Board

An advisory committee, subcommittee, task force or other official group that has authority to make recommendations to the board on policy or administration also is a governing body. ORS 192.610(3).

“Public body” does not include the general manager or other individual district official. For example, an advisory committee appointed by the general manager is *not* a governing body subject to the law if the advisory committee reports only to the appointing official. However, if the individual official lacks authority to act on the advisory group's recommendations, and must pass those recommendations unchanged to the board, then the meetings law applies to the advisory group.

If an advisory body is created by the board to advise the board, the fact that its members are all private citizens is irrelevant. The meetings law applies to private citizens, employees and others without decision-making authority when they serve on a group that is authorized to advise the board.

2. Private Bodies

The meetings law does not cover private bodies. A private body does not become subject to the meetings law merely because it receives public funds, contracts with governmental bodies or performs public services.

C. MEETINGS SUBJECT TO THE LAW

1. Public Meetings

The Public Meetings Law defines a meeting as the convening of any of the “governing bodies” described above “for which a quorum is required in order to make a decision or to deliberate toward a decision *on any matter.*” ORS 192.610(5) (emphasis added).

a. Quorum Requirements

The meetings law does not define “Quorum.” Quorum is defined as a majority of the board. Board rules generally confirm that a quorum usually consists of three members.

A gathering of less than a quorum is not a meeting under the meetings law. The law applies to committees, subcommittees and other advisory groups that are charged by the board with making recommendations. The recommendations must be the result of formal votes taken at meetings at which a quorum was present.

Staff meetings are not subject to the meetings law because they are not “governing bodies” and quorums are not required. ORS 192.610(3). Similarly, the law does not apply to individuals who are authorized to make recommendations. However, if staff meets with a quorum of the board or a district commission, committee or subcommittee to discuss matters of “policy or administration,” or to clarify a decision or direction for staff, the meeting is within the scope of the law. ORS 192.610(5).

b. Meetings and Social Gatherings

The Public Meetings Law applies to all board meetings for which a quorum is required to make a decision or deliberate toward a decision on any matter. Even meetings for the sole purpose of gathering information upon which to base a future decision or recommendation are covered. Hence, information gathering and investigative activities of a district body are subject to the law.

If a quorum of the governing body gathers to discuss matters outside its jurisdiction, the “meeting” is not legal under the meetings law. Jurisdiction is determined by examining the authority granted to a particular governing body and any policies, ordinances, resolutions or directives governing that authority.

The law does not cover purely social meetings of board or committee members. In *Harris v. Nordquist*, 96 Or. App. 19 (1989), the court concluded that social gatherings at which school board members sometimes discussed “what's going on at the school” did not violate the meetings law. The *purpose* of the meeting determines if the law applies. However, a purpose to deliberate on any matter of policy may arise *during* a social gathering and lead to a violation. When a quorum is present, members should avoid any discussions of official business during social gatherings. Some citizens may see social gatherings as a subterfuge for avoiding the law.

c. Electronic Communication

The Public Meetings Law expressly applies to telephonic conference calls and “other electronic communication” meetings of governing bodies. ORS 192.670(1). Notice and an opportunity for public access must be provided when meetings are conducted by electronic means. For non-executive session meetings, the public must be provided at least one place to listen to the meeting by speakers or other devices. ORS 192.670(2). Special accommodations may be necessary to provide accessibility for persons with disabilities. The media must be provided such access for electronic executive sessions, unless the executive session is held under a statutory provision permitting its exclusion.

Communications between and among council members on electronically linked personal computers may be subject to the meetings law.

2. Exempt Meetings

The definition of “meeting” under ORS 192.610(5) does not include on-site inspections of projects or programs, and gatherings of national, regional or state associations to which the public body or its members belong.

D. LEGAL REQUIREMENTS

1. Notice

The Public Meetings Law requires public notice of the time and place of meetings. This requirement applies to regular, special and emergency meetings. ORS 192.640. The public notice requirements apply to *any* “meetings” of the governing body, and committees, subcommittees and advisory committees. Regular meeting notice must be *reasonably calculated* to give actual notice of the time and place of the meeting “to interested persons including news media which have requested notice.” ORS 192.640(1). Notice must be given to persons and media that have stated in writing that they wish to be notified of every meeting.

If the meeting will consist of only an executive session, notice still must be given to members of the board, the general public and news media that have requested notice. The notice must also state the specific legal section authorizing the executive session. ORS 192.640(2).

To help satisfy the accessibility requirements of ORS 192.630(5) and the Americans with Disabilities Act, the notice may provide the name of a person and telephone number (including TDD number) at the district to contact to request an interpreter for the hearing impaired or for other communication aids.

The notice for each meeting must “include a list of the principal subjects anticipated to be considered at the meeting.” ORS 192.640(1). The list should be specific enough to permit members of the public to recognize the matters in which they are interested; ordinarily this can be met by distribution of an agenda. The agenda need not go into detail about subjects scheduled for discussion or action, but should be sufficiently descriptive so interested persons can understand agenda topics.

The meetings law does not require the description of every proposed item of business in the notice. The law requires a reasonable effort to inform the public and interested persons of the nature of the more important matters (principal subjects) coming before the body. The board may consider additional principal subjects arising too late to be included in the notice. The listing of principal subjects “shall not limit the ability of a governing body to consider additional subjects.” ORS 192.640(1).

The purpose of meeting notice is two-fold: general notice to the public at large and *actual* notices to specifically interested persons.

a. Regularly Scheduled Meetings

News media requesting notice *must* be given notice. Paid advertising is *not* required. If the district is aware of persons having a special interest in a particular action, those persons generally should be notified. This is not required if such notification would be unduly cumbersome or expensive.

b. Special Meetings

At least 24 hours' notice is required for special meetings. This may be accomplished by press releases or phone calls to the media. The district should make reasonable attempts to notify interested persons either by mail or telephone. News media requesting notice must be notified.

c. Emergency Meetings

An emergency meeting is a special meeting called on less than 24 hours' notice. An "actual emergency" must exist, and the minutes must describe the emergency justifying less than 24 hours' notice. ORS 192.640(3). The board must identify and describe in the minutes the reason the meeting could not be delayed to allow at least 24 hours' notice. The law requires that "such notice as is appropriate to the circumstances" be given for emergency meetings. The district must attempt to contact the media and other interested persons to inform them of the meeting. Generally, such contacts are made by telephone.

The Oregon Court of Appeals stated in *Oregon Association of Classified Employees v. Salem-Keizer*, 95 Or. App. 28 (1989) that it will closely scrutinize any claim of an "actual emergency." The "emergency" must relate to the matter to be discussed at the emergency meeting. An actual emergency on one matter does not "justify a public body's emergency treatment of all business coming before it at approximately the same time." 95 Or. App. at 32. Nor does the convenience or inconvenience of board members provide justification for an emergency meeting.

2. Space and Location

Public bodies should consider the probable public attendance and meet where there is sufficient room for the expected attendance. If the regular meeting room is adequate for usual attendance, the board is not required to seek larger quarters for a meeting that unexpectedly attracts an overflow crowd.

a. Geographic Location

Meetings of the board and other district bodies must be held within the district boundaries. ORS 192.630(4). A joint meeting with two or more governing bodies must be held within the geographic boundaries of the area over which one of those bodies has jurisdiction, or at the nearest practical location.

This does not apply in the case of an actual emergency requiring immediate action. Additionally, the law permits the board to hold "training sessions" outside the district, so long as no deliberation toward a decision is involved. ORS 192.630(4).

b. Nondiscriminatory Site

The board and other district bodies may hold public meetings in private places such as restaurants or residences, if *fully* adequate notice is given of the location so interested persons may attend, and if *fully* adequate arrangements are made for their convenient attendance. District bodies may not meet at a place where discrimination based on race, creed, color, sex, age, national origin or disability is practiced. ORS 192.630(3). The Americans with Disabilities Act, 42 USC 12131 *et seq.*, prohibits discrimination against persons with disabilities by public entities, and by places of public accommodation for meeting sites owned by private entities.

3. Accessibility to Persons with Disabilities

ORS 192.630(5)(a) states:

It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting.

This statute imposes two requirements. First, public meetings must be held in places accessible to individuals with mobility and other impairments. Second, there must be a good faith effort to provide an interpreter for hearing impaired persons.

4. Public Attendance

The meetings law is a public attendance law, not a public participation law. Board meetings are open to the public except for closed meetings specifically authorized. ORS 192.630. *The right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment.*

Other statutes, rules, charters, policies, ordinances, resolutions, and bylaws outside the meetings law may require the board and other district bodies to hear public testimony or comment on certain matters. For example, ORS 294.401 requires budget public hearings *and* comments. In circumstances where such requirements do not apply, the board may conduct a meeting without public participation.

5. Control of Meetings

The board chair or other presiding officer of any meeting has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. If public participation is part of the meeting, the presiding officer may regulate the order and length of appearances and limit appearances to presentations of relevant points. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser. *State v. Marbet*, 32 Or. App. 67 (1978).

This authority extends to control over equipment such as cameras, tape recorders and microphones, but only to the extent of reasonable regulation. Members of the public may not be prohibited from unobtrusively recording the proceedings of a public meeting. The criminal law prohibition against electronically recording conversations without the

consent of a participant does not apply to recording “public or semipublic meetings such as hearings before governmental or quasi-governmental bodies.” ORS 165.540(6)(a).

6. Voting

All official actions by the board must be taken by public vote. The vote of each member must be recorded by name. ORS 192.650(1)(c). Written ballots may be used, but each ballot must identify the member voting and the vote must be announced. *Secret ballots are prohibited.*

The failure to record a vote is not itself a ground for reversing a decision. Without a showing that the failure to record a vote was related to a manipulation of the vote, a court will presume that public officials lawfully performed their duties. *Gilmore v. Board of Psychologist Examiners*, 81 Or. App. 321, 324 (1986).

7. Minutes and Recordkeeping

ORS 192.650 requires that a sound, video or digital recording or the taking of written minutes be taken at all meetings, except for executive sessions. Meeting minutes shall include at least the following:

- (a) Members of the governing body present;
- (b) Motions, proposals, ordinances, resolutions, orders and measures proposed and their disposition;
- (c) Results of all votes and the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to the Public Records Law (ORS 192.410 to 192.505), a reference to any document discussed at the meeting. This reference does not change the status of the document under the Public Records Law.

Minutes need not be a verbatim transcript, and the meeting does not have to be recorded unless otherwise required by law. The minutes must be a true reflection of the matters discussed at the meeting and the views of the participants. ORS 192.650(1).

The district must prepare minutes and have them available within a “reasonable time after the meeting.” ORS 192.650(1). After minutes are prepared, they are public records subject to disclosure under the Public Records Law. They may not be withheld from the public merely because they have not yet been approved. If minutes have not been approved, they may be so identified.

Executive session minutes may be kept in the form of a sound or video tape or digital recording rather than written minutes. ORS 192.650(2). No transcription of executive session minutes must be made unless otherwise required by law. If disclosure of material

in the minutes would be inconsistent with the purpose of the executive session that was held under ORS 192.660, the material may be withheld from disclosure. ORS 192.650(2).

The media has no right to the minutes or tapes of executive sessions greater than that of the general public.

E. EXECUTIVE (CLOSED) SESSIONS

1. Permissible Purposes

District boards may meet in executive sessions only in specified situations. ORS 192.660. An “executive session” is defined as “any meeting or part of a meeting of a governing body which is *closed* to certain persons for deliberation on certain matters.” ORS 192.610(2) (emphasis added).

The board may hold an open session even when the law permits it to hold an executive session. The board is authorized to hold closed sessions regarding the following subjects:

a. Labor Negotiator Consultations

The board may meet in executive session for deliberations with persons designated by it to conduct labor negotiations. ORS 192.660(2)(d). The media may be excluded from such sessions. ORS 192.660(3).

b. Real Property Transactions

The board may hold an executive session to deliberate with persons designated by it to negotiate real property transactions. ORS 192.660(2)(e). Real property transactions are not limited to purchase or sale of real property, but may include long-term leases. The executive session is limited to discussions of negotiations about specific real property. It does not include discussions of long-term space needs or general policies concerning lease sites.

c. Exempt Public Records

The board may meet in executive session to “consider information or records that are exempt by law from public inspection.” ORS 192.660(2)(f). The Public Records Law, specifically ORS 192.496, 192.501 and 192.502, exempts records from public inspection. Unless a record is exempt under one of these or some other law, the board may not consider the record in executive session under ORS 192.660(2)(f).

d. Legal Counsel

Executive sessions may be used by the board to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. ORS 192.660(2)(h). This authorization parallels the Public Records Law exemption for documents pertaining to litigation. ORS 192.501(1). The discussions may include substantive analysis of the legal merits, risks and ramifications of the litigation, as well as procedural options.

Discussions in executive sessions may proceed even to the point at which the council reaches an informal consensus as to its course of action. ORS 192.660(6) guarantees that the results of any consensus will be made public because any final decision must be made in open session.

Written legal advice from the district counsel is privileged information under ORS 40.225. It is exempt from disclosure under ORS 192.502(9)(a), with exceptions under ORS 192.502(9)(b) and in many cases are a proper subject of an executive session under ORS 192.660(2)(f). If appropriate steps are taken, an executive session may be used to discuss any legal matter of a confidential nature even without the existence or likelihood of litigation.

e. District Employees

The board may use an executive session to review and evaluate the employment-related performance of the general manager, district officer, employee or staff member who does not request an open hearing. ORS 192.660(2)(i). The board may not use an executive session held to evaluate the general manager to also conduct a general evaluation of a district goal, objective or operation, or any directive to personnel concerning district goals, objective, operations or programs. ORS 192.660(8).

f. Labor Negotiations

In 1997 the law was changed to require labor negotiations to be conducted by the board in open meetings unless both sides request negotiations in executive session. ORS 192.660(3). Note that district labor negotiations with employees' representatives are not subject to the meetings law at all if the negotiations are conducted for the district by *individuals* retained by the board. In these circumstances, the public and the media cannot invoke the Public Meetings Law as a basis for attending negotiation sessions. *Southwestern Oregon Publishing Co Inc v. Southwestern Oregon Community College Dist*, 28 Or. App. 383 (1977).

2. Final Decision Prohibition

ORS 192.660(6) states: "No executive session may be held for the purpose of taking any final action or making any final decision." The board may reach a consensus in executive session. The purpose of the "final decision" requirement is to allow the public to know the *results* of the discussions. Taking a formal vote in open session satisfies that requirement, even if the public vote merely confirms a decision made informally in closed session.

3. Method of Convening

An executive session may be called during a regular, special or emergency meeting for which notice has already been given in accordance with ORS 192.640. The person presiding at the meeting must announce the statutory authority for the executive session before going into closed session. ORS 192.660(1). When a meeting that will be solely an executive session is called, the statutory authority for the executive session must be set forth in addition to notice requirements for any other meeting.

4. Media Representation

The Public Meeting Law expressly provides that representatives of the news media *shall be allowed* to attend all executive sessions except for sessions involving deliberations with persons designated to carry on labor negotiations, *Barker v. City of Portland*, 67 Or. App. 23 (1984).

As stated above, the board may consult with the district counsel about pending litigation or litigation likely to be filed. The board may exclude any member of the media from such a meeting if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.660(5).

The board may require the non-disclosure of specified information that is the subject of the executive session. ORS 192.660(4). The presiding officer should make the specification. Absent a specification, the entire proceedings may be reported and the purpose of the executive session may be frustrated. The media may discuss the statutory grounds justifying the executive session.

The meetings law contains no sanction to enforce the requirement that a news representative not disclose specified information. Penalties may raise freedom of press and speech questions. The Attorney General has concluded, “‘enforcement’... depends upon cooperation between public officials and the media.” AGM 146.

Reporters have no obligation to refrain from disclosing information obtained at an executive session if the board fails to specify that certain information is not for publication. Reporters may, but are not required to, inquire whether a board failure to specify was an oversight. Reporters are under no obligation to keep confidential any information the reporter independently gathers as the result of leads obtained in executive session. Reporters may disclose matters discussed in executive session that are not properly within the scope of announced statutory authorization of executive sessions.

The board may request a news medium not to assign a particular representative to cover board meetings if the representative has irresponsibly violated a clearly valid nondisclosure requirement. That representative may be barred from future executive sessions because the meeting law purposes will be met by allowing attendance of another representative, and representatives from other news media.

5. Other Persons Attendance

The board may permit others to attend executive sessions. Generally, executive sessions are closed to all except board members, district staff, district counsel, persons reporting on the subject of the executive session or otherwise involved, and news media representatives. However, the law does not prohibit the board from permitting other persons to attend.

F. ENFORCEMENT

1. Injunctive or Declaratory Actions

Anyone affected by a decision of the district board may file a lawsuit to require compliance with, or prevent violations of, the Public Meetings Law by board members. ORS 192.680(2). An action may be brought even before any decision affecting the plaintiff has been made. Suit may be brought by “representatives of the press,” *Barker v. City of Portland*, 94 Or. App. 762, 765-66 (1989), and “any person who might be affected by a decision that might be made.” *Harris v. Nordquist*, 96 Or. App. 19 (1989).

A suit may also be filed to determine whether the meetings law applied to meetings or decisions of the board. The suit must be brought in the circuit court for the county where the city is located. ORS 192.680(2), *Barker v. City of Portland, supra*. Under ORS 192.680(5), the suit must be brought within 60 days of the date that the decision becomes public record.

If the board makes a decision in violation of the meetings law, ORS 192.680(1) permits it to reinstate the decision while in compliance with the law. A reinstated decision is effective from date of initial adoption. The board should substantially reconsider the issue and not merely conduct a perfunctory reinstatement.

If a committee makes a recommendation to the board that violates the meeting law, that violation does not make the board's subsequent decision on the recommendation void. By making its decision in full compliance with the meetings law, the board cures the committee's prior meetings law violation.

Reinstatement will not prevent a court from voiding a board decision “if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body.” In those circumstances, a court shall void the decision “unless other equitable relief is available.” ORS 192.680(3).

Where violations of the meetings law are unintentional or non-willful, voiding a decision is a permissible but not a mandatory remedy. ORS 192.680(1). In any case, “[t]he court may order such equitable relief as it deems appropriate in the circumstances.” ORS 192.680(3).

Courts will not lightly invalidate district board decisions. However, if a violation of the meetings law occurs in conjunction with another factor such as a conflict of interest violation, there may be a judicial voiding of the board action. When a violation is found, the court may enjoin future violations or simply declare what the law requires. Future violations after the injunction may lead to contempt of court penalties for violating a court order.

In the discretion of the court, a successful plaintiff may be awarded reasonable attorney fees. ORS 192.680(3); *Smith v. School District No. 45*, 63 Or. App. 685, *rev den* 295 Or.

773 (1983). If the court finds a violation of the Public Meetings Law and determines that the violation was the result of willful misconduct by any board member, *that member is personally liable to the governing body for the amount of attorney fees paid by the body to a successful plaintiff.* ORS 192.680(4).

2. Civil Penalties

ORS 192.685(1) states that complaints that public officials have violated the executive session provisions of the law may be made to the Oregon Government Ethics Commission for review and investigation under ORS 244.260. The commission may interview witnesses, review minutes and other records, and may obtain other information pertaining to board executive sessions to determine if a violation occurred.

The commission may impose civil penalties not to exceed \$1,000 for violating any provision of ORS 192.660, the executive sessions provisions. However, if the violation occurred because of the council acting upon the advice of the board counsel, a civil penalty may not be imposed. ORS 244.350(2). If the commission abandons a complaint at any time before the end of a contested case hearing, the public official may be reimbursed for reasonable costs and attorney fees. These would be paid by the district where the official has authority to act as part of a board that makes recommendations or decisions. ORS 192.685(3). A public official who prevails following a contested case hearing shall, upon petition to the circuit court, be awarded reasonable attorney fees at the conclusion of the contested case or on appeal. ORS 244.400.

ROBERT'S RULES OF ORDER NEWLY REVISED PARLIAMENTARY PROCEDURE OUTLINE:

Motions

Steps to effectively introduce, consider, and dispose of an agenda matter.

- (1) Introduction with a motion by a board member and seconded by another board member.
- (2) Consideration by board discussion, vote by board, and results announced.

Floor recognition by the board chair or other presiding officer is necessary to *obtain the floor* to make a motion or address the board.

Seconds

- (1) Requiring a second serves useful purpose to prevent:
 - (a) Matter from being forced on the board by only one board member; and
 - (b) Wasting time on debate and vote when not necessary.
- (2) Board rules should generally require a second to consider a motion.
- (3) Board chair or other presiding officer should ask for second if a motion is not immediately seconded.

Routine non-controversial matters, even those requiring a majority vote, may be adopted by unanimous or general consent (e.g., the board chair or other presiding officer may state: "Unless there is an objection, the matter passes by general / unanimous consent.")

Agenda

An agenda is the order of business for matters to come before the board. It often consists of the following:

- (1) Call to order;
- (2) Roll call;
- (3) Approval of agenda;
- (4) Approval of previous minutes;
- (5) Reports;
- (6) Consent agenda;
- (7) Old business (uncompleted from previous meeting);
- (8) New Business (matters introduced for the first time);
- (9) Announcements; and
- (10) Adjournment.

Agenda Approval

The board should make any necessary changes and adopt the meeting agenda. The agenda should follow the order of business. The agenda may be amended by majority vote before being adopted or by two-thirds vote after it is adopted.

Minutes

- (1) Minutes must be taken at all board meetings and made available within a "reasonable time after the meeting."

- (2) After minutes are prepared, they are public records and may not be withheld from the public merely because they have not yet been approved by the board.
- (3) If minutes have not been approved, they may be so identified.

Consent agenda

- (1) The board may have a “consent agenda” that includes routine and non-controversial items.
- (2) Items on the consent agenda are considered all together without discussion or amendment, and adopted by a single motion or unanimous consent.
- (3) Any board member may make a motion to remove an item from the consent agenda, and then make a motion to dispose of that item separately.

Conducting business

- (1) Board chair or other presiding officer announces matter.
- (2) Staff report.
- (3) Board chair or other presiding officer asks board members if there are questions for staff.
- (4) Board member makes a motion or board chair or other presiding officer asks for a motion.
- (5) Another board member seconds the motion or board chair or other presiding officer asks for a motion.
- (6) Board chair or other presiding officer states the motion as made (or as amended).
- (7) Board chair or other presiding officer asks if there is discussion on the motion:
 - (a) Matter discussed by board members after recognition by board chair or other presiding officer; and
 - (b) Board chair or other presiding officer allows moving board member to discuss motion first.
- (8) Board chair or other presiding officer puts the motion to vote:
 - (a) At any time a board member may move to call the question. If this motion is seconded and approved by a two-thirds vote, discussion must end and vote occur; or
 - (b) If no one calls the question and no one is addressing the matter, the board chair or other presiding officer must:
 - (i) Ask if there is any further discussion on the motion, and
 - (ii) Call the question by stating the motion.
- (9) When the question is called, the board chair or other presiding officer either:
 - (a) Puts the matter to vote by:
 - (i) Stating the motion as made (or amended);
 - (ii) Having the board members vote on the motion; and
 - (iii) Announcing the results of the question; or
 - (b) If consensus on the matter, then it is approved (or denied) without objection.
- (10) Board chair or other presiding officer then calls the next matter on the agenda.

Voting methods

Voting prohibited by proxy, secret ballot, absentee, electronic, recorded or mail. Telephone meetings and votes in compliance with the Oregon Public Meetings Law are permitted. Matters

should not be adopted by "general" consent, unlike "unanimous" consent, especially important or significant items of business.

Abstentions

Board members should not abstain unless there are compelling circumstances such as a pecuniary conflict of interest governed by ORS chapter 244 (Government Ethics).

Adjournment

- (1) An item of business not yet considered or pending when the meeting adjourns should be rescheduled for the next meeting. The unfinished business is treated the same as if there had been no adjournment.
- (2) A business item pending at adjournment is automatically taken up as the first item of business under unfinished (old) business resuming where previously interrupted.
- (3) Any business item not reached is taken up under unfinished or old business.

Main motions

- (1) A main motion must be made for the board to consider a matter (bring the business to the floor).
- (2) A main motion is a statement requesting that an action be taken. It may be presented orally or formally in written form as an ordinance, resolution or order.
- (3) A main motion should be stated in the affirmative; it should be uncomplicated, clear and concise.
- (4) Only one main motion may be considered at a time.
- (5) Board members have a right to know the pending motion and to have it restated by the board chair or other presiding officer before a vote is taken.
- (6) The main motion is the lowest ranking motion; all other pending motions must be disposed with first before the main motion may be considered.
- (7) Various secondary procedures facilitate a decision on the main motion.

Seven ordinary motions

- (1) To Adjourn – used to end a meeting; the date, time, and location of the next regular meeting must be announced by the board chair or other presiding officer.
- (2) To Recess – used to interrupt the meeting and to reconvene at a time certain. The board chair or other presiding officer may temporarily permit a brief pause without a declaration of recess. This is technically not an interruption of the meeting.
- (3) To Close Debate – used to force a vote on the most recent prior motion that, if seconded and approved, brings that motion to immediate vote.
- (4) To Limit (or Extend) Debate – used to set or extend a debate.
- (5) To Postpone to a Certain Time – used to set off consideration of main motion to another time certain.
- (6) To Refer – used to send a matter to a committee.
- (7) To Amend – used to change a motion stated or already adopted.

Three challenge motions

- (1) Point of Order – used to correct errors or mistakes of procedure; no vote is required; the board chair or other presiding officer decides the point

- (2) To Appeal – used to put a ruling of the board chair or other presiding officer to a council vote; it requires reasons stated by mover, opportunity for discussion, and vote.
- (3) To Object – used to object to considering a matter before a main motion, or to object to action being taken by the board chair or other presiding officer or board, such as approving a matter by unanimous consent or recess.

Four special motions

- (1) To Withdraw – used to remove a motion from consideration; no vote is required; the board chair or other presiding officer may rule on the motion if there are no objections.
- (2) To Suspend the Rules to [provide the reason] – used to circumvent a rule that disallows consideration of a matter.
- (3) To Reconsider – used to reconsider a decision made earlier in that meeting. Reconsidering a vote has the effect of treating the matter as if no vote had been taken at that meeting.
- (4) To Rescind – used to negate and dispose of a previous action that cannot be nullified by the motion to reconsider.