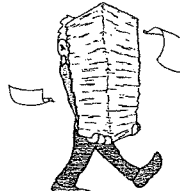


Public Records Law
Definition of Public Meeting
Public Meeting Requirements
Rules & Regulations
Ethics


Public Records

ORS 192.005(5) defines public record:



- › "Public record" includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. *(emphasis added)*

Who has the Right to Inspect Public Records?



Notes
E-mails

Correspondence
Pictures

"Every Person" has a right to inspect any nonexempt public record of a public body in Oregon.

Definition of Meeting

- › A "meeting" is any quorum of a commission - No quorum = No meeting
- › Exceptions - On-site inspections of any project or program.
- › "Quorum" - more than 1/2 of the total number of authorized members

Open to the Public

- › All meetings of the city's commissions and committees are required to be open to the public and within the City limits.
- › No Private meetings
- › 36 Hours Notice of meetings

Minutes

- › Written minutes must be taken for all public meetings - including Sub-Committees
- › Minutes do not have to be a verbatim transcript

Minutes must include:

- › List of members present
- › Nature and disposition of all motions, proposals, resolutions, orders, etc.
- › Results of all votes by name
- › Substance of any discussion
- › Reference to any public document discussed

Meetings and Attendance

****asking for input from Commissioners on this section****

- › Attend all regularly scheduled meetings
- › Two-Hour notice to chair or staff liaison if you will be absent from meeting
- › Two or more "unexcused" absences in a six-month period will result in declaring the position "inactive" or "vacant."
- › Minimum 2/3 attendance or position will be declared "inactive" or "vacant." at least 72 hours in advance of the meeting

Attendance shall be reviewed by the commission during the regularly scheduled meetings in January and July, with a report sent to the Mayor and City Council advising of the need for appointment or re-appointment, if necessary.

Duties of the Chair

At its first meeting of the year the advisory commission shall elect a chair and a vice chair who shall hold office at the pleasure of the advisory body. Neither the chair nor vice-chair shall serve as an officer for more than two consecutive terms. - *Requesting Commission input on this section.*

Suggestions for Chair

- › Ensure that each member has the opportunity to speak
- › No member shall speak more than once until every member has been given the opportunity to speak

OREGON GOVERNMENT ETHICS LAW

All Commissioners are "Public Officials" and are required to follow the Public Ethics Rules.

GENERAL RULE

- ▶ Do not use public position to obtain financial benefit if the opportunity for the financial benefit would not otherwise be available but for your public position
 - Includes using confidential information for personal gain
 - Includes benefit to a client

GIFTS (1)

- ▶ OK if
 - Available to any citizen
 - Source is friends, relatives with no legislative or administrative interest in decisions
 - Acting in an official capacity and representing City for a ceremonial purpose at entertainment event
 - Representing City at "organization" event (not a private dinner) at which your admission or food and beverage is compensated

GIFTS (2)

- ▶ Red flag if the source of anything of value (services, too) has a legislative or administrative interest in decisions
 - Not just financial interest
 - If so, cannot exceed \$50 in value per year

CONFLICTS

- › Financial benefit or detriment to you, relatives, or associated businesses
- › Actual ("would")
 - Disclosure; then no participation
- › Potential ("could")
 - Disclosure; then participate
- › Exemptions
 - Would impact you to the same degree as other members of an identifiable group or class
 - Unpaid position in 501C(3)

RELATIVES

- › Spouse, children (or legal support obligation)
- › Siblings and their spouses and spouses' siblings
- › Parents and parents of spouses

"ASSOCIATED WITH BUSINESS"

- › Director, officer, owner, employee or agent of private business or closely held corporation, with stock, stock options, equity, or debt instrument over \$1000
- › Owner of stock, equity interest, stock options, or debt instruments of \$100,000 or more in publicly held corporation
- › Director or officer of a publicly held corporation

ASHLAND CODE OF ETHICS AMC 3.08.020

DO's

- › Be independent, impartial
- › Have public interest as primary concern
 - Discharge duties regardless of personal considerations
- › Foster respect for all government

SPEAKING FOR THE CITY

- › Only represent the opinion or position of the advisory body
- › No lobbying before other elected bodies or committees
- › Advisory body members are prohibited from engaging in political activity in accordance with ORS 260.432

GIFTS

- › Don't accept any valuable gift from a source directly or indirectly interested in business dealings with the City
- › Don't accept anything of value tending to impact discharge of duties or contingent on a specific action by the City

CONFLICTS

- › Don't engage in any business or transaction, or have a financial or other personal interest, contrary to public interest or tending to impair independent judgment
 - "Personal interest" = direct or indirect interest tending to impair independent judgment, including familial relationships and close business or political association
- › Before discussion of legislation with Council, disclose on the record any financial or other private interest in the proposition