



A place where families and businesses thrive.

Committee For Community Involvement

New Member Orientation Packet

January 2018

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Forest Grove Vision Statement

This statement is written and designed to reflect the best of what exists now, and what we aspire to become, as a community.

Forest Grove is a friendly, twenty-first century, small, full service city. It was settled in 1841 by pioneers who valued respect for education, faith, enterprise, service to humanity, and the bountiful resources of the Tualatin Plain. Those values persist to inspire a common vision for a high quality of life in a thriving and progressive community that reaches from its historical commercial core around Pacific University to a horizon of forests, farms, vineyards, and the Coast Range. As an engaged and diverse people, we assure sustainability in our economy and our environment, thus supporting a community that nurtures our youth, educates all residents, and attracts and welcomes visitors. Forest Grove is itself a *destination* that thrives by *design* and is our *home*.

Forest Grove is a *Destination* that offers visitors and residents:

- **A rich heritage** preserved by honoring the city's natural, cultural, and historic treasures while also embracing the future.
- **A centrally located gateway** to forests, waterways, beaches, and mountains; this wealth of resources is cherished and preserved to foster sport, recreation, reflection, and leisure.
- **Arts & culture** that abound throughout the year; we celebrate our cultures and participate in a wide variety of visual and performing arts and festivals.
- **A community** recognized for its commitment to conserve, preserve, protect and restore our natural assets.

Forest Grove is a community by *Design* through:

- **Participation** of an engaged public and accessible, responsive government.
- **Planning** that considers and accommodates both the desires and needs of all community members to ensure their quality of life and prosperity.
- **Sustainable transportation** modes, systems, and networks that provide opportunities for all to conveniently and safely move about within and outside of the community.
- **Economic development** that encourages innovative, diverse and ecologically sound enterprises that provide ample opportunities for employment, and ensures the vitality of the community.
- **Fiscally sound funding** of quality public safety and municipal services including locally owned public utility and watershed.

Forest Grove is *Home* to:

- **Individuals** who are respected and valued for their experience, abilities, and differences, and where all residents are included in the life of the community through excellent education, recreation, and social programs.
- **Young people** who are nurtured and encouraged to achieve their full potential.
- **Families** of every size and description who have community resources needed for lifelong learning and development.
- **Older residents** whose ongoing leadership, wisdom and investment in the community build the foundation for our future.
- **Distinctive neighborhoods** replete with a variety of accessible housing options, schools, parks, places of worship and social gathering, and farmlands and open spaces.
- **A community** in harmony, bound by commonly shared respect for its residents, natural resources, economic vitality, and its active role in a global society.



A place where families and businesses thrive.

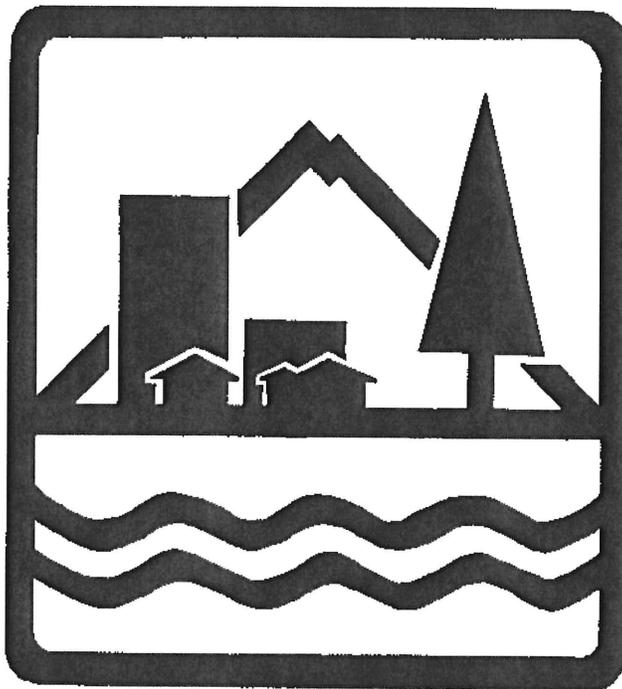
CITY COUNCIL GOALS 2017-18

**Promote Safe, Livable and
Sustainable Neighborhoods and
a Prosperous Dynamic, Green City**

**Promote a Prudent Financial Plan to
Maintain Effective Service Levels
of a Full-Service City**

**Promote the Interests and Needs of
Forest Grove in Local, State, and
National Affairs**

Oregon's Statewide Planning Goals & Guidelines



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OREGON'S STATEWIDE PLANNING PROGRAM

Introduction

The Statewide Planning Goals

Since 1973, Oregon has maintained a strong statewide program for land use planning. The foundation of that program is a set of 19 statewide planning goals. The goals express the state's policies on land use and related topics, such as citizen involvement, housing, and natural resources.

Most of the goals are accompanied by "guidelines," which are suggestions about how a goal may be applied. As noted in Goal 2, guidelines are not mandatory. The goals are, however, adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015).

City and County Planning

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

The local comprehensive plans must be consistent with the statewide planning goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be "acknowledged." It then becomes the controlling document for land use in the area covered by that plan.

Oregon's planning laws apply not only to local governments but also to special districts and state agencies. The laws strongly emphasize coordination —

keeping plans and programs consistent with each other, with the goals, and with acknowledged local plans.

A Partnership

Oregon's planning program is a partnership between state and local governments. The state requires cities and counties to plan, and it sets the standards for such planning. Local governments do the planning and administer most of the land-use regulations. The resulting mosaic of state-approved local comprehensive plans covers the entire state.

The state does not write comprehensive plans. It doesn't zone land or administer permits for local planning actions such as variances and conditional uses. And unlike some other states, Oregon does not require environmental impact statements.

The Land Conservation and Development Commission

Oregon's statewide planning program is directed by the Land Conservation and Development Commission (LCDC). The commission's seven members are unsalaried volunteers, appointed by the governor, and confirmed by the state senate. The term of appointment is four years.

The Department of Land Conservation and Development

LCDC's administrative arm is the Department of Land Conservation and Development (DLCD). DLCD is a small state agency with its main office in Salem. The department has regional

offices in Portland, Springfield, Newport, Central Point Bend and La Grande.

The Land Use Board of Appeals

The state has a special “court” — the Land Use Board of Appeals (LUBA). LUBA has three members, known as “referees,” which review appeals of land use decisions. LUBA is based in Salem.

Citizen Involvement

It’s no coincidence that *Citizen Involvement* is the first among Oregon’s 19 statewide planning goals. Extensive citizen participation has been the hallmark of the state’s planning program from the outset. Every city and county has a Committee for Citizen Involvement (CCI) to monitor and encourage active citizen participation. The state’s Citizen Involvement Advisory Committee (CIAC) also encourages such participation in all aspects of planning.

The Local Comprehensive Plan

The local comprehensive plan guides a community’s land use, conservation of natural resources, economic development, and public facilities. Each plan has two main parts. One is a body of data and information called the inventory, background report, or factual base. It describes a community’s resources and features. It must address all of the topics specified in the applicable statewide planning goals. The other part is the policy element. That part of the plan sets forth the community’s long-range objectives and the policies by which it intends to achieve them. The policy element of each community’s plan is adopted by ordinance and has the force of law.

Local plans may be changed through *plan amendments* or *periodic*

review. Plan amendments are smaller, unscheduled adjustments to a plan. Periodic reviews are broad evaluations of an entire plan that occur every four to 10 years. A plan may be modified extensively after such a review.

Each plan is accompanied by a set of *implementing measures*. There are many different kinds. The two most common measures are zoning and land-division ordinances. Every city and county in Oregon has adopted such land-use controls.

Need More Information?

If you need information about a certain community’s comprehensive plan or its zoning and land-division ordinances, please contact the appropriate city or county planning department.

If you would like more information about Oregon’s statewide planning program, please contact DLCD.

Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies, and special- purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for

citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication -- To assure effective two-way communication with citizens.

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information -- To assure that technical information is available in an understandable form.

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy

decisions shall be available in the form of a written record.

6. Financial Support -- To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and committee appointments should be well publicized.

B. COMMUNICATION

Newsletters, mailings, posters, mail-back questionnaires, and other

available media should be used in the citizen involvement program.

C. CITIZEN INFLUENCE

1. Data Collection - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

2. Plan Preparation - The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

3. Adoption Process - The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

4. Implementation - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan.

The general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

5. Evaluation - The general public, through the local citizen

involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

6. Revision - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

D. TECHNICAL INFORMATION

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. FEEDBACK MECHANISM

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

F. FINANCIAL SUPPORT

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.

Oregon's Statewide Planning Goals & Guidelines

GOAL 2: LAND USE PLANNING

OAR 660-015-0000(2)

PART I -- PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after

public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Affected Governmental Units -- are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

Comprehensive Plan -- as defined in ORS 197.015(5).

Coordinated -- as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

Implementation Measures -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

Plans -- as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

PART II -- EXCEPTIONS

A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(1) Reasons justify why the state policy embodied in the applicable goals should not apply;

(2) Areas which do not require a new exception cannot reasonably accommodate the use;

(3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

standards for an exception have or have not been met.

Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

Upon review of a decision approving or denying an exception:

(a) The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and

(c) The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met.

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that;

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(c) Complies with standards for an exception.

PART III -- USE OF GUIDELINES

Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

goals. All land-use plans shall state how the guidelines or alternative means utilized achieve the goals.

Guidelines -- are suggested directions that would aid local governments in activating the mandated goals. They are intended to be instructive, directional and positive, not limiting local government to a single course of action when some other course would achieve the same result. Above all, guidelines are not intended to be a grant of power to the state to carry out zoning from the state level under the guise of guidelines. (Guidelines or the alternative means selected by governmental bodies will be part of the Land Conservation and Development Commission's process of evaluating plans for compliance with goals.)

GUIDELINES

A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES

Preparation of plans and implementation measures should be based on a series of broad phases, proceeding from the very general identification of problems and issues to the specific provisions for dealing with these issues and for interrelating the various elements of the plan. During each phase opportunities should be provided for review and comment by citizens and affected governmental units.

The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases.

The number of phases needed will vary with the complexity and size of the area, number of people involved, other governmental units to be

consulted, and availability of the necessary information.

Sufficient time should be allotted for:

- (1) collection of the necessary factual information
- (2) gradual refinement of the problems and issues and the alternative solutions and strategies for development
- (3) incorporation of citizen needs and desires and development of broad citizen support
- (4) identification and resolution of possible conflicts with plans of affected governmental units.

B. REGIONAL, STATE AND FEDERAL PLAN CONFORMANCE

It is expected that regional, state and federal agency plans will conform to the comprehensive plans of cities and counties. Cities and counties are expected to take into account the regional, state and national needs. Regional, state and federal agencies are expected to make their needs known during the preparation and revision of city and county comprehensive plans. During the preparation of their plans, federal, state and regional agencies are expected to create opportunities for review and comment by cities and counties. In the event existing plans are in conflict or an agreement cannot be reached during the plan preparation process, then the Land Conservation and Development Commission expects the affected government units to take steps to resolve the issues. If an agreement cannot be reached, the appeals procedures in ORS Chapter 197 may be used.

C. PLAN CONTENT

1. Factual Basis for the Plan

Inventories and other forms of data are needed as the basis for the policies and other decisions set forth in the plan. This factual base should include data on the following as they relate to the goals and other provisions of the plan:

- (a) Natural resources, their capabilities and limitations
- (b) Man-made structures and utilities, their location and condition
- (c) Population and economic characteristics of the area
- (d) Roles and responsibilities of governmental units.

2. Elements of the Plan

The following elements should be included in the plan:

- (a) Applicable statewide planning goals
- (b) Any critical geographic area designated by the Legislature
- (c) Elements that address any special needs or desires of the people in the area
- (d) Time periods of the plan, reflecting the anticipated situation at appropriate future intervals.

All of the elements should fit together and relate to one another to form a consistent whole at all times.

D. FILING OF PLANS

City and county plans should be filed, but not recorded, in the Office of the County Recorder. Copies of all plans should be available to the public and to affected governmental units.

E. MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES

The citizens in the area and any affected governmental unit should be given an opportunity to review and

comment prior to any changes in the plan and implementation ordinances. There should be at least 30 days notice of the public hearing on the proposed change.

1. Major Revisions

Major revisions include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

The plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the plan. Areas experiencing rapid growth and development should provide for a frequent review so needed revisions can be made to keep the plan up to date; however, major revisions should not be made more frequently than every two years, if at all possible.

2. Minor Changes

Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

F. IMPLEMENTATION MEASURES

The following types of measure should be considered for carrying out plans:

1. Management Implementation Measures

(a) Ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances. ORS Chapter 197 requires that the provisions of the zoning and subdivision ordinances conform to the comprehensive plan.

(b) Plans for public facilities that are more specific than those included in the comprehensive plan. They show the size, location, and capacity serving each property but are not as detailed as construction drawings.

(c) Capital improvement budgets which set out the projects to be constructed during the budget period.

(d) State and federal regulations affecting land use.

(e) Annexations, consolidations, mergers and other reorganization measures.

2. Site and Area Specific implementation Measures

(a) Building permits, septic tank permits, driveway permits, etc; the review of subdivisions and land partitioning applications; the changing of zones and granting of conditional uses, etc.

(b) The construction of public facilities (schools, roads, water lines, etc.).

(c) The provision of land-related public services such as fire and police.

(d) The awarding of state and federal grants to local governments to provide these facilities and services.

(e) Leasing of public lands.

G. USE OF GUIDELINES FOR THE STATEWIDE PLANNING GOALS

Guidelines for most statewide planning goals are found in two sections-planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

FOREST GROVE
COMPREHENSIVE PLAN

VOLUME 1

January 27, 2014

*Ordinance 2014-01
Ordinance 2014-02*

*Oregon Department of
Land Conservation and
Development Approval
Order 001852*

Chapter 2

Citizen Involvement

Citizen Involvement

This element of the Forest Grove Comprehensive Plan promotes the principles contained in the City's Vision Statement and Oregon Statewide Planning Goal 1: Citizen Involvement.

The City's Vision Statement was written to reflect the best of what exists now, and what we aspire to become as a community. The full text of the Vision Statement is attached at the end of the Citizen Involvement Element. Citizen participation is a key element of the Vision Statement. The City's Vision Statement encourages a community by design through:

"Participation of an engaged public and accessible, responsive government."

This element of the Forest Grove Comprehensive Plan supports and promotes this key component of the Vision Statement.

To comply with Goal 1 a city must implement a local citizen involvement program that ensures the opportunity for citizen involvement in all phases of the planning process. In addition, Goal 1 encourages the coordination of planning efforts among federal, state, and regional agencies and special purpose districts.

By its very nature comprehensive planning is broad based and delves into a variety of subjects. These subjects are included in this comprehensive plan. Subjects include land use planning, transportation, local economy, parks and recreation, and natural resources. A broad-based citizen involvement program is necessary to provide opportunities for effective and meaningful citizen participation in developing plans and making planning decisions in many topical areas. The following section of the comprehensive plans shows how the City of Forest Grove complies with requirements of Goal 1.

Statewide Land Use Planning Goal 1 requires that local citizen involvement programs incorporate the following components:

- ✓ *Provide for widespread citizen involvement;*
- ✓ *Assure effective two way communication with citizens;*
- ✓ *Provide the opportunity for citizens to be involved in all phases of the planning process;*
- ✓ *Assure that technical information is available in an understandable form;*
- ✓ *Assure that citizens will receive a response from policy-makers; and*
- ✓ *Insure funding for the citizen involvement program*

Each of these components is described further below:

Provide for Widespread Citizen Involvement

The City of Forest Grove provides for widespread citizen involvement in a variety of ways. Citizen involvement is possible through the various city boards and commissions and ad-hoc citizen involvement committees. Several boards and commissions have direct input into subjects covered by the comprehensive plan. These boards and commissions include:

- Planning Commission;
- Economic Development Commission;
- Community Forestry Commission;
- Historic Landmarks Board; and
- Parks and Recreation Board

The Forest Grove Committee for Citizen Involvement (CCI) provides another opportunity for citizen involvement into matters important to the community. The CCI fulfills the Goal 1 requirement for an officially recognized committee for citizen involvement that is broadly representative of geographic areas and interests related to land use and land use decisions. The Forest Grove CCI advises the City Council on ways to include residents in Planning Forest Grove's future with an emphasis on communication and land use. Significant responsibilities of the CCI include:

- Encourage and facilitate citizen involvement, access and opportunity to be involved in the land use process;
- Achieve two-way communications between citizens and policy makers; and
- Conduct the Annual Town Meeting

To Assure Effective Two Way Communication

The Forest Grove CCI strives to assure effective two-way communication between city residents, business and property owners and city policy makers. The primary tool used by the CCI is the Annual Town Meeting and participation on community events such as the Forest Grove Farmers Market. E-mail communication and social media are other methods used to promote two-way communication.

Provide for the Opportunity for Citizens to be Involved in all phases of the planning process

State Land Use Planning Goal 1 promotes opportunities for involvement in all phases of the planning process. This includes preparation of plans and implementation measures, plan content, plan adoption, minor changes and major revisions in the plan and implementation measures.

In addition to formal and ad-hoc boards and commissions, the City publishes newspaper articles and inserts to highlight major planning initiatives and initiate a community dialogue.

Assure that technical information is available in an understandable form

Technical information is prepared to support the ongoing operations of the City. Technical information is routinely prepared by the Planning Division, Engineering Division and to support the annual budgeting

process. The City of Forest Grove provides technical information prepared for these efforts in an understandable form using a variety of methods. City staff writes and submits guest opinion articles for publication in local newspapers. City staff also prepares newspaper inserts for major planning initiatives highlighting alternatives and policy recommendations. Draft plans and studies are also placed in the Forest Grove Community Library for community review. In addition, the Annual Town Meeting conducted by the Committee for Citizen Involvement provides another opportunity to present technical information in an understandable way for community discussion.

Assure that citizens will receive a response from policy-makers

Programs are in place to assure that citizens receive a response from policy makers. The City uses social media to encourage a two-way dialogue between city staff, elected officials, residents, business owners and property owners. In addition, the City solicits comments regarding City business through the City of Forest Grove website. As part of the City's communications strategy, the City's Legislative and Executive Department ensures that questions submitted are answered in a timely manner.

Insure funding for the citizen involvement program

The City's annual budget reinforces the importance of citizen involvement in Forest Grove. It is a stated goal of the City's Legislative and Executive Department to solicit citizen input through frequent, clear communication efforts. Public information is a specific line item in the various City departmental budgets.

City Boards and Commissions

To encourage broad-based citizen participation the City Council has established several advisory boards and commissions. These boards and commission address specific policy areas relevant to the Forest Grove Comprehensive Plan. These boards and commission include:

- Planning Commission (Land Use and Transportation Planning)
- Economic Development Commission (Local Economy)
- Parks and Recreation Commission (Parks and Recreation Master Plan)
- Community Forestry Commission (Urban Forest/Natural Resources)

City Council Coordination

The Forest Grove City Council supports inter-agency coordination by serving as liaisons to various local and regional organizations. These organizations include:

- Forest Grove Chamber of Commerce
- Washington County Community Development Block Grant Program
- Economic Development Partnership
- Fernhill Wetlands Council
- Forest Grove Senior and Community Center
- Forest Grove Rural Fire Protection Board
- Joint Water Commission
- Metro Policy Advisory Committee
- Washington County Public Safety Coordinating Committee
- Regional Water Providers Consortium

- Ride Connection
- Washington County Coordinating Committee

City Service Clubs and Organizations

The City is home to many organizations that provide opportunities for citizen involvement. These service clubs and organizations include:

- Adelante Mujeres;
- Dairy Creek Food Web;
- Forest Grove Daybreak Rotary Club;
- Forest Grove Noon Rotary Club;
- Friends of Historic Forest Grove;
- Forest Grove Elks;
- Friends of Fernhill Wetlands;
- Friends of Forest Grove Library;
- Kiwanis Club of Forest Grove;
- Lions Club of Forest Grove; and
- Masonic Holbrook Lodge #30.

Other clubs and organizations providing opportunities for community interaction are listed on the City of Forest Grove website.

Goals and Policies

Goal 1.1: City Vision Statement

Ensure the ongoing relevance of the City's Visions Statement for all citizens of Forest Grove.

Policy 1.1.1 The Committee for Citizen Involvement will periodically review and initiate updates to the City's Vision Statement to reflect emerging issues and the changing needs and desires of the community.

Policy 1.1.2 The Committee for Citizen Involvement will work to ensure implementation of the City's Vision Statement as City resources allow.

Goal 2.1: Citizen Involvement Program

Promote the participation of an engaged public and accessible, responsive government.

Policy 2.1.1 Encourage broad-based and active citizen involvement on the City's advisory boards and commissions including participation by students and communities typically under-represented in civic affairs.

Policy 2.1.2 Promote the ongoing training of citizen volunteers serving on boards and commissions to encourage community leadership.

Policy 2.1.3 Pursue emerging technologies and platforms to promote and encourage citizen involvement in all phases of the planning process.

Policy 2.1.4 Identify areas of City government in which a formal citizen advisory committee or commission is warranted if funding and staff resources are available.

Goal 3.1: Inter-Agency Coordination

Promote the interests and needs of Forest Grove in local, state and national affairs.

Policy 3.1 Provide adequate resources to support meaningful participation of elected leaders and appropriate city staff on committees having a role in land use planning and civic affairs.

Citizen Involvement

Goals and Policies

COMMITTEE for CITIZEN INVOLVEMENT BY-LAWS

- I. **Section I.** Name: Forest Grove Committee for Citizen Involvement [CCI].
- II. **Section II.** The committee was established November 12, 1991 by act of the Forest Grove City Council by Resolution No. 91-57 to comply with Senate Bill 100 and the State Land Conservation and Development Commission [LCDC] Goals and Guidelines. The CCI replaces the CIAC first established September 25, 1975 by Council Resolution No. 873.
- III. **Section III.** Responsibilities and Functions
 - A. The Committee is charged with the responsibility to assist the City Council in meeting the goals, policies, and guidelines of State Planning Goal 1 and the City's goals and policy as stated in the Comprehensive Plan. Specifically:
 1. To implement the CCI responsibilities for citizen involvement found in Chapters II and III of the Forest Grove Comprehensive Plan.
 2. Perform such additional duties as may be defined and delegated by the City Council.
 3. To participate with Metro CCI, County CCI, and any other CCI.
 4. To assist and provide information on request to any Council recognized CPO, and other citizens, or citizen groups in Forest Grove.
 5. All actions of the CCI are subject to review by Council. All Citizen Involvement Plan [CIP] proposals require review and approval by the City Council.
 - B. All CCI members are individually encouraged to actively assist, cooperate, and participate in any recognized Forest Grove CPO. Any elected officer of CCI shall not simultaneously hold office in a Forest Grove CPO.
 - C. Committee Adopted Procedures:
 1. The section entitled "Guidelines for Citizen Involvement Goals" from LCDC Goal 1 shall be used as the procedural guidelines for directing this committee's deliberation and actions.
 2. The committee shall use Sections A through F of LCDC "Guidelines" as the committee's procedural guidelines for recommending, reviewing, and evaluating citizen participation as carried out by this committee.

COMMITTEE FOR CITIZEN INVOLVEMENT BY-LAWS

Page 2

D. Citizen Requests:

The CCI may by vote choose to study or refer to a CPO any citizen(s) or organizations request or complaints related to citizen participation in land use issues. The results of any such study shall be reported to Council for its consideration.

IV. Section IV. Internal Organization

A. Membership:

Seven citizens are appointed by the City Council to serve four year terms in accord with standard procedures established by Forest Grove Resolutions 91-57 and 88-8.

B. Chairperson (Chairman or Chairwoman):

The chairperson shall be elected annually, along with all other officers, in July by the committee following new or continuing appointments to the CCI by the Council. The chairperson is accountable to the committee for his designated functions in all respects. Specific responsibilities of the chairperson may be changed by committee action at any time by majority vote of the entire membership.

Routine functions and responsibilities of the chairperson shall include:

1. Development of a written agenda in sufficient time to allow for distribution to the committee prior to any regular meeting.
2. Chairing all meetings. In the event the chairperson and vice-chairperson cannot be present at any given meeting the chairperson is responsible for appointing a substitute to chair the meeting.
3. Presents the committee's views, recommendations, or actions to the City Council and any other appropriate bodies as designated by the Mayor, Council, or Council's liaison to the CCI. The chairperson may designate one or more members of the committee to perform this function.

C. Vice Chairperson: The vice chairperson shall assume the functions of the chairperson whenever the chairperson is not present at a meeting or if the chairperson cannot serve for whatever reason.

D. Secretary: The Secretary is the recording officer of the Committee and is responsible for ensuring that an accurate record of the proceedings of the Committee is maintained by the Committee. All minutes shall be approved at the next regular meeting with due opportunity for corrections and additions.

COMMITTEE FOR CITIZEN INVOLVEMENT BY-LAWS

Page 3

E. Meetings (Regular and Special):

1. Regular meetings to conduct the business of the committee shall be scheduled by formal action by the committee. Special meetings may be called by vote of the committee at any regular meeting, by the chairperson, by request from the Council's advisor, or by written petition by three or more members.
2. All regular and special meetings are open to the public. Citizens in attendance shall be given opportunity to participate, without vote, in any discussion.

F. Quorum: A majority of the members of CCI as appointed by Council.

G. Voting and Decision Making:

1. Consensus will be used during the meetings where possible or feasible. Any member may object to the use of a consensus decision at any time on any given issue. If there is an objection, the chairperson shall, commit the issue to a vote by the committee.
2. Decisions by voting shall be decided by a majority of those members present and voting.
3. A change in the voting procedure described in previous item G.2. may be used on any specific item if the committee, prior to the vote, agrees by consensus or vote to require more than a majority for passage.
4. The chairperson has the right to vote whenever a vote is cast. In case of a tie vote with the chairperson voting, the motion fails.

H. Role of Council's Liaison to CCI:

1. Council's liaison shall have the freedom of the floor at all times to present Council's views and to comment, recommend, or suggest actions to the CCI.
2. Council's liaison shall not vote at CCI meetings.
3. Council's liaison is not responsible to convey either the majority and/or the minority CCI actions and recommendations to the Council. This is the chairperson's responsibility. Further, the liaison is not obligated to support CCI opinions and recommendations during formal meetings of the Council.

COMMITTEE FOR CITIZEN INVOLVEMENT BY-LAWS

Page 4

V. **Section V.** The rules contained in Robert's Rules of Order Newly Revised shall govern this Committee in all cases where these By-Laws are insufficient in specification of procedure.

VI. **Section VI.** Amending CCI By-Laws

- A. A majority of all members must vote affirmatively to modify the committee's By-Laws on at least two separate regular meetings.
- B. Final decisions on a By-Law change shall not be made until at least the next regular meeting following the introduction of the motion.
- C. All By-Law changes adopted by the CCI must be approved by Council.

(Accepted by CCI, 1/5/93)

(Adopted by City Council Resolution No. 93-07, 2/8/93)

CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday January 3, 2017

David Andersen (Interim Chair)

Betsy Brower (Secretary) Tom Cook
MJ Guidetti

Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, Briana Larios, MJ Guidetti, Tom Cook

Absent: Kevin Canales,

Council Liaison: Matt Vandehey

City Staff: Dan Riodan

Guest: Brian Schimmel

Call to Order: The meeting was called to order at 5:30 pm at the Community Auditorium Conference Room by acting Chair David Andersen

Approval or Changes to Last Months Minutes: Dec. Notes not approved.

1) Community Connection Inbox

- a. Brian Schimmel came to talk about the CEP forum
 - i. They are looking at issues like:
 - 1. Homeless shelters
 - a. Procedures to volunteer: Must be 18+, must pass background check
 - b. Collateral materials
 - 2. January 25 is the deadline for Bev to create materials
 - ii. The forum will be 90 minutes long
 - iii. To be held at the community auditorium

2) Liaison Reports

- a. This coming Saturday is this coming Saturday
- b. January 9th is a public hearing (Betsy & Stephanie to supply ATM fliers to BEV by Friday).
- c. Boards & Commissions dinner January 19.
 - i. They'd like us to present what we did this past year.

3) ATM

- a. Format. Done.
- b. Online. Done.
- c. Email. Done

- d. Briana to help moderate with Dave.
- e. URL by this Thursday.
- f. Upload flier to peach jar
- g. Contact
 - i. UCC
 - ii. Sunrise
- h. Post card to fix "No December Bulletin" issue (Dan to check * denied bc its coming out in January Bulletin.

Next regular CCI meeting will be February 7, 2017 and there will be a special CCI meeting on January 18, 2017 to prepare for the ATM

Adjourned: The meeting was adjourned at 6:32pm by Chair Dave Andersen

CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday February 7, 2017

David Andersen (Interim Chair)

Betsy Brower (Secretary) Tom Cook
MJ Guidetti Kevin Canales

Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, Briana Larios, MJ Guidetti, Tom Cook

Absent: Kevin Canales

Council Liaison: Matt Vandehey

City Staff: Jon Holan

Guest: Kari Hernickx, Washington County CPO program

Call to Order: The meeting was called to order at 5:31 pm at the Community Auditorium Conference Room by acting Chair David Andersen

Approval or Changes to Last Months Minutes:

1) Community Connection Inbox

- a. No news

2) Liaison Report

- a. The Council has approved a 4.75% electric rate increase.
- b. The Council has approved the preservation plan by the Historical Society.
- c. At the retreat the Council updated goals by readopting the past goals due to their all-encompassing nature.
- d. The Council added Disaster Preparedness as a future objective.
 - i. Education piece on what the City does
 - ii. CERT Training?
 - 1. *Jon to email Chief Kincade.
- e. The Council is also focusing on education regarding the homeless population.
 - i. Two churches are applying for CEP grants
- f. Downtown Plaza Project
 - i. The Council is looking at the entire downtown area for plaza feasibility.
- g. Next meeting is Monday.

3) After Action: ATM

- a. Overall effectiveness:
 - i. The Q&A was well received by the public and the speakers.

- b. Topic – “Full Service City”
 - i. Was useful for the future levy.
 - 1. We might have considered asking if paying more [than the minimum to maintain services at current levels] for added services/staff, etc.
- c. Banner/Flyer
 - i. Holes in coverage
 - ii. Utility billing
 - iii. Churches and schools needed better coverage
- d. Webinar
 - i. No audio for the first 23 minutes
 - ii. It’s exciting to have in the future
- e. Budget
 - i. We have always had/used \$1,000

4) Kari Herinckx – Washington County CPOs

- a. CPO (Community Participation Opportunities)
- b. Forest Grove no longer has a CPO, is there interest to revive it?
- c. The County is looking for a model for other communities. IS THAT US?
- d. CCI sees no objections for the CPO program to be revived in Forest Grove.

Next CCI meeting will be March 2, 2017.

Adjourned: The meeting was adjourned at 6:41 pm by Chair Dave Andersen

CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday March 7, 2017

David Andersen (Interim Chair)

Betsy Brower (Secretary) Tom Cook
MJ Guidetti

Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, Briana Larios, MJ Guidetti, Tom Cook

Absent: Kevin Canales, Matt Vandehey

Council Liaison: Matt Vandehey

City Staff: Jon Holan

Guest:

Call to Order: The meeting was called to order at 5:32 pm at the Community Auditorium Conference Room by acting Chair David Andersen

Approval or Changes to Last Months Minutes: Feb. Notes not approved.

1) Community Connection Inbox

- a. We've been invited to a Kayaking event
 - i. Who is sponsored by?
 - ii. Any members interested can contact Joanne Barta
 - 1. * MJ to contact to inquire what this is.
 - a. **MJ was asked to hold off to see if any other boards or commissions were interested.

2) Liaison Report

3) ATM

- a. August Planning?!
- b. Have to wait for Council topic approval
- c. Dave to present findings on March 20, 2017

4) New Efforts

- a. Youth Update from Briana
 - i. The Youth Advisors are working to create t Youth Council.
- b. CCI Membership:
 - i. Technically remove Kevin Canales from our group
 - ii. Amend bi-laws to accept Youth Advisor's vote as a member of the group.

Next CCI meeting will be April 4, 2017.

Adjourned: The meeting was adjourned at 6:26 pm by Chair Dave Andersen

CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday April 7, 2017

David Andersen (Interim Chair)

Betsy Brower (Secretary) Tom Cook
MJ Guidetti Kevin Canales

Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, Briana Larios, MJ Guidetti, Tom Cook

Absent: Kevin Canales

Council Liaison: Matt Vandehey

City Staff: Jon Holan

Guest:

Call to Order: The meeting was called to order at 5:29 pm at the Community Auditorium Conference Room by acting Chair David Andersen

Approval or Changes to Last Months Minutes: March notes approved.

1) Community Connection Inbox

2) Liaison Report

- a. Next City Council meeting is Monday
- b. Thank you to Dave for giving a report to the Council

3) Proposed Bylaw Amendment

- a. At the last meeting, CCI discussed amending the bylaws to allow student representative as a voting member.
- b. Staff prepared a proposed amendment which CCI considered at this meeting. CCI unanimously approved the proposed amendment based on the reasoning expressed in the attendant staff report. The matter will be forwarded to the City Council for their consideration.

4) Removal of Absent Member

- a. We have officially requested to remove absent member Kevin Canales from CCI.
- b. This is our second discussion about his removal.
- c. The motion to remove Mr. Canales was made and seconded.
- d. Jon will send an official email to Anna on our behalf.

5) Bylaws Review

- a. OR GOAL 1 – Citizen involvement around land use planning
- b. CCI notebooks will be reviewed at the next meeting.

6) Historic Downtown Area

- a. Community Development will be looking at this
- b. Forestry Commission will address street trees
- c. Historic Landmarks Board (HLB) is involved in evaluating the possibility of establishing a historic district in the Town Center.
- d. City will come to CCI to help construct a community involvement plan.

7) Refinement of Oak Street Development

- a. Staff proposes a refinement plan for the Oak Street area
- b. One key issue is the appropriate land use for the area. Currently it is planned for industrial. A concept plan to support light rail was developed for the area in the event the City was to pursue light rail.

8) Youth Council Update

- a. The Forest Grove Youth Council has officially stated thanks to the Mayor and several students at the high school.
- b. They have held two meetings (the Mayor came to one)
- c. They are soliciting the City to be accepted as a formal group
- d. They are looking at the feasibility of a Youth ATM
- e. They are also considering Youth City Council meetings.

9) Kayaking

- a. MJ reached out to the kayaking group. No response.

Next CCI meeting will be May 2, 2017.

Adjourned: The meeting was adjourned at 6:05 pm by Chair Dave Andersen

**CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday May 2, 2017**

David Andersen (Interim Chair)

Betsy Brower (Secretary) Tom Cook
MJ Guidetti-Clapshaw Devon Downeysmith

Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, Briana Larios, MJ Guidetti-Clapshaw, Tom Cook, Devon Downeysmith

Absent:

Council Liaison: Matt Vandehey

City Staff: Jon Holan

Guest:

Call to Order: The meeting was called to order at 5:32 pm at the Community Auditorium Conference Room by acting Chair David Andersen

Approval or Changes to Last Months Minutes: March notes approved.

1) Community Connection Inbox

- a. The Sustainability Commission has passed the Latino Summit “torch” to CCI
 - i. Next meeting Briana & Edgar will present information and layout of past Summits
 - ii. Sustainability Committee Members interested in the Summit are Jacob Rose and Melanie Lopez. *Betsy- get their email addresses, include in Summit correspondence. *CCI – establish a role for the Sustainability members at the Latino Summit
 - iii. Possible Topics:
 - 1. Check with Police Chief Schutz for ideas?
 - 2. Maybe no message, just a place for open dialog?
- b. City Council has created goal of funding for Town Center program
 - i. This project has many moving pieces:
 - 1. The City is applying for grants from TGM for the collaboration with, and Metro for the potential hiring of a consultant for the project.
 - 2. Considerations: Transportation/parking analysis, urban design and the main plaza project itself.
 - 3. Historic Landmarks Board and the Forestry Commission are working on this
 - 4. CCI will assist the discussion process.
 - a. How will we tie in ALL of the elements?

- b. How does word get to the citizens?
 - 5. Planning to start around October 2017
- c. Bylaw Amendment:
 - i. The Bylaws were not updated due to a bigger discussion about policy by city staff.
 - ii. There is a work session with the Council scheduled (Aug 14) to discuss the role of student representatives.
- d. Youth Council
 - i. Next meeting May 9th.
- e. New Member: Devon Downeysmith
 - i. Lived here during college and recently returned
 - ii. Marketing, Communications and Media Consultant
 - 1. Involved with community causes, legislative uses
 - iii. Wants to help people et to meetings by inspiration and obligation.

2) Liaison Report

- a. Budget Committee meeting May 4th.
- b. CEP Grants are in the approval process.
 - i. The Council heard presentations and will be submitting allocation votes May 4th.
 - ii. 32 applications were received
 - 1. \$130,000 available. \$260,000 requested
- c. Council meeting Monday
 - i. Acknowledging the retirement of the Library Director of 35 years
 - ii. Library, police, and administrative work plans are being reviewed/approved.

3) Elections

- a. Dave Andersen – Chair nominates the following:
Chair: Betsy Brower Vice Chair: MJ Guidetti Secretary: Tom Cook
- b. There are no objections. The above mentioned positions were approved.
- c. Changes in positions will begin next meeting.

4) CCI Notebooks

- a. Jon quickly reviewed the purpose of the group and where it's been. He also provided group members printed notebooks for personal review and use. The notebooks are broken down as follows:
 - i. Land use Planning Program 1971
 - 1. Oregon's goal
 - 2. City Specifics
 - ii. City Citizen Involvement Plan 2014
 - iii. Bylaws as amended to date
 - iv. Past CCI documents
 - 1. The City has designated CCI as the keepers of the vision statement
- b. *CCI to review/reexamine the vision statement
 - i. Committee of Chairs?
 - ii. CCI will need to engage other Boards & Commissions
 - 1. Can we plan a discussion about what we are each collectively doing to meet the City's long term goals?

The Vision Statement is a policy direction, not a set plan.

5) Next meeting:

- a. Latino Summit discussion
- b. HLB - tourism boost discussion

Next CCI meeting will be June 6, 2017.

Adjourned: The meeting was adjourned at 6:40 pm by Chair Dave Andersen



**CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday June 6, 2017**

Betsy Brower (Chair)

David Andersen Tom Cook (Secretary)
MJ Guidetti-Clapshaw (Vice Chair) Devon Downeysmith
Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: Betsy Brower, MJ Guidetti-Clapshaw, Tom Cook, Devon Downeysmith

Absent: David Andersen, Briana Larios

Council Liaison: Matt Vandehey

City Staff: Jon Holan

Guest: Dan Reardon - Senior Planner, Jacob Rose – Sustainability Commission, Edgar Faust

Call to Order: The meeting was called to order at 5:30 pm at the Community Auditorium Conference Room by Chairman Brower

Approval or Changes to Last Months Minutes: April notes approved.

1) Community Connection Inbox- None

2) Liaison Report

City may provide training for public meeting laws for all committees and councils. Focus on social media and public laws. Date to be announced.

3) Town Center/Tourism Update: Dan updated on Town Center Plan. Presented what city is planning and how to qualify for funding for street scapes, pedestrian issues, and historic elements. There will be a future meeting and all stakeholders. MJ reported what National Geographic was seeking. Referred to district. Discussion concerning “blue signs” and requirements of ODOT. Looking into “brown signs” and what is required.

4) CCI Notebooks

a. Betsy brought up the issues/questions she thought were possible conflicts in the CCI Handbook. Discussion particularly about responsibility of Council Liaison and various

- city committees meeting as “one board” periodically. Resolved that CCI is not responsible to organize such meetings.
- b. Committee agreed to review CCI handbook and action plan.

5) Latino Summit:

- a. Devon submitted her memo and reviewed point by point. (See attached).
- b. Agreed that future presentations should be less dialogue and seek more input.
- c. Discussed that: facilitator is key, focus on city content, small groups, work on consensus.
- d. Motion was made that CCI establish and organize a “LatinX Summit Advisory Council” (Ad Hoc) with Devon to be “liaison” on the new advisory committee.

Next CCI meeting will be July 11, 2017.

Adjourned: The meeting was adjourned at 6:39 pm by Chair Betsy Brower

CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday July 11, 2017

Betsy Brower, Chairperson

David Andersen Tom Cook (Secretary)
MJ Guidetti-Clapshaw (Vice Chair) Devon Downesmith

Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, , Tom Cook, Devon Downesmith

Absent: Briana Larios, MJ Guidetti-Clapshaw

Council Liaison: Matt Vandehey

City Staff: Jon Holan

Call to Order: The meeting was called to order at 5:33 pm at the Community Auditorium Conference Room by Chairman Brower

Approval or Changes to Last Months Minutes: April notes approved.

- 1) **Community Connection Inbox- None**
- 2) **Liaison Report – No report**
- 3) **Update on Latino Summit** – Devon updated committee on her progress so far. She has made many contacts and suggestions for speakers/panel members. Discussed the format again, promotion and advertising.
- 4) **City Staff** – Jon updated committee on the city council work session for affordable housing.

Next CCI meeting will be decided by on line survey.

Adjourned: The meeting was adjourned at 6:30 pm by Chair Betsy Brower



CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Thursday, August 3, 2017

Betsy Brower (Chair)

David Andersen Tom Cook (Secretary)
MJ Guidetti-Clapshaw (Vice Chair) Devon Downesmith
Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present:, Betsy Brower, MJ Guidetti-Clapshaw, Dave Anderson, Devon Downesmith, Briana Larios

Absent: Tom Cook

Council Liaison: absent

City Staff: Jon Holan

Guest: Robin Lindsley (Sustainability Commission)

Call to Order: Betsy Brower called the meeting to order at 5:35pm.

Approval of Minutes: The group has not yet received minutes to review and approve from the previous month’s meeting.

Community Communication Inbox: Briana Larios provided an updated on Youth Council activities. Brianna facilitated a Youth Council meeting earlier this spring, however no one was able to attend. The person in charge of the project (Mitch) has since moved on to attend college.

Council Liaison Report: None

Latino Summit: Bridget Baker has confirmed she will participate on behalf of Adelante Mujeres. Planning for the summit will become more rigorous in the fall, with the goal of holding the summit in the spring. Devon Downesmith inquired about money available for a trained facilitator. Jon Holan confirmed that there are some funds available in the budget for expenses. Next steps are to confirm the costs of a facilitator.

The group also discussed how to source headsets for interpreting. Robin Lindsley to determine if the school district or other local resource has headsets for check-out.

Devon will bring a list of proposed logistical needs to the September CCI meeting so that the group can weigh in and add to it and begin working on an event budget.

Other Items: Jon Holan updated the group on the agenda of the next City Council meeting. There will be a work session on homelessness. The City may create an ad hoc committee on homelessness similar to what was done previously on affordable housing. The Council will vote to accept the ad hoc committee's report on affordable housing. The report contains about 21 recommendations. Keri Hendrix will also present to the Council on Forest Grove forming a CPO. The Council will also discuss the adoption of the Westside area plan.

Adjourn: The meeting was adjourned at 6:15pm.

Next Meeting: September 5th, 5:30pm

CITY OF FOREST GROVE
COMMITTEE FOR CITIZEN INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday September 5, 2017

Betsy Brower, Chairperson

David Andersen Tom Cook (Secretary)
MJ Guidetti-Clapshaw (Vice Chair) Devon Downeysmith
Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, Tom Cook, Devon Downeysmith, Briana Larios, MJ Guidetti-Clapshaw, Dan Riordan, Matt Vandehey

Absent: None

Council Liaison: Matt Vandehey

City Staff: Dan Riordan

1. **Call to Order:** The meeting was called to order at 5:29 pm at the Community Auditorium Conference Room by Chairman Brower. Minutes approved for August.
2. **Community Connection Inbox- None**
3. **Liaison Report** – Matt spoke of the upcoming levy vote. Asking for renewal, no increase.
4. **Update on Latino Summit** – Devon updated committee on her progress so far. She has met with individual stakeholders, received ideas on venues, format, etc. Ideas for publicity. Devon talked about how to bring about a greater relationship with the Latino community. She also brought up some ideas for follow-up and outreach.
5. **Inclusive Name** – Discussion on how the name of the committee needs to be more inclusive. Motion to recommend to city council a name change to: “Committee for Community Involvement.” Discussion as to how the word “citizen” can be interpreted negatively. Motion passed.
6. **Chalk Art Festival.** Discussion to have all boards/commissions/committees to be involved in festival. Motion and passed that the Committee will go ahead with or without other boards. Devon and MJ head up this activity.

7. **The Bike Exchange.** Betsy met with Mitch Taylor about a new bike exchange program for Forest Grove in May 2018. Discussion about the pros/cons. Mike is asking CCI to help with the program. Consensus: CCI will help with publicity when he has a fully presentable program. CCI will not assist with logistics or how the program should be organized.

8. **Increase CCI Involvement.** Discussion about how CCI can get an individual more involved with the city. Devon was asked to “brainstorm” some ideas and make a presentation at the next meeting.

9. **City Staff:** Dan presented a grant application from the Cultural Coalition of Washington County. Devon said she was interested and would review the application.

10. **Adjourned:** The meeting was adjourned at 6:30 pm by Chair Betsy Brower

Next CCI meeting will be October 3rd.

CITY OF FOREST GROVE
COMMITTEE FOR COMMUNITY INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday October 3, 2017

Betsy Brower, Chairperson

David Andersen Tom Cook (Secretary)
MJ Guidetti-Clapshaw (Vice Chair) Devon Downeysmith

Student Advisor: Briana Larios
Council Liaison: Matt Vandehey

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Present: David Andersen, Betsy Brower, Tom Cook, Devon Downeysmith, , MJ Guidetti-Clapshaw, Dan Riordan, Guest: FGFD Chief Kinkade

Absent:, None Briana Larios, Matt Vandehey

Council Liaison: Matt Vandehey

City Staff: Dan Riordan

1. **Call to Order:** The meeting was called to order at 5:30 pm at the Community Auditorium Conference Room by Chairman Brower. Minutes approved for September.
2. **Community Connection Inbox- None**
3. **Chief Kinkade:** Chief Kinkade made a request to the committee to allow his presentation of the current issues and needs of the FD to be part or all of the Annual Town Hall Meeting. Discussion as how to present the “opposing” view. Consideration should also be made to invite the FGPD to make a presentation if needed. Motion made/seconded that the primary topic at the ATM will be the Fire Department’s current issues/needs. Committee will decide later on exact format, etc. Dan will notify both the FGPD and the FGFD on decision.
4. **Liaison Report – None**
5. **Update on Latino Summit –** Devon submitted written report. Updated the committee on her contacts and ideas.
6. **Chalk Art Festival.** Discussion as to how the chalk art participation went. Very favorable.
7. **Increase CCI Involvement.** Devon submitted written ideas. Discussion on how to brainstorm more ideas and review ones submitted. These will be taken up at a later date.

8. **City Staff:** Dan spoke of the grant application from the Cultural Coalition of Washington County. Devon filled out form, Dan will submit.
9. **Update CCI Bios:** Committee members are to write a short bio, send to Dan for updating CCI web page.
10. **Adjourned:** The meeting was adjourned at 6:30 pm by Chair Betsy Brower

Next CCI meeting will be November 7th.

**CITY OF FOREST GROVE
COMMITTEE FOR COMMUNITY INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday November 7, 2017**

Betsy Brower, Chairperson

David Andersen Tom Cook (Secretary)
MJ Guidetti-Clapshaw (Vice Chair) Devon Downeysmith

Student Advisor: Briana Larios
Council Liaison: Malynda Wenzl

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Present: Betsy Brower, Tom Cook, Devon Downeysmith, MJ Guidetti-Clapshaw, Briana Larios

Absent: David Andersen

Council Liaison: Malynda Wenzl

City Staff: Dan Riordan

1. **Call to Order:** The meeting was called to order at 5:34 pm at the Community Auditorium Conference Room by Chairman Brower. Minutes approved for October.
2. **Community Connection Inbox-**
 - Briana mentioned that students would be involved in the National League of cities in March 2018.
 - Mylinda presented update about Latino issues and presenters for Latino summit. She also informed the committee on the process for applicants for the city council vacancy.
3. **Update on Latino Summit** – Devon updated on grant application. She met with more stakeholders. Mentioned the idea of holding quarterly “summits” covering issues that cannot be addressed in one event. Perhaps the 1st meeting would be a “get together” that would lead to smaller quarterly events. Invites would be divided between Anglo/Hispanic communities. Still looking for venue. Recommendations: evening meeting/food/child care/transportation/translators. Possible invitation could go to Sen. Ron Wyden to attend first event. Committee provided feedback, positive remarks on progress and direction.
4. **All Town Meeting.** City Council approved main speaker: Chief Kinkade. Will invite Chief Kinkade to December meeting to make short presentation to committee. Need to do: formalize agenda, create clicker questions, publicity, and invite panel members. Concern was expressed about making sure that there was both Pro and Con presented. General agenda: Introduction, Presentation, Clicker questions, break, discussion at small tables, report out, then to city panel for questions and answers. ATM: Jan 27th Saturday 9-12.

Each member comes to the next meeting with what part of ATM they would like to do.
Discussion on publicity ideas: flyers, Facebook, school system, etc.

5. **Update CCI Bios:** Committee members are to write a short bio, send to Dan/Devon for updating CCI web page.
6. **Adjourned:** The meeting was adjourned at 6:46 pm by Chair Betsy Brower

Next CCI meeting will be December 5th.

CITY OF FOREST GROVE
COMMITTEE FOR COMMUNITY INVOLVEMENT
COMMUNITY AUDITORIUM CONFERENCE ROOM, 1915 MAIN STREET
Tuesday December 5, 2017

Betsy Brower, Chairperson

David Andersen Tom Cook (Secretary)
MJ Guidetti-Clapshaw (Vice Chair) Devon Downeysmith

Student Advisor: Briana Larios
Council Liaison: Malynda Wenzl

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Present: Betsy Brower, Tom Cook, Devon Downeysmith, David Andersen, Dan Riordan, Briana Larios, Fire Chief Michael Kinkade

Absent: MJ Guidetti-Clapshaw

Council Liaison: , Malynda Wenzl - Absent

City Staff: Dan Riordan

1. **Call to Order:** The meeting was called to order at 5:35 pm at the Community Auditorium Conference Room by Chairman Brower. Minutes approved for November.
2. **Community Connection Inbox- None**
3. **All Town Meeting.** Dan stated that the Police Department has decided not to formally make a presentation at the ATM.

Chief Kinkade gave abbreviated presentation of the one he will give at the ATM. Committee provided input and feedback. Discussion centered on keeping the presentation at a level that the average resident could understand and ask questions. Chief Kinkaid said he would like to have a question and answer time.

It was decided that the ATM would not have “clicker” questions or have breakout groups. The basic agenda would be: Introduction, presentation with possible question and answers, break, then general panel question and answers. Dan will make contact with all invited panel members. David volunteered to be moderator.

Devon volunteered to put together a publicity/marketing plan. Briana stated she would create the flyer which will also be in Spanish. Questions about the budget and ideas for the catering were discussed.

4. Due to time constraint the rest of the agenda was postponed.
5. **Adjourned:** The meeting was adjourned at 7:00 pm by Chair Betsy Brower

Next CCI meeting will be January 2, 2018

Memo

To: Committee for Citizen's Involvement: David Anderson, Betsy Brower, Tom Cook, MJ Guidetti-Clapshaw, Briana Larios, Councilor Matt Vandehey

From: Devon Downeysmith and Briana Larios

Re: Latinx Summit

In May, Devon and Briana Larios met with Edgar Sanchez Faust and Brian Schimmel, who both had previously been helped plan the past two Latinx Summits.

Key Learnings:

- Previous summit overarching goal: For the City to learn what barriers underserved communities experience when engaging with civic life, or even just as community members.
- The summit has been held under two different formats:
 - 1) City employees participate and give feedback in real time.
 - 2) City employees listen, but don't provide feedback.
- Previous summits have been held in Spanish only; City Council and other monolingual English speakers wore headsets and listened to a translator. This is helpful for both the Spanish-speaking community and for monolingual English speakers to experience the language barrier some feel everyday.
- The last Latinx Summit focused on city resources - what resources are available, how are they being accessed and can be better accessed by the Latinx community.

Recommendations:

- Hold meeting away from a city government facility in an environment they are used to gathering in (a church or other community meeting space.)
- Create a welcoming atmosphere by serving food, providing childcare so all can attend, facilitate in Spanish (with translators) or both English and Spanish.
- Held meeting in a format different than how the Annual Town Meeting is conducted: small group breakout discussions, dialogue hosted by a trained, culturally-competent facilitator rather than City staff, or even a series of meetings similar to "Coffee with a Cop" gatherings rather than a one-time summit.
- Create a Latinx Summit advisory council to decide summit goals and content. Engage existing stakeholders within the Latino community, CCI can support them and plan the logistics.

Next Steps:

- Vote on proposed Latinx Summit Advisory Council; decide who to ask to serve on Advisory Council. Select CCI member(s) to reach out to and liaise with new Advisory Council on planning and content.

PUBLIC RECORDS & MEETINGS

MAY 2017

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1. Introduction

The Public Records Law (ORS 192.410 to 192.505) and the Public Meetings Law (ORS 192.610 to 192.690) were enacted in 1973. They established state policy that the public is entitled to know how governments operate. The written record of public business is available, with some important exceptions, to any person. Almost all deliberations and decisions of public bodies are open to attendance by interested persons. The laws have been amended many times at subsequent legislative sessions.

2. Right to Inspect

Under ORS 192.420 “every person” has a right to inspect any non-exempt public record.¹ Any natural person or any corporation, partnership, firm or association has this right. The identity, motive and need of persons requesting access to public records are irrelevant unless an exemption from disclosure allows consideration of those factors. Interested persons, news media representatives, people seeking access for personal gain, busybodies on fishing expeditions, persons seeking to embarrass government agencies, and scientific researchers all have equal footing. See *MacEwan v. Holm*, 226 Or 27 (1961). The identity and motive of the person seeking a specific public record may be relevant in determining if a record is exempt from disclosure under a conditional exemption

ORS 192.420(2) places an additional requirement on a person who is a party to civil litigation or has filed notice under ORS 30.275(5)(a). When such a person makes a request for a public record the person knows relates to the litigation or notice, the person must submit the request to the custodian and the attorney for the public body at the same time.

3. Bodies Subject to the Law

A. Public Bodies

The Public Records Law applies to any public body in the state. ORS 192.410(3) defines “public body” to include every state officer, agency, department, division, bureau, board and commission; every county and county governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state. Thus, all state and local government bodies are subject to the records law, including “public corporations” such as the Oregon State Bar, the SAIF Corporation, and the Oregon Health Sciences University. *State ex rel Frohnmayer v. Oregon State Bar*, 307 Or 304 (1989), and *Frohnmayer v. SAIF*, 294 Or 570 (1983).

B. Private Bodies

In *Marks v. McKenzie High School Fact-Finding Team*, 319 Or 451 (1994), the Oregon Supreme Court determined that a group selected by a private association of school administrators

¹. See Section 6.B discussing conditional and unconditional exemptions.

and charged by a public school district board with investigating and making recommendations about high school operations was not a "public body" within the meaning of public records law. However, in that case the Oregon Supreme Court held that if a private entity is the "functional equivalent" of a public body, the Public Records Law could apply to it. The court set forth several factors to assist with determining whether a private entity is the functional equivalent of a public body, which included:

- the entity's origin (was it created by government or was it created independently?);
- the nature of the function(s) assigned and performed by the entity (are these functions traditionally performed by government or are they commonly performed by a private entity?);
- the scope of the authority granted to and exercised by the entity (does it have the authority to make binding decisions or only to make recommendations to a public body?);
- the nature and level of any governmental financial and nonfinancial support;
- the scope of governmental control over the entity;
- the status of the entity's officers and employees (are they public employees?).

4. Records Covered

The definition of "public records" and the ORS 192.420 policy statement make it clear that the records law applies to all government records of any kind. The 2011 legislature (HB 2244) expanded the ORS 192.005(5) definition of "public record" to include "any information" prepared, owned, used or retained by a city, relating to an activity, transaction or function of the city, or necessary to satisfy fiscal, legal, administrative or historical policies, requirements or needs of the city. Public records are no longer limited to "documents" and need not be prepared by the city. Records prepared outside government "owned, used or retained" by the city, are within the scope of the records law. For example, letters written to the city, retained and used by the city are public records. However, a document prepared by a private entity does not become a public record merely because a public official reviews the document in the course of official business. The 2011 amendments confirm that unrecorded spoken communications are not public records.

Materials prepared and owned by a private company do not become "public records" when they are in temporary custody of a public official for purpose of preliminary review. Public records include any "writing" containing information relating to the conduct of public business. ORS 192.410(4). "Writing" is broadly defined by ORS 192.410(6) to include handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings. "Writing" thus includes information stored on computer tape, microfiche, photographs, films, tape or videotape recordings and virtually any other method of recording information. The city uses electronic mail (e-mail) for communications. E-mail is a public record. Even after e-mail messages are "deleted" from individual computer accounts, they generally continue to exist on computer back-up tapes that are also public records. The city must make non-exempt e-mail available for inspection and copying.

Text messages sent and received from personal cell phones, e-mails sent and received from personal accounts and social media messages and post may also be public records if involving a public official and if the message “relat[es] to an activity, transaction or function of the city, or necessary to satisfy fiscal, legal, administrative or historical policies, requirements or needs of the city.” For this reason, public officials are encouraged to forward all city-related e-mails received on personal e-mail addresses to the official’s city e-mail account.

Note that the Public Records Law does not require the city to *create* public records. This is especially important for computer-stored data. Although the data in computer programs and printouts generated for use by the city are public records, the city is not obligated to perform specific computer runs or manipulate computer data in a requested manner.

5. Inspecting and Obtaining Public Records

Under the records law, the “custodian” of the public records has the duty to make non-exempt public records available for inspection and copying. The legislature has defined “custodian” as a public body mandated to create, maintain, care for or control the records. ORS 192.410(1). However, the public body that has custody of a public record as an agent for another public body is not the custodian, unless the record is not otherwise available. When the city is a custodian of public records received from another public body, it should consult with the other public body to determine whether the records may be exempt from disclosure. *See* ORS 192.502(10). The 2007 legislature amended ORS 192.440 to assure more timely disclosure to interested parties by requiring a response to requests as soon as possible and without unreasonable delay.

As of January 1, 2008, all public bodies must make available to the public a written procedure for submitting the requests, including at least one person and address to which it can be delivered along with the methods that will be used to calculate the fees charged.

The city may delay action on a public record disclosure request to consult with the city attorney. It is reasonable for a record custodian to obtain legal advice before responding to an extensive public record disclosure request when compliance could disrupt operations. It is also reasonable for a records custodian to consult with the city attorney about disclosure of documents that appear to be exempt, in whole or in part, from disclosure requirements under law. Consultation with the city attorney should not be used to merely delay or frustrate the inspection process.

6. Public Records Exempt from Disclosure

A. Nature of Exemptions

The records law is primarily a *disclosure* law not a confidentiality law. Exemptions are limited in nature and scope because state policy favors public access to government records. When the city denies a records inspection request, it has the burden of proving that the record information is exempt from disclosure. Oregon courts interpret the records law exemptions *narrowly*, and the courts “presume” that exemptions do not apply.

Even though information may meet the test to qualify for exemption from disclosure, it does not necessarily mean that the city is prohibited from disclosing the information. In most cases, exemptions do not prohibit disclosure, and the city has discretion to disclose record information that qualifies for exemption under the law. In only rare cases may the city say, "This record is exempt from disclosure under the records law, and therefore we may not disclose it."

There are a few instances where a government is barred from disclosing information that is exempt from inspection under the records law. ORS 192.445 *prohibits* a public body from disclosing a home address or personal telephone number if the requirements of that section are met. The "catch-all" exemption in ORS 192.502(9) incorporates into the records law some other statutes that prohibit public release of certain types of information such as income tax information. In addition, the federal law exemption in ORS 192.502(8) incorporates some federal laws that bar public dissemination of certain types of records, such as student record information under 20 USC 1232. Release of personal privacy information exempt under ORS 192.502(2) is likely to result in claims against the city. The city attorney should be consulted before such information is disclosed.

B. Conditional and Unconditional Exemptions

Exemptions are generally found in ORS 192.501 and 192.502. There are two types of exemptions under Oregon law: conditional and unconditional exemptions. All the exemptions under ORS 192.501 are *conditional*; they exempt certain types of information from disclosure "unless the public interest requires disclosure in the particular instance." In addition, several ORS 192.502 exemptions are conditioned on the extent to which governmental and private interests in confidentiality outweigh the public interest in disclosure. Conditional exemptions require the city to balance carefully confidentiality interests against public disclosure interests. Some of the exemptions in ORS 192.502 are unconditional, meaning that no balancing is required. The legislature has already balanced the competing interests and concluded that confidentiality interests outweigh public disclosure interests as a matter of law.

In determining whether an exemption applies, the identity of the requester and the circumstances surrounding the request are irrelevant. The circumstances of a particular request become relevant only if the requested information comes under exemption that requires a balancing of interests. In that context, the requester's purpose in seeking disclosure may be relevant to determining whether the public interest requires disclosure.

The 2011 legislature (SB 437) amended ORS 192.502(17)(a) to make records, communications and information submitted to the cities by applicants for investment funds, grants, loans, services or economic development moneys, support or assistance exempt from disclosure.

C. “Public Interest in Disclosure”

The public record law does not define “public interest in disclosure.” However, the Oregon Court of Appeals stated, “[t]he Public Records Law expresses the legislature’s view that members of the public are entitled to information that will facilitate their understanding of how public business is conducted.” *Guard Publishing Co. v. Lane County School District*, 96 Or App at 468-69. It previously characterized the public interest in disclosure as “the right of the citizens to monitor what elected and appointed officials are doing on the job.” *Jensen v. Schiffman*, 24 Or App 11, 17 (1976). The public’s right to monitor public employees includes the right to inspect records of alleged misuse and theft of public property by public employees. *Oregonian Publishing Co. v. Portland School District*, 329 Or 393 (1999). The term “public” means that the “focus is on the effect of the disclosure in general, not disclosure to a particular person at a particular time.” *Morrison v. School District No. 48*, 53 Or App 148, 156 (1981).

7. **Destruction of Public Records**

State laws and regulations govern the retention and destruction of public records. ORS 192.001 to 192.170. In order to comply with these laws, public employees and officials are required to identify public records and determine their retention period; retain records in compliance with records retention schedules promulgated by the State Archivist; and destroy those records that are non-public records and those that have reached their retention period. For purposes of the record retention and destruction laws, “public record” includes correspondence, including email, text messages and social media communications, but excludes extra copies of a document preserved only for convenience. ORS 192.005(5)(d). Even public records exempt from disclosure are subject to the retention schedules.

It is important to follow these requirements as state law makes it a crime to knowingly destroy, conceal, remove or falsely alter a public record. ORS 162.305.

8. **Public Meetings 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 are arrived at openly.

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

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 city council (council), 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 council.

A. Public Body Decisions

A committee or commission that has authority to make decisions for the city on “policy or administration” is a governing body. ORS 192.610(3).

B. Recommendations to a Public Body

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

“Public body” does not include the city manager or other individual city officials. For example, an advisory committee appointed by the city 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 council, then the meetings law applies to the advisory group.

If an advisory body is created by a public body to advise it, 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 public body.

9. Meetings Subject to the Law

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 Public Meetings Law does not define “Quorum.” For the City’s purposes, a majority of the council constitutes a quorum.

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 public body 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 council or a city 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 public body 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 city 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. Governing bodies sometimes want to have retreats or goal-setting sessions. These types of meetings are nearly always subject to the Public Meetings Law because the governing body is deliberating toward a decision on official business or gathering information for making a decision. Council “retreats” and other gatherings must be held within the jurisdiction.

The law does not cover purely social meetings of council or committee members. In *Harris v. Nordquist*, 96 Or 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 members of a public body on electronically linked personal computers, including email, text messaging and social media may be subject to the meetings law.

D. Serial Communications

Members of a governing body may violate the Oregon Public Meeting Law's prohibition on meeting in private even if a quorum never gathers contemporaneously.

ORS 192.630(2) provides that a "quorum of a governing body may not meet in private for the purpose of deciding on or deliberating towards a decision on any matter." A decision is "any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present. ORS 192.610(1). In other words, a quorum of a governing body may violate the prohibition against private meetings by (1) communicating in private, (2) for the purpose of deciding or deliberating on (3) any topic that may require a vote.

A recent Oregon Court of Appeals case held that the prohibition against meeting in private includes both when a quorum meets contemporaneously *and* when a series of non-contemporaneous communications between members of the governing body, in the aggregate, include a quorum and the purpose of the communications is to decide or deliberate on a matter that may come before the governing body. *Handy v. Lane Cty.*, 274 Or. App. 644, 689, 362 P.3d 867, 894 (2015).²

To illustrate this point, the following communications between members of a five person governing body may violate the state's public meeting laws:

- A councilor forwards an email discussion she had with another member of the Council regarding a matter that may come before the governing body to a third member of the Council. Because the email messages, in the aggregate, include a quorum of the Council (3 Councilors), and the purposes of the communications was to discuss a matter that will require a vote before the Council, the email exchanges in the aggregate could violate state law under the Court of Appeals decision.

- A staff person individually calls members of a governing body to discuss a matter that will require a vote. When the staff person talks to each member, she shares with the member the opinions and comments of the other members. Although the members never speak directly, the staff person is acting as a conduit and allowing the members of the governing body to deliberate through her. These conversations, in the aggregate, could likewise violate state law.

² On November 25, 2106, the Oregon Supreme Court overruled the Court of Appeals decision in part, but it did not directly address the issue of whether serial meetings could violate the state's public meeting laws. Thus, although the Court of Appeals decision is no longer binding, it is still persuasive to trial courts and instructive to public officials regarding the limitations on their ability to communicate with each other outside the scope of a public meeting.

- A citizen posts a comment on the city's Facebook page about an upcoming land use hearing and the comment generates a discussion. Two members of the governing body make comments and share opinion on the Facebook "thread." A third member reads the comments and also makes a comment. Because a quorum (3 members) has communicated opinions on the social media site on a matter that will require a vote before their body, the members may have violated state law.

As explained by the Court of Appeals, the prohibition against meeting in private does not include communications that are purely "information gathering." Members of a governing body should be aware, however, that the parameters of "information gathering" are not clear, and questions regarding whether and to what extent serial communications may occur should be directed to staff and/or the City Attorney's Office.

10. Legal Requirements

A. 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 that 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 public body, 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 city 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 public body 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 the 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.

i. Regularly Scheduled Meetings: News media requesting notice *must* be given notice. Paid advertising is *not* required. If the city 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.

ii. 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 city should make reasonable attempts to notify interested persons either by mail or telephone. News media requesting notice must be notified.

iii. 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 public body 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 city 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 members of the public body provide justification for an emergency meeting.

iv. 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 public body is not required to seek larger quarters for a meeting that unexpectedly attracts an overflow crowd.

v. Geographic Location: Meetings of the council and other city bodies must be held within the city 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 public bodies to hold "training sessions" outside their jurisdiction, so long as no deliberation toward a decision is involved.

vi. Nondiscriminatory Site: Public 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. Municipal 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.

B. 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.

C. Public Attendance

The meetings law is a public attendance law, not a public participation law. 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, ordinances, resolutions, and bylaws outside the meetings law may require the council and other city bodies to hear public testimony or comment on certain matters. In circumstances where such requirements do not apply, the public body may conduct a meeting without public participation.

D. Control of Meetings

The 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. Presiding officers need to ensure consistency in the application of whatever rules are imposed.

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 hearing before government or quasi-government bodies.” ORS 165.540(6)(a).

Any person who fails to comply with reasonable rules of conduct and actually 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). Cities should not eject an individual from a council meeting or otherwise prohibit free speech related activities, however, unless those actions actually disrupt the meeting. *See Norse v. City of Santa Cruz*, 629 F3d 966, 976 (9th Cir. 2010); *Acosta v. City of Costa Mesa*, _ F.3d _ (9th Cir. 2013).

E. Voting

All official actions by a public body must be taken by public vote. The vote of each member must be recorded. 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).

F. 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:

- i. Members of the governing body present;
- ii. Motions, proposals, ordinances, resolutions, orders and measures proposed and their disposition;
- iii. Results of all votes and the vote of each member by name;
- iv. The substance of any discussion on any matter; and
- v. 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 public body 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 tape 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.

11. Executive (Closed) Sessions

A. Permissible Purposes

Public bodies 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 governing body that is *closed* to certain persons for deliberation on certain matters." ORS 192.610(2) (emphasis added).

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

- Real Property Transactions;
- Exempt Public Records;
- Legal Counsel;
- City Employees; and
- Labor Negotiations.

B. 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 public body 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.

C. 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.

Oregon Government Ethics

MAY 2017

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OREGON GOVERNMENT ETHICS

After the Watergate scandal in 1974, Oregon voters adopted a comprehensive ethics law for public officials. The law attempts to ensure that government officials promote general public interests rather than private financial interests. The policy states, "that service as a public official is a public trust, and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter." ORS 244.010(1).

ORS chapter 244 has six major parts: (1) abuse of office, (2) reporting requirements, (3) conflicts of interest, (4) nepotism, (5) the ethics commission and (6) penalties. The first four parts are of major importance to public officials and employees. The 2007 Legislature amended ORS 244 changing the commission name back to the Oregon Government Ethics Commission (OGE). The most significant changes were the broadened definition of "relative", adding "members of household" to the reporting requirements for gifts and income, an aggregate gift value limit from those with an administrative or legislative interest and new quarterly filing requirements. While voicing many concerns and submitting some resignations, most public officials complied with the reporting requirements while waiting and working for legislative changes in 2009 that have now been realized. The 2009 Legislature further amended ORS 244 repairing many, if not all, of the perceived problems that arose from the 2007 session.

1. Abuse of Office

A. Who does the ethics law apply to?

The law applies to all "public officials" and in some cases to candidates for public office. The definition of "public officials" is broad and includes any person who serves state or local government as an officer, employee or agent. It includes council, committee and commission members, city attorneys, city employees and persons who work for the city on contract. It applies whether or not a public official is paid. ORS 244.020(14).

B. What does the ethics law prohibit?

i) Use of position

Public officials may not use or attempt to use their position to obtain financial gain or avoid financial detriment that would not otherwise be available but for the holding of the official position. This applies to public officials and "relatives" of public officials, which includes (1) the spouse, parent, step-parent, child, sibling, step-sibling, son-in-law and daughter-in-law of a public official; (2) the parent, step-parent, child, sibling, son-in-law and daughter in law of the spouse of a public official; (3) any individual that the public official has a legal obligation to support; and (4) any individual to whom or from whom the official provides or receives benefits from employment. ORS 244.020(15).

It is improper for a public official to lobby council, committee or commission members or public employees to award a contract to a business with which the official or any member of the

household of the official is associated. Member of household is defined as any person who resides with the public official. ORS 244.020(10). In addition, public officials may not use their positions to avoid taxes, charges or fees paid by other residents.

The state law does not apply to official compensation, honoraria, reimbursement of expenses, or unsolicited award for professional achievement for a public official or relative. ORS 244.040(2).

Official compensation is not defined by the statutes. The OGEC has interpreted official compensation package as “wages and other benefits provided to the public official.” To be part of the package the wages and benefits must be specifically and formally approved by the public body. The benefits provided by contract or personnel policies must generally apply to public employees or other public officials. Official compensation also includes direct public body payment of a public official’s expenses. OAR 199-005-0035(3).

Example: An SAIF official purchased a personal car as an “add-on” to the SAIF fleet purchase and saved about \$1300. There was no additional cost to SAIF and no cost to the vehicle vendor.

Held: Ethical violation because official “availed himself of” financial benefit accessible only because of his status as a public official. Person would not have been benefited “but for” the official position. *Davidson v. Oregon Government Ethics Commission*, 300 Or 415 (1985).

Example: Public employees’ personal use of employer’s telephones, cellular phones and computers (including Internet access).

Held: (a) Personal use of public telephones is not an ethical violation because “it is normal practice by both public and private employers to permit employees to use business telephones...” for personal business. However, personal long distance calls, even if employee reimburses public employer may be an ethical violation. (b) Use of a public computer on employee’s own time may not be ethical violation. However, public computer use by employee to avoid a financial detriment is legally prohibited. This may include personal use to avoid private purchase of computer hardware or software. (c) Personal use of a public cellular phone does not violate ethics code where use is **directly** related to official duties, such as phone use to inform family of a late meeting or schedule change. However, personal uses beyond those necessary for public business or emergency would violate ethics code. This is the result even where an employee reimburses the employer for personal use. *Oregon Government Standards and Practices Commission*, Technical Advisory Opinion 98A-1003 (July 1998).

ii) Gifts

The law prohibits public officials, relatives of public officials and members of a public official’s household from soliciting or receiving any gifts over \$50 in a calendar year from any source that has, or could reasonably be expected to have, a legislative or administrative interest in the public official’s decisions or votes. ORS 244.025; OAR 199-005-0003. A gift is anything of economic value, but the definition excludes things such as:

- gifts from relatives or members of the household of the public official;
- food / lodging / travel reimbursed by the public body when representing the public body;

- food / lodging / travel reimbursed by another government agency, organization, company or person when the official is representing the public body and under specific limited circumstances;¹
- campaign and legal expense fund contributions;
- gifts in the form of tokens, plaques, trophies or mementos with a resale value less than \$25;
- publications, subscriptions or other informational material related to the official's duties;
- waivers or discounts for continuing education for professional licensing;
- entertainment incidental to the main purpose of an event or when the official is acting in an official capacity and representing the public body for a ceremonial purpose.² ORS 244.020(6);
- gifts received as part of one's private business, employment or volunteerism; and
- gifts received that bear no relation to one's position or public office.

Example: A mayor, council president and city manager traveled to New York City to present the city's bond proposal to an investment rating service. The travel expenses of the officials' spouses were paid by the financial institution that prepared the city bond package.

Held: The food, lodging and travel exemption does not apply to family household members. Payments of these expenses were illegal gifts because they were not "extended to others who are not public officials." Officials were fined twice the value of the reimbursed expenses. *Keller v. Oregon Government Ethics Commission*, 94 Or App 462 (1988), 106 Or App 727 (1991).

iii) Confidential information

Public officials may not further or attempt to further personal gain through use of confidential information gained in the course of or by reason of their official positions or activities in any way. Public officials often receive information that is not available to the general public. It is improper for an official to sell such information for use by another or to make use of such information for personal gain. ORS 244.040(4).

iv) Employment

A public official may not solicit or receive promises of future employment when there is any relationship or understanding that the promise will influence the official's actions. ORS 244.040(3).

2. Reporting Requirements

The regulation of the receiving of gifts, honorariums, expense reimbursements and certain forms of income is governed by a set of laws that apply to public officials, as defined in

¹ The law was amended in 2007 and 2009. Under ORS 244.020(6)(b), reimbursement or payment of expenses for reasonable food, travel or lodging to a city official, and in some cases a relative, household member or staff member accompanying a city official, representing city government is not a gift, depending on the facts as they relate to ORS 174.111, 174.116 and 174.117.

² Reimbursement or payment of entertainment expenses to public officials, their relatives or household member are sometimes defined as gifts and in those instances, are allowed under ORS 244.025(4).

ORS 244.020(14), and includes "an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services". However, state law only imposes the associated reporting requirements on some of these public officials including elected city officials, members of planning, zoning and development commissions, the city manager and as of April 15, 2010 each current candidate for any of these offices or positions. The remaining members of the staff and governing commissions and committees are not subject to the reporting requirements. ORS 244.050.

A. Annual Verified Statement of Economic Interest

The Annual Verified Statement of Economic Interest (SEI) must be filed by April 15 of each year and becomes a public record. The SEI is best characterized as a declaration of income, holdings and business associations. The information to be included changed in 2009 and a brief description is:

- the businesses controlled or affiliated with the public official and members of their household;
- the sources of income for the official's household that produce 10% or more of the total annual household income;
- any real property owned by the household within the geographic boundaries of the jurisdiction of the public body with the exception of the primary residence. ORS 244.060;
- any expenses reimbursed with an aggregate value exceeding \$50 and the name of the organizations or governments from which they were received;
- all honoraria received with a value exceeding \$15; and
- each source of income in excess of \$1,000 from an individual or business that could have a legislative or administrative interest in the public body. ORS 244.100.

A further requirement of the SEI only applies to those individuals or businesses that have done, or could reasonably be expected to do, business with the public body and has an administrative or legislative interest in the public body. If the foregoing is found to exist, then the official must also report the following as they relate to those individuals or businesses only:

- debts owed by the official in the amount of \$1,000 or more;
- beneficial interest or investment by stocks or bonds by the official in excess of \$1,000; and
- any fee for services in excess of \$1,000. ORS 244.070.

B. Quarterly Public Official Disclosure

Beginning April 2009, those public officials who also had to file a Quarterly Public Official Disclosure (QPOD) due on the 15th of April, July, October and January of each year are no longer required to do so. Governments, tribes and corporations that provide for payment of expenses or the giving of honorarium must still file QPOD's and provide those public officials that received payment notice of their having done so.

3. Conflicts of Interest

A. What is an actual conflict of interest?

An actual conflict of interest exists whenever the effect of any action, decision or recommendation by a person acting as a public official **would** cause private pecuniary benefit or detriment for the person or the person's relative or any business with which the person or a relative is associated. ORS 244.020(1). If public officials approve or recommend approval of applications involving their own land, award contracts or make purchases from persons to whom they owe money, or approve employment agreements with organizations for whom spouses work, then there is an actual conflict of interest. A conflict exists even if the official would lose money by taking a particular action. When an official's relative or a business associated with a relative would be affected by an official decision, there is also an actual conflict of interest.

B. What is a potential conflict of interest?

A potential conflict of interest exists whenever the effect of any action, decision or recommendation by a person acting as a public official **could** cause private pecuniary benefit or detriment for the person or person's relative or any business with which the person or a relative is associated. ORS 244.020(12).

Excluded from the definition of "business" is any nonprofit IRC 501(c) corporations where the associated public officials receive no remuneration. ORS 244.020(2). The statute excludes from the definition of potential conflict of interest "membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code". ORS 244.020(12)(c).

There is a class exemption to the definition of a potential conflict of interest. Whenever the public official's action would affect other members of a large class the same way it affects the official, there is no legal potential conflict of interest. For example, if a city considers a storm water charge, then city officials who are city customers would have a potential conflict of interest were it not for the "class exemption." There are enough members of the class that the interest of each official is small compared to all the other members of the class. On the other hand, if the city official owns property about to be rezoned with other properties, a conflict of interest exists because the number of other property owners who are members of the class is small. ORS 244.020(12)(b).

C. What do I do if I have an actual or potential conflict of interest?

The simple answer is to disclose the conflict of interest. Elected and appointed public officials serving on the council, committees or commissions must announce publicly any potential conflicts of interest prior to taking any action. When there is an actual conflict, the official must announce publicly the nature of the actual conflict and refrain from participating as a public official in any discussion or debate on that issue. This official must not vote on the issue. ORS 244.120(2). An actual or potential conflict of interest must be declared at any meeting where the issue is acted upon, discussed, or considered in any manner.

The public body must record the actual or potential conflicts of interest in its public records when a public official gives notice of an actual or potential conflict. The notice and how it was disposed of may be provided to the OGEC within a reasonable period. ORS 244.130(1).

A council, committee or commission member may not participate in any proceeding or action in which the following have a direct or substantial financial interest:

- member or spouse, brother, sister, child, parent, father-in-law, mother-in-law;
- any business in which the member is currently serving or has served within two years; and
- any business in which the member is negotiating or has an understanding concerning future partnership or employment.

Any actual or potential conflict of interest must be disclosed at the meeting where the action is being taken. ORS 244.135.

Appointed public officials must notify in writing the person who appointed them to office of the nature of the conflict. Notification must include a request that the appointing authority dispose of the matter giving rise to the conflict. The appointing authority then has the obligation to assign the matter to another person, or to prescribe a manner for the public official to dispose of the matter. ORS 244.120(1)(c).

4. Nepotism

This law applies to all public officials, members of household and relatives as previously defined under the law relating to gifts and expense reimbursement. Nepotism is favoritism based on kinship. The law states that a public official may not participate in the appointment, employment, promotion, discharge, firing or demoting of a relative or member of the household. A public official must not participate in preliminary discussion of or interviews regarding any of these activities. There is an exception to these requirements for unpaid volunteer positions, but not for the public body the official serves. Reimbursable expenses for volunteers do not constitute nepotism. ORS 244.177.

Much like the law governing conflicts of interest, the public body is not prohibited from any of these activities provided the public official to whom the individual is related or is a member of a common household does not participate. ORS 244.177(4).

Public officials may not directly supervise a relative or member of the household either, with the same exceptions regarding unpaid volunteers and reimbursable expenses. A public body may adopt policies specifying further exceptions. ORS 244.179.

5. Oregon Government Ethics Commission

The Governor appoints all seven members of the Commission who are confirmed by the Senate. The Commission selects an executive director to administer the Commission and the Oregon Department of Justice provides legal counsel. ORS 244.250. The Commission's duties include training, advice, compliance and investigation. ORS 244.290. Advice is divided into staff advice, staff advisory opinions and commission advisory opinions.

Training is one of the highest priorities of the Commission and is available in presentations, the internet, topical written materials and guidance in response to inquiries.

Advice can be requested and received in various forms, depending on the level of advice sought. Telephone, email, letters and written requests for written opinions are all accepted. Staff advice takes all of these forms, originates with Commission staff or the executive director and affords a public official some protection should a penalty later be considered for an action taken on the advice received. ORS 244.284. Staff advisory opinions come from the executive director upon written request, may take 30 to 60 days to receive and generally afford an official with more protection than staff advice. ORS 244.282. Commission advisory opinions originate with the Commission itself based on adoption by a vote, may take 60 to 120 days to receive and provide an official with absolute protection if the advice is followed completely and the facts were accurately reported to the Commission in the initial request. ORS 244.280.

Another duty of the Commission is compliance and it refers to the review of the approximately 6,000 people and entities that must file annual and quarterly reports.

Investigations are in response to the receipt of written complaints alleging violations of Oregon Government Ethics law and follow strict procedure to determine whether wrongdoing has occurred. The process begins with a consideration of whether there is reason to believe there has been a violation. Next, there is a preliminary review phase to determine whether there is a finding of cause to initiate further investigation. The investigatory phase follows and the culmination of a case is a contested hearing if requested by the public official. ORS 244.260.

6. Penalties

Violations of public ethics laws may result in a civil penalty of up to \$5,000 imposed by the Commission. This fine is in addition to any other penalty or sanction that may be imposed by any other law, including removal from office. ORS 244.350. If the OGEC finds a violation has occurred, the finding is prima facie evidence of unfitness where removal is authorized for cause by law. ORS 244.270.

In addition, public officials who financially benefit from a violation of any provision of ORS chapter 244 may be required to forfeit twice the amount of that profit. ORS 244.360.

Specific criminal statutes may also apply to public officials including receipt of a bribe by a public official, ORS 162.025, and misuse of confidential information for personal financial benefit. ORS 162.425.