
VIII. Legal and Effective Meetings

Although statutes do not specify the frequency of conservation district board meetings, it is common practice, and highly recommended by ODA, that boards meet monthly. Meetings are fundamental to conducting conservation district business. Monthly board meetings have several purposes, among which are:

- To discuss and act on regular district business
- To establish district policy
- Identify natural resource issues and concerns and how to address them
- Formulate annual work plans and long-range business plans
- Monitor the implementation of annual and long-range work plans
- Provide information and receive reports
- Review and approve conservation and cooperator plans
- Manage district finances (i.e., authorize budgets, pay bills, appropriate resources, etc.)
- Act on personnel matters (i.e., hire, reviews, etc.)
- Conduct executive sessions, as needed
- Report to the public and hear public comment

A. Public Meetings Law

A conservation district is considered a *governing body* and it is a *public body* according to ORS 192.610 and therefore subject to Oregon's public meetings law, ORS 192.620-192.710.

Furthermore, ORS 192.620 requires the public be notified and informed of the deliberations and decisions of governing bodies and the information upon which such decisions are made. Decisions of governing bodies must be arrived at openly.

Meetings of a district board must be open to the public unless *specifically* exempted by law. In order to be considered a meeting, a majority of the board (a quorum) must be present to make a decision or deliberate toward a decision on any matter.

An advisory board, committee or subcommittee, task force, or other official group that has authority to make recommendations to a public body on policy or administration also is required to comply with public meetings law.

A staff meeting is not covered under the Public Meetings Law because it does not require a quorum, and because staff simply make recommendations to the board which is the policy-making body. If, however, a staff meeting includes enough board members as to constitute a quorum, then it must be open to the public.

Public Meetings Law is not a "public participation law." The right of the public to attend public meetings does not include the right to participate by giving testimony or comment. However, the public must be allowed to give comment on the employment of a public officer or the standards to be used in hiring a chief executive officer.

Federal agencies, on the other hand, are not subject to Oregon's Public Meetings Law.

All districts should obtain a copy of the *"Attorney General's Public Records and Meetings Manual"*. The public records and meetings law manual is revised after each legislative session. To stay current with changes in the law, districts should obtain the most recent copy of the manual. Copies can be obtained from:

Oregon Department of Justice
Publications Section
1162 Court St., NE
Salem, Oregon 97310
Phone: (503) 378-5555
http://www.doj.state.or.us/pros/pros_mli.htm

The public records and meetings manual includes the latest legal requirements on such topics as:

- Governing bodies subject to the law
- Authority to make decisions for the public body
- Public meeting quorum requirements
- Subject of meetings and social gatherings
- Electronic communication
- Public notice for meetings
- Special meetings
- Emergency meetings
- Executive sessions
- Space and location of meetings
- Nondiscriminatory locations for meetings
- Meeting location accessibility to persons with disabilities
- Public attendance at meetings
- Control of meetings

The following is a list of questions and answers commonly asked regarding public meetings law.

1. *What is a "public" meeting?*

The law defines a public meeting as the convening of a governing body for which a quorum is required to (a) deliberate to make a decision or (b) deliberate toward a decision on a matter, ORS 192.610(5). A quorum of the conservation district board must be present for the board to make decisions. All official actions of the conservation district board must be taken by open public vote (no secret ballot).

2. *What is a quorum?*

ORS 174.130 defines quorum as a majority, and ORS 568.570 states a majority constitutes a quorum. When determining a quorum for a conservation district board, a majority of the board positions must be present, whether or not all board positions are actually filled at the time.

- A seven-position board must have at least four directors present.
- A five-position board must have at least three directors present.

3. *What should a board do if it discovers it has violated Public Meetings Law by making a formal decision without having a quorum present?*

ORS 192.680(1) states:

(1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

4. *Does an advisory board, council, subcommittee, task force, and other official group have to comply with Public Meetings Law?*

Any advisory board, council, subcommittee, task force, or other official group that has been granted authority by the board to make (a) recommendations to or (b) decisions on behalf of the board on policy or administration is considered a "governing body", and, therefore, must adhere to Public Meetings Law.

5. *Can several district directors meet informally, outside the monthly board meeting, to discuss district business?*

If a quorum of the governing body meets to discuss district business outside the jurisdiction of the publicly advertised district board meeting, they are violating Public Meetings Law. A quorum of the district directors of a board may attend a social gathering together but they may not deliberate toward or make a decision regarding district business unless the district advertised the gathering as a place and time where the district would conduct official business.

District board committees or subcommittees to which a majority of the board positions have been appointed must comply with Public Meetings Law by advertising the meetings as well. Likewise, if a district board has five positions, two directors are appointed to a committee, the committee meets without providing public notice and a third director shows up just to listen, the committee is in violation of Public Meetings Law because a majority of the board director positions are present. The same would be true for a seven position board in which three members were appointed to a committee and a fourth director shows up just to listen.

In addition, ORS 192.610(3), 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. A three-member subcommittee of either a five or a seven-member board must comply with Public Meetings Law, by advertising its meetings, if the sub-committee is authorized by the board to make decisions or advise the board on a matter. A sub-committee that has authority only to gather information, however, is not considered a governing body and is not required to advertise its meetings.

6. *Are conservation district "retreats" subject to Public Meetings Law?*

According to the Attorney General's manual, the answer depends on the matters discussed at the retreat. If the retreat were confined, for instance, to training and personal interaction, the Public Meetings Law would not apply. However, if at the retreat the governing body deliberates or makes a decision on official business, the law applies (i.e., a public notice must be published, minutes prepared, and the location needs to be consistent with public meeting laws).

7. May a quorum of members of a governing body participate in a "community retreat" sponsored by a chamber of commerce?

Yes, so long as they avoid getting together as a group for any deliberations.

8. What of a "retreat" for employees and administrators of the public body, attended by members of the governing body?

Such a "retreat" can be organized to avoid the meeting of a quorum of the governing body for the purpose of gathering information or "deliberation" toward decisions on matters within their responsibility. However, it also is very easy for information gathering or policy deliberations by members of the governing body to occur, in violation of the Public Meetings Law.

9. Are there limitations on where the conservation district board can hold its meetings?

Yes. A conservation district board

- (1) May not hold a meeting in a facility in which discrimination is practiced, and
- (2) Must hold its meetings in a facility that is accessible by everyone, including those with disabilities.

If a district uses a facility which discriminates on the basis of race, creed, color, gender, age, national origin, or disability, it is out of compliance with the Civil Rights Act of 1964, as amended, and the Americans With Disabilities Act. For example, if a district's usual meeting place is on the second floor of a building that has no wheelchair access to that floor, i.e., an elevator or other device, the district is out of compliance with the Americans With Disabilities Act. Each conservation district should become familiar with the requirements of these two Acts and insure compliance.

10. May a conservation district board hold its meetings outside the geographic boundaries of its jurisdiction?

Yes. According to ORS 192.630(4):

Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has

jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

NOTE: According to the Attorney General's Public Records and Meetings Manual, "these requirements are alternatives, which were added to deal with some small districts that maintain administrative offices, sometimes without meeting facilities, outside the boundaries of the district.

11. *Can public meetings be held by telephone conference calls or other electronic communications?*

Yes. Notice to the public must be given, and the board must provide at least one place where the public can listen to the meeting by speakerphone or other devices. The minutes of the meeting must reflect that it was held by teleconference and that provisions were made for the public to hear the conversation and decisions.

12. *Are interpreters required to be provided at meetings?*

Districts should make every effort to provide an interpreter for a disabled person. ORS 192.630(5) specifies:

- (a) It shall be considered discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to the disabled, or, upon request of a hearing impaired person, to fail to make a good faith effort to have an interpreter for hearing impaired persons provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.
- (b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.
- (c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.
- (d) If certification of interpreters occurs under state or federal law, the Oregon Disabilities Commission or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.
- (e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the Oregon Disabilities Commission or other state or local agency that maintains a list of qualified interpreters

and arranging for the referral of one or more such persons to provide interpreter services.

The Attorney General's Public Records and Meetings Manual states:

"The Americans with Disabilities Act may impose requirements beyond state law. The ADA requires public bodies to ensure that their communications with persons with disabilities are as effective as communications with others. For individuals with hearing impairments who do not use sign language, other means of communication, such as assertive listening devices, may be necessary. If the meeting is held by electronic means, the needs of persons with vision or hearing impairments may need to be considered. Also, if written materials will be used during the public meeting, the governing body must make the material available, when requested by individuals with vision impairments, in a form usable to them, such as large print, Braille, or audiotapes. A public body cannot charge a person with a disability to cover the cost of providing such additional aids and services."

13. *Is an on-site inspection outside the public body's jurisdiction subject to the Public Meetings Law?*

No. On-site inspections are not "meetings" subject to the meetings law.

14. *With whom are complaints or suits filed by a person who feels a conservation district has not complied with Oregon's Public Meetings Law?*

ORS 192.680(2) states complaints or suits in regard to an alleged violation of the public meetings law are filed with the circuit court of the county in which the board ordinarily meets.

B. Voting Requirements

1. *What constitutes a quorum?*

Oregon Revised Statutes (ORS) Chapter 568 addresses the issue of quorum for conservation districts.

ORS 568.570 **Majority constitutes a quorum.** A majority of the directors constitutes a quorum. The concurrence of a majority in any matter within their duties is required for its determination.

Oregon's Public Meetings Law does not define *quorum*. However, ORS 174.130 defines quorum as a majority, and ORS 568.570 states a majority constitutes a quorum. A quorum for a conservation district board means a

majority of the board **positions** must be present (e.g., a seven-position board must have at least four directors present and a five-position board must have at least three directors present), whether or not all positions are actually filled at the time. If there is a gathering of less than a quorum at a meeting, under Oregon's Public Meetings Law, **no binding decisions can be made.**

2. *How many affirmative votes are required to take official action or pass a motion at a Conservation District Board Meeting?*

The *Attorney General's Public Records and Meetings Manual*, (October 1, 2001 version) addresses this question in detail in Appendix C, pp 2-3. Here are a few excerpts from those pages:

B (1). Attorneys General have consistently advised that this statute requires a majority of **all** members of a board, commission, or council to concur in order to make a decision. When ORS 174.130 applies, a majority of those present and voting in favor of a particular action is **not sufficient** to authorize that action **unless** that majority is more than one-half of the **total members** of the board, commission or council. (emphasis added)

What this means is that a majority vote is required of all elected directors of the district for the determination of an item. The following is an example for a conservation district with a seven-member board:

If four board members are present, and only three members vote in favor of a motion, the motion will have insufficient votes to pass, because three votes will not provide concurrence of the majority of the governing body. With four members present, all board members need to vote in favor of a motion for it to pass. If five or more members are present, and there are at least four votes in favor of a motion with one or more against, the motion will pass because there is concurrence of the majority of the governing body.

The same principle applies for a five-member board. A minimum of three votes is required to pass a motion of a five-member board.

The *Attorney General's Public Records and Meetings Manual* provides guidance about situations where other statutes define a quorum. Appendix C, B(2), pp 3-4, states:

Many boards and commissions have statutes designating the **number** of members that form a quorum. Such a statute releases a body from the

stringent requirements of ORS 174.130. Most of these statutes, but not all, fix the quorum at a majority of the members of the body. (emphasis added)

Conservation districts do not have statutes designating the **number** of members required to form a quorum. Therefore, the more stringent requirements of ORS 174.130 apply.

3. *Is consensus an appropriate decision-making method for official board decisions?*

Since there are varying descriptions and levels of consensus, it is recommended that district boards make official decisions by recording votes. A board may be in consensus on a particular issue, but it is recommended that boards make decisions based on the votes of the members present.

4. *Can conservation district directors vote by "secret ballot"?*

No. All conservation district decisions must be made by public vote. **Secret ballots are prohibited.** If the vote is unanimous, the minutes can state such, as long as the directors present at the time of the vote are identified in the minutes. However, if the vote is not unanimous, the vote of each member must be recorded by name in the minutes. Written ballots are permitted, but each ballot must identify the member voting and the vote must be announced.

5. *Can associate directors and directors emeritus vote when the district board makes official decisions?*

No. Associate directors and directors emeritus are not voting members of the board.

6. *If there are not enough directors at a conservation district board meeting to have a quorum, can the district call a board director who is not in attendance on the phone to get his/her vote on an agenda item?*

Only if the district board has provided a speakerphone or other device by which everyone in attendance at the district board meeting can hear the conversation provided by the director who has been called. If the district uses this procedure, the minutes must state that the vote was cast in that manner and that meeting participants heard the conversation on a speakerphone or other device.

C. Executive Session

1. *What is an "executive session"?*

ORS 192.610(2) outlines the requirements of an executive session. An executive session is a meeting that is closed to certain persons or organizations for the purpose of discussing sensitive matters. Districts have the authority to call an executive session when discussing the following subjects:

- a. Employment of Public Officers, Employees, and Agents – A meeting to discuss the specific hiring of a public officer, employee, or staff member. An "individual agent" for this purpose means an independent contractor.
- b. Discipline of Public Officers and Employees – A meeting called to discuss the discipline or termination of a public officer, employee, or staff member, unless the person asks for an open hearing.
- c. Performance Evaluations – A meeting to review the performance of a chief executive officer, other officers, employees, and staff members of the district.
- d. Labor Negotiations – Labor negotiations can be held in an open meeting unless both sides of the negotiations request that they be held in executive session. Labor negotiations are not subject to noticing requirements contained in Public Meetings Law.
- e. Exempt Public Records – If any of the records considered exempt from Public Records Law are discussed at a meeting then the district may hold an executive session.
- f. Trade and Commerce - To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competitions with governing bodies in other states or nations.
- g. Legal Counsel – A meeting may be held in executive session for the purpose of consulting with legal counsel concerning the legal rights and duties of current litigation or litigation likely to be filed. The governing body must bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.
- h. Real Property Transactions – A meeting to discuss or negotiate on a property transaction.
- i. Public Investments – An executive session may be called to negotiate with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- j. Public Hospital Medical Staff – Meetings that relate to the medical competency of a hospital and the hospital's staff.

- k. Health Professional Licensee Investigation – Meetings that consider information obtained as part of an investigation of licensee or applicant conduct.
- l. Other Executive Session Statutes – Statutes outside the meetings law authorize governing bodies to hold executive or closed sessions, sometimes without cross-reference Public Meetings Law. For example, ORS 322.061 authorizes school boards to consider student expulsion and confidential medical records of students in executive session, notwithstanding the Public Meetings Law.

2. *May a conservation district board reach a decision in an executive session?*

No. The conservation district board may not reach a final decision in executive session, but it may informally decide or reach a consensus. The board must then go to public session to act formally on the matter.

3. *What if the decision is to take no action? For example, a complaint with respect to a public official, informally concluded to be without sufficient merit to warrant discipline?*

It is appropriate but probably not required to announce in public session that the matter was not resolved, that no decision was reached, or that in the absence of a motion for action, no action will be taken. If, however, a final "no action" decision is made by vote of a quorum of a governing body, the decision probably must be made and announced in public session.

4. *Is a public notice required to hold an executive session that is not associated with a regularly scheduled board meeting?*

Yes. If the district wants to hold an executive session that is separate from the regularly advertised district board meeting, the executive session must be advertised in the same manner as a regular board meeting. As an additional requirement the statutory authority, (ORS 192.640(2)), for calling the executive session must be set forth.

REMEMBER: No final decisions can be made in executive session. The board needs to make all decisions at public meetings.

5. *Can an executive session be called during a regular district board meeting without having advertised the executive session as part of the board meeting agenda?*

Yes. An executive session can be called during a regular board meeting that has been publicly advertised, even though the executive session was not part of the meeting advertisement. However, the person chairing the board meeting must announce the statutory authority for the executive session, ORS 192.640(2), before going into executive session. The reason

for the executive session must be one of the twelve acceptable categories previously identified.

6. *If the media requests to attend an executive session, must the district grant the request?*

Yes. Public Meetings Law expressly provides that the news media shall be allowed to attend executive sessions. However, the district board can require that specified information in the executive session not be disclosed by the media. If the district board wishes to exercise non-disclosure, they must first inform the media of the restriction.

7. *May a governing body restrict the number of media representatives attending an executive session?*

Perhaps. A governing body probably would be able to limit attendance to one representative of each medium wishing to be represented. It should be reasonable to limit total attendance to a number that would not interfere with its deliberations.

8. *May a reporter who has a personal stake in a matter, or who has a close relationship to someone who is personally interested, be excluded from a special session?*

The law does not provide, but if the attendance of a reporter with direct personal interest would frustrate the purpose of the executive session, a governing body could justify barring the individual.

9. *Must reporters be permitted access to executive sessions conducted by electronic conference?*

Yes.

10. *If during an executive session, the members of the governing body discuss matters outside its proper scope, what is the proper role of media present? May they begin taking notes?*

The Public Meetings Law does not prohibit media representatives from taking notes of executive sessions they attend, whether or not the discussion includes matters outside the lawful scope of the executive session. The law merely permits the governing body to require that specified information discussed during executive session not be disclosed.

11. *May the conservation district board permit persons other than the media to attend an executive session?*

Yes. Executive sessions are generally closed to all except members of the governing body. The governing body may invite or approve other specified persons to attend.

12. *Are minutes from an executive session required and how should they be kept?*

Minutes of an executive session are required. ORS 192.650(2) allows that a record of any executive session may be kept in the form of a sound tape

recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

13. *May a governing body reviewing or evaluating a public employee's performance in executive session exclude the employee from attending?*

If the employee requests a public session, the meeting must be held in public, and the employee may not be excluded. If the employee makes no such request, then the employee may be excluded.

14. *With whom are complaints or suits filed concerning executive sessions?*

Complaints concerning violations of **executive session** law are made to the Oregon Government Standards and Practices Commission, 100 High St., SE, Suite 200, Salem, OR 97310, (503) 378-5105, for review and investigation. The Commission may impose civil penalties not to exceed \$1,000 for violating any provisions of ORS 192.660.

The Attorney General and district attorneys have no enforcement role under the Public Meetings Law.

D. Notice Requirements

Is the conservation district board required to give public notice of its meetings?

Yes, public notice must be given and must provide the time and place of the meeting. Public Meetings Law requires that a notice of any meeting include a list of the principal subjects anticipated to be considered at the meeting. The notice of meeting should be provided far enough in advance of the meeting to give interested persons an opportunity to attend.

A meeting without proper notice is a violation of Public Meetings Law.

1. Meeting Notices

Participants, including the general public, should be notified well ahead of the meeting as a courtesy to the public. Notice should be posted a minimum of one week in advance of the meeting. It is also advised that the district create and provide to the public an annual calendar of regular board meetings.

The public must be notified of the time and place of district board meetings. Also, the district board must give notice to the persons and the media that have stated in writing that they wish to be notified of every meeting.

PLEASE NOTE!

Just posting a notice on your office bulletin board is not adequate notice!

The notice of any meeting that will include an executive session should be given to the media and to the public. The notice must state that the executive session is not open to the public and include the statutory reason why it is not.

The public must be provided with an agenda for all regular, special, and emergency meetings. The agenda need not go into detail but it must include a list of the principal subjects anticipated to be considered at the

meeting. It must be clear enough that interested persons will have an accurate idea of what the meeting will cover.

Not every proposed item of business is required to be on the agenda. The district must make a "reasonable" effort to include all of the important items, but if an additional subject arises too late to be mentioned in the notice, it may still be discussed at the meeting.

The following are suggested ways to meet the public meetings requirement for regular meetings, special meetings, and emergency meetings.

Regularly Scheduled Meetings – Press releases should be issued to:

- A. Wire Service – Associated Press and United Press International.
- B. Local Media Representatives – If the meeting involves a local matter, then the notice should be sent to local media.
- C. Mailing Lists – Districts maintaining mailing lists of persons or groups for notice of public meetings should send notice to the persons on the list.
- D. Interested Persons – If a district is aware of persons interested in receiving notice of a meeting, these persons should be notified.
- E. Notice Boards – Some smaller communities have a designated area or bulletin board for posting notices. Governing bodies may want to post notices of meetings in such areas.

Please note that press releases do not need to be paid for.

Special Meetings – Special meetings require at least 24-hour notice. Press releases should be given to wire services, interested persons, and news media requesting to be notified.

Emergency Meetings – Meetings are considered an emergency if they are called with less than 24-hours notice. An actual emergency must exist and the minutes must describe the reason for the emergency. The district must still make an effort to contact the media and issue public notice.

2. Commonly Asked Questions and Answers

1. *How far in advance must a public body give notice of its meetings?*

Far enough in advance reasonably to give interested persons actual notice and an opportunity to attend. Because the notice must specify the principal subjects to be covered, it must be given separately for each meeting (i.e., even though the public and news media know that the district board meets every Wednesday evening, the district must provide adequate notice of each meeting as required by statute).

2. *Is a notice on a bulletin board sufficient?*

No.

3. *Must meeting notices be published as legal notices?*

No.

4. *May a governing body issue a single notice for a "continuous session" that may last for several days?*

Probably yes, if the body can identify the approximate times that principal subjects will be discussed.

5. *Does the Public Meetings Law notice requirement require the purchase of advertising?*

No, it requires only appropriate notice.

6. *Must a notice be posted for a meeting that is exclusively an executive session?*

Yes. The notice requirements are the same and must include statutory authority for the executive session.

7. *Is a meeting without proper notice an illegal meeting?*

A meeting without notice violates the Public Meetings Law.

8. *If a news medium requests notice of meetings, is it sufficient for that notice to be mailed "general delivery" to that news medium?*

Probably yes, if mailed far enough in advance. It is up to the news medium to establish procedures to ensure that the proper person receives the notice. For a special or emergency meeting, a telephone call to a responsible person is necessary.

9. ***Is a media request to receive notice of any meetings sufficient to require notice of special and emergency meetings?***
Yes.

E. Meeting Management and Arrangements

District boards with strong meeting skills usually have the following traits:

- Clear and detailed agendas
- Stay on schedule
- Run effective meetings

These boards have higher levels of satisfaction and participation of board members and attendees. They also find it easier to recruit new directors and volunteers.

Districts that do not have well-planned agendas have meetings that

- Run unnecessarily long,
- Do not complete agenda items, and
- Otherwise demonstrate poor meeting management

give the appearance to the public and partners that they are not professional or efficient, tend to have poor participation and support by board members and the public, and have a difficult time in recruiting board members and volunteers.

1. Meeting Agendas

An agenda is an important tool for planning and holding effective meetings. An agenda identifies:

- All items to be brought before the board for discussion
- Persons responsible for facilitating/providing the information
- Timeline for discussions and action

Items may be added to or modified on the agenda, but districts should make every effort to follow the agenda as a courtesy to the public and invited guests.

Each district should determine and develop its own procedures for holding meetings. It is customary that the chair serves as presiding officer over meetings and it is therefore his or her responsibility to follow the agenda. The presiding officer or the board itself may elect to appoint a person to facilitate a discussion on a topic or issue. This person can be a board member, staff, volunteer, or consultant. The person's role as facilitator will be to lead the board through a discussion and lead the group through decision-making processes. While following the agenda is important, meetings should be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner.

Many districts have a policy to contact board members and committee members by telephone a day or two before the meeting to encourage good participation. Setting a yearly calendar for all board meetings will help people know in advance when meetings will take place.

2. Meeting Time Limits

As a courtesy to board members, staff, partners and the public, conservation districts are encouraged to limit their meetings to two hours.

Ways to shorten meeting times include:

- Well planned agenda.
- Presiding officer (or appointed time keeper) keeps group on schedule and on task.
- Group decision to postpone, assign to committee, or eliminate items from the agenda.
- Advance written or emailed reports from staff, committee chairs, treasurer, etc., provided to the board for review in advance of the meeting, using the meeting time for "highlights".
- Utilize established policies and procedures for conducting meetings (Roberts Rules of Order, district policies and procedures, etc.).
- Assign responsibilities to investigate and prepare background information on an item to be discussed (i.e., location for annual meeting, new equipment specifications, etc.).
- If it is determined during the course of the meeting that more information is needed on an agenda item, assign to a person/committee to gather information.
- Schedule a second meeting to discuss topic or move agenda item to the end.
- Be courteous when scheduling invited guests/participants. Advise them of their time limit and when they will be presenting. Accommodations should be made for travel times, efficiency of meeting time, etc., when scheduling speakers.
- Define the action requested of the board. Clearly identify what the board is asked to do. Separate items into "action" items and "discussion" items.

3. Meeting Arrangements

Pay close attention to meeting arrangements. Plan in advance for:

- A comfortable room
- Parking
- Directional signs
- Refreshments

- Audio-visual equipment (i.e., easels, easel pens, masking tape, slide projectors, overhead projectors, and extension cords)

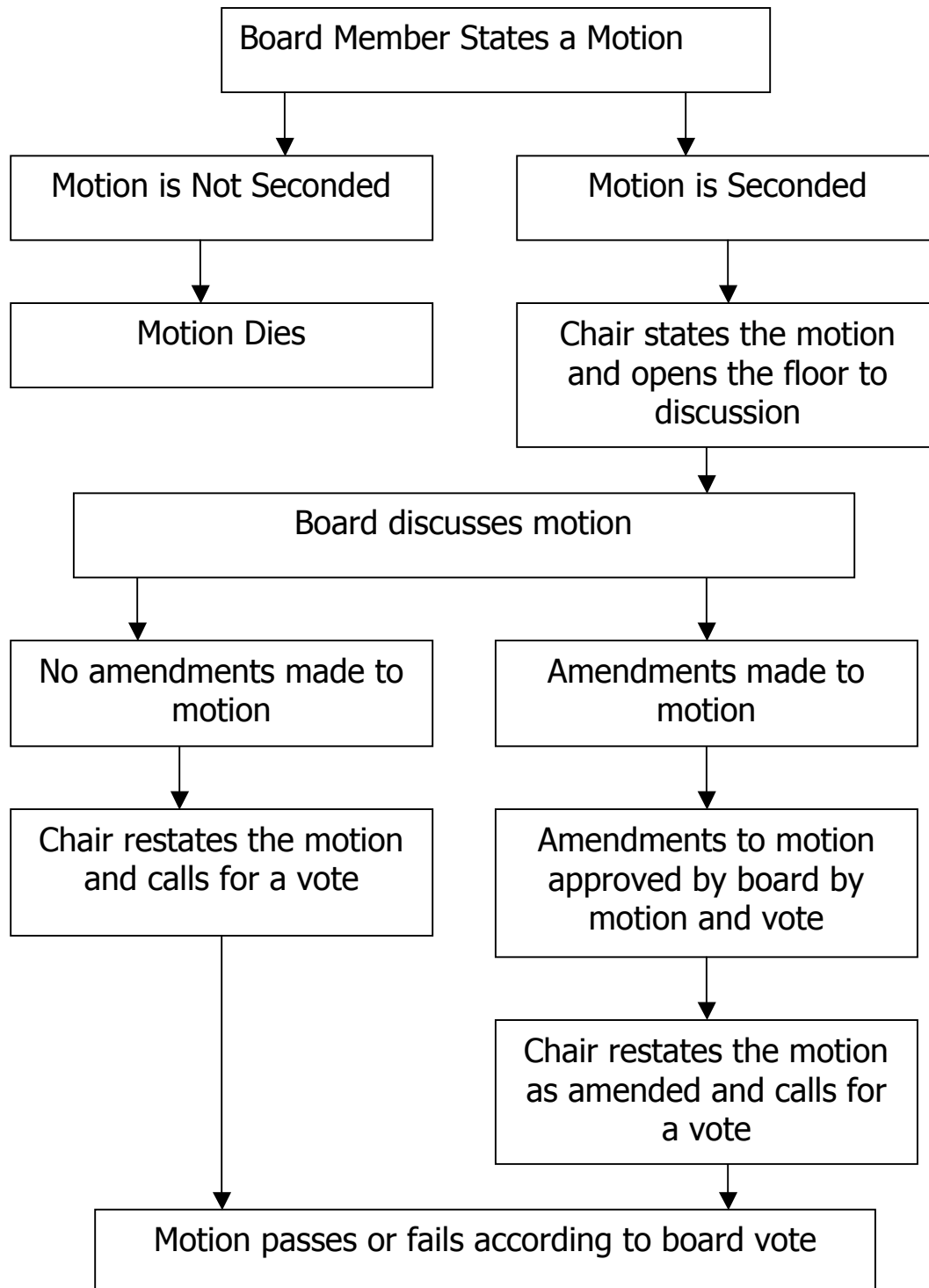
Arrange the meeting room so everyone has as much face-to-face contact with everyone else in the room as possible. If members of the general public are present, or if the district invites guest presenters, use nametags with large letters or nameplates to help participants know who's present.

F. Parliamentary Procedure

It is highly recommended that districts adopt and follow procedures for conducting meetings, particularly regarding official action by the board.

Many districts find that Robert Rules of Order (or a modified version) is a useful process for conducting meetings. Districts need to formally adopt a decision-making process and make sure that all board members understand the policy. An outline of the procedures for motions and voting, or a flow chart demonstrating the procedure (similar to the one below), may be useful in outlining the district's policy.

Sample District Meeting Motion Policy



G. Control of Meetings

The presiding officer in a public 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 to be part of the meeting, the presiding officer may regulate the order and length of appearances and limit appearances to presentations of relevant points. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser. However, it is questionable whether a governing body may exclude a member of the public because the person engaged in misconduct at a previous public meeting.

1. *Does the Public Meetings Law grant the public the right to testify before the conservation district board?*

No. The Public Meetings Law is a public attendance law, not a public participation law. It does not give the public the right to interact with the conservation district board during its meeting. The board, however, may request public participation or provide some time on the agenda for public comment.

2. *What can be done if a person causes a disruption in a board meeting and refuses to comply with reasonable rules of conduct?*

The presiding officer has inherent authority to keep order and to impose any reasonable restrictions necessary to conduct an efficient and orderly meeting. Any person who isn't willing to follow the rules or restrictions imposed, or causes a disturbance, may be asked or required to leave, and if he/she refuses to do so becomes a trespasser and may be arrested.

3. *May a person who has disrupted prior meetings, assaulted board members, etc. be excluded from a public meeting?*

It is doubtful that a person may be excluded for prior conduct. The person who causes the disruption may be arrested for trespass.

H. Public use of Tape Recorders, Cameras and Microphones

The Attorney General has "concluded that members of the public cannot be prohibited from unobtrusively recording the proceedings of a public meeting."

1. *Can anyone tape a district board meeting?*

Yes. Anyone can tape record or videotape a meeting, subject to reasonable rules of the conservation district board to avoid disruption.

2. ***Must the governing body be informed of the intent to tape record?***
No.

I. Smoking at Public Meetings

ORS 192.710 "provides that no person may smoke or carry a lighted cigar, cigarette, pipe or other smoking equipment in a room where a public meeting is being held or is to continue after a recess."

1. ***Does the meeting law's smoking prohibition apply to executive sessions?***

The prohibition applies if the executive session is held in the same room in which the public meeting later will continue. However, the executive session itself probably is not a public meeting and, if held in a separate room, is not covered by the prohibition.

J. Minutes of Meetings

Minutes provide a written record of the proceedings of the meeting, are considered "public record", and must be made available to the interested general public. The minutes of conservation district board meetings must be submitted to the Natural Resources Division of the Oregon Department of Agriculture. The Natural Resources Division reviews the minutes and submits a copy of the minutes to the state Archives for permanent record.

A copy of the meeting minutes should be sent to:

- ***Natural Resources Division***
- ***SWCC member for the area***
- ***NRCS Portland office***
- ***NRCS basin team leader***
- ***OACD President***
- ***OACD Executive Director***

ORS 192.650 requires districts to keep written minutes of all meetings.

ORS 192.650

- (1) The governing body of a public body shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law, but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:
- (a) All members of the governing body present;
 - (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting but such reference shall not affect the status of the document under ORS 192.410 to 192.505.

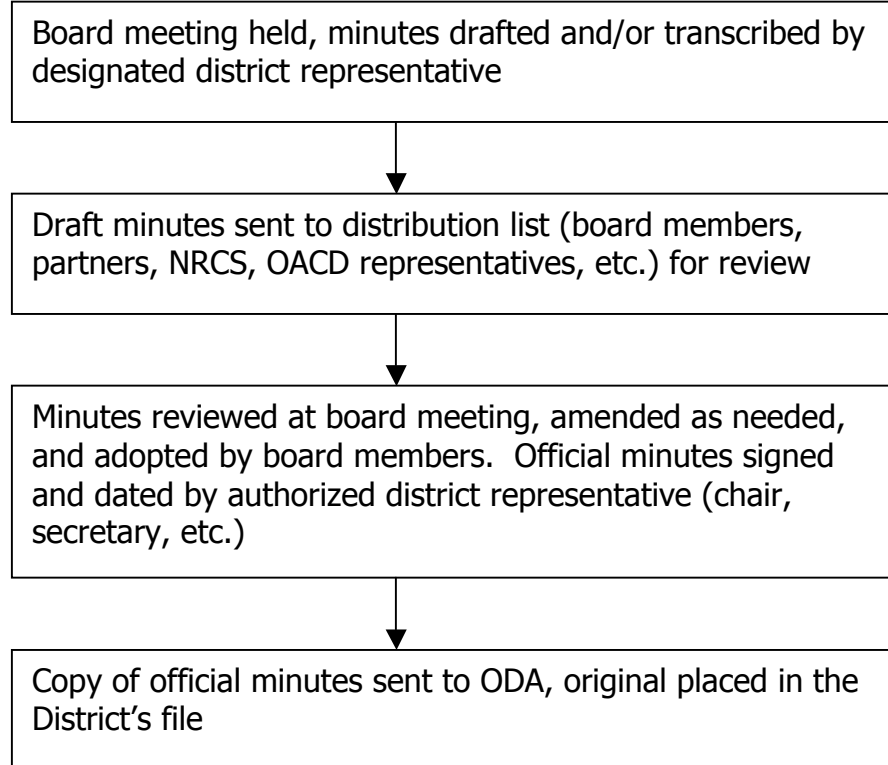
Minutes of executive sessions should be kept separately from minutes of public meetings.

It is recommended that minutes be distributed as soon as possible after the meeting. Minutes distributed to board members and participants have a written reference to commitments they made and can note corrections or additions to the minutes while the meeting is still fresh in memory.

It is highly recommended that districts adopt policies on how minutes are approved and distributed. Suggestions for policies include:

1. Board reviews minutes at next regular board meeting
2. How minutes are amended
3. Adoption of minutes
4. Designated signer (Board members, Chair, Secretary, etc.) of approved minutes
5. Distribution of minutes

Example Flow Chart for Minutes Distribution



- 1. *Do board meeting minutes need to be written verbatim?***
No. Meeting minutes need not be written verbatim transcript. There should be enough detail to provide an adequate reflection of subjects discussed, views of board members and participants, particularly if contrary views are expressed, and record of final disposition.
- 2. *Can board meeting minutes be withheld from the public because the minutes will not be approved until the next board meeting?***
No. After the board meeting minutes are prepared they cannot be withheld from the public even though they have not yet been approved by the board. Minutes must be prepared and available within a "reasonable time after the meeting." ORS 192.650(1). It is advisable, however, to mark any copies provided to the public, before they are approved by the board, as a "DRAFT". Upon review and approval of minutes, the final minutes should be signed and dated for the official record.
- 3. *How long must written minutes of conservation district board meetings be kept?***
Under the authority of ORS 192.105, the Secretary of State's Archives Division produces records retention schedules that direct public agencies

in the retention or disposition of their records. The records of conservation districts are addressed on the retention schedule of the Oregon Department of Agriculture, who provides oversight for the districts. The department's retention schedule requires conservation district minutes be retained permanently. Therefore, conservation districts must keep their board meeting minutes on file permanently.

Because of the importance of maintaining and keeping permanent records, the district should identify and use a secure storage facility for keeping permanent, confidential, and other important records such as minutes, personnel records, financial documents, etc. The following are some suggested facilities:

- Off-site storage
- Fire-proof safe or storage cabinet
- Bank vaults