

City of Eugene
POLICE COMMISSION



Our mission is to recommend to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Tamara Miller, Chair; Juan Carlos Valle, Vice Chair; John Ahlen; Joe Alsup; Mike Clark; Bernadette Conover; Jim Garner; Linda Hamilton; James Manning; Timothy Mueller; Kitty Piercy

Meeting Agenda: Police Commission Annual Retreat
Saturday, May 14, 2011

9:00 am – Amazon Community Center, Studio B
2700 Hillyard, Eugene 97402

Contact: Carter Hawley, 541-682-5852

- 9:00 Welcome / Warm Up
- 9:30 Review FY 11 work plan status & identify unfinished work
- 10:00 Presentation from Chief – Major EPD initiatives & work underway for FY12 (including changes to dept budget that affect commission)
- 10:45 Break
- 10:55 Identification of FY 12 work items & committee work
- 11:55 Prioritize – Dots & Discuss (working lunch)
- 12:30 Discussion / Information about Public Meetings Law
- 1:00 Review bylaws and recommend any changes
- 1:30 Adjourn

Next Meeting: Regular Police Commission Meeting – Thursday, June 8, 2011

City of Eugene

POLICE COMMISSION

FISCAL YEAR 2011 WORK PLAN

Approved by City Council July 21, 2010

POLICE COMMISSION MEMBERS

Tamara Miller, Chair

Bernadette Conover

**Juan Carlos Valle, Vice
Chair**

Linda Hamilton

John Ahlen

Tim Mueller

Joe Alsup

Marilyn Nelson

Councilor George Brown

Frank Travis

Councilor Mike Clark

**For more information on the Police Commission, please contact:
Randi Zimmer, Police Commission Analyst**

Phone: (541) 682-5852 E-Mail: randi.m.zimmer@ci.eugene.or.us

www.eugene-or.gov/policecommission

Eugene Police Commission FY11 Work Plan

Police Commission Mission Statement

The Eugene Police Commission's mission is to recommend to the City Council, the City Manager, the Eugene Police Department, and the people, the resources, preferred policing alternatives, policies and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the Eugene Police Department that helps achieve safety, justice and freedom for all people in Eugene.

Background

The Eugene Police Commission is a twelve-member volunteer body that acts in an advisory capacity to the City Council, the Chief of Police and the City Manager on police policy and resource issues. The commission's enabling ordinance, adopted in December of 1998, requires that it develop a yearly work plan for City Council review and approval. Work plans follow a July 1 – June 30 fiscal year (FY) schedule. Major accomplishments over the past six years include:

- Special Weapons and Tactics (SWAT) and related policy review (FY04)
- Report on strategies to improve police and community interactions (FY04)
- Social Security Number policy development (FY05)
- Complaint handling and civilian oversight recommendations (FY05 - 06)
- Patrol In-Car Video policy development (FY06)
- Assistance with oversight model implementation (FY06 – 07)
- Recommendations for a Crisis Intervention Team (CIT) and related steering committee (FY08)
- Policy on Tasers (FY08)
- Recommendations on several significant policies including Mental Health Crisis Response and Communication with People with Disabilities (FY09)
- Development of a Public Outreach Committee to strengthen the relationship between the public and the Police Department (FY09)
- Review and recommendations on several force-related policies, including the Taser Pilot Project policy and general use of force (FY10)

Eugene Police Commission FY11 Work Plan

The projects proposed for the commission's FY11 Work Plan are described in more detail in the following sections. A Gantt chart showing tasks associated with these projects and estimated timelines is also attached. An annual report, documenting the group's achievements and challenges encountered in meeting its work plan commitments from FY10, is provided separately. FY11 Work Plan Tasks and Procedural Objectives

Work Plan Tasks

The Police Commission's work plan is divided into the following three components: a) Committees; b) Work Sessions and Information Items; c) Annual & Long-Term Projects.

A. Committees

Two committees from FY10 will continue and carry over to this fiscal year's work plan: Policy Screening and Review Committee, and Use of Force Committee. One new committee identified at the commission's June 10, 2010 Process Retreat will focus on the Eugene Police Department's (EPD) resources and budget.

- The **Policy Screening and Review Committee (PSRC)** is designed as a multi-year effort to assist the department in updating the police policy manual, utilizing the Lexipol structure as the framework for a comprehensive policy review process. This committee was first organized in FY08 but did not begin reviewing policies until FY09. In the past fiscal year, the committee reviewed and made recommendations on several different topic-specific policies. In FY11 the committee will continue its process of screening policies and making suggestions for revisions as they see fit. Some of the priority policies identified for this year include homelessness, warrantless entry and vehicle pursuit.

- The **Use of Force Committee** originally began in FY08 to assist the department with the development of a Taser policy for the department's pilot project. With the Taser policy review completed, in addition to several others, the committee has the following policies left for this fiscal year:
 - 301 – Use of Force Reporting/Investigation
 - 302 – Deadly Force Review
 - 304 – Shooting Policy
 - 305 – OC Spray
 - 306 – Leg Restraint Device
 - 307 – Carotid Restraint
 - 308 – Control Devices & Techniques
 - 310 – Officer-Involved Shooting
 - 312 – Firearms
 - 432 – Patrol Rifles

- The **Committee on EPD Resources and Public Outreach** is a modified project from last year's Public Outreach Committee. The commission's goal for this committee is to combine the work of the current Public Outreach Committee and incorporate a review of the police department's

Eugene Police Commission FY11 Work Plan

resources to identify service gaps and make recommendations on the FY12 budget. One of the focus areas of this committee will be to monitor Lane County's budget and assess the impact of funding to City of Eugene operations. This committee will utilize outreach strategies designed in FY10 to better engage the public in supporting the police department's goal of strengthening and increasing resources.

B. Work Sessions and Information Items

Work sessions are scheduled periodically to provide opportunities for information sharing and discussion of public safety issues that do not necessarily require Police Commission action. These work sessions may involve presentations from police department staff, other City departments, or other relevant agencies. The commission has limited the number of work sessions and information items to those of highest priority to conserve meeting time and enable some flexibility to address emerging issues. The following work sessions and information items are planned for FY11:

- Work session on the Downtown Public Safety Zone exclusion ordinance to review the program and make recommendations on its extension
- Information session on mediation options for officers when receiving complaints
- Information session on marijuana citations to discover how resources are spent on enforcement
- Information session on cross-cultural competency training at EPD
- Work session to establish the Civilian Review Board's process of referring policy review to the Police Commission

The commission intends to continue its review of quarterly strategic plan status reports from the department and other related activities to stay informed of the organizational issues and strategies.

C. Annual and Long-Term Projects

Every year the commission holds meetings with other City boards and commissions to stay informed of current public safety issues and to partner with these groups on projects. These are organized in the FY11 Work Plan as Annual and Long-Term Projects. They are:

- Joint meeting with the Human Rights Commission (to include another project on a hate crimes resolution)
- Joint meeting with the Civilian Review Board
- Police Auditor Annual Report presentation
- 2010 Internal Affairs Case Statistics presentation
- Process session/work planning retreat

Procedural Objectives

Some specific procedural objectives for FY11 are to:

- Support the commission's leadership team with appropriate level of responsibilities

**Eugene Police Commission
FY11 Work Plan**

- Maintain a highly qualified, dedicated and balanced membership
- Identify opportunities for team-building to establish positive working relationships and facilitate group cohesiveness
- Continue outreach, information sharing and collaboration with the Human Rights Commission and the Civilian Review Board on issues of mutual interest
- Utilize the roles of commission liaisons (two City Councilors, one CRB member and one HRC member) to stay on track with other City business
- Engage in discussions with officers to understand the impact of policies on their work

Work Plan Outcomes

<i>OUTCOME 1.</i>	<i>Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.</i>
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In FY11, the Police Commission will:

- < Provide frequent opportunities for community dialogue on current issues in law enforcement, to include:
 - Monthly EPD commendations and Internal Affairs case summaries.
 - Progress of the civilian oversight system via periodic status updates from the police auditor and the Civilian Review Board liaison, and review of annual police auditor and CRB reports.
 - Regular updates from the Human Rights Commission liaison and participation in joint meetings/activities.
 - Public input on proposed policy recommendations and involve interested community members in the review process.
 - Information to the public on standard police practices and new procedures to increase the transparency of police operations.

<i>OUTCOME 2.</i>	<i>Identify police policy and resource issues related to preferred policing alternatives.</i>
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In FY11, the Police Commission will:

- < Examine the police department's resources and make recommendations on service gaps to increase productivity and effectiveness.
- < Monitor the impact of Lane County funding on public safety, specifically reviewing and suggesting options for improving service gaps in the police department.
- < Hold an information session with police department staff to discover options for police employees during mediation of complaints.
- < Hold an information session with police department staff to learn about cross-cultural competency

**Eugene Police Commission
FY11 Work Plan**

training that EPD is providing to employees.

OUTCOME 3.	<i>Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.</i>
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In FY11, the Police Commission will:

- < Present the results of the commission's analyses and recommendations to the community, using news releases, the commission's web site, social networking sites like Twitter, status reports to City Council, distribution of reports to stakeholders and participants, and other mechanisms as appropriate.
- < Respond to emerging issues by scheduling topic-specific work sessions and requesting information updates from staff.
- < Network with other City of Eugene boards and commissions to increase collaboration and information sharing on topics of mutual interest.
- < Attend EPD-sponsored events and participate in the Ride-Along program to discuss the impact of policy changes on officers.

OUTCOME 4.	<i>Provide input on police policies that reflect community values.</i>
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In FY11, the Police Commission will:

- < Assist the police department in a comprehensive review and update of its policy manual to a Leixpol format. All policy reviews will be screened by the Policy Screening and Review Committee (except those assigned to the Use of Force Committee). Policies of significant community interest will be more thoroughly vetted in a public meeting setting.
- < Monitor the application of policies that were previously recommended to the department by the commission and schedule periodic reviews of policies when necessary.

OUTCOME 5.	<i>Assist the City Council in balancing community priorities and resources by advising it on police resource issues.</i>
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In FY11, the Police Commission will:

- < Assess community concerns on resource issues through the Committee on EPD Resources & Public Outreach.
- < Use the findings developed through committee work to make recommendations on programs and training within the department.

Eugene Police Commission FY11 Work Plan

As outlined above, the tasks proposed for this year's work plan are clearly aligned with the Police Commission's role and objectives as described in its ordinance. The commission has continued to be forward-thinking in crafting its work plans while responding to issues of local interest. The continuation of policy-focused committees will help the department implement critical policies that will directly benefit the community. And the opportunity for public comment at every committee and commission meeting allows for greater participation from the community and an open environment for dialogue.

The new and ongoing projects in the Police Commission's FY11 Work Plan make for a full and ambitious work load. However, the Police Commission will accommodate pertinent changes as directed by the City Council or as necessary to respond to emerging community concerns.



Memorandum

City of Eugene
777 Pearl Street, Room 106
Eugene, Oregon 97401
(541) 682-5852

February 23, 2011

To: Mayor Piercy and City Council

From: Carter Hawley, 541-682-5852
Police Commission Analyst

Subject: Police Commission Status Report

This is a status report of Police Commission activities from July 2010 through January 2011. Please contact Chair Tamara Miller at 541-686-7198, or staff with any questions.

The Police Commission's FY 2011 Work Plan was approved by the City Council on July 21, 2010. The work plan outlines efforts of three committees: Use of Force, EPD Resources and Public Outreach and Policy Screening and Review. Several work sessions and information items were also included, as well as annual and long-term projects. The commission designed its work plan to fit within reasonable timeframes and allow ample time for any emerging community issues to be addressed. This summary is intended to assess the accuracy of those timelines and plan out the remaining five months of the fiscal year.

Committee Work

Policy Screening & Review Committee (PSRC) – In Progress

The committee has reviewed fewer policies this year due to the heavy schedule of the Use of Force Committee. These policies were reviewed in FY 2011:

- 106 - Policy Manual
- 215 - Use of EPD Logo
- 345 - Attempts to Locate
- 801 – Community Service Officers
- 810 - Release of Public Records

The department has a new policy analyst who is currently reviewing the status of each policy and will provide the PSRC with an updated list of policies scheduled for review during the remainder of this fiscal year.

Use of Force Committee (UOFC) - Complete

The UOFC reviewed 10 policies. This committee worked extremely hard, over a long period of time, and the resulting recommended policies

300 – Use of Force	307 – Carotid Restraint
301 – Use of Force Reporting	308 – Control Devices & Techniques
302 – Use of Force Review Board	309 – Taser Use
303 – O. C. Spray	310 – Use of Force Investigation
304 – Shooting Policy	312 – Firearms
306 – Leg Restraint Device	432 – Patrol Rifles

EPD Outreach & Resources – In Progress

The scoping/framing session was held at the January Police Commission meeting. The first meeting for this committee was held February 16, 2011. The committee plans to meet two times per month for the remainder of the fiscal year. The key outcomes identified for this committee include:

Work Sessions & Information Items

The Police Commission held five monthly meetings over the past six months, taking the month of August off. The work sessions and informative items are on track according to the FY 2011 Work Plan timeline. The following is a summary highlighting the main items discussed at each monthly meeting:

July

- ✓ Joint discussion with Civilian Review Board
- ✓ 2009 Internal Affairs case statistics presentation from Office of Professional Standards

September

- ✓ Downtown exclusion zone ordinance – recommendations to the City Council
- ✓ Annual report from Police Auditor

October

- ✓ Information session on riots and civil disturbances
- ✓ Committee report / liaison reporting discussion

November

- ✓ Mediation options to resolve complaints
- ✓ Cross cultural competency in Eugene Police Department

December

- ✓ Downtown public safety zone ordinance update

Specific Work Items

Downtown Public Safety Zone Ordinance (DPSZ) As directed in Ordinance #20419, the Police Commission sponsored a special public forum on September 1, 2010 regarding the DPSZ. The two-hour forum was attended by approximately 50 community members. On October 8, 2010, the Commission recommended to City Council that the DPSZ ordinance should be adopted and noted three outstanding issues that should be addressed prior to adopting the ordinance: 1) adding some sexual offenses and tying State statutes (especially for sexual assault) to the Eugene Code; 2) consider options to mitigate the issue of due process concerns; 3) consider greater support and funding to social service agencies to aid in the overall criminal justice system. Council subsequently adopted the ordinance and addressed items 1 and 2 in the new ordinance.

Establish the CRB process of referring policy review to the Police Commission Discussed at the July 8, 2010 meeting. See Section “C”, item: “Joint meeting with the CRB”.

Mediation options for officers when receiving complaints Presentation to the Police Commission by Operations Support Division Manager Lynn Reeves in November 2010.

Marijuana citations and resources spent on enforcement The Department needs some direction from the Commission regarding the scope of this information item so that appropriate materials can be prepared.

Joint Meeting with HRC (including another project on a hate crimes resolution) Joint meeting with the CRB – Held July 8, 2010.

Presentation of the Police Auditor's Annual Report Presentation of the 2010 Internal Affairs Case Statistics July 8, 2010

Additional Outcomes Sought

In addition to specific work items called out in the work plan, several specific outcomes were identified. The Commission's progress towards those outcomes is summarized below.

Outcome 1: Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.

- Monthly EPD commendations and Internal Affairs case summaries.
- Progress of the civilian oversight system via periodic status updates from the police auditor and the Civilian Review Board liaison, and review of annual police auditor and CRB reports.
- Regular updates from the Human Rights Commission liaison and participation in joint meetings/activities
- Public input on proposed policy recommendations and involve interested community members in the review process.
- Information to the public on standard police practices and new procedures to increase the transparency of police operations.

STATUS - All items have been addressed in monthly agenda planning. Additional details are provided in Section A and B of this report.

Outcome 2: Identify police policy and resource issues related to preferred policing alternatives

- Examine the police department's resources and make recommendations on service gaps to increase productivity and effectiveness.
- Monitor the impact of Lane County funding on public safety, specifically reviewing and suggesting options for improving service gaps in the police department
- Hold an information session with police department staff to discover options for police employees during mediation of complaints.
- Hold an information session with police department staff to learn about cross-cultural competency training that EPD is providing to employees.

STATUS - Some outcomes will be included in the work of the commission's Outreach and Resource Committee, which held its first meeting on February 16, 2011. Finance Manager Lori Kievith presented information on the EPD budget at the January 2011 meeting. The information sessions have been held.

OUTCOME 3. Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.

- Present the results of the commission's analyses and recommendations to the community, using news releases, the commission's web site, social networking sites like Twitter, status reports to City Council, distribution of reports to stakeholders and participants, and other mechanisms as appropriate.
- Respond to emerging issues by scheduling topic-specific work sessions and requesting information updates from staff.
- Network with other City of Eugene boards and commissions to increase collaboration and information sharing on topics of mutual interest.
- Attend EPD-sponsored events and participate in the Ride-Along program to discuss the impact of policy

changes on officers.

STATUS - News Releases, web site and Twitter have been used during the year. Additionally, the Commission held a meeting and discussed riots and civil disturbances on October 14, 2010. A presentation by and discussion with Chief Pete Kerns was held December 2010 related to the Taser policy.

OUTCOME 4. Provide input on police policies that reflect community values.

- Assist the police department in a comprehensive review and update of its policy manual to a Leixpol format. All policy reviews will be screened by the Policy Screening and Review Committee (PSRC) (except those assigned to the Use of Force Committee). Policies of significant community interest will be more thoroughly vetted in a public meeting setting.
- Monitor the application of policies that were previously recommended to the department by the commission and schedule periodic reviews of policies when necessary

STATUS - The commission has completed a major body of work with the final policy of the Use of Force Committee. The PSRC has not met publicly this year due to the emphasis put on finishing the Use of Force policies.

OUTCOME 5. Assist the City Council in balancing community priorities and resources by advising it on police resource issues.

- Assess community concerns on resource issues through the Committee on EPD Resources & Public Outreach.
- Use the findings developed through committee work to make recommendations on programs and training within the department.

STATUS – Resource concerns will be a component of the Outreach and Resource Committee, which held its first meeting February 16. Additional training considerations were identified through the Use of Force Committee and the commission’s work on the Downtown Public Safety Zone Ordinance. These concerns were communicated to the Chief of Police.

No change in work plan sought

Because of the work already accomplished, no adjustment is requested in the Police Commission FY 2011 work plan.

Membership Changes

There have been two changes to the Commission membership. James Manning has replaced Marilyn Nelson, and Jim Garner replaced Brooke Dodge.

Summary of Status of Eugene Police Commission Activity
July – December 2010

Topic	Status: In Progress	Status: Complete
Policy Screening & Review Committee (PSRC)	✓	
Use of Force Committee (UOFC)		✓
EPD Resources & Public Outreach	✓	
Downtown Public Safety Zone ordinance		✓
Establish the CRB process of referring policy review to the Police Commission	✓	
Mediation Options for Officers When Receiving Complaints		✓
Marijuana Citations and Resources spent on enforcement		✓
Cross-cultural Competency Training at EPD		✓
Joint Meeting with HRC (including another project on a hate crimes resolution)	✓	
Joint meeting with the CRB		✓
Presentation of the Police Auditor's Annual Report		✓
Presentation of the 2010 Internal Affairs Case Statistics		✓
Additional Outcomes called out in work plan		
Outcome 1: Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city.	✓	
Outcome 2: Identify police policy and resource issues related to preferred policing alternatives	✓	
Outcome 3 Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches.	✓	
Outcome 4. Provide input on police policies that reflect community values.	✓	
Outcome 5. Assist the City Council in balancing community priorities and resources by advising it on police resource issues.	✓	

FY12 Proposed Budget

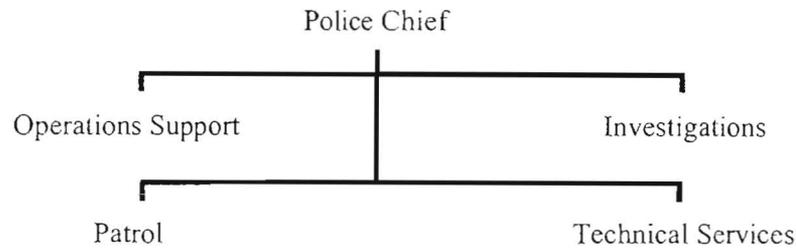
Police

Department Summary

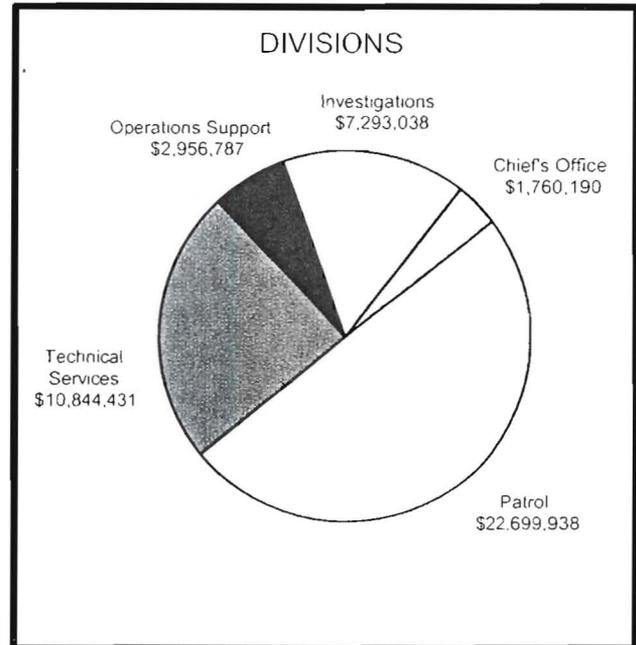
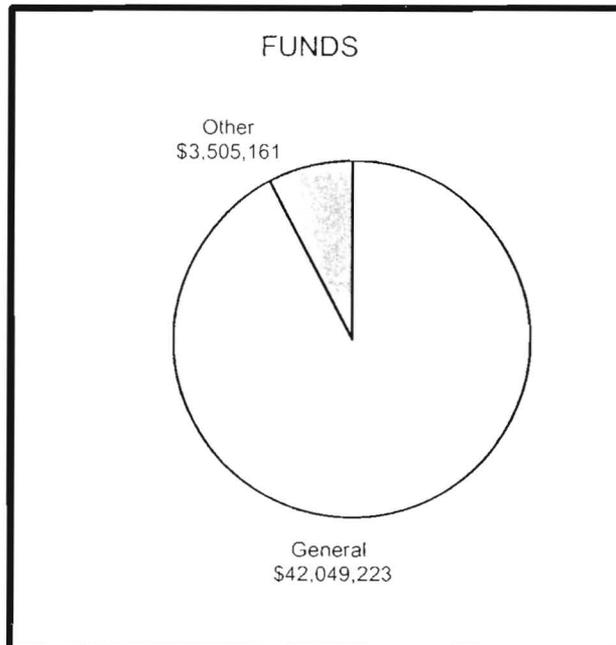
Mission Statement:

The mission of the Eugene Police Department is to enhance the quality of life in our city by providing quality police services. We work in partnership with the community to promote safety and security, enforce laws, prevent crime, and safeguard the constitutional rights of all people.

Organization Chart:



FY12 Proposed Operating Budget \$45,554,384



FY12 Proposed Budget

Police

Department Summary

Financial Summary:

	FY09 Actual	FY10 Actual	FY11 7/01/10	FY11 12/31/10	FY12 Proposed
PERSONNEL-FTE	327.16	326.16	330.16	330.16	330.16
Personal Services	\$33,448,657	\$33,299,889	\$35,817,078	\$36,274,262	\$37,687,312
Materials and Services	8,603,010	7,258,777	8,504,351	9,615,755	7,784,572
Capital Outlay	244,683	24,305	93,038	1,317,788	82,500
TOTAL EXPENDITURES	\$42,296,350	\$40,582,971	\$44,414,467	\$47,207,805	\$45,554,384

FUND SUMMARY

General	\$39,824,609	\$37,552,121	\$40,615,918	\$43,430,861	\$42,049,223
Public Safety Communications	2,105,552	2,212,227	2,606,512	2,584,907	3,096,945
Municipal Airport	366,189	380,749	384,422	384,422	408,216
Fleet Services	0	437,874	807,615	807,615	0
Total	\$42,296,350	\$40,582,971	\$44,414,467	\$47,207,805	\$45,554,384

Service Budget View for FY12:

	Revenue		Expenditures		FTE
	General Fund	General Fund	Other Funds	All Funds	All Funds
Public Safety Services					
Call Taking/Dispatch	\$735,125	\$5,354,291	\$3,096,945	\$8,451,236	58.19
Police Investigations	120,000	7,293,038	0	7,293,038	52.66
Police Records Mgmt & Analysis	30,000	2,427,013	0	2,427,013	28.00
Police Patrol Services	813,030	25,834,730	0	25,834,730	178.50
Police Department Admin.	0	1,140,151	0	1,140,151	9.81
Subtotal	1,698,155	42,049,223	3,096,945	45,146,168	327.16
Infrastructure & Planning Services					
Airport	0	0	408,216	408,216	3.00
Total	\$1,698,155	\$42,049,223	\$3,505,161	\$45,554,384	330.16

FY06-FY12 Police Commission Expenses

		Food	Supplies	Travel / Membership Fees	Minutes Recorder	Total
FY06	\$	1,968	\$ 94	\$ -	\$ 6,371	\$ 8,433
FY07		3,306	453	989	8,603	13,351
FY08		3,214	595	1,485	6,238	11,533
FY09		2,020	787	1,085	3,414	7,306
FY10		1,346	400	1,000	3,643	6,389
FY11		2,150	200	-	2,450	4,800

FY 11 reflects actual expenses through April 1, and estimated through June 30

FY 12 Budget Options		
Meeting Recording		
	Minutes recorder - 11 @ \$300 / meeting (LCOG)	3,300
Food		
		2,150
Supplies		
	Nameplates (4*30)	120
		5,570

**STATE OF OREGON
DEPARTMENT OF JUSTICE**

**ATTORNEY GENERAL'S
PUBLIC RECORDS
AND
MEETINGS MANUAL**



**JOHN R. KROGER
Attorney General**

January 2011

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II. PUBLIC MEETINGS

Special Note: Role of the Attorney General

At the outset of this discussion of the Public Meetings Law, we note an important distinction between the Public Meetings Law and the Public Records Law. The Attorney General and district attorneys have a special statutory role to enforce the Public Records Law's requirements, except when an elected official claims the right to withhold disclosure. In contrast, neither the Attorney General nor district attorneys have such a role under the Public Meetings Law.

The Attorney General's only role under the Public Meetings Law is to provide legal advice to state agencies, boards and commissions that are subject to the law and to the Oregon Government Ethics Commission¹ in its role under ORS 244.260. Most district attorneys do not have a role in interpreting the Public Meetings Law. The exception is where a district attorney also serves as legal advisor to a county governing body. If a citizen wishes to compel compliance with the meetings law, or believes that a governing body has violated the law, the citizen may file a private civil lawsuit against the governing body. A citizen who believes that a governing body has violated the provisions permitting an executive session may file a complaint with the Oregon Government Ethics Commission. See section F, below. Neither the Attorney General nor any district attorney may assist a citizen in such a suit or complaint.

Nevertheless, as a public service, the Attorney General's office frequently responds to questions from citizens or the news media about the Public Meetings Law. *These responses do not constitute formal or informal legal opinions of the Attorney General.* This office may issue legal opinions or give legal advice only to state agencies and officers, including members of the legislature. ORS 180.060. We *can* point out what the law says, and inform interested persons of the construction of the law adopted in the many opinions we have written on the subject. We are committed to providing this informational assistance to promote better public understanding of the Public Meetings Law.

¹ Oregon Laws 2007, chapter 865, subsection 40b(1) amends ORS 244.250 to change the name of the "Oregon Government Standards and Practices Commission" to the "Oregon Government Ethics Commission."

A. Policy of the Public Meetings Law

ORS 192.620 establishes Oregon's policy of open decision-making by governing bodies:

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

This open decision-making policy is given effect by the law's substantive provisions. These provisions are intended to ensure, among other things, that the meetings of governing bodies, at which decisions about the public's business are made or discussed, are open to the public, ORS 192.630(1), (2); that the public has notice of the time and place of meetings, ORS 192.640; and that the meetings are accessible to persons wishing to attend, ORS 192.630(4), (5).

We have acknowledged that strict compliance with the substantive requirements of the Public Meetings Law frequently may "sacrifice[] speed and spontaneity for more process and formality."² Nonetheless, we believe that the law's requirements generally will not interfere with a public body's administration.

All substantive provisions of the Public Meetings Law should be read in light of the policy declaration in ORS 192.620. **In case of questions about the application of the Public Meetings Law to particular circumstances, the policy section of the law ordinarily will require a decision favoring openness.**³

The key requirements of the Public Meetings Law are to hold meetings that are open to the public unless an executive session is authorized, to give notice of meetings and to take minutes or otherwise record the meeting. In addition, there are requirements regarding location, voting and accessibility for disabled persons. All of these requirements are discussed below.

² Letter of Advice dated September 12, 1988, to Public Utility Commission (OP-6292) at 7 (see App F).

³ See *Oregonian Publishing Co. v. Board of Parole*, 95 Or App 501, 769 P2d 795 (1989) (policy stated in ORS 192.620 requires court to analyze coverage of law broadly and its exemptions narrowly) (see App D).

B. Bodies Subject to the Law

The Public Meetings Law applies to all meetings of a governing body of a public body 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), 192.630(1). See p. B-2 for a simplified guide to when the meetings law applies. Each of these elements, which must be met for the Public Meetings Law to apply, is discussed in detail below. The meetings law binds not only the state, but also cities, counties and other public bodies despite any contrary provisions of their charters, ordinances, rules or bylaws. ORS 192.610(4). Of course, cities, counties and other public bodies may subject themselves to provisions stricter than those of the Public Meetings Law.

1. Governing Bodies of Public Bodies

The Public Meetings Law applies to meetings of the “governing body of a public body.” ORS 192.630(1). A “public body” is the state, any regional council, county, city or district, or any municipal or public corporation. A “public body” is also a board, department, commission, council, bureau, committee, subcommittee or advisory group of any of the entities in the previous sentence. ORS 192.610(4). We interpret the definition of a “public body” to require that the body be created by or pursuant to the state constitution, a statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.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).⁵

For example, a five-member city council and a seven-member licensing board are both governing bodies. But a three-member committee of a seven-member board is itself a “governing body” if it is authorized to make decisions for or to advise the full board or another public body.

a. Authority to Make Decisions for a Public Body

A body that has authority to make decisions for a public body on “policy or administration” is a governing body. ORS 192.610(3). A body possesses such authority, and is therefore subject to the meetings law, if its decision-making authority is equivalent to the authority to exercise

⁴ Letter of Advice dated May 28, 1986, to Representative Larry Hill and William L. Miles, Director, Audits Division (OP-5885, OP-5986).

⁵ *Oregonian Publishing Co.*, 95 Or App 501 (1989) (see App D).

governmental power, *i.e.*, is integral to the movement of the government in an area where it has the power and authority to act. Thus, a three-member subcommittee that has authority only to gather information for the full committee is not a governing body.⁶ Even though the subcommittee decides when to meet and determines what procedures it will use to gather and report information, it is not vested with the authority to decide the direction in which the government will move on an issue of policy or administration. In contrast, if the subcommittee possesses the authority to make policy or hiring decisions for a public body, then it is a governing body.

A body that is a governing body because of its authority to make decisions for a public body (including itself) is subject to the Public Meetings Law whenever it holds a “meeting” as defined in ORS 192.610(5). See discussion below of Meetings Subject to the Law.

b. Authority to Make Recommendations to a Public Body

A body that has authority to make recommendations to a public body on policy or administration is a governing body. ORS 192.610(3).

An advisory body may be appointed by a state or local government agency or official. If that advisory body does not exercise other governmental powers, it is a governing body only if its recommendations are made to a “public body.” We do not construe “public body” to include an individual official.⁷ For example, an advisory committee appointed by an individual official, such as the Governor, the individual head of a department or a school principal, is *not* ordinarily a governing body subject to the Public Meetings Law if the advisory committee reports only to the individual appointing official.⁸ If, however, that single official lacks authority to act on the advisory group’s recommendations, and must pass

⁶ 42 Op Atty Gen 187, 188 (1981) (see App F).

⁷ *Id.* at 189; 44 Op Atty Gen 69 (1984) (see App F).

⁸ Meetings of an advisory committee addressing administration and policy issues related to the Oregon Health Plan must comply with the Public Meetings Law when two or more committee members in attendance are not employed by a public body. ORS 414.227. This requirement applies even if the committee makes recommendations only to an individual official, e.g., the Administrator of the Office for Oregon Health Plan Policy and Research.

those recommendations on unchanged to a public body, the Public Meetings Law applies to the advisory group's meetings.⁹

As long as the advisory body is itself a "governing body" of a "public body," the fact that its members may all be private citizens is irrelevant. Thus, the scope of the Public Meetings Law extends even to private citizens, employees and others without any decision-making authority, when they serve on a group that is authorized to furnish advice to a public body. For example, appointment by a school board of a local school advisory committee consisting of private citizens, who meet with and make recommendations to the school board on school matters, creates a "governing body." In light of the power possessed by student governments at Oregon State System of Higher Education schools to recommend incidental fee assessments and allocations to the Board of Higher Education, the student government committees that prepare and make the recommendations to the board are governing bodies subject to the Public Meetings Law.¹⁰

2. Private Bodies

Private bodies are not covered by the Public Meetings Law.¹¹ Whether a private body becomes subject to the meetings law by virtue of assuming public functions is an unsettled area of the law. A private body does not become subject to the meetings law merely because it receives public funds, contracts with governmental bodies or performs public services.

State agencies periodically contract with privately established bodies, such as nonprofit corporations, to carry out public purposes. For example, the Mental Health Division and counties specifically are encouraged by statute to contract with private bodies to furnish community mental health services.¹² Typically, the private body's entire budget consists of public

⁹ Letter of Advice dated October 13, 1988, to W.T. Lemman, Chancellor (OP-6248) at 3-5 (examining Chancellor's limited role in reviewing presidential search committee's list of finalists, and concluding that Board of Higher Education, not Chancellor, is principal recipient of committee's recommendations) (see App F).

¹⁰ 44 Op Atty Gen 69 (184) (see App F).

¹¹ See 46 Op Atty Gen 155, 166-67 (1989) (Oregon Medical Insurance Pool is essentially a private entity and, therefore, not a "public body" subject to the Public Meetings Law) (see App F).

¹² ORS 430.610 *et seq.*

money. Other groups, such as the Oregon Parks Foundation, may have public officers on their boards, receive public funds and carry out public purposes to such an extent that their records are subject to state audit.¹³ Such bodies are not subject to the Public Meetings Law.

As discussed in Part I of this manual, the Oregon Supreme Court has developed a test for determining whether an entity is the “functional equivalent” of a public body for purposes of the Public Records Law.¹⁴ Although the definition of “public body” in the Public Meetings Law is similar to the definition in the Public Records Law, they are sufficiently different that the applicability of that test to the Public Meetings Law is questionable. Nevertheless, the court decision may have implications for the meetings of private entities that contract with, or perform services at the request of, public bodies if the private entity has been given authority to make decisions for or recommendations to a public body. A public body or private entity in this situation may wish to consult its legal counsel concerning possible application of the Public Meetings Law to the private entity and the relevance of the six factors identified by the Supreme Court.

One example where a private body’s assumption of public functions results in its being subject to the Public Meetings Law is in the context of county alcohol treatment and rehabilitation programs. Under ORS 430.342, an “already existing body” may be designated by a county governing body as the “local alcoholism planning committee” and given statutory functions. Typically, the designee would be a private nonprofit corporation that has contracted with the county to provide alcoholism-related services. Such a private body performing advisory functions for a governing body would be subject to the Public Meetings Law. See

¹³ Cf. 38 Op Atty Gen 2105 (1978).

¹⁴ *Marks v. McKenzie High School Fact-Finding Team*, 319 Or 451, 878 P2d 417 (1994). The six factors are: 1) The entity’s origin—Was it created by government or was it created independently? 2) The nature of the function(s) assigned and performed by the entity—Are the functions traditionally performed by government or are they commonly performed by a private entity? 3) The scope of authority granted to and exercised by the entity—Does it have authority to make binding decisions for the government? 4) The nature and level of governmental financial and nonfinancial support. 5) The scope of governmental control over the entity. 6) The status of the entity’s officers and employees—Are they public employees? See also *Laine v. City of Rockaway Beach*, 134 Or App 655, 896 P2d 1219 (1995).

discussion above of Governing Bodies. In addition, a public agency may have power by rule or contract to require private bodies that contract with government to open their pertinent meetings to the public.

3. Federal and Multi-Jurisdictional Bodies

Federal agencies are not subject to the Oregon Public Meetings Law. By its terms, the law covers only Oregon state and local governing bodies.

Multi-jurisdictional commissions, whose members are appointed by several different governments (such as federal agencies, the governors of Oregon and Washington and county governing bodies) and whose Oregon members do not constitute a majority, are not subject to the Oregon Public Meetings Law. However, if such a multi-jurisdictional commission has committees consisting of solely, or a majority of, Oregon appointees that are authorized to make decisions for the commission, or that are authorized to deliberate and make recommendations to the state or any other public body within the state, the meetings of those committees may be subject to the Oregon Public Meetings Law. In some cases, the federal enabling legislation may provide that the multi-jurisdictional commission and its committees must comply with state public records and meetings laws.

C. Meetings Subject to the Law

1. Public Meetings

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

a. Quorum Requirements

“Quorum” is not defined in the Public Meetings Law. Special statutes often define “quorum” for state governing bodies. Local city and county governing bodies may have “quorum” defined by charter, bylaws or rules of order. ORS 174.130 defines “quorum” as a majority:

Any authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by law.

For purposes of the Public Meetings Law, we believe this general definition applies in the absence of a special definition of “quorum.” See Appendix C for further discussion of quorum.

A gathering of less than a quorum of a committee, subcommittee, advisory group or other governing body is not a “meeting” under the Public Meetings Law. Moreover, if the members of a committee, subcommittee or advisory group are charged to form their recommendations individually rather than collegially through a quorum requirement, the Public Meetings Law does not apply. We have previously stated:¹⁵

The test of whether an advisory group is covered * * * is whether the group is deliberative in the sense that votes are taken and there is normally a quorum requirement.

In other words, the application of the Public Meetings Law to meetings of a committee, subcommittee or advisory group depends on whether the appointing body directs the committee members to make their findings and recommendations individually or as a recommendation of the group. If the decision or recommendation is to be made by the group, whether by consensus or majority vote, the Public Meetings Law applies. However, if committee members are instructed to make individual rather than group decisions or recommendations, the “meetings” of the committee are outside the scope of the meetings law. This unquestionably is a difficult area of interpretation, and governing bodies are cautioned not to misuse the committee appointment process or decision-making process to subvert the policy of the Public Meetings Law.

Ordinarily, staff meetings are not covered by the Public Meetings Law because no quorum is required. A staff meeting called by a single official is not covered by the Public Meetings Law because the staff do not make decisions for or recommendations to a “public body.” If, however, a quorum of a governing body, such as a three-member commission, meets with the body’s staff to deliberate on matters of “policy or administration,” ORS 192.610(3), or to clarify collegially a decision for staff, the meeting is within the scope of the law. Thus, we have stated:¹⁶

[G]overning body meetings with administrative staff are subject to the requirement of the Public Meetings Law if a quorum of the members of the governing body convenes to receive information from staff on topics related to particular substantive or

¹⁵ 37 Op Atty Gen 1087, 1089 (1976).

¹⁶ OP-6292 at 6 (see App F).

administrative matters that a quorum of the governing body will or may be called upon to decide.

We also have observed that some agencies may have latitude to conduct business outside of the Public Meetings Law's requirements by not convening a quorum of the governing body. We stated:¹⁷

[M]any boards and commissions have authority to conduct official business through means other than the quorum decision-making that triggers the requirements of the Public Meetings Law. Specifically, the [Public Utility] [C]ommission has authority to delegate numerous duties to one commissioner or to staff under ORS 756.055, with specified limitations. Thus, a process of decision-making on day-to-day matters of agency administration legally may be conducted in private by a single commissioner or agency staffer to whom the commission properly has delegated administrative responsibility. However, delegating authority to one commissioner should not be interpreted as nullifying public meetings law requirements if one or more commissioners meet with the delegated commissioner to discuss the subject matter delegated. Arguably, such a maneuver might skirt the requirements of the Public Meetings Law. However, the appearance of impropriety would be substantial and open to charges of subterfuge. In our opinion the risks of such a strategy outweigh its benefits, and the legality of such an interpretation is not free from doubt.

b. Subject of Meetings and Social Gatherings

The Public Meetings Law applies to all meetings of a quorum of a governing body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply.¹⁸ This requirement serves the policy expressed at ORS 192.620 that an informed public must be aware not only of the decisions of government, but also of "the information upon which such decisions were made."

¹⁷ *Id.* at 7-8.

¹⁸ 38 Op Atty Gen 1471, 1474 (1977) (see App F); *Oregonian Publishing Co.*, 95 Or App at 505-06 (1989) (see App D); OP-6292 (see App F).

Hence, except for on-site inspections, discussed below under Statutorily Exempt Public Meetings, information gathering and investigative activities of a governing body are subject to the law. If the requirements of the law would unduly hamper an investigation, the body could direct members to make individual reports to the governing body as discussed above under Quorum Requirements.

If a quorum of a governing body gathers to discuss matters outside its jurisdiction, it is not “meeting” within the purview of the Public Meetings Law.¹⁹ In making this determination, the focus typically will be on the authority granted to the particular governing body and any written policies or directives governing that authority.

Purely social gatherings of the members of a governing body are not covered by the law. The Court of Appeals held that social gatherings of a school board, at which members sometimes discussed “what’s going on at the schools,” did not violate the Public Meetings Law.²⁰ The *purpose* of the meeting triggers the requirements of the law. However, a purpose to deliberate on any matter of official policy or administration may arise *during* a social gathering and lead to a violation. Members constituting a quorum must avoid any discussions of official business during such a gathering.²¹ And, they should be aware that some citizens may perceive social gatherings as merely a subterfuge for avoiding the Public 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. For example, members of a commission may wish to have an informal, long-range planning session to help guide (in general terms) the future priorities of the commission. Because the discussion at such a session is very likely to lay the foundation for subsequent decisions, whether a decision on which general issues to pursue over the next year or a decision on how to approach a particular issue, it would be subject to the meetings law. Even an informal “get together” between a state commission and state legislators or the Governor would be subject to all of the requirements of the meetings law

¹⁹ 38 Op Atty Gen at 1474 (see App F).

²⁰ *Harris v. Nordquist*, 96 Or App 19, 771 P2d 637 (1989) (see App D).

²¹ OP-6292 (see App F).

(notice, minutes, etc.), if a quorum of the commission discusses matters that are within the authority granted to that body. It does not matter that the discussion is “informal” or that no decisions are made; it is still a “meeting” for purposes of the Public Meetings Law.

Whether a governing body’s training sessions are subject to the Public Meetings Law will depend on whether any substantive issues are discussed. For example, a governing body may have a training on improving personal interaction among its members. If that training is carefully structured to avoid any discussion of official business, and no such discussion occurs, the training would not be subject to the meetings law. This is a very sensitive area, however, and public bodies should contact their legal counsel for advice.

c. Electronic Communication

The Public Meetings Law expressly recognizes that meetings may be conducted by telephonic conference calls or “other electronic communication.” Such meetings are subject to the Public Meetings Law. ORS 192.670(1).

Notice and opportunity for public access must be provided when meetings are conducted by electronic means. For nonexecutive session meetings held by telephone or other electronic means of communication, the public must be provided at least one place where its members may “listen” to the meeting by speakers or other devices. ORS 192.670(2). Special accommodations may be necessary to ensure accessibility for persons with disabilities. See discussion below of Accessibility to Persons with Disabilities. The media must be provided access to such facilities when executive sessions are conducted electronically, unless the executive sessions are held under ORS 192.660(2)(d) (to deliberate with persons designated by the governing body to carry on labor negotiations) or ORS 332.061 (hearing concerning expulsion of minor student from public elementary or secondary school, or pertaining to examination of student’s confidential medical records).

State and local governing bodies generally recognize that the Public Meetings Law imposes public access requirements on official telephonic meetings. Governing bodies also must comply with those requirements when their members use more sophisticated means of electronic communication in lieu of face-to-face official meetings. For example, communications between and among a quorum of members of a governing

body convening on electronically-linked personal computers are subject to the Public Meetings Law if the communications constitute a decision or deliberation toward a decision for which a quorum is required, or the gathering of information on which to deliberate.

2. Statutorily Exempt Public Meetings

The definition of “meeting” under ORS 192.610(5) expressly excludes an on-site inspection of any project or program or a gathering of any national, regional or state association to which the public body or its members belong.

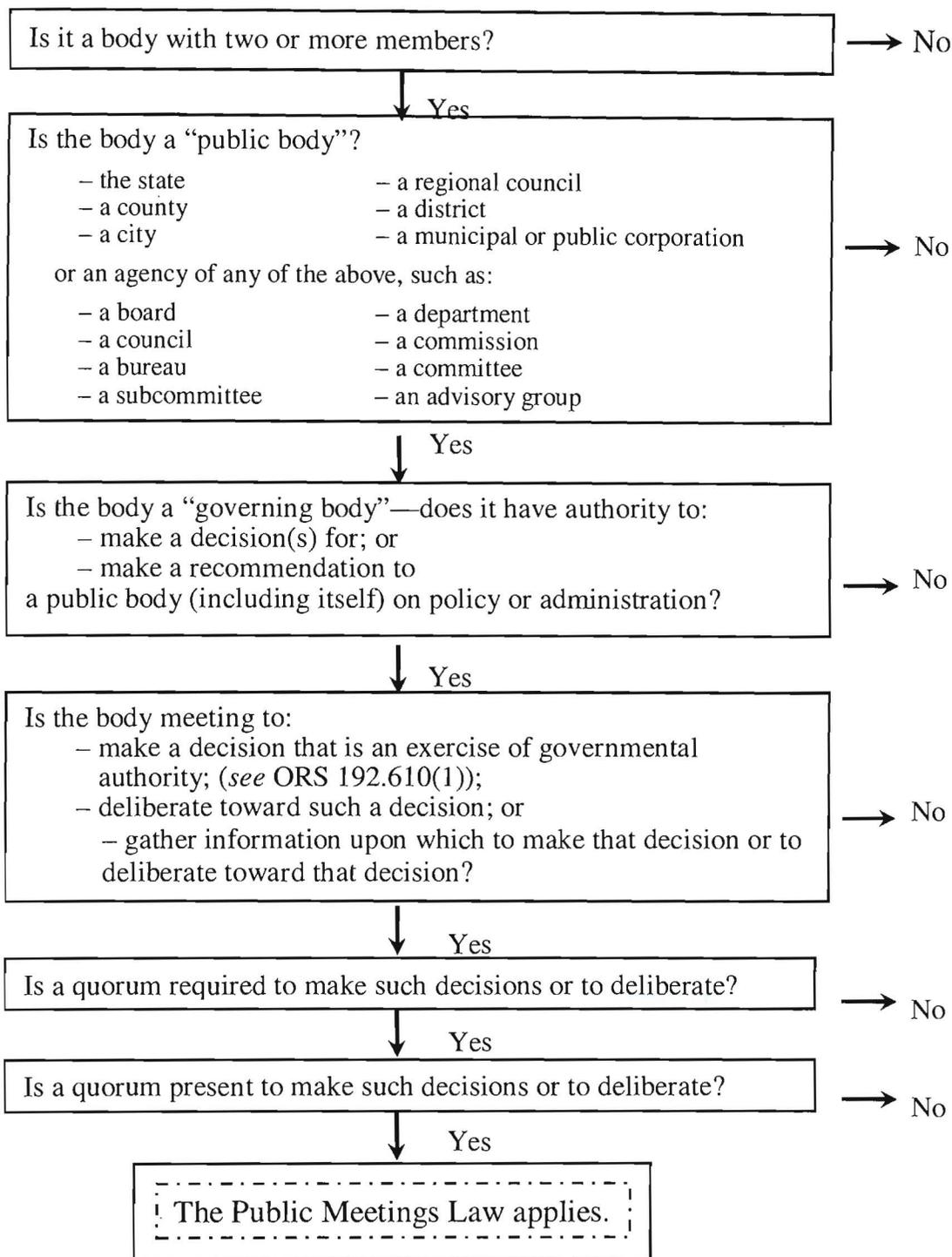
ORS 192.690(1) and (2) exempt the following proceedings from the Public Meetings Law requirements:

- meetings of the state lawyers assistance committee or personal and practice management assistance committees operating under ORS 9.568;
- meetings of medical peer review committees under ORS 441.055;
- meetings of county multidisciplinary child abuse teams that review child abuse cases under ORS 418.747;
- meetings of child fatality review teams that review child fatality cases under ORS 418.785;
- any judicial proceedings;²²
- deliberations of the Board of Parole or the Psychiatric Security Review Board;
- deliberations of state agencies in contested case hearings under ORS chapter 183;
- review by the Workers’ Compensation Board or Employment Appeals Board of similar hearings on contested cases;
- meetings of the Energy Facility Siting Council to review security programs;

²² For purposes of this exemption from the requirements of the Public Meetings Law, judicial proceedings including meetings of the State Professional Review Board of the Oregon State Bar. Letter of Advice dated August 13, 1997, to Patrick Hearn, Executive Director, Government Ethics Commission (OP-1997-4) (see App F).

Guide to Bodies Subject to Public Meetings Law

This is a simplified guide to understanding when the meetings of a particular body are subject to the Public Meetings Law. For a discussion of the various elements, refer to the text of this manual.



ORGANIZATION AND BYLAWS OF THE CITY OF EUGENE POLICE COMMISSION



Adopted December 1999, Revised October 2009

INTRODUCTION

The following sets forth information, rules and regulations concerning the Police Commission.

POLICE COMMISSION MISSION STATEMENT

Our mission is to recommend to the City Council, the City Manager, the Police Department, and the people the resources, preferred policing alternatives, policies and civilians' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership among people, and between people and the Police Department that helps achieve safety, justice and freedom for all people in Eugene.

Our Goals:

- Ensure that the policies and procedures of the Eugene Police Department protect the civil rights and liberties of everyone in Eugene.
- Promote policing that respects and reflects Eugene's rich culture and diversity.
- Increase communications, understanding and trust between police and the people in Eugene.
- Encourage problem solving and partnerships between people, neighborhoods, other agencies and police.
- Provide fair opportunities for the public and criminal justice professionals to comment and participate in the commission's work, recognizing the interconnectedness of the criminal justice system.

ARTICLE I. ESTABLISHMENT

The Eugene Police Commission, hereinafter referred to as the commission, was established in December 1998 (Original Ordinance No. 20136 and amended to Ordinance No. 20398 in October 2007) and was appointed by the City Council in conformance with Eugene Municipal Code 2.013 and 2.368. All powers and duties of the Eugene Police Commission are derived from City of Eugene Ordinance 20398. Nothing in these bylaws shall be construed as expanding the authority conferred upon the commission by the ordinance.

ARTICLE II. PURPOSE AND OBJECTIVES

Section 1. The commission shall act as an advisory body to the City Council, city manager, and police chief regarding police policy issues. The commission exists to work toward the following outcomes for the community:

- a. to increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city;
- b. to identify police policy and resource issues related to preferred policing alternatives;
- c. to decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
- d. to provide input on police policies and procedures that reflect community values;
- e. to assist the City Council in balancing community priorities and resources by advising it on police resource issues; and
- f. recommend police policies reflecting community values.

Section 2. The commission shall develop a mission statement and a yearly work plan, to be reviewed and approved by the City Council, which will articulate how the listed outcomes will be achieved.

Section 3. The commission may:

- a. review and make recommendations on police policies, practices and priorities for consistency with community values;
- b. provide input on service and resource needs for community safety;
- c. work on police related projects as directed by the City Council; and
- d. provide a forum for addressing public concerns related to police policies and practices.

Section 4. The commission shall not undertake the review of allegations and inquires related to the actions of individual police officers.

ARTICLE III. APPOINTMENT, MEMBERSHIP, TERM OF OFFICE

Section 1. The commission members shall be nominated by the Mayor and appointed by the City Council.

Section 2. The commission shall consist of:

- a. two members of the City Council
- b. one member from the human rights commission
- c. one member from the civilian review board
- d. eight civilians.

Section 3. Members of the commission shall be city residents who have demonstrated interest and expertise in police matters and may represent the following diverse elements of Eugene:

- a. youth
- b. students of the University of Oregon and Lane Community College
- c. persons with a demonstrated interest in law enforcement
- d. social service providers
- e. educators
- f. members of community or neighborhood groups
- g. persons engaged in private business
- h. persons with a diversity of ethnic and cultural affiliations
- i. persons with diverse economic backgrounds and interests.

Section 4. The eight civilian members shall be appointed to a four (4) year term. The terms of the first appointees shall be staggered so that approximately one-half of the commissioners' terms end after three years. Councilor members shall be appointed annually as part of the process of appointing elected officials to other committees, and shall serve during their terms as councilors. The members from the human rights commission and civilian review board shall serve during their term on such commission, committee or board, or for four years, whichever is less.

Section 5. No member of the commission shall serve more than two (2) consecutive terms as a member of the commission.

Section 6. Vacancies on the commission shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. Except where the vacancy occurs because members from the City Council ceases to serve on the commission, the City Council shall appoint within 45 days of the position becoming vacant. A position becomes vacant upon:

- a. the death or resignation of the incumbent
- b. removal of a member by the City Council for being absent for more than three consecutively scheduled meetings without having been excused by the Chair of the commission
- c. failure of the City Council to reappoint an incumbent at the expiration of his or her term
- d. the incumbent ceases to be qualified for initial appointment.

Section 7. Commission members shall receive no compensation, but shall be reimbursed for authorized expenses (see Article X, Section 2).

ARTICLE IV. OFFICERS AND DUTIES

Section 1. The officers of the commission shall be a Chair and Vice Chair, (see Article V, Election of Officers).

Section 2. The Chair and Vice Chair shall serve for two (2) years. The election will be held no later than the commission's regular meeting in June. If the Chair cannot serve a full term, the Vice Chair shall assume the office for the remainder of the Chair's term. If the Vice Chair cannot serve a full term, the commission shall, at the meeting following the departure from office of the Vice Chair, elect a new Vice Chair to complete the unexpired term. If both Chair and Vice Chair vacate their respective offices prior to the end of their terms, elections must be held at the following meeting to fill both offices.

Section 3. Commissioners may not be elected as Chair for more than two (2) successive terms.

Section 4. The Chair shall preside at all meetings of the commission; call special meetings subject to requirements of Article VI; consult with staff on preparation of commission agendas; and perform all other duties necessary or incidental to the office.

Section 5. In the absence of the Chair, or in the event of the Chair's inability to act, the Vice Chair shall perform the Chair's duties. In the event of the absence or inability to act of both the Chair and the Vice Chair, the remaining members shall appoint one of their members to act temporarily as Chair.

Section 6. The Chair shall decide on all points of order and procedure during meetings and his/her decision shall be final unless overruled by a majority of the members present.

Section 7. The Chair and Vice Chair are entitled to vote on all issues.

Section 8. The Chair or Chair's designee is the official spokesperson for the commission on all matters of community concern that have been duly addressed by the commission.

Section 9. The Chair and Vice Chair shall:

- a. conduct orientation of new commission and committee members.
- b. assist with educating commission, committee and City Council members on procedures and responsibilities.
- c. act as liaisons between the commission and all committees.
- d. at the request of the commission, prepare recommendations on commission bylaws and other administrative matters.

ARTICLE V. ELECTION OF OFFICERS

Section 1. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair. Nominations need not be seconded.

Section 2. A member may withdraw his/her name if placed in nomination, announcing that, if elected, s/he would not be able to serve; but s/he may not withdraw in favor of another member.

Section 3. Any member may move to close the nominations; a second is required. If the motion carries, the Chair then calls for the election.

Section 4. The votes of all committee members will be recorded by the minutes recorder. The candidate who receives a majority of the votes cast becomes the new Chair. In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the most votes. The same procedure is followed for the election of the Vice Chair.

ARTICLE VI. OPERATING REQUIREMENTS OF COMMISSION AND MEMBERS

Section 1. The commission shall submit an annual report and yearly work plan in writing to the City Council by July 1. The report shall list the activities and accomplishments to date and assess these against the commission's mission and against the yearly work plans. The work plan must be approved by the City Council. As a result of a significant event or unforeseen circumstances, the Commission may request the City Council approve a work plan amendment at any time as a consent item on the Council's agenda.

Section 2. All regularly scheduled meetings will be announced in the Public Meeting Calendar at least one week prior to the meeting and will include a time for public comment.

Section 3. The commission may make and alter rules for its conduct and procedure,

providing they are consistent with state law and applicable provisions of the City charter, ordinances, and policies.

ARTICLE VII. MEETINGS, VOTING AND PROCEDURES

Section 1. The commission shall meet at least six (6) times a year to conduct regular business, with such additional meetings as it deems necessary to properly perform its duties. Additional meetings may include, but are not limited to, annual work planning and process sessions.

Section 2. The commission shall achieve quorum at a minimum of six (6) of its regularly scheduled meetings each year.

Section 3. Seven (fifty percent plus one of the current membership = 7) commissioners shall constitute a quorum for the transaction of official business. In the absence of a quorum at a meeting, any member present may cancel the meeting fifteen minutes after the scheduled beginning time. If no member is present by fifteen minutes after the scheduled time, the meeting is automatically adjourned.

Section 4. Each voting member of the commission shall be entitled to vote at all regular and special meetings of the commission, except that a member shall not vote or take part in discussion as a member when there is an actual conflict of interest. If a member wishes to abstain in a situation where there is a potential conflict or no direct conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from his or her relationship with persons involved in the issue, then he or she may ask to abstain. In this case, it is up to the commission to decide whether the abstention is necessary. If members are in doubt about the nature of a conflict, they may ask for the advice of the City Attorney.

Section 5. All members of the commission shall be involved in commission and committee activities, including regularly attending commission and committee meetings. Any member who misses more than three (3) consecutive regular commission meetings with or without a quorum and without having been given a leave of absence by the commission Chair, may be removed by the City Council upon recommendation of the commission. If members are unable to attend a meeting of the commission or a committee, they shall notify the commission Chair or staff as soon as possible.

Section 6. An agenda setting committee consisting of the Chair, Vice Chair and lead staff person establishes the meeting agenda. An item may be placed on the agenda or removed by a majority vote of the commission. Requests to place an item on the agenda may be made by individual commission members, city councilors, staff or members of the public. Through a formal action, City Council may direct the inclusion of an item on the commission's agenda. The agenda setting committee shall decide the date that items come before the commission.

Section 7. The Chair or six (6) members of the commission may call special meetings by delivering a 24-hour written notice personally or by mail to each member of the commission and to media representatives filing with the City Manager's Office a written

request for such notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Seven commissioners shall constitute a quorum for a special meeting.

Section 8. Members shall not vote on a question unless they are present before the vote is called for or when their names are called by the Chair. Proxies are not permitted.

Section 9. Members may at any time explain their votes, or file written explanations of such votes, after the result of the voting has been announced and recorded.

Section 10. In general, communication to and from the public during meetings occurs during the public comment or community dialogue period. Except for the right to vote and to move a motion, the privilege of the floor may be granted to any member of the public at the discretion of the Chair.

Section 11. As an alternative to using simple majority votes to make its decisions, the commission may use a consensus method in an effort to incorporate all interests and gather full support for the final decision. In general, consensus decision making is appropriate when addressing process and routine issues. The simple majority approach should be used when the commission is taking a formal position on a topic. Whichever decision making approach is being used, the conflict of interest laws still apply. Any member with an actual conflict of interest must excuse himself from deliberation on the issue.

Section 12. To further its mission, the commission may agree to invite specific group representatives, civilians or staff to participate with the commission in the evaluation, discussion and problem solving of specific issues or policies.

Section 13. The commission, committee and work group meetings shall follow Oregon's open meeting laws.

Section 14. Commission members may refer to Robert's Rules of Order regarding rules of procedure for guidance with respect to the conduct of meetings or points of order.

ARTICLE VIII. STAFF

Section 1. The Police Chief or his designee shall attend all regularly scheduled commission meetings. The Chief is not a voting member of the commission and shall not be counted for purposes of obtaining a quorum. The Chief shall take all reasonable steps to ensure the commission is kept fully informed about all major police issues that may be of concern to the community.

Section 2. The City manager may, within his or her discretion, furnish staff assistance to the commission or to the commission's committees.

Section 3. A City staff member shall mail or electronically provide minutes of the previous meeting with the agenda for the next meeting to all members at least five working days in advance of the meeting date. All printed information to be distributed to the members with the minutes will be submitted to staff ten (10) days before the meeting so that the materials may be made available to the media and public.

Section 4. A recorder may be furnished to the commission by City administration to record the minutes of each regular meeting in accordance with ORS 192.650. The minutes of all meetings shall be filed with the staff person appointed by the City Manager to serve the commission. The written minutes shall include at least the following information:

- a. all members of the commission present
- b. all motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition
- c. the results of all votes and the vote of each member by name
- d. the substance of any discussion on any matter
- e. a reference to any document discussed at the meeting (subject to ORS 192.410 to 192.505 relating to public records).

ARTICLE IX. COMMITTEES, PROGRAMS & WORK GROUPS

Section 1. The commission may establish temporary committees for specific tasks. A majority vote of the commission members present is required to form a committee. No temporary committee shall continue for more than six months without City Council approval.

Section 2. The size, term, membership and duties of a committee shall be established by the commission at the time the committee is approved. Committee membership shall consist of no more than six commission members.

Section 3. Vacant positions on a committee shall be filled by commission appointment of a person nominated by the committee. A position shall be considered vacant under the same conditions as set forth for a vacancy on the commission.

Section 4. The officers of each committee shall be a Chairperson and a Vice Chair elected by the committee. The Chairperson shall be a member of the commission and shall preside over meetings of the committee and shall have the right to vote. The Vice Chair shall perform the duties of the Chairperson in the absence or disability of the Chairperson. The officers shall serve for terms of one (1) year or for the term of the committee which ever is less.

Section 5. Each committee shall meet as it deems necessary to properly perform its duties.

Section 6. Each committee may make and alter rules for its conducts and procedure,

providing they are consistent with state law and applicable provisions of the City charter, ordinances, policies and commission bylaws.

Section 7. Fifty percent plus one of the current membership of a committee shall constitute a quorum for the transaction of official business.

Section 8. The commission may recommend that the City Council establish any additional committee or task force that the commission feels will assist the commission and the City in meeting the goals of the commission.

Section 9. The Chair of the committee shall be responsible for calling and developing agendas for all meetings.

Section 10. Committees may base their recommendations upon a consensus or upon majority and minority points of view.

Section 11. Committees may take public action only with the approval of the commission.

Section 12. Committee Chairs shall submit names of committee members who are frequently absent from the committee meetings to the commission Chair, who may replace them.

ARTICLE X. FISCAL POLICIES

Section 1. As per City ordinance (City Code 2.368.) and subject to State law, the Oregon Budget Law, and the Charter of the City, the commission may expend public funds with the approval of the City Manager or his/her designated representative and may accept contributions and expend the same, as long as the funds are related to the commission's own purposes and work plan and clearly benefit the City.

Section 2. Any member who incurs expenses as a result of commission work shall submit to the Chair a statement itemizing the expense. The Chair may seek reimbursement for the member from the City Manager or his or her designee. Except for commissioners' meal expenses at local or in-state activities, expenses shall be approved by the commission membership prior to disbursement.

Section 3. Members wanting to attend meetings or events to represent the commission shall first seek approval from the Chair of the commission to have the trip placed on the agenda of a commission meeting. The membership may then approve spending of commission funds and appoint a member to attend.

Section 4. The fiscal year of the commission runs from July 1 to June 30.

ARTICLE XI. AMENDMENT OF THE BYLAWS

Section 1. These bylaws may be adopted, by a majority vote at any session of the commission and will continue in force for the commission until rescinded or amended. They may be suspended, rescinded, or amended by an affirmative vote of seven (7) members of the commission at a regular or supplementary meeting. Public notice of proposals to amend the bylaws shall be included on a regularly scheduled agenda with notification included in the Public Media Calendar at least one week prior to the meeting where the amendments will be considered by the commission.