



## **Citizen Commissions / Committees Member & Staff Manual**

*Effective October, 2019  
Revised August, 2020*

**This manual provides information and guidelines in the following areas:**

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## INTRODUCTION TO MILLERSBURG'S STANDING AND AD HOC ADVISORY GROUPS

Millersburg community members may choose to participate in city government through serving on one of our standing or ad hoc advisory groups. State law requires that the City maintain certain advisory groups (standing), such as our Planning Commission and Budget Committee. The City Council may also appoint additional standing groups as desired to meet continuing needs of the community. Additionally, special (ad hoc) advisory committees may be created by the Council or the Mayor for a particular purpose to study a certain area of interest or concern.

These advisory groups provide guidance and expertise on important policy issues that affect the City government and the community as a whole. Advisory group members provide an invaluable service to our community by interacting with people of all ages, interests, and backgrounds and providing elected officials and City staff greater understanding of community concerns, values, and perspectives.

This manual is intended to function as both a guideline and a governing framework for the City's standing and ad hoc advisory committees.

To serve, committee members must be residents of the City of Millersburg unless otherwise specified for a given committee.

## MILLERSBURG'S FORM OF GOVERNMENT

**Council/Manager System:** By Charter, the City of Millersburg moved from a council-mayor form of government and adopted a council-manager form of government on October 11, 2016. The Charter provides that the City Manager is the administrative head of the City, and s/he serves at the pleasure of the Council, charged with administering the policies as established by the Council.

**Mayor:** The Mayor is a member of the Council and is elected by a majority vote of the City Council at the first meeting in January following a general election of the City Council every two (2) years and serves as Mayor for a two (2) year period. The Mayor is the chair of the Council and presides over its deliberations. S/he has a vote on all questions before the Council. S/he may make motions. S/he shall have the authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. The Mayor is also the ceremonial head of the City; s/he is frequently asked to preside at ceremonies and events.

**City Council:** The City Council, Millersburg's legislative body, is composed of five (5) councilors elected at large from the City (including the mayor position). Councilors are elected on a nonpartisan ballot for four year terms, with two (2) members of the five - person Council elected on alternating general elections (every two (2) years) for four year terms (two (2) members on a four-year term, with the remaining three (3) members being voted on for a new four-year term at the next general election). The Council sets City goals, enacts legislation, adopts a budget, develops policy, and

determines the services the City provides.

**City Manager:** The Council appoints a City Manager who manages the City's staff and departments. The City Manager is responsible for the day-to-day operations of the City and hires staff to assist in providing City services and enforcing City Council policies (Resolutions and Ordinances).

## STANDING COMMISSIONS AND COMMITTEES

**Budget Committee:** Five (5) committee members, each serving a three-year term of office. The City Council serves on the Budget Committee, along with a counterpart member appointed by Council and the Mayor.

This Committee is an advisory group created by Oregon law to take public comment and testimony on the proposed budget and to recommend approval of any changes of the proposed budget to the City Council.

The Committee is normally active in April and May of each year and reviews the proposed budget and citywide budget policies.

**Parks Commission:** This Commission consists of five (5) members, each serving an offset rotating three-year term, and provides advice to the City Council about major programs, activities, and policies related to parks and recreational activities in the community. In addition, this Commission oversees the implementation of the Parks Master Plan and recommends development of facilities in the City's parks system to the City Council. The Mayor makes recommendations to the Council for confirmation of appointments. (This Commission will be appointed by Council at the conclusion of the Parks Master Plan)

**Events (Millersburg Celebration) Planning Committee (Resolution 2019-5):** The Committee is established by the Council. Due to the long-range planning nature of this Committee, they are not subject to term limits. However, members of the Committee serve at the pleasure of the Council, and as such may have their appointment ended at any time. The Committee consists of a minimum of eight (8) and a maximum of fourteen (14) members, made up of primarily Millersburg citizens. Business and non-profit owners/representatives who operate within the City of Millersburg may also be considered for appointment to the Events Planning Committee.

**Planning Commission:** Seven (7) commissioners, each serving a three-year term (with three (3) member rotations). This Commission oversees implementation of the City's Land Use Development Code and the Comprehensive Plan. The Commission reviews and approves or denies applications for various types of land use. In addition, the Commission oversees updates to the City's Comprehensive Plan as part of the State-mandated periodic review process. There are limits on the number of Commissioners engaged in the same form of employment. The Mayor makes recommendations to the Council for confirmation of appointments.

## AD HOC COMMITTEES

As authorized by the City Council or Mayor, defined term ad hoc committees may be formed for a particular purpose and/or to study a certain area of interest or concern. The duration of the committee and scope of work may be limited to a specific assignment. Generally, committees with an assigned task or scope, will be disbanded at completion. This manual serves as a functioning guideline for ad hoc committees, but it is not always applicable to them.

Standing and ad hoc committees are not legislative bodies and cannot establish policies or enact law; they serve to make recommendations to the City Council.

The Council can accept, reject, or modify any recommendations of the committee. The Council relies on various committees to increase the variety of viewpoints on City issues. By concentrating on specific areas, ad hoc committee members can expand the level of expertise in which to address an issue and can conduct detailed analyses that the Council itself may not have the time to pursue or wishes to obtain further public input.

## COMMITTEE MEMBERSHIP

*It is the policy and intent of the City Council that for every committee position, every applicant will be considered on an equal basis without regard to race, ethnicity, color, national origin, religion, gender, age, marital or veteran status, sexual orientation, disability, or other protected status or activity in accordance with state and federal laws.*

**Recruitment and Appointment:** Recruitment for most commissions/committees occur at the end of each calendar year, with new appointments made by the Council in December, for appointments to begin at the commission's/committee's first meeting in the new calendar year. Public notice of all current or anticipated vacancies will be posted by November 1<sup>st</sup> on the City's website. Applicants may submit an application at any time during the calendar year, but the completed application must be submitted electronically or by hard copy to the City by the posted deadline identified in the November posting, or by special notice provided by the City for new commissions/committees or the filling of a vacancy. The Mayor and Councilors select and make nominations for ratification by the City Council at the December Council meeting and subsequent regular Council meetings, if needed.

**Membership Rosters:** The City Recorder shall maintain a membership roster for each committee. Rosters shall include all relevant contact information for each member and staff liaison(s), as well as term of office information for each committee position. A public version of the roster, with redacted private contact information, shall be available upon request. **Members are responsible for notifying the City Manager's office and their staff liaison(s) as soon as possible should any of their contact information**

**change.**

**Terms:** Term lengths vary depending on each committee; term expirations are staggered to assure adequate membership at any given time.

**Number of Meetings:** Most committees will meet once per month, with the exception of ad hoc committees which may meet on an as needed basis. Committees may meet more frequently, as needed to conduct their business, but shall comply with Oregon Public Meetings Law notice requirements.

**Reappointment:** Members on standing committees may be reappointed unless there is a term limit restriction, but incumbents shall submit application materials in the same manner as any new applicant. The City Manager's office notifies members whose terms are expiring in order to provide them an opportunity to apply for reappointment.

**Member Eligibility Requirements:** It is typically required that committee members reside within the Millersburg city limits. Specific exceptions to the residency requirement or additional specifications may be designated by council policy or state law.

**Eligibility of City Employees for Appointment:** Current City of Millersburg employees may not serve on City committees. Employees are welcomed and encouraged to attend meetings, observe, and become involved when appropriate as a member of the community.

**Serving on Multiple Committees:** A member may serve simultaneously on the Budget Committee, Events Planning Committee, Parks Commission, or Planning Commission. Applicants should evaluate carefully whether they can meet the availability requirements and workload of the committee(s) being considered before applying to committees.

### **Staff Support for a Committee**

When assigned to support a committee, City staff will perform administrative and housekeeping functions as necessary to ensure efficiency and effectiveness of the committee in accomplishing City goals.

If staff regularly attends meetings or otherwise supports a standing or ad hoc committee, they remain under the direction of the City Manager, not the committee or committee chair.

Staff's primary responsibilities are to assist the committee in its functions and to represent the City of Millersburg. Other responsibilities **may** include some or all of the following:

- Provide professional assistance and technical advice.
- Provide administrative assistance for the preparation, duplication, and distribution of committee letters, minutes, and reports.
- Assist in the preparation, publication, and distribution of the committee agenda in consultation with the chair.

- Notify committee members and the City Manager's office of upcoming meetings or to place meeting information on the City's website.
- Maintain a current copy of the Commissions / Committees Manual and bring it to the committee meetings.
- Secure meeting rooms for committee meetings.
- Take minutes.

Requests for City staff support to perform specific work, projects, or reports need to be approved by the City Manager or Assistant City Manager to ensure that the resource allocation is in accordance with overall priorities and does not impose an undue hardship on the City's financial resources.

### **Members' Roles, Relationships, and Communication with Elected Officials**

Committees provide communication to the City Council and Mayor through status reports or other materials included in the committee's agenda packets, committee meeting minutes, written findings, or recommendations submitted to Council and occasional presentations at City Council meetings.

**Committee Reports and Presentations at Council Meetings:** Should a committee wish to submit a report to Council, a memo outlining the status report, findings, or recommendation, along with any supporting documents, needs to be provided to the City Manager's office in advance of the meeting so that it can be included in the meeting agenda packet. The committee chair, or other committee person as approved by the committee, may choose to give a presentation at the meeting, in which case a copy of the presentation should also be provided in advance with supporting materials. The committee needs to contact the City Manager's office at least two (2) weeks in advance of the meeting to inquire about availability and deadlines for submitting materials.

**Committee Work Plans:** Any standing committee may choose to develop a scheduled work plan outlining specific goals, functions, or projects they aim to accomplish within a specified time period. Committees may submit their work plans to Council to serve as a briefing of the committee's desired direction. Council may receive this information and provide feedback, but it is not a requirement of Council to do so.

**Joint Meetings:** On rare occasions, it may be appropriate to consider a joint meeting between a committee and the City Council. Requests for joint meetings shall be submitted to the City Manager's office stating the reasons for and anticipated outcomes of such a meeting.

It is expected that committees will provide advice related to their specific spheres of interest. However, the Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment as to what will best serve the public. The Council must weigh the effect of any given recommendation, not only on the particular area of interest, but on all other City goals, programs, and finances.

## COMMITTEE MEMBER RESPONSIBILITIES

**Committee Chair:** A chair is elected by the committee at the first committee meeting of the calendar year that follows Council approval to fill the majority of vacancies, or at the first meeting of a newly established ad hoc committee (organizational meeting). The chair performs the following duties:

- Presides at all meetings of the committee.
- Approves the agenda prior to distribution.
- Signs correspondence on behalf of the committee.
- Represents the committee before the City Council with the approval of the committee.
- Performs other duties necessary or customary to the office.

The most important duty of the chair presiding over a meeting is to ensure that the work of the committee is accomplished. To this end, the chair must exert sufficient control to minimize irrelevant, repetitious, or otherwise unproductive discussion. At the same time, the chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.

**Vice Chair:** This position is also chosen by the committee at the organizational meeting. The vice chair performs all the functions of the chair in his/her absence.

**Temporary Chair:** In the event that the chair and vice chair are both absent; the remaining members shall elect one of the present members to act as temporary chair.

**Individual Committee Members:** Unless authorized by the committee, an individual committee member may not represent the committee before any other committee, outside agency, the media, the general public, or City Council. When an individual committee member is appearing in a private capacity before other committees, outside agencies, the general public, or the City Council, the committee member must clearly indicate that s/he is speaking as a private individual, not as an official representative.

Members are responsible for notifying the City Manager's office and their staff liaison(s) immediately should they no longer meet applicable residency or other membership requirements or if any of their contact information changes.

Each committee member also has the obligation to work cooperatively with other committee members. Committee members should exercise self-discipline and strive always to be objective, fair, and courteous with each other as well as with staff and the public. Respect for the time of other committee members, staff, and the public is of critical importance.

**Use of the City logo or City stationery:** A committee or committee member shall only use the City logo or City stationery with direct and prior consent of the City Council or as approved by the City Manager or designee.



## ETHICS AND ACCOUNTABILITY

Committee members are expected to read and study agenda packet materials prior to each meeting in order to be prepared for discussion.

State law defines a code of ethics, including conflicts of interest, and establishes reporting procedures for statements of economic interest (ORS 244).

**Conflict of Interest:** Committee members need to provide objective advice to the City Council. All members of committees should be aware of the need to avoid any instance or appearance of conflict of interest. Conflict of interest standards are generally applicable to all committees. In general, committee members should not vote whenever they have any kind of direct or indirect financial benefit in the action or recommendation proposed. State law requires that public officials may not use their position for financial gain. If there exists a concern regarding an actual or potential conflict of interest, please immediately contact the City Manager.

**Respectful Environment:** Members of all City committees are representatives of the City and are expected to adhere to City policies related to Ethics (HR-100.3 Ethics Policy) and Workplace Respect and Code of Conduct (HR-100.4).

**Political Campaigning:** Oregon law governing political campaigning by “public employees” includes all public officials who are not elected, whether paid or unpaid, including board, committee, and commission members.

*ORS 260.432, Restrictions on Political Campaigning for Public Employees*, prohibits public employees from being involved in promoting or opposing any political committee or initiative, referendum or recall petition, measure, or candidate while on the job during working hours. Appointed committee members are acting in official capacity when they are at a meeting of the committee, working on a duty assigned by the committee, working on official publications or written materials of the committee, or when appearing at an event in an official capacity. For more information, see the *Additional Resources* section of this manual.

**Absenteeism:** It is the City's expectation that all members take an active role in their committees, including regular attendance at meetings. It is a committee member's responsibility to notify the City if they will be absent. This includes notice to the staff liaison, administrative personnel, and the committee chair. Absences will be recorded in minutes as either excused (notified prior to the meeting of one's absence and the reason) or unexcused. **Excessive absences (three (3) or more in a year) may be cause for a member's removal from the commission, or committee, and/or consideration by Council for non-reappointment.**

**Resignation Procedure for Committee Members:** A committee member wishing to resign, or who no longer meets the residency or other requirements to serve, shall submit a letter of resignation (email notification is satisfactory) to the City Manager's

office and their staff liaison(s); verbal notifications are not sufficient.

## COMMITTEE MEETING REQUIREMENTS

**Open Meetings:** Meetings of standing and ad hoc committees of the governing body are open to the public in the State of Oregon. ORS 192.620 establishes Oregon's policy of open decision-making by governing bodies. In addition to the basic requirement that meetings be open to the public, meetings may not be held at a place where discrimination on the basis of race, ethnicity, color, national origin, gender, age, marital or veteran's status, sexual orientation, religion, or disability is practiced. All meeting places must be handicapped accessible. In general, meetings may not be held outside the city limits without the City Attorney's approval.

**Quorum:** A quorum is established when more than half of the members of a committee are present, without regard to vacancies or absences. A quorum of members must be present to proceed with a meeting. If a quorum is not obtained within fifteen minutes of the scheduled start time, the meeting cannot take place, and the meeting room needs to be vacated. No minutes are to be taken, but it needs to be documented by the minute taker that the scheduled meeting did not take place for lack of a quorum.

**General Public:** The purpose of committee meetings is to permit open discussion on specific topics in a setting that is more informal than a Council meeting, to hear public expression on issues, and to inform the public of what the committee is doing. Committee members have an obligation to consider the welfare of the entire city; to be fair, objective, courteous, and to afford due process to all.

## NOTICE OF MEETINGS, AGENDAS, AND PUBLIC RECORDS

**Notice of Meetings:** State law requires that the City provide public notice of all meetings. The City Manager's office and/or designated City staff person shall be responsible for providing notice of the meeting and the agenda. City policy and public meetings law requires that committees provide at least 24-hour notice to the news media and interested persons before conducting a meeting. If 24-hour notice cannot be provided, the meeting needs to be rescheduled.

In rare circumstances, committees may hold an emergency meeting without providing 24-hour notice. This may only be done in a genuine emergency and with the knowledge and concurrence of the City Manager. Typically, committee business would not be urgent enough to justify an emergency meeting.

**Agendas:** Whenever possible, agendas will be made available three (3) days in advance of the meeting and must include, at a minimum:

- The committee name;
- Date, time, and location of the meeting;
- The principle purpose of the meeting; and
- Any items that will be discussed.

Additionally, it is best practice to include supporting documents such as memos, staff reports, or presentations as part of the agenda packet.

**Minutes/Public Records:** Written minutes of all committee meetings are required by State law, and meetings may be recorded as well. All minutes and audio recordings are considered a public record and must be archived, retained, and lawfully destroyed in accordance with City policy and Oregon State law. Minutes are taken by an assigned City staff person.

While written minutes need not be a verbatim transcript, the record of a meeting, whether preserved in written minutes or audio, video, or digital recording, must provide a “true reflection” of the meeting and must, at a minimum, contain the following information:

- Members present;
- All motions, proposals, orders, and measures proposed and their disposition;
- Results of all votes by name of each member;
- The substance of any discussion on any matter; and
- Any reference (or mention) to any document discussed at the meeting. The committee shall determine whether documents not presented, but on which decisions or recommendations are based, should be attached to the minutes. It is prudent to include such documents in the agenda packet for transparency and to ensure that all members of the committee and the public receive the information.

Discussion and materials distributed during public meetings are public record. **Any materials distributed at a meeting that are not included in the agenda packet must be provided to the minute taker to be preserved for the public record.** For additional, detailed information, please see the Attorney General’s Public Records and Meetings Manual found online at <http://www.doj.state.or.us>.

Minutes must be made available to the public within a “reasonable time” after each meeting. Prior to public posting, minutes should be reviewed and approved by motion by the committee at a regularly scheduled meeting and included in the agenda for reference. Committees may, by motion, make correction(s) to the proposed minutes in order to conform to fact. It shall be noted that “the minutes were approved as amended” and those changes shall be outlined in the minutes of the meeting at which the correction was proposed.

## INADVERTENT PUBLIC MEETINGS

**Inadvertent Public Meetings:** Inadvertent public meetings must be avoided. If committee members willfully violate public meetings law, they can be held personally liable for attorney fees. Inadvertent public meetings may occur when a quorum of the committee meets outside of a public meeting (i.e., for a body of seven, one, two, or three can gather, but four cannot).

Attending meetings of other public bodies: If a quorum of a committee were to attend the meeting of another public body (e.g., another City of Millersburg committee, another city council, or a county governing body), it could give the appearance that the committee is having a public meeting. Therefore, if a quorum of a committee plans to attend the meeting of another governing body, their attendance should be formally noticed.

Social gatherings: A quorum of a committee may participate in social gatherings. However, even when meeting socially, no official business can be discussed lest the social gathering turn into or give the appearance of a public meeting. (*Resolution 2018-19*)

Training sessions and field trips: No deliberation can take place. There is a difference between information gathering and deliberating. For example, a firefighter points out to four committee members that there is mold in the fire station they are visiting. If the committee members just listen, it is information gathering; but if they discuss how to get the mold fixed, it has crossed the line to deliberating.

The Attorney General's (AG) *Guide to Bodies Subject to Public Meetings Law* flowchart (see Appendix A) has more information about training sessions and field trips. However, even though following the AG flowchart may indicate that a training session or field trip would not be a public meeting, the City Attorney may advise that the City provide public notice anyway, because the AG Manual also states: *"Even if a meeting is for the sole purpose of gathering information...an informed public must be aware not only of the decision of government, but also of the information upon which such decisions were made."*

No staff would need to attend nor any minutes be taken at training sessions or field trips. The body must not deliberate in any manner. Therefore, since it could be difficult to verify that there was no discussion taking place, regardless of whether staff attends, **staff needs to consult with the City Manager and City Attorney if a committee wants to have a field trip or training session.**

Email, texting, or IMs: Committee members and staff must take care not to participate in non-contemporaneous communications that could turn into a serial communication. When committee members **"Reply All"** to emails [*responding to all recipients of the original email at once*], the risk exists that the email chain could turn into a serial communication. Staff should be cautious of being an intermediary in a serial communication that taken as a whole turns into deliberation, and thus, a public

meeting.

## PARLIAMENTARY PROCEDURES

**Call to Order:** The committee chair calls the meeting to order. The chair or the minute taker will do roll call and record the names of the members present in the minutes.

**Recognition:** Committee members will address the chair and await recognition to speak. No persons other than the chair and the person having the floor shall enter into any discussion without the permission of the chair.

**Motions:** Committee members must clearly and concisely state a motion if it is not reflected in the agenda item language as read by the chair. Motions will die if they do not receive a second. Types of motions include:

- Main motions—Their purpose is to introduce items to the committee for their consideration.
- Subsidiary motions—Their purpose is to change or affect how a main motion is handled and is voted on before a main motion (e.g., to postpone to a certain time or indefinitely or to amend a motion).
- Miscellaneous motions—Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business (e.g., to take a recess, to adjourn) or a means of questioning procedure concerning another motion and must be considered before the other motion (e.g., point of order, suspension of the rules).

**Withdrawal of Motions:** Any committee member may withdraw his or her motion prior to a second. Once a motion is seconded, the motion may not be withdrawn without consent of the committee member seconding it.

**Vote:** The chair may ask for a voice vote or a roll call vote for all final decisions. All committee members are expected to vote on each motion unless disqualified for a specific reason. Any committee member may request a roll call vote on any motion or request a vote be changed if the request is made prior to consideration of the next order of business. Any committee member who wants to explain the reasons for his or her vote may do so before or after the vote. The minute taker will record the vote and any abstentions in the minutes.

**Proxy Votes:** Voting By proxy **is not allowed** for any City of Millersburg boards, commissions, or committees.

**Adjournment:** The Chair will adjourn the meeting once all business has been considered or postponed.

## HOW TO CONDUCT A SUCCESSFUL MEETING

The chairperson reviews the following steps with the membership on an annual basis after new appointments are confirmed (usually February).

### Five Steps to a Better Meeting:

#### 1) Plan

- Set the agenda in advance and state the purpose of the meeting.
- The agenda must include the date, time, subject, and estimated length of the meeting.
- List the participants.
- State the goal for each agenda item: Information, Discussion, or Direction.
- Distribute background material in advance.

#### 2) Inform

- Send out the agenda with enough lead time to prepare members for the discussion.
- Make sure the message of each agenda item is clear and concise.

#### 3) Prepare

- Structure the agenda so that the most important issues are covered first and there is adequate time for full discussion.
- Check the agenda at the start of the meeting for additions or deletions and to assure a quorum is met.

#### 4) Structure and Control

- Define the issues and stay focused on them.
- Avoid "spinning your wheels."
- Keep the meeting within reasonable time parameters.

#### 5) Summarize and Record

- Assign follow-through: Who does what and by when.
- Commitments should be stated and recorded in minutes.

### Tips for Chairing a Meeting:

- 1) Use *Robert's Rules of Order* as a guide for the conduct of your meetings.
- 2) Follow the agenda and state clearly which item is being considered.
- 3) State the purpose of each agenda item and the time allotted to it.
- 4) Recognize persons to speak in the order in which they have sought recognition.
- 5) Keep participation balanced—discourage domination by one or two committee members.
- 6) Keep participation respectful, stop abusive, belittling, or overly negative communications.
- 7) Solicit input from those who have not spoken on an issue.
- 8) Halt side discussions among one or two members while another person has the floor.
- 9) Summarize, at the conclusion, of each agenda item: What was agreed upon and who shall do what by what date. This is for the benefit of both the membership, to affirm their understanding, and the minute taker.
- 10) Clearly restate what is being voted upon.

- 11) **Outside of the meeting**, confront cases of persistent late arrival, early departure, or absenteeism.

For additional tips on running successful meetings, visit [www.robertsrules.com](http://www.robertsrules.com).

## MISCELLANEOUS

**Training and Travel:** Except in the most unusual of circumstances, the City does not provide paid training or cover travel expenses for committee members. Committee members are encouraged to expand their knowledge base and expertise by attending various community events and public meetings and by engaging with City staff, members of other committees, and the general public.

## ADDITIONAL RESOURCES

- Please consult the *Guide for Public Officials* and the *Guide for Public Officials 2015 Supplement* posted on the state of Oregon's website at:  
[https://www.oregon.gov/OGEC/Pages/forms\\_publications.aspx](https://www.oregon.gov/OGEC/Pages/forms_publications.aspx)
- ORS 192 – Records; Public Reports and Meetings:  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors192.html](https://www.oregonlegislature.gov/bills_laws/ors/ors192.html)
- ORS 244 – Government Ethics:  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors244.html](https://www.oregonlegislature.gov/bills_laws/ors/ors244.html)
- ORS 260.432 – Restrictions on Political Campaigning for Public Employees:  
[http://sos.oregon.gov/elections/Documents/260.432\\_quickref.pdf](http://sos.oregon.gov/elections/Documents/260.432_quickref.pdf)
- ORS 192.650 – Required Elements of Minutes:  
<http://www.oregonlaws.org/ors/192.650>
- Roberts Rules of Order: [www.robertsrules.com](http://www.robertsrules.com)
- Boards, Committees, & Commissions Q & A on Public Meetings (Appendix A).
- City policies related to Ethics (HR-100.3) and Workplace Respect and Code of Conduct (HR-100.3) are available at City Hall.

## APPENDIX A

### Q & A - Public Meetings, Commissions, & Committees

#### Overview and ORSs

Oregon's open government laws promote democracy by ensuring that all state, regional, and local governments conduct their business with **transparency**. Oregon citizens have a right to know how their government is spending their tax dollars and exercising the powers granted by the people.

A **Commission** is usually designated by ordinance or state law and governed by specific requirements. A **Committee** is short-term or longer, set up for a specific purpose, and less formal than a commission or board and is usually designated by resolution. The City Attorney has determined that most of the City of Millersburg's boards, commissions, and committees (BCCs) are subject to public meetings laws.

**ORS 174.109 "Public body" defined.** Subject to ORS 174.108, as used in the statutes of this state "public body" means state government bodies, local government bodies, and special government bodies.

**ORS 244.020 Definitions (15) "Public official"** means...any person who...is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee, or agent, irrespective of whether the person is compensated for the services.

**ORS 192.610 (5) "Meeting"** means a contemporaneous (simultaneous) gathering. **"Quorum,"** unless the quorum is defined by the body, is a majority. A **"decision"** is any topic that could come before the Council for a vote is a decision.

**ORS 192.630 (1-2)** requires all meetings to be open to the **public** and that a quorum cannot meet in private for the purpose of deciding or deliberating.

#### Public Meetings

**Question:** What constitutes a "public meeting"?

**Answer:** A public meeting is the convening of any governing body for which a quorum (majority) is required in order to make a decision or to deliberate toward a decision on *any matter* (ORS 192.630). Meetings cannot take place in such a way that the public cannot take part, such as by email or social media. An executive session is the exception; for more information, contact the City Recorder or the City Manager's office.

**Question:** Are commissions and committees (CCs) considered "governing bodies"?

**Answer:** CCs are under the authority of the City Council. CCs almost always serve in an advisory capacity, whereby they make recommendations to the Council and the Council decides if or how to proceed with the recommendations. Our City Attorney has determined that most of the City of Millersburg's boards, commissions, and committees (BCCs) are subject to public meetings laws.



**Question:** What is an “inadvertent” public meeting?

**Answer:** Inadvertent public meetings may occur when a quorum of the governing body meets outside of a public meeting (i.e., for a body of seven, one, two, or three can gather, but four cannot gather). This is an evolving area of the law based on recent court rulings surrounding “inadvertent public meetings” and the interpretations of the ORS regarding the terms “convening,” “quorum,” and “decision.” In a recent case, the judge decided that the serial communications (separate communications, no quorum, in person, and via emails) constituted a “meeting.” While they didn’t violate the letter of the law, they violated the spirit of the law. This case has an impact on several areas in local government. Be sure to follow the City of Millersburg’s protocols to avoid inadvertent public meetings.

**Question:** What if it is not a “governing body”? Do the public meetings laws still apply?

**Answer:** If the body is appointed by the City Manager or Assistant City Manager and reports only to the City Manager or Assistant City Manager and if it is so informal that no quorum requirement exists, it is probably not subject to public meeting or records requirements. On the other hand, if it makes a recommendation that is reported back to the Council, it will be deemed a public body subject to these requirements.

**Question:** Do we have to allow the public to speak since it is a public meeting?

**Answer:** There is no requirement that the public be allowed to speak, only that they be allowed to attend. However, if you do allow the public to speak, it is advised, although not required, to get each person’s name and address for the minutes; if it is a land-use issue where future notifications may be required, you should get their name and address.

### **Noticing Meeting**

**Question:** How much notice is required and how is it provided?

**Answer:** The law says “reasonably calculated” must be provided to inform the public and all interested parties about the time, place, and agenda of public meetings. Generally, reasonable notice is considered 24 hours minimum. As soon as you know there will be a CC meeting, contact the City Manager’s office to have it added to the City’s public meetings calendar, which is posted on the website and emailed to the media. Keep in mind that in Millersburg, the City Attorney has directed staff to err on the side of caution and notify if the notification requirement is questionable.

**Question:** What is the difference between a public meeting and public hearing? Which governing bodies do public hearings apply to? How is a public hearing noticed?

**Answer:** A public hearing is a type of public meeting. A public hearing is a scenario where the ORS requires that the public be allowed to speak when there are certain items being considered by the governing body. For example, it applies to the City Council and Planning Commission when they are discussing specific items (i.e., certain land use decisions, budget, local improvement, fee increases, and franchise fees). Contact the City Attorney or the City Recorder if you have questions whether a public hearing is required and how to provide notice.

**Question:** Do I have to hold the meeting in the city limits?

**Answer:** Yes. ORS 192.630(4) says that meetings of governing bodies must be held in the local jurisdiction unless it is solely for training.

**Question:** Does the building have to be ADA compliant?

**Answer:** Yes. City Hall is ADA compliant. Other requirements for the space include no smoking and that it be at a nondiscriminatory site. A good-faith effort has to be made to provide an interpreter if requested. Your agenda should have information at the bottom about how to contact the City for an interpreter.

**Question:** Does the meeting have to be in a public building?

**Answer:** It should be. For example, a joint meeting in a public space such as the Boys & Girls Club is acceptable, whereas a private home, office, or business, even if it is ADA compliant, is not advised. Even if the City owns the building but a private party rents the space, it is not advised.

**Question:** Is there a statutory requirement to create agendas?

**Answer:** Robert's Rules say there should be an agenda for every type of meeting.

### **Quorums for Meetings and Voting**

**Question:** How do I know the quorum requirements for meetings and voting and any other rules that apply?

**Answer:** Identify voting requirements for your committee in this order:

1. Does the Millersburg Municipal Code specifically address it?
2. Is there a resolution or ordinance that applies? (Refer to the member roster produced by the City Manager's office.)
3. If not, Robert's Rules is the default.

**Question:** If the meeting is about to begin, but there is less than a quorum, are they allowed to continue with the meeting?

**Answer:** If there isn't a quorum, the best course is to simply reschedule and adjourn. The only action the body can lawfully take is to reschedule the meeting, adjourn, recess, or find a quorum

**Question:** If less than a quorum decide to stay and have discussion anyway (but not deliberate), then does staff need to produce formal minutes or take notes?

**Answer:** The best course of action is to adjourn, and the senior staff facilitating the meeting should encourage adjournment.

If the body continues talking, it is the same as if a group of members (less than a quorum) met at a coffee shop and decided to talk. It is not a meeting of the body, and staff does not need to take minutes. If members of the body allow input from anyone not a member of the body and it is regarding a land use matter, they are having an ex-parte communication, which needs to be noted at future meetings. Note that because such a gathering creates the appearance of impropriety and runs contrary to the policy of the Public Meetings Law, which supports keeping the public informed of the deliberations of governing bodies, it is not advised that the body stays; the meeting should be adjourned. If the senior staff person agrees that City staff should stay to take notes, the document they are creating is not "minutes." The notes they create can either be saved by staff; or if the expectation is that they will need to be easily located at a

later date, they can be attached to an agenda with “no quorum” in the watermark and archived in the place of minutes. No deliberation can take place.

**Question:** If there was a quorum in order to start the meeting but people have to leave before the meeting is over, which would leave less than a quorum remaining, do they have to stop the meeting?

**Answer:** They should stop the meeting because without a quorum no business can be transacted. Any business done after that point would be null and void. It is best practice to immediately adjourn the meeting. Make sure your minutes note what time members left.

**Question:** Do vacancies or absences change the number of a quorum?

**Answer:** No; a quorum is based on a majority of the whole board, without regard to vacancies or absences. For example, a 9-member body would always need 5 to convene the meeting, and 5 in agreement to take any action, even if there were vacant positions on the board.

**Question:** If the body is voting on the approval of minutes, do members who did not attend the meeting still vote for the approval of the minutes?

**Answer:** Yes; a member's absence from the meeting for which minutes are being approved does not prevent the member from participating in their (correction or) approval.

## Minutes

**Question:** What do my minutes have to include?

**Answer:** Per ORS 192.650, minutes must include at least:

1. All members of the governing body present;
2. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition
3. The results of votes;
4. The substance of discussion on any matter; and
5. A reference to any document discussed at the meeting.\*

\*Items introduced at the meeting that were not part of the original agenda should be referenced in your minutes as “see meeting file” or “see archived file”. Attach those items to the back of the agenda that you send to the City Recorder to be archived.

**Question:** The body has dissolved; how do I get the minutes approved if they are no longer meeting?

**Answer:** Contact the City Recorder for instructions.

## Archiving

**Minutes and Agendas:** Send the City Recorder the full agenda, plus any items introduced at the meeting attached, as well as signed, approved minutes. The items can come separately or at the same time. If there was no meeting for lack of a quorum, send an agenda with “No Quorum” in the watermark to the City Recorder so the City can archive it in the place of the minutes.

## Conclusion

### **Briefly, your public meetings include the following elements:**

1. Proper notification by posting agendas.
  - a. When you notify the City Manager's office of your meeting, they will include it on the Events Calendar, which is posted in order to meet the public noticing requirement of public meetings laws.
  
2. Proper meetings that follow the Charter, Municipal Code, and Robert's Rules (in that order); and Oregon public records laws.
  - a. A quorum is required to conduct business.
  - b. The meeting must be held in a public place.
  - c. Public attendance is allowed.
  
3. Proper archiving for the record.
  - a. Agenda with any "see meeting items" attached, retained permanently by the City Recorder.
  - b. Approved minutes with any "see meeting items" clearly referenced therein, retained permanently by the City Recorder.
  - c. If an audio was taken, retained for one (1) year after minutes are approved by the City.

## Appendix B Public Meetings Checklist

The Public Meetings Law applies to all meetings of a quorum of a governing body of a public body for which a quorum is required to make a decision or to deliberate toward a decision on any matter. This checklist is intended to assist governing bodies in complying with the provisions of this law; however, you should consult the appropriate section(s) of this manual for a complete description of the law's requirements.

**OPEN TO THE PUBLIC.** Unless an executive session is authorized by statute, the meeting must be open to the public.

**NOTICE.** The governing body must notify the public of the time and place of the meeting, as well as the principal subject to be discussed. Notice should be sent to:

- News media;
- Reader board;
- Notice board at City Hall; and
- Other interested persons who signed up for notices.

The notice for a regular meeting must be reasonably calculated to give "actual" notice of the meeting's time and place. Special meetings require at least 24-hours' notice. Emergency meetings may be called on less than 24-hours' notice, but the minutes must describe the emergency justifying less than 24- hours' notice.

### **SPACE AND LOCATION**

Space. The governing body should consider the probable public attendance and should meet where there is sufficient room for that expected attendance.

Geographic location. Meetings must be held within the geographic boundaries over which the public body has jurisdiction, at its administrative headquarters or at "the other nearest practical location."

Nondiscriminatory site. The governing body may not meet at a place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced.

Smoking is prohibited.

### **ACCESSIBILITY TO PERSONS WITH DISABILITIES**

Accessibility. Meetings must be held in places accessible to individuals with mobility and other impairments.

Interpreters. The governing body must make a good faith effort to provide an interpreter for hearing-impaired persons.

Americans with Disabilities Act (ADA). The governing body should familiarize itself with

the ADA, which may impose requirements beyond state law.

**VOTING.** All official actions by governing bodies must be taken by public vote. **Secret ballots are prohibited.**

**MINUTES and RECORDKEEPING.** Written minutes or a sound, video, or digital recording must be taken at all meetings, including executive sessions. Minutes or another recording must include at least the following:

- Members present;
- Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- Results of all votes and, except for bodies with more than 25 members unless requested by a member, the vote of each member by name;
- The substance of any discussion on any matter; and
- A reference to any document discussed at the meeting. (Reference to a document exempt from disclosure under the Public Records Law does not affect its exempt status.)

The minutes or alternative recording must be available to the public within a “reasonable time after the meeting.”

For executive sessions, contact the City Attorney for determination. Also see: [https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/ii-public-meetings/#\\_Toc11743475](https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/ii-public-meetings/#_Toc11743475)

## Appendix C 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.

