

draft ORWD Board Protocols

03/09/2021

Public Meeting Laws

Board members shall follow public meeting laws as specified in ORS Chapter 192.

A meeting subject to the law is one where there is a quorum of the governing body present for the purpose of deciding or deliberating upon a public issue. Social and informational meetings are not subject to this requirement as long as no decision-making occurs. Board members may meet with or discuss issues with one other board member (including by email), but are not to create a situation of serial decision-making while doing so. Notice must be given to the public at least 24 hours prior to a meeting unless it is deemed an emergency.

Public Record Keeping Laws

Board members shall follow the laws governing public record keeping as found in ORS Chapter 192.

Districts are required to follow the State of Oregon's Records Retention Policy. Detailed information on record retention can be found in OAR Chapter 166 Division 150. Unless otherwise provided in the schedules, the Division recommends that records not specifically mentioned in the schedule shall be maintained for a period of not less than two years. Minutes and some other records should be maintained forever. Emails are also considered a public record.

Ethical Standards

Board members act as representatives of the citizens of the district and shall adhere to the highest ethical standards in the conduct of district business as explained in ORS Chapter 244: *Government Ethics* for which each commissioner is held individually legally responsible.

Board members are expected to review the Ethics Manual by the Oregon Government Ethics Commission, ORS Chapter 244, and familiarize themselves with ethics topics such as conflict of interest, use of the office for financial gain and the annual limits to accepting gifts.

Respect the Cooperative Group Decision Making Process

Each board member has a responsibility to present an issue to the board and seek consensus before taking any action as a representative of the board.

District board members have no individual powers separate from the powers of the board, and have no authority to act individually without delegation of authority from the board. If a board member acts without authority from the board, the individual can be exposed to personal and district liability. It is the responsibility and right of board members to participate in board meetings and vote on district issues as part of the board.

Communicating with the Public

All communications with the public, both verbal and in writing, shall be a result of a joint effort on the part of the board.

While the district has an obligation to keep the public informed on district matters, the district board members also have no individual powers separate from the powers of the board, and have no authority to act individually without delegation of authority from the board as a whole regarding communication campaigns about the state of the district or specific district topics.

Cooperative Working Practices

Board members have a duty to apprise the rest of the board of new items they wish to bring up at future board meetings. Board members should include the rest of the board with on-going communications on important district projects.

There should be no surprises at a board meeting. Ask the board president to place an item on the agenda instead of bringing it up unexpectedly at the meeting. It is recommended to gather history from current and previous staff or board members on new issues a member considers in need of consideration, before pursuing the topic. Should the majority of the board not agree with the need to address an issue at the current time, the issue should be dropped. It may be possible to bring it up again at a later time.

Release of District Records

Release of any public records shall always be performed through a board decision.

While the public has a right to most public records, the board of commissioners and its employees are the custodians of the district records. Records include emails, reports and staff, commissioner or contractor work product. Any request for information should always be addressed, but ask the member of the public to put their request in writing and address the request to the entire board. The board must follow public records laws when responding to record requests and know that some records are considered confidential and are exempt from disclosure.