

Fern Ridge Library

# POLICY MANUAL

Adopted May 10, 2004

**POLICY AND PROCEDURE MANUAL**

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**Section 1.01 DISTRICT AS A MUNICIPAL CORPORATION**

A district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. Every district shall have power:

To have and use a common seal.

To sue and be sued by its name.

To make and accept any and all contracts, deeds, leases, releases, and documents of any kind which, in the judgment of the Board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

To assess, levy, and collect taxes to pay the cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining a library or any lawful claims against the district, and the operating expenses of the district.

To employ all necessary agents and assistants.

To call elections after the formation of the district.

To enlarge the boundaries of the district as provided by ORS 198.705 - 198.955.

Generally, to do and perform any and all acts necessary and proper to the complete exercise and effects of any of its powers or the purposes for which it was formed.

Whenever authorized by the electors, to issue general obligation bonds of the district. However, the aggregate amount of general obligation bonds issued and outstanding at any one time shall not exceed two and one-half percent of the true cash value of all taxable property of the district, computed in accordance with ORS 308.207.

To exercise those powers granted to local government units for public libraries under ORS 357.410.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 1.02 GOVERNANCE BY POLICIES**

### **A. GOVERNANCE BY POLICIES**

The primary duty and function of the Board of Directors is to establish policies for the governance of the District. It is the policy of the Board to delegate to the Library Director and staff the responsibility for the day-to-day administration of the District, in a manner consistent with the policies and directions of the Board.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. COMPLIANCE WITH LAW**

Policies shall comply with all applicable federal, state, and local laws and regulations. If any policy or portion thereof is found to conflict with any local, state, or federal law or regulation, such policy shall be deemed void without further Board action. It shall be the responsibility of all District personnel to bring any such conflict to the Board's attention immediately upon discovery.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. COMPLIANCE WITH POLICIES**

All District personnel shall comply with the policies adopted by the Board of Directors. Any failure to comply shall constitute grounds for disciplinary action or termination.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. POLICIES DO NOT CREATE RIGHTS**

Policies of the District shall not create any enforceable right, contract, employment agreement or expectation on the part of any person; and any deviation from a District policy shall not in itself render any District action invalid, void, or voidable, nor shall such deviation constitute evidence of negligence. The Board may deviate from policy when to do so serves the public interest or would avoid hardship as the Board may determine.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 1.03      ADOPTION, AMENDMENT, AND REPEAL  
OF POLICIES AND OTHER REGULATIONS**

**A. BOARD ADOPTION, AMENDMENT, AND REPEAL OF POLICIES  
AND OTHER REGULATIONS**

The Board shall base its regulations on the best available information and input from affected parties. Whenever the Board enacts, amends, or repeals any policy or other regulation, it shall do so in accordance with ORS 198.510 - 198.600. A copy of these statutes is attached as Appendix A.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 1.04 MAINTENANCE AND DISTRIBUTION OF  
POLICY MANUALS**

**A. COMPILATION OF POLICY MANUALS**

The Library Director shall compile all of the policies adopted by the Board into a District Policy Manual. The Library Director shall be responsible for updating the Manual regularly. The Director shall develop procedures to implement the policies of the Board, as necessary, and incorporate those procedures into a separate manual. The procedures developed by the Director shall be reviewed and approved of by the Board, as necessary, to assure compliance with District policy.

Adopted: 5/10/04 Revised: 4/13/11.

**B. DISTRIBUTION OF POLICY MANUALS**

The following persons shall maintain an updated Policy Manual:

All Board Directors,

Library Director,

Library District's attorney, and

Other persons designated by the Director or the Board.

Updated Policy and Procedure Manuals shall be kept at each office or other facility maintained by the District.

Adopted: 5/10/04 Revised: 4/13/11.

**C. DISTRICT POLICY AND PROCEDURES MANUALS TO BE  
AVAILABLE TO THE PUBLIC**

The District's Policy and Procedures Manuals are public records. At least one copy of each Manual shall be available for inspection and use by the public at the District's main business office during regular business hours.

Adopted: 5/10/04 Revised: 4/13/11.

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## **Section 2.01 MEMBERSHIP ON THE BOARD OF DIRECTORS**

### **A. POSITIONS AND TERMS**

The Board of Directors of the District shall consist of five residents of the Library District serving four year terms. No person shall be eligible to be a Board Director who is not at the time of election or appointment and service a resident in the District. Nominating petitions shall be filed with the county governing body.

All Board Directors shall serve at large.

Each district Board Director shall hold office until election and qualification of a successor, written resignation, or disqualification from service as required by law or district policy.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. ELECTION OF BOARD DIRECTORS**

The election of Board Directors shall be conducted as provided by ORS 357.216 - 357.286 (Appendix B) and ORS Chapter 255 (Appendix C).

Adopted: 5/10/04 Revised: 4/13/11.

### **C. QUALIFICATIONS**

No person elected or appointed to the Board shall be sworn in unless such person meets the qualifications for office set forth in the District's Organic Act (ORS 357.216 - 357.286, Appendix D). If questions exist regarding the eligibility of any candidate, the Board shall obtain an opinion from legal counsel prior to swearing in such person.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. OATH OF OFFICE**

The directors of the Fern Ridge Library District in their official capacity shall be known as the District Library Board. Board Directors must qualify by taking an oath of office administered by a county commissioner or senior sitting member of the board before assuming the duties of office (ORS 357.236).

Each newly elected or appointed Board Director shall take the following oath of office, administered by a county commissioner or a senior sitting member of the Board, at a Board meeting prior to assuming the duties of the position:

The oath of office reads "I, \_\_\_\_\_, do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon and the Laws thereof, and that I will faithfully discharge the duties of Director of the Fern Ridge Library District to the best of my ability."

Adopted: 5/10/04 Revised: 4/13/11.

## **E. TERM OF OFFICE — STARTING DATE**

Except where the Board or the County Commission is filling a vacancy on the Board, terms of office shall start on July 1.

Adopted: 5/10/04 Revised: 4/13/11.

## **F. VACANCIES**

Vacancies on the Board shall be filled by appointment by a majority of the remaining members of the Board at a regular or special meeting, usually within 45 days of the occurrence of the vacancy. If a majority of the membership of the Board is vacant, or if a majority cannot agree, the vacancies shall be filled promptly by the County Commission of Lane County. Board appointees must be legally registered voters. Upon appointment by the Board or the County Commission, the newly-appointed Board Director(s) will be sworn and seated immediately. The period of service of a person appointed to fill a vacancy shall expire on June 30 after the next regular District election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term of the position for which the appointment was made. If the term for which the appointment was made expires June 30 after election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office the next July 1 following his or her election.

The Board will declare the office of a director vacant upon any of the following:

The death or resignation of an incumbent;

When an incumbent ceases to be a resident of the district;

When an incumbent ceases to discharge the duties of the office for two consecutive months unless prevented by sickness or other unavoidable cause;

When an incumbent is removed from office or his or her election thereto has been declared void by judgment or decree of any appropriate court of law;

In the event of multiple vacancies, the position of the Board Director who resigned first will be filled first.

The vacancy will be filled from the list of candidates by majority vote of the Board at a regular or special meeting, usually within 45 days of the occurrence of the vacancy.

Upon appointment by the Board, the newly appointed Board Director(s) will be sworn and seated immediately.

If a Board Director resigns, his or her resignation becomes effective when officially accepted by the board at a regular meeting. The Board will announce the resignation and declare the vacancy at that meeting.

Adopted: 5/10/04 Revised: 4/13/11.



## **Section 2.02      POWERS AND DUTIES OF THE DISTRICT'S BOARD OF DIRECTORS**

### **A. MEETING THE NEEDS OF THE DISTRICT**

It is the policy of the Board of Directors to exercise those powers granted to it, and to carry out those duties assigned to it by law, in such a way as to best meet the needs of the District. These duties include, but are not limited to:

Appoint the Library Director, determine working conditions, and prescribe duties.

Formulate rules and policies for the governance of the library. Determine long-range plans for the development and improvement of library service.

Prepare an annual budget.

Propose tax levies to provide, operate, and maintain the library.

Authorize all payments in accordance with the adopted budget. Any unusual extraordinary items should be brought to the Board's attention by the Director and/or Business Manager.

Accept, use, expend, or reject any real or personal property or funds donated to the public library, except that cash donations shall be administered in accordance with its terms, and all property or funds shall be held in the name of Fern Ridge Library Special District.

Conduct salary negotiations in person or by representative.

Work for adequate financial support for the library, including building and space needs, and compensation for staff.

Be aware of and follow state and local law governing libraries.

Determine program and needs of the library in relation to the community, and keep abreast of state standards and general library trends.

Attend local and regional board workshops.

Attend board meetings, be an advocate for the library, and maintain accurate records.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. FORMULATION AND INTERPRETATION OF DISTRICT POLICY**

The most important activity of the Board is the formulation and interpretation of District policies. The Board shall establish policy, reserving to itself all authority and responsibility not expressly assigned to other District officers and personnel.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. BOARD DIRECTORS AUTHORIZED BY OFFICIAL BOARD ACTION ONLY**

No individual Board Director may speak for or act on behalf of the Board or District, except as authorized to do so by official Board action as recorded in the official minutes, guidelines, or policies of the District.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. ETHICAL STANDARDS**

Board Directors act as representatives of the citizens of the District. Therefore, Board Directors shall adhere to the highest ethical standards in the conduct of District business (Appendix D: ORS 244).

No Board Director will use their official position or office to obtain financial gain for himself or herself or for any member of his or her household or for any business with which the Board Director or a member of his or her household is associated. When involved in a potential conflict of interest, a Board Director will publicly announce the nature of the potential conflict. A Board Director may, after declaring his or her potential conflict of interest, either vote or abstain on the issue.

Board Directors will recognize the Library Director as the executive officer to whom the board has delegated administrative authority to establish procedures and oversee the implementation of board policy.

Board Directors individually and the board as a public entity subscribe to the Code of Ethics for public officials.

Adopted: 5/10/04 Revised: 4/13/11.

### **E. BOARD DIRECTOR REMOVAL**

A Board Director guilty of misfeasance or malfeasance in office may, by the appropriate proceedings, be removed from office by a court of competent jurisdiction.

Adopted: 5/10/04 Revised: 4/13/11.

### **F. BOARD DIRECTOR EDUCATION**

In order to effectively carry out their duties, Board Directors must be adequately informed. Members are encouraged to attend such conferences and other training programs as the Board may authorize.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 2.03 BOARD DIRECTOR ORIENTATION**

### **A. COOPERATION WITH BOARD CANDIDATES**

The Board, through its staff, shall cooperate impartially with candidates for the Board and provide them with information about Board policies, administrative regulations, and other aspects of the operation of the District.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. ORIENTING NEW BOARD DIRECTORS**

The Board and its staff shall assist each new member-elect and appointee to understand the Board's functions, policies, and procedures before he/she takes office. The following methods shall be employed:

New members shall be invited to attend and participate in public Board meetings prior to being sworn in.

The Library Director shall provide material pertinent to District meetings and respond to questions regarding such material.

New members shall be invited to meet with the Library Director and other District personnel to discuss the services each performs for the District.

The Library Director shall give each new Board Director:

An updated copy of the District's Policy Manual.

A copy of the Attorney General's "Public Records and Meetings Manual" and "A Guide for Public Officials"

Copies of the minutes of all Board meetings, except for executive sessions, for the preceding twelve (12) months.

A copy of the District's current budget.

Copies of all such documents as the attorney[s] for the District may recommend with respect to any pending claims or lawsuits.

A list of all District personnel by position.

Such other materials as the Board may direct or the Library Director deems appropriate.

A list of Board Directors with addresses and email address and/or telephone numbers as provided by the Board members.

Adopted: 06/09/2021 Revised: 06/09/2021.

**Section 2.04 REIMBURSEMENTS OF BOARD  
DIRECTOR EXPENSES**

**A. BOARD DIRECTOR COMPENSATION AND REIMBURSEMENT**

Pursuant to ORS 198.190, Board Directors may receive daily compensation not to exceed \$50.00 for their services on the Board. Such compensation shall be set by majority vote of the Board. Board Directors shall also be reimbursed for their actual and reasonable travel and other expenses incurred in the performance of official District duties.

**B. REIMBURSEMENT DOCUMENTATION**

Board Directors incurring reimbursable expenses shall submit proper documentation of such expenses to the Library Director or such officer's designee for reimbursement by the District.

## **Section 2.05 BOARD ORGANIZATION**

The District Board shall be the governing body of the district and shall exercise all powers thereof (ORS 357.256).

Adopted: 5/10/04 Revised: 4/13/11.

### **A. SELECTION OF BOARD CHAIR AND VICE CHAIR**

At its first meeting after July 1 each year, the Board shall choose one of its members as chair and one of its members as vice-chair.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. LENGTH OF SERVICE AS CHAIR AND VICE CHAIR**

No Board Director may serve as either the chair or vice-chair for more than two years in succession. If a Board Director is unable to continue to serve as an officer, a replacement shall be elected immediately by the Board. The replacement officer shall serve the remainder of the officer's term until the following July.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. APPOINTMENT OF EXECUTIVE SECRETARY**

The Board shall hire the Library Director who shall act as the executive secretary for the District.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. ESTABLISHMENT OF REGULAR MEETING PLACE AND TIME**

At the first meeting, or as soon thereafter as may be practicable, the board shall make provision for a time and place for its regular meetings.

Adopted: 5/10/04 Revised: 4/13/11.

## CHAPTER 3. DUTIES OF BOARD OFFICERS TABLE OF CONTENTS

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**Section 3.01 DUTIES OF THE CHAIR**

1. The Chair of the Board shall preside at meetings of the Board of Directors. The Chair shall perform all of the duties prescribed by the Oregon Revised Statutes.
2. The Chair shall consult with the Library Director regarding the preparation of each Board meeting agenda.
3. The Chair shall have the same right as other members of the Board to discuss and to vote on questions before the Board. The Chair has the right to entertain resolutions or motions, to discuss an issue or guidelines before the body, and to vote on any issue.
4. The Chair may call Special Meetings of the Board as described by the Oregon Public Meetings Law and Fern Ridge Library District Policy Manual Section 4.3.
5. The Chair of the Board shall sign official District documents on behalf of the Board when authorized to do so by a majority of the Board.
6. The Chair will decide questions of order at Board meetings.
7. The Chair shall appoint special committees of one or more members for such specific purposes as the functions of the Board may require from time to time. The committee shall be discharged upon the completion of the purpose for which it was appointed and after the final report is made to the Board.
  - a. All committees shall make regular progress reports.
  - b. No committee shall have other than advisory powers unless, by suitable action of the Board, it is granted specific power to act.
  - c. The Board shall appoint a budget committee each year in accordance with ORS 294.336.
8. The Chair will represent the Library and the Board at official functions and before the press, unless this duty is delegated by the chair or the board to another member of the Board.
9. The Chair shall maintain a calendar for the Board's unfinished business.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 3.02      *DUTIES OF THE VICE-CHAIR***

In the Chair's absence, or during any disability of the Chair, the Vice-Chair shall have the powers and duties of the Chair of the Board as prescribed in Policy 3.1. The Vice-Chair shall have such other powers and duties as a majority of the Board may from time to time determine.

Adopted: 5/10/04 Revised: 4/13/11.



**Section 3.03      DUTIES OF THE SECRETARY OF THE BOARD**

The Secretary of the Board shall:

Cause accurate minutes of each Board meeting to be taken, transcribed, and distributed to each Board Member in a timely manner for review prior to approval. The Secretary shall maintain properly authenticated official minutes in chronological order. Any of the foregoing responsibilities may be delegated to staff members under the supervision of the Secretary.

Respond directly to routine correspondence.

Handle correspondence of special interest to the Board as follows:

Draft replies in advance, when possible, for Board consideration.

Seek instruction for reply when necessary.

Prepare correspondence as the Board directs.

Prepare for Board meetings.

Prepare the agenda with the advice of the Chair.

Call to the Board's attention legal requirements and those matters for which the District is responsible.

Draft policy motions at the request of the Board.

Board meeting duties:

Attend all Board meetings or designate an alternate.

Make physical arrangements for Board meetings.

Provide notice of Board meetings in accordance with the Public Meetings Law.

Maintain and update the District's Policy and Procedure Manual.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 3.04 DUTIES OF THE BUSINESS MANAGER**

The Business Manager insures that accurate accounting and financial records are maintained by the District.

The Business Manager shall annually review the District's financial audit with the Board. The Business Manager shall send copies of the audit to state or local agencies requiring its submission.

Adopted: 5/10/04 Revised: 4/13/11.

## CHAPTER 4. BOARD MEETINGS TABLE OF CONTENTS

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**Section 4.01      PREPARATION FOR BOARD MEETINGS**

**A. DISTRIBUTION OF MATERIALS TO BOARD DIRECTORS**

The agenda, pertinent reports, and minutes of the previous meeting shall be distributed to each member of the Board of Directors prior to any regularly scheduled Board meeting.

At the same time, the Library Director shall provide Directors detailed information relative to the agenda, including existing Board policy pertinent to agenda items.

Adopted: 5/10/04 Revised: 4/13/11.

**B. DISTRIBUTION OF AGENDA TO THE PUBLIC**

The proposed agenda will ~~simultaneously be distributed and~~ be posted at one or more locations convenient for review by District personnel and the public.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 4.02 BOARD MEETING AGENDA**

The Library Director shall draft the agenda after conferring with the Chair of the Board. The following general order shall be observed:

1. Call to order;
2. Additions to agenda;
3. Approval of the minutes;
4. Hearing of patrons;
5. Correspondence;
6. Financial Report;
7. Library Director's Report;
8. Board Reports;
9. Items of Business;
10. For the good of the order;
11. Adjournment.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 4.03 NOTICE AND LOCATION OF MEETINGS**

### **A. APPLICATION**

This policy applies to all meetings of the Board of Directors of the District, and to any meetings of subcommittees or advisory groups appointed by the Board if such subcommittees or advisory groups normally have a quorum requirement, take votes, and form recommendations as a body for presentation to the Board of Directors.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. COMPLIANCE WITH LAW**

All meetings shall be conducted in accordance with the Oregon Public Meetings Law, ORS 192.610-192.710, and 192.990, a copy of which appears as Appendix D to this Manual.

Private or social meetings of a quorum for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by the Public Meetings Laws.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. LOCATION OF MEETINGS**

All meetings shall be held within the geographic boundaries of the District, except for training sessions held without any deliberative action. No meeting shall be held in any place where discrimination on the basis of race, creed, color, sex, **sexual orientation**, **gender identity**, age, national origin, or disability is practiced. All meetings shall be held in places accessible to the handicapped.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. VIRTUAL MEETINGS HELD BY TELEPHONE**

Meetings held by telephone, or other electronic communication, are subject to the Public Meetings Law if they otherwise qualify by virtue of their deliberative purpose and the presence of a quorum (ORS 192.670(1)). Notice and opportunity for public access shall be provided when meetings are conducted by electronic means. At least one location shall be provided where meetings held by telephone or other electronic means may be listened to by members of the public (ORS 192.670(2)). The media shall be provided access to a listening location whenever executive sessions are conducted electronically, unless such executive sessions are exempt from media attendance pursuant to ORS 192.670(1) and 192.660(3).

Adopted: 5/10/04 Revised: 4/13/11.

### **E. MEETING ATTENDANCE BY BOARD DIRECTORS**

Board Directors are expected to attend all meetings unless there is extenuating business or personal reasons for any absence.

~~If a Board Director misses 2 months without notifying the Library Director or the Board Chair, the Board may declare that position vacant.~~

Board Directors are expected to be prompt and should notify the Chair or Library Director if circumstances cause them to be late.

Adopted: 5/10/04 Revised: 4/13/11.

## **F. REGULAR MEETINGS**

The Board shall hold regular monthly meetings on the second and, if necessary, the fourth Wednesday of each month. Such meetings shall be held at the Fern Ridge Library, at 7 p.m., or at such other places and times as the Board may designate from time to time.

Adopted: 5/10/04 Revised: 4/13/11.

## **G. SPECIAL MEETINGS**

The Board shall hold special meetings at the request of the Chair or any three Directors of the Board. If the Chair is absent from the District, special Board meetings may be held at the request of the Vice-Chair. No special meeting shall be held upon less than 24 hours' public notice.

The Library Director will post a statutory notice stating the time and place of any special meeting and the purpose for which it is called at least 24 hours before such a meeting is to be convened.

Local news media will receive written notice of the meeting at least 24 hours in advance as required by law.

Adopted: 5/10/04 Revised: 4/13/11.

## **H. PUBLIC HEARING**

The Board will hold such public hearings as are required by law and will follow the appropriate procedures.

The Board will establish procedures, as appropriate for such other hearings as may be required by the Board to ascertain the ideas and opinions of the community on an item of interest, or to facilitate the orderly resolution of questions or concerns of the Board or community.

Adopted: 5/10/04 Revised: 4/13/11.

## **I. BOARD WORK SESSION**

The Board may schedule work sessions in order to provide its Director with opportunities for planning and thoughtful discussion without action. Topics for discussion and study will be announced publicly, and work sessions will be conducted in accordance with the state law on public meetings.

Adopted: 5/10/04 Revised: 4/13/11.

## **J. EMERGENCY MEETINGS**

Emergency meetings may be held at the request of persons entitled to call special meetings, upon less than 24 hours' notice in situations where a true emergency exists. An emergency exists where there are objective circumstances which, in the judgment of the person or persons calling the meeting, create a real and substantial risk of harm to the District which would be substantially increased if the Board were to delay in order to give 24 hours' notice before conducting the meeting. The convenience of Board Directors is not grounds for calling an emergency meeting.

At the beginning of any emergency meeting, the Board Director or Board Directors calling such meeting shall recite the reasons for calling such meeting, and the reasons the meeting could not have been delayed in order to give at least 24 hours' notice, which reasons shall be noted in the minutes. The Board shall then determine if the reasons are sufficient to hold an emergency meeting and, if not, shall immediately adjourn such meeting. Only business related directly to the emergency shall be conducted at an emergency meeting.

For special meetings, press releases shall be issued or phone calls made to wire services and other media; and interested persons shall be notified by mail or telephone. For emergency meetings, the District shall attempt to contact local media and other interested persons by telephone to inform them of the meeting. A sample "Notice of Meetings" is contained in Appendix C.

Adopted: 5/10/04 Revised: 4/13/11.

## **K. NOTICE OF MEETINGS**

Notice of the time, place, and principal subjects to be considered shall be given for all meetings. For regular meetings, notice shall be sent to all Board Directors, local media, and to all persons or other media representatives having requested notice in writing of every meeting. The agenda shall also be posted at the Library.

Written notice shall also be sent to any persons who the District knows may have a special interest in a particular action, unless such notification would be unduly burdensome or expensive. For special meetings, press releases shall be issued or phone calls made to wire services and other media; and interested persons shall be notified by mail or telephone. For emergency meetings, the District shall attempt to contact local media and other interested persons by telephone to inform them of the meeting. A sample "Notice of Meetings" is contained in Appendix C.

Adopted: 5/10/04 Revised: 4/13/11.

## **L. EXECUTIVE SESSIONS**

1. Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings set forth above, except that the notice need only indicate the general subject matter to be considered at the executive session, but it shall also set forth the statutory basis



for calling the executive session. A sample "Notice of Executive Session" is contained in Appendix D.

2. A Board Director may request and, with the consensus of the Board, require the presiding officer to convene an executive session for a purpose authorized under ORS 192.610-.690.

The presiding officer must cite statutory authority under ORS 192.610-.690 prior to moving into the executive session and will note that the specific subject of the executive session will be undisclosed under ORS 192.660(3).

Adopted: 5/10/04 Revised: 4/13/11.

### **M. INTERPRETERS FOR THE HEARING IMPAIRED**

The District shall comply with ORS 192.630(5) regarding the provision of interpreters for the hearing impaired at Board meetings, in accordance with the following rules:

The District shall make a good faith effort to have an interpreter for hearing impaired persons provided at any regularly scheduled meeting if the person requesting the interpreter has given the District at least 48 hours' notice of the request, provided the name of the requester, the requester's sign language preference, and any other relevant information which the District may require. "Good faith efforts" shall include contacting the Oregon Disabilities Commission, or other state or local agencies that maintain a list of qualified interpreters.

If a meeting is held upon less than 48 hours' notice, the District shall make reasonable efforts to have an interpreter present.

The requirement for an interpreter does not apply to emergency meetings.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 4.04 CONDUCT OF BOARD MEETINGS**

### **A. PRESIDING OFFICER**

The Chair shall preside at Board meetings. In the Chair's absence, the Vice-Chair shall preside. If both the Chair and Vice-Chair are absent, any other Director of the Board may preside.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. AUTHORITY TO CONDUCT MEETINGS**

The Chair or other presiding officer at any Board meeting shall have full authority to conduct the meeting. Meetings shall be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner. Any decision of the Chair or other presiding officer at the meeting may be overridden by a majority vote of the Board.

Official business of the Board will be transacted by motion or resolution at duly called regular or special meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in Robert's Rules of Order, Simplified, will govern the Board in its deliberation.

The Chair will decide all questions relative to points of order, subject to an appeal to the entire Board.

Discussion by Board Directors will be unlimited so long as it applies to the motion before the Board or the matter under consideration. The Board may vote to limit discussion, and the chairman will confine discussion to the matter before the Board. The chair may limit the time of any citizen appearing before the Board in order that all who wish to be heard may have the opportunity.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. PUBLIC PARTICIPATION**

If public participation is to be a part of the meeting, the presiding officer may regulate the order and length of appearances, and limit appearances to presentations of relevant points. Persons failing to comply with the reasonable rules of conduct outlined by the presiding officer, or causing any disturbance, may be asked or required to leave: upon failure to do so, such persons become trespassers.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. ELECTRONIC EQUIPMENT**

The Board's authority to control its meetings extends to control over equipment such as cameras, tape recorders, and microphones. The presiding officer shall inform persons attending any Board meeting of reasonable rules necessary to assure an orderly and safe

meeting. The physical comfort and safety of the Board Directors and the public attending the meeting shall be of primary concern in formulating such rules.

Adopted: 5/10/04 Revised: 4/13/11.

#### **E. RECORDING OF VOTES**

Votes shall be recorded. Any Director may request that his or her vote be changed, if such request is made prior to consideration of the next order of business.

Adopted: 5/10/04 Revised: 4/13/11.

#### **F. QUORUM REQUISITES**

Three Directors shall constitute a quorum. If only a quorum is present, a unanimous vote shall be required to take final action.

Adopted: 5/10/04 Revised: 4/13/11.

#### **G. VOTE EXPLANATIONS**

Directors of the Board may append to the record, at the time of voting, a statement indicating either the reason for their vote or abstention.

Adopted: 5/10/04 Revised: 4/13/11.

#### **H. CONFLICT OF INTEREST/EX PARTE CONTACTS**

In the event of a conflict of interest, a Director of the Board shall declare such conflict and abstain from voting. In the event any Director of the Board has had any ex parte contact regarding a matter, the Director shall declare such contact prior to participating in any vote on the matter.

Adopted: 5/10/04 Revised: 4/13/11.

#### **I. SMOKING**

Pursuant to ORS 192.710, smoking is prohibited where a meeting is being held by the Board or is to continue after a recess.

Adopted: 5/10/04 Revised: 4/13/11.

#### **J. ADJOURNMENT**

The meeting shall be adjourned by the presiding officer, with Board consensus.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 4.05 EXECUTIVE SESSIONS**

### **A. NOTICE**

Public notice of executive sessions shall be provided in accordance with Policy 4.3.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. NO FINAL DECISIONS**

The Board shall not take any votes nor make any final decisions during any executive session. This policy, however, shall not prohibit full discussion of Board Directors' views during executive sessions.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. PURPOSES**

Executive sessions shall be held *only* for the following purposes:

Adopted: 5/10/04 Revised: 4/13/11.

1. Employment of Personnel: Pursuant to ORS 192.660(1)(a) an executive session may be held to discuss the employment of a public officer, employee, or staff member, but only if the following requirements have been met:

The vacancy for the position has been advertised;

Regularized procedures for hiring have been adopted;

There has been opportunity for public input into the employment of such employee or officer;

Where employment of a Library Director is under consideration, the standards, criteria, and policy directives to be used in hiring such officer must have been adopted at a meeting open to the public at which the public has had an opportunity to comment. No executive session may be held under ORS 192.660(1)(a) for purposes of filling a vacancy in an elective office.

2. Discipline of Public Officers and Employees: Pursuant to ORS 192.660(1)(b). an executive session may be held to consider the dismissal or disciplining of a public officer, employee, staff member or individual agent, or to hear complaints or charges brought against such persons, *unless* the person complained against requests an open hearing.
3. Consultation with Labor Negotiator Pursuant to ORS 192.660(1)(d): an executive session may be held to conduct deliberations with persons designated by the Board to carry on labor negotiations on its behalf. News media representatives may be excluded from executive sessions called under this section.
4. Real Property Transactions: Pursuant to ORS 192.660(1)(e). an executive session may be held to conduct deliberations with persons designated by the Board to negotiate real property transactions.

5. Exempt Records: Pursuant to ORS 192.660(1)(f). an executive session may be held In order to consider records exempt by law from public inspection the records must contain material exempted from public disclosure under the Public Records Law, ORS 192.501 and 192.502. Examples of such records are: medical records pertaining to personnel, confidential communications from legal counsel, employment tests or examination materials.
6. Litigation/Consultation with Legal Counsel: Pursuant to ORS 192.660(1)(h). an executive session may be held to consult counsel concerning the District's legal rights and duties, as well as current litigation or litigation likely to be filed. Whenever written legal advice received from counsel is to be discussed, the Board may utilize an executive session to discuss the writing under the authority of ORS 192.660(1)(f), as well.
7. Performance Evaluations: Pursuant to ORS 192.660(1)(i). an executive session may be held to review and evaluate the employment-related performance of the Library Director, other officers, employees, or staff members, pursuant to standards, criteria and policy directives adopted by the District, unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria, and policy directives to be used in evaluating the Library Director must first have been adopted by the Board in meetings open to the public in which there was an opportunity for public comment. Executive sessions called pursuant to this section may not include a general evaluation of any District goal, objective, or operation, and may not include any directive to the Library Director or other District personnel concerning agency goals, objectives, operations, or programs.
8. Labor Negotiations: Pursuant to ORS 192.660(2) labor negotiations shall be conducted in open meetings unless both negotiating parties request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

#### **D. CONDUCT OF EXECUTIVE SESSION**

The Chair or other presiding officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the Chair shall direct any representatives of the news media who are present not to report certain specified information from the executive session. In general, the extent of the nondisclosure requirement should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board Directors, staff, and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board as a whole.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 4.06 MINUTES OF MEETINGS**

### **A. WRITTEN MINUTES**

The Board shall keep written minutes of all of its meetings in accordance with the requirements of ORS 192.650. Minutes of public meetings shall include at least the following information:

All Directors of the Board present.

All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition.

Results of all votes, including the vote of each Director by name.

The substance of any discussion on any matter.

Subject to ORS 192.410—192.505 relating to public records, a reference to any document discussed at the meeting.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. MINUTES OF EXECUTIVE SESSIONS**

Minutes of executive sessions shall be kept separately from minutes of public meetings. Minutes of executive sessions may be kept either in writing, in the same manner as minutes of public sessions, or by tape recording. If minutes of an executive session are kept by tape recording, written minutes are not required, unless otherwise provided by law (ORS 192.650(2)).

Adopted: 5/10/04 Revised: 4/13/11.

### **C. DISCLOSURE OF EXECUTIVE SESSION MATTERS**

If disclosure of material in the executive session minutes would be inconsistent with the purpose for which the executive session was held, the material may be withheld from disclosure. No executive session minutes may be disclosed without prior authorization of the Board (ORS 192.650(2)).

Adopted: 5/10/04 Revised: 4/13/11.

### **D. RETENTION**

Any tape recordings or written minutes of public Board meetings or executive sessions shall be retained by the District until such time as their disposal is authorized by the State Archivist pursuant to ORS 192.105.

Adopted: 5/10/04 Revised: 4/13/11.

**E. AVAILABILITY TO THE PUBLIC**

Written minutes of public sessions shall be made available to the public within a reasonable time after the meeting (ORS 192.650(1))

Adopted: 5/10/04 Revised: 4/13/11.

## CHAPTER 5. PUBLIC RECORDS TABLE OF CONTENTS

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## **Section 5.01 PUBLIC RECORDS**

### **A. CUSTODY AND MAINTENANCE**

Orderly retention and destruction of public records is a policy of the state. The Secretary of State is the public records administrator responsible for application, operation, and interpretation of the public records laws.

1. The governing body of a political subdivision should have appropriate methods of assembling, indexing, and preserving documents. The State Archivist has the authority to grant to public officials authorization for retention or disposition of public records.
2. Public records as defined in Oregon law include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by a public body regardless of physical form or characteristics (ORS 192.410). "Writing" means handwriting, typewriting, printing, photographing, and every means of recording including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles, or electronic recordings.
3. The elected Library Board should consult the manual from the Archivist. The Archivist supplies forms for listing a schedule, which must be approved by the Archivist. The policy contained in ORS 192.001 concerning public records should be included in the Library's Policy Manual.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. COMPLIANCE**

The District shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505. A copy of this law is contained in Appendix E.

Specificity of Request: In order to facilitate the public's access to records in the District's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter, and such other detail as may be necessary to enable District personnel to readily locate the records sought.

Access: The District shall permit inspection and examination of its nonexempt public records during regular business hours in the District's offices, or such other locations as the Board may reasonably designate from time to time. Copies of nonexempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained (ORS 192.440(2)).

Certified Copies: Certified copies of nonexempt public records shall be furnished upon request, and receipt of payment thereof.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. FEES FOR PUBLIC RECORDS**

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

1. Copies of Public Records; Certified Copies: Copies of public records shall be provided at the Board-approved rate per copy for standard, letter size copies. Copies may be certified upon request.
2. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.
3. Reduced Fee or Free Copies: Whenever it determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the Board may so authorize (ORS 192.440(4)).

Adopted: 5/10/04 Revised: 4/13/11.

### **D. AUTHORIZATION REQUIRED FOR REMOVAL OF ORIGINAL RECORDS**

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors of the District.

Adopted: 5/10/04 Revised: 4/13/11.

### **E. ON-SITE REVIEW OF ORIGINAL RECORDS**

If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordance with Section C, above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

Adopted: 5/10/04 Revised: 4/13/11.

### **F. UNAUTHORIZED ALTERATION, REMOVAL, OR DESTRUCTION OF ORIGINALS**

If any person attempts to alter, remove, or destroy any District record, the District representative shall immediately terminate such person's review, and notify the attorney for the District.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 5.02 INSPECTION OF PUBLIC RECORDS**

### **A. RIGHT TO INSPECT**

Under ORS 192.640, "every person" has a right to inspect any nonexempt public record. Motive and identity of the requestor of nonexempt records are irrelevant. Many public records are only conditionally exempt from inspection. ORS 192.500(1) exempts certain records from disclosure "unless the public interest requires disclosure in the particular instance." ORS 192.500(2) exempts other records subject in certain cases to balancing tests between privacy rights, government efficiency, etc. on one hand, and the public interest on the other. In such cases, the identity of the requestor and the use to be made of the material may be of weight.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. EXEMPTIONS**

On the list of exemptions (ORS 192.500(1)[j]) are "the circulation records of a public library showing use of specific library materials by named persons." Other conditional exemptions relevant to libraries may be records of a personnel discipline action, records of litigation to which a public body is a party if the complaint has been filed or is likely to be filed in the opinion of the public body, and information relating to the appraisal of real estate prior to acquisition.

ORS 192.500(2)(b) is designed to protect the privacy of individuals: "Personal Privacy Exemption: Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy...@.

- a. The Oregon Attorney General has issued a number of opinions assisting in defining invasion of privacy. Local boards should consult with an attorney when in doubt about what records can be reviewed by the public.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. INTERPRETATION OF LAW**

NOTE: Interpretation of any law is, ultimately, dependent on a court's ruling in a case. Even then, the ruling is specific to the case, although often accepted as a precedent. Attorneys can advise boards on the best procedures to follow based on case law and on opinions of the Attorney General.

These intricacies in the Oregon law suggest the need for library boards to be coached on "best practice" in handling any legal matters.

Adopted: 5/10/04 Revised: 4/13/11.

#### **D. DISCLOSURE OF RECORDS**

1. In many cases, a public agency may in its discretion disclose records even if ORS 192.500 permits it not to disclose. The first inquiry by the agency, therefore, should be, "Is there any good reason not to disclose?"
2. The Public Records Law is a *disclosure* law not a *confidentiality* law. Nothing in the Public Records Law prevents disclosure of any records, and therefore in many cases a public agency is free to disclose records which it is not required to disclose (Attorney General's Public Records and Meetings Manual).

Adopted: 5/10/04 Revised: 4/13/11.

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FERN RIDGE LIBRARY DISTRICT

PUBLIC CONTRACTING RULES  
CLASS EXEMPTIONS

**Section 6.01      *PURPOSE AND STATUTORY AUTHORITY***

These rules establish and recognize classes of public contracts which are exempt from the formal competitive solicitation requirements of the Public Contracting Code. These exemptions may be used by District without additional findings of fact except as otherwise set forth herein. These exemptions are in addition to all contracting exemptions as set forth in the Code and the Attorney General's Model Rules Oregon Administrative Rules Chapter 37, Divisions 46, 47, 48, and 49. Additional contracts or classes of contracts may be expressly exempted from competitive solicitation requirements by ordinance or resolution of the District Local Contracting Review Board pursuant to Contracting Agency Rules and ORS 279B.085 (Goods & Services) or 279C.335 (Public Improvements).

Adopted 1/28/15



## **Section 6.02 Advertising Contracts Advertising Contracts, Purchase of**

- a. The District may purchase advertising in any media, regardless of dollar amount, without competitive bidding.
- b. The Board must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- c. If the anticipated purchase exceeds \$5,000 and a competitive method is used, the District must post notice on the Oregon Procurement Information Network (ORPIN).

### **A. Findings of Fact**

The District traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the District may also purchase advertising for library activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the District is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
- f. The communities served by the District rely upon its use of the local daily newspaper as a central source of news and information regarding District activities.

**B. Conclusion of Compliance with Law**

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the District where the District can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

Adopted 1/28/15

### **Section 6.03 Advertising Contracts, Sale of**

The District may sell advertising for District publications regardless of dollar amount, without competitive bidding, including library newsletters, event announcements and the like.

#### **A. Findings of Fact**

Sales of advertising for library activities are generally other fund revenues. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the library newsletter or event announcement that is consistent with library policy. The District itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising.

#### **B. Conclusion of Compliance with Law**

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the library.

The sale of advertising would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the library and there is no financial advantage to the District in doing so. Consequently, the cost savings test is not an issue.

Adopted 1/28/15

## **Section 6.04      *Equipment Repair and Overhaul***

- a. The District may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
  - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
  - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
  - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
  
- b. The following limitations apply to this rule:
  - (1) If the contract is less than or equal to \$10,000, the District shall document in its procurement file the reasons why competitive bids or quotes are deemed to be impractical and may enter directly into the contract;
  - (2) If the library contract may exceed \$10,000, shall submit in writing to the District Board the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by a special procurement.

### **A. Findings of Fact**

- a. The need for equipment repair or overhaul cannot be anticipated by District staff. If a piece of equipment is broken or not working properly, the District incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
  
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the District in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
  
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$10,000, the District will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the District to proceed with the purchase of the needed repair or overhaul.

B. Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$10,000, insure the District will seek formal competitive bids and proposals. If the formal process is not practical, the District will seek a specific exemption to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the District, as required by ORS 279B.085, because the District incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the District and does not provide for the purchase of new equipment. The District must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

Adopted 1/28/15

## **Section 6.05      *Books and Other Copyrighted Materials***

The District may, without competitive bidding and regardless of dollar amount, purchase books and other copyrighted materials where there are limited suppliers available for such goods and considerations of price, availability and convenience must be considered. Further, the District's purchase of books in all but very few exceptions is limited to one copy of each book; which does not lend itself to the process of competitive solicitation. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, books, textbooks/instructional materials, workbooks, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

### **A.    Findings of Fact**

- a.    By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b.    Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or his/her licensee. Books are examples of copyrighted materials that District purchases through a sole source.
- c.    Consideration of price, availability and convenience in procuring the materials must be considered.
- d.    District's purchase of books in all but very few exceptions is limited to one copy of each book; which does not lend itself to the process of competitive solicitation.

### **B.    Conclusion of Compliance with Law**

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through one or more sources. The District has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the District when it needs to purchase copyrighted materials and there is only one known supplier for such goods, and there are limited supplies for such goods and consideration of price, availability and convenience in procuring the materials must be considered. The District also finds that the purchase of books in all but rare exceptions is limited to one copy which does not lend itself to a competitive solicitation process. Thus, this exception will result in cost savings and otherwise substantially promote the public interest.

Adopted 1/28/15

## **Section 6.06      *Product Prequalification***

- a.      When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the District may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
  - (1)     The District will make reasonable efforts to notify all known manufacturers and vendors of competing products of the District's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the District's list of prequalified products. At its discretion, the District may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the District may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the District; and
  - (2)     The District will accept manufacturer and vendor applications to include products in the District's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the District's written notice.
- b.      If the District denies an application for including a product on a list of prequalified products, the District shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the District to request review and reconsideration of the denial.

### **A.            Findings of Fact**

- a.      There are occasions when the District needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The District may have a specific performance or design need, but it is impractical for the District to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the District to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the District's specification. Slowdown in the award process affects both

bidders, who are asked to hold their bids open until award is made, and District programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the District to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the District must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The District maintains vendor mailing lists which are open to all interested vendors. The District uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

#### B. Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the District. It is not a shortcut procurement method. The District would use this method only after balancing cost-saving considerations, such as the ability of the District to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to contract award. If the prequalification method is chosen, it will result in a cost savings to the District because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

Adopted 1/28/15



**Section 6.07 Office Copier Purchases**

- (1) The District may enter into multiple requirements contracts for either the purchase, rental or lease of office copying equipment.
- (2) In exercising this exemption, the District shall fully consider the operating capabilities, limitations and cost of each brand or model and select the brand which will produce the best combination of performance and cost per copy for each application.

Adopted 1/28/15

## **Section 6.08      *Manufacturer Direct Supplies***

The District may purchase goods directly from a manufacturer without a competitive solicitation process if a large volume purchase is required and the cost from the manufacturer is the same or less than the cost the manufacturer charges to its distributor(s). Procurements of this type are made on a contract-by-contract basis, and are not requirements contracts.

Adopted 1/28/15

## **Section 6.09 Hazardous Material Removal; Oil Cleanup**

- a. The District may enter into public contracts without competitive bidding, regardless of dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the District shall:
  - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
  - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
  - (3) Record the measures taken under a.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The District shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the District to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.
- c. Hazardous material removal may also be addressed under “emergency” 279A.010(1)(F), 279B.080 and “special procurements” ORS 279B.085.

### **A. Findings of Fact**

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The District would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately.
- c. Cost savings are achieved through this exemption because the District can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations that property damage or personal injury could result if the District is slow to act.

B. Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the District will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the District is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the District in these situation, as required by ORS 279B.085 (3)(b), because the District must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

Adopted 1/28/15

## **Section 6.10 Insurance, Employee Benefit**

Contracting Agency may purchase employee benefit insurance without a competitive solicitation process, regardless of dollar amount. In exercising its authority under this exemption, the District shall:

- (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential providers of employee benefit insurance.
- (2) Record the measures taken under this rule to encourage competition, the amount of the quotes or proposals obtained, and the reason for selecting the provider to whom the award is made.

### **A. Conclusions of Compliance with Law**

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORs 279B.085(3)(a). The award of public contracts pursuant to this special procurement will result in costs savings to the District as required by ORS 279B.085(3)(b) because the District will be able to secure and tailor the employee benefit insurance in a manner to address the specific need and characteristics of its employees. Where possible, it will seek competitive quotes for the employee benefit insurance and will award the contract to the lowest responsive and responsible bidder.

Adopted 1/28/15

### **Section 6.11      *Renegotiation of Existing Contracts with Incumbent Contractors***

- a. The District may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
- b. The District has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this special procurement procedure.
- c. The renegotiated contract falls within a current special procurement procedure, but if not the District must approve a separate special procurement.
- d. The District may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

#### **A. Findings of Fact**

- a. The District may amend contracts when it is in the best interest of the District. The Director and/or other designee, acting on behalf of the District, may renegotiate certain provisions, including:
  - (1) Price;
  - (2) Term;
  - (3) Delivery and shipping;
  - (4) Order size;
  - (5) Substitution;
  - (6) Warranties;
  - (7) On-line ordering systems;
  - (8) Price adjustments;
  - (9) Product availability;
  - (10) Product quality; or
  - (11) Reporting requirements;
  - (12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

- b. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the District to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original contract, but the District may use factors other than

cost that demonstrate that the amended contract is more favorable to the unique needs of the District.

**B. Conclusion of Compliance with Law**

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the District's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the District when it need to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

Adopted 1/28/15

## **Section 6.12 Brand Names or Products, “Or Equal,” Single Seller and Sole Source**

The District may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule. Solicitation specifications for public contracts of the District shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.

- a. **Brand Name or Equal.** The District may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the District, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the District.
  - (1) The District is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
  - (2) The District is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the District;
  - (3) A brand name specification may be prepared and used only if the District determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the District based on one or more of the following written determinations:
    - (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
    - (b) Specification of the brand name, mark or product would result in substantial cost savings to the District; or
    - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
    - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- b. **Sole Source.** The District may award a contract for goods or services without competition when the District Board determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of source must be based upon written findings that shall include:
  - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;



- (2) Description of the product or service to be purchased; and
  - (3) The reasons the District is seeking this procurement method, which shall include any of the following:
    - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
    - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
    - (c) That the goods or services are for use in a pilot or an experimental project; or
    - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- c. One Manufacturer/Multiple Sellers. The District may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
- (1) If the total purchase is over \$5,000 but does not exceed \$10,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the District must obtain informal competitive quotes, bids, or proposals and document this process in the procurement file;
  - (2) If the purchase does not exceed \$10,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the District must first request and obtain prior written authorization from the District Board to proceed with the acquisition.
  - (3) If the District intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the District must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$10,000, this shall be stated in the advertisement for bids or proposals.

**A. Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)**

The District documents the contracting procedure, the goods and services subject of the special procurement, and the circumstances that justify the use of the special procurement.

1. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the District which could not be realized under ORS 279B.055, 279B.060, 279B.065, or 279B.070 as required by ORS 279B.085(4).
2. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
3. This rule requires the Districts to make a good faith effort to determine that no other sources are available for the specified products.
4. The District maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
5. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
6. When the local review board approves a class special procurement the District may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

Adopted 1/28/15

## **Section 6.13 Information Technology Contracts**

The District may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

- a. If the contract amount does not exceed \$10,000, the District shall attempt to obtain three competitive quotes. The District shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the District shall make a written record of the effort made to obtain the quotes or proposals.
- b. If the contract amount exceeds \$10,000, the District shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract and District Rules*. The District shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$10,000, the District shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

### **A. Findings of Fact**

- a. Rapid changes in technology make it necessary for the District to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
- c. There is generally sufficient competition among vendors of information technology hardware and software for District business.
- d. The District will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$10,000.
- e. If the District requires a brand name or sole source product, the District will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

### **B. Conclusion of Compliance with Law**

It is unlikely that this special procurement will encourage favoritism in the award of

District contracts or substantially diminish competition for District contracts. The purchase of information technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$10,000, the District will advertise its need.

The use of this special procurement will result in a cost savings to the District, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the District some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

Adopted 1/28/15

## **Section 6.14 Telecommunications Systems - Hardware and Software Contracts**

- a. The District may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
  - (1) If the contract amount does not exceed \$5,000, the District shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The District shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the District shall make a written record of the effort made to obtain the quotes or proposals.
  - (2) If the contract amount exceeds \$5,000, the District shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract and District Rules*. The District shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 13.a.(2) of these rules shall:
  - (1) State the contractual requirements in the solicitation document;
  - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the District's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
  - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition; and
  - (4) Be advertised in accordance with applicable provisions of the public contracting code.

### **A. Findings of Fact**

- a. Rapid changes in technology make it necessary for the District to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of

telecommunication hard-ware and software to allow the District to make competitive purchases.

- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the District to take advantage of price competition in the marketplace.
- d. The District will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$5,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$5,000, the District will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and District Rules*.
- f. There are also times when the District needs to purchase specific items that are compatible with current equipment. On these occasions, the District will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

B. Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$10,000, the District will advertise its need.

The use of this special procurement will result in a cost savings to the District, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the District some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

Adopted 1/28/15

## **Section 6.15      Telecommunications Services**

- a.     The District shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The District will use routine purchasing procedures whenever possible, but if necessary, the District can consider alternative procurement methods in accordance with this rule.

The District will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b.     In determining the appropriate procurement method for telecommunications services, the District shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the District may consider the following factors:
- (1)    The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Lane County;
  - (2)    The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the District requires digital services, analog services are not comparable or substitutable. If the District requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
  - (3)    The extent to which alternative providers can respond to the District's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting District liability. For example, to be considered as the District's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the District's centralized automated billing requirements. The District must document for the record its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the District may solicit the information either through informal telephone or written contacts or through a formal solicitation such as an RFP.
- c.     If the District determines that competition does not exist in the area for the relevant service, the District may proceed to secure the service on a sole source basis, as described in the District's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.



**A. Findings of Fact**

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the District to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the District to take advantage of existing competition.
- c. The District will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$10,000. The District shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the District shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$10,000, the District will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and District Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by District operations. In such instances, the District will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

**B. Conclusion of Compliance with Law**

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$10,000, the District will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the District will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the District, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the District some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

Adopted 1/28/15

## **Section 6.16      *Used Personal Property or Equipment, Purchase<sup>1</sup>***

- a. Subject to the provisions of this rule, the District may purchase used property or equipment without obtaining competitive bids or quotes, if the District has determined that the purchase will result in cost savings to the District and will not diminish competition or encourage favoritism or otherwise promote the public interest in a manner that could not be realized by a formal competitive solicitation process. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used” at the time of District purchase. Used personal property or equipment generally does not include property or equipment if the District was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
- b. For purchases of used personal property or equipment costing less than or equal to \$10,000, the District shall, where feasible, obtain three competitive quotes unless the District has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the District and will not diminish competition or encourage favoritism.
- c. For purchases of used personal property or equipment totaling \$10,000 or more, the District shall attempt to obtain three competitive quotes. The District will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

### **A. Findings of Fact**

- a. The District is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The District purchases used property and equipment when it meets the District’s needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does be-come available, the District must be able to respond immediately in order to obtain the property or equipment.

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<sup>1</sup> When contracting with another governmental entity, a District has a statutory exception under ORS 279A.025. The District may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property.

- c. Some types of property or equipment may not be readily available in the new goods market. The District may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The District maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

**B. Conclusion of Compliance with Law**

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the District are inconsistent. This rule requires the District to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$10,000, the District will advertise its need.

The use of this special procurement will result in a cost savings to the District, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the District and help ensure the continuation of District services and programs.

Adopted 1/28/15

## **Section 6.17      *Surplus Personal Property, Disposition of***

(1)      The District may dispose of surplus personal property by any means determined to be in the best interest of the District Board, including but not limited to: transfer to other departments; donation to other governmental agencies; or non-profit organizations; negotiated or advertised sale; trade; auction; liquidation through commercially recognized third party liquidator; or destruction.

(2)      Prior to surplusing property, the District must find that the chosen disposition will substantially promote the public interest in a manner that could not practicably be realized by a competitive solicitation process and either that the disposition will result in a cost savings to Agency or will probably result in a higher net return than if the property were sold by a competitive solicitation process.

(3)      All items of personal property having a residual value of more than \$5,000 are subject to prior authorization of the District Board.

Adopted 1/28/15

## **Section 6.18      *Personal Services for Other than Architect, Engineer, and/or Surveying Services***

- (1)      Either the following procedures or those set forth in the Model Rules, Division 47, will be used to retain the services of independent contractors, other than architects, engineers, land surveyors, or other professionals otherwise exempt from these Rules or the Code.
- (2)      Nothing in this section shall apply to the employment of regular the District employees unless otherwise approved by the local contract review board or its designee, or personal service contract.
- (3)      Unless otherwise approved by the District, personal service contracts shall require the contractor to defend, indemnify, and hold harmless the District, its officers, agents, and employees from and against any and all claims or demands for damages of any kind arising out of or connected in any way with the contractor's performance thereunder except for the sole negligence of the District and shall include a waiver of contractor's rights to indemnification and defense under the Oregon Tort Claims Act.
- (4)      Unless otherwise approved by the District, all personal service contracts shall contain a provision requiring the person or entity providing the service to obtain and maintain liability insurance coverage in at least the District's tort liability limits, naming the District as an additional named insured during the life of the contract.
- (5)      All personal service contracts shall contain all contract provisions mandated by State law. These provisions may be incorporated in the personal service contract by reference to State law, unless State law provides otherwise. All personal services contracts shall contain a provision which identifies the contractor as an independent contractor under requirements for Oregon law to be qualified as an independent contractor. The District's Attorney's Office will prepare model contract provisions for use in the District personal service contracts.
- (6)      The following procedure shall be observed in the selection of personal service contractors:
  - (a)      For personal service contracts involving an anticipated fee of \$10,000 or less per annum, the District may negotiate a contract for such services with any qualified contractor it selects.
  - (b)      For personal service contracts involving an anticipated fee of more than \$10,000 per annum, the District shall solicit at least three (3) prospective contractors who shall appear to have at least minimum qualifications for the proposed assignment, notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor's interest and ability to perform the proposed assignment.
  - (c)      The District may arrange for any or all interested prospective contractors to be interviewed for the assignment by an appropriate the District employee or by an interview committee.
  - (d)      Following a review of the qualifications and interview, where conducted, of the

interested prospective contractors, the District may select the prospective contractor, and shall prepare a personal service contract.

- (7) The above provisions regarding selection procedures do not apply to extensions, amendments, modifications or supplements to executed personal service contracts.
- (8) Criteria to be considered in the evaluation and selection of a personal service contractor may include, but is not limited to:
- (a) Total cost of services to the District.
  - (b) Specialized experience in the type of work to be performed.
  - (c) Capacity and capability to perform the work, including any specialized services within the time limitations for the work.
  - (d) Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable.
  - (e) Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable.
  - (f) Any other factors relevant to the particular contract.
- (9) The selection procedures described in this section may be waived by the District, in its discretion, where an emergency exists that could not have been reasonably foreseen which requires such prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of these selection procedures.
- (10) The District or its designee is authorized to sign all personal service contracts, unless otherwise established by the District policy.
- (11) Nothing contained in this section shall preclude the District from complying with provisions of Federal or State law that require the District to utilize a different selection or contracting procedure.

Adopted 1/28/15

## **Section 6.19 Insurance Contracts**

Contracts for insurance where either the annual or aggregate premium exceeds \$10,000 must be let using one of the following procedures:

(1) Agent of Record: the District may appoint a licensed insurance agent (“agent of record”) to perform insurance services in connection with more than one insurance contract. Among the services to be provided is the securing of competitive proposals from insurance carriers for all coverages for which the agent of record is given responsibility.

(a) Prior to the selection of an agent of record, The District shall make reasonable efforts to inform known insurance agents in the competitive market area that it is considering such selection. These efforts shall include a public advertisement in at least one newspaper of general circulation in the area where the contract is to be performed. The advertisement shall generally describe the nature of the insurance that the District will require. If the amount of the annual premium for insurance, other than employee benefits insurance, is likely to exceed \$10,000 per year, such notice shall also include a public advertisement in at least one insurance trade publication of general circulation in the state.

(b) Any appointment period shall not exceed five years. Agents may serve more than one appointment period. Agents must qualify for appointment prior to each period as if each appointment period were the first.

(c) In selecting an agent of record, The District shall select the agent(s) most likely to perform the most cost-effective services.

(2) Specific Proposals for Insurance Contracts: The District may solicit proposals from licensed insurance agents for the purpose of acquiring specific insurance contracts subject to the following conditions:

(a) The District shall make reasonable efforts to inform known insurance agents in the competitive market area of the subject matter of the contract, and to solicit proposals for providing the services required in connection with the contract. Such efforts shall include public advertisement in at least one newspaper of general circulation in the area where The District is located. If the amount of annual premium for insurance, other than employee benefits insurance, is likely to exceed \$20,000 per year, such notice shall also include a public advertisement in at least one insurance trade publication of general circulation in the state.

(b) The District shall select an agent on the basis of the most competitive offer considering coverage, premium cost, and service to be provided.

Adopted 1/28/15



## **Section 6.20      Public Improvement Contracts**

Pursuant to ORS 279C.330 and 279C.335, and the Model Rules, the District submits the following findings supporting a class exemption of public improvement contracts from competitive bidding requirements, where a competitive proposal or competitive quotes process is instead desired by the District, in its sole discretion, which conforms to the requirements set forth in ORS 279C.400 through 279C.414 as may be applicable:

(a)      Bidders available to bid: Where the bidders pool consists of one or very few potential bidders, the formal competitive bidding process costs must be considered and weighed as to whether it makes sense to incur such costs;

(b)      Operational, budget, and financial data: Where various criteria, which may or may not include cost, must be weighed in order to select an appropriate contractor for the desired project, the formal competitive bidding process costs are a significant budgetary waste in that the most qualified contractor for the project may not be the lowest responsible bidder;

(c)      Public benefits: Exempting contracts from competitive bidding requirements and instead utilizing statutory competitive proposal or competitive quotes procedures will protect and preserve public funds, enable greater competition between the most qualified contractors, and result in a better product which meets the public's and the District's needs;

(d)      Value Engineering: Value engineering techniques which may not be attainable in a strictly competitive bidding process may decrease the cost of the public improvement. The competitive proposal process may facilitate the use of value engineering techniques;

(e)      Specialized expertise required: Technical expertise: Only through the competitive proposal process can the District weigh, evaluate and select this type of expertise and determine which contractor may best provide these services. These are qualities not reflected in cost, where a determination on cost alone could forfeit these valuable and essential attributes;

(f)      Public safety: Utilizing a competitive proposal process as opposed to competitive bidding can ensure high quality, more safely constructed facilities through the construction period, and after completion. Capitalizing upon design and construction planning and compatibility can also allow earlier use of public facilities even while construction continues;

(g)      Market conditions: The increased availability of and need for technical expertise, value engineering, or other types of specialized expertise, as well as a need to investigate the compatibility, experience and availability of contractors require that certain public improvement contracts be awarded based upon an evaluation of a number of criteria, rather than simply cost;

(h)      Funding sources: The consideration of the availability and requirements

of funding as to whether granting an exemption will affect the funding sources for the public improvement;

(i) Impact of market conditions: The consideration of whether granting an exemption will better enable the District to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;

(j) Size and technical complexity: The consideration of whether granting an exemption will better enable the District to address the size and technical complexity of the public improvement;

(k) New or renovation: The consideration of whether the public improvement involves new construction or renovates or remodels an existing structure and the impact of that factor on the cost of construction;

(l) Occupied or unoccupied: The consideration of whether the public improvement will be occupied or unoccupied during construction and the impact of that factor on the cost of construction;

(m) Single or multi-phases: The consideration of whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and

(n) Available Contracting Expertise: The consideration of whether the District has or has retained under contract and will use District personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the District will use to award a public improvement contract and to help negotiate, administer and enforce the terms of a public improvement contract.

Adopted 1/28/15

**Section 6.21 Waiver of Bid Security Requirements  
(Public Improvement Contracts Under \$100,000)**

The District may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the District may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the District.

A. Findings of Fact/Conclusion of Compliance with Law

This rule allows the District to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

Adopted 1/28/15

**Section 6.22      *Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)***

The District may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the District.

A. Findings of Fact/Conclusion of Compliance with Law

This rule allows the District to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

Adopted 1/28/15

**Section 6.23      *Projects with Complex Systems or Components***

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
  
- b. Definitions. For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

A. Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of an RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP's are to be used if authorized by the District. These criteria, ensures that competitive means will be used and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption **is not** intended to be used for CM/GC projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the District.

Adopted 1/28/15

## CHAPTER 7. DISTRICT BUDGETING TABLE OF CONTENTS

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## **Section 7.01 DISTRICT COMPLIANCE WITH LOCAL BUDGET LAW**

[NOT APPROPRIATE WITHOUT MODIFICATION FOR DISTRICTS LOCATED IN COUNTIES WITH A TAX SUPERVISING AND CONSERVATION COMMITTEE.]

### **A. COMPLIANCE WITH LOCAL BUDGET LAW**

Compliance with Oregon's Local Budget Law (ORS 294.305—294.565), is required prior to the expenditure of any monies or the levy of any tax upon property located within the District (ORS 294.326). The District shall comply with the provisions of the Local Budget Law, and with the instructions and requirements of the Department of Revenue, which has been charged by the Legislature with responsibility to interpret and administer the Local Budget Law. In preparing and adopting its Budget, the District shall be guided by the Budget Manual for Municipal Corporations, published by the Department of Revenue, and the Department's various forms and instructions.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. APPOINTMENT OF BUDGET OFFICER**

Pursuant to ORS 294.331, the District Board of Directors shall designate a Budget Officer to prepare or supervise the preparation of the District's Budget. The Budget Officer shall fully acquaint himself/herself with the Local Budget Law and the budget preparation process. The Budget Officer shall act under the direction of the Board.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. PREPARATION OF THE PROPOSED BUDGET**

The Budget Officer shall prepare or supervise preparation of the proposed Budget. The Budget Officer shall then publish a "Notice of Budget Committee Meeting" as set forth in ORS 294.401(1). The Budget Officer will present it to the budget committee. He/she will see that members of the committee have detailed as well as summary information early enough for them to give adequate study before decisions are made.

The fiscal year will extend from July 1 to June 30 inclusive.

The Board will annually adopt a budget calendar which will identify dates and deadlines required for the legal presentation and adoption of the Budget.

The Budget Officer will prepare and recommend a proposed calendar for Board approval. Such calendar will identify dates and activities which comply with state law.

Adopted: 5/10/04 Revised: 4/13/11.



#### **D. BUDGET COMMITTEE**

Pursuant to ORS 294.336, the District shall establish a Budget Committee consisting of the members of the Board of Directors and an equal number of qualified electors of the District. Any increase or reduction in the number of -members of the District's Board of Directors shall cause a like increase or reduction to be made in the number of appointive citizen members of the Budget Committee. Members of the Budget Committee shall receive no compensation for their services. The appointive members of the Budget Committee shall not be considered officers, agents, or employees of the District. Each member shall serve a three year term. Terms of office on the Budget Committee shall be staggered as the Board of Directors shall determine.

1. At the first Board meeting in September the Board will identify which vacant positions on the budget committee must be filled by appointment of the Board. The Board will announce the vacancies and receive applications from interested persons through the month of September. Such applications will include a signed statement stating that the applicant is willing to serve as a member of the Budget Committee. The Board may contact the person who previously served in the now vacant position to ascertain his or her willingness to serve another term if appointed.
2. At the first regular Board meeting in October the Board will review the names of persons filing applications and names of those persons who have served previously and are still willing to be appointed. At the second regular meeting in October, the Board will appoint persons to fill the vacant positions.
3. The appointive members of the Budget Committee will be appointed for terms of three years. No person may serve more than two consecutive terms as a Budget Committee member. The terms will be staggered so that approximately one-third of the terms of the appointive members end each year. If any appointive member is unable to complete the term for which he or she was appointed, the Board will announce the vacancy at the first regular Board meeting following the resignation or removal of the committee member. Budget Committee members may be removed for the same reasons as Board members. An appointment to fill the position for its unexpired term will be made at the next regular Board meeting.
4. By law, the Budget Committee is charged with decision-making concerning financial priorities.
  - a. The Budget Committee will have the responsibility of reviewing the financial program of the district, reviewing the proposed District Budget as presented, and approving an annual District Budget in keeping with the provisions of applicable state laws.
  - b. Library policy decisions, however, are the responsibility of the Board, not the budget committee. The committee does not have the authority to add programs or to approve additional personnel or increased salaries. While the committee in effect may delete programs because of the deletion of funds in arriving at a palatable levy figure, the committee is primarily charged with a

fiscal evaluation of programs. The committee may, alternatively, set an amount to be cut from the budget and request that the administration make such reductions in accordance with priorities set by the Board.

5. Budget committee requirements and procedures?
  - a. At the first meeting after its appointment, the Budget Committee will elect a chair and secretary from among its members. It may also establish such other ground rules as it deems necessary for the successful operation of the committee.
  - b. As provided by law, the committee will hear the Budget message presented by the Budget Officer, receive the Budget document, listen to comments and suggestions by patrons, and announce the time and place for its future meetings. All meetings of the Budget Committee are subject to the Oregon Public Meetings Law.
  - c. The Budget Committee may request of the Budget Officer any information used in the preparation of or for use in revising the Budget document. The committee may request the attendance of any employee at its meetings. The budget committee will approve the Budget document as submitted by the superintendent or as subsequently revised by the committee.
  - d. After approval of the original or revised Budget document, the Budget Committee's duties cease. The hearing on the approved Budget is held by the Board.

Adopted: 5/10/04 Revised: 4/13/11.

#### **E. PUBLICATION OF BUDGET SUMMARY AND NOTICE OF BUDGET HEARING (ORS 294.421)**

After the Budget has been approved by the Budget Committee, a Budget Hearing shall be held by the Board of Directors of the District. Fifteen to twenty-five days before the scheduled hearing, the Board of Directors shall publish a "Financial Summary and Notice of Budget Hearing." This information must appear in a newspaper of general circulation published in the District. Eight to fourteen days before the scheduled hearing, a Second Notice of Budget Hearing shall be published. It need not contain the summarized financial information found in the first notice. However, the second notice shall repeat significant information about the scheduled Budget Hearing, and set forth the date on which the Financial Summary was first published.

Adopted: 5/10/04 Revised: 4/13/11.

#### **F. BUDGET HEARING (ORS 294.430)**

The Board of Directors of the District shall hold the scheduled Budget Hearing on the date specified in the public notices given. The purpose of the hearing is to take citizen testimony on the Budget approved by the Budget Committee. Additional hearings may

be held if necessary. All hearings are open to the public, and subject to Oregon's Public Meetings Law.

Adopted: 5/10/04 Revised: 4/13/11.

### **G. BUDGET ADOPTION, APPROPRIATIONS, AND TAX LEVY**

The District's Board of Directors may make changes in the approved budget before it is adopted, subject to the limitations set forth in ORS 294.435. These limitations cannot be exceeded without first publishing a revised Financial Summary and holding another Budget Hearing. Once all Budget Hearings have been concluded, and upon consideration of relevant testimony received at such hearings, the District's Board of Directors shall adopt the Budget. The District's Board of Directors shall prepare a resolution or ordinance formally adopting the Budget; making appropriations; and determining, making, and declaring the ad valorem tax levy for each fund.

Adopted: 5/10/04 Revised: 4/13/11.

### **H. CERTIFICATION OF LEVY**

The District shall send a certified copy of the ordinance or resolution to the County Commission within 15 days after its adoption. The following shall be submitted to the County Assessor's office by July 15 of each year:

1. The original and one copy of the notice of levy;
2. Two true copies of the Budget as finally adopted;
3. A copy of the notice of publication per ORS 294.421; and
4. Two copies of the resolution adopting the Budget and of the resolution making appropriations.

On or before July 15 of each year the District shall forward the following to the Department of Revenue:

A true copy of the Budget as finally adopted;

A copy of the notice of publication per ORS 294.421;

A copy of the resolution adopting the Budget and of the resolution making appropriations; and

Copies of any notices pursuant to ORS 294.421(4), (5), or (6).

Adopted: 5/10/04 Revised: 4/13/11.

## **I. POST-ADOPTION CHANGES TO THE BUDGET**

Post-adoption changes to the Budget are restricted by statute. ORS 294.450 governs the transfer of appropriations within a fund or from one fund to another. ORS 294.455 governs the appropriation of funds to repair or replace property involuntarily converted or destroyed. ORS 294.460 governs loans from one fund to another. ORS 294.480 specifies the conditions under which the District shall adopt a Supplemental Budget.

Adopted: 5/10/04 Revised: 4/13/11.

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## **Section 8.01 PERSONNEL POLICIES AND PROCEDURES**

### **A. PURPOSE OF PERSONNEL POLICIES**

These policies provide direction for all employees of the FERN RIDGE LIBRARY DISTRICT (which is referred to as "the District" throughout these policies) relative to matters of personnel administration, except that the Library Director and the Business Manager serve at the pleasure of the Board of Directors and the Library Director is the Board of Directors' representative in relation to application and administration of these policies to all other District employees. These policies are intended to set a general framework for effective personnel administration. In all cases, these policies should be construed with this in mind and should be understood as guiding the Library Director, and not limiting in any way the prerogatives of the Board in its relationship with the Library Director.

In the event of a conflict in language, interpretation, or application of a collective bargaining agreement, where specific collective bargaining agreement language differs from these policies, the language contained in the collective bargaining agreement shall take precedence over the policies for any employee covered by such collective bargaining agreement.

These policies replace and supersede all pre-existing policies, procedures, or orders relating to personnel matters of the District and its employees. Department heads should ensure that existing department policies are consistent with this Manual.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. INTRODUCTION**

This Manual contains statements of personnel policies and procedures. It is designed to inform everyone of the working guidelines for supervisory and staff personnel in the day-to-day administration of the District; to provide employees an understanding of what is expected of them; and to ensure consistent, fair, and uniform treatment of District employees.

The District reserves the right to change these policies and procedures at any time. These policies and procedures do not and are not intended to confer any property right in continued employment, to constitute an express or implied contract, or to give rise to a binding past practice under any collective bargaining agreement.

Employees and the District reserve the right to end the employment relationship, with or without cause, at any time. Further, except as might be approved in writing by the Board of Directors, no employee or representative of the District has the authority to enter into an agreement for employment for any specified period of time, or to make any agreement contrary to Board-approved policies.

Each employee can assist in keeping the District personnel program up to date by notifying the Library Director whenever problems are encountered or improvements can

be made. When the need for a new or revised policy presents itself, a recommendation should be submitted to the Library Director for consideration.

The Board may vary or modify any District personnel policy, on a case-by-case basis, if it is found that strict application of the policy is impractical or if it would result in hardship. Exceptions granted in any instance will not be binding in the future.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. PERSONNEL ADMINISTRATION GENERALLY**

The Board of Directors and Library Director shall have authority over all matters of personnel administration through adoption and implementation of the District Budget, pay plans, collective bargaining agreements, and resolutions adopting and/or amending the personnel rules and regulations.

The Board is charged with responsibility for the interpretation and application of the policies.

The Board may specifically delegate in writing the authority for the enforcement of rules and policies.

The Library Director shall be responsible for insuring the effective implementation of these policies and may further establish, amend, or otherwise modify administrative procedures pursuant to Board policies and shall advise the Board on any changes concerning these procedures. The Board delegates to the Library Director broad discretion in all aspects of personnel and labor relations, subject to the advice and concurrence of the Board.

Labor negotiations (including the settlement of any grievance after that grievance has been denied by the Board or a committee thereof) must and in every instance shall be approved by the Board of Directors before the District may be bound.

Adopted: 5/10/04 Revised: 4/13/11.



## **Section 8.02 APPOINTMENTS, QUALIFICATIONS, AND SEPARATION**

### **A. JOB ANNOUNCEMENT**

A job announcement will be made for any vacant position within the District and shall be initiated upon the request of the Library Director to the Board. The announcement shall specify title and salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and may include the selection process to be used. Job announcements shall be posted on appropriate bulletin boards, and may be published in District publications and appropriate newspapers. Job announcements will be posted a minimum of 5 working days prior to the closing date.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. APPLICATIONS**

Appointment to positions is through an open competitive process and will be based on merit and qualification. Promotional appointments may be made exclusively from employees if it is determined that a sufficient number of employees are interested and qualified to compete through an internal selection process.

Applications shall be available in the Library District's office. Applications will be accepted only for advertised openings. Applicants will complete the application form and any supplemental materials required by the District for positions within the time period specified in the job announcement.

Applicants for employment shall furnish complete information requested as to education, special training, experience, and skills, as well as a chronological schedule of employment, references, and other pertinent information. The Library Director makes all appointments to positions authorized by the Board.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. ELIGIBILITY**

At the time of application all applicants must meet the minimum qualifications for the position or demonstrate a reasonable assurance of meeting the minimum qualifications by the time of appointment.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. SELECTION**

Selection criteria and procedures will be based solely on job-related knowledge, skills, abilities, experience, education, training, and, when appropriate, prior demonstrated performance, aptitude, and character. The Library Director shall design selection criteria based on the classification specifications, job requirements and consultation with Board and staff. Based on the results of the selection process, applicants will be selected by the department head for an employment interview.

Adopted: 5/10/04 Revised: 4/13/11.

## **E. ORIENTATION**

Upon appointment, the Assistant Librarian shall be responsible for orientation of new employees. Orientation shall include, but shall not be limited to organization and services of the District, work rules, personnel policies and procedures, safety training, completion of payroll forms, and introduction to other District personnel.

Adopted: 5/10/04 Revised: 4/13/11.

## **F. PROBATIONARY PERIOD**

New and rehired employees refer to the OSEA contract.

Adopted: 5/10/04 Revised: 4/13/11.

## **G. EMPLOYEE STATUS**

1. Regular Full-Time Employees. An employee who regularly works 2080 hours [See OSEA contract], and who has completed the probationary period, is considered a regular full-time employee.
2. Regular Part-Time Employees. An employee who regularly works less than 2080 hours [See OSEA contract] is considered a regular part-time employee once the probationary period is successfully completed. The District shall pay a proportion of benefits, based on the regular hours of work.
3. Temporary Employees. Temporary employees are defined as those employees holding jobs of limited duration arising out of special projects, abnormal work loads, or emergencies. Temporary employees are ineligible for employer-paid benefits.
4. Duration of Employment. All employees except temporary employees are hired for an unspecified duration. The District may not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and the District. Accordingly, either the employee or the District can end the employment relationship at any time, in accordance with District procedures and applicable collective bargaining agreements.
5. Anniversary Dates. The anniversary date used to determine vacation and merit increases of an employee hired before the 15th of the month shall be the first day of the month. The anniversary date of an employee hired on or after the 15th shall be the first day of the following month.

Adopted: 5/10/04 Revised: 4/13/11.

## **H. VOLUNTEERS**

Volunteers are not employees of the District. Volunteers receive only those benefits expressly conferred in writing or by law. Workers' Compensation insurance will be provided to volunteers. The service of a volunteer may be discontinued at any time for

any reason. Volunteers must abide by all applicable rules, policies and practices of the District, and are held to the same standard of performance as applies to regular employees.

Adopted: 5/10/04 Revised: 4/13/11.

## **I. EMPLOYMENT OF RELATIVES**

Relatives of employees may be hired by the District only if individuals concerned do not work in a direct supervisory relationship. Present employees who marry will be permitted to continue work only if they do not work in a direct supervisory relationship with one another. Employees will be allowed to accept a demotion to an available and suitable position to avoid direct supervision by a relative. If this can not be accomplished, the least senior employee may be terminated.

Adopted: 5/10/04 Revised: 4/13/11.

## **J. LAYOFFS**

Should a reduction in the District work force become necessary, refer to the OSEA contract.

Adopted: 5/10/04 Revised: 4/13/11.

## **K. VOLUNTARY RESIGNATIONS**

To voluntarily resign in good standing, an employee must submit a written letter of resignation to the department head allowing at least ten working days' advance notice. Failure to submit a timely written resignation may preclude the individual from future employment opportunities with the District.

Adopted: 5/10/04 Revised: 4/13/11.

## **L. PERSONNEL RECORD**

Refer to the OSEA contract.

Personnel Files. This policy defines circumstances under which an employee may examine his/her personnel records; and an individual who is not an employee of the District may examine an employee's personnel record. This policy and procedure applies to all District employees.

- a. No material of a negative or derogatory nature shall be placed in an employee's file unless the employee has had an opportunity to review the material, which shall be noted on the documents.
- b. Employees may be allowed to include in their personnel file any material deemed relevant to job qualifications or performance, in the judgment of the District. Employees may inspect and review their personnel files, excluding confidential reports from previous employers.

- c. Employees may protest, or comment upon, in writing, any materials placed in their personnel file. Such protest/comments shall be placed in the personnel file.

#### Procedure For Access By Employee

- a. Employees wishing to inspect/review their personnel file shall make an appointment in advance with the Library Director.
- b. An employee may receive a copy of such records. The employee will be charged the actual cost of providing this service.

#### Access to Personnel Files—Persons Other Than Employee

- a. Personnel files are exempt from disclosure under the provisions of ORS 192.502(2) if disclosure would constitute an unreasonable invasion of privacy. Records of discipline may be exempt from public disclosure.
- b. Any person seeking disclosure of material that would constitute an unreasonable invasion of any employee's privacy shall have the burden of showing that public disclosure would not constitute such an unreasonable invasion of privacy, by clear and convincing evidence.
- c. In any event, no information in any employee's personnel file will be released until the employee is notified and has a reasonable opportunity to comment on the request. In all cases, the District must determine whether or not particular personnel records of any District employee are subject to public disclosure. An employee's expectation of confidentiality and privacy is, in each case, subject to the requirements of Oregon's Public Records Law. This decision shall be made by the Board of Directors by Resolution following deliberation in Executive Session.
- d. Information regarding an employee's address, telephone number, work history, performance, or salary will not be given over the telephone. Only employment dates and job title may be released verbally.
- e. Verification of employment, requests for salary, or other confidential information must be in writing, and signed by the employee, authorizing release of specific information.
- f. Work reference requests, for both present and terminated employees, must be in writing and signed by the employee, authorizing release of information.

#### Management Review of Personnel Files

All personnel files will be reviewed by *the* Library Director every five years for material reflecting caution, warning, admonishment, reprimand, and/or suspension, to determine the continued appropriateness of retention.

Materials deemed inappropriate or no longer relevant may be removed from the personnel file with the employee concerned so notified. Criteria which may be used include age of the material, seriousness of the infraction, and instances of repeated or similar infractions.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 8.03 PAYROLL, SCHEDULING, AND OVERTIME PRACTICES**

### **A. WORK WEEK AND WORKING HOURS**

The normal work week consists of forty (40) hours, however this should not be considered as a guarantee of any specific amount of work being made available. Employees are expected to accomplish service priorities in a timely fashion within the normal work week to the greatest extent possible.

The hours of employment shall be fixed by the Library Director.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. WAGE COMPENSATION**

1. Wage Policy. The District maintains a pay plan covering all positions in the District, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration is given to prevailing rates of pay for comparable work in other public and in private employment, including consideration of conditions of work and basic pay, current costs of living, the local economy and wage adjustments in the community, suggestions of Library Director and the District's financial condition.
2. Salary Review. Compensation will be reviewed by the Library Director at the end of an employee's probation. An increase may be recommended to the Board based upon competent and commendable service.

Regular employee's salaries will be reviewed after twelve (12) months of continuous employment in the current classification.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. OVERTIME**

Refer to OSEA contract.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. LUNCH AND REST PERIODS**

Refer to OSEA contract.

Adopted: 5/10/04 Revised: 4/13/11.

### **E. PAYDAY**

The District's payday is the 7<sup>th</sup> day of the month unless it falls on the weekend, then payday will be on the on the first banking day following the 7<sup>th</sup>. In the event of emergency, employees may be permitted a payroll draw.

Adopted: 5/10/04 Revised: 4/13/11.

## **F. PAYROLL DEDUCTIONS**

1. Required Deductions. Federal and state laws require the following deductions from every paycheck:
  - a. Federal Withholding Tax;
  - b. State Withholding Tax;
  - c. Social Security (FICA) & Medicare Taxes
  - d. Workers Compensation Insurance
  - e. Court ordered child support payments or garnishments; and
  - f. Retirement (unless the employer agrees to pay).
2. Optional Deductions. Other deductions may be made from the employee's paycheck with the employee's written request, including, but not limited to:
  - a. Insurance contribution;
  - b. Any other deduction of general interest to District employees, including United Way contributions, affecting five or more employees may be authorized by the employee in writing, with approval of the Business Manager;
  - c. Union Dues; or
  - d. Monies due to the District.

Adopted: 5/10/04 Revised: 4/13/11.

## **G. MEDICAL AND LIFE INSURANCE**

The District provides insurance benefits according to the OSEA Contract for insurance choice and P.E.R.S.

The District participates in the Public Employee Retirement System for employees working over 600 hours per year. Information about contributions and retirement or disability benefits may be obtained from the Business Manager or from the PERS.

Adopted: 5/10/04 Revised: 4/13/11.

## **H. TIME RECORDS**

Time sheets must serve as an accurate record of the time for which each employee is paid wages and overtime. Each employee is expected to record accurately the time spent working on District business. Personal time spent in District offices outside regular working hours should not be recorded.

Probationary or regular employees shall record all time worked for the District. An employee of the District may volunteer service to the District, and the time involved would not be recorded, ONLY IF the volunteer hours worked DO NOT INVOLVE THE SAME TYPE OF SERVICE which the person is employed to perform for the District. All volunteer activities by employees must be approved in advance, and in writing.

Adopted: 5/10/04 Revised: 4/13/11.

## **I. SEVERANCE PAY**

A regular employee terminating employment with the District will be paid on the date of separation any earned and unpaid wages then due plus any accumulated and unused vacation pay and compensatory time. Work hours, earned vacation which the employee is eligible to take off, and compensatory time shall be paid at the employee's hourly rate at the date of separation. If the employee fails to give at least forty-eight (48) hours advance notice prior to quitting District employment, severance pay shall be paid no later than the regular payday.

Adopted: 5/10/04 Revised: 4/13/11.

## **J. JOB SHARING**

A job sharing position is a regular full-time position that is held by two individuals on an interdependent, shared-time basis. The duties and responsibilities of the single position will be divided so as to provide total coverage by the two partners. The partners will normally divide the required working hours, not to exceed a total of 2080 hours [See OSEA contract].

Each partner in a job sharing position must have, or be capable of having, all the knowledge, skills, and abilities necessary to perform the job.

Job share partners will share the benefits of the regular full-time position.

Vacation, sick leave, and holiday benefits will be pro-rated on the basis of hours worked.

Long term disability and retirement benefits will be provided to job share partners based on salary received. Job share partners have the same rights and privileges under the retirement plan as regular full-time employees.

Each job share partner receives the same life insurance coverage as other regular full-time employees.

The District pays the cost of health and dental insurance for one full-time equivalent position. Accordingly, if a position is job-shared, each partner pays one half of the insurance premium and the District pays the other half, if both wish to receive coverage. If one partner chooses to waive all coverage, however, then the other partner may receive full coverage at no cost.

Job sharing shall be implemented, continued, or terminated at the discretion of the District based on operational efficiency. Specific scheduling arrangements shall be determined by the Board and should be a function of the needs of the District, the nature of the job, and the desires of the job share partners.

Adopted: 5/10/04 Revised: 4/13/11.



## **Section 8.04      EMPLOYEE TRAVEL AUTHORIZATION AND REIMBURSEMENT**

### **A. GENERAL EXPECTATIONS**

All employees of the District are expected to use good judgment regarding the expenditure of funds for travel expenses. Only through teamwork can the costs of travel on District business be minimized.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. DOCUMENTATION OBJECTIVES**

The Procedures for documenting the expenses involved with employee travel on District related business activities are designed to provide public accountability in two areas:

1. Pre-approval of all travel requests to insure that the travel is appropriate to the needs of the District and that budgeted funds are available for specific travel requests; and
2. A complete accounting of the actual expenses for the travel to insure that the expenses reported for reimbursement are appropriate and provide appropriate documentation.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. APPROVAL**

The Library Director shall authorize registration, travel, and attendance expenditures in advance within the budgeted amounts adopted by the Board.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 8.05      TIME OFF**

### **A. VACATION BENEFITS**

Refer to the OSEA Contract.

### **B. HOLIDAYS**

Refer to the OSEA Contract.

### **C. SICK LEAVE**

Refer to the OSEA Contract.

### **D. Sick Leave Transfers**

Generally, sick leave transfers between employees are not permitted, but may be allowed for up to 40 hours equivalent paid (dollar for dollar basis) accumulated sick leave on a case-by-case basis upon the decision of the Library Director. An employee may appeal a decision by the Director directly to the Board.

### **E. FAMILY MEDICAL LEAVE**

Refer to Personal Emergency Leave of the OSEA Contract.

### **F. PREGNANCY LEAVE**

Oregon Law provides female employees with an additional 12 weeks of leave for an employee's illness, injury, or condition related to pregnancy or childbirth that disables the eligible employee from performing her job.

The right of a pregnant employee to take a medically necessary leave of absence is in addition to any right the employee may have to take a leave for her own serious health condition. So, a pregnant employee could be on pregnancy leave prior to the delivery date and then on 12 weeks of parental leave after the baby is born.

The employee must provide 30 days advance notice when the leave is foreseeable. To apply for pregnancy leave, notify the Library Director and obtain "Request for Family Medical Leave" and "Certification of Physician or Practitioner" forms. If the reason for the leave is unforeseeable, the employee must provide the District oral notice within 24 hours of the commencement of the leave and must provide written notice within three days of their return to work.

If the employee fails to provide notice as set forth above, the District may reduce their leave by up to three weeks, and they may be subject to discipline, up to and including discharge.

The employee may use accrued sick leave or vacation days during the otherwise unpaid portion of the pregnancy disability leave.

**G. JURY DUTY AND SUBPOENA LEAVE**

Refer to the OSEA Contract.

**H. LEAVE OF ABSENCE**

Refer to the OSEA Contract.

## **Section 8.06 PERSONNEL SAFETY**

### **A. WORKERS' COMPENSATION INSURANCE**

Refer to the OSEA Contract.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. RETURN-TO-WORK POLICY**

The following procedures must be followed by employees who wish to return to work following an on-the-job injury which has resulted in the employee's being off work.

1. All requests to return to work must be made in writing, dated, and signed by the employee.
2. All requests to return to work must be accompanied by a dated, written release signed by your attending physician. This release must clearly specify whether you are released for your former job or are restricted in any way and include any request for reasonable accommodation.
3. Requests to return to work must be made no later than the 7th regular work day following the date of your physician's signature on the written release. Except where, in our opinion, extenuating circumstances exist, failure to make a timely request terminates your right to reinstatement or reemployment. Failure to seek a written release upon your becoming able to return to work may constitute abandonment of your right to reinstatement or reemployment.
4. Requests to return to work may be brought in personally or mailed to the District. If mailed, the request should be directed to the person listed in No. 5 below. Requests brought in personally will be deemed made on the date on which the written request is given to the District. Mailed requests will be deemed made on the date of receipt. All requests will be date stamped upon receipt.
5. All requests to return to work must be directed to the Library Director.
6. If your former job or a suitable alternative is not available at the time of your request, you must contact the Library Director in person or by telephone once a week to renew your request. If a period of 10 days elapses without such a contact, you will be considered to have abandoned your right to be returned to work.
7. All job offers will be made by telephone. It is your obligation to keep the District advised of any changes in your telephone number.
8. If you are offered a suitable position in response to your request to return to work and you refuse to accept it, you will be considered to have voluntarily terminated your employment and abandoned your right to reinstatement or reemployment.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. LIGHT DUTY WORK ASSIGNMENTS**

Disabled employees who are temporarily assigned light duty work as a reasonable accommodation but are unable to perform the essential duties of their job may be required to provide a medical evaluation after 30 days from their treating physician so that the Library Director may determine whether the employee is capable at that time of performing the essential functions of the job, with or without reasonable accommodation. The District offers light duty accommodations only for those employees whom the Library Director may anticipate will recover the ability to perform all the essential functions of the job within a reasonable time. If recovery becomes doubtful, the Library Director may discontinue the light duty assignment. No light duty assignment is intended to become permanent.

"If the job-related injury results in time off, the Business Manager should insure that the relevant period on the employee's time sheet is designated.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. VIOLENCE IN THE WORKPLACE**

1. Statement of Concern. The District recognizes the need for a violence-free work environment for all employees and the public.

2. Definitions:

Assault - The actual offer to use force with the apparent present ability, if not prevented, to execute that attempt which creates a reasonable fear of imminent peril.

Battery - The unlawful touching of another person

Law Enforcement Personnel - Any city police officer, deputy sheriff, or member of the Oregon State Police.

Perpetrator:

- a. An employee inflicting acts or threats of violence on his/herself, or another employee.
- b. A third party engaging in violent acts or threats against his/herself, an employee, or another third party.
- c. An employee inflicting acts or threats of violence on a third party.

Third Party - Any visitor to a District workplace, including a former employee.

Violent Act- An act by a third party or an employee that may range from verbal or physical threats or intimidation to assault or battery.

Workplace - All property including parking lots owned by the District and any non-District property where work is being performed by District employees in an official capacity for the District.

3. General.

- a. In the workplace, an employee witnessing violence directed against another should observe the situation and attempt to get information such as the name and description of the perpetrator, but only if it can be done without endangering the employee or others.
- b. When applicable, the District and its employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.
- c. No employee or third party, excluding law enforcement personnel, is permitted to bring weapons or firearms into the workplace on onto District property for any reason.

4. Implementation.

a. Managing a Potentially Violent Situation.

- (1) District employees are expected to assist the general public and fellow employees in a courteous manner.
- (2) If, for example, a person becomes angry, the employee should courteously attempt to calm the person down. If that does not work, the employee should get his/her supervisor involved or call for assistance from another supervisor.

b. A Person Threatening Bodily Harm. If the employee feels that he/she or another person is threatened, that is, in danger of imminent bodily harm:

- (1) The employee should attempt to leave the scene, if it can be done safely.
- (2) If the supervisor is unaware of the situation, the employee should notify the supervisor as soon as it can be done safely.
- (3) Either the employee or the supervisor may determine if law enforcement should be notified.
- (4) The Library Director shall be notified as soon as possible by the supervisor of the employee who feels threatened, witnesses or has knowledge of a violent act.
- (5) When the Library Director responds, if law enforcement has not been notified earlier, the Library Director may decide to call the police or take other actions related to the incident.

c. Reporting Incidents.

- (1) The supervisor shall complete an incident report and forward the report to the Library Director within 24 hours of a violent act.
- (2) For an act involving the threat of bodily injury, the supervisor is responsible in making sure the Library Director is contacted, as soon as it can be done safely.

- (3) Any District employee having knowledge of a violent act involving any other District employee (as victim or perpetrator) must report it. Disciplinary action may result if the employee having knowledge of a suspected violent act fails to report the episode, the employee may report the incident to the employee's supervisor or, if the employee prefers, to the Library Director or Board Chair.
  - (4) The person complaining may ask for anonymity during all or part of an investigation. However, anonymity will be maintained at the discretion of those investigating and resolving the complaint. There is no right to or guarantee of anonymity.
- d. Resolution and Investigation.
- (1) To the extent practicable, investigations and resolutions shall be conducted using the same procedures as are in the District's policy on Harassment.
  - (2) In cases where the perpetrator is not a District employee or in any other case the District deems advisable, the District may request the investigation be conducted by law enforcement personnel.
  - (3) As needed, the investigating party may alter the procedures of the investigation.

5. Workplace Security.

Recommendations for improved safety often come from suggestions from employees. These suggestions are encouraged and may be channeled through supervisors, safety committees, or the Library Director

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 8.07      *WHAT THE DISTRICT EXPECTS FROM YOU***

### **A. TEAMWORK AND EXCELLENCE**

This section has been arranged to present a general overview of some of the District's expectations of its employees. Every employee should keep in mind that each is a part of a team of public employees, and public satisfaction with the District depends upon good service.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. PERSONAL CONDUCT**

Positive attitude, proper courtesy, and conduct on and off the job are important to the individual as well as to the District. Neatness of work performed is also important. All employees are engaged in public relations. Some deal directly with the public; others, while not in direct personal contact, do perform work under the public eye. Employees of the District, regardless of whether contacts are direct or indirect, are expected to be courteous, efficient, and helpful in all their work assignments. Favorable impressions created by employees' public behavior help develop good will and support for District services.

Adopted: 5/10/04 Revised: 4/13/11.

### **C. CODE OF ETHICS FOR DISTRICT EMPLOYEES**

Personal Interests Avoided. District employees may not use District time, equipment, or services for personal interest or gain. When giving testimony unrelated to their assigned District responsibilities, District employees shall not use information or facts that have come to them by virtue of their employment for personal gain or benefit. In matters of personal interest, employees should conduct themselves so as not to impair their working relationship with other employees, officials, or the public.

Adopted: 5/10/04 Revised: 4/13/11.

### **D. POLITICAL ACTIVITIES OF DISTRICT EMPLOYEES**

1. Official Position - Campaigning. Employees may not use their official authority or position with the District to further the cause of any political party or candidate for nomination or election to any political office.
2. On-Duty Activity. Oregon law forbids any District employee, while on the job, from soliciting money, influence, service, or other articles of value or otherwise aiding and/or promoting any political cause or the nomination or election of any person for public office.
3. Off-Duty Activity. During the term of their employment, a District employee may not hold any elective office that creates a conflict of interest between the duties of that employee and the prospective duties of the elective office holder.



Nothing in this rule is intended to restrict the political actions or activities of employees outside of their regular working hours.

Adopted: 5/10/04 Revised: 4/13/11.

### **E. COST CONSCIOUSNESS**

Every employee of the District is expected to practice economy in all duties. Failure to do so is not in the best interests of the District and may lead to discipline, and/or discharge, as appropriate.

Adopted: 5/10/04 Revised: 4/13/11.

### **F. ATTENDANCE AND PUNCTUALITY**

Each employee, and the employee's performance on the job, is important to the overall success of operations. When absent, someone else must do the job. Everyone is expected to keep regular attendance, be on time, and work as scheduled.

In accepting employment with the District, each employee is required to meet certain standards. Maintaining an acceptable level of job attendance is part of good work performance and is one of the standards by which an employee's overall contribution to the District may be measured. Continued employment carries with it the personal responsibility of each employee to be on the job on time every scheduled work day. Recurring and excessive absences and/or tardiness are disruptive to work schedules, costly to the District and its residents, and detrimental to the morale and efforts of employees who maintain a good work record.

Except when the absence is due to leave protected by state or federal law, failure to meet these requirements subjects an employee to disciplinary action, which may include termination. The ability to attend work regularly is a job requirement.

Adopted: 5/10/04 Revised: 4/13/11.

### **G. PERSONAL APPEARANCE**

Each employee is responsible to present a clean, neat appearance whether in the office, a District vehicle, or otherwise representing the district. Good taste and good judgment in personal attire is expected.

Adopted: 5/10/04 Revised: 4/13/11.

### **H. APPEARANCE OF WORK AREAS**

The District's objective is to provide and maintain clean, safe and healthy work conditions. It is the responsibility of each employee to maintain a safe, neat work area and insure that all working documents, desks, cabinets, and equipment are secure at the close of the work shift.

Adopted: 5/10/04 Revised: 4/13/11.

## **I. PERSONAL TELEPHONE CALLS**

District phones are to be used for District purposes. Telephone calls of a personal nature (incoming or outgoing) should be kept to a minimum and made during breaks or lunch periods whenever possible. Under no circumstances should an employee charge a long distance call to the District unless it is work-related. Friends and relatives should be discouraged from calling during working hours except in emergencies.

Adopted: 5/10/04 Revised: 4/13/11.

## **J. SMOKING**

For health and safety considerations, the District discourages smoking.

Adopted: 5/10/04 Revised: 4/13/11.

## **K. OUTSIDE EMPLOYMENT**

1. District Comes First. When an individual accepts employment with the District it is understood that the District has first call upon the services of its employees, regardless of any effect on secondary employment.
2. Incompatible Work. Employees shall not engage in outside employment that conflicts in any way with District employment, detracts from the efficiency of work performance, or is in conflict with the interests of the District. The District expects employees to avoid extra work which affects endurance, overall personal health, or effectiveness. The District will hold all employees to the same standards of performance and scheduling demands, including employees who hold outside jobs.
3. Notification. Employees shall notify *the* Library Director in writing, in advance, of all employment outside the scope of their employment with the District.
4. Conflicts. The Library Director will notify the employee at any time outside employment is found to be in conflict with the interests of the District or is likely to bring discredit upon the District. It shall be up to the employee to choose which employment option is most desired.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 8.08      *NON-DISCRIMINATION AND HARASSMENT***

## ***NON-DISCRIMINATION AND HARASSMENT***

### **A. EQUAL EMPLOYMENT OPPORTUNITY**

It is the District's policy to employ, retain, promote, discipline, discharge, and otherwise treat all employees and job applicants on the basis of merit, qualifications and competence or membership in any other classification protected under federal or Oregon law. It is the policy of the District to comply with federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual's sex, sexual orientation, race, color, religion, national origin, ancestry, age, marital status, political affiliation, veteran status or any physical handicap or disability which can be accommodated reasonably.

The Library Director is the coordinator for the District's procedures for the implementation of this policy. It is the intent and desire of the District that equal employment opportunity will be provided in employment, promotions, wages, benefits and all other privileges, terms and conditions of employment.

Adopted: 5/10/04 Revised: 3/14/18.

### **B. HARASSMENT**

1. **Purpose.** The purpose of this policy is to clearly establish Fern Ridge Library District's commitment to provide a work environment free from harassment, to define discriminatory harassment and to set forth the procedure for investigating and resolving internal complaints of harassment.
2. **Policy.** Harassment of an applicant, contractor, vendor, patron, volunteer, board member, supervisor, manager, or employee by a supervisor, management employee or co-worker on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law is explicitly in violation of State and/or Federal law and will not be tolerated by Fern Ridge Library District.

It is critical that all employees treat all other employees with dignity and respect. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

Employees, supervisors or management employees found to be participating in any form of job-based harassment or retaliating against any other employee shall be subject to disciplinary action up to and including termination from employment.

Should an issue of harassment be raised, all related matters will be kept confidential to the extent possible throughout the investigation, counseling and disciplinary stages.

3. Definitions. Verbal Harassment - Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law, whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features, sexual rumors, and race oriented stories.

Physical Harassment - Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law. This includes pinching, patting, grabbing, inappropriate behavior in or near library facilities or facilities where library events are being conducted, or making explicit or implied threats or promises in return for submission to physical acts.

Visual Forms of Harassment - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, or pictures on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law. This applies to both posted material and material maintained in or on district's equipment or personal property in the workplace, but excludes material curated as part of the library collection.

Sexual Harassment - Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

4. Reporting Harassment. Any employee who feels harassed or is aware of harassment of another employee or the harassment of any person identified in Section 2 hereinabove is urged to report this to an immediate supervisor or Board Chair. The report may be informal or formal. A formal report (complaint) shall include a written statement, which may be a grievance under a labor agreement.
5. Response to Reports of Harassment. Written reports concerning harassment will be forwarded to the Library Director unless there is an allegation against that person, and if so, then written reports will be forwarded to the Board Chair who will delegate the matter to the District's legal counsel. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees, including department heads. Whenever supervisory employees become aware of allegations of harassment, they will make a written record of the allegations and will forward the record to the District in accordance with this policy.

6. Investigation. The Library Director or the District's legal counsel or other person designated by the Board Chair will begin an investigation if necessary. The investigation will be conducted promptly on a priority basis.

The first step in the investigation shall be to inquire of all persons reporting as to whether the record of the report includes all allegations of harassment. All allegations of harassment should be included and considered at the time of the commencement of the investigation.

The investigation will be directed at ascertaining the facts concerning the allegations.

The investigator shall cause the person reported to have harassed an employee or any person identified in Section 2 to be advised of the allegations and to afford such person an opportunity to reply orally or in writing. The employee shall also be advised that any retaliatory conduct will be subject to disciplinary action regardless of allegations of harassment.

The results of the investigation shall be reduced to writing. A finding shall be made that there is, or is not, reasonable cause for disciplinary action. Nothing in this section shall limit the authority of the District to modify policies or practices to correct any appearance of harassment without finding reasonable cause for disciplinary action or taking any disciplinary action. The report will also include any recommendations to remedy any harm which was suffered if the evidence shows that the employee alleged to have been affected by harassment was injured or harmed.

A report which finds reasonable cause for disciplinary action will be maintained in the personnel file of any employee subject to discipline. The employee may have placed in the personnel file a statement of rebuttal or correction. For the purpose of this section, a former employee may present such statement.

7. Sealing of Records Relating to Harassment. Records relating to harassment, including written reports regarding alleged harassment, memos between District employees concerning investigation of such allegations and District recommendations in response to allegations will be retained by the District for a minimum of six (6) years. Subject to the requirements of the Oregon Public Records Law and any Federal Statutes or Oregon Revised Statutes which may require disclosure of such records in civil and criminal proceedings, all such records will be retained in a sealed file. There will be a cross reference to the sealed file of the reporting employee, the allegedly affected employee and the employee who was reported to have harassed another. Once the material in the sealed file is determined to have no reasonable bearing on job performance or on the efficient and effective management of the District, reference to it in one or more individual personnel files may be removed.

No information from the sealed file, nor any indication of the cross reference to the sealed file, will be disclosed to persons who do not have confidential access to the personnel affairs of the District, provided that there are two exceptions which

permit some disclosure. First, an employee who reported harassment and/or an employee who was allegedly affected by harassment may request that the District provide information to another regarding the investigation of harassment. On a case-by-case basis, the District, in its own discretion, may agree to release specified information. Second, whenever the District would provide general information to persons who are not officers or employees of the District regarding an employee or former employee from the District's personnel file and the employee's personnel file reflects a finding of reasonable cause for disciplinary action, then the District will also send information regarding the investigation of harassment; except that no readily identifiable reference to other parties involved may be included, and any statement which the employee had requested be held in the file will accompany the disclosure. Information about the finding of reasonable cause for disciplinary action would not be given in response to a request for verification of dates employed. Third, disclosure shall occur if necessary to comply with the requirements of the Oregon Public Records Law and Federal Statutes or Oregon Revised Statutes requiring disclosure in civil and criminal proceedings.

8. Whistleblower Protections. Nothing in this Non-discrimination and Harassment Policy shall be construed or considered as contrary to the whistleblower protections provided to employees with knowledge or concern of illegal, dishonest, or fraudulent District activity and the report of such activity to the District. See Section 10.09, Whistleblower Protections of the Fern Ridge Library Policy Manual.
9. Library Patrons. Harassment of library patrons contrary to Section B.2 hereinabove is explicitly in violation of state and federal law and will not be tolerated by the Fern Ridge Library District. The Rules of Conduct of the Fern Ridge Library District provide that while in the library or on library grounds, patrons are not to harass other patrons and/or staff. Not to harass includes the requirement for non-discrimination and the prohibition of sexual harassment. Patrons who believe that harassment has occurred are encouraged to report such conduct to the Library Director or any member of the Board of Directors. Such reports will be investigated in conformance with this Non-discrimination and Harassment Policy.

Revised: 3/14/18

### **C. HIV DISCRIMINATION**

1. The Disease. Acquired Immune Deficiency Syndrome (AIDS) is a fatal, infectious disease which claims an increasing number of lives each year. It is caused by spread of the AIDS virus, Human Immunodeficiency Virus (HIV). Because of the alarming increase of AIDS, AIDS Related Complex (ARC), and (HIV), the District has investigated AIDS concerns and has consulted with experts on this subject. According to the best medical evidence available, casual work place contacts among employees and citizens infected with HIV will not result in

- the transmission of the virus. The nature of the disease and its presence in society warrants a District policy.
2. Purpose of Policy. The District recognizes that its employees are entitled to a safe working environment. Employees and job applicants who are HIV carriers or are afflicted with ARC or AIDS are entitled to compassion and legal protection against unlawful discrimination. Based on these principles, the District has formulated this AIDS policy to
    - a. Prevent unlawful discrimination
    - b. Educate employees about the ways HIV is, and is not, spread;
    - c. Designate a person to whom concerned employees can go for information;
    - d. Insure the confidentiality of information about any employee who contracts the virus;
    - e. Address employment concerns of infected employees;
    - f. Assure that the public is accommodated and that risks to health are minimized;
    - g. Protect the health and safety of all employees through a program of universal precaution; and
    - h. Avoid disruption or interference with District business that could result from unfounded health concerns.
  3. This policy addresses the work place and shall be supplemented with any additional protocols found appropriate.
  4. Non-Discrimination in Hiring. The District will not unlawfully discriminate against persons with AIDS, ARC or HIV on the basis of their handicap. The following practices are to be followed:
    - a. Job applicants are not to be asked if they have AIDS or if they are infected with HIV. They may be asked if they are able to perform all functions of the job, both essential and marginal, with or without reasonable accommodation. Only after extension of an offer of employment (which may be made conditional on ability to perform essential job functions) may the applicant's condition be discussed or the need for any reasonable accommodation be discussed.
    - b. Job applicants who voluntarily disclose that they have AIDS or are HIV infected shall be asked if they can perform all job functions, but may not be asked about their disability or need for accommodation before extending an offer of employment. The reasonableness of any requested accommodation shall be determined by management
    - c. Any applicant known by the District to be handicapped or disabled but capable of performing the duties of the job sought, with or without reasonable



accommodation, shall be given the same consideration as other equally qualified applicants

5. Employee Education. Employees who are educated about the actual medical risks posed by AIDS and HIV will be safer and more comfortable at work. The District will strive to provide the following sources of education about the transmission of HIV
  - a. Informational materials designed to answer specific questions;
  - b. Videotaped and/or live presentations; and
  - c. Confidential access to a designated contact person trained to answer questions or obtain additional information.

Employees are strongly urged to take advantage of these resources.

6. The Designated Contact Person. The District will have a designated contact person, who will be trained to address AIDS concerns. At present, this person is the Library Director.
7. Confidentiality. The District recognizes that an employee's health concerns are confidential. Employees who have been infected with or exposed to HIV may contact the designated contact person confidentially. Medical information will be kept confidential in separate medical files apart from personnel files, consistent with legal, medical and management practices.

Employees infected with HIV or afflicted with ARC or AIDS are expected to refrain from publicizing their condition in a manner likely to subject the District to adverse publicity or internal controversy. Failure to do so will be regarded by the District as grounds for discipline, wholly independent of the employee's underlying handicap or disability.

Employees who obtain knowledge that an employee, guest or other individual utilizing District services is an HIV carrier or is afflicted with ARC or AIDS shall maintain the confidentiality of such information. Failure to do so will result in discipline if the circumstances warrant.

8. Employment Concerns of Infected Employees. Employees who are infected with HIV or afflicted with ARC or AIDS may contact the designated contact person for confidential information about the potential impact of their condition on their employment. The District will make reasonable accommodations for employees infected with HIV or afflicted with ARC or AIDS unless it would be an undue hardship to do so or would result in a direct health or safety threat to the individual or other persons. The reasonableness of any proposed accommodation will be determined by management and shall take into consideration the health and safety of all employees. Supervisors are to consult the designated contact person and obtain District authorization before making any employment decision on the basis of an employee's actual or perceived infection with HIV. Unlawful discrimination against such employees on the basis of their disability will not be tolerated.

Upon request, the designated contact person will assist concerned employees in obtaining information about community resources and psychological counseling available to persons with AIDS or HIV and their families.

9. Infected Citizens. As a public service organization, the District may not discriminate against citizens on the basis of disability. If uniform body fluid precautions are followed rigorously and routinely, then the risks of accidental infection when rendering aid to an infected person are minimized. The routine activities of citizens in dealings with the District pose no measurable risk of HIV infection to employees. Unlawful discrimination against citizens with or suspected of HIV or AIDS will not be tolerated.
10. Business Disruptions Due to Unfounded Health Concerns. If an employee refuses to work with an HIV infected co-worker or serve an infected citizen, and a supervisor decides that the co-worker or citizen poses or posed no threat to the health and safety of others, continued refusal or a failure to work or other disruption of District services may result in discipline including discharge. Harassment of known or suspected HIV carriers is expressly prohibited and may result in discipline, including discharge.
11. Oversight. Supervisors are charged with insuring that this policy is adhered to. Complaints concerning any employee's failure to comply with this policy should be brought to the attention of a supervisor, and may be raised by following procedures of Section 8.08 B relating to harassment or Section 4.05 (C) relating to Complaints.

Adopted: 5/10/04 Revised: 4/13/11.

#### **D. BLOODBORNE PATHOGENS EXPOSURE CONTROL**

1. Background. Employees of the District provide services to citizens who may require employees to come into contact with bodily fluids, such as blood or other potentially infectious materials. This can occur as a regular part of the duties of emergency responders, firefighters and paramedics, law enforcement officers, corrections officers, evidence handlers, health care workers, maintenance workers, or persons giving first aid to others. There are a variety of methods by which this exposure may occur.
2. Policy. Exposure to blood borne pathogens may lead to sickness such as hepatitis, AIDS, or malaria. The District wants to assure its employees of a safe and healthy work environment. It is the policy of the District to comply with all legal and regulatory obligations for the prevention of exposures to blood borne pathogens. To this end, the District will comply with all sections of the Oregon Administrative Rules, Chapter 437 and all other statutory requirements regarding the prevention of occupational exposures to blood borne pathogens. The District will identify each classification and position the duties of which could lead to exposure, identify the nature of exposure, and insure that equipment, training and appropriate procedures are in place. These shall be grouped as class 1 (all employees could be exposed) and class 2 (some employees could be exposed).

3. Infected Citizens. As a public service organization, the District cannot discriminate against citizens on the basis of disability. If uniform health precautions are followed rigorously and routinely, then the risks of accidental infection when rendering aid to an infected person are minimized. The routine activities of citizens in dealings with the District pose no measurable risk of blood-borne infection to employees. Unlawful discrimination against citizens with or suspected of infection will not be tolerated.
4. Exposures. In the event of exposure to body fluids under circumstances that could present a risk of infectious exposure, a report will be made to the Library Director as soon as possible. If confirmed, the Library Director may solicit the cooperation of the source person through voluntary testing with informed consent. In order to protect the employee, a baseline test will be made within the week following exposure, and at three month intervals for one year. The *Library Director* will insure that the employee involved receives counseling appropriate for the circumstances. All testing will be preceded by informed consent and written authorization.
5. Universal Health Precautions and Work Practices. As recommended by public health authorities, the District will adhere to a program of universal precautions for protection against diseases spread by blood or bodily fluids. ("Bodily fluids" refers to fluids that may contain blood or feces, not urine, sweat, saliva or tears.) This means that, for safety purposes, employees will operate on the assumption that all blood and bodily fluids are potential carriers of blood borne disease, and will adhere to universal precautions protect against AIDS and other diseases. The following general precautions will be followed:
  - a. Eating, drinking, smoking, applying cosmetics, lip balm or handling contact lenses are prohibited in the work areas, including field locations, where there is an anticipated exposure to blood borne pathogens.
  - b. The Oregon Administrative Rules mandate Universal Precautions at all times to prevent contact with blood or other potentially infectious materials. It is difficult or impossible to differentiate between bodily fluid types under circumstances present in the workplace. Therefore, **ALL BODILY FLUIDS SHALL BE CONSIDERED POTENTIALLY INFECTIOUS MATERIALS**, including blood and tissue or organs from either a living or dead human.
  - c. Any employee cleaning up a spill of blood or bodily fluids or rendering emergency medical assistance will wear appropriate protective gear (such as latex gloves and a mask);
  - d. Protective gear for cleaning blood or bodily fluid spills will be provided by the District and will be located near any area determined to be a site of such a spill, in emergency response vehicles, and at first aid stations.
  - e. An employee rendering medical assistance which may expose the employee to blood or bodily fluids will take precautions against contamination (such as wearing latex gloves while bandaging a bleeding wound, or using a disposable

mouth piece for CPR. An employee exposed to blood or bodily fluids will scrub with soap and water, remove rings, watch, and jewelry and scrub thoroughly.

- f. Gloves and one-way CPR masks shall be available in all first aid kits.
- g. Hand washing facilities shall be provided at all locations where there is anticipated exposure to blood borne pathogens. If the anticipated exposure is to a crew, working in the field, an approved portable pressure tank may be used. There shall be a sufficient amount of soap and water to wash the greatest number of washings on a crew. Where the anticipated exposure is to an individual at a place where hand washing facilities are not available, antiseptic hand cleaner or towelettes shall be readily accessible and shall be used. However, if antiseptic hand cleaner or towelettes are used, the exposed areas shall be washed with soap and water as soon as possible after removal of the personal protective equipment.
- h. Contaminated syringes or needles shall be handled only in accordance with approved one-handed methods or with approved devices. Needles shall not be bent, recapped, or removed unless authorized and the employee is specifically trained to do so.
- i. If potentially contaminated syringes or needles are discovered, the devices shall be placed in approved containers. After securing in an approved container, the item shall be delivered to the Library Director or to a medical services provider for disposition.
- j. Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing and shall be decontaminated as necessary. Emergency service equipment may be used while contaminated to complete the assignment. However, upon completion of the immediate assignment, vehicles and equipment shall be removed from service and the contaminated area decontaminated prior to the next use. The contaminated area shall be identified with an approved BIOHAZARD label, and all affected employees, including maintenance personnel shall be informed of the hazard, until decontaminated.

Any additional precautions applicable to specific job functions, as well as any further general precautions, will be conveyed through employee training sessions, educational material, or more specific departmental policy.

- 6. Personal Protective Equipment. When an employee has an anticipated exposure to a blood borne pathogen, and the exposure can not be controlled through redesign of work facilities, mechanical devices or barriers which isolate people from potentially infectious materials, or work practice controls, then personal protective equipment shall be provided.
  - a. The equipment shall be provided at no cost to the employee and shall be decontaminated and/or replaced as necessary.

- b. Employees shall wear appropriate personal protective equipment whenever there is a potential for an exposure. Personal protective equipment is appropriate if it does not permit blood or other potentially infectious materials to pass through and come in contact with the employee's street clothes, undergarments or skin.
- c. Personal protective equipment selected shall be appropriate for the anticipated exposure. Some examples of personal protective equipment are latex (surgical) gloves, surgical masks, disposable mouthpieces for CPR, face-shields, disposable coveralls, and disposable boots.

If the personal protective equipment is penetrated by blood or other potentially infectious materials, the personal protective equipment shall be removed immediately or as soon as feasible. All personal protective equipment shall be removed before leaving the work area, and placed into an appropriate designated area or container for storage, washing, decontamination, and/or disposal.

- d. If gloves are used for protection, the following precautions shall be taken:
    - (1) Disposable gloves shall be replaced as soon as practical when contaminated.
    - (2) Disposable gloves shall not be washed or decontaminated for reuse.
    - (3) Reusable gloves may be decontaminated for reuse if the integrity of the glove is not compromised. Reusable gloves shall be thrown away if the glove is contaminated and cracked, torn, punctured, or when their ability to function as a barrier is compromised.
  - e. Masks and eye and face protection shall be worn when there is an anticipated exposure to splashed, spraying, spatter of blood or other potentially infectious materials.
  - f. Other body protection, such as disposable coveralls, over-boots and aprons shall be worn when there is an anticipated exposure to blood or other potentially infectious materials.
7. Housekeeping. Work sites shall be maintained in a clean and sanitary condition. When warranted due to risks of contamination, a supervisor shall determine and implement an approved written schedule for cleaning and method for decontamination. If the anticipated exposure is in the field, a supervisor shall determine if and where decontamination exists and whether it is necessary to implement the appropriate actions.
- a. All equipment and environment, including work surfaces shall be cleaned and decontaminated after known or suspected contact with blood or other potentially infectious materials.

All protective coverings, such as plastic wrap used to cover equipment shall be removed as soon as feasible.

- b. All bins, cans, pails or similar devices which are anticipated to become contaminated shall be visually inspected and cleaned on a regular schedule. If there is visible contamination, they shall be cleaned immediately.
  - c. All refuse anticipated to be contaminated with blood or other potentially infectious materials shall be handled with a mechanical device.
8. Waste Management. Whenever it is necessary to prevent the spread of a known or potential infectious disease, a waste management program will be implemented. The program will be implemented as soon as the potential exposure is discovered. The District will use red plastic bags, identified with the BIOHAZARD label for contamination containers. Unless the contaminated materials are evidence to be retained for use in a criminal proceeding, the containers shall be transported to the appropriate disposal site.
- a. When personal protective equipment is removed it shall be placed in an appropriate biological hazard container. The container shall be:
    - (1) Closable.
    - (2) Constructed to contain all contents and prevent leakage of fluids.
    - (3) Labeled Abiohazard@ and colored red.
    - (4) Closed prior to removal.

Disposal of all infectious waste shall be done in accordance with all federal, state and local requirements.

9. Decontamination and Laundry. Decontamination of employees, equipment, materials, and the environment shall be done immediately or as soon as practical, upon discovery of the contamination. Decontamination means the washing of the body, equipment, materials, and the environment so as not to have any contamination with blood or other potentially infectious materials.
- a. The minimally acceptable level of decontamination is washing with soap and water. Depending on the type of contamination, more aggressive measures may need to be taken such as use of commercially prepared agents or a 1:9 solution of household chlorine bleach and water.
  - b. If an employee's clothes become contaminated, the employee shall immediately, or as soon as feasible, remove all contaminated clothing and wash with soap and water. If contamination of an employee's clothes results in exposure of the employee's non-intact skin or mucus membranes to blood or potentially infectious materials, the employee should be transported to the nearest hospital or the nearest appropriate facility for evaluation. If the employee is required to enter a vehicle while contaminated, both the employee and vehicle shall be decontaminated prior to being put back into service.
  - c. All clothing and equipment considered for decontamination shall be placed in a container which is clearly marked and identified with the appropriate BIOHAZARD label, and transported to an approved commercial laundry with

employees trained in universal precautions. Washing in 160 degree F water for at least 25 minutes with chlorine bleach is effective.

- d. Only authorized personnel shall be qualified to transport contaminated containers.

#### 10. Hepatitis B Vaccination Information.

- a. All employees who have a reasonably anticipated occupational exposure to hepatitis B and have received training in accordance with OAR 437.1910.1030(g) shall be offered the opportunity to receive the hepatitis B vaccination series, and any boosters as recommended by law. Receiving the hepatitis B series is not mandatory, nor is it a bona fide occupational qualification.

The hepatitis B vaccination series shall be offered to all employees within 10 days of initial assignment, unless the employee has previously received the complete hepatitis B series. Antibody testing may be performed to determine that the employee is immune to hepatitis B, or that the vaccine is contraindicated for medical reasons. Such additional testing shall be the decision of the Library Director.

- b. An employee may decline to receive the hepatitis B series initially, and later change his/her mind and receive the series at any time the employee performs duties where there is a reasonably anticipated occupational exposure to hepatitis B.
- c. If any employee declines to receive the hepatitis B vaccination series, the employee shall sign a statement indicating the declination, which states:

"I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me."

#### 11. Post-Exposure Evaluation and Follow-up.

- a. Upon notification of an exposure to blood or other potentially infectious materials, the employee will be given the opportunity to have a confidential medical evaluation and follow-up at a local hospital at no cost to the employee.
- b. The immediate supervisor of the employee exposed to blood or other potentially infectious materials shall perform an investigation of the exposure immediately after the exposure. A copy of the evaluation shall be provided to

the employee and the person performing the medical evaluation. The Post-Exposure Evaluation shall contain the following information:

- (1) Employee biographical information;
  - (2) Circumstances under which the exposure incident occurred;
  - (3) The route of exposure;
  - (4) A description of the exposed employee's duties as they relate to the exposure incident;
  - (5) Results of the source individual's blood testing, if available;
  - (6) If the exposure was not a person, the source of the exposure;
  - (7) All medical records relevant to the appropriate treatment of the employee, including vaccination status.
- c. The department shall obtain a copy of the health care provider's written evaluation, if any, within fifteen (15) days of the evaluation, and shall provide a copy to the exposed employee. The information shall be kept confidential and not disclosed without the employee's consent.
  - d. After an exposure an employee shall be given the opportunity to have their blood tested for the presence of hepatitis B (HBV) and human immunodeficiency virus (HIV).
  - e. After the exposure an employee shall be given the opportunity for counseling.
  - f. Reasonable attempts shall be made to identify the source individual and obtain a consent test for HIV/HBV, including consent to make the test results available to the exposed employee.

## 12. Communication and Training.

- a. Communication of the potential hazards from blood or other potentially infectious materials shall be done by means of labels or signs, with the appropriate "BIOHAZARD" label, red bags, or red containers, which meet the requirements of the law.
- b. All employees working in classifications identified as having a reasonably anticipated potential for an occupational exposure to blood or other potentially infectious materials shall be trained prior to initial assignment, upon change in assignment and annually thereafter.
- c. The training program shall contain the elements required by OAR Chapter 437.

## 13. Recordkeeping.

- a. Individual employee medical records shall be kept by the Library Director. The records shall be kept confidential and only released to the employee, to anyone having the employee's express written consent, and as may be required by law. Employee medical records with regard to exposures to blood or other



potentially infectious materials shall be kept for the term of employment, plus thirty (30) years.

- b. An official record of training shall be maintained in the employee's personnel file. Training records shall be provided, upon request, to employees, employee representatives, and as required by law. The record of training shall be maintained as a permanent part of the personnel file.

Adopted: 5/10/04 Revised: 4/13/11.

## **E. IMMIGRATION AND NATIONALITY PROGRAM**

1. Policy Statement. The District recognizes that it has a responsibility to comply with the provisions of the Immigration Reform and Control Act of 1986 by employing only citizens of the United States of America and lawfully authorized alien workers. The District further recognizes that it is an unfair immigration-related employment practice to discriminate against an individual, other than an unauthorized alien, based on national origin or citizenship status.

The District's policy is to provide equal opportunity to all persons in matters affecting employment with the District, including full compliance with the Immigration Reform and Control Act of 1986. The District shall not discriminate against any individual, other than an unauthorized alien, based on national origin or citizen status.

2. Procedure. In order to assure compliance with the Immigration and Nationality Act, the District will:

Consider every job applicant on his or her merits;

Verify employability and identity in a lawful and consistent way; and

Maintain complete and accurate documentation of all decisions.

3. Appeal Procedure. Special Counsel for Unfair Immigration-Related Employment Practices has been established within the Department of Justice. Regional Offices of the Immigration and Naturalization Service handle the investigation and prosecution of cases. Individuals wishing to file a complaint may contact the Immigration and Naturalization Service, between the hours of 8:30 a.m. and 3:00 p.m., Monday through Friday.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 8.09      PERFORMANCE EVALUATION**

### **A. EMPLOYEE PERFORMANCE REVIEWS**

1. Purpose - Communication. Employee performance reviews are an essential communication process between the employee and the immediate supervisor. Such reviews provide information relating to areas of training needs, target the strengths and weaknesses of the employee's work performance, and measure the relationship between goals and objectives and the individual employee's job performance. The purpose of evaluations is to let employees know how well they are performing their job and whether they have performance problems. It also serves as a basis of personnel decisions -- merit increases, promotion, and termination.
2. Goal - Form Desirable Behaviors. The goal of the employee performance review process is to establish a pattern of expected work performance and habits. The review process gives employees and supervisors an opportunity to measure, review and establish goals, reward or acknowledge good performance, create incentives, and to detect and correct improper behavior or activity and/or substandard work performance.
3. Review Process. Performance reviews shall be completed at least annually and in accordance with the guidelines and instructions set forth below. Employees and supervisors are required to sign the completed performance review forms. All performance reviews will be reviewed by the Library Director and placed in the employee's personnel file. Employees will be provided with a copy of performance reviews.
4. Employees Affected. All regular employees of the District (*i.e.* employees with set, regular, recurring hours) will be evaluated under this policy. The Library Director shall be evaluated by the Board Members based upon the consensus of the Board, using a written performance evaluation.
5. Regular Review. All employees will be evaluated at least annually.
6. Probationary Review. Probationary employees will participate in goal-setting interview/reviews as often as appropriate and will be evaluated in at least two performance progress reviews before being transitioned to regular employee status.
7. Pay and Probation Recommendations. A recommendation for a merit increase and/or extension of probation, or passing probation to regular employee status, or termination shall be set forth in a performance evaluation as appropriate.
8. Supplemental Evaluation. A supplemental performance evaluation may be submitted on any occasion deemed appropriate by a supervisor.

Adopted: 5/10/04 Revised: 4/13/11.

## **B. THE EVALUATION PROCESS**

Meaningful performance assessments require both the supervisor and the employee's evaluation of the employee's performance.

The Supervisor. The employee's immediate supervisor is responsible for timely completion of the official evaluation report. In cases where the immediate supervisor does not have ample opportunities to judge the employee's performance, the lead worker (or others in a position to observe performance) should be consulted in completing the evaluation.

Evaluation Form. See **Appendix F.**

Adopted: 5/10/04 Revised: 4/13/11.

**Section 8.10      *PROBLEM SOLVING PROCESS***

**A. DISTRICT POLICY**

The District strives for fair treatment of all employees, however, misunderstandings and problems may occur in any organization. The District intends that such matters be resolved as early and fairly as possible. Disagreements relating to work assignment, pay, promotion opportunity or any aspect of the work relationship should be openly discussed with the immediate supervisor. Supervisors and employees should make honest attempts to understand each other's perspectives and make every effort to resolve differences. See OSEA contract for resolution of grievances.

Adopted: 5/10/04 Revised: 4/13/11.

### **Section 8.11      EDUCATION AND TRAINING**

The District encourages continued education and training for employees to enhance job performance and assist in potential career advancement within the District. The District shall provide such in-service training as deemed necessary and beneficial to the delivery of services and performance of duties.

Employees may request compensation for the costs of college-level, technical or other academic course work, seminars, and conferences relevant to their current or future roles in the organization. Such requests must be made in writing to the Library Director (and forwarded with a recommendation to the Board for approval prior to the employee's enrollment or participation.) Reimbursement for college-level course work will only be made if the employee receives a passing grade. All training activities involving a cost to the District must be approved in advance, in writing.

Adopted: 5/10/04 Revised: 4/13/11.

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## **Section 9.01 SAFETY PROGRAM**

### **A. OVERVIEW**

A safe building, grounds, and equipment will be maintained in order to prevent accidents or injury to health of patrons, employees, and other citizens from fire, natural disasters, mechanical, and electrical malfunction, and other hazards.

Adopted: 5/10/04 Revised: 4/13/11.

### **B. BUILDINGS**

1. The building will be equipped, and maintained in accordance with appropriate local, State, and Federal safety regulations.
2. The building will be provided with alarm systems, fire extinguishers, and such other devices required by State and Federal laws and regulations.

Adopted: 5/10/04 Revised: 1/28/15.

### **C. SAFETY COMMITTEE**

1. Education and training are primary missions of the Safety Committee.
2. The Safety Committee will develop and implement a safety program which will include but not be limited to, compliance with and enforcement of all State and Federal laws, rules, and regulations.
3. The responsibility of the safety committee will be, but not limited to, the following:
  - a. Assisting in establishing, distributing, and implementing the safety program.
  - b. Reviewing accident trends, costs, and injuries, and assigning corrective actions.
  - c. Conducting and providing periodic safety training activities and inservices (when the library will be closed during normal business hours for the purpose of training) for staff, covering general safety rules and specific safety rules for specific areas.
  - d. Assuring that or annual safety inspections are conducted.
  - e. Developing a system for control of inspection, investigation, and implementation to insure that such activity takes place.
  - f. Taking immediate action to correct or minimize conditions or work practices that could reasonably lead to injury to personnel or the public, or damage to equipment.
  - g. Establishing procedures for reporting violations of safety rules, policies, and problems to the safety committee.
  - h. Making safety recommendations to the Library Director.

- i. Assuring proper reports are made following accidents and violations.
- j. Analyzing work flow to determine hazard potentials in order to correct dangerous situations.

Adopted: 5/10/04 Revised: 1/28/15.

**D. SAFETY MANUAL**

1. The procedures in the safety manual will be followed by all employees and volunteers.
2. The safety manual will outline and document safety related education and training.

Adopted: 5/10/04 Revised: 1/28/15.



## **Section 9.02      GENERAL SAFETY RULES**

These rules apply to all employees, volunteers, and patrons. These are general safety rules:

1. Work related injuries, regardless of their nature or extent shall be reported immediately to the Director or Assistant Director. Failure to comply with this rule may cast doubt on the origin of an injury and might also delay corrective action.
2. Accidents, whether or not anyone is injured, shall be reported to the Library Director or Assistant Director.
3. Comply with rules governing safe work practices and conduct in your work area. Know and follow established work procedures and understand the meaning of emergency warning signals. If you have doubt concerning the safe way to perform a job, ask the Library Director or your supervisor before proceeding.
4. Do not remove, displace, damage, destroy, or carry off any safety devices, safeguard notices, or warnings furnished for use at any building or facility.
5. No one shall interfere, alter, or remove anything adopted for the protection of any worker.
6. Housekeeping shall be maintained in all areas. Clean up spilled materials promptly and completely.
7. Do not block aisles, passageways, corridors, escape ways, or exits.
8. Do not ride in or on equipment not designated for transporting people.
9. Never engage in fighting, horseplay, teasing, or distraction of fellow workers.
10. Incident reports should be used as an initial or primary reporting form to preserve names, time, date, and principal witness's information of accidents, injuries, or unusual events. This information can be recorded or transferred as necessary. The primary form will be retained for review and study by the Safety Committee.

Adopted: 5/10/04 Revised: 2/25/15.

## **Section 9.03 PERSONNEL AND PUBLIC SAFETY**

### **A. PERSONNEL AND PUBLIC SAFETY POLICY STATEMENT**

Nothing is of greater concern to the District than the safety of its employees and the public. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with the District's safety and accident policy. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the attention of a supervisor. For example, employees shall:

1. Use the safety equipment which has been provided;
2. Not operate equipment while medication or intoxicants are present in the body without a doctor's written approval;
3. Operate only the equipment on which they have received training;
4. Warn co-workers and management of unsafe conditions or practices. Accept with appreciation the warning of a co-worker or supervisor as an expression of concern for their wellbeing;
5. Report dangerous or unsafe conditions observed at work; and
6. Refrain from horseplay at all times.

Adopted: 5/10/04 Revised: 2/25/15.

### **B. UNSAFE CONDITIONS**

1. **Employee Responsibility.** Every employee is responsible for safety as a specific job assignment. To achieve the District's goal of providing a safe work place, everyone must be aware of safety at all times. Employees shall report immediately any unsafe or hazardous condition directly to a supervisor, if it cannot be corrected safely and independently. Every effort will be made to remedy safety problems as quickly as possible.
2. **Management Responsibility.** Supervisors shall frequently review the need for implementing safety practices, policy, or procedures warranted by hazards. Each accident and "near miss" is cause for review. A copy of such policies shall be made available to all library employees. Supervisory personnel will periodically involve employees in the process. The need for periodic training shall be considered, and arranged as determined by the Library Director.
3. **Managing Unsafe Conditions.** It is every employee's responsibility to observe and identify conditions which could pose a hazard to employees or to the general public.

After identifying the problem, employees at the scene are expected to:

- a. Safely eliminate the hazard, and obtain necessary assistance;
- b. Safely control the hazard by enclosure or guard;

- c. Employ avoidance procedures; and
- d. Use personal protective equipment as appropriate.

Adopted: 5/10/04 Revised: 2/25/15.

### **C. ACCIDENT REPORTING**

1. Accidents involving District property, employees, patrons, volunteers, and visitors must be reported in detail as soon after occurrence as possible. All accident reports should be submitted to the Library Director. The Library Director will determine the need for further investigation.
2. Staff members and volunteers must complete an accident report for injuries.
3. Recording the incident by filing the accident report is considered to be reporting. If the incident is life threatening or of major concern it should be reported to the Library Director immediately.
4. The Safety Committee will promptly review occupational accidents and injuries, recommend appropriate corrective measures, and evaluate compliance.
5. Accident data and trends will be evaluated during each safety committee meeting.
6. Reporting forms will be available in the Safety Manual.

Adopted: 5/10/04 Revised: 2/25/15.

### **D. EMPLOYEE INJURY REPORT**

In case of an accident involving personal injury to an employee, a supervisor and the Library Director should be notified as soon as possible. Failure to report accidents can result in a violation of conditions of insurance coverage and State laws leading to difficulties in processing insurance and benefit claims. Injured workers must fill out a Worker's Compensation Report form and submit it as soon as possible to the Library Director. All injuries must be reported in a timely manner to avoid risk of claim denial. The Library Director will provide advice and assistance to any person filling out a Workers' Compensation Report.

If an injury results in the death of an employee, then the supervisor shall immediately notify the Library Director who, in turn, shall immediately notify the State Workers' Compensation Department and the District's insurance carrier by phone. The Library Director will then proceed to process a claim report form.

The appropriate entries shall be made in the OSHA 200 Report log.

Adopted: 5/10/04 Revised: 4/13/11.

### **E. INSPECTIONS**

1. All areas are to be inspected each regularly.
2. Safety hazards noted in inspections are to be reported upon discovery to the safety committee for correction.

3. Employees have the authority to shut down any operation which is immediately hazardous to personnel or patrons.
4. Inspection forms must be completed and filed with the Safety Committee promptly.
5. The latest inspection records should be used as reference for the current inspection to provide follow-up for conformity.
6. Even though general inspections occur on regularly, all employees should be constantly checking for potential safety hazards.
7. Facility and equipment inspections will regularly include SDAO safety officials and regulatory personnel as appropriate.

Adopted: 5/10/04 Revised: 2/25/15.

**GENERAL SAFETY INSPECTION CHECKLIST**

Inspected by: \_\_\_\_\_ Date: \_\_\_\_\_

**AREA: STACKS, CHILDREN'S ROOM, EAST EXIT**

ELECTRICAL HAZARDS	Yes	No	Remarks
Decorations and accessories carry UL label			
Equipment grounded, has three-way plug			
Power cord in good working condition			
Plugs and wall outlets in good condition			
Electrical switch panel clear within 30 inches			
Surge protectors in place, signal light on			
No wires under cabinets			
Electrical panel unlocked			

**Note: Any electrical device that creates excessive heat should be removed.**

**BOOKCASES, SHELVES, AND CABINETS**

Shelves not overloaded			
Heavy storage shelves secured to wall			
Heavy storage files secure from tipping			
Sharp corners removed			
Bookcases secure from tipping			

**STAFF WORK AREA, FRONT ENTRY**

STAPLER OR CUTTING UNITS	Yes	No	Remarks
Are parts in good working order?			
Have users received instruction for safe use?			

FILING CABINETS	Yes	No	Remarks
Drawers are kept closed when not in use			
Heavy materials are filed in lower drawers			
All drawers are fitted with secure handles			
Only one drawer is open at one time			
Top of filing cabinet is kept clear of loose materials			
Are chairs used as intended			
Swivel chairs are mechanically sound			

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RESTROOMS (function properly, free of leaks)	Yes	No	Remarks
Toilet, wash basin, drinking fountain			
Towel dispensers and grab bars			
Floor surface: clean, dry, good repair			
STORAGE SHED	Yes	No	Remarks
All gasoline stored in marked metal containers			
Paint stored in metal labeled cans			
CO <sub>2</sub> fire extinguisher available			
All volatile solvents in metal containers, labeled.			
RECYCLING BINS	Yes	No	Remarks
Recycling bins: cardboard, magazines, newspaper, clean and labeled.			
HEATING, COOLING, VENTILATION UNIT	Yes	No	Remarks
Clean. Air has free access.			
BUILDING EXTERIOR	Yes	No	Remarks
Signs in good repair, paint OK, free of graffiti.			
Handicapped parking: free of obstruction, paint OK, area clean			
Book Return Unit: good repair, function properly, good security features			
Walkways, roads, & drives-surfaces smooth, free of obstructions			
Bike rack provides security, good repair			
Building side walls: paint OK, free of graffiti			
Gutters and downspouts functioning			
Electric switches, boxes, and covers: Waterproof covers in place			
Sprinkler system: free of leaks and any malfunctions			
FIRE PREVENTION	Yes	No	Remarks
Fire drills provided			
Paper and other inflammable materials are kept away from light bulbs			
Air cooling entry around electrical devices clear			
Fire exits clearly marked			

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Fire extinguishers are clearly marked and free of obstruction			
Extension cords are inspected at least quarterly for cuts or defects			
Building exits are clearly marked			
Room heating units are kept free of materials			
<b>OFFICE AND BOOKS RECEIVING ROOM</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
Disposable gloves available			
First aid kit available for staff or patron use			
Fire extinguisher available			
Refrigerator clean, Electric cord OK. Air entry and exit open.			
Waste baskets clean			
Files secure			
Chairs, shelves, desks in good repair			
Electric cords and surge protectors in good repair			

Adopted: 5/10/04 Revised: 2/25/15.

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### **Section 10.01    PRESERVATION POLICY**

From time to time, the Board may designate certain items in the District's possession as "Items of Historical or Cultural Interest".

The Director shall maintain a list of any item so designated by the Board and shall, to the best his or her ability, retain and maintain the condition of items designated as Items of Historical or Cultural Significance.

Such designations shall be made at the sole discretion of the Board, but shall be made in consultation with the Director after due consideration of available space, the cost of maintenance or restoration, and any other factors that might affect the practicability of retaining and maintaining a particular item.

Items of Historical or Cultural interest may only have their designation changed by a vote of the Board.

When in the Directors opinion, an item should be considered for designation as an Item of Historical or Cultural Significance, the Director shall make the specific item available for the Board's inspection, provide the Board with an estimate of the cost of maintaining the item, and make a recommendation to the Board regarding the District's ability to adequately maintain the item.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 10.02    *POLICY REGARDING POLICY MANUAL REVISION***

The last line in any indexed section of the manual shall be the date of adoption of that section, or the date of the last revision to that section, whichever is later.

Adopted: 5/10/04    Revised: 4/13/11.

### **Section 10.03 FUNDRAISING POLICY**

The Board may, from time to time, implement or give their approval to activities or programs designed to promote the District and/or raise funds for specific projects. Any such activities or programs are hereafter referred to as Board Sponsored Fundraising.

Requests for Board Sponsored Fundraising may originate with the Public, Library Staff, The Friends of the Fern Ridge Library, The Fern Ridge Library Foundation, the Library Director, or The Board.

Any suggested Board Sponsored Fundraising will be reviewed by the Library Director and presented to the Board for consideration with the Director's recommendations. The Director's recommendation may include practicability, cost to The District, duration of the program, and any other aspects that the Director might deem appropriate.

Any Board Sponsored Fundraising will be of limited duration, impose no continuing costs or obligations to The District, and will be for a specific, stated, purpose.

Adopted: 5/10/04 Revised: 4/13/11.

### **Section 10.04 MEETING ROOM POLICY**

It is the policy of the Fern Ridge Library Board to make space available to the public to hold meetings or for other similar activities. Upon request, the Library Director may make other generally non-public spaces available for public use as long as such use does not interfere with normal library operations and as long as such use is otherwise consistent with Library Policy.

The Library Director shall establish and provide to the Board for their review and approval procedures for the reservation and use of the library's meeting rooms. All procedures developed by the Library Director shall be in keeping with applicable Library Policy.

The Library Director shall establish and provide to the Board for review and approval a schedule of charges for rental, key, cleaning deposits, etc.

In general, scheduling of the public meeting spaces should be on a first come, first served basis with preference given to Library sponsored activities, public meetings, and functions of general interest to the community.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 10.05    *INCLEMENT WEATHER DELAYS/CLOSURES***

Employee safety is of concern during library service for days with inclement weather.

As a General rule, Fern Ridge Library will follow the schedule reported by Fern Ridge School Districts (FRSD). Because our start time is about 2 hours later than school time, we will adjust the delay/closure accordingly:

1. If a delay in start time is declared by the FRSD, the library will open on time.
2. If a closure is declared by FRSD, the library will delay by 2 hours, or close. Information from, but not limited to, these information sources may be used:

Road Reports

Calls made by Director to Board Chair

Calls made by Director to staff members who live in the immediate area.

Director will inform the Board Chair and all staff of the final decision.

For public notice, the Director will send the decision:  
to appropriate media outlets, and  
post on [www.fernridgelibrary.org](http://www.fernridgelibrary.org)

Adopted: 5/10/04 Revised: 4/13/11.

**Section 10.06 SPECIAL DISTRICTS ASSOCIATION OF OREGON  
PRE-LOSS LEGAL CONSULTATION**

In order to protect the District from unnecessary legal actions, it is the policy of the Fern Ridge Library Board to contact the Special Districts Association of Oregon Pre-Loss Legal consultation service prior to taking actions which could reasonably be expected to subject the District to litigation.

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 10.07 PERSONAL VEHICLE USE POLICY**

The purpose of this document is to establish policies and procedures for the District that will:

- Help ensure the safe operation of personal motor vehicles used for sponsored activities;
- Help ensure the safety of drivers and passengers;
- Help minimize losses, damages, and claims against the District.

### **A. SCOPE OF POLICY**

This policy applies to:

- Employees (including volunteers) who operate personal vehicles routinely and in connection with their jobs and/or District-sponsored activities;
- District employees and volunteers who routinely use personal vehicles to transport other employees or visitors in connection with any District-sponsored activity.

Employees who travel regularly on business for the District, utilizing their personal vehicles, are covered by this policy. Activities that can be characterized as personal use are not considered to be District-sponsored activities to which this policy applies. This policy does not apply to employees or volunteers while commuting to and from the District.

### **B. ELIGIBILITY REQUIREMENTS FOR DRIVERS OF PERSONAL VEHICLES IN CONNECTION WITH DISTRICT-SPONSORED ACTIVITIES**

*The Library Director will maintain a roster of drivers who are qualified to drive personal vehicles (either their own vehicles or vehicles owned by others) in connection with District-sponsored activities. In order to be included on the roster of qualified drivers, an employee or volunteer will be required to adhere to the following rules. Requests for exceptions to these rules shall be addressed to the Library Director.*

Drivers must:

1. Possess a valid United States driver's license issued by the Department of Motor Vehicles from the driver's state of residence, relevant for the lawful operation of the particular vehicle to be used, that has not been suspended or revoked within the prior three years.
2. Disclose, annually, any traffic violations incurred within the previous twelve months.
3. Have no more than two at-fault or preventable accidents (resulting in personal injury or property damage) or minor traffic violations within the prior three years).
4. Have no convictions or pending charges on record for driving under the influence of alcohol or drugs, or any other major traffic violation.

5. Have not been convicted of a felony or an offense involving the sale, purchase or possession of drugs which occurred in connection with the operation of a motor vehicle during the prior three years.
6. Have not had automobile insurance canceled, declined or not renewed by a company within the prior three years due to the actions of the driver.
7. Have no disciplinary sanctions, which might reflect negatively on the driver's ability to drive safely.
8. Agree to operate personal motor vehicles in connection with District-sponsored activities in accordance with applicable local and federal laws and District regulations.
9. Report any change in license status immediately (*e.g.*, if the license has been suspended or revoked) to the Library Director within one working day of any such change. If the license is revoked or suspended, the driver will be immediately removed from the approved drivers list.
10. Disclose any temporary medical conditions (*e.g.*, broken limbs, sprained joints, concussion, influenza) that may impair the individual's ability to drive safely.
11. Agree that all traffic violations and citations are the sole responsibility of the driver.
12. Agree to refrain from using a cellular telephone without a hands-free device while operating a personal vehicle in connection with District-sponsored activities.

**C. REMOVAL FROM APPROVED DRIVERS ROSTER**

*The following offenses may result in removal of the driver from the approved drivers list along with appropriate disciplinary action. Drivers may reapply for designation as a qualified driver when they have again met the above criteria. For employees and volunteers, the decision to remove the driver from the qualified drivers list and to redesignate the driver as qualified shall be made by the Library Director.*

*Affected individuals may seek reconsideration of such a decision or of the denial of a request to be reinstated to the approved drivers list by presenting mitigating evidence to the Library Director and or the Board, but may not otherwise appeal such decisions.*

1. Operating a personal vehicle in connection with a District-sponsored activity without an appropriate and valid driver's license or after a license has been suspended or revoked.
2. Failing to obey District and all government traffic regulations while operating a vehicle in connection with a District-sponsored activity.
3. Operating a motor vehicle in a reckless or unsafe manner in connection with a District-sponsored activity.
4. Failing to immediately report an accident which occurs in connection with a District-sponsored.



5. Transporting passengers who have not secured seatbelts in connection with a District-sponsored activity.
6. Operating a motor vehicle while impaired by or under the influence of alcohol or drugs in connection with a District-sponsored activity.
7. Receiving a disciplinary sanction, which might reflect negatively on the driver's ability to drive safely, as reasonably determined by the District.
8. A combination of two at fault or preventable accidents or minor traffic violations, or one major traffic violation within the prior three years.
9. Conviction of a felony or an offense involving the sale, purchase or possession of drugs which occurred in connection with the operation of a motor vehicle.
10. Using a cellular telephone without a hands free device while operating a personal vehicle in connection with a District-sponsored activity.

**D. OWNER AUTHORIZATION**

1. Prior to the use of a personal vehicle for District-sponsored activities, the legal owner of the vehicle must file with the Library
  - a. An Owner Approval Form:
    - Authorizing use of the vehicle for District-sponsored activities.
    - Agreeing that the owner will properly maintain the vehicle to ensure safe operation.
    - Identifying the District-approved drivers that are authorized to drive the vehicle.
    - Acknowledging that the owner's automobile liability insurance is primary with respect to coverage for damages and personal injury in connection with any accidents involving the owner's vehicle, even if the accident occurs in connection with a District-sponsored activity.
    - Acknowledging that the District's automobile insurance policy does not provide coverage for damage to the individual's motor vehicle, either on a primary or excess basis.
  - b. Proof of liability insurance covering the automobile and all authorized drivers with minimum limits of liability as specified by the State of Oregon.
2. These forms must be filed prior to the use of a vehicle in connection with a District-sponsored activity and thereafter on an annual basis by October 1.

E. **INSURANCE**

In the event an individual uses a personal vehicle to engage in District-sponsored activities and/or to transport individuals in connection with District-sponsored activities, insurance coverage is as follows:

- The individual's personal automobile liability insurance is primary with respect to coverage for damages and personal injury in connection with any accidents involving the vehicle, even if the accident occurs in connection with a District-sponsored activity.
- The District's automobile insurance policy does not provide coverage for damage to a personal motor vehicle from any cause, either on a primary or excess basis.

OWNER APPROVAL FORM

(for individuals who routinely operate private vehicles and/or transport individuals in personal vehicles in connection with District-sponsored activities)

I understand that in order to operate my personal vehicle in connection with District-sponsored activities or to authorize another individual to operate my vehicle in connection with District-sponsored activities, I am required to comply with the terms of the District's Policy relating to Use of Personal Vehicles in Connection with District-sponsored activities.

I hereby:

- Authorize the use of my vehicle(s) (make, model and year) and for District-sponsored activities;
- Agree to maintain the above vehicle to ensure safe operation at all times that I use the vehicle in connection with District-sponsored activities;
- Acknowledge that my automobile liability insurance is primary with respect to coverage for damages and personal injury in connection with any accidents involving my vehicle, even if the accident occurs in connection with a District-sponsored activity;

List insurer name, phone number, and policy number

- I acknowledge that the District's automobile insurance policy does not provide coverage for damage to my motor vehicle from any cause, either on a primary or excess basis.

The following individuals are authorized to operate my vehicle and to transport passengers in connection with District-sponsored activities:

\_\_\_\_\_

\_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_\_

Acknowledgment and Consent

I have read the entire contents of Fern Ridge Library District’s Policy relating to the use of personal vehicles for District-sponsored activities and agree to comply with all the requirements of the policy. I understand that I have an obligation to file an Owner Approval form and proof of adequate insurance with the Library Director in the event

- (i) I routinely use a personal vehicle, or authorize another individual to use my personal vehicle, to transport volunteers or other employees or visitors in connection with any District-sponsored activity, or
- (ii) I travel frequently in connection with my job and intend to use my personal vehicle in connection with such travel.

I have been given an opportunity to ask questions and fully understand the meaning of the policy. Additionally, I understand that I should contact the Library if I should have any future questions or concerns about the policy. By signing below, I acknowledge receipt of this policy and agree to abide by the contents of the policy.

Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

Adopted: 5/10/04 Revised: 4/13/11.

## **Section 10.08    *REPORTING OF SUSPECTED ABUSE OF A CHILD***

Abuse of a child by district employees will not be tolerated. All district employees and volunteers are subject to this policy. If a district employee is a suspected abuser, reporting requirements remain the same.

Any district employee who has reasonable cause to believe that any child with whom the employee has come into contact has suffered abuse or neglect, as defined in state law<sup>2</sup>, or who comes into contact with someone who has abused a child, will immediately notify the Oregon Department of Human Services, or the local law enforcement agency. The district employee shall also immediately inform his or her supervisor, and the Library Board. A reporting form is included at the end of this section.

Any district volunteer having reasonable cause to believe that any child with whom the volunteer comes into contact has suffered abuse is expected to report this belief to the district employee with whom he/she works. Volunteers will use the same reporting form as employees.

If known, such report shall contain the names and addresses of the child, the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse, and the identity of a possible perpetrator.

The Library Director will receive reports of abuse of a child by district employees and specify the procedures to be followed upon receipt of an abuse report. In the event the

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<sup>2</sup>**ORS 419B.005 Definitions.** As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute, as defined in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

Director is the suspected abuser, the Board chair shall receive the report of abuse. When the Director (or The Board) takes action on the report, the person who initiated the report must be notified.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file.

Upon request, the district shall provide records of investigations of suspected abuse of a child by a district employee or former district employee to law enforcement or the Oregon Department of Human Services.

Any district employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the complainant. Intentionally making a false report of abuse of a child is a Class A violation.

The Library Director shall implement such procedures as are necessary to accomplish the intent of this policy and to comply with state law.

Adopted: 4/10/13



**Confidential**

Fern Ridge Library District - Abuse of a Child Report  
(Submit to Director and Library Board)

ORS 419B.010 requires that “any public or private official having reasonable cause to believe that any child with whom the official comes in contact in an official capacity has suffered abuse, or that any person with whom the official comes in contact in an official capacity has abused a child shall report or cause a report to be made...” Public officials include all employees. Volunteers will also be required to report suspected abuse of a child under the procedures in this policy.

Information on Abuse Victim

_____	_____	_____	_____
Child’s Name	Child’s Birthdate	Age	
_____	_____	_____	
Parent/Guardian	Phone Number		
_____	_____	_____	_____
Address	City	State	Zip

Date and time of alleged abuse: \_\_\_\_\_

Nature and extent of abuse: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identity of perpetrator: \_\_\_\_\_  
\_\_\_\_\_

Other information regarding alleged abuse or victim: \_\_\_\_\_  
\_\_\_\_\_

Record of Report

Employee making report: \_\_\_\_\_

Agency to which report is made: \_\_\_\_\_

Person taking report: \_\_\_\_\_

Received by Director: \_\_\_\_\_ Date \_\_\_\_\_ Confirmed: \_\_\_\_\_

Phone Number \_\_\_\_\_

Time \_\_\_\_\_

## **Section 10.09 WHISTLEBLOWER PROTECTIONS**

Purpose: To provide reporting procedures should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.

- I. The District encourages any employee with knowledge or concern of illegal, dishonest, or fraudulent District activity to report it to a District Representative such as the Library Director, Assistant Library Director, Library Business Manager, or Library Board member. The employee may also provide the information to a state or federal regulatory agency, a law enforcement agency, or an attorney licensed to practice law in Oregon if a confidential communication is made about the alleged violation. Attorneys employed by the District may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. For any employee wishing more information, further details can be obtained from the Library Director or Business Manager.
- II. The employee must exercise sound judgement to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination as stipulated in the current union or other operative employment agreement.
- III. Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The district will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact an appropriate district Representative immediately. The right of a whistleblower for protection against retaliation does not include immunity for an personal wrongdoing that is alleged and investigated.
- IV. All reports of illegal and dishonest activities will be promptly submitted to the Library Board for investigation and coordination of corrective action.

Adopted 11/9/2016



## **Section 10.10 District Building Prevention Maintenance Policy**

Purpose: To define clear expectations for the preventative maintenance of district buildings. This policy will include critical areas to be inspected and a schedule of when to conduct these inspections. The director will decide who will conduct these inspections and provide training as necessary.

### Schedule

District buildings will be inspected throughout the year; daily, monthly, quarterly, and during inclement weather.

Daily- Daily inspections should be conducted by all employees. These inspections will be done visually. The visual inspections are simply taking notice of something that does not look correct and making sure to report it.

Monthly- Monthly inspections will be conducted by the director. This inspection should be comprehensive and documented. The district will provide a checklist of items that should be viewed.

Quarterly – The safety committee will conduct quarterly inspections of the buildings per OR-OSHA Rule 437-001-0765(7). Once they have completed their inspections, these should be compared to the monthly inspections. Any recommendations will be made to the director.

Inclement Weather – When the district is aware of a forecasted storm, the director will conduct a preventative inspection to make sure the facilities are ready. Once the storm has passed, the maintenance staff will conduct another inspection to identify any damage or repairs that need to be made.

### Building Maintenance

The following areas should be looked at during the documented inspections:

Outdoors: roof, gutters/scuppers, downspouts – direct water away from the building, doors/seals/caulking, exterior wall condition/holes/paint/siding, exterior lighting/cameras, parking lots/light poles, vegetation trimmed away from the buildings, foundation, exposed piping.

Indoors: emergency lighting, HVAC system/filters/batteries in thermostats, water intrusion/moisture issues, storage areas, interior wall conditions, electrical panels, attics.

### Training

The district will conduct annual training for staff that includes refreshing staff of items to be viewed or any new buildings or conditions they should be aware of. Refresher

training should occur if a property claim is filed.

### Property Maintenance Checklist

Date of Inspection: \_\_\_\_\_ Inspected  
by: \_\_\_\_\_

<b>General:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
Emergency procedures available				
SDS binders are up to date and available				
Map for emergency shutoff locations for water, gas, etc. is posted				
All fire extinguishers inspected and serviced				
Fire alarm, smoke detectors, etc. have been tested				
Back flow inspections are current				
Emergency contact numbers posted				
First aid kits are available and properly stocked				
Personal protection equipment is available				

<b>Custodial:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
Hand trucks available and in good condition				
Ladders are in good condition and secured				
Flammable products are stored in fireproof cabinets				
Hand tools and power tools are in good condition				
Clean and dirty rags are clearly marked				
Wet floor signs are available				
Secondary containers are properly labeled				

<b>Parking lots and grounds:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
Sidewalks and parking lots free of trip hazards				
Parking lot surfaces are adequate				
Parking lot light timers are adjusted properly				
All exterior signage is in good condition				

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Security cameras cleaned, adjusted & operating				
All exterior lighting in working condition				
Plants trimmed away from facilities and lighting				

<b>Roofs:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
Check roof for damage				
Drains and downspouts are clear of debris				
Moss problems have been treated				
Roof access ladders are securely mounted				
<b>Offices:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
All spaces are adequately lit and in good repair				
Power strips are UL listed and in good repair				
Electrical outlets within 4' of sinks are GFCI protected				
Extension cords are only used for temporary use				
Cords have been checked for grounding plugs				
Portable heaters have tip over switches and are not near flammable products				
Overhead storage is secured and stable				

<b>Restrooms:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
Flooring is in good condition and clean				
All plumbing fixtures are in good condition				

<b>Storage, mechanical:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
Insulation material around piping is in good condition				
Electrical panels are accessible				
All electrical junction boxes have covers				
Water heaters are accessible				
Pressure release valve on hot water heaters work				
Filters have been replaced in HVAC				

equipment				
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<b>Inclement weather preparation:</b>	<b>OK</b>	<b>FIX</b>	<b>N/A</b>	<b>Comments</b>
Ice melt and snow removal equipment is available				
Check if HVAC system is set for cold weather conditions				
Remove all exterior hoses from hose bibs				
Road drains and storm drains are clear				

## **Section 10.11 Art Display Policy**

The Fern Ridge Library offers gallery space in the Conference Room for the exhibition of two-dimensional artwork. All exhibits are free and open to the public.

The Library encourages exhibitions of painting, photography, and other media that can be displayed on a wall for civic, cultural, educational and recreational purposes. Exhibit space is made available on an equitable basis to individuals or groups with respect to artwork that best meet the standards for acceptance. Local and regional residents and organizations are invited to apply. Preference is given to applicants from the Fern Ridge Library District.

Library use of display areas takes precedence over any other use and the Library reserves the right, without notice, to cancel the use of the display area by exhibitors if the Director determines that the display space is needed for Library purposes.

The Library Director, as designee of the Library Board, has authority for approving the use of the exhibits space. Application for use can be made by contacting the Library Director or designee. If an exhibit is selected for display, determination of exhibition dates will be discussed and agreed upon by the artist and the library representative. An artist's reception may also be scheduled at this time.

Exhibits should reflect the library's role as an educational and cultural institution presenting a balanced program of exhibits in all suitable media. Selection criteria for art exhibits follow the standards set in the library's Materials Selection Policy.

General Rules for Acceptance:

- *Application.* Applications for exhibit space is made to the Library Director or designee.
- *Fragile.* Work that is deemed too fragile or unsafe for display will not be accepted.
- *Dimensions.* One criterion for determining the acceptability of art will be its space requirements of size.
  - Suggested minimum size is 16"x20" though exceptions may be made.
  - Suggested maximum weight is 15 lbs.
- *Framed.* All pieces must be appropriately and securely framed and mounted for display.
- *Information.* Each of the works of art need to be accompanied by an information tag with title, artist, price (if for sale) and medium (if necessary). Works that are not available for purchase must be clearly marked Not For Sale "NFS".
- *Inventory.* Please provide an inventory list of all items to be shown in the library to be kept on file.

- *Prohibition.* The library is prohibited from displaying pornographic or obscene materials pursuant to ORS 167.080 & 167.087.
- *Acceptability.* Acceptability of an exhibit is at the discretion of the Library Director whose decisions may be appealed to the Library Board. In exercising such discretion, consideration will include, artistic merit, degree of general public interest in the subject matter and medium/media of an exhibit, importance of the exhibit and a record for reflection of the times or of the community and degree to which the exhibit will be responsible to and consistent with the library's mission.
- *Waiver.* The artist is required to sign an Agreement and Waiver of Loss Form
- *Scheduling.* All arrangements for scheduling the installation, exhibition or removal of the show are at the discretion of the library.
- *Sales.* The artist may choose to price their art and make it available for sale
  - The artist must make all arrangements for sales; contact information should be included in the artist's biography and statement. The library staff will not be assisting in sales.
  - Works must remain on exhibit throughout the designated period.
- *Insurance:* The Library is not responsible for the theft or damage to items on exhibit, nor does it provide insurance to protect them. Insurance is the sole responsibility of the exhibitor. Exhibitors must sign the Art Exhibit Contract and Waiver of Loss Form.
- *Arrangement:* The Library reserves the right to determine how all exhibits are arranged.
- *Publicity:* Any publicity, signage or written material provided by the artist to accompany an exhibit must be approved by the Library Director or designee.
- *Reconsideration.* The library recognizes that contents of an exhibit may offend some Library users. In such event, the Library Director will work with the artist/owner to resolve the matter.

Adopted 3/13/2019



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### **Section 11.01    *ROLES OF THE BOARD AND DIRECTORS***

While the public supports and owns the Library, board members are elected to govern the library as a public trust. Every library board member shares with the staff and other board members the responsibility of forming the public “image” of the library. Rather than a formal practice, the role of board members in public relations may be thought of as “relating to the public.” Board members relate to the public any time that they mention the library, promote a program, or urge use. Board members need to take responsibility for public awareness and advocacy—the phases of relating to the public which lead to a healthier and better library.

Adopted: 5/10/04 Revised: 4/13/11.

***Section 11.02 RELATION WITH FRIENDS OF THE  
LIBRARY AND THE FERN RIDGE LIBRARY FOUNDATION***

The board and Friends groups will work together to create public support and good public relations for the library in the community. Each should support the efforts of, send representatives to, and provide reports for the other group as needed at regularly scheduled meetings.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 11.03 OTHER ORGANIZATIONS THAT THE LIBRARY DISTRICT WILL REMAIN IN CONTACT WITH OR MAINTAIN MEMBERSHIP IN ARE:**

1. Special Districts Association of Oregon (SDAO).
2. Lane Council of Librarians (LCOL). Board members are encouraged to attend. One meeting a year is held at Fern Ridge.
3. Fern Ridge School District.
4. Oregon State Library.
5. City of Veneta.
6. Other municipalities within our district.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 11.04 Contact with Press, Radio, and TV**

1. The West – Lane News and The Register-Guard newspapers (along with any other news media which have requested notice) will be notified of the time, place, and principal subjects of all regular and special meetings of the library board at least 24 hours in advance as required by law.
2. Members of the press may attend any regular or special board meeting.
3. The board will encourage the Library Director to submit articles to the West-Lane News on a regular basis for the purpose of promoting library use or to inform the public of events or other items of interest regarding the library.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 11.05 OPEN MEETINGS**

1. All regular and special meetings of the library board are open to the public except as provide by law, as defined according to ORS 192.610.
2. Executive sessions, which may involve any meeting or part of a meeting, may be closed to certain persons for deliberation on certain matters, as long as they are held in accordance with ORS 192.610 to 192.690.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 11.06 PUBLIC PARTICIPATION AT BOARD MEETINGS**

1. A 'Hearing of Patrons; will be included in the agenda of each regularly scheduled board meeting. Any patron who wishes to bring a topic before the board may present an issue during that time. The board will nto be required to take action at that meeting.
2. The chair may limit the time of any citizen appearing before the board in order that all who wish to be heard may have the opportunity.

Adopted: 5/10/04 Revised: 4/13/11.

**Section 11.07 SIGNS AND AMBIANCE**

1. The board will be dedicated to having the library be a warm and friendly place with excellent services freely given, in keeping with the philosophy that “the best
2. The board will advise the director in maintaining a physical, visual, and auditory environment which is conducive to all patrons ability to utilize the library’s facilities in as comfortable and convenient a manner as possible.
3. Smoking will not be permitted in the library building.

Adopted: 5/10/04 Revised: 4/13/11.

## **CHAPTER 12. PROCEDURES TABLE OF CONTENTS**

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# Appendix A

## ORS 198.510 – 198.600

## ORDINANCES AND REGULATIONS

**198.510 Definitions for ORS 198.510 to 198.600.** As used in ORS 198.510 to 198.600, unless the context requires otherwise:

(1) “County” means the county in which the district, or the greater portion of the assessed value of the district, is located.

(2) “County board” means the board of county commissioners or the county court of the county.

(3) “County clerk” means the county clerk of the county.

(4) “District” has the meaning given that term in ORS 198.010 (2), (4), (5), (11), (12), (14), (17), (19), (20) to (23) and (25). In addition, “district” means any one of the following:

(a) A county service district organized under ORS chapter 451.

(b) The Port of Portland established by ORS 778.010.

(5) “District board” means the governing body of a district and the term includes a county board that is in the governing body of a district.

(6) “Presiding officer” means the chairperson, president or other person performing the office of presiding officer of the district board.

(7) “Principal Act” means the law, other than ORS 198.510 to 198.600, applicable to a district. [1971 c.268 §2; 2007 c.179 §5; 2007 c.562 §22b]

**198.520** [1971 c.268 §1; 1975 c.782 §48b; 1977 c.756 §3; 1981 c.226 §20; repealed by 2007 c.179 §9]

**198.530 Procedure for adopting, amending or repealing ordinances or regulations.** When a district board is authorized by the principal Act of a district to enact, amend or repeal regulations, it shall do so in accordance with ORS 198.510 to 198.600. In all counties which do not provide by ordinance or charter for the manner of enacting, amending or repealing ordinances and regulations, this section applies when a county board pursuant to statute is acting as the governing body of a district. [1971 c.268 §3]

**198.540 Notice prior to adoption of ordinance affecting regulation.** (1) Except in an emergency, an ordinance adopting, amending or repealing a regulation shall not be considered or voted upon by a district board unless the ordinance is included in the published agenda of the meeting. The agenda of a meeting shall state the time, date and place of the meeting, give a brief description of the ordinances to be considered at the meeting and state that copies of the ordinances are available at the office of the district board.

(2) The presiding officer shall cause the agenda to be published not more than 10 days nor less than four days before the meeting, in one or more newspapers of general circulation within the district or, if there is no such newspaper, in a newspaper of general circulation in each county in which the district is located. The presiding officer may also cause the agenda:

(a) To be posted in three public places within the district at least 10 days before the meeting; or

(b) To be published by radio and television stations broadcasting in the district as provided by ORS 193.310 and 193.320. [1971 c.268 §4]

**198.550 Publication of ordinance; emergency ordinance procedure. (1)**

Except as provided by subsection (3) of this section, before an ordinance is adopted it shall be read during regular meetings of the district board on two different days at least six days apart. The reading of an ordinance shall be full and distinct unless at the meeting:

- (a) A copy of the ordinance is available for each person who desires a copy; and
- (b) The board directs that the reading be by title only.

(2) Except as provided by subsection (3) of this section, the affirmative vote of a majority of the members of the district board is required to adopt an ordinance.

(3) An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the board at the meeting, a quorum being present, is required to adopt an emergency ordinance. [1971 c.268 §5]

**198.560 Filing of ordinance; notice of adoption of emergency ordinance. (1)**

Within seven days after adoption of an ordinance, the enrolled ordinance shall be:

- (a) Signed by the presiding officer;
- (b) Attested by the person who served as recording secretary of the district board at the session at which the board adopted the ordinance; and
- (c) Filed in the records of the district.

(2) A certified copy of each ordinance shall be filed with the county clerk, available for public inspection.

(3) Within 15 days after adoption of an emergency ordinance, notice of the adoption of the ordinance shall be published as provided by ORS 198.540 (2) for notice of proposed ordinances. The notice shall:

- (a) Briefly describe the ordinance;
- (b) State the date when the ordinance was adopted and the effective date of the ordinance; and

(c) State that a copy is on file at the district office and at the office of the county clerk of the county, available for public inspection. [1971 c.268 §6]

**198.570 When ordinances take effect. (1)** Except as provided by subsection (2)

of this section, an ordinance shall take effect on the 30th day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the electors of the district, it shall not take effect until approved by a majority of those voting on the ordinance.

(2) An emergency ordinance may take effect upon adoption. [1971 c.268 §7; 1983 c.350 §3]

**198.580** [1971 c.268 §8; repealed by 1979 c.190 §431]

**198.590 Petition to adopt, amend or repeal ordinance.** Any interested person who is a landowner within the district or an elector registered in the district may petition the district board to adopt, amend or repeal an ordinance. Any such person may appear at any regular meeting of the board and shall be given a reasonable opportunity to be heard. [1971 c.268 §9; 1983 c.83 §6]

**198.600 Penalty for violation of regulations; jurisdiction; enforcement.** (1) If a penalty for a violation is not otherwise provided, violation of any regulation adopted by a district board under ORS 198.510 to 198.600 is punishable, upon conviction, by a fine of not more than \$250 or imprisonment of not more than 30 days, or both.

(2) Actions to impose punishment shall be brought in the name of the district or county, as the case may be, in any court having jurisdiction of misdemeanors under state laws. The action shall be brought in the county in which the district, or the greater portion of the area of the district, is located. Fines recovered shall be paid to the clerk of the court who, after first deducting the court costs in such proceedings, shall pay the remainder thereof to the treasurer of the district or county initiating the action to go to and form a part of its general fund.

(3) Any peace officer may enforce an ordinance adopted under ORS 198.510 to 198.600. ORS 221.333 is applicable to the enforcement of such ordinances. [1971 c.268 §10]

## Appendix B

ORS 357.216 – 357.286

## LIBRARY DISTRICTS

**357.216 Definitions for ORS 357.216 to 357.286.** As used in ORS 357.216 to 357.286, unless the context requires otherwise:

(1) “County governing body” means the county court or board of county commissioners of the county.

(2) “County” means the county in which the administrative office of the district is located.

(3) “District” means a library district formed under ORS 198.010, 198.180, 198.510, 198.705, 255.012, 357.216 to 357.286 and 357.400.

(4) “District board” or “board” means the governing body of a district. [1981 c.226 §1; 2007 c.179 §7]

**357.220** [Amended by 1975 c.476 §10; renumbered 357.035]

**357.221 District formation; petition requirements.** (1) A library district may be created as provided in ORS 198.705 to 198.955 and 357.216 to 357.286.

(2) In addition to other required matters, a petition for formation of a district shall state the method of election of the board of the proposed district from among the methods described in ORS 357.241. [1981 c.226 §2]

**357.223 Multicounty district formation; procedure.** (1) In addition to other methods for formation of a district authorized under ORS chapter 198 and ORS 357.216 to 357.286, the governing body in each of two or more counties may initiate the formation of a multicounty district, to be located entirely within those counties, by an order setting forth:

(a) The intention of the county governing body to initiate the formation of a district and citing the principal Act.

(b) The name and boundaries of the proposed district.

(c) The date, time and place of a public hearing on the proposal.

(2) The orders issued under subsection (1) of this section must be substantially similar, set forth the same name and boundaries for the proposed district and be issued within a 90-day period.

(3) Each county governing body issuing an order under this section shall hold a public hearing on the proposal.

(4) After the public hearings held by each county governing body, further hearings and the election on the proposal, and election of board members, shall be conducted as provided by ORS 198.800 to 198.825 except that:

(a) Hearings shall be conducted by the governing body of the principal county involved in the proposed formation; and

(b) Notwithstanding ORS 198.810 (3), the governing body of the principal county shall provide by order for the holding of an election to submit to the electors registered within the proposed district the question of forming the district.

(5) As used in this section, “principal county” has the meaning given that term in ORS 198.705. [1987 c.578 §2; 2005 c.747 §6]

**357.226 District board members; appointment of librarian.** (1) The officers of the district shall be a board of five members, to be elected by the electors of the district. The district board shall appoint a district librarian, who shall be the secretary for the district.

(2) Any elector residing within the district shall be qualified to serve as a district board member. [1981 c.226 §3]

**357.230** [Amended by 1975 c.476 §8; renumbered 357.015]

**357.231 Number of board members; terms.** (1) Five district board members shall be elected at the election for district formation. Nominating petitions or declarations of candidacy described in ORS 249.031 shall be filed with the county governing body. The fee for a declaration of candidacy shall be as prescribed in ORS 255.235.

(2) If the effective date of the formation of the district occurs in an odd-numbered year, two district board members shall be elected for four-year terms and the other three district board members shall be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, two district board members shall be elected for three-year terms and the other three district board members shall be elected for one-year terms.

(3) Each district board member shall hold office until election and qualification of a successor. [1981 c.226 §4; 1999 c.318 §51]

**357.233 Election laws applicable.** (1) ORS chapter 255 governs the following:

(a) The nomination and election of district board members.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [1983 c.350 §220]

**357.236 Election of board members; vacancy.** (1) If two or three board members are to be elected at a regular district election at large, the candidates receiving the highest number of votes shall be elected. If one or more board members are to be elected by zone, the candidate receiving the highest number of votes in each zone shall be elected.

(2) Each district board member elected shall take an oath of office and shall hold office from July 1, next following election.

(3) The district board shall fill any vacancy on the board as provided in ORS 198.320.

(4) The term of a district board member is four years. [1981 c.226 §5; 1983 c.350 §218; 1983 c.514 §20]

**357.240** [Amended by 1965 c.378 §7; repealed by 1975 c.476 §34]

**357.241 Method of electing board members.** (1) The district board members



may be elected in one of the following methods or a combination thereof:

(a) Elected by the electors of zones as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by position number by the electors of the district.

(2) Candidates for election from zones shall be nominated by electors of the zones. [1981 c.226 §6]

**357.246 Change in method of electing board members.** (1) This section establishes the procedure for determining whether the method adopted in a district for nominating and electing board members should be changed to another method described in ORS 357.241. The question shall be decided by election. The district board:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(3) If the question proposes creation of zones or a change in the number of existing zones, the following requirements shall apply:

(a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect in the ballot title shall not exceed 150 words. The statement:

(A) Shall specify the method of election of board members from among the methods described in ORS 357.241. The statement also shall specify whether, in filling each position on the board, an elector of the district may sign a petition of nomination or vote for a candidate from any zone or only for a candidate from the zone in which the elector resides.

(B) Shall include a general description of the proposed boundaries of the zones, using streets and other generally recognized features.

(c) The order calling the election shall contain a map of the proposed zone boundaries and a metes and bounds or legal description of the proposed zone boundaries. The map and description shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made in the boundaries under subsection (6) of this section.

(4) The map to be contained in the petition under subsection (3) of this section shall be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk shall not accept the prospective petition for filing until the chief petitioners have paid the amount due.

(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

(6) Before submitting to election a question to which subsection (3) of this section applies, the district board shall adjust the proposed boundaries of the zones to make them as nearly equal in population as feasible according to the latest federal census. The district board shall amend the ballot title as necessary to reflect its adjustment of the

boundaries.

(7) If the electors of the district approve the establishment of zones or a change in the number of existing zones, board members shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by electors who reside within zones which are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member shall be decided by lot. [1981 c.226 §7; 1983 c.350 §221; 1995 c.79 §196; 1995 c.534 §16]

**357.250** [Repealed by 1975 c.476 §34 and 1975 c.614 §9a]

**357.251 Zone boundaries.** The board shall adjust the boundaries of zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The district board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district. [1981 c.226 §8; 1983 c.350 §222]

**357.253 Boundary change to be filed with county assessor and Department of Revenue.** For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §18]

**357.256 Board as district governing body; selection of president.** (1) The district board shall be the governing body of the district and shall exercise all powers thereof.

(2) At its first meeting or as soon thereafter as may be practicable, the board shall choose one of its members as president. [1981 c.226 §9]

**357.260** [Repealed by 1975 c.476 §34]

**357.261 District; powers.** A library district has the power:

(1) To have and use a common seal.

(2) To sue and be sued in its name.

(3) To make and accept any and all contracts, deeds, leases, releases and documents of any kind which, in the judgment of the board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(4) To assess, levy and collect taxes to pay the cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining a library or any lawful claims against the district, and the operating expenses of the district.

(5) To employ all necessary agents and assistants.

(6) To call elections after the formation of the district.

(7) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.

(8) Generally to do and perform any and all acts necessary and proper to the

complete exercise and effect of any of its powers or the purposes for which it was formed.

(9) Whenever authorized by the electors, to issue general obligation bonds of the district. However, the aggregate amount of general obligation bonds issued and outstanding at any one time shall not exceed two and one-half percent of the real market value of all taxable property of the district, computed in accordance with ORS 308.207.

(10) To exercise those powers granted to local government units for public libraries under ORS 357.410. [1981 c.226 §10; 1983 c.350 §223; 1991 c.459 §386; 2001 c.104 §122; 2003 c.802 §100]

**357.266 Financing district activities; limitation on assessment.** Each year the district board shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district. The total amount in dollars and cents shall not exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the district computed in accordance with ORS 308.207. [1981 c.226 §11; 1991 c.459 §387]

**357.270** [Amended by 1975 c.476 §14; renumbered 357.195]

**357.271 Sinking funds for acquisition of facilities; limitation on use of funds.** The board, by resolution duly adopted, may establish sinking funds for the purpose of defraying the costs of acquiring land for library sites, and for acquiring or constructing buildings or facilities. A sinking fund may be created through the inclusion annually within the tax budget of the district of items representing the yearly installments to be credited to the fund. The amount of these items shall be collected and credited to the proper fund in the same manner in which taxes levied or revenues derived for other purposes for the district are collected and credited. The balances to the credit of the funds need not be taken into consideration or deducted from budget estimates by the levying authority in preparing the annual budget of the district. None of the moneys in sinking funds shall be diverted or transferred to other funds, but if unexpended balances remain after disbursement of the funds for the purpose for which they were created, such balances, upon approval by resolution of the board, shall be transferred to the operation and maintenance fund of the district. [1981 c.226 §12]

**357.276 Deposit and disbursement of district funds.** (1) The money of the district shall be deposited, in the discretion of the district board, either with the county treasurer of the county, in accordance with subsections (2) to (4) of this section, or in one or more banks or savings and loan associations to be designated by the board. Funds deposited in a bank or savings and loan association shall be withdrawn or paid out only upon proper order and warrant or check signed by the secretary and countersigned by the president of the district board. The board may by resolution designate a secretary pro tempore or a president pro tempore who may sign warrants or checks on behalf of the secretary and president, respectively.

(2) If district funds are deposited with the county treasurer, when the tax collector pays over to the county treasurer moneys collected for a district, the county treasurer

shall keep the moneys in the county treasury as follows:

(a) The county treasurer shall place and keep in a fund called the operation and maintenance fund of the district (naming it) the moneys levied by the district board for that fund.

(b) The county treasurer shall place and keep in a fund called the construction fund of the district (naming it) the moneys levied by the board for construction, reconstruction and alteration.

(3) The county treasurer shall pay out moneys from the funds only upon the written order of the board, signed by the president and countersigned by the secretary. The order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made. The order shall be entered in the minutes of the board.

(4) The county treasurer shall keep the order as a voucher, and shall keep a specific account of the county treasurer's receipts and disbursements of money for the district. [1981 c.226 §13]

**357.280** [Repealed by 1953 c.300 §5]

**357.281 Legal assistance.** The district board may call upon the district attorney for the advice as to any district business. The district attorney shall give advice when called on therefor by the board. The board may at any time employ special counsel for any purpose. [1981 c.226 §14]

**357.286 Retirement system for employees.** A district may establish an employees' retirement system as provided for rural fire protection districts under ORS 478.355 to 478.370. [1981 c.226 §15]

**357.290** [1965 c.378 §§1,2,3; repealed by 1975 c.476 §34]

## Appendix C

ORS 255.001 – 255.990

## GENERAL PROVISIONS

### **255.005 Definitions.** As used in this chapter:

- (1) “County clerk” means the county clerk or the county official in charge of elections.
- (2) “District board” means the governing body of a district.
- (3) “District election” means any election authorized or required to be held by a district.
- (4) “District elections authority” means the county court or board of county commissioners, district board or other body or officer authorized or required to call a district election.
- (5) “Elections officer” means the:
  - (a) County clerk of the county in which the administrative office of the district is located regarding a measure, or a candidate for an office, to be voted on in a district located in more than one county.
  - (b) County clerk regarding a measure, or a candidate for an office, to be voted on in a district situated wholly within the county.
- (6) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Constitution.
- (7) “Measure” includes any of the following submitted to the people for their approval or rejection at an election:
  - (a) A proposed law.
  - (b) An Act or part of an Act of the Legislative Assembly.
  - (c) A revision of or amendment to the Oregon Constitution.
  - (d) Local, special or municipal legislation.
  - (e) A proposition or question.
- (8) “Regular district election” means the election held each year for the purpose of electing members of any district board as defined in subsection (2) of this section.
- (9) “School district” means a common school district, a union high school district, an education service district or a community college district. [Formerly 259.010; 1983 c.392 §6; 1985 c.808 §39; 1987 c.707 §20]

**255.010** [Repealed by 1957 c.608 §231]

**255.011** [1957 c.608 §190; 1965 c.39 §1; 1971 c.733 §1; repealed by 1973 c.155 §1 (255.001 enacted in lieu of 255.011)]

### **255.012 “District” defined.** As used in this chapter, “district” means:

- (1) A domestic water supply district organized under ORS chapter 264.
- (2) A cemetery maintenance district organized under ORS chapter 265.
- (3) A park and recreation district organized under ORS chapter 266.
- (4) A mass transit district organized under ORS 267.010 to 267.390.
- (5) A transportation district organized under ORS 267.510 to 267.650.

- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A translator district organized under ORS 354.605 to 354.715.
- (8) A library district organized under ORS 357.216 to 357.286.
- (9) A county road district organized under ORS 371.055 to 371.110.
- (10) A special road district organized under ORS 371.305 to 371.360.
- (11) A road assessment district organized under ORS 371.405 to 371.535.
- (12) A highway lighting district organized under ORS chapter 372.
- (13) A health district organized under ORS 440.305 to 440.410.
- (14) A sanitary district organized under ORS 450.005 to 450.245.
- (15) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.
- (16) A county service district organized under ORS chapter 451.
- (17) A vector control district organized under ORS 452.020 to 452.170.
- (18) A rural fire protection district organized under ORS chapter 478.
- (19) An airport district organized under ORS chapter 838.
- (20) A geothermal heating district organized under ORS chapter 523.
- (21) A water improvement district organized under ORS chapter 552.
- (22) A water control district organized under ORS chapter 553.
- (23) A weather modification district organized under ORS 558.200 to 558.440.
- (24) A livestock district organized under ORS 607.005 to 607.051.
- (25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- (26) The Port of Portland established by ORS 778.010.
- (27) A school district.
- (28) Territory, other than territory within a city, proposed to be created, formed or incorporated into a district or to be annexed or otherwise added to a district.
- (29) A soil and water conservation district organized under ORS 568.210 to 568.810 and 568.900 to 568.933.
- (30) A heritage district organized under ORS 198.973 to 198.989. [Formerly 259.020; 1981 c.226 §16; 1983 c.238 §1; 1983 c.350 §70; 1993 c.577 §18; 2007 c.562 §24]

**255.013** [1971 c.94 §2; 1973 c.264 §1; repealed by 1979 c.190 §431]

**255.015** [1967 c.309 §2; 1969 c.401 §1; 1971 c.733 §4; 1973 c.794 §17; repealed by 1979 c.190 §431]

**255.018** [1967 c.309 §3; 1979 c.190 §185; renumbered 251.155]

**255.020** [Repealed by 1957 c.608 §231]

**255.022 Procedures for district elections; metropolitan service district candidates.** (1) Except as otherwise specifically provided in this section or by the law under which the district is formed or is operating, a district election shall be conducted in accordance with this chapter.

(2) Except as otherwise provided by this chapter, district elections shall be subject

to the election laws, excluding ORS chapter 251 providing for voters' pamphlets unless specifically applicable, and shall be conducted as nearly as practicable as are general elections.

(3) Except as otherwise provided by the law under which the district is formed or is operating, candidates for any elected office of a metropolitan service district organized under ORS chapter 268 shall be nominated and elected in accordance with ORS chapter 249. [Formerly 259.040; 1995 c.607 §47]

**255.025** [1955 c.154 §1; 1973 c.400 §1; 1975 c.766 §22; 1979 c.190 §174; renumbered 251.026]

**255.027** [1971 c.733 §2; 1975 c.766 §6; 1979 c.190 §179; renumbered 251.085]

**255.028** [1973 c.155 §4; 1975 c.766 §23; repealed by 1979 c.190 §431]

**255.029** [1973 c.155 §5; 1975 c.766 §7; repealed by 1979 c.190 §431]

**255.030** [Repealed by 1957 c.608 §231]

**255.031** [1957 c.608 §192; 1959 c.457 §1; 1963 c.144 §1; 1969 c.82 §1; 1971 c.94 §6; 1973 c.658 §1; 1975 c.766 §8; 1975 c.779 §29; 1979 c.190 §177; 1979 c.533 §1; renumbered 251.065]

**255.035 Authority of elections officer to obtain advice and assistance.** In performing functions under this chapter, the elections officer may request the advice and assistance of the district elections authority or the officers of the district. Upon receipt of a request, a district elections authority or the officer of a district shall furnish advice and assistance to the maximum extent practicable. [Formerly 259.160]

**255.040** [Amended by 1957 c.608 §193; 1959 c.457 §2; 1979 c.190 §176; renumbered 251.055]

**255.045 Notice of change of district boundary.** If the boundary of a district is changed, the district board immediately shall send a certified copy of the order, resolution or other action changing the boundary to the elections officer. [1979 c.190 §285]

**255.050** [Amended by 1955 c.96 §1; repealed by 1957 c.608 §231]

**255.051** [1957 c.608 §194; 1959 c.457 §3; 1969 c.329 §1; 1975 c.766 §9; 1975 c.779 §30; 1979 c.190 §180; 1979 c.533 §3; renumbered 251.095]

**255.055 Delegation to district elections authority of responsibility to conduct district election.** The elections officer may delegate to the district elections authority at the request of the district elections authority any responsibility to conduct the district election, in whole or in part, if the elections officer determines that:



- (1) The election will be conducted in accordance with this chapter; and
- (2) No inconvenience for electors of the district will result. [Formerly 259.035; 2007 c.154 §50]

**255.060** [Repealed by 1957 c.608 §231]

**255.061** [1957 c.608 §195; 1961 c.532 §1; 1969 c.83 §1; 1971 c.94 §7; 1975 c.766 §10; 1977 c.364 §1; 1979 c.190 §186; renumbered 251.165]

**255.062 Date of election on measure referred by district elections authority.**

Unless specifically provided otherwise, when the district elections authority of a district that holds regular district elections refers a measure to the electors of the district, the election on the measure shall be held on a district election date specified by the district elections authority in the order calling the election. The election date may not be sooner than the first available election date in ORS 255.345 (1) for which the filing deadline can be met after the date of the order calling the election and may not be later than the next regular district election following the 61st day after the date of the order. [1983 c.350 §72; 1985 c.808 §40; 1989 c.923 §13]

**255.069 Delivery and preparation of form for updating information on members of district boards; rules.** (1) Not later than the 115th day before a regular district election, or not later than the 135th day before a district election held on the date of a primary election or general election, the elections officer shall deliver to each district elections authority, by certified mail, a form for updating information on members of district boards. The form shall include, at a minimum, the district offices to be filled or for which candidates are to be nominated or elected at the next district election and information concerning the candidates.

(2) Not later than the 105th day before a regular district election or not later than the 125th day before a district election held on the date of a primary election or general election, the district elections authority shall return to the elections officer the form for updating information on members of district boards.

(3) The elections officer shall prepare the notice required by ORS 255.075 by using the form completed by the district elections authority and any other information available. If the form is not returned by the district elections authority by the deadline specified in subsection (2) of this section, the elections officer shall prepare the notice for the district using the most current information available. If the form is returned by the district elections authority after the deadline, the elections officer shall prepare a corrected notice. The district shall be liable for any additional costs incurred in preparing and publishing a corrected notice.

(4) The elections officer shall retain the completed forms in a file maintained for that purpose. All forms shall be kept for a period of at least four years after the district election for which the form was completed.

(5) If a district is located in more than one county, the elections officer shall immediately certify the information contained on the form required under subsection (2) of this section to the county clerk of any other county in which the district is located.

(6) The Secretary of State by rule shall establish the forms and procedures the elections officer and the district elections authority shall use in maintaining adequate records for preparation of the form required under subsection (1) of this section. [1991 c.719 §58; 1995 c.712 §69]

**255.070** [Repealed by 1957 c.608 §231]

**255.075 Publication of notice of district election to elect district board or district school board; notice by mail; rules.** (1) When a district election is to be held for the purpose of electing members of the district board, the elections officer shall publish a notice stating the date of the election, the board positions to be voted upon and the latest date on which candidates for election as board members may file petitions for nomination or declarations of candidacy. The notice shall be printed once in a newspaper of general circulation in the district not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy.

(2) In lieu of or in addition to publication of notice under subsection (1) of this section, the elections officer may give notice by mail to each elector of the district. The notice shall have postage prepaid and shall be considered given when mailed. The notice shall be made not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy. Proof of mailing shall be by affidavit of the district elections officer who mailed the notice. The affidavit shall state the time and place the notice was mailed.

(3) The Secretary of State by rule shall establish the procedures that the elections officer shall follow in maintaining adequate records for preparation of the notice required under subsection (1) of this section. [Formerly 259.080; 1981 c.639 §6; 1983 c.379 §1; 1985 c.808 §41]

**255.080** [Repealed by 1957 c.608 §231]

**255.085 Notice of district election on issuance of bonds or on other measure.**

(1) Not later than the 61st day before a district election on a measure, the district elections authority shall deliver to the elections officer a notice stating the date of the election and a ballot title. The district elections authority shall prepare the ballot title for a measure referred by the authority with the assistance of the district attorney for the county of the elections officer or an attorney employed by the district elections authority.

(2) If a district submits a measure to the electors of the district at an election held on the first Tuesday after the first Monday in November and the district submitted a measure on the election date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after the first Monday in November, the district elections authority shall file the measure for the election held on the first Tuesday after the first Monday in November with the elections officer not later than the 47th day before an election held on the first Tuesday after the first Monday in November.

(3) A notice of election called to approve the issuance of bonds shall include:

- (a) The purpose for which the bonds are to be used;
- (b) The amount and the term of the bonds;
- (c) The kind of bonds proposed to be issued; and

(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS 450.905.

(4)(a) In the case of a measure submitted by initiative or referendum petition, the elections officer shall publish the notice in the next available edition of a newspaper of general circulation in the district after the deadline for filing the notice.

(b) In the case of a measure referred by the district elections authority, the elections officer shall publish the notice of election in the next available edition of a newspaper of general circulation in the district after the notice of election is filed. The notice shall also state that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155. If the circuit court certifies a different ballot title, the elections officer shall publish an amended notice of election in the next available edition of the newspaper referred to in this subsection after the new title is certified to the elections officer. [Formerly 259.090; 1981 c.173 §32; 1981 c.391 §11; 1983 c.379 §2; 1985 c.808 §42; 1987 c.707 §23; 1989 c.923 §14; 1991 c.71 §10; 1991 c.107 §12; 1993 c.493 §46; 1993 c.713 §59; 1995 c.712 §120]

**255.090** [Repealed by 1957 c.608 §231]

**255.095** [Formerly 259.100; 1983 c.379 §3; 1999 c.410 §64; repealed by 2007 c.154 §67]

## INITIATIVE AND REFERENDUM

**255.115 Definitions for ORS 255.125 to 255.205.** As used in ORS 255.125 to 255.205, “district” means a district referred to in section 1 (5), Article IV, Oregon Constitution. [1979 c.190 §290]

**255.125 Application of ORS 255.135 to 255.205.** ORS 255.135 to 255.205 carry out the provisions of section 1, Article IV, Oregon Constitution, and shall apply to the exercise of initiative or referendum powers by the people of a district regarding a district measure. [1979 c.190 §291]

**255.135 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; signature sheet requirements; annual statement.** (1) Before circulating a petition to initiate or refer a district measure, the petitioner shall file with the elections officer a prospective petition. The elections officer immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an initiative petition shall contain the

ballot title described in ORS 255.145 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

(3) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance to be referred and the date it was adopted by the district board.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid."

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the district.

(7) If the gathering of signatures exceeds the period of one year from the time the petition is approved for circulation, any of the chief petitioners, on or before the anniversary of approval of the petition for circulation:

(a) Shall file annually with the elections officer a statement that the initiative petition is still active; and

(b) May submit to the elections officer for verification any signatures gathered on the petition in the preceding year.

(8) Not later than 30 days before the date that the chief petitioners must file a statement and submit signatures under subsection (7) of this section, the elections officer shall notify the chief petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent by certified mail, return receipt requested.

(9) The elections officer shall not accept for filing any petition which has not met the provisions of subsection (7) of this section.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person. [1979 c.190 §292; 1981 c.909 §8; 1983 c.756 §12; 1991 c.106 §3; 1992 c.1 §4; 1995 c.607 §48; 1997 c.846 §4; 1999 c.318 §30; 2001 c.965 §7; 2007 c.848 §18]

**255.140 Determination of compliance with constitutional provisions; notice; appeal.** (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the elections officer shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution.

(2) If the elections officer determines that the initiative measure meets the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution, the elections officer shall proceed as required in ORS 255.145. The elections officer shall include in the publication required under ORS 255.145 (5) a statement that the initiative measure has been determined to meet the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution.

(3) If the elections officer determines that the initiative measure does not meet the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution, the elections officer shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(4) Any elector dissatisfied with a determination of the elections officer under subsection (1) of this section may petition the circuit court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the elections officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the elections officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the elections officer.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to ensure the orderly and timely circulation of the petition. [1991 c.719 §38; 2005 c.797 §44]

**255.145 Preparation of ballot title for certain measures; notice.** (1) When a prospective petition for a district measure to be referred is filed with the elections officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the district elections authority or, if there is no title, the title supplied by the petitioner filing the prospective petition. The elections officer immediately shall send two copies of the prospective petition to the district attorney of the county in which the administrative office of the district is located.

(2) Not later than the sixth business day after a prospective petition for a district measure to be initiated is filed with the elections officer, the officer shall send two copies of it to the district attorney of the county in which the administrative office of the district is located if the measure to be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided in ORS 255.140.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the district attorney shall provide a ballot title for the district

measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the elections officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5) The elections officer, upon receiving a ballot title for a district measure to be referred or initiated from the district attorney, shall publish in the next available edition of a newspaper of general circulation in the district a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155. [1979 c.190 §293; 1985 c.808 §43; 1987 c.707 §20a; 1991 c.719 §29; 1995 c.607 §49; 2005 c.797 §45]

**255.155 Procedure for elector dissatisfied with title of district measure.** (1)

Any elector dissatisfied with a ballot title filed with the elections officer by the district attorney or district elections authority may petition the circuit court of the judicial district in which the administrative office of the district is located seeking a different title and stating the reasons the title filed with the court is insufficient, not concise or unfair. The petition shall name as respondent the district attorney or district elections authority, depending on who prepared the ballot title, and must be filed not later than the seventh business day after the title is filed with the elections officer. The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the elections officer a title for the measure which meets the requirements of ORS 250.035.

(2) An elector filing a petition under this section shall notify the county clerk in writing that the petition has been filed. The notice shall be given not later than 5 p.m. on the next business day following the day the petition is filed.

(3) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of petitions or conduct of the election at which the measure is to be submitted to the electors. [1979 c.190 §294; 1983 c.514 §13a; 1987 c.707 §21; 1989 c.503 §16; 1993 c.493 §99; 1995 c.534 §5]

**255.165 Signature requirements.** (1) Except for a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, a petition to refer or initiate a district measure must be signed by a number of electors registered in the district that:

(a) For an initiative petition, is not less than 15 percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term; and

(b) For a referendum petition, is not less than 10 percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.

(2) A petition to refer or initiate a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an

enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, must be signed by a number of electors registered in the district that:

(a) For an initiative petition, is not less than six percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term; and

(b) For a referendum petition, is not less than four percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.

(3) Except for a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, a petition to refer a district measure must be filed with the elections officer not later than the 30th day after adoption of the district ordinance sought to be referred.

(4) A petition to refer a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, must be filed with the elections officer not later than the 90th day after adoption of the district ordinance sought to be referred. [1979 c.190 §295; 1983 c.350 §75; 1987 c.211 §1; 1989 c.328 §1]

**255.175 Filing officer; filing requirements; verification of signatures.** (1) An initiative or referendum petition relating to a district measure shall be filed with the elections officer for signature verification. The filed petition shall contain only original signatures.

(2) An initiative or referendum petition relating to a district measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures.

(3) For any petition requiring a number of signatures exceeding 4,500, the Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling.

(4) The Secretary of State may employ professional assistance to determine the sampling technique referred to in subsection (3) of this section. [1979 c.190 §296; 1989 c.68 §9; 1991 c.580 §1]

**255.185 Date of election on measure initiated or referred by electors.** (1) In a district that holds regular district elections, if an initiative or referendum petition contains

the required number of verified signatures, the election on the district measure shall be held on a district election date specified by the district elections authority in the order calling the election. The election date may not be sooner than the next available date in ORS 255.345 for which the filing deadline may be met and may not be later than the first regular district election following the 40th day after the date of the order.

(2) In a district that does not hold regular district elections, if an initiative or referendum petition contains the required number of verified signatures, the election on the district measure shall be held on the next available district election date in ORS 255.345 for which the filing deadline may be met. [1979 c.190 §297; 1983 c.350 §76; 1985 c.808 §44; 1991 c.107 §13]

**255.195** [1979 c.190 §298; 1985 c.471 §13; repealed by 1987 c.724 §7]

**255.205 Retention of petition materials.** The elections officer shall retain the signature sheets of a filed initiative or referendum petition with a copy of the district measure. If the measure is approved by the district electors, a copy of the measure shall be preserved as a permanent public record, and the signature sheets shall be preserved for six years. [1979 c.190 §299]

**255.210** [Repealed by 1957 c.608 §231]

**255.211** [1957 c.608 §197; 1961 c.49 §3; 1971 c.94 §3; 1971 c.733 §5; 1973 c.658 §2; 1975 c.766 §11; 1979 c.190 §181; renumbered 251.115]

**255.215 Notice by mail in lieu of or in addition to newspaper publication.** In lieu of or in addition to publication of notice under ORS 255.085, if it is expedient to do so the elections officer may give notice by mail to each elector of the district. The notice shall have postage prepaid and shall be considered given when mailed. Mailed notice of a district election under ORS 255.085 shall be made not later than three days after receipt of the ballot title. Proof of mailing shall be by affidavit of the elections officer. The affidavit shall state the time and place the notice was mailed. [Formerly 259.110; 1981 c.173 §33; 1981 c.639 §7; 1985 c.808 §45; 1991 c.107 §14; 2007 c.154 §51]

**255.220** [Amended by 1957 c.608 §198; repealed by 1979 c.190 §431]

**255.230** [Repealed by 1957 c.608 §231]

**255.231** [1957 c.608 §199; 1959 c.457 §4; 1971 c.94 §4; 1971 c.733 §6; 1973 c.658 §4; 1975 c.766 §12; repealed by 1979 c.190 §431]

## NOMINATIONS

### **255.235 Nomination of candidates for election to district boards; withdrawal.**

(1) A candidate for election as a member of a district board shall be nominated by filing with the elections officer either:



- (a) A petition for nomination signed by at least 25 electors, or 10 percent of the electors, residing in the election district for the office, whichever number is less; or
  - (b) A declaration of candidacy accompanied by a filing fee of \$10.
- (2) A petition for nomination or a declaration of candidacy shall be filed with the elections officer not sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this subsection and:
- (a) Not later than the 61st day before the date of the district election if the election is a regular district election or the first election at which members of the district board are elected.
  - (b) Not later than the 70th day before the date of the district election if the election is held on the date of a primary election or general election.
- (3) A nominating petition or declaration of candidacy shall contain the information specified in ORS 249.031.
- (4) In a district in which a position or zone number is assigned to each office on the district board or local school committee, each petition for nomination or declaration of candidacy for election to the district board or local school committee shall state the position or zone number of the office to which the candidate seeks election.
- (5) The provisions of ORS 249.009 (1)(b) and 249.061 shall not apply to nominating petitions filed under this section.
- (6) A nominee for election to the district board may withdraw the nomination not later than 5 p.m. of the last day specified for filing a petition or declaration under this section by filing with the elections officer a written withdrawal of candidacy. The withdrawal shall be signed by the nominee and state the reasons for withdrawal. [Formerly 259.070; 1981 c.173 §34; 1983 c.350 §77; 1983 c.567 §17; 1985 c.808 §46; 1989 c.503 §17; 1989 c.923 §15; 1991 c.107 §15; 1995 c.607 §50; 1995 c.712 §70]

**255.240** [Repealed by 1957 c.608 §231]

**255.241** [1957 c.608 §200; 1961 c.532 §2; 1969 c.83 §2; 1971 c.94 §5; 1975 c.766 §13; 1977 c.364 §2; repealed by 1979 c.190 §431]

**255.245 Nominations to fill certain vacancies; Secretary of State to adopt rules.** If a vacancy occurs in the office of district board member after the deadline for notice in ORS 255.069 (2) and on or before the 62nd day before the regular district election, the Secretary of State by rule shall provide a nominating schedule when practicable so that candidates' names may be printed on the regular election ballot. With regard to this vacancy, requirements of publication of notice and sample ballots may be waived. The rule shall require notice of the vacancy and nominating procedure to the district electors by the most reasonable and expeditious means practicable under the circumstances, including but not limited to single publication in a newspaper of general circulation in the district. [Formerly 259.075; 1999 c.410 §65]

**255.250** [Amended by 1955 c.96 §2; repealed by 1957 c.608 §231]

**255.260** [Repealed by 1957 c.608 §231]

**255.265** [Formerly 259.045; 1981 c.173 §35; 1987 c.267 §55; repealed by 1995 c.607 §91]

## CONDUCT OF ELECTIONS

**255.275** [Formerly 259.220; repealed by 2007 c.154 §67]

**255.285** [Formerly 259.120; 1985 c.471 §12; repealed by 2007 c.154 §67]

**255.288 Methods of providing map of proposed boundaries for election on boundary question.** At any election in which the question of establishing or changing the exterior boundaries of a district or the question of establishing or changing boundaries of electoral zones or subdistricts within a district is submitted to a vote, the elections officer shall provide a map indicating the proposed boundaries. The elections officer shall provide the map by:

- (1) Printing the map in any voters' pamphlet prepared for the district election; or
- (2) Including the map with the ballot. [1983 c.350 §74; 1993 c.493 §47; 2007 c.154 §52]

**255.291 Ballot to state position or zone number of candidate.** In a district in which a position or zone number is assigned to each office on the district board, the ballot shall state the position or zone number of the office to which the candidate seeks election. The candidate's name shall appear on the ballot only for the designated position or zone. [1983 c.350 §79]

**255.295 Preparing abstract; notification of results.** (1) Not later than the 20th day after the date of an election, the county clerk shall prepare an abstract of the votes and deliver it to the district elections authority. Not later than the 30th day after receiving the abstract the district elections authority shall determine from it the result of the election.

(2) Subject to ORS 254.548, the county clerk may issue a certificate of election only after the district elections authority has notified the county clerk in writing of the result of the election. The notification to the county clerk shall contain a statement indicating whether any candidate elected to district office is qualified to hold the office. [Formerly 259.200; 1989 c.221 §1; 1993 c.493 §102; 1995 c.712 §72; 1999 c.318 §50; 1999 c.999 §57; 2005 c.157 §5]

**255.305 Election expenses paid by district; exceptions; apportionment of expenses; rules.** (1) Except as otherwise provided by ORS 198.775, 261.210, 568.542 and 607.025, the expenses incurred for a district election shall be paid by that district.

(2) When two or more districts hold an election on the same day, the expenses of the election shall be equitably apportioned among the districts.

(3) The Secretary of State by rule:

(a) May designate a formula for the apportionment of expenses under subsection

(2) of this section; and

(b) Designate categories of election expenses that are chargeable to a district.  
[Formerly 259.230; 1983 c.514 §14; 1995 c.243 §3]

**255.310** [Repealed by 1963 c.160 §1]

## ELECTION DATES

**255.325 Legislative intent to promote regularity of special district elections; rulemaking and enforcement by Secretary of State.** The Secretary of State by rule shall require the districts that are not in compliance with ORS 255.335 to so comply. For this purpose, the rule may require adjusting or staggering terms of board members.  
[Formerly 259.235; 1981 c.173 §36]

**255.335 Regular district election; terms of board members; organizational meeting.** (1) The regular district election shall be held by each district for the purpose of electing members of the district board to succeed a member whose term expires the following June 30 and to elect members to fill any vacancy which then may exist. The election shall be held in each such district in each odd-numbered year on the third Tuesday in May.

(2) A district shall not conduct more than one election of board members in any year.

(3) The first regular district election in a district shall be held on the regular district election date next following the year in which the first members of the district board were elected or appointed.

(4) The term of a board member elected at the regular district election shall commence on the first day of July next following the election and shall expire June 30 next following the regular district election at which a successor is elected.

(5) Each district board shall hold a regular organizational meeting following the regular district election and not later than the last day of July of that year. [Formerly 259.240; 1981 c.639 §8; 1983 c.350 §80; 1983 c.379 §4; 1989 c.923 §16; 1995 c.258 §1; 1995 c.712 §115a; 2001 c.73 §1]

**255.345 Special election dates.** (1) Except as provided in subsection (2) of this section, a special election called by a district elections authority shall not be held on any date other than:

- (a) The second Tuesday in March;
- (b) The third Tuesday in May;
- (c) The third Tuesday in September; or
- (d) The first Tuesday after the first Monday in November.

(2) A special election may be held on a date other than that provided in subsection (1) of this section, if the district elections authority by resolution finds that an election sooner than the next available election date is required on a measure to finance repairs to property damaged by fire, vandalism or a natural disaster.

(3) As used in this section, “district elections authority” means the body or officer

authorized or required to call an election for a public corporation formed under, and deriving its powers solely from, the statutes of this state, but does not include a city or county. [Formerly 259.260; 1981 c.639 §9; 1989 c.923 §17; 1991 c.71 §4; 1993 c.713 §53; 1995 c.607 §51; 1995 c.712 §116]

**255.355** [Formerly 259.265; repealed by 1995 c.607 §91]

**255.410** [Amended by 1953 c.359 §4; 1957 c.608 §201; 1961 c.532 §3; 1969 c.83 §3; 1975 c.766 §14; 1977 c.516 §4; 1979 c.190 §188; renumbered 251.185]

**255.415** [1975 c.766 §25; 1977 c.460 §1; 1977 c.508 §12; 1979 c.190 §195; renumbered 251.255]

**255.418** [1975 c.766 §18; 1979 c.190 §197; renumbered 251.275]

**255.420** [Repealed by 1957 c.608 §231]

**255.421** [1957 c.608 §203; 1959 c.457 §5; 1961 c.49 §4; 1965 c.350 §1; repealed by 1973 c.712 §5 (255.422 enacted in lieu of 255.421)]

**255.422** [1973 c.712 §6 (enacted in lieu of 255.421); repealed by 1975 c.766 §29]

**255.425** [1975 c.766 §17; repealed by 1977 c.460 §3]

**255.430** [Amended by 1957 c.608 §204; 1975 c.766 §26; repealed by 1979 c.190 §431]

**255.435** [1975 c.766 §2a; 1977 c.460 §2; 1979 c.190 §196; renumbered 251.265]

**255.440** [Amended by 1953 c.359 §4; 1953 c.647 §2; 1957 c.608 §205; 1973 c.712 §7; 1979 c.190 §189; renumbered 251.195]

**255.450** [Amended by 1957 c.608 §206; 1959 c.457 §6; repealed by 1973 c.712 §8 (255.452 enacted in lieu of 255.450)]

**255.452** [1973 c.712 §9 (enacted in lieu of 255.450); repealed by 1975 c.766 §29]

**255.455** [1977 c.516 §3; 1979 c.190 §198; 1979 c.749 §4; renumbered 251.285]

**255.460** [Repealed by 1957 c.608 §231]

**255.465** [1975 c.766 §27; 1979 c.190 §194; renumbered 251.245]

**255.470** [1965 c.350 §2; 1975 c.766 §16; repealed by 1975 c.766 §29]

**255.510** [1967 c.63 §2; 1979 c.190 §199; renumbered 251.295]

**255.990** [Amended by 1973 c.155 §6; 1979 c.190 §200; renumbered 251.991]

Appendix D

Chapter 244 — Government Ethics

2007 EDITION

GOVERNMENT ETHICS

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## GENERAL PROVISIONS

**244.010 Policy.** (1) The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

(2) The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation. [1974 c.72 §§1,1a; 1987 c.566 §7; 2005 c.22 §185; 2007 c.865 §28]

**244.020 Definitions.** As used in this chapter, unless the context requires otherwise:

(1) “Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (11) of this section.

(2) “Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

(3) “Business with which the person is associated” means:

(a) Any private business or closely held corporation of which the person or the person’s relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person’s relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year;

(b) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;

(c) Any publicly held corporation of which the person or the person's relative is a director or officer; or

(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3).

(4) "Development commission" means any entity which has the authority to purchase, develop, improve or lease land or the authority to operate or direct the use of land. This authority must be more than ministerial.

(5)(a) "Gift" means something of economic value given to a public official or a relative or member of the household of the public official:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials.

(b) "Gift" does not mean:

(A) Contributions as defined in ORS 260.005.

(B) Gifts from relatives or members of the household of the public official.

(C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.

(D) Informational material, publications or subscriptions related to the recipient's performance of official duties.

(E) Admission provided to or the cost of food or beverage consumed by a public official, or a member of the household or staff of the public official when accompanying the public official, at a reception, meal or meeting held by an organization before whom the public official appears to speak or to answer questions as part of a scheduled program.

(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its funding from for-profit organizations or entities, for attendance at a convention, fact-finding mission or trip, or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(G) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the

household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

(i) On an officially sanctioned trade-promotion or fact-finding mission; or  
(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

(I) Food or beverage consumed by a public official acting in an official capacity:

(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or

(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

(J) Waiver or discount of registration expenses or materials provided to a public official at a continuing education event that the public official may attend to satisfy a professional licensing requirement.

(K) Expenses provided by one public official to another public official for travel inside this state to or from an event that bears a relationship to the receiving public official's office and at which the official participates in an official capacity.

(L) Food or beverage consumed by a public official at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

(M) Entertainment provided to a public official or a relative or member of the household of the public official that is incidental to the main purpose of another event.

(N) Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 for a ceremonial purpose.

(6) "Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

(7) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, or anything of economic value.

(8) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

(9) “Member of the household” means any person who resides with the public official.

(10) “Planning commission” means a county planning commission created under ORS chapter 215 or a city planning commission created under ORS chapter 227.

(11) “Potential conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person’s official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

(12) “Public office” has the meaning given that term in ORS 260.005.

(13) “Public official” means any person who, when an alleged violation of this chapter occurs, 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, agent or otherwise, irrespective of whether the person is compensated for the services.

(14) “Relative” means:

(a) The spouse of the public official;

(b) The domestic partner of the public official;

(c) Any children of the public official or of the public official’s spouse;

(d) Siblings, spouses of siblings or parents of the public official or of the public official’s spouse;

(e) Any individual for whom the public official has a legal support obligation; or

(f) Any individual for whom the public official provides benefits arising from the public official’s public employment or from whom the public official receives benefits arising from that individual’s employment.

(15) “Statement of economic interest” means a statement as described by ORS 244.060, 244.070 or 244.100.

(16) “Zoning commission” means an entity to which is delegated at least some of the discretionary authority of a planning commission or governing body relating to zoning and land use matters. [1974 c.72 §2; 1975 c.543 §1; 1977 c.588 §2; 1979 c.666 §5; 1987 c.566 §8; 1989 c.340 §2; 1991 c.73 §1; 1991 c.770 §5; 1993 c.743 §8; 1995 c.79 §85; 1997 c.249 §75; 2001 c.200 §1; 2003 c.14 §115; 2005 c.574 §1; 2007 c.865 §8; 2007 c.877 §16a]

**244.025 Gift limit; entertainment prohibition.** (1) During a calendar year, a

public official, a candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

(2) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

(3) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a candidate for public office if elected would hold any official position or over which the candidate if elected would exercise any authority may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of \$50.

(4) Notwithstanding subsection (1) of this section:

(a) A public official, a candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or payment of expenses for entertainment from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

(b) A person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or payment of expenses for entertainment.

(c) A person who has a legislative or administrative interest in any governmental agency in which a candidate for public office if elected would hold any official position or over which the candidate if elected would exercise any authority may not offer to the candidate or a relative or member of the household of the candidate any gift or payment of expenses for entertainment.

(5) This section does not apply to public officials subject to the Oregon Code of Judicial Conduct. [2007 c.877 §18]

**244.030** [1974 c.72 §24; repealed by 2007 c.865 §41]

**244.040 Prohibited use of official position or office; exceptions; other prohibited actions.** (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a

relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

(b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.

(c) Reimbursement of expenses.

(d) An unsolicited award for professional achievement.

(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

(h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(3) A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.

(4) A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.

(5) A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.

(6) A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate.

(7) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120. [1974 c.72 §3; 1975 c.543 §2; 1987 c.566 §9; 1989 c.340 §3; 1991 c.146 §1; 1991 c.770 §6; 1991 c.911 §4; 1993 c.743 §9; 2007 c.877 §17]

**244.042 Honoraria.** (1) Except as provided in subsection (3) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the

public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

(2) Except as provided in subsection (3) of this section, a candidate for public office may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

(3) This section does not prohibit:

(a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or

(b) The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate. [2007 c.877 §24]

**244.045 Regulation of subsequent employment of public officials; lobbying by former members of Legislative Assembly.** (1) A person who has been a Public Utility Commissioner, the Director of the Department of Consumer and Business Services, the Administrator of the Division of Finance and Corporate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor Control Commission or the Director of the Oregon State Lottery shall not:

(a) Within one year after the public official ceases to hold the position become an employee of or receive any financial gain, other than reimbursement of expenses, from any private employer engaged in the activity, occupation or industry over which the former public official had authority; or

(b) Within two years after the public official ceases to hold the position:

(A) Be a lobbyist for or appear as a representative before the agency over which the person exercised authority as a public official;

(B) Influence or try to influence the actions of the agency; or

(C) Disclose any confidential information gained as a public official.

(2) A person who has been a Deputy Attorney General or an assistant attorney general shall not, within two years after the person ceases to hold the position, lobby or appear before an agency that the person represented while employed by the Department of Justice.

(3) A person who has been the State Treasurer or the Chief Deputy State Treasurer shall not, within one year after ceasing to hold office:

(a) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract providing for payment by the state of at least \$25,000 in any single year during the term of office of the treasurer;

(b) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council placed at least \$50,000 of investment moneys in any single year during the term of office of the treasurer; or

(c) Be a lobbyist for an investment institution, manager or consultant, or appear before the office of the State Treasurer or Oregon Investment Council as a representative of an investment institution, manager or consultant.



(4) A public official who as part of the official's duties invested public funds shall not within two years after the public official ceases to hold the position:

- (a) Be a lobbyist or appear as a representative before the agency, board or commission for which the former public official invested public funds;
- (b) Influence or try to influence the agency, board or commission; or
- (c) Disclose any confidential information gained as a public official.

(5)(a) A person who has been a member of the Department of State Police, who has held a position with the department with the responsibility for supervising, directing or administering programs relating to gaming by a Native American tribe or the Oregon State Lottery and who has been designated by the Superintendent of State Police by rule shall not, within one year after the member of the Department of State Police ceases to hold the position:

- (A) Accept employment from or be retained by or receive any financial gain related to gaming from the Oregon State Lottery or any Native American tribe;
- (B) Accept employment from or be retained by or receive any financial gain from any private employer selling or offering to sell gaming products or services;
- (C) Influence or try to influence the actions of the Department of State Police; or
- (D) Disclose any confidential information gained as a member of the Department of State Police.

(b) This subsection does not apply to:

- (A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a Tribal Gaming Commissioner or regulatory agent thereof;
- (B) Contracting with the Oregon State Lottery as a lottery game retailer;
- (C) Financial gain received from personal gaming activities conducted as a private citizen; or
- (D) Subsequent employment in any capacity by the Department of State Police.

(c) As used in this subsection, "Native American tribe" means any recognized Native American tribe or band of tribes authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land.

(6) A person who has been a member of the Legislative Assembly may not receive money or any other consideration for lobbying as defined in ORS 171.725 performed during the period beginning on the date the person ceases to be a member of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly that begins after the date the person ceases to be a member of the Legislative Assembly. [1987 c.360 §1; 1993 c.743 §10; 1995 c.79 §86; 1997 c.750 §1; 2007 c.877 §15]

**Note:** Section 15b, chapter 877, Oregon Laws 2007, provides:

**Sec. 15b.** (1) For purposes of ORS 244.045 (6), if a special session of the Legislative Assembly is held in calendar year 2008 or 2010, the first special session held in that calendar year is considered a regular session of the Legislative Assembly.

(2) This section is repealed January 1, 2011. [2007 c.877 §15b]

**244.047 Financial interest in public contract.** (1) As used in this section:

- (a) "Public body" has the meaning given that term in ORS 174.109.
- (b) "Public contract" has the meaning given that term in ORS 279A.010.
- (2) Except as provided in subsection (3) of this section, a person may not, for two years after the person ceases to hold a position as a public official, have a direct beneficial financial interest in a public contract that was authorized by:
  - (a) The person acting in the capacity of a public official; or
  - (b) A board, commission, council, bureau, committee or other governing body of a public body of which the person was a member when the contract was authorized.
- (3) Subsection (2) of this section does not apply to a person who was a member of a board, commission, council, bureau, committee or other governing body of a public body when the contract was authorized, but who did not participate in the authorization of the contract. [2007 c.877 §23a]

## REPORTING

**244.050 Persons required to file statement of economic interest; filing deadline.** (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

- (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.
- (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.
- (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.
- (d) The Deputy Attorney General.
- (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.
- (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the State Board of Higher Education.
- (g) The following state officers:
  - (A) Adjutant General.
  - (B) Director of Agriculture.
  - (C) Manager of State Accident Insurance Fund Corporation.
  - (D) Water Resources Director.
  - (E) Director of Department of Environmental Quality.
  - (F) Director of Oregon Department of Administrative Services.
  - (G) State Fish and Wildlife Director.
  - (H) State Forester.
  - (I) State Geologist.
  - (J) Director of Human Services.
  - (K) Director of the Department of Consumer and Business Services.
  - (L) Director of the Department of State Lands.

- (M) State Librarian.
- (N) Administrator of Oregon Liquor Control Commission.
- (O) Superintendent of State Police.
- (P) Director of the Public Employees Retirement System.
- (Q) Director of Department of Revenue.
- (R) Director of Transportation.
- (S) Public Utility Commissioner.
- (T) Director of Veterans' Affairs.
- (U) Executive Director of Oregon Government Ethics Commission.
- (V) Director of the State Department of Energy.
- (W) Director and each assistant director of the Oregon State Lottery.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
  - (i) Every elected city or county official.
  - (j) Every member of a city or county planning, zoning or development commission.
  - (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
  - (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
  - (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
  - (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
  - (A) Board of Geologic and Mineral Industries.
  - (B) Oregon Economic and Community Development Commission.
  - (C) State Board of Education.
  - (D) Environmental Quality Commission.
  - (E) Fish and Wildlife Commission of the State of Oregon.
  - (F) State Board of Forestry.
  - (G) Oregon Government Ethics Commission.
  - (H) Oregon Health Policy Commission.
  - (I) State Board of Higher Education.
  - (J) Oregon Investment Council.
  - (K) Land Conservation and Development Commission.
  - (L) Oregon Liquor Control Commission.
  - (M) Oregon Short Term Fund Board.
  - (N) State Marine Board.
  - (O) Mass transit district boards.
  - (P) Energy Facility Siting Council.
  - (Q) Board of Commissioners of the Port of Portland.
  - (R) Employment Relations Board.

- (S) Public Employees Retirement Board.
- (T) Oregon Racing Commission.
- (U) Oregon Transportation Commission.
- (V) Wage and Hour Commission.
- (W) Water Resources Commission.
- (X) Workers' Compensation Board.
- (Y) Oregon Facilities Authority.
- (Z) Oregon State Lottery Commission.
- (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- (BB) Columbia River Gorge Commission.
- (CC) Oregon Health and Science University Board of Directors.

(q) The following officers of the State Treasurer:

- (A) Chief Deputy State Treasurer.
- (B) Chief of staff for the office of the State Treasurer.
- (C) Director of the Investment Division.

(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.

(s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing deadline for the primary election, each candidate for public office described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing deadline for the general election, each candidate for public office described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates for public office on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350. [1974 c.72 §§4,4a; 1975 c.543 §3; 1977 c.588 §3; 1977 c.751 §16; 1979 c.374 §5; 1979 c.666 §6; 1979 c.697 §1; 1979 c.736 §1;

1979 c.829 §9b; 1987 c.373 §26; 1987 c.414 §148; 1987 c.566 §10; 1991 c.73 §2; 1991 c.160 §1; 1991 c.163 §1; 1991 c.470 §13; 1991 c.614 §2; 1993 c.500 §10; 1993 c.743 §11; 1995 c.79 §87; 1995 c.712 §94; 1997 c.652 §16; 1997 c.833 §22; 1999 c.59 §62; 1999 c.291 §28; 2001 c.104 §77; 2003 c.214 §1; 2003 c.784 §13; 2005 c.157 §6; 2005 c.217 §23; 2005 c.777 §14; 2007 c.813 §2; 2007 c.865 §17; 2007 c.877 §13]

**244.055 Additional reporting requirements for State Treasury; review; confidentiality.** (1) In addition to the statement required by ORS 244.050, the State Treasurer and any person listed under ORS 244.050 (1)(q) and this subsection shall file quarterly at a time fixed by the State Treasurer a trading statement listing all stocks, bonds and other types of securities purchased or sold during the preceding quarter:

(a) Directors of the Cash Management Division and the Debt Management Division.

(b) Equities, fixed income, short term fund, real estate, equities real estate and commercial and mortgage real estate investment officers and assistant investment officers.

(c) Fixed income and short term fund investment analysts.

(2) The statement required by subsection (1) of this section shall be filed for review with the State Treasurer, the Attorney General and the Division of Audits of the office of the Secretary of State. The content of the statement is confidential.

(3) If the State Treasurer or the Chief Deputy State Treasurer determines that a conflict of interest exists for an officer or employee, the State Treasurer shall subject the person to appropriate discipline, including dismissal or termination of the contract, or both, pursuant to rule. If the State Treasurer has cause to believe that a violation of this chapter has occurred, the State Treasurer shall file a complaint with the Oregon Government Ethics Commission under ORS 244.260.

(4) If the State Treasurer fails to act on an apparent conflict of interest under subsection (3) of this section or if the statement of the State Treasurer or the Chief Deputy State Treasurer appears to contain a conflict of interest, the Director of the Division of Audits shall report the failure or apparent conflict to the Attorney General, who may file a complaint with the commission. [1993 c.743 §26; 2007 c.865 §29]

**244.060 Form of statement of economic interest.** The statement of economic interest filed under ORS 244.050 shall be on a form prescribed by the Oregon Government Ethics Commission. The public official or candidate for public office filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The names of all positions as officer of a business and business directorships held by the person or a member of the household of the person during the preceding calendar year, and the principal address and a brief description of each business.

(2) All names under which the person and members of the household of the person do business and the principal address and a brief description of each business.

(3) The names, principal addresses and brief descriptions of the five most significant sources of income received at any time during the preceding calendar year by the person and by each member of the household of the person, a description of the type

of income and the name of the person receiving the income.

(4)(a) A list of all real property in which the public official or candidate for public office or a member of the household of the public official or candidate has or has had any personal, beneficial ownership interest during the preceding calendar year, any options to purchase or sell real property, including a land sales contract, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

(b) This subsection does not require the listing of the principal residence of the public official or candidate.

(5) The name of each member of the household of the person who is 18 years of age or older.

(6) The name of each relative of the person who is 18 years of age or older and not a member of the household of the person. [1974 c.72 §5; 1975 c.543 §4; 1987 c.566 §11; 1991 c.770 §7; 1993 c.743 §12; 2003 c.14 §116; 2007 c.877 §19]

**244.070 Additional statement of economic interest.** A public official or candidate for public office shall report the following additional economic interest for the preceding calendar year only if the source of that interest is derived from an individual or business that has been doing business, does business or could reasonably be expected to do business with, or has legislative or administrative interest in, the governmental agency of which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority:

(1) Each person to whom the public official or candidate for public office or a member of the household of the public official or candidate owes or has owed money in excess of \$1,000, the interest rate on money owed and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

(2) The name, principal address and brief description of the nature of each business in which the public official or candidate for public office or a member of the household of the public official or candidate has or has had a personal, beneficial interest or investment, including stocks or other securities, in excess of \$1,000, except for individual items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.

(3) Each person for whom the public official or candidate for public office has performed services for a fee in excess of \$1,000, except for any disclosure otherwise prohibited by law or by a professional code of ethics. [1974 c.72 §6; 1975 c.543 §5; 1987 c.566 §12; 2007 c.877 §20]

**244.080** [Subsection (1) enacted as 1974 c.72 §8; subsection (2) enacted as 1975 c.543 §7(1); 1977 c.588 §4; 1987 c.566 §13; repealed by 2007 c.865 §41]

**244.090 Report on association with compensated lobbyist.** (1) Each public

official or candidate required to file a statement of economic interest under this chapter shall include on the statement the name of any compensated lobbyist who, during the preceding calendar year, was associated with a business with which the public official or candidate or a member of the household of the public official or candidate was also associated.

(2) Subsection (1) of this section does not apply if the only relationship between the public official or candidate and the lobbyist is that the public official or candidate and lobbyist hold stock in the same publicly traded corporation.

(3) As used in this section, "lobbyist" has the meaning given that term in ORS 171.725. [1974 c.72 §7; 1975 c.543 §6; 1987 c.566 §14; 2007 c.865 §32]

**244.100 Statements of expenses, honoraria or income received; statements to be provided to public official.** (1) A public official or candidate for public office who is required to file a statement of economic interest under ORS 244.050 shall file with the Oregon Government Ethics Commission, according to the schedule set forth in ORS 244.105, a statement showing for the applicable reporting period:

(a) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a convention, mission, trip or other meeting described in ORS 244.020 (5)(b)(F). The statement shall include the name and address of the organization or unit of government paying the expenses, the nature of the event and the date and amount of the expenditure.

(b) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a mission or negotiations or economic development activities described in ORS 244.020 (5)(b)(H). The statement shall include the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

(c) All honoraria allowed under ORS 244.042 exceeding \$15 received by the public official, candidate or member of the household of the official or candidate, the payer of each honorarium and the date and time of the event for which the honorarium was received.

(d) Each source of income exceeding an aggregate amount of \$1,000, whether or not taxable, received by the public official or candidate for public office, or a member of the household of the public official or candidate, if the source of that income is derived from an individual or business that has been doing business, does business or could reasonably be expected to do business with, or has legislative or administrative interest in, the governmental agency of which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

(2) In addition to statements required under subsection (1) of this section:

(a) Any organization or unit of government that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020 (5)(b)(F) shall notify the public official in writing of the amount of the expense. The organization or unit shall provide the notice to the public official within 10 days from the date the expenses are incurred.

(b) Any person that provides a public official or a member of the household of a

public official with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official in writing of the value of the honorarium or other item. The person shall provide the notice to the public official within 10 days after the date of the event for which the honorarium or other item was received. [1975 c.543 §11; 1991 c.677 §1; 2007 c.865 §6; 2007 c.877 §21a]

**244.105 Quarterly filing of statements.** Statements required to be filed with the Oregon Government Ethics Commission under ORS 244.100 and 244.217 shall be filed in each calendar year:

- (1) Not later than April 15, for the accounting period beginning January 1 and ending March 31;
- (2) Not later than July 15, for the accounting period beginning April 1 and ending June 30;
- (3) Not later than October 15, for the accounting period beginning July 1 and ending September 30; and
- (4) Not later than January 15 of the following calendar year, for the accounting period beginning October 1 and ending December 31. [2007 c.877 §23]

**244.110 Statements subject to penalty for false swearing.** (1) Each statement of economic interest required to be filed under ORS 244.050, 244.060, 244.070, 244.090 or 244.100, or by rule under ORS 244.290, and each trading statement required to be filed under ORS 244.055 shall be signed and certified as true by the person required to file it and shall contain a written declaration that the statement is made under the penalties of false swearing.

(2) A person may not sign and certify a statement under subsection (1) of this section if the person knows that the statement contains information that is false.

(3) Violation of subsection (2) of this section is punishable as false swearing under ORS 162.075. [1974 c.72 §22; 1977 c.588 §5; 2007 c.865 §7]

**244.115 Filing required for member of Congress or candidate; filing date.** (1) Each member of Congress from this state and each candidate for nomination or election to the office of United States Representative in Congress or United States Senator from this state shall file with the Oregon Government Ethics Commission a copy of the federal ethics filing required under federal law or by congressional rule.

(2) The member or candidate shall file the information required under subsection (1) of this section not later than 30 days after the filing date required under federal law or congressional rule. If the filing is not made in a timely manner, the commission shall obtain copies of the filing and indicate on the filing that the filing was not made with the commission by the member or candidate.

(3) All filings made under this section are public records available for public inspection. [1991 c.160 §7; 2007 c.865 §33]

## CONFLICTS OF INTEREST

### **244.120 Methods of handling conflicts; Legislative Assembly; judges;**



**appointed officials; other elected officials or members of boards.** (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

(a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

(b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

#### **244.130 Recording of notice of conflict; effect of failure to disclose conflict.**

(1) When a public official gives notice of an actual or potential conflict of interest, the public body as defined in ORS 174.109 that the public official serves shall record the actual or potential conflict in the official records of the public body. In addition, a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided to the Oregon Government Ethics Commission within a reasonable period of time.

(2) A decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed may not be voided by any court solely by reason of the failure of the public official to disclose

an actual or potential conflict of interest. [1974 c.72 §11; 1975 c.543 §8; 1993 c.743 §16; 2007 c.865 §9]

**244.135 Method of handling conflicts by planning commission members. (1)**

A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

(a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;

(b) Any business in which the member is then serving or has served within the previous two years; or

(c) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Formerly 215.035 and 227.035]

APPLICATION OF CHAPTER

**244.160 Filing of statement of economic interest by public official of political subdivision other than city or county. (1)** Any political subdivision in this state, other than a city or county, by resolution may require any public official of the subdivision to file a verified statement of economic interest with the Oregon Government Ethics Commission.

(2) The political subdivision shall file a copy of the resolution with the commission. [1974 c.72 §9; 2007 c.865 §34]

**244.162 Information provided to persons required to file statement of economic interest. (1)** A person designated by a public body as defined in ORS 174.109 shall provide information explaining the requirements of ORS 244.050, 244.060, 244.070 and 244.090 to each newly elected or appointed public official serving the public body who is required to file a verified statement of economic interest under ORS 244.050. The information must be received by the public official either at the first meeting attended by the public official or before the public official takes the oath of office, whichever occurs first.

(2) At the time of fulfilling duties under subsection (1) of this section, the person designated by the public body shall provide to each newly elected or appointed public official serving the public body a copy of the statements and explanation provided to the public body under subsection (3) of this section.

(3) The Oregon Government Ethics Commission shall provide copies of the statements described in ORS 244.060, 244.070 and 244.090 and an explanation of the requirements of the law relating to the statements to each public body that is served by a public official who is required to file a statement described in ORS 244.060, 244.070 or 244.090.

(4) A newly elected or appointed public official serving a public body who is not informed of the filing requirements under ORS 244.050, 244.060, 244.070 and 244.090

and provided with a copy of the statements and explanation as required under this section before attending the first meeting or taking the oath of office may resign that office within 90 days thereafter or before the next date specified in ORS 244.050 for the filing of a statement, whichever is later, without filing a verified statement of economic interest and without incurring a sanction or penalty that might otherwise be imposed for not filing. [Formerly 244.195]

**244.165 Rules or policies of state agency or association of public bodies; commission approval; effect.** (1) For the purpose of protecting against violations of the provisions of this chapter, a state agency, as defined in ORS 183.750, or a statewide association of public bodies, as defined in ORS 174.109, may adopt rules or policies interpreting the provisions of this chapter. The rules or policies must be consistent with the provisions of this chapter. A state agency or a statewide association of public bodies may submit rules or policies adopted under this subsection to the Oregon Government Ethics Commission for review.

(2) Upon receiving rules or policies submitted under subsection (1) of this section, the commission shall review the rules and policies to determine whether the rules and policies are consistent with the provisions of this chapter. The commission, by a vote of a majority of the members of the commission, shall approve or reject the rules or policies. The commission shall notify the state agency or statewide association of public bodies in writing of the commission's approval or rejection. A written notice of rejection shall explain the reasons for the rejection.

(3) Unless the applicable rule or policy is amended or repealed by the state agency or the statewide association of public bodies, the commission may not impose a penalty under ORS 244.350 or 244.360 on a public official for any good faith action the official takes in compliance with a rule or policy that was adopted by the state agency that the official serves, or by a statewide association of which the public body that the official serves is a member, and approved by the commission under subsection (2) of this section. [2007 c.865 §5; 2007 c.877 §39b]

**244.170** [1975 c.216 §1a; repealed by 2003 c.14 §117]

## NEPOTISM

**244.175 Definitions for ORS 244.177 and 244.179.** As used in ORS 244.177 and 244.179:

- (1) "Governing body" has the meaning given that term in ORS 192.610.
- (2) "Member of the household" means any person who resides with the public official.
- (3) "Public body" has the meaning given that term in ORS 174.109.
- (4) "Relative" means the spouse or domestic partner of the public official, any children of the public official or of the public official's spouse or domestic partner, and brothers, sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren or parents of the public official or of the public official's spouse

or domestic partner. [2007 c.865 §26b]

**244.177 Employment of relative or member of household; exceptions. (1)**

Except as provided in subsections (2) to (4) of this section:

(a) A public official may not appoint, employ or promote a relative or member of the household to, or discharge, fire or demote a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of this chapter.

(b) A public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control. As used in this paragraph, “participate” does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.

(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position as an unpaid volunteer with the public body that the public official serves or over which the public official exercises jurisdiction or control.

(b) Paragraph (a) of this subsection does not apply to the appointment, employment, promotion, discharge, firing or demotion of a relative or member of the household to a position as an unpaid member of a governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control.

(c) A relative or member of the household described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) This section does not prohibit a public body from appointing, employing, promoting, discharging, firing or demoting a person who is a relative or member of the household of a public official serving the public body. [2007 c.865 §26c]

**244.179 Supervision of relative or member of household; exceptions. (1)**

Notwithstanding ORS 659A.309 and except as provided in subsections (2) to (4) of this section, a public official acting in an official capacity may not directly supervise a person who is a relative or member of the household.

(2) A member of the Legislative Assembly may directly supervise a person who:

(a) Is a relative or member of the household; and

(b) Serves as a public official in a position on the personal legislative staff of the

member of the Legislative Assembly.

(3)(a) A public official acting in an official capacity may directly supervise a person who is a relative or member of the household if the person serves as an unpaid volunteer.

(b) Paragraph (a) of this subsection does not apply to service by a person in a position as an unpaid member of a governing body that a public official of whom the person is a relative or member of the household serves or over which the public official exercises jurisdiction or control.

(c) A relative or member of the household serving as an unpaid volunteer described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) A public body may adopt policies specifying when a public official acting in an official capacity may directly supervise a person who is a relative or member of the household. [2007 c.865 §26d]

**244.180** [1975 c.216 §2; 1987 c.566 §16; 2005 c.22 §186; repealed by 2007 c.865 §41]

**244.190** [1975 c.216 §3; 1987 c.566 §17; 2005 c.22 §187; repealed by 2007 c.865 §41]

**244.195** [1979 c.332 §2; 2007 c.865 §10; renumbered 244.162 in 2007]

**244.200** [1975 c.216 §5; repealed by 1983 c.350 §62 (244.201 enacted in lieu of 244.200 and 244.210)]

**244.201** [1983 c.350 §63 (enacted in lieu of 244.200 and 244.210); 1995 c.712 §95; repealed by 2007 c.865 §41]

## LEGAL EXPENSE TRUST FUND

**244.205 Legal expense trust fund; establishment; eligible legal expenses.** (1) Subject to the authorization of the Oregon Government Ethics Commission as described in ORS 244.209, a public official may establish a legal expense trust fund if the public official incurs or reasonably expects to incur legal expenses described in subsection (2) of this section.

(2) Proceeds from the trust fund may be used by the public official to defray legal expenses incurred by the public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. The legal expenses must be incurred in connection with:

(a) The issuance of a court's stalking protective order under ORS 30.866 or 163.738;

(b) The issuance of a citation under ORS 163.735;

(c) A criminal prosecution under ORS 163.732;

(d) A civil action under ORS 30.866; or

(e) Defending the public official in a proceeding or investigation brought or maintained by a public body as defined in ORS 174.109.

(3) Except as provided in subsection (2) of this section, a public official may not use proceeds from the trust fund for any personal use.

(4) A public official may not establish or maintain more than one legal expense trust fund at any one time.

(5) A public official who establishes a legal expense trust fund may not solicit, receive or handle any contributions to the fund.

(6) The provisions of ORS chapter 130 do not apply to a trust fund established under ORS 244.205 to 244.221. [2007 c.877 §29]

**244.207 Use of fund proceeds.** (1) The proceeds of a legal expense trust fund may be used to:

(a) Defray legal expenses described in ORS 244.205;

(b) Defray costs reasonably incurred in administering the trust fund, including but not limited to costs incident to the solicitation of funds; and

(c) Discharge any tax liabilities incurred as a result of the creation, operation or administration of the trust fund.

(2) The proceeds of a trust fund may also be used to defray or discharge expenses, costs or liabilities incurred before the fund was established if the expenses, costs or liabilities are related to the legal proceeding for which the fund was established. [2007 c.877 §30]

**244.209 Application to establish fund; commission review and authorization.**

(1) A public official may apply to establish a legal expense trust fund by filing an application with the Oregon Government Ethics Commission. The application must contain:

(a) A copy of an executed trust agreement described in subsection (2) of this section;

(b) A sworn affidavit described in subsection (3) of this section signed by the public official; and

(c) A sworn affidavit described in subsection (4) of this section signed by the trustee.

(2) The trust agreement must contain the following:

(a) A provision incorporating by reference the provisions of ORS 244.205 to 244.221; and

(b) A designation of a trustee who meets the requirements of ORS 244.211.

(3) The affidavit of the public official must state:

(a) The nature of the legal proceeding that requires establishment of the trust fund;

(b) That the public official will comply with the provisions of ORS 244.205 to 244.221; and

(c) That the public official is responsible for the proper administration of the trust fund, even though a trustee of the fund has been designated.

(4) The affidavit of the trustee must state that the trustee:

- (a) Has read and understands ORS 244.205 to 244.221; and
- (b) Consents to administer the trust fund in compliance with ORS 244.205 to 244.221.

(5) Upon receiving an application under this section, the commission shall review the trust agreement, the affidavits and any supporting documents or instruments filed to determine whether the application meets the requirements of ORS 244.205 to 244.221. If the commission determines that the application meets the requirements of ORS 244.205 to 244.221, the commission shall grant written authorization to the public official to establish the trust fund.

(6) The commission shall review the quarterly statements required under ORS 244.217 and shall monitor the activities of each trust fund to ensure continued compliance with ORS 244.205 to 244.221.

(7) Unless subject to the attorney-client privilege, all documents required to be filed relating to the creation and administration of a trust fund are public records subject to disclosure as provided in ORS 192.410 to 192.505.

(8) A public official may not establish a legal expense trust fund without receiving prior written authorization of the commission as described in this section.

(9) A public official may file an amendment to a trust agreement approved as part of a trust fund under this section. The commission shall approve the amendment if the commission determines the amendment meets the requirements of ORS 244.205 to 244.221. [2007 c.877 §31]

**244.210** [1975 c.216 §4; repealed by 1983 c.350 §62 (244.201 enacted in lieu of 244.200 and 244.210)]

**244.211 Duties of trustee; persons ineligible to be trustee.** (1) The trustee of a legal expense trust fund is responsible for:

- (a) The receipt and deposit of contributions to the trust fund;
- (b) The authorization of expenditures and disbursements from the trust fund;
- (c) The filing of quarterly statements required under ORS 244.217; and
- (d) The performance of other tasks incident to the administration of the trust fund.

(2) The trustee may not:

- (a) Be a public official who serves the same public body as the public official who establishes the trust fund;
- (b) Be a relative of the public official who establishes the trust fund;
- (c) Be an attorney for the public official in the legal proceeding for which the trust fund is established, or a member, partner, associate or employee of the firm employing the attorney; or

(d) Have a business or employment relationship with the public official who establishes the trust fund. [2007 c.877 §32]

**244.213 Contributions to fund.** (1) Except as provided in subsection (3) of this section, any person may contribute to a legal expense trust fund established under ORS 244.205 to 244.221.

(2) A person may make contributions of moneys to a legal expense trust fund in

unlimited amounts. Pro bono legal assistance and other in-kind assistance may also be provided without limit and is considered a contribution subject to the reporting requirements of ORS 244.217.

(3) A political committee as defined in ORS 260.005 that is a principal campaign committee may not contribute to a legal expense trust fund. [2007 c.877 §33]

**244.215 Fund account.** (1) A trustee of a legal expense trust fund shall establish a single exclusive account in a financial institution, as defined in ORS 706.008. The financial institution must be located in this state and must ordinarily conduct business with the general public in this state.

(2) The trustee shall maintain the account in the name of the trust fund.

(3) All expenditures made by the trustee shall be drawn from the account and:

(a) Issued on a check signed by the trustee; or

(b) Paid using a debit card or other form of electronic transaction.

(4) A contribution received by a trustee shall be deposited into the account not later than seven calendar days after the date the contribution is received. This subsection does not apply to in-kind contributions received.

(5) This section does not prohibit the transfer of any amount deposited in the account into a certificate of deposit, stock fund or other investment instrument.

(6) The account may not include any public or private moneys or any moneys of any other person, other than contributions received by the trustee.

(7) A trustee shall retain a copy of each financial institution account statement from the account described in this section for not less than two years after the date the statement is issued by the financial institution. [2007 c.877 §34]

**244.217 Statement of contributions received and expenditures made.** (1) The trustee of a legal expense trust fund shall, according to the schedule described in subsection (3) of this section, file with the Oregon Government Ethics Commission a statement for the applicable reporting period showing contributions received by the trustee and expenditures made from the trust fund account established under ORS 244.215.

(2) Each statement shall list:

(a) The name and address of each person who contributed an aggregate amount of more than \$75, and the total amount contributed by that person;

(b) The total amount of contributions not listed under paragraph (a) of this subsection as a single item, but shall specify how those contributions were obtained;

(c) The amount and purpose of each expenditure and the name and address of each payee; and

(d) The name and address of any person contributing pro bono legal assistance and the fair market value of the assistance provided by the person.

(3) Statements required to be filed with the commission under this section shall be filed according to the schedule described in ORS 244.105.

(4) If no contributions are received and no expenditures made during the reporting period, the trustee shall file a statement indicating that no contributions were deposited and no expenditures were made.



(5) The trustee may amend a statement filed under this section without penalty if the amendment is filed with the commission not later than 30 days after the deadline for filing the statement. [2007 c.877 §35]

**244.219 Termination of fund.** (1) A legal expense trust fund established under ORS 244.205 to 244.221 may be terminated by:

- (a) The public official who established the trust fund;
- (b) Subject to subsection (2) of this section, the terms of the trust agreement; or
- (c) The Oregon Government Ethics Commission following a determination by the commission that a violation of any provision of this chapter has occurred in connection with the trust fund.

(2) A trust agreement may provide that a legal expense trust fund is terminated not later than six months following the completion of the legal proceeding for which the fund was established. Upon application of the public official who established the trust fund, the commission may extend the existence of the trust fund to a specified date if the commission determines that the public official has incurred legal expenses that exceed the balance remaining in the fund. If the commission extends the existence of the trust fund, the trust fund terminates on the date the extension expires.

(3) Following termination of a legal expense trust fund, the trustee may not accept contributions to or make expenditures from the fund.

(4) Not later than 30 days after a trust fund is terminated, the trustee of the fund shall file with the commission a final report listing the totals of all contributions made to the fund and all expenditures made from the fund. [2007 c.877 §36]

**244.221 Disposition of moneys in terminated fund; distribution of award of attorney fees, costs or money judgment.** (1) Not later than 30 days after a legal expense trust fund is terminated, the trustee of the fund shall return any moneys remaining in the fund to contributors to the fund on a pro rata basis.

(2) If the legal proceeding for which the trust fund was established results in an award of attorney fees, costs or any other money judgment award to or in favor of the public official, amounts awarded shall be distributed in the following order:

- (a) To pay outstanding legal expenses;
- (b) To contributors to the trust fund on a pro rata basis; and
- (c) To the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code. [2007 c.877 §37]

## COMMISSION

**244.250 Oregon Government Ethics Commission; appointment; term; quorum; compensation; legal counsel.** (1) The Oregon Government Ethics Commission is established, consisting of seven members. The appointment of a member of the commission is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. Members shall be appointed in the following manner:

- (a) The Governor shall appoint four members from among persons recommended,

one each by the leadership of the Democratic and Republican parties in each house of the Legislative Assembly. If a person recommended by the leadership of the Democratic or Republican party is not approved by the Governor, the leadership shall recommend another person.

(b) The Governor shall appoint three members without leadership recommendation. No more than two members appointed under this paragraph may be members of the same major political party.

(2) A person who holds any public office listed in ORS 244.050 (1) except as a member of the commission may not be appointed to the commission. No more than four members may be members of the same political party.

(3) The term of office of a member is four years. A member is not eligible to be appointed to more than one full term but may serve out an unexpired term. Vacancies shall be filled by the appointing authority for the unexpired term.

(4) The commission shall elect a chairperson and vice chairperson for such terms and duties as the commission may require.

(5) A quorum consists of four members but a final decision may not be made without an affirmative vote of a majority of the members appointed to the commission.

(6) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

(7) The commission may retain or appoint qualified legal counsel who must be a member of the Oregon State Bar and who is responsible to the commission. The appointment of legal counsel under this subsection may be made only when the commission finds it is inappropriate and contrary to the public interest for the office of the Attorney General to represent concurrently more than one public official or agency in any matter before the commission because the representation:

- (a) Would create or tend to create a conflict of interest; and
- (b) Is not subject to ORS 180.230 or 180.235.

(8) The Attorney General may not represent before the commission any state public official who is the subject of any complaint or action of the commission at the commission's own instigation. [1974 c.72 §12; 1977 c.588 §6; 1987 c.566 §18; 1991 c.770 §3; 1993 c.743 §17; 2007 c.865 §1]

**244.255 Commission funding.** (1) The Oregon Government Ethics Commission shall estimate in advance the expenses that it will incur during a biennium in carrying out the provisions of ORS 171.725 to 171.785 and 171.992 and this chapter. The commission shall also determine what percentage of the expenses should be borne by the following two groups of public bodies:

- (a) Public bodies in state government; and
- (b) Local governments, local service districts and special government bodies that are subject to the Municipal Audit Law.

(2) The commission shall charge each public body for the public body's share of the expenses described in subsection (1) of this section for the biennium. The amount to be charged each public body shall be determined as follows:

- (a) The commission shall determine the rate to be charged public bodies in state government. The same rate shall be applied to each public body described in this

paragraph. To determine the amount of the charge for each public body, the commission shall multiply the rate determined under this paragraph by the number of public officials serving the public body.

(b) The commission shall set the charge for local governments, local service districts and special government bodies that are subject to the Municipal Audit Law so that each local government, local service district or special government body described in this paragraph pays an amount of the total expenses for the group that bears the same proportion to the total expenses that the amount charged to the local government, local service district or special government body for the municipal audit fee under ORS 297.485 bears to the total amount assessed for the municipal audit fee.

(3) Each public body shall pay to the credit of the commission the charge described in this section as an administrative expense from funds or appropriations available to the public body in the same manner as other claims against the public body are paid.

(4) All moneys received by the commission under this section shall be credited to the Oregon Government Ethics Commission Account established under ORS 244.345.

(5) The commission shall adopt rules specifying the methods for calculating and collecting the rates and charges described in this section.

(6) As used in this section:

(a) “Local government” and “local service district” have the meanings given those terms in ORS 174.116.

(b) “Public body” has the meaning given that term in ORS 174.109.

(c) “Public official,” notwithstanding ORS 244.020 (13), means any person who, on the date the commission charges the public body under this section, is serving the public body as an officer or employee.

(d) “Special government body” has the meaning given that term in ORS 174.117.

(e) “State government” has the meaning given that term in ORS 174.111. [2007 c.877 §2]

**Note:** Section 3, chapter 877, Oregon Laws 2007, provides:

**Sec. 3.** The Oregon Government Ethics Commission shall first impose charges under section 2 of this 2007 Act [244.255] for the biennium beginning July 1, 2009. [2007 c.877 §3]

**244.260 Complaint and adjudicatory process; confidential Preliminary Review Phase; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action.** (1)(a) Any person may file with the Oregon Government Ethics Commission a signed written complaint alleging that there has been a violation of any provision of this chapter or of any rule adopted by the commission under this chapter. The complaint shall state the person’s reason for believing that a violation occurred and include any evidence relating to the alleged violation.

(b) If at any time the commission has reason to believe that there has been a violation of a provision of this chapter or of a rule adopted by the commission under this chapter, the commission may proceed under this section on its own motion as if the

commission had received a complaint.

(2)(a) Not later than two business days after receiving a complaint under this section, the commission shall notify the person who is the subject of the complaint.

(b) Before approving a motion to proceed under this section without a complaint, the commission shall provide notice to the person believed to have committed the violation of the time and place of the meeting at which the motion will be discussed. If the commission decides to proceed on its own motion, the commission shall give notice to the person not later than two business days after the motion is approved.

(c) The commission shall give notice of the complaint or motion under paragraph (a) or (b) of this subsection by mail and by telephone if the person can be reached by telephone. The notice must describe the nature of the alleged violation. The mailed notice must include copies of all materials submitted with a complaint. If the commission will consider a motion to proceed without a complaint, the notice must provide copies of all materials that the commission will consider at the hearing on the motion.

(3) After receiving a complaint or deciding to proceed on its own motion, the commission shall undertake action in the Preliminary Review Phase to determine whether there is cause to undertake an investigation. If the person who is the subject of the action is a member of the Legislative Assembly, the commission shall determine whether the alleged violation involves conduct protected by section 9, Article IV of the Oregon Constitution.

(4)(a) The Preliminary Review Phase begins on the date the complaint is filed or the date the commission decides to proceed on its own motion and ends on the date the commission determines there is cause to undertake an investigation, dismisses the complaint or rescinds its own motion. The Preliminary Review Phase may not exceed 135 days unless:

(A) A delay is stipulated to by both the person who is the subject of action under this section and the commission with the commission reserving a portion of the delay period to complete its actions; or

(B) A complaint is filed under this section with respect to a person who is a candidate for elective public office, the complaint is filed within 61 days before the date of an election at which the person is a candidate for nomination or election and a delay is requested in writing by the candidate. If the candidate makes a request under this subparagraph, the Preliminary Review Phase must be completed not later than 135 days after the date of the first meeting of the commission that is held after the date of the election.

(b) During the Preliminary Review Phase, the commission may seek, solicit or otherwise obtain any books, papers, records, memoranda or other additional information, administer oaths and take depositions necessary to determine whether there is cause to undertake an investigation or whether the alleged violation involves conduct protected by section 9, Article IV of the Oregon Constitution.

(c) The Preliminary Review Phase is confidential. Commission members and staff may acknowledge receipt of a complaint but may not make any public comment or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed \$1,000. Any person aggrieved as a result of a violation of this paragraph by

a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.

(d) At the conclusion of the Preliminary Review Phase, the commission shall conduct its deliberations in executive session. All case related materials and proceedings shall be open to the public after the commission makes a finding of cause to undertake an investigation, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review Phase, the executive director of the commission shall prepare a statement of the facts determined during the phase, including appropriate legal citations and relevant authorities. Before presentation to the commission, the executive director's statement shall be reviewed by legal counsel to the commission.

(e) The time limit imposed in this subsection and the commission's inquiry are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its inquiry.

(5)(a) If the commission determines that there is not cause to undertake an investigation or that the alleged violation of this chapter involves conduct protected by section 9, Article IV of the Oregon Constitution, the commission shall dismiss the complaint or rescind its motion and formally enter the dismissal or rescission in its records. The commission shall notify the person who is the subject of action under this section of the dismissal or rescission. After dismissal or rescission, the commission may not take further action involving the person unless a new and different complaint is filed or action on the commission's own motion is undertaken based on different conduct.

(b) If the commission makes a finding of cause to undertake an investigation, the commission shall undertake action in the Investigatory Phase. The commission shall notify the person who is the subject of the investigation, identify the issues to be examined and confine the investigation to those issues. If the commission finds reason to expand the investigation, the commission shall move to do so, record in its minutes the issues to be examined before expanding the scope of its investigation and formally notify the complainant, if any, and the person who is the subject of the investigation of the expansion and the scope of the investigation.

(6)(a) The Investigatory Phase begins on the date the commission makes a finding of cause to undertake an investigation and ends on the date the commission dismisses the complaint, rescinds its own motion, issues a settlement order, moves to commence a contested case proceeding or takes other action justified by the findings. The Investigatory Phase may not exceed 180 days unless a delay is stipulated to by both the person who is the subject of action under this section and the commission with the commission reserving a portion of the delay period to complete its actions.

(b) During the Investigatory Phase, the commission may seek any additional information, administer oaths, take depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to complete the investigation. If any person fails to comply with any subpoena issued under this paragraph or refuses to testify on any matters on which

the person may be lawfully interrogated, the commission shall follow the procedure described in ORS 183.440 to compel compliance.

(c) The time limit imposed in this subsection and the commission's investigation are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its investigation.

(d) At the end of the Investigatory Phase, the commission shall take action by order. The action may include:

(A) Dismissal, with or without comment;

(B) Continuation of the investigation for a period not to exceed 30 days for the purpose of additional fact-finding;

(C) Moving to a contested case proceeding;

(D) Entering into a negotiated settlement; or

(E) Taking other appropriate action if justified by the findings.

(e) The commission may move to a contested case proceeding if the commission determines that the information presented to the commission is sufficient to make a preliminary finding of a violation of any provision of this chapter or of any rule adopted by the commission under this chapter.

(7) A person conducting any inquiry or investigation under this section shall:

(a) Conduct the inquiry or investigation in an impartial and objective manner; and

(b) Provide to the commission all favorable and unfavorable information the person collects.

(8) The commission shall report the findings of any inquiry or investigation in an impartial manner. The commission shall report both favorable and unfavorable findings and shall make the findings available to:

(a) The person who is the subject of the inquiry or investigation;

(b) The appointing authority, if any;

(c) The Attorney General, if the findings relate to a state public official;

(d) The appropriate district attorney, if the findings relate to a local public official;

and

(e) The Commission on Judicial Fitness and Disability, if the findings relate to a judge.

(9) Hearings conducted under this chapter must be held before an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The procedure shall be that for a contested case under ORS chapter 183.

(10) The Oregon Government Ethics Commission may not inquire into or investigate any conduct that occurred more than four years before a complaint is filed or a motion is approved under subsection (1) of this section.

(11) This section does not prevent the commission and the person alleged to have violated any provision of this chapter or any rule adopted by the commission under this chapter from stipulating to a finding of fact concerning the violation and consenting to an appropriate penalty. The commission shall enter an order based on the stipulation and consent.

(12) At any time during proceedings conducted under this section, the commission may enter into a negotiated settlement with the person who is the subject of action under this section.

(13) As used in this section:

(a) “Cause” means that there is a substantial, objective basis for believing that an offense or violation may have been committed and the person who is the subject of an inquiry may have committed the offense or violation.

(b) “Pending” means that a prosecuting attorney is either actively investigating the factual basis of the alleged criminal conduct, is preparing to seek or is seeking an accusatory instrument, has obtained an accusatory instrument and is proceeding to trial or is in trial or in the process of negotiating a plea. [1974 c.72 §13; 1989 c.807 §1; 1991 c.272 §1; 1991 c.770 §1a; 1993 c.743 §18; 1999 c.849 §§51,52; 1999 c.850 §1; 2003 c.75 §30; 2007 c.865 §23]

**244.270 Findings as grounds for removal; notice to public bodies.** (1) If the Oregon Government Ethics Commission finds that an appointed public official has violated any provision of this chapter or any rule adopted under this chapter, the finding is prima facie evidence of unfitness where removal is authorized for cause either by law or pursuant to section 6, Article VII (Amended) of the Oregon Constitution.

(2) If the commission finds that a public official has violated any provision of this chapter or any rule adopted under this chapter, the commission shall notify the public body, as defined in ORS 174.109, that the public official serves. The notice shall describe the violation and any action taken by the commission. The commission shall provide the notice not later than 10 business days after the date the commission takes final action against the public official. [1974 c.72 §14; 1977 c.588 §7; 2007 c.865 §11]

**244.280 Commission advisory opinions; effect of reliance on opinion.** (1) Upon the written request of any person, or upon its own motion, the Oregon Government Ethics Commission, under signature of the chairperson, may issue and publish written commission advisory opinions on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance. A commission advisory opinion, and a decision by the commission to issue an advisory opinion on its own motion, must be approved by a majority of the members of the commission. Legal counsel to the commission shall review a proposed commission advisory opinion before the opinion is considered by the commission.

(2) Not later than 60 days after the date the commission receives the written request for a commission advisory opinion, the commission shall issue either the opinion or a written denial of the request. The written denial shall explain the reasons for the denial. The commission may ask the person requesting the advisory opinion to supply additional information the commission considers necessary to render the opinion. The commission, by vote of a majority of the members of the commission, may extend the 60-day deadline by one period not to exceed 60 days.

(3) Except as provided in this subsection, unless the commission advisory opinion is revised or revoked, the commission may not impose a penalty under ORS 244.350 or 244.360 on a person for any good faith action the person takes in reliance on an advisory

opinion issued under this section. The commission may impose a penalty under ORS 244.350 or 244.360 on the person who requested the advisory opinion if the commission determines that the person omitted or misstated material facts in making the request. [1974 c.72 §15; 1975 c.543 §9; 1977 c.588 §8; 1987 c.566 §19; 1991 c.272 §2; 1993 c.743 §13; 2007 c.865 §12; 2007 c.877 §25a]

**244.282 Executive director advisory opinions; effect of reliance on opinion.**

(1) Upon the written request of any person, the executive director of the Oregon Government Ethics Commission may issue and publish written staff advisory opinions on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance.

(2) Not later than 30 days after the date the executive director receives the written request for a staff advisory opinion, the executive director shall issue either the opinion or a written denial of the request. The written denial shall explain the reasons for the denial. The executive director may ask the person requesting the advisory opinion to supply additional information the executive director considers necessary to render the opinion. The executive director may extend the 30-day deadline by one period not to exceed 30 days. The executive director shall clearly designate an opinion issued under this section as a staff advisory opinion.

(3) Except as provided in this subsection, unless the staff advisory opinion is revised or revoked, before imposing any penalty under ORS 244.350 or 244.360, the commission shall consider whether the action that may be subject to penalty was taken in reliance on a staff advisory opinion issued under this section. If a penalty may be imposed on the person who requested the opinion, the commission is not required to consider reliance on the opinion if the commission determines that the person omitted or misstated material facts in making the request.

(4) At each regular meeting of the commission, the executive director shall report to the commission on all staff advisory opinions issued since the last regular meeting of the commission. The commission on its own motion may issue a commission advisory opinion under ORS 244.280 on the same facts or circumstances that form the basis for any staff advisory opinion. [2007 c.865 §14; 2007 c.877 §39c]

**244.284 Staff advisory opinions; effect of reliance on opinion.** (1) Upon the written or oral request of any person, the executive director or other staff of the Oregon Government Ethics Commission may issue written or oral staff advice on the application of any provision of this chapter to any proposed transaction or action or any actual or hypothetical circumstance. Any written advice not designated as a staff advisory opinion under ORS 244.282 is considered staff advice issued under this section.

(2) Before imposing any penalty under ORS 244.350 or 244.360, the commission may consider whether the action that may be subject to penalty was taken in reliance on staff advice issued under this section. [2007 c.865 §15; 2007 c.877 §39d]

**244.290 General duties of commission; rules.** (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide the forms



to persons required to file the statements under this chapter or pursuant to a resolution adopted under ORS 244.160.

(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(c) Prepare and publish reports the commission finds are necessary.

(d) Make advisory opinions issued by the commission or the executive director of the commission available to the public at no charge on the Internet.

(e) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(f) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

(a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;

(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions of the body over which the public official has jurisdiction are so few or infrequent as not to warrant the public disclosure;

(c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order;

(d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation;

(e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

(f) Describe the application of provisions exempting items from the definition of “gift” in ORS 244.020 (5)(b) and the application of the prohibition on entertainment contained in ORS 244.025;

(g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and

(h) Set criteria for determining the amount of civil penalties that the commission may impose.

(3) The commission may adopt rules that:

(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of “potential conflict of interest” under ORS 244.020;

(b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate for public office;

(c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under

ORS 244.130; or

(d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate for public office certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.

(4) Not less frequently than once each calendar year, the commission shall:

(a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates for public office or that are addressed by the commission or by commission staff on a recurring basis; and

(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.

(5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050, 244.100 and 244.217 may be filed, without a fee, with the commission in an electronic format. The commission shall accept statements filed under ORS 244.050, 244.100 and 244.217 in a format that is not electronic.

(6) The commission shall make statements filed under ORS 244.050, 244.100 and 244.217, including statements that are not filed in an electronic format, available in a searchable format for review by the public using the Internet. [1974 c.72 §17; 1987 c.566 §20; 1993 c.743 §23; 2007 c.865 §3; 2007 c.877 §9c]

**Note:** The amendments to 244.290 by section 9d, chapter 877, Oregon Laws 2007, become operative January 1, 2010. See section 9e, chapter 877, Oregon Laws 2007. The text that is operative on and after January 1, 2010, is set forth for the user's convenience.

**244.290.** (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or pursuant to a resolution adopted under ORS 244.160.

(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(c) Prepare and publish reports the commission finds are necessary.

(d) Make advisory opinions issued by the commission or the executive director of the commission available to the public at no charge on the Internet.

(e) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(f) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

- (a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;
  - (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions of the body over which the public official has jurisdiction are so few or infrequent as not to warrant the public disclosure;
  - (c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order;
  - (d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation;
  - (e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;
  - (f) Describe the application of provisions exempting items from the definition of “gift” in ORS 244.020 (5)(b) and the application of the prohibition on entertainment contained in ORS 244.025;
  - (g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and
  - (h) Set criteria for determining the amount of civil penalties that the commission may impose.
- (3) The commission may adopt rules that:
- (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of “potential conflict of interest” under ORS 244.020;
  - (b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate for public office;
  - (c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or
  - (d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate for public office certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.
- (4) Not less frequently than once each calendar year, the commission shall:
- (a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates for public office or that are addressed by the commission or by commission staff on a recurring basis; and
  - (b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.
- (5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050, 244.100 and 244.217 must be filed, without a fee, with the commission in an electronic format.
- (6) The commission shall make statements filed under ORS 244.050, 244.100 and 244.217 available in a searchable format for review by the public using the Internet.

**244.300 Status of records.** (1) Records of the Oregon Government Ethics Commission are public records of this state.

(2) All information submitted to the commission in any statement required under this chapter is a public record. [1974 c.72 §18; 1977 c.588 §9; 2007 c.865 §35]

**244.310 Executive director.** (1) The Oregon Government Ethics Commission shall appoint an executive director to serve at the pleasure of the commission.

(2) The executive director is responsible for the administrative operations of the commission and shall perform such other duties as may be designated or assigned to the executive director from time to time by the commission.

(3) The commission may not delegate the power to adopt rules or issue commission advisory opinions to the executive director. The executive director may issue staff advisory opinions as provided in ORS 244.282. [1974 c.72 §16; 2007 c.865 §16]

**244.320 Manual on government ethics; revision.** (1) The Oregon Government Ethics Commission shall prepare and publish a manual on government ethics that explains in terms understandable to legislative and public officials and the public the requirements of this chapter and the commission's interpretation of those requirements whether stated by rule or in an opinion. The manual shall set forth recommended uniform reporting methods for use by persons filing statements under this chapter.

(2) In preparing the manual, the commission shall consider the format of the manual prepared by the Attorney General to guide public officials and the public in the requirements of ORS chapter 192.

(3) The commission shall update the manual as often as the commission believes necessary but no less frequently than once every four years.

(4) The commission shall make copies of the manual available in an electronic format on the Internet. [1991 c.522 §2; 2007 c.865 §36]

**244.330 Distribution of manual on government ethics.** The Oregon Government Ethics Commission shall distribute, insofar as is practicable, copies of its ethics manual to every public official. The commission shall seek the assistance of professional associations that represent public officials in its efforts to comply with this section. [1993 c.714 §4]

**Note:** 244.330 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 244 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**244.340 Continuing education program.** The Oregon Government Ethics Commission shall prepare and present a program of continuing education for public officials. The commission may use its own staff or may contract for the preparation or presentation of the program of continuing education. [1993 c.714 §5; 2007 c.865 §37]

**244.345 Oregon Government Ethics Commission Account.** The Oregon

Government Ethics Commission Account is established separate and distinct from the General Fund. All moneys received by the Oregon Government Ethics Commission, other than appropriations from the General Fund, shall be deposited into the account and are continuously appropriated to the commission to carry out the duties, functions and powers of the commission. [2001 c.716 §11; 2007 c.865 §40a]

## ENFORCEMENT

**244.350 Civil penalties; letter of reprimand or explanation.** (1) The Oregon Government Ethics Commission may impose civil penalties not to exceed:

(a) Except as provided in paragraph (b) of this subsection, \$5,000 for violation of any provision of this chapter or any resolution adopted under ORS 244.160.

(b) \$25,000 for violation of ORS 244.045.

(2)(a) Except as provided in paragraph (b) of this subsection, the commission may impose civil penalties not to exceed \$1,000 for violation of any provision of ORS 192.660.

(b) A civil penalty may not be imposed under this subsection if the violation occurred as a result of the governing body of the public body acting upon the advice of the public body's counsel.

(3) The commission may impose civil penalties not to exceed \$250 for violation of ORS 293.708. A civil penalty imposed under this subsection is in addition to and not in lieu of a civil penalty that may be imposed under subsection (1) of this section.

(4)(a) The commission may impose civil penalties on a person who fails to file the statement required under ORS 244.050, 244.100 or 244.217. In enforcing this subsection, the commission is not required to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050, 244.100 or 244.217 has occurred.

(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 244.050, 244.100 or 244.217.

(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement is late beyond the date set by law, or by the commission under ORS 244.050, and \$50 for each day thereafter. The maximum penalty that may be imposed under this subsection is \$5,000.

(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions that may be imposed under ORS 244.380.

(5) In lieu of or in conjunction with finding a violation of law or any resolution or imposing a civil penalty under this section, the commission may issue a written letter of reprimand, explanation or education. [1974 c.72 §19; 1977 c.588 §10; 1987 c.360 §3; 1993 c.743 §29; 1993 c.747 §2; 1997 c.750 §2; 2005 c.179 §3; 2007 c.865 §18; 2007 c.877 §11a]

**244.355 Failure to file trading statement.** A person who intentionally fails to file a complete and accurate statement under ORS 244.055 commits a Class C felony. [2007 c.865 §31]

**244.360 Additional civil penalty equal to twice amount of financial benefit.** In

addition to civil penalties imposed under ORS 244.350, if a public official has financially benefited the public official or any other person by violating any provision of this chapter, the Oregon Government Ethics Commission may impose upon the public official a civil penalty in an amount equal to twice the amount the public official or other person realized as a result of the violation. [1974 c.72 §20; 1987 c.566 §21; 2007 c.865 §19; 2007 c.877 §12a]

**244.370 Civil penalty procedure; disposition of penalties.** (1) Any civil penalty under ORS 244.350 or 244.360 shall be imposed in the manner prescribed by ORS 183.745.

(2) Notwithstanding ORS 183.745, a hearing is required in all cases prior to imposition of a penalty unless the public official or candidate waives the hearing. The public official or candidate to whom the notice is addressed has 10 days from the date of service of the notice in which to waive a hearing before the Oregon Government Ethics Commission and the public official or candidate shall be so notified.

(3) All penalties recovered under ORS 244.350 and 244.360 shall be paid into the State Treasury and credited to the General Fund. [1974 c.72 §21; 1977 c.588 §11; 1989 c.706 §10; 1991 c.734 §13; 2007 c.865 §25]

**244.380 Additional sanctions for failure to file statement of economic interest.** (1) If the Oregon Government Ethics Commission has imposed a civil penalty under ORS 244.350 on a public official or candidate for failing to file a statement of economic interest required under this chapter or a resolution adopted under ORS 244.160 and the public official or candidate continues to refuse to file the statement, the following apply:

(a) The commission shall notify the Oregon Department of Administrative Services or the local public body, as defined in ORS 174.109, that the public official serves of the failure to file a statement of economic interest. Except for judges, during the period beginning on the date the department or public body receives notice from the commission and ending on the date the public official files the statement of economic interest, the department or public body may not pay compensation to the public official and the public official may not begin or continue to exercise the official duty of the public official. In the case of a public official who does not receive compensation, the public official may not begin or continue to exercise the official duty of the public official until the public official files the statement of economic interest.

(b) In the case of a candidate for public office, the commission shall notify the appropriate chief elections officer of the candidate's failure to file the statement required by this chapter. The chief elections officer shall:

(A) If the notice is received on or before the 61st day before the date of the election, cause the name of the candidate to be removed from the ballot on which the name of the candidate would otherwise appear; or

(B) If the candidate has been nominated or elected, refuse to issue a certificate of nomination or election.

(2) If the name of a candidate for public office is removed from the ballot as provided in subsection (1) of this section, the name shall be removed in accordance with ORS 254.165.

(3) As used in this section, “chief elections officer” has the meaning given that term in ORS 254.005. [1974 c.72 §23; 1975 c.543 §12; 1977 c.588 §12; 1987 c.566 §22; 1995 c.607 §69; 2007 c.865 §20]

**244.390 Status of penalties and sanctions; consideration of other penalties imposed.** (1) A penalty or sanction imposed by the Oregon Government Ethics Commission under this chapter is in addition to and not in lieu of any other penalty or sanction that may be imposed according to law.

(2) Before making a finding that there is cause to undertake an investigation under ORS 244.260 and before imposing a civil penalty under ORS 244.350 or 244.360, the commission shall consider the public interest and any other penalty or sanction that has been or may be imposed on the public official as a result of the same conduct that is the subject of action by the commission under ORS 244.260.

(3) Nothing in this chapter is intended to affect:

(a) Any statute requiring disclosure of economic interest by any public official or candidate for public office.

(b) Any statute prohibiting or authorizing specific conduct on the part of any public official or candidate for public office. [1974 c.72 §25; 2007 c.865 §2; 2007 c.877 §39a]

**244.400 Attorney fees for person prevailing in contested case.** (1) A person who prevails following a contested case hearing under this chapter or ORS 171.778 shall be awarded reasonable attorney fees at the conclusion of the contested case or on appeal.

(2) Upon prevailing following a contested case hearing or lawsuit, the person may petition the Marion County Circuit Court for the purpose of determining the award of reasonable attorney fees. The Oregon Government Ethics Commission shall be named as a respondent in the petition. The petitioner and respondent shall follow the procedure provided in ORCP 68 for the determination of reasonable attorney fees. The court shall give precedence on its docket to petitions filed under this subsection as the circumstances may require.

(3) An appellate court shall award reasonable attorney fees to the person if the person prevails on appeal from any decision of the commission.

(4) Attorney fees to be awarded under this section shall be only those fees incurred by the person from the time the commission notifies the person that it has entered an order to move to a contested case proceeding.

(5) Any attorney fees awarded to the person pursuant to this section shall be paid by the commission from moneys appropriated or allocated to the commission from the General Fund. [1991 c.770 §9; 1993 c.743 §30; 2007 c.865 §26]

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## CHAPTER 245

[Reserved for expansion]

Appendix E

Chapter 357.216-357.286 — Library Districts



Oregon Library Laws - Revised Statutes - Library Districts

Article Content

Oregon Revised Statutes

Chapter 357 - Libraries; Archives ; Poet Laureate

LIBRARY DISTRICTS

357.216 Definitions for ORS 357.216 to 357.286. As used in ORS 357.216 to 357.286, unless the context requires otherwise:

(1) "County governing body" means the county court or board of county commissioners of the county.

(2) "County" means the county in which the administrative office of the district is located.

(3) "District" means a library district formed under ORS 198.010, 198.180, 198.520, 198.710, 255.012, 357.216 to 357.286 and 357.400.

(4) "District board" or "board" means the governing body of a district. 357.221 District formation; petition requirements.

(1) A library district may be created as provided in ORS 198.705 to 198.955 and 357.216 to 357.286.

(2) In addition to other required matters, a petition for formation of a district shall state the method of election of the board of the proposed district from among the methods described in ORS 357.241.

357.223 Multicounty district formation; procedure.

(1) In addition to other methods for formation of a district authorized under ORS chapter 198 and ORS 357.216 to 357.286, the governing body in each of two or more counties may initiate the formation of a multicounty district, to be located entirely within those counties, by an order setting forth:

(a) The intention of the county governing body to initiate the formation of a district and citing the principal Act.

(b) The name and boundaries of the proposed district.

(c) The date, time and place of a public hearing on the proposal.

(2) The orders issued under subsection (1) of this section must be substantially similar, set forth the same name and boundaries for the proposed district and be issued within a 90-day period.

(3) Each county governing body issuing an order under this section shall hold a public hearing on the proposal.

(4) After the public hearings held by each county governing body, further hearings and the election on the proposal, and election of board members, shall be conducted as provided by ORS 198.800 to 198.825 except that:

(a) Hearings shall be conducted by the governing body of the principal county involved in the proposed formation; and

(b) Notwithstanding ORS 198.810 (3), the governing body of the principal county shall provide by order for the holding of an election to submit to the electors registered within the proposed district the question of forming the district.

(5) As used in this section, "principal county" has the meaning given that term in ORS 198.705.

357.226 District board members; appointment of librarian.

(1) The officers of the district shall be a board of five members, to be elected by the electors of the district. The district board shall appoint a district librarian, who shall be the secretary for the district.

(2) Any elector residing within the district shall be qualified to serve as a district board member.

357.231 Number of board members; terms.

(1) Five district board members shall be elected at the election for district formation. Nominating petitions or declarations of candidacy described in ORS 249.031 shall be filed with the county governing body. The fee for a declaration of candidacy shall be as prescribed in ORS 255.235.

(2) If the effective date of the formation of the district occurs in an odd-numbered year, two district board members shall be elected for four-year terms and the other three district board members shall be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, two district board members shall be elected for three-year terms and the other three district board members shall be elected for one-year terms.

(3) Each district board member shall hold office until election and qualification of a successor.

357.233 Election laws applicable.

(1) ORS chapter 255 governs the following:

(a) The nomination and election of district board members.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205.

357.236 Election of board members; vacancy.

(1) If two or three board members are to be elected at a regular district election at large, the candidates receiving the highest number of votes shall be elected. If one or more board members are to be elected by zone, the candidate receiving the highest number of votes in each zone shall be elected.

(2) Each district board member elected shall take an oath of office and shall hold office from July 1, next following election.

(3) The district board shall fill any vacancy on the board as provided in ORS 198.320.

(4) The term of a district board member is four years.

357.241 Method of electing board members.

(1) The district board members may be elected in one of the following methods or a combination thereof:

(a) Elected by the electors of zones as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by position number by the electors of the district.

(2) Candidates for election from zones shall be nominated by electors of the zones.

357.246 Change in method of electing board members.

(1) This section establishes the procedure for determining whether the method adopted in a district for nominating and electing board members should be changed to another method described in ORS 357.241. The question shall be decided by election. The district board:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(3) If the question proposes creation of zones or a change in the number of existing zones, the following requirements shall apply:

(a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect in the ballot title shall not exceed 150 words. The statement:

(A) Shall specify the method of election of board members from among the methods described in ORS 357.241. The statement also shall specify whether, in filling each position on the board, an elector of the district may sign a petition of nomination or vote for a candidate from any zone or only for a candidate from the zone in which the elector resides.

(B) Shall include a general description of the proposed boundaries of the zones, using streets and other generally recognized features.

(c) The order calling the election shall contain a map of the proposed zone boundaries and a metes and bounds or legal description of the proposed zone boundaries. The map and description shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made in the boundaries under subsection (6) of this section.

(4) The map to be contained in the petition under subsection (3) of this section shall be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk shall not accept the prospective petition for filing until the chief petitioners have paid the amount due.

(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

(6) Before submitting to election a question to which subsection (3) of this section applies, the district board shall adjust the proposed boundaries of the zones to make them as nearly equal in population as feasible according to the latest federal census. The district board shall amend the ballot title as necessary to reflect its adjustment of the boundaries.

(7) If the electors of the district approve the establishment of zones or a change in the number of existing zones, board members shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by electors who reside within zones which are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member shall be decided by lot.

357.251 Zone boundaries. The board shall adjust the boundaries of zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The district board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district.

357.253 Boundary change to be filed with county assessor and Department of Revenue. For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

357.256 Board as district governing body; selection of president.

(1) The district board shall be the governing body of the district and shall exercise all powers thereof.

(2) At its first meeting or as soon thereafter as may be practicable, the board shall choose one of its members as president.

357.261 District powers. A library district has the power:

(1) To have and use a common seal.

(2) To sue and be sued in its name.

(3) To make and accept any and all contracts, deeds, leases, releases and documents of any kind which, in the judgment of the board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(4) To assess, levy and collect taxes to pay the cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining a library or any lawful claims against the district, and the operating expenses of the district.

(5) To employ all necessary agents and assistants.

(6) To call elections after the formation of the district.

(7) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.

(8) Generally to do and perform any and all acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

(9) Whenever authorized by the electors, to issue general obligation bonds of the district. However, the aggregate amount of general obligation bonds issued and outstanding at any one time shall not exceed two and one-half percent of the real market value of all taxable property of the district, computed in accordance with ORS 308.207.

(10) To exercise those powers granted to local government units for

public libraries under ORS 357.410.

357.266 Financing district activities; limitation on assessment. Each year the district board shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district. The total amount in dollars and cents shall not exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the district computed in accordance with ORS 308.207.

357.271 Sinking funds for acquisition of facilities; limitation on use of funds. The board, by resolution duly adopted, may establish sinking funds for the purpose of defraying the costs of acquiring land for library sites, and for acquiring or constructing buildings or facilities. A sinking fund may be created through the inclusion annually within the tax budget of the district of items representing the yearly installments to be credited to the fund. The amount of these items shall be collected and credited to the proper fund in the same manner in which taxes levied or revenues derived for other purposes for the district are collected and credited. The balances to the credit of the funds need not be taken into consideration or deducted from budget estimates by the levying authority in preparing the annual budget of the district. None of the moneys in sinking funds shall be diverted or transferred to other funds, but if unexpended balances remain after disbursement of the funds for the purpose for which they were created, such balances, upon approval by resolution of the board, shall be transferred to the operation and maintenance fund of the district.

357.276 Deposit and disbursement of district funds.

(1) The money of the district shall be deposited, in the discretion of the district board, either with the county treasurer of the county, in accordance with subsections (2) to (4) of this section, or in one or more banks or savings and loan associations to be designated by the board. Funds deposited in a bank or savings and loan association shall be withdrawn or paid out only upon proper order and warrant or check signed by the secretary and countersigned by the president of the district board. The board may by resolution designate a secretary pro tempore or a president pro tempore who may sign warrants or checks on behalf of the secretary and president, respectively.

(2) If district funds are deposited with the county treasurer, when the tax collector pays over to the county treasurer moneys collected for a district, the county treasurer shall keep the moneys in the county treasury as follows:

(a) The county treasurer shall place and keep in a fund called the operation and maintenance fund of the district (naming it) the moneys levied by the district board for that fund.

(b) The county treasurer shall place and keep in a fund called the construction fund of the district (naming it) the moneys levied by the board for construction, reconstruction and alteration.

(3) The county treasurer shall pay out moneys from the funds only upon the written order of the board, signed by the president and countersigned by the secretary. The order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made. The order shall be entered in the minutes of the board.

(4) The county treasurer shall keep the order as a voucher, and shall keep a specific account of the county treasurer's receipts and disbursements of money for the district.

357.281 Legal assistance. The district board may call upon the district attorney for the advice as to any district business. The district attorney shall give advice when called on therefor by the board. The board may at any time employ special counsel for any purpose.

357.286 Retirement system for employees. A district may establish an employees' retirement system as provided for rural fire protection districts under ORS 478.355 to 478.370.