



OREGON ASSOCIATION OF MUNICIPAL RECORDERS

CITY RECORDER'S PROCEDURE MANUAL

2011 EDITION

PREFACE

The City Recorder's Procedure Manual Committee was given the responsibility of developing a manual that covers the primary functions of the City Recorder. The manual was designed to be used as a tool to assist Recorders in learning about procedures common to their profession. The manual was first published in 1998, and revised in 1001, 2003, 2004, 2008, 2009, and 2011.

Throughout our state the duties and responsibilities of City Recorders vary from city to city, yet there are many functions are common for all of us. The Committee realized from the beginning (and we're sure you understand) that it would be impossible to cover the detailed procedures for every function performed by every Recorder in the State. So we have focused primarily on what we consider to be the most common primary functions of the position we hold in local government. We've also referred to numerous resources that we feel are invaluable, but thought some Recorders may not even realize are available to each of us. We've also reminded everyone that sometimes the solutions to your problems may be answered by a search in your own City's records.

Many changes are facing us as City Recorders, prompting a greater need than ever to continue our education, broaden our perspectives and increase our skills. In these changing times, we must strive to protect and promote the importance of our positions in local government. One of the best ways for us to do that is to become unified in our approach to carrying out our duties in a more effective and professional manner.

We hope this manual will become a valuable reference tool not only for all new City Recorders but for those of us who have been around awhile as well. It is the hope of OAMR and the members of this Committee that by utilizing the information in this manual, City Recorders across the state will become known as a very strong, "unified" group of professionals in local government.

OAMR CITY RECORDER'S PROCEDURE MANUAL COMMITTEE

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- The OAMR Board for its support and encouragement;
- The Washington Municipal Clerk's Association for providing us with a sample City Clerks Handbook to use as our guideline;
- The League of Oregon Cities, Dick Townsend, Director (retired), for authorizing us to use language from the League's Handbook for Oregon City Councilors in many chapters throughout our manual; and for the League's generous donation toward the publishing cost of our manual;
- The Attorney General's Office for authorizing direct use of material from the Oregon Attorney General's Public Records and Meetings Manual in the chapters of our manual dealing with public records and meetings, and the Oregon Attorney General's Model Public Contract Rules Manual in the chapter of our manual which addresses public contracting the purchasing;
- The International Institute of Municipal Clerks for being a continuing source of information and support to all of us;
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City Recorder's Procedure Manual Committee

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TITLE I

THE CITY RECORDER

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CHAPTER 1.02

THE OLDEST GOVERNMENT PROFESSION

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Recorders (OAMR)**
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- 1.02.040 The IIMC Certified Municipal Clerk (CMC)**
- 1.02.050 The IIMC Master Municipal Clerks Academy (MMC)**

1.02.010 The History of the Profession. The profession of Municipal Clerk/City Recorder is a time-honored and historical one, extending to biblical times and beyond, and along with the tax collector, is one the oldest of public servants. The Old Testament of the English Bible (II Samuel, I and II Kings, Isaiah, and I and II Chronicles) called the Clerk the "Recorder," who was "one who caused to remember" or "called to mind." The New Testament refers to "Clerk" rather than "Recorder." The "Clerk" was among the highest of Court Officials -- the Chancellor who called the King's attention to important matters of state.

The Town Clerk was an official of varied powers and functions in different parts of the Greek world and was also recognized by the Romans in their colonial world. It was the Town Clerk who persuaded the rioting citizens of Ephesus to leave the followers of St. Paul unharmed and to return to their homes, thus preserving law and order (Acts XIX). Ancient Greece had a City Secretary who read official documents publicly. At the opening of a meeting, one of his duties was to read a curse upon anyone who should seek to deceive the people.

The early keepers of the archives were often called Remembrancers, and before writing came into use, their memory was the public record. The title as we know it is derived from the middle ages. A "Clerk" was any member of a religious order, a "Cleric" or "Clergyman." Since, for all practical purposes, the scholarship of the Middle Ages was limited to the Clergy, the name "Clerk" came to be synonymous with "scholar."

The Office of Clerk can be traced back to the year 1272 A.D. in the History of the Corporation of Old London. In the 1550's in England, there was not only the "Towne Clarcke" but also the "Clerc Comptroller of the King's Honorable Household." In 1603, there was a "Clarke General of the Armie." King Henry the Eighth had a "Clarke of the Spicery" and King Charles had his "Clerk of the Robes."

When the early colonists came to America, they set up forms of local government to which they had been accustomed, and the office of Clerk was one of the first established. The colony at Plymouth, Massachusetts, appointed a person to act as a Clerk to keep all the vital records for birth, marriages and deaths for the church as well as other records of appointments, deeds, meetings and election of officers. They were aware of the importance of keeping accurate written records of their agreements and actions including grants of land, regulations governing animals, the collection of taxes and the expenditure of town funds. The Town Clerk of Middleboro, Massachusetts in the late 1600's or early 1700's was compensated with "one load of fish taken at the herring-weir and delivered to his house." Three centuries later, one of his seven great grandchildren served as City Recorder for the City of Newport, Oregon.

Over the years, Municipal Clerks/Recorders have become a major representative of government, the "hub of the wheel of local government," the direct link between the residents of their municipalities and their government. The Clerk/Recorder is the historian of the community, for the entire recorded history of the town and its people is in the Clerk's care. Of all the local government positions, the Office of the Clerk/Recorder has been preserved and may be found in virtually every unit of local government in the world.

The eminent political scientist, Professor William Bennett Munro, writing in one of the first textbooks on municipal administration, described the City Clerk/Recorder's position as follows:

"No other office in municipal service has so many contacts. It serves the Mayor, the City Council, the City Manager (when there is one), and all administrative departments without exception. All of them call upon it, almost daily, for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."

Those words, written 40 years ago, are even more appropriate today.

1.02.020 The History and Makeup of the Oregon Association of Municipal Recorders (OAMR). In 1981, City Recorder Mary Carder from Beaverton met City Clerk Marge Price from Kennewick, Washington. Marge told Mary about the Washington Municipal Clerks Association and offered to help Mary establish a similar organization for the Recorders in Oregon. From the meeting of those two individuals, OAMR roots began to grow. At the League of Oregon Cities Conference in 1982, Mary Carder met with a handful of other Recorders and began to plan and develop the organization we now know as The Oregon Association of Municipal Recorders (OAMR). Marge Price (now known as OAMR's "Founding Mother") convinced this small group of City Recorders that a statewide professional organization for Recorders would provide an invaluable networking system, the opportunity to share ideas statewide and a forum to keep City Recorders up to date on state laws affecting their positions and their municipalities. In 1983, goals and objectives, a mission statement and bylaws were adopted and officers were elected at the first OAMR Conference in Eugene.

The goals and objectives adopted in 1983 recognized the profession of the City Recorder position, the need to further the education of its members, and develop a mechanism for members to share information. The long distances between jurisdictions may have shrunk due to annexation, but Oregon still has a variety of demographics -- from the urban, highly developed areas of the metropolitan cities, to rural jurisdictions. Communication options have mushroomed. Technology has come a long way with the advent of personal computers, fax machines, satellites and the Internet. This technology has made it easier to communicate between Recorders across the state; but at the same time, it has challenged us to keep informed and up to date on advancements and seek training in new areas.

The OAMR mission was revised in 2004 to:

To enhance the quality of our office and to encourage dedication to our profession, by providing educational experiences of the highest quality as well as promote the professionalism of the office of municipal recorder.

The OAMR goals were revised in 2004 to:

- Promote OAMR Membership throughout the State of Oregon.
- Develop the incentive for professionalism through education of all members.

- Provide programs and activities that will assist in the welfare and positive progression of municipal government.
- Foster closer relationship between recorders in the State of Oregon, and promote the interchange of information between them.
- Promote OAMR among other professional organizations.

The OAMR objections were revised in 2004 as follows:

- Encourage each and every Municipal Recorder, Clerk and related staff in the State of Oregon to become actively involved in the Oregon Association of Municipal Recorders.
- Provide educational opportunities for all members.
- Keep all members informed of new laws or decisions which may affect their municipality.
- Discuss and analyze the proposed laws of the State of Oregon, and formulate, review and evaluate legislation affecting Municipal government.
- Periodically review by-laws.
- Maintain an equitable and affordable dues structure.
- Provide a current newsletter and mailing list.
- Maintain a current directory with members names, objectives, by-laws, goals and mission statement.
- Increase participation in the IIMC Certification Program and MMC program.
- Continue fundraising promotion for educational scholarship programs and future conference activities.
- Continue promotion of the Mentor Program.
- Work with State Government and other agencies for involvement in the review process of records management, election procedures, and other aspects that affect local government.

In 2000, the OAMR Executive Board approved the following Code of Ethics:

- Dedicated to the concepts of continued education, high quality service and professionalism.
- Affirm the dignity and worth of the services rendered. Maintain a constructive, creative and practical attitude and keep a deep sense of social responsibility as a trusted public servant.
- Remain dedicated to ideals of honor and integrity. Insist on performance which will merit the respect and confidence of peers and public.
- Recognize the City Recorders' role as a major representative of government, the direct link between the residents of their municipalities, their government and all local government positions.
- Provide information and assistance as requested and uphold and implement municipal policies adopted by elected officials.
- Make it a duty to improve professional ability and develop competence.
- Emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
- Handle each problem without discrimination on the basis of principle and justice.
- Seek no favor; believe that personal gain or profit secured by confidential information or misuse of public time is dishonest.

Over the years, Oregon Municipal Recorders have played an important role in developing procedures, manuals and training for its members throughout the state. Some of these include:

- Working with the State Elections Office to update the Contributions and Expenditures reporting procedures and forms, making election-related duties of the Recorder less complicated;
- Testifying and monitoring legislative bills that would impact or affect the Municipal Recorder;
- Working with the State Archives Division to develop and update a City Records Retention Schedule to serve as a basis for all cities in the state to follow, instead of each city developing its own schedule;
- Working with the State Archives Division to develop “Public Records: A Manual for Creating a Disaster Preparedness and Recovery Plan” to serve as a guide for preventing an avoidable record disaster and minimizing damage to public records;
- Working with the State Archives Division to develop other manuals and videos, for use by City Recorders:
 - Disaster Recovery Manual and video posted on SOS website.
 - E-Policy Manual (created 2003-04, finalized 2004-05)
 - City Records Management Manual (updated 2004-05)
 - Template or example City Records Management Brochure with instructions for downloading and inserting your city logo.
 - Historical Records Preservation Manual (created 2009)
 - Records Management/Retrieval System (as shown in PD1)

** To access these manuals, videos, and templates, go to <http://www.oamr.org/Committees/Records%20Management.pdf>, and click on the documents within the PDF document to access a Word document that can be downloaded and edited to fill your needs.*
- Conducting day-long academy sessions on subjects that need more than a few hours to be addressed;
- Assisting the League of Oregon Cities in presenting "Newly Elected Officials Workshops" across the state to help newly elected officials understand the resource they have in their City Recorder; and
- Conducting “On the Road” workshops that allow recorders with specific expertise on topics of particular interest to recorders to bring timely presentations to groups around the state.

One of the most successful and beneficial training programs developed by the Recorders' Association is the OAMR Mentor Program. It was developed specifically because the organization recognized the need of newly appointed Recorders and Clerks to have professional resources and support available to them in the form of experienced people in similar positions. Mentoring is a way of sharing both the formal and informal knowledge necessary to achieve effective and efficient methods of performing professional duties and reaching personal and professional goals. New Recorders and Clerks interested in participating in the OAMR Mentor Program are matched with an experienced professional in a municipality located as close as possible and whose duties are similar. The Mentor provides advice, assistance and support to help the new Recorder to become strong and self-sufficient in the administration of his/her duties and to progress in his/her professional development. OAMR's Mentoring & Leadership Development Committee is responsible for this program.

OAMR is divided geographically into seven regions, with a Director elected to serve and lead the members of each region. The OAMR Executive Board consists of the President, 1st Vice-President, 2nd Vice-President, Secretary, Treasurer and the seven Regional Directors. OAMR has several committees that concentrate on a specific aspect of the goals and objectives of the organization.

Our list of committees includes:

- Audit Committee;
- By-Law Committee;
- Conference Committee;
- City Recorder's Procedure Manual Committee;
- Education Committee;
- Historical Preservation Committee;
- IIMC Conference Committee;
- Internet Committee;
- Legislative Committee;
- Membership Committee;
- Mentoring & Leadership Development;
- Newsletter Committee;
- Nominating Committee;
- NW Clerks Institute Education Committee;
- Professional Growth & Development Committee;
- Records Management Committee;
- Retired Clerks Committee;
- Scholarship Committee; and
- Special Projects/Fundraising Committee.

1.02.030 The International Institute of Municipal Clerks (IIMC). The International Institute of Municipal Clerks (IIMC), founded in 1947, is the professional association of 10,000 plus city, county, district, village, town and borough Clerks/Recorders in every U.S. state and Canadian province and in 15 other countries including Australia, Belgium, Bulgaria, Israel, New Zealand, Peoples Republic of China, South Africa, Switzerland, Taiwan, Thailand, The Netherlands, United Arab Emirates (UAE) and the United Kingdom.

Through its Management Information Center, IIMC provides surveys, research, bulletins, case studies and ordinance compilations on a variety of subjects affecting the operations of the Municipal Clerk/Recorder's Office. The purpose of IIMC is to improve the administration of state, provincial, county and local government through officials and persons vested with the powers and duties commonly known as City Clerks, Secretaries or Recorders.

IIMC's primary goal is to actively promote the continuing education and professional development of Municipal Clerks through extensive education programs, certification, publications, networking, annual conferences and research. As an educational catalyst, IIMC inspires Clerks/Recorders to expand and advance beyond their present levels of development.

IIMC also engages in municipal research administration, enhances critical professional skill development and fosters a spirit of mutual assistance and good fellowship among Municipal Clerks around the globe.

IIMC is divided into 11 geographic Regions. Oregon is in Region IX along with California, Washington, Alaska and Hawaii. Membership in IIMC is strongly recommended for every person in the Recorder's position. Membership fees are based upon the city's population.

Additional Full Members and Associate Members are \$75.00 per year. You must be a member of IIMC in order to apply for certification.

1.02.040 The IIMC Certified Municipal Clerk (CMC). One of the most vital services and opportunities provided to members of IIMC is the Professional Certification Program. This program was initiated in 1969 by the membership of IIMC to recognize those Clerks and Recorders who had achieved basic levels of professional competency. The Northwest Clerks Institute is conducted by Washington State University Center for Distance and Professional Education. The program consists of three Professional Development segments (PD I, II and III) of on-campus education held at the University of Puget Sound in Tacoma, Washington. The education provided through this program is designed specifically for Municipal Clerks/Recorders and is unique to our profession. Applicants are required to attain 60 points of Education as well as 50 points of Experience. Upon completing all point requirements of the program and fulfilling the two year membership requirement, the CMC designation is granted and qualified Recorders earn the prestigious recognition of being "Certified" (through IIMC) to perform the duties and responsibilities of the office they hold. More information on the CMC Program can be found here: <http://iimc.com/index.aspx?NID=126>. It is the belief of those who have completed this training that there is nothing that can compare to the value of this program -- this is highly specialized training that you cannot get from any other source. It will also help you realize just what an important position in local government Recorders hold. The program will instill in you, a degree of pride toward your profession that will leave you a much stronger, more professional and capable individual with a yearning to continue on to the next level of expertise.

1.02.050 The IIMC Master Municipal Clerks Academy (MMC). Education through IIMC does not end with the Professional Certification Program. For those who seek further education and recognition, IIMC offers the Master Municipal Clerks designation. This post-Certification program encourages those in our profession to continue their growth and development; it honors and salutes high-level achievement. The Academy's purpose is to promote, guide and recognize individual accomplishments in continued professional and personal development. It rewards personal efforts in advanced management and leadership education, participation in professional organizations and personal contributions that enhance the profession in significant ways. Once accepted into the Master Municipal Clerks Program, applicants must attain 60 points in the Advanced Education category and 40 points in the Professional and Social Contributions category to earn their MMC. More information on the MMC Program can be found here: <http://iimc.com/index.aspx?NID=128>. A Recorder can apply for the MMC Program after receiving the CMC Certification. All work to be used towards the MMC designation must be dated after the date an applicant receives the CMC designation. The Northwest Clerks Institute offers a Master Academy conducted by the Washington State University Center for Distance and Professional Education. The program (PD IV) consists of an advanced educational opportunity held on-campus at the University of Puget Sound in Tacoma, Washington. This Academy is for:

- Recorders who currently possess their CMC or MMC designation.
- Those who have completed a CMC Institute (PD I, II and III) and received their CMC certification.
- Those who are working on or who have achieved their MMC.

CHAPTER 1.04

PROFESSIONAL MANAGEMENT OF THE RECORDER'S OFFICE

Sections:

1.04.010	Fundamental Principles
1.04.020	Functional Divisions
1.04.030	Planning
1.04.040	Organizing
1.04.050	Staffing
1.04.060	Directing
1.04.070	Controlling
1.04.080	Management Summary
1.04.090	Office Notebook--Contents

1.04.010 Fundamental Principles. The office of Recorder has many varied functions and responsibilities among Oregon cities. The multiple roles of the Recorder are discussed in Chapter 1.10. Regardless of the “number of hats” we each wear, all our offices should be professionally managed to efficiently accomplish our responsibilities. There are fundamental principles that apply equally. This Chapter outlines basic procedures to assist new and experienced Recorders who are seeking to upgrade office operations.

1.04.020 Functional Divisions. Management may be conceptually divided into five functions: planning, organizing, staffing, directing and controlling. Often, more than one of these concepts is operable simultaneously in our work, but it helps to separate them when thinking about how we do our jobs and how we could improve.

1.04.030 Planning. The old adage, "Plan your work and work your plan," was never more appropriate than in today's rapidly changing world. Without a basic plan of operation, a Recorder is ill-equipped to deal with an emergency or a demand for special service or assistance. It is vital to reserve time to review procedures, study new methods and plan for the future.

Planning is simply a matter of determining in advance what will need to be done. Planning in the municipal field takes many forms, including deciding how to obtain additional revenue, how to meet the demands of expanding service areas, how to manage public information programs and how to meet existing service requirements. The Recorder must decide what is going to be done, when the tasks will be undertaken and when they are expected to be completed.

There has been much discussion recently about establishing goals and “managing by objectives.” “Goals” may be thought of as visions for a better product, program or process for doing things. Your goals as a Recorder should be consistent with the goals of your city, whether stated by the Council, your Mayor or your Manager/Administrator. You should, however, also have a personal conviction (a “vision”) in the goals for your office or department. If goals assigned to your office or department seem unrealistic or inappropriate to you, remember that effective Recorders strive to influence their supervisors to work with them to set more realistic or appropriate goals.

Once your goals are set, you can break them down into measurable objectives, for which you can plan. Planning to meet your objectives involves budgeting funds, planning the timeframe and

staffing for the project, purchasing needed supplies and making contacts to obtain the necessary information you need.

1.04.040 Organizing. Organizing is the answer to "How will the work be divided and accomplished?" If you supervise people, delegation is a very important part of the organizing function. Delegation involves assigning duties, granting the authority to accomplish the tasks and allowing subordinates to assume responsibility for the tasks. Delegation does not mean that the supervisor has given away the ultimate responsibility, but that the work for which he/she is responsible is being accomplished through other people.

Even if you do not supervise others in your office, organization is still essential. In order to organize your work, you need a complete list of work details, including the time required for each task. The inventory must include all functions, regardless of the degree of importance, and should be prepared by the person performing the work.

Once aware of the work details that comprise your objectives, you can distribute the work over time and personnel. Distribution includes scheduling of work by priorities, as well as assignment of personnel to specific duties. Certain functions, such as publishing and mailing legal notices, have inherent deadlines and demand higher priorities than indexing, filing, miscellaneous correspondence, etc., which, although important, may be done during less critical time periods. A degree of flexibility must be maintained in any work schedule to allow for unexpected interruptions or unusual requests. If staff allocation permits, it is desirable to assign definite responsibilities for certain functions to those employees who appear to have aptitudes and interests in specific areas. This promotes a sense of identity through specialization and encourages pride of position. Care should be taken to cross train employees to substitute in the event of illness, vacation or resignation.

Organized work areas facilitate an efficient work flow. For maximum productivity and professionalism, work stations and facilities should be laid out to permit a smooth flow of work from person to person with easy access to machines, equipment, files and work areas. If space permits, there should be a conveniently located service counter for public use. The citizen coming to the counter must feel free to state requests or problems without distractions of employees moving around him/her or, even worse, being required to move aside to permit someone to enter or leave the area. Employees serving the counter should be located in reasonable proximity to avoid delay in service.

The operations of the City Recorder's department should be reviewed periodically, using the work inventory records described above, and, if possible, steps should be taken to simplify work. Even those functions dictated by legal requirements should be studied for any possibility of increasing efficiency insofar as the actual mechanics of operation are concerned. Review of operations may also disclose some practices that seem to have no reason for existence, other than custom. In considering elimination of any traditional function, however, the Recorder must carefully weigh anticipated timesaving advantages against possible negative response from the public. In addition, changes are sometimes difficult for other staff members. If you implement a change that affects other people in your department, it is a good idea to involve them in planning the change and to listen sincerely to their suggestions.

You may be able to streamline your workload with the use of form letters, personalized on a computer, for such matters as frequent communications to Council; notification of bid awards; notice to contractors to commence work; memos advising of Council action; and transmittal of requested information or copies of documents. Also, don't overlook use of the telephone in lieu of a written response; it takes less time than preparing a letter and offers the further advantage of a personal contact with the citizen. Preparation of "handout" material covering the most

frequently asked questions is also helpful. Another time saver is the use of e-mail as a communication tool. As a communication tool, it is important to represent your agency in a professional manner and respond to email clearly and efficiently. An E-mail Policy Manual for Local Government has been developed by the Oregon State Archives and OAMR. This Manual serves as a tool to help local government agencies answer questions relating to e-mail.

1.04.050 Staffing. Staffing includes the selection of employees and determining whether there are qualified employees to fill the available positions. This involves preparing appropriate job descriptions, recruitment, orientation, training, evaluation procedures and guidelines for promotion and termination.

1.04.060 Directing. Directing includes guiding, teaching, motivating and supervising subordinates. Staffing involves training employees for particular jobs; directing is encouraging those same workers to perform their tasks better and more efficiently.

Employees may be motivated by a number of different factors, including achievement, recognition, interesting work, responsibility, growth and rewards. You may think that financial rewards and working conditions are the most important motivators of employees, but once people's "human needs" are adequately met, more complex needs tend to dominate as motivators.

Your employees will likely be motivated to perform their jobs efficiently when you utilize approaches to supervision which enhance the employee's job satisfaction. These approaches include:

- **Delegation with authority and responsibility:** The employee is given general directions to accomplish the task but is permitted to use his/her judgment in completing the task.
- **Job expansion and enrichment:** The employee is given the opportunity to grow in his/her job by assuming more responsibilities for the types of work that interest the employee. Cross-training is another way to enrich a person's job. As the employee learns to perform more duties, he/she becomes a valuable "back-up" to other employees.
- **Participation:** The employee's advice and suggestions are sought and used to improve the workflow, create a new assignment or develop new procedures. This helps make employees aware of the importance of their role in the department.

1.04.070 Controlling. Controlling means making certain that planned objectives are achieved. This brings us back to the original function of planning and completes the circle. This function establishes feedback on the plans implemented during the previous work cycle. It is recommended that you establish an annual self-evaluation to determine how well your department has accomplished its goals. Adjustments to the next work period's schedule can be based on the feedback you receive from this evaluation.

1.04.080 Management Summary. In summary, through planning, organizing, staffing, directing and controlling, the City Recorder can manage the functions of his/her office in the most efficient, productive, professional and satisfying way possible.

1.04.090 Office Notebook--Contents. Many questions of a general nature come through the City Recorder's office on a daily basis and can usually be answered by office staff. Questions requiring more than routine information may be forwarded to the specific department.

For easy reference in answering routine questions, it is helpful to keep on hand a notebook, which contains information about your city and state. For example:

- Names, addresses, phone numbers and in-house phone numbers of city officials, City Manager/City Administrator and other department heads;
- Schedule of Council meetings, dates and times;
- List of city boards and commissions, dates and times of meetings, and names, addresses and phone numbers of the board/commission members;
- Phone numbers for emergency services;
- Name, address and phone number of your local school district and the names, addresses and phone numbers of school board members;
- List of local libraries and their business hours, addresses and phone numbers;
- Local voter information;
- State and federal legislature phone listing;
- Directory of local public services;
- List of local clubs and community organizations;
- E-mail addresses; and
- Web addresses of commonly used sites.

CHAPTER 1.06
POLICIES AND PROCEDURES

Sections:

- 1.06.010** **Definitions**
- 1.06.020** **Suggested Policies and Procedures**

1.06.010 Definitions.

- **Policy:** A plan or course of action of a government, political party, or business, designed to influence and determine decisions and actions; or a course of action or guiding principle, considered to be expedient, prudent or advantageous.
- **Procedure:** A particular way of accomplishing something; a series of steps followed in a regular definite order; or a traditional or established way of conducting the affairs of a business, legislative body or court of law.

1.06.020 Suggested Policies and Procedures. Policies and procedures can vary from city to city. Often times your City Charter, ordinances, resolutions, or State Statute will dictate a policy or procedure. The following are listed activities for which policies and procedures should be established, all of which may or may not be applicable to your city:

- Accounting, auditing and financial reporting for governmental entities (personalizing this for your city would be helpful for non-accountant people);
- Accounts payable and receivable;
- Adjustments, refunds, receipts and transfers;
- Bidding procedures;
- Boards and Commissions (by ordinance or resolution);
- Budget process;
- Code enforcement;
- Computer operations and equipment purchasing;
- Computer use;
- Credit card use;
- Debt management (payment of principal and interest, etc.);
- Deposits and collections;
- E-mail policy and retention;
- Expenditure reimbursements;
- Fees for services;
- Fixed assets and investments;
- Identity theft protection;
- Licenses and permits;
- Loans (interfund);
- Local improvement districts;
- Payroll and personnel;
- Petty cash and revolving funds;
- Postage meter records;
- Public disclosure;
- Public records requests;
- Purchasing;
- Real property management;

- Records management and retention;
- Risk management;
- Signatures - (warrants, checks, contracts, facsimile, agreements, leases, etc.);
- Telephone (personal use of, voice mail, etc.);
- Utility billing; and
- Vehicles - (personal use of city vehicles).

Sample policy and procedure manuals are available from the International Institute of Municipal Clerks. (www.iimc.com). Another resource is the League of Oregon Cities which has sample policies and procedures on their web page (www.orcities.org). Title VII of this Manual lists valuable resources that can be used to assist Recorders if they have questions regarding this topic.

CHAPTER 1.08

FOLLOW-UP SYSTEMS

Sections:

1.08.010	Systems and Procedures
1.08.020	City Council Pending Items
1.08.030	Tickler System
1.08.040	Community Calendar
1.08.050	Internal Calendar

1.08.010 Systems and Procedures. An important function of the Recorder's office is to maintain a system or procedure for notifying persons of due dates of reports and expiration dates on various matters. Adopt a follow-up or tickler procedure that will work for you. This Chapter gives suggestions for systems that can be adapted to your personal needs.

1.08.020 City Council Pending Items. A separate system should be maintained for all matters requiring the attention of the City Council. One suggestion would be to obtain an accordion-type file with at least 12 sections, labeled for the upcoming months or meeting dates and large enough to allow quite a bit of material to be placed in each section.

As possible agenda items come to the City Recorder, they could be placed in the appropriate month's section with a notation as to which meeting in that month the item is to be placed on the agenda. As public hearings are advertised, the affidavit of publication, case file, or backup material could be placed in the appropriate section. The Recorder can also write reminder notes for placement in the sections, of agenda items to be expected during that month. For instance, if your City Council does something at the same time each year, (for example: levying assessments for districts, or adopting a tax levy), you can keep a reminder in that month's section which will alert you each year to place the matter on the agenda. This also allows for an advance departmental reminder to avoid last-minute work.

If this type of system is utilized, when it comes time to prepare an agenda, the City Recorder would retrieve and sort the items from the appropriate month for the current agenda.

In smaller cities, a file labeled "Pending City Council Action" could be maintained and reviewed prior to the preparation of each council meeting agenda.

1.08.030 Tickler System. An effective tickler system is a good method to track follow-up items, such as agreements with termination dates, insurance certificates, leases, contracts, commission/committee term expirations, special events, documents to be recorded, etc. This system can be in a number of forms, such as a file containing month and day guides where note cards are placed within the file at the specified date.

It may be appropriate to have the note cards in duplicate so that when reminder time comes, you need only pull off the duplicate and forward it to the appropriate person or department. It should be noted that some items, such as leases, insurance certificates, and some agreements may need as much as a three-month lead time to negotiate new ones.

Word processing and data base management of the "tickler system" is very helpful. With the "Search" mode of a computerized system, items can be found by due date, date adopted, date

requested, etc. One program found to be useful to many Recorders is called "Clerks Index," designed by MuniMetrix Corporation.

The systems mentioned in this chapter are suggestions and can be modified to meet individual needs. Any system should be kept simple and workable, and everyone in the City Recorder's office should be knowledgeable about the system so it will work in the Recorder's absence.

1.08.040 Community Calendar. In some cities, the Recorder maintains a community calendar as a public service. This type of calendar could have all meetings and events of community-wide interest, such as meetings of the City Council, School Board and Chamber of Commerce, and any event of interest to the general public. The community calendar should be given to the press for publication in the newspapers and posted in various places in the city. It could also be included with other city mailings.

In some cities, this type of calendar is maintained and distributed by the Chamber of Commerce or other community organization.

1.08.050 Internal Calendar. In many cities, the Recorder maintains an internal calendar for Councilors and city departments. This type of calendar should list all City Council and board/commission/committee meetings, as well as outside meetings Councilors or Department Heads might be interested in attending. The internal calendar should also include other citywide events of possible interest to Councilors and others. This calendar may or may not be disseminated to the press, depending on the policy of individual cities.

CHAPTER 1.10

THE MULTIPLE ROLES OF THE RECORDER

Sections:

1.10.010	Statutory References to City Recorder
1.10.020	Clerk of the Council
1.10.030	Records Manager
1.10.040	Elections Officer
1.10.050	Treasurer/Finance Director/Auditor
1.10.060	Personnel Director
1.10.070	Municipal Judge
1.10.080	Risk Manager
1.10.090	Administrator/Manager
1.10.100	Human Resources Administrator/Manager
1.10.110	Budget Administrator
1.10.120	Website Maintenance
1.10.130	The Complexity of Our Position

1.10.010 Statutory References to City Recorder. The Incorporation Act of Oregon Law, 1893, required the election of a Recorder "to be Ex Officio Clerk of the Common Council." Today, very few Oregon Recorders are elected; most are appointed by the City Manager/Administrator, Mayor or Council. Elected Recorders in the state include those in Ashland, Butte Falls, and Shaneco.

1.10.020 Clerk of the Council. The most common role of the City Recorder is to act as the "Clerk of the Council." The elected officials of most cities have a close working relationship with the City Recorder. They depend on the Recorder to provide them with a Council Meeting Packet that contains sufficient information to help them make informed decisions on matters placed before them.

OAMR is no doubt the best resource for information on this primary function of our profession. Almost every annual conference offers one or more educational sessions on this aspect of our jobs. In addition, networking with other members is also beneficial and educational. The International Institute of Municipal Clerks (IIMC) has numerous resource materials on the multiple aspects of this. IIMC headquarters are located at 8331 Utica Avenue, Suite 200, Rancho Cucamonga, CA 91730; telephone 909-944-4162; fax 909-944-8545; message center 800-251-1639; email hq@iimc.com. Their web address is www.iimc.com.

1.10.030 Records Manager. Our title, "Recorder," reflects the importance of this aspect of our jobs. We are the historians of our cities as we help write the history, we record the history and we preserve and protect the history. That's a HUGE responsibility that we should all take very seriously! Recorders are typically responsible for all legal records of the city such as ordinances, resolutions, contracts, agreements, permits and licenses, deeds, easements, etc.

There is a Records Management Committee within OAMR. This committee has worked very hard to promote the records management role of the Recorder and has put many, many hours into our Records Retention Schedule and Records Management Manual. In one of the statutory references to City Recorder, you will find state law requires that every municipality appoint

someone to act as its "Records Manager." Often the City Recorder is appointed as the Records Manager.

Many Recorders also belong to ARMA (Association of Records Managers and Administrators, Inc.), which can be contacted at Oregon Chapter, P.O. Box 40004, Portland, OR 97240-0004. Their web address is www.oregonarma.org.

1.10.040 Elections Officer. Although most election duties fall upon counties across the state, the Recorder is most often considered the "City Elections Officer." We are typically responsible for providing candidates for local elected office with information they need in order to comply with filing requirements and finance/campaign reporting requirements. We are also usually responsible for handling local initiative and referendum petitions. County Clerks across the state and the Secretary of State's Office assist Recorders with election-related questions. The Election Division of the Secretary of State's Office may be reached at 255 State Capitol St. NE, Suite 501, Salem, OR 97310, by phone at 503-986-1518 or by fax at 503-373-7414. Their web address is www.sos.state.or.us/elections.

1.10.050 Treasurer/Finance Director/Auditor. Many Recorders in the state also carry this title and perform the duties of Treasurer, Finance Director and/or Auditor. OMFOA (Oregon Municipal Finance Officers Association) is an excellent resource for Recorders involved in finance and budgeting. Their mailing address is P.O. Box 13308, Portland, OR 97213. Their web address is www.omfoa.org.

1.10.060 Personnel Director. Recorders who also have the responsibility of acting as Personnel Directors have an array of responsibilities including collective bargaining, employee benefits, payroll tax reporting, etc. Typically, people with this title also act as the city's insurance officer, ADA compliance officer, safety officer and union negotiator. A good resource for someone new to these responsibilities is LGPI (Local Government Personnel Institute), a branch of the League of Oregon Cities. LGPI may be contacted by writing to P.O. Box 908, Salem, OR 97308, by calling 503-588-2251 or by fax at 503-485-5900, email lgpi@callatg.com. Their web address is www.lgpi.org. There is also a national and state organization called PELRA, (National Public Employee Labor Relations Association), or ORPELRA for the Oregon Chapter that can be a helpful resource for personnel related tasks. Their web address is www.nperla.org.

1.10.070 Municipal Judge. In the late 1800's, and presently in some small cities, Recorders often acted as Municipal Judge. As Municipal Judge, Recorders are required to follow the laws prescribed for justices of the peace. The Oregon Municipal Court Judges Association and the Oregon Association for Court Administrators serve as the primary educational resource for Recorders who also act as Municipal Judges.

1.10.080 Risk Manager. Some Recorders may act as their city's Risk Manager, or are a part of a Risk Management Team. This typically encompasses the study of potential risk of exposure to, and preventative steps against, any and all types of liabilities -- in every department. PRIMA (Public Risk & Insurance Management Association) provides educational training opportunities to those involved in this field. Their web address is www.orprima.org for the Oregon Chapter, and www.primacentral.org for the national organization.

1.10.090 Administrator/Manager. A few Recorders in Oregon carry the title of City Administrator, City Manager, or Assistant City Administrator.

1.10.100 Human Resources Administrator/Manager. Many Recorders also have job duties that include those in the Human Resources/Personnel fields. They may have a title in addition to their Recorder title such as Human Resources Generalist, Specialist, Personnel Director, or Benefits Coordinator. Areas of responsibility might include compensation, benefits, workforce management in diversity, education, training, motivation, management development, staffing, employee relations, and labor relations.

Examples of duties include:

- Collective bargaining;
- Union negotiating;
- Disciplinary, hiring and termination responsibilities;
- Benefits coordinator;
- Payroll tax reporting;
- Maintenance of employee files;
- Workers' Compensation programs;
- Championing programs such as worksite wellness;
- Counseling of employees independently and/or through the use of employee assistance programs;
- ADA compliance;
- Wage surveys;
- Writing and/or reviewing job descriptions;
- Writing and/or reviewing Employee/Personnel Manual;
- Standardization of training, orientation, safety training, exit interviews, forms and processes;
- Ensuring evaluations and mandatory training is timely; and
- HIPPA compliance/FMLA monitoring.

The Recorder in this field must have a working knowledge of employment law, on both the federal and state levels. Their responsibilities can include protecting their city from litigation in disciplinary and termination procedures with disgruntled employees, working in ADA compliance, and as an insurance officer.

These Recorders work not only on behalf of city officials and/or administrative executives, but also on the behalf of the employees. An example is protecting employees from a supervisor with bad management skills, or serving as a negotiator between a department head and one of their employees. Another example is frequent evaluation of employment benefits, both as a steward of the citizens' money and in protecting employee benefits.

Just as OAMR advocates professional training and enhancement for its members, this Recorder should also advocate professional training on behalf of all staff members in order to provide better assistance to the public that they serve.

While OAMR and IIMC both promote and provide human resource training in our educational classes that are offered during conferences and professional development classes, there are several other organizations that specialize in human resources. For example:

- **LGPI, the Local Government Personnel Institute**, is a sister organization to the LOC and specializes in the human resources field. www.lgpi.org.
- **LOC, League of Oregon Cities**, has examples of employee manuals, as well as personnel forms from some of the membership cities. www.oregocity.org.

- **CCIS, City/County Insurance Services**, offers a range of information in benefits, workman's compensation areas, and general risk management. www.cciservices.com,
- **BOLI, the Bureau of Labor and Industries with the State of Oregon**, is an excellent resource for technical assistance for human resource matters. www.oregon.gov/BOLI/.
- **SHRM, the Society of Human Resource Managers**, is an agency that provides the Professional in Human Resources (PHR) and Senior Professional in Human Resources (SPHR) certification that is now becoming an industry norm. www.shrm.org.
- **My Community Workplace**, has a series of great articles in the human resource fields. www.mycommunityworkplace.org,
- **NPELRA, The National Public Employer Labor Relations Association**, is located at www.npelra.org,
- **IPMA, the International Public Management Association for Human Resources**, also has an Oregon chapter. They provide educational seminars in Oregon. www.ipmaoregon.org, or www.ipma-hr.org.
- **PRIMA, The Public Risk Insurance Management Association, or OR PRIMA (the Oregon chapter)**, provides information for risk management, including personnel topics. www.primacentral.org, or www.orprima.org.

For further assistance in the Human Resources field, please see Section 7.04.130 of this Manual, for a listing of contacts who are willing to assist others in the human resource field.

1.10.110 Budget Administrator. A budget is a financial plan containing estimates of revenues and expenditures for a single fiscal year. Each local government operates within a fiscal year beginning on July 1 and ending the following June 30. Budgeting allows a local government to evaluate its needs in light of the revenue sources available to meet those needs. A complete budget justifies the imposition of ad valorem (according to value) property taxes.

Most local governments in Oregon, from the smallest cemetery district to the largest city, must prepare and adopt an annual budget. All are subject to the same budget provisions (see Oregon Revised Statutes 294.316 for districts either totally or partially exempted from the Local Budget Law requirements).

Budget provisions are determined by Oregon's Local Budget Law. It is found in Chapter 294 of the Oregon Revised Statutes (ORS). The law sets out several specific procedures that must be followed during the budgeting process. The budget must be completed by June 30 – the day before the start of the fiscal year to which the budget applies. Without a budget for the new fiscal year in place, the local government's authority to spend money or incur obligations expires on June 30. A local government's ability to impose a property tax is also tied to the budgeting process. Compliance with Local Budget Law is critical for local governments.

Many states have specific laws which require local governments to prepare and adopt annual budgets, but Oregon's Local Budget Law does several very specific things:

- It establishes standard procedures for preparing, presenting and administering the budget of local governments.
- It encourages citizen involvement in the preparation of the budget before its formal adoption.
- It provides a method of estimating revenues, expenditures and proposed taxes.
- It offers a way of outlining the programs and services provided by local governments and the fiscal policy used to carry them out.

Budgeting in Oregon is a joint effort between the people affected by the budget and the appointed and elected officials responsible for providing the services. It is up to each local

government to prepare a budget that clearly outlines its fiscal policies and is satisfactory to its citizens. If a budget is clear and concise, taxpayers better understand how their tax dollars are spent.

While OAMR and IIMC both promote and provide budget training in their educational classes that are offered during conferences and professional development, there are several other organizations that specialize in budgeting. For example:

- **LOC, League of Oregon Cities**, has examples of city budgets from membership cities. www.orcities.org.
- **GFOA, Government Finance Officers Association**, has examples of nationwide city budgets, references to financial officers for mentorships, for help with current budgets, or to answer specific questions. www.gfoa.org
- **Oregon Department of Revenue**, has the statutory authority to ensure compliance with Oregon's budgeting laws and can answer almost all questions regarding Oregon Local Budget Law. www.egov.orgon.gov/DOR/PTD/LocalB

For further assistance in budgeting, please see Section 7.04.060 of this Manual for a listing of contacts who are willing to assist others in the budgeting field.

1.10.120 Website Maintenance. In this information age, most – if not all – cities have web pages. The extent of a City Recorder's responsibilities can vary greatly from city to city based on size, internal processes, and the availability of Information Technology staff. Some Recorders have no involvement at all; others are responsible for maintenance of the City Recorder information only; and often those in smaller cities are responsible for the website creation and oversight as well as maintenance.

"Website maintenance" is keeping the information on the website current by making revisions, additions and deletions. There is a huge variety of documents posted on city websites; but for the intent of this Manual, we will focus only on those related to the City Recorder.

City Recorder-related items commonly posted on city websites include, but are not limited to the following:

- Minutes;
- Agendas;
- Ordinances;
- Resolutions;
- Elections information;
- City Charter;
- Municipal Code;
- Mayor and Councilor contact information;
- Councilor Ward maps;
- Public documents and forms; and
- Public records requests forms.

Successful website maintenance requires effective communication with fellow employees and vendors, organizational skills, the ability to set priorities and meet deadlines, and the ability to achieve results across organizational boundaries.

Common technology used in website maintenance includes: Java, .Net, Flash, Dreamweaver, Pagemaker, Freehand, Word, Adobe Contribute C53, and Adobe Photoshop.

On occasion, OAMR provides website maintenance classes during conferences. There is an abundance of information about website maintenance on the world-wide web. Examples of government-oriented professional organizations that specialize in website maintenance are:

- 3CMA at www.3cma.org
- National Association of Government Webmasters at www.nagw.org.

For further assistance in website maintenance, please see Section 7.04.350 of this Manual for a listing of contacts who are willing to assist others in the website maintenance field.

1.10.130 The Complexity of Our Position. The position of City Recorder is one of the most complex professions in local government. We are expected to perform all the duties of the office stipulated by statute, ordinance or custom. The Recorder often relates daily to nearly every other city department. We also work with the elected and appointed officials, boards and commissions, county and state offices and certain federal offices on a regular basis. Because we provide many different and complex services and our role "touches" so many, the way we provide these services is important. We must strive for professional delivery of quality services and we must be accessible to the citizens of our community.

Because we provide many different and complex services and our role "touches" so many -- the way we provide these services is as important as the services themselves. We must strive for a complete and fully-developed professional delivery of quality services. We must remember that we hold a very important public office -- one that is open to constant examination and scrutiny because as public servants -- we must constantly be accessible to the citizens of our community.

We are in a truly specialized field which places us in a special niche in society and thus part of a somewhat privileged and intellectual group. We must be masters of a wide array of necessary -- yet seldom understood -- services. We are consulted daily by both citizens and our fellow government officials -- serving them both, and even often working as a "buffer" between them. The degree of dedication we give to our position will not only reflect on the day-to-day professional management of our own office, but it will also serve to promote local government in general and the vitally important role within which Recorders have historically functioned.

TITLE II

MEETINGS, AGENDAS AND MINUTES

CHAPTERS:

- 2.02 MEETINGS**
- 2.04 AGENDAS**
- 2.06 MINUTES**
- 2.08 OPEN PUBLIC MEETINGS LAW**

CHAPTER 2.02

MEETINGS

Sections:

2.02.010	Parliamentary Procedure
2.02.020	Clerk of the Council
2.02.030	Preparation of City Council Chamber
2.02.040	Assistance at Meetings
2.02.050	Conduct of Meeting
2.02.060	City Recorder's Role
2.02.070	Operation of Recording Equipment
2.02.080	Methods of Recording Vote
2.02.090	Council Meetings Generally
2.02.100	Regular Meetings
2.02.110	Special Meetings
2.02.120	Emergency Meetings
2.02.130	Study Sessions
2.02.140	Closed or Executive Sessions
2.02.150	Recesses
2.02.160	Participation by the Public
2.02.170	Disturbances at City Council Meetings
2.02.180	Adjournment and Closing City Council Chambers
2.02.190	Council Meeting Follow-up

2.02.010 Parliamentary Procedure. In 1876, General Henry N. Robert developed a manual of parliamentary procedure, which he entitled Robert's Rules of Order. This manual was based on the rules of the United States House of Representatives, but was designed for use by ordinary societies. The manual was published as Robert's Rules of Order in 1876 with the full title of Pocket Manual of Rules of Order for Deliberative Assemblies. Between 1912 and 1915, the General revised his Rules of Order to incorporate all comments and letters received since the first publication.

These rules are generally followed now by a wide spectrum of congregations such as government agencies and private corporations and are also used in much less formal meetings such as clubs and committees. Henry M. Robert stated in the first manual: "While it is important to every person in a free country to know something of parliamentary law, this knowledge should be used only to help, not to hinder business. One who is constantly raising points of order and insisting upon a strict observance of every rule in a peaceable assembly in which most of the members are unfamiliar with these rules and customs, makes himself a nuisance, hinders business and prejudices people against parliamentary law. Such a person either does not understand its real purpose or else willfully misuses his knowledge." In other words, these rules are meant to serve as a guide for the formalized meeting process -- not to make the process more difficult.

2.02.020 Clerk of the Council. The Oregon City Recorder is customarily considered the "Clerk of the Council" and as such is expected to attend all City Council meetings. The Deputy Recorder acts in the absence of the Recorder. If there is no deputy, another staff member is usually appointed to act as Recorder pro tempore. Duties most commonly performed by Recorders during Council meetings are discussed in this chapter. The scope of duties may vary from city to city, and the Recorder as a matter of local practice may perform additional duties.

2.02.030 Preparation of City Council Chamber. Preparation of the City Council Chamber should be done by the Recorder or at his/her discretion. Sufficient time should be allowed to ensure that the Council Chamber is fully prepared prior to commencement of the City Council meeting. Some Recorders utilize a checklist for this procedure, which might contain the following items:

- Verify City Council quorum and minister for invocation (if part of your proceedings);
- Make sure name plates are at correct places and the gavel and sounding block are at Mayor's place;
- Make sure pens or sharpened pencils, water pitchers and glasses are at Council places;
- Check microphones in the Council Chamber to make sure each are in working order;
- Set up public address system and ensure it is in working order, as well as auxiliary speakers if overflow crowd is expected;
- Set up and test recording system;
- Check AV system;
- Set up timer for testimony;
- Coordination with local cable company;
- Assure that there are ample copies of the agenda available for the public, and provide an agenda packet for public review;
- Check position of the flags (American flag to the right of the Mayor if Mayor is raised above the level of the audience, and to the right of the audience if Mayor is on same level). If other flags are displayed they should be placed to the left of the American flag in the order of state, county, city. (As you face the dais, the flags would be placed from left to right.)
- Check Chamber calendar or individual calendars;
- Assemble your meeting materials and check supply of speaker cards/sign-in sheets and pencils (if used);
- Notepad/laptop computer, pencils/pens, agenda packet/notebook, Attorney General Public Records and Meeting Manual;
- Place agenda material on the table or area provided for the press and public (unless previously provided to them); and
- Make sure the municipal code is at City Attorney's place, if applicable.

On occasions when the City Council meeting is held at a location other than the Council Chamber, the Recorder should supervise arrangements and provide the same equipment and materials as if the meeting were to be held in the Council Chamber.

The same basic "set up" should be followed even in the smaller cities that have no public address system or that have very few citizens who attend the meetings. Since the Council and Mayor represent the individual city, it is the duty of the Recorder to assist in every way to enhance the public image.

2.02.040 Assistance at Meetings. In many cities, a stenographer or the Deputy Recorder accompanies the Recorder to Council meetings to record the discussions and actions by whatever means is provided by the individual city. In other cities, the Recorder takes the notes. The Recorder may find it helpful to take background material and/or files on agenda items to the meeting, in the event the Council makes reference to previous action or needs more information on an item.

If the Deputy accompanies the Recorder to the Council meeting, it is helpful for that person to sit close to the Recorder in case the two need to confer during the meeting, or in the event the Recorder needs to send for records or have copies prepared for an item presented to the Council from the public.

2.02.050 Conduct of Meeting. The state statutes authorize the Council to establish rules for the conduct of meetings. Sample rules are available on the OAMR website. This includes authority to utilize agendas, limit debate and eject unruly persons. It is strongly recommended that all cities adopt Council Rules of Procedure by ordinance or resolution. Samples can be obtained from IIMC or other Oregon cities. An excellent resource for researching and developing such rules is a reference manual developed by the Oregon Attorney General's Office called the Public Records and Meetings Manual. The "Meetings" section of this Manual (Section 7.04.050) will answer almost any question you could have on the conduct of Council meetings. (See Public Meetings Law Appendix C regarding "Parliamentary Procedure, Quorums and Voting" at the end of this section).

2.02.060 City Recorder's Role. During the course of a City Council meeting, the Recorder may be called upon to perform some or all of the following tasks:

- Take roll call and handle City Council correspondence;
- Read titles of resolutions and ordinances and repeat motions upon request;
- Conduct roll call votes and summarize votes for audience;
- Open bids when necessary (usually this is done at a separate time and place, but in many small cities, bids are opened as an agenda item);
- Note what time an individual City Councilor leaves or returns to the meeting (for the record);
- Record names and addresses of members of the public who speak at the meeting (some cities have a sign-in sheet at the podium and/or this information can be obtained from the speaker cards, if used);
- Set timer system;
- Arrange for interpreter or other arrangements to meet ADA requirements;

- Maintain the future schedule of public hearings or presentations before the Council;
- Present reports to Council;
- Swear in those wishing to testify during a quasi-judicial hearing; and
- Adjourn the meeting if all Councilors are absent.

2.02.070 Operation of Recording Equipment. Most cities tape record their Council meetings. The Recorder or Deputy is typically responsible for this recording. The individual assigned to run the recording equipment should be thoroughly instructed on its operation and the placement of microphones, if no permanent public address system exists in the Council Chamber.

When tape recorders are used, a footage indicator is usually available. This is an easy way for the Recorder to pinpoint where on the tape an item was discussed, such as a public hearing or a controversial matter, which may need to be reviewed. It is suggested that the footage be noted at the beginning of an item. This notation could either be in your written notes or along side the item on the agenda.

Since the purpose behind the use of recording equipment is to ensure accuracy, it is important that a procedure be established by the City Council for participants at the meetings to identify themselves before addressing the Council. Many Recorders have instituted a sign-in sheet or speaker cards to assist in the spelling of names. Regardless of the type of system used, members of the audience wishing to address the Council should be required to state their name and address for the record prior to submitting comments to Council.

The use of digital equipment is becoming more common, especially as more and more cities are starting to televise their meetings. Digital equipment varies greatly depending on each city's needs and Council's desires.

2.02.080 Methods of Recording Vote. Although other voting methods may be acceptable, a common practice in the voting on motions is for the Mayor to call for "all those in favor?"; then call for "those opposed?"; and declare the motion carried or rejected. Usually the words "ayes" for those in favor and "nays" for those opposed are used. When a Councilor is silent, he or she is recorded as abstaining. Some City Councils require a vote granting permission for a Councilor to abstain. Abstention from voting should be covered in your "Council Rules of Procedure." Where a difference of opinion is sensed or the majority vote is not clear, and a Councilor requests a roll call vote, the Mayor will call for a roll call vote by the Recorder.

A roll call vote is also generally necessary for the adoption of an ordinance, because of the need to ensure that a majority of affirmative votes have been cast.

Some Council Chambers are equipped with electronic voting devices through which a Councilor records his/her vote by pressing a button at his/her place. A tally board visible to the Recorder indicates when all votes have been cast, and a flip of a button makes the results visible to all. The Recorder then declares the results of the vote. This method avoids the complaint that one Councilor always votes first or last.

2.02.090 Council Meetings Generally. The "Open Public Meetings Law" must be observed at all Council meetings. A Council meeting is held any time a majority or a quorum of the members are gathered for the purpose of reviewing and/or making decisions pertaining to city business.

Generally, a quorum is defined as a majority of the Councilors (for example: in a five member Council, three members constitute a quorum). A quorum is required for the transaction of city business.

The Public Meetings Law requires that notice be given of the time and place of meetings. This requirement applies to regular, special and emergency meetings. If the meeting consists of only an executive session, notice still must be given to the members of the governing body, the general public and news media that have requested notice.

To satisfy the accessibility requirements of the Americans with Disabilities Act (ADA), the notice should provide the name of a person and telephone number (including TTY) at the public body to contact to make a request for an interpreter for the hearing impaired or for other communication aids.

Consider the probable public attendance to ensure sufficient room. Meetings of the governing body must be held within the geographic boundaries of the jurisdiction. These rules do not apply in the event of an actual emergency or "training sessions" as long as no deliberations toward a decision are involved. A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age, or disability is practiced if the public body is restricted. Meetings subject to Public Meetings Law must be held in places accessible to individuals with mobility and other impairments. A good faith effort must be made to provide an interpreter for deaf or hard-of-hearing persons if the governing body or its designee is given 48-hours notice. The public body cannot charge for these services.

2.02.100 Regular Meetings. Regular meetings of the Council are held at least once a month at a designated place, time and date (for example: second Monday of each month) typically set by ordinance or resolution. If a regular meeting date falls on a holiday, the meeting is usually held on the next business day. In the case of an emergency created by a disaster of any kind, which renders the designated meeting place unsafe, the meetings may be held for the duration of the emergency at a place designated by the Mayor.

2.02.110 Special Meetings. The Mayor or a majority of the Council may call special meetings to order with notice being delivered personally, by fax, e-mail, or by mail to the Council and media at least 24 hours prior to the special meeting. The notice of the meeting must specify the date, time and place of the meeting and the business to be transacted; final action may only be taken on matters specified in the notice.

2.02.120 Emergency Meetings. An "emergency meeting" is a special meeting called on less than 24 hours' notice. An "actual emergency" must exist, and the minutes must describe the emergency justifying less than 24 hours' notice. The law requires that "such notice as is appropriate to the circumstances" be given for emergency meetings. The Recorder must attempt to contact the media and other interested persons to inform them of the meeting.

2.02.130 Study Sessions. Study sessions, often called "work sessions" or "work study sessions" are sometimes held to allow the Council an opportunity to review and discuss a particular matter in detail, without the intent of taking action on the matter. They can also be scheduled immediately before or after a regular Council meeting, or on any other day and time. These sessions are usually informal, though they must be open to the public, and some Council's prefer to hold the sessions in a place other than the formal setting of the Council Chamber.

2.02.140 Closed or Executive Sessions. ORS 192.660(2) specifies certain topics for which the Council is permitted to meet privately in executive sessions. The allowable subjects for executive sessions are discussed in Chapter 2.080, the Open Public Meetings Law.

Before convening in executive session, the Mayor or designee must publicly announce the purpose of the session and may give an estimated length of time the Council will be meeting in closed session. The time of the executive session may be extended by subsequent announcement of the Mayor.

Council has the option of requesting the presence of specific staff members, the City Manager/Administrator and the City Attorney during executive session. The Recorder typically attends all executive sessions unless specifically advised by the City Manager, Mayor or Council that his/her presence will not be needed. If minutes are kept of executive sessions, they are exempt from public disclosure.

2.02.150 Recesses. Recesses are generally called by the Mayor or sometimes at the request of a Councilor. Usually the Mayor will state the expected period of time of the recess. Recesses are not a device a Council may employ to avoid the Open Public Meetings Law; therefore, a Council should definitely avoid having a quorum session in a back room or any appearance of conducting public business during the recess. The Recorder should note for the record the time of the recess, the time the meeting reconvened, and the City Councilors present.

2.02.160 Participation by the Public. City Council meetings are primarily structured to permit its members to arrive at the decisions necessary to govern the city. In some cities this may preclude public participation except at required public hearings.

Where participation by the public is a matter of requirement under a specific code, it is important to ensure that all who wishes to participate have been recognized and heard. A convenient method is the use of speaker's cards. Generally in public hearing cases, the Mayor will ask that those in favor speak first, followed by those in opposition, if adopted procedure neutral testimony, and then an opportunity for rebuttal by the applicant (if applicable).

The extent to which members of the public are invited to participate regarding other agenda items is a matter of local custom. Some cities simply require that a person approach the microphone in order to be recognized. Many cities use "sign-in" cards/sheets for those wishing to address the council/commission indicating the name and contact information in the event follow up is necessary. Some cities have adopted the practice of not requiring people to state their addresses when addressing the council/commission for reasons of privacy as many meetings are shown on cable and minutes posted on websites. In that case, the sign-in sheets are an important part of the record so parties may be contacted regarding decisions and related matters.

Most cities have a specific section of the agenda set aside for "Public Participation/Comments." In some cities, this section is towards the end of the agenda, after all listed matters have been handled. Other cities place this section towards the beginning of the agenda to prevent persons from having to sit through what may be a very lengthy meeting. Again, this is a matter of individual Council preference. Many Council's prescribe the order in which items will be listed on the agenda in the "Council Rules of Procedure."

Some cities have found it necessary to impose strict rules on public participation. In other cities, the Mayor will simply spell out the policy on public comments at each meeting. Many cities include their policy on public participation in their "Council Rules of Procedure."

2.02.170 Disturbances at City Council Meetings. From time to time, disruptions may occur at Council meetings. Preplanning for such an eventuality is highly recommended.

Most public meeting rooms have posted in a conspicuous place a sign stating the maximum number of people allowed to assemble therein. You may wish to request a representative from the fire department be present at Council meetings to enforce this limitation when large crowds are expected.

If at all possible, the Council should have a separate exit to use in the event of a disturbance, so they will not have to exit through the audience. Many cities immediately recess the meeting when decorum is lost.

Some cities routinely have a police officer present during all Council meetings. Other cities have an alarm system (usually controlled by the Mayor, Recorder or City Manager/Administrator), which alerts the police department that assistance is needed.

In planning for a possible disturbance, the local situation should be kept in mind. In certain communities or situations, fire prevention personnel or plain clothed police personnel may be preferable to using uniformed police officers.

The Open Public Meetings Law permits the clearing of the Council Chamber in the event any meeting is willfully disturbed. Again, the "Council Rules of Procedure" could include an established plan for handling disturbances at Council meetings.

The function of the Recorder in such situations is merely to remain cool and alert, be helpful to the Council under trying circumstances, and handle the recording equipment, retrieval of needed documents, etc.

2.02.180 Adjournment and Closing City Council Chambers. Adjournment of the Council meeting is customarily by motion of the Council, although many cities have adopted a "unanimous consent" format and the Mayor simply declares the meeting adjourned. The Recorder should note the time of adjournment for the record.

If at any time during the course of the meeting a City Councilor departs from the Council Chamber and leaves the Council without a quorum, it is the duty of the Recorder to call this fact to the attention of the Mayor.

The Recorder has the responsibility of adjourning a meeting where no Councilor is present.

Closing the Council Chambers may be the responsibility of the Recorder, whether or not custodial assistance is provided. A possible checklist is shown as follows:

- Turn off recording and audio-visual equipment and sound system, and remove the recording tapes;
- Store microphones, name plates, gavel and sounding block, pads, pencils, etc., in proper places;

- Retrieve any original documents used by the Council during the meeting and destroy any confidential documents left in the Council Chambers; and
- Secure building (lights, lock doors, etc.).

2.02.190 Council Meeting Follow-up. In many cities, the Recorder produces a synopsis of Council actions the morning after a Council meeting (if held in the evening), or immediately following the meeting (if held during the daytime). The purpose is to disseminate needed information to city staff in a timely manner, since formal minutes will not be finalized until a future Council meeting. Some Recorders broaden this distribution to include the press. This process can reduce the number of individual inquiries about the meeting and alert other departments to actions that will need to be taken which affect their operation.

EXCERPT FROM ATTORNEY GENERAL'S PUBLIC MEETINGS AND RECORD LAW

PUBLIC MEETINGS LAW APPENDIX C PARLIAMENTARY PROCEDURE, QUORUMS AND VOTING

A. PARLIAMENTARY PROCEDURE GENERALLY

Rules of parliamentary procedure provide the means for orderly and expeditious disposition of matters before a board, commission or council. They govern the way members of a multi-member body interact with each other. As a general proposition, those procedural guides only affect substantive policy development or third-party interests indirectly and do not have the force of law. They may be waived, modified or disregarded without affecting the validity of the agency's decisions.

Public bodies, therefore, have great flexibility to determine their own rules of parliamentary procedure without fear that irregularities or errors will lead to judicial invalidation of their actions. When making or applying rules of parliamentary procedure, a board, commission or council is limited only by (i) any constitutional or statutory requirements, (ii) rights of third parties which may be affected, and (iii) judicial interpretations of constitutional and statutory rights.

Parliamentary procedure for a multi-member body guides all agency decision-making processes, including deliberations following a contested case or rulemaking hearing and deliberation leading to an advisory recommendation on a matter or public policy to another public body.

To facilitate decision-making, a simplified and flexible approach to parliamentary procedure is helpful. The author of one text on parliamentary procedures believes that "stressing a more straightforward and open procedure for meetings eliminates the parliamentary impasses that appear to follow when too much attention is given to parliamentary intrigue and manipulation."¹ He has, for example, eliminated the "seconding" of motions because it is "largely a waste of time."² This warning against blind adherence to parliamentary rules is echoed by the author of another text who admonishes that "[t]echnical rules should be used only to the extent necessary to observe the law, to expedite business, to avoid confusion, and to protect the rights of members."³

H. Robert, Roberts Rules of Order Newly Revised is perhaps the most commonly known and used parliamentary authority. However, A. Sturgis, Sturgis Standard Code of Parliamentary Procedure (2d ed 1966) is more easily read and less technical. The Oregon House and Senate rely on P. Mason, Manual of Legislative Procedure (1989). Any of these texts should be adopted by reference to guide board, commission or council deliberations. A simple motion such as the following is sufficient for this purpose:

Except as otherwise provided by law and except where the (insert text of board or commission) directs or acts to the contrary, (insert title and edition of a parliamentary reference book) shall govern parliamentary processes of this public body.

Alternately, a board, commission or council might adapt some of the rules to suit its particular needs and convenience, and adopt a standard text as a "back-up" resource.

¹R. Keeseey, Modern Parliamentary Procedure XV-XVI (Preface) (1994)

²*Id.* at 21

CHAPTER 2.04

AGENDAS

Sections:

2.04.010	Philosophy--Purpose
2.04.020	Order of Business
2.04.030	Content of Agenda
2.04.040	Explanation of Headings
2.04.050	Agenda Preparation Suggestions
2.04.060	Agenda Packets
2.04.070	Organization of Packets
2.04.080	Duplication
2.04.090	Distribution of Packets

2.04.010 Philosophy--Purpose. The agenda may be viewed as a program invitation, to be prepared concisely, accurately, in a logical order and generally to present to its reader a clear picture of what business will be considered. City Recorders are almost always responsible for providing this service to citizens, so care should be taken to produce a professional document that will aid the Mayor and Council to conduct an orderly and effective meeting.

The purpose of an agenda is to provide a framework within which a meeting can be conducted. Each city should decide on the agenda format which best suits its needs. The suggested agenda format exhibited in Section 2.04.030 of this Chapter includes items, which are likely to come before the Council; however, the order in which they are listed must be at the discretion of the individual Council. Many Councils adopt their agenda format as part of their "Council Rules of Procedure."

2.04.020 Order of Business. The order of business to be listed on the agenda may be prescribed by ordinance, resolution, rules, or simply by custom and practice. Such order can be most significant in determining the flow of business.

2.04.030 Content of Agenda. The following is a non-comprehensive list of headings/items, which are included in many agendas. Many are self-explanatory, while others will be described in more detail.

Headings or groups of headings can be consolidated and modified to meet the specific needs and ambiance of the particular jurisdiction. The terminology used should be that which best identifies with a particular organization.

- Type of meeting (regular, special, etc.) and the name of the governing body (City Council, City Commission, etc.);
- Date, time and place (address, room number or name) of meeting;
- Invocation (if any); Pledge of Allegiance (if done); call to order and roll call;
- Mayor's report; then Councilor reports;

- Ceremonial matters (presentations, awards, proclamations, introductions);
- Public comment/participation (note any time limitation to be observed by the speaker) [some Councils offer this at the end of the meeting, just prior to adjournment];
- Consent agenda (routine items requiring Council action, such as: approval of prior minutes and vouchers; setting public hearing dates; approval of contracts and award of bids [if budgeted] and confirmation of previously discussed issues) and include a procedure to handle items removed from the Consent Agenda. Items may be removed from Consent Agenda for individual consideration by the Council;
- Public hearings (legally advertised and set for a specific time);
- Resolutions; then ordinances;
- City Manager/Administrator reports/recommendations from officers and departments (policy or controversial business matters -- may be classified by sub-headings, such as: Attorney, Recorder, Manager/Administrator);
- Good of the order (request for new items to be discussed at a future meeting, announcements, informational matters, etc.);
- Executive session on subjects authorized by ORS 192.660(2);

In 2004, the Permissible Purposes for Executive Sessions are:

- 192.660(2)(a) - Employment of public officers, employees and agents, if the body has satisfied certain prerequisites.
- 192.660(2)(b) - Discipline of public officers and employees (unless affected person requests to have an open hearing).
- 192.660(2)(c) - To consider matters pertaining to medical staff of a public hospital.
- 192.660(2)(d) - Labor Negotiator Consultations (News media may be excluded in this instance.)
- 192.660(2)(e) - Real property transaction.
- 192.660(2)(f) - Exempt public records – to consider records that are “exempt by law from public inspection.” These records are specifically identified in the Oregon Revised Statutes.
- 192-660(2)(g) - Trade negotiations – involving matters of trade or commerce in which the governing body is competing with other governing bodies.
- 192.660(2)(h) - Legal counsel – for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.
- 192.660(2)(i) - Performance Evaluation of Public Officers and Employees. To review and evaluate, pursuant to standards, criteria, and policy directives adopted by the governing body, the employment-related performance of the chief executive officer, a public officer, employee or staff member unless the affected person requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the governing body in meetings open to the public in which there has been an opportunity for public comment.

- 192.660(2)(j) - Public investments – to carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- 192.660(2)(k)- Health Professional Licensee Investigation
- 192.660(2)(l)- Landscape Architect Registrant Investigation. Relates to State Landscape Architect Board.
- 192.660(2)(m)- Relates to the review and approval of programs relating to security.
- 192.660(2)(n)- Labor Negotiations. ORS 192.660(3) requires labor negotiations to be conducted in open meetings unless the negotiators for both sides request that the negotiations be conducted in executive session.
- 192.660(2)(o)- Other Executive Session Statutes applicable to such things as school boards considering expulsion, confidential student medical records, and teacher misconduct. ORS 1.425(2) authorizes the Commission on Judicial Fitness to hold closed hearings on allegations of judicial disability.
- 192.660(3)- Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. This subsection, rather than ORS 192.660(2)(d), authorizes governing bodies to engage in labor negotiations with employees' representatives in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640

- Adjournment.

Agendas may also include

- A statement that packets are available on the city's website.
- If meetings are taped for cablecast, the rebroadcast times should be noted.
- Name and phone number of the City Recorder/Clerk.
- Information that hearing assisted devices is available.

2.04.040 Explanation of Headings.

- **Public Comment/Participation:** This is an established and identified time on the agenda when members of the public may address the Council on items NOT on the agenda. It is recommended that the "Council Rules of Procedure" contain a policy statement as to the manner and length of time an individual is permitted to address the Council. It is appropriate for the Recorder to note this time limitation on the public agenda.
- **Consent Agenda/Calendar:** A consent agenda/calendar contains routine items which are non-controversial in nature (for example: approval of prior meeting minutes) and do not require further discussion. These items should be reviewed in advance by management before the agenda is finalized and determined to be non-controversial and routine, requiring no discussion due to their very "housekeeping" nature. All such items are listed together under the title of "consent agenda." It is appropriate to add an explanatory note to the public that consent agenda items are considered routine and may be approved by a single motion.

2.04.050 Agenda Preparation Suggestions. The following are suggestions for formatting and preparing agendas:

- Use specially designed agenda forms or city letterhead;
- Center and bold the meeting date, time, and place;
- Capitalize and underline major headings;
- Use capital letters to designate major sub-headings and numbers for subs under those sub-heads (if more subs are required, use lower case letters);
- Single space your primary text, using double space between subjects;
- Be consistent when using capitalization of titles or proper names of organizations, districts, or companies;
- Avoid acronyms or abbreviations not generally known to the public;
- Attempt to be politically sensitive as to "title" given to each agenda item and to the order or placement of items on the agenda;
- Be realistic when scheduling time-specific items so that sufficient time is given for deliberation and concluding action;
- Prepare a draft agenda for appropriate managers and/or elected officials to review;
- Be receptive to changes in agenda when revisions may expedite the conduct of business;
- Make sure Council has been provided the information they need to make an informed decision on the items on the agenda;
- When wording agenda item headings, use objective, fact-based terms;
- Due to court cases in some states, some municipalities have a statement on the agenda indicating that the Council may act on any subject placed on the agenda, regardless of how the matter is stated on the agenda. This insures items labeled "Consideration of ..." or "Discussion regarding ..." may be legally approved at the meeting. In addition, the Council may legally add and act on items not appearing on the agenda at a regular meeting. It is recommended that a policy on this be included in your "Council Rules of Procedure."

2.04.060 Agenda Packets. Agenda packets containing copies of all agenda items are typically distributed to the Mayor, Council, City Manager/Administrator, City Attorney and all Department Heads. Most cities also distribute packets to the press so they will have factual details from which they can write their news articles. Most cities have a packet available for review by the public prior to the meeting, and at the meeting itself. The agenda sheet by itself is usually sent out on a wider distribution level and there should be a supply available at the meeting for members of the audience.

2.04.070 Organization of Packets. In most cities, the Recorder prepares the agenda packet for all Council meetings. This should be done a sufficient number of days prior to the Council meeting to allow for duplication and distribution of agenda packets to Councilors and staff. The Recorder should establish a definite deadline for submittal of agenda items. An example would be if packets are typically distributed on Fridays, the deadline could be the preceding Wednesday at noon. This will allow time for review, possible rewrites, and assembly of packets for timely distribution. The established deadline should be strictly adhered to except in cases of extreme emergency.

In cities that have a City Manager or Administrator, the Recorder may meet with the Manager/Administrator and or other staff members prior to finalizing the agenda. In non-manager cities, the Recorder may consult the Mayor or various department heads on the final agenda. The Recorder generally does not make changes to the agenda after such a meeting unless the other officials involved are consulted or notified.

Some Recorders have their City Managers/Administrators "sign off" or "initial" agenda sheets and each staff report or memorandum to be included in the Council packet. The City Attorney may also be asked to review and approve contracts, ordinances, resolutions and land use actions prior to Council consideration.

This is not intended to dictate to the Council, but only to assist in expediting the meeting. It indicates to Council that staff has researched an agenda item, will be able to respond to questions on an item, and in many cases, will have a recommendation for Council.

In some cities, the agenda is prepared by the staff in the office of the city manager, administrator. In that case, the Recorder should coordinate schedules with that person and other city staff regarding putting items on the agenda. Other staff needs to coordinate meeting notices, legal notices, and creation of reports.

2.04.080 Duplication. Upon approval of the agenda in final form, sufficient copies are reproduced for distribution with the packets and for use by citizens attending the meeting. The Recorder decides the number of agendas to be run. If it is anticipated that the audience will be larger than normal, extra copies of the agenda should be made. It is also advisable to mail agendas and staff reports to project proponents or interested parties of record on particular agenda items. We recommend that cities adopt some type of policy on furnishing copies of agenda staff reports to members of the public who may in some way be affected by a matter to be considered by Council. Agendas and council packets may also be posted in public locations or on the city's website.

2.04.090 Distribution of Packets. Agenda packets should be distributed to the Mayor, Councilors, City Manager/Administrator, City Attorney and department heads a sufficient number of days prior to the meeting to allow for review. The agenda itself should not be distributed to persons on the "ongoing distribution list" until the agenda packets have been received by the Mayor and Councilors. This is not only appropriate -- it is a matter of courtesy, as it could be embarrassing for a Councilor to be questioned on an agenda item that he/she has not had an opportunity to review and therefore has no knowledge of.

E-Packets are the latest and most efficient way of the getting information out about City Council meetings to the general public. Council packets are converted into a .pdf document and posted on city's websites. This allows access to the general public to see information for upcoming council meetings. City Councilors and staff can easily access the documents thus eliminating the need for photocopying. Pages in the packet can be bookmarked for easy access and locked for security so that the original document cannot be changed.

Each city handles the distribution to Councilors differently. Options include arranging for Councilors to pick their packets up at City Hall at a designated time; delivering each packet individually; installing keyed mail boxes at City Hall for after-hours pick-ups, etc.

Agenda packets may be bound, loose-leaf, spiral or post; or simply stapled and rubber-banded together. Many Councilors keep "working files" on projects so they like to separate the staff reports on those certain projects. CDs may be created and distributed for those using paperless packets.

CHAPTER 2.06

MINUTES

Sections:

2.06.010	Minutes Generally
2.06.020	Purpose of Minutes
2.06.030	Content of Minutes
2.06.040	Standard Format
2.06.050	Approval of Previous Minutes
2.06.060	Record of Action Taken
2.06.070	Oral Debates, Arguments and Discussions
2.06.080	Hearings
2.06.090	Adjournment
2.06.100	Signing the Minutes
2.06.110	Use of Tape Recordings and Retention
2.06.120	Preparation of the Minutes
2.06.130	Summary--Annotated Agenda or Synopsis
2.06.140	Purpose of Format
2.06.150	Format Characteristics
2.06.160	Formatting Suggestions
2.06.170	Motions and Votes
2.06.180	Corrections to Minutes
2.06.190	Excerpt from Minutes
2.06.200	Preservation of Minutes
2.06.210	Distribution
2.06.220	Indexing

2.06.010 Minutes Generally. Recorders in Oregon cities are legally required to keep a record, journal of proceedings or minutes of Council meetings. Most cities have this requirement in their charter. The form in which this record is to be maintained is not spelled out in the ORS, so the purpose of this chapter is to offer suggestions as to format and content of your minutes.

While there may be working copies or file copies of all minutes in the Recorder's office and they may be microfilmed on a regular basis, there should be official, originally signed copies of all minutes. This official record can be in various forms, but it is suggested that official minute books be kept and that they be stored in a fireproof vault. The paper in these books is usually of a specially treated type to guard against deterioration. Remember -- the minutes reflect the history of your city, and in the event of a disaster, they will be invaluable in recreating records, etc. You may wish to consider having a duplicate set of minutes created by the Microfilming Division of the State Archives and kept off-site (in Salem) in the event of a disaster.

2.06.020 Purpose of Minutes. Keeping a good record of City Council proceedings is very important. A sufficient record must be kept to furnish evidence that the Council has complied with the law or rules by which it is governed, thus pointing to the need for accurate and clear Council proceedings. The facts contained in the minutes are also treated as evidence in a court of law.

2.06.030 Content of Minutes. Minutes need to be clear, concise, precise and unambiguous. They need to show clearly, beyond doubt, exactly what actions were taken and decisions were made at the meeting -- but not necessarily everything that was said. Remarks that clarify the "intent" of the legislative body in its decisions should be noted. The following is a non-comprehensive list of information to be included in the minutes:

- Date, location and type (regular, adjourned, special) of meeting;
- Scheduled time of meeting and the time the meeting was actually called to order;
- Officials/members present and officials/members absent;
- Topics of business and actions taken on each business matter;
- Record of motions and voting;
- Time of adjournment; and
- Signature blocks for Mayor/presiding officer and/or Recorder.

If someone leaves during a meeting, note the time person left and the time of return, if applicable.

2.06.040 Standard Format. Use of standardized format is recommended to develop uniformity of minute entries and to save time in composing the record. If word processing equipment is utilized in the preparation of minutes, a glossary can be set up for standardized items, such as adoption of resolutions and ordinances, award of contracts, etc., which then requires that you input only specifics, such as titles of resolutions and ordinances, project numbers, etc.

2.06.050 Approval of Previous Minutes. Most cities place approval of the previous meeting minutes on the Consent Agenda. Copies of the minutes should be provided to Councilors in sufficient time for their review prior to the Council meeting. If any corrections need to be made, Councilors may request the changes prior to the meeting. The minutes become the formal record of the meeting when approved as written, or as amended by the Council.

2.06.060 Record of Action Taken. Some Council's require "action only" minutes, where little, if any, narrative is included, and only motions and votes are shown in the record. Other Councils require more extensive minutes, which may include not only details on each agenda item listed, but also the discussion thereon. ORS 192.650 defines what is legally required in the contents of the minutes.

For adoption of a resolution or an ordinance, the minutes should include its title and the number assigned to it.

A written report or written communication presented at a Council meeting need only be referenced in the minutes with the name and title of the author, date of the report or communication, subject of the communication or title of the report, and the action taken on the matter.

Oral reports or communications need only be referenced in the minutes by name of person, address (if desired), the subject matter, and the disposition made by the Council.

2.06.070 Oral Debates, Arguments and Discussions. Some Recorders, as a matter of course, make no reference in the minutes regarding Councilor's remarks, except where a Councilor specifically requests that his remarks be included in the minutes. Cities that follow this process support the concept that minutes should only record the "actions" taken by the Council, and were never meant to include the reasons for taking such actions.

Other Recorders make reference in the minutes to Councilors' comments and reasons for voting for or against a motion. It is really a matter of individual city preference. However, if a Councilor requests that "the record show" his or her reason for voting, the Recorder is well advised to include the same in the minutes, unless Council policy precludes it.

2.06.080 Hearings. Minutes of Council meetings with respect to hearings should include:

- **Jurisdictional Facts:** To sufficiently prove that a hearing was held in compliance with the statute or ordinance governing the same, the minutes should reflect that the required notice was given in accordance therewith, and that the hearing was held at the time and place specified in the notice -- this would equate to jurisdictional facts.
- **Evidence Produced at Hearings:** This would include evidence presented and oral testimony given at a hearing. Minutes should make appropriate reference to anything submitted in writing, such as affidavits, reports or letters; or to other objects submitted, such as maps or photographs, which are considered part of the record. With regard to oral testimony, the record should show the name of the person speaking, his or her address and whether testimony was for or against the hearing subject. Cities vary in their policies of including full addresses of speakers in the minutes. Some Recorders briefly refer to the content of the testimony in the minutes; however, there is no requirement that this be done.
- **Findings of Council:** Usually the findings made by the Council in respect to public hearings are incorporated in the ordinance or resolution adopted as a result of the hearing. When this is done, the minutes need not record these findings in the body of the minutes, but should refer to the resolution or ordinance voted upon by the Council. Some Council's prefer, however, to have their comments in regard to public hearing findings included in the record.
- **Arguments and Debates at Hearings:** Once again, the inclusion of arguments and debates occurring at public hearings is a matter of personal preference of the individual Recorder or Council. There is no requirement for inclusion in the record, but some cities, as a matter of procedure, briefly note arguments or debates.

2.06.090 Adjournment. In recording adjournment, the minutes should show whether it was adjourned to another time prior to the next regular meeting, or merely adjourned. Some Council's adjourn by motion. In other cities, the Mayor or presiding officer may declare the meeting adjourned.

2.06.100 Signing the Minutes. Frequently the rules governing a city will require that the Recorder sign the minutes; some also require the Mayor to sign them. Regardless of whether such a procedure is legally necessary, it is recommended that the Recorder sign all minutes, as it adds authenticity to the minutes as public record and reflects the approval of the Council.

2.06.110 Use of Tape Recordings and Retention. There is no statutory requirement that Council meetings be tape-recorded. When a Recorder makes an authorized tape recording or digital recording of a Council meeting to facilitate the preparation of the minutes, any person has a right to inspect the tape and to listen to the recording on equipment provided by the city. Any person also has the right to receive a copy of the recording, by either purchasing a copy from the city, or making a duplicate copy on his or her own equipment. This does not include the right to take the tape off city premises or to have a written transcript made by the city. Tapes of executive sessions are exempt from disclosure.

If tape recordings of routine Council meetings are made, the City Records Retention Schedule requires that the tapes be retained for one year. The tapes may then be erased or destroyed.

2.06.120 Preparation of the Minutes. Minutes of each Council meeting should be prepared as soon as possible to be available for approval by the Council at a future meeting. This may not be practical or possible when Council meets each week. It is advisable that the minutes be done in rough draft prior to final preparation, and that the draft be checked against the agenda to be sure each item was included. If at all possible, a second person should review the draft for errors and/or omissions.

2.06.130 Summary--Annotated Agenda or Synopsis. A summary of Council actions is commonly used to transmit information quickly to city staff and members of the press. The summary may be presented in several different ways; however, there are two that are used by most cities.

The first is the annotated agenda. This is done by marking the agenda face sheet with a notation as to the action taken by the Council. (For example: Roll Call: All members present.)

The second is the synopsis, a brief list of each item of the agenda, the action taken by the Council, and possible direction to staff for follow-up.

2.06.140 Purpose of Format. Much can be learned from the minutes of other cities. Recorders learn how other cities conduct business, the kinds of business they conduct and what style is used for minutes.

Minute formats should not change with every new City Recorder. While some cities have the same employee for twenty or more years, others change Recorders frequently. If minute formats changed frequently, the lack of uniformity would lead to a lack of credibility. However, there are many times when a change (small or large) is warranted, for example:

- To help create/improve an indexing/document tracking system;
- To make minutes easier to read and/or understand; or
- To more accurately record business.

2.06.150 Format Characteristics. The following is a list of various characteristics for minute formats:

- Put city name and date on each page; number each minute page;
- Use columns and subtitles (capitalize, bold and underline subtitles);

- Include ordinance and resolution numbers and titles; include agenda numbers (if used);
- Minute book, volume or page number (some books come with pre-numbered pages).

No set of minutes could contain all of the above without becoming cluttered and confusing. However, this list will help you evaluate your minute format.

2.06.160 Formatting Suggestions. The following are suggestions on how the minutes should be prepared:

- Single space the text; double space between each paragraph and triple space between each item in the order of business;
- Leave a left-hand margin of an inch and a half; use block style;
- Captions (subject and abbreviated action) may be typed in the left-hand margin, this procedure will facilitate locating and identifying specific business matters at a later date;
- Capitalize and center the heading designating the meeting, time, date, and place;
- Be consistent when using capitalization of titles or proper names, organizations, districts, companies or proper nouns;
- If minutes include the word “said”, use a Thesaurus to find other words such as “comments” or “replied” to add variety for the reader;
- Reference any official document by its assigned number, such as: Ordinance 1234, Resolution 88-2, etc.;
- Item numbering, especially when linked with a minute index system, is used by many cities as a useful aid in locating reports and other business items;
- Identify names and addresses of businesses, applicants, property addresses -- people, places and things;
- Attempt to acquire at the meeting the name, address, and affiliation, if applicable, of persons speaking before the body;
- Use past tense;
- Avoid genders in titles -- instead of using "Councilman" or "Councilwoman," use "Councilor";
- Refer to speakers by "Mr. or Mrs." and "last name," not first name or nickname; if two members have same surname, use first name to distinguish between them; never use first names only;
- After the minutes are prepared in final draft, have someone other than yourself check them for spelling, grammar and other potential errors;
- Prior to the meeting, read the agenda and any supporting material to be more familiar with potential actions and to expedite minute preparation;
- Take notes as the meeting proceeds, including the time each item begins;
- If the meeting is being audio recorded, make an odometer reading notation of any statements or motions that are unclear -- this will expedite preparation of the minutes if further review is necessary; and
- Avoid the use of colorful adjectives and adverbs, such as: "He angrily stated," "hotly added" or "glorified the virtues" of his position.

2.06.170 Motions and Votes. There are various styles of reporting motions and votes. Some cities take roll call votes on every motion, others do roll call for ordinances only. A roll call vote may be requested by any member and is usually honored by the Mayor. Some cities call votes in alphabetical order of the Councilors' last names; others call votes in random order. Some cities list the result of votes with those in favor and those opposed, with the Councilors' names listed as they voted. Others simply state, "the motion carried, with Councilor X voting no," or "the motion carried unanimously."

If members are present and decline to vote, they are deemed to have abstained -- unless they have not voted due to a declared conflict of interest. It is suggested that your "Council Rules of Procedure" outline acceptable voting methods and procedures; for example, if a Councilor abstains -- is he/she required to state the reason for the abstention? In the case of a declared conflict of interest, it is critically important that the minutes reflect, "Councilor X declared a conflict due to (reason) and stepped down."

2.06.180 Corrections to Minutes. The Council has the right and duty to amend its minutes so as to make them correctly reflect what transpired at the meeting. Minutes do not "belong" to the Recorder, the Recorder is simply the submitter and custodian of the minutes. Do not become defensive when corrections to the draft minutes are offered. The art of preparing good minutes develops with experience.

All authorized corrections to the draft minutes should be recorded as a business transaction made at the meeting at which they were approved, as amended. Following the meeting, the draft minutes should be corrected to include the amendment(s) prior to placement of the final, executed minutes in the minute book.

Minutes of a meeting are submitted for approval at the next meeting before they become the permanent record of the city. Do not white out, cross out, or erase -- note the amendments in the margin.

2.06.190 Excerpt from Minutes. Certified copies of minutes often are requested. The entire minutes of a meeting may be certified. If only a small section or one business matter is requested to be certified, the Recorder may certify the appropriate excerpt from the minutes.

2.06.200 Preservation of Minutes. The law requires minutes of the Council to be retained as a permanent record. Therefore, special attention, care and security measures should be implemented to protect the orderly and safe keeping of minutes.

2.06.210 Distribution. Copies of minutes should be provided to Council with the agenda on which they appear for approval. Copies distributed prior to approval should be clearly marked "draft." After approval by the Council, copies of the official minutes should be provided to members of the public requesting them, put on the city website and distributed by e-mail as an attachment.

2.06.220 Indexing. Although it is not legally required, it may be desirable to maintain a comprehensive general index of the official minutes.

CHAPTER 2.08

OPEN PUBLIC MEETINGS LAW

Sections:

2.08.010	Generally
2.08.020	Purpose
2.08.030	Application
2.08.040	Definitions
2.08.050	Types of Meetings
2.08.060	Place of Meetings
2.08.070	Conduct of Meetings
2.08.080	Executive Sessions
2.08.090	Minutes and Recordkeeping
2.08.100	Violations/Remedies

2.08.010 Generally. The Open Public Meetings Law requires that all meetings of the "governing body of a public body" must be open and public. Furthermore, a "meeting" generally includes any situation in which a majority of the Council or other "governing body" meets and discusses the business of that body. Purely social gatherings are expressly exempted, unless the body's business is discussed. What follows is a more detailed examination of the Law.

It is strongly recommended that every Recorder in the state obtain a copy of the Attorney General's Public Records and Meetings Manual. This Manual will teach you basically everything you need to know about the public meetings laws, and will serve as an excellent source for quick information. The Manual may be obtained for a small fee from the Department of Justice, 100 Justice Building, 1162 Court Street NE, Salem, Oregon 97301-4096, Phone 503-378-2992, Ext. 325.

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

The open decision-making policy established by the Public Meetings Law (See ORS 192.630) is made effective by a number of substantive provisions. These provisions are intended to ensure, among other things, that the meeting of governing bodies at which decisions about the public's business are made or discussed are open to the public; that the public has notice of the time and place of meetings; and that the meetings are accessible to persons wishing to attend.

2.08.030 Application. The Public Meetings Law applies to meetings of the "governing body of a public body." A "public body" is any state or local government board, commission, council, bureau, committee, subcommittee or advisory group thereof created by or pursuant to the state constitution, a statute, administrative rule, order, intergovernmental agreement, bylaw or other official act. If two or more members of any public body have the authority to make decisions for or recommendations to a public body on policy or administration, they are a "governing body" for purposes of the public meetings law.

The Public Meetings Law does not cover private bodies. A private body does not become subject to the meetings law merely because it receives public funds, contract with governmental bodies or performs public services.

2.08.040 Definitions.

- **Meeting:** to be considered an official meeting, "action" must be taken.
- **Action:** all transacting of a governing body's business, including receipt of public testimony, deliberations, discussions, considerations, reviews and evaluations, as well as "final" action.

2.08.050 Types of Meetings. The Council may conduct regular, special, emergency, and work study meetings. For a detailed explanation of each of these types of meetings, please refer to Sections 2.02.100 - 2.02.140 of this Manual.

2.08.060 Place of Meetings. Meetings must be held within the geographical boundaries of the city, at the administrative headquarters or at the "other nearest practical location." However, the Council may hold a public meeting in a private place such as a restaurant or residence -- if fully adequate notice is given of the location so that interested persons may attend, and if fully adequate arrangements are made for their convenient attendance. However, the meeting place may not be a place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced.

These rules do not apply in the case of an actual emergency requiring immediate action.

The Council may hold "training sessions" outside the city, so long as no deliberations toward a decision are involved.

2.08.070 Conduct of Meetings. The Public Meetings Law is a public attendance law, not a public participation law. All meetings are open to the public except as otherwise provided by law. The right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment. Certain statutes, rules, or ordinances outside the Public Meetings Law may require the Council to hear public testimony or comment on certain matters. But in the absence of such requirement, the Council may conduct a meeting without any public participation, testimony or comments. The Council has the right to limit public participation at its meetings.

The Mayor has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with reasonable rules of conduct, or who causes a disturbance, may be asked or required to leave and upon failure to do so, becomes a trespasser. However, it is questionable whether the Council may exclude a member of the public because the person engaged in misconduct at a previous meeting.

Smoking is banned in public meetings.

2.08.080 Executive Sessions. The Public Meetings Law authorizes the Council to meet in executive session under certain limited situations -- ORS 192.660 should be thoroughly studied and all Recorders should become well versed in the authorized reasons for executive sessions.

No executive session may be held for the purpose of taking any final action or making any final decision. The Council may reach a consensus in executive session, but the formal vote must be taken in open session to allow the public the opportunity to know the result of the discussion, which took place in executive session.

Unless the Council reasonably can conclude that public announcement of a proposed decision seriously will compromise future actions that must be taken, the Council should return to open session and announce the decision.

Before convening in executive session, the Mayor, city manager/administrator, or city attorney should publicly announce the purpose for the executive session, citing the authorizing statute, and the time when the executive session will conclude. The executive session may be extended by announcement of the Mayor.

At the conclusion of executive sessions, the Council should reconvene in open session and then adjourn the meeting.

2.08.090 Minutes and Recordkeeping. The Public Meetings Law requires that written minutes be taken at all meetings. Minutes need not be a verbatim transcript and the meeting does not have to be tape recorded -- although recording is highly recommended.

Minutes must be prepared and available within a "reasonable time after the meeting." After minutes are prepared, they cannot be withheld from the public merely because they will not be approved until the next Council meeting. If requested prior to Council approval, the minutes should be stamped "DRAFT."

Executive session minutes may be kept in the form of a tape recording rather than written minutes. No transcription of executive session minutes must be made unless otherwise required by law. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which the executive session was held under statutory authority, the material may be withheld from disclosure. The news media have no statutory right of access to minutes or tapes of executive sessions beyond that of the general public.

2.08.100 Violations/Remedies. The Attorney General and district attorneys have no enforcement role under the Public Meetings Law. Education and persuasion are by far the best tools available to obtain compliance. Most violations occur because the Council is not familiar with the requirements of the law. Most Council's are at least somewhat aware of the Public Meetings Law and make a good faith effort to comply.

Anyone affected by a decision of a public body may file a lawsuit to require compliance with, or prevent violations of, the Public Meetings Law by members of the Council. An action may be brought even before any decision affecting the plaintiff has been made.

A suit may also be filed to determine whether the Public Meetings Law applies to meetings or decisions of the Council. The suit must be brought in the circuit court of the county in which the Council normally meets. Any suit brought under the Public Meetings Law must be commenced within 60 days following the date that the decision becomes public record.

Notwithstanding the exclusive remedy provisions mentioned above, complaints that public officials have violated the executive session provision of the Public Meetings Law may be made to the Oregon Government Ethics Commission for review and investigation. The Oregon Government Ethics Commission may impose civil penalties not to exceed \$1,000 for violating any provision of the executive session statute (ORS 192.660). However, if the violation occurred as a result of the governing body of a public body acting upon the advice of the public body's legal counsel, a civil penalty may not be imposed. If the Oregon Government Ethics Commission chooses not to pursue a complaint at any time before conclusion of a contested case hearing, the public official may be entitled to reimbursement of reasonable costs and attorney fees.

TITLE III

RECORDS MANAGEMENT REQUIREMENTS

CHAPTERS:

3.02 PUBLIC RECORDS LAW

3.04 RECORDS MANAGEMENT GUIDELINES

CHAPTER 3.02

PUBLIC RECORDS LAW

Sections:

3.02.010	Generally -- Purpose and Application
3.02.020	Records Covered by the Law
3.02.030	Authority to Charge Fees for Records Requests
3.02.040	Timely Response for Public Records Request
3.02.050	Records Considered Exempt From Disclosure
3.02.060	Remedies for Denied Access
3.02.070	Resource Manual

3.02.010 Generally — Purpose and Application. The Public Records Law was enacted by the Oregon Legislature in 1973. Under this Law (ORS 192.420), “every person” has a right to inspect any nonexempt public record of a public body. Generally, the identity, motive and need of the person requesting access to public records are irrelevant. However, the identity and motive of the person seeking disclosure of a particular public record may be relevant in determining whether a record is exempt from disclosure under a conditional exemption. ORS 192.501 conditionally exempts certain records from disclosure “unless the public interest requires disclosure in the particular instance”. Therefore, the public body must always apply a balancing test for each exemption on a case-by-case basis. The Public Records Law applies to any public body in the state, but does not apply to private entities or private bodies such as nonprofit corporations or cooperatives. The Law requires the custodian of public records (commonly the City Recorder) to provide “proper and reasonable opportunities for inspection and examination of the public records during usual business hours”. The Law further requires that persons inspecting records be provided with “reasonable facilities” for making memoranda or abstracts from the records. According to a 1979 Attorney General’s opinion, a record requestor must be allowed to use his/her own equipment to copy records, and cannot be compelled to accept records in the form that the records custodian would provide.

3.02.020 Records Covered by the Law. ORS 192.410(4) defines a “public record” as including:

“any writing containing information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.”

This includes information stored on computer tape, microfiche, photographs, films, tape or videotape, maps, files or electronic recordings that may be in “machine readable or electronic form.”

Records need not have been prepared originally by the public body to qualify as public records. If records prepared outside the city contain information relating to the conduct of the public’s business and are “owned, used or retained” by the public body, the records are within the scope of the Public Records Law. The Law does not, however, impose on public bodies the duty to *create* public records.

3.02.030 Authority to Charge Fees for Records Requests. The Public Records Law expressly authorizes a public body to establish fees “reasonably calculated to reimburse it for its actual cost

in making such records available.” It further permits local government to include in its fees “costs for summarizing, compiling or tailoring a record to meet the person’s request”. “Actual cost” may include a charge for the time spent by staff to locate the requested records, review the records to delete exempt material, supervise a person’s inspection of the original documents in order to protect the records, copying records, certifying documents as true copies or sending records by special methods such as express mail. It also includes the costs of attorney time for reviewing, redacting and segregating records that should not be disclosed. It is strongly recommended that local governments establish a fee schedule and written policy on public information/records requests and have the policy adopted by City Council.

3.02.040 Timely Response for Public Records Request. A government entity is required to respond in writing to a public records request in as timely a manner as possible. The written response must formally acknowledge the receipt of the request and include at least one of the following:

- A statement that the public body is not in possession of the requested record;
- A request from the public body asking for clarification of the request;
- Copies of the requested records;
- A statement that the public body is in possession of at least some of the requested records, the amount of time the public body needs before the records will be available to the requestor, and a cost estimate for providing the records;
- A statement that the public body is uncertain if it is in possession of the records and the amount of time the public body needs to search for the records; or
- A statement that the public records are exempted from public disclosure under state and federal law.

Additionally, the public body is required to publish a written procedure for public records requests that includes the name(s) of person(s) public records requests may be submitted to, the fees associated with public records requests, and the manner of their calculation.

3.02.050 Records Considered Exempt from Disclosure. The Public Records Law is primarily a *disclosure* law, rather than a confidentiality law. The general policy of the Law favors public access to government records. A public body that denies a records inspection request has the burden of proving that the record is exempt from disclosure. Exemptions do not prohibit disclosure and most exemptions are conditional; disclosure is more often favored. The policy underlying the conditional exemption statutes is that disclosure decisions should be based on balancing those public interests that favor disclosure of governmental records against those public interests that favor governmental confidentiality, *with the presumption always being in favor of disclosure*. ORS 192.501 contains a list of “conditionally exempted” records. Most exemptions listed in ORS 192.502 are not subject to any balancing of factors or weighing of the public interest in disclosure.

3.02.060 Remedies for Denied Access. The Public Records Law provides that a person denied the right to inspect or receive a copy of a public record from a local government agency may petition the District Attorney to order the release of the public record. This procedure is described in ORS 192.460. The District Attorney, upon receipt of a petition, must promptly notify the local government agency, and the agency is then under a duty to transmit the requested record to the District Attorney for review, together with a statement of its reasons for believing the public record should not be disclosed. The District Attorney has seven days in which to deny or grant the petition in whole or in part. If the District Attorney orders the local agency to disclose the record, the agency must comply with the order in full within seven days, unless

within the seven days the agency gives notice of its intention to institute proceeding for injunctive or declaratory relief in the circuit court for the subject county. If the District Attorney's order is adverse to the person petitioning for review, that person likewise has recourse to the local circuit court.

3.02.070 Resource Manual. To become more knowledgeable about the Public Records Law, all Recorders are strongly encouraged to obtain a copy of the Attorney General's Public Records and Meetings Manual. This Manual is an excellent resource for anyone responsible for public information/records requests. The Manual may be purchased for a small fee from Publications, Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, Phone: 503-378-2992.

CHAPTER 3.04

RECORDS MANAGEMENT GUIDELINES

Sections:

3.04.010	Generally
3.04.020	Object of Program
3.04.030	Records Management Defined
3.04.040	Legal Requirements
3.04.050	Public Records Defined
3.04.060	Records as Public Property
3.04.070	Custody of Public Records
3.04.080	Disposition of Public Records
3.04.090	The Use of Microfilm
3.04.095	Digital Imaging
3.04.100	Authority to Transfer Records to the State Archives
3.04.110	Methods of Records Destruction

3.04.010 Generally. The retention of obsolete records is an unnecessary expense and a management hazard because such material takes valuable working space and hinders the use of active records by creating crowded and chaotic files. Keeping records beyond their approved retention period may also prove a liability in the event of litigation. The City Records Retention Schedule was developed by the Oregon State Archives Division with the cooperation of the Oregon Association of Municipal Recorders (OAMR) and is intended to be a comprehensive listing of most records encountered in municipal government. The Schedule is to be used by all cities in the state. Also, in conjunction with the Oregon State Archives Division, the OAMR developed the City Records Management Manual to serve as a general guide for records management by all cities in Oregon. Copies of these publications may be obtained from OAMR.

3.04.020 Object of Program. The object of a records management program is to save valuable office space by systematically removing semi-active records; save money by providing low-cost storage and by controlling equipment purchases; and save time in person-hours by developing an orderly system for maintaining, retrieving, storing and disposing of records. The program also provides for the identification of historically valuable records which should be preserved, and for essential and vital records that should be protected. Whether in the public or private sector, records management programs make good sense.

3.04.030 Records Management Defined. “Records Management” is the systematic control of records, from creation to final disposition. This systematic approach to the control of all phases of a record’s life is essential for an organization to control paperwork proliferation; have efficient access to requested information; dispose of obsolete records; provide documentation of compliance to State and Federal courts and agencies; and maintain a historical organizational record.

3.04.040 Legal Requirements. “To establish a records management program to ensure orderly retention and destruction of all public records, and to ensure the preservation of public records of value, each state and local agency should designate a Records Officer (City Recorder) to organize and coordinate records scheduling, retirement, storage and destruction...” (OAR 166-30-016). The retention and disposition of public records carries special responsibilities that need

to be understood by all Recorders as City Recorders are most commonly appointed the “Records Officer” of their city.

3.04.050 Public Records Defined. The term “Public Records” applies to any writing, document, book, paper, photograph, file, sound recording, machine readable electronic record, e-mail or other material, such as court files or mortgage and deed records, regardless of physical form, characteristics or origin, made, received, filed or recorded pursuant to law or in connection with the transaction of public business, whether or not confidential or restricted in use.

3.04.060 Records as Public Property. All such public records shall be, and remain, the property of the agency. Outgoing officials and employees must pass such records on to their successors. All public records must be preserved, stored, transferred, destroyed and otherwise managed according to law.

3.04.070 Custody of Public Records. Public records must remain in the custody of the agency in which they were originally received or created. They may not be placed in the custody of any other person or agency, public or private, or released to individuals except for disposition pursuant to law or as otherwise provided by law.

3.04.080 Disposition of Public Records. Public records may be destroyed or transferred only in accordance with the instructions outlined in the City Records Retention Schedule.

3.04.090 The Use of Microfilm. Records may be microfilmed in accordance with the American Standards Institute (ANSI) and OAR 166-10-035. The security copy may be stored at the Oregon State Archives. Microfilming provides a security copy to ensure against loss or accidental destruction of records. Microfilm may be substituted for any paper or machine-readable record if it is made according to OAR 166-30-70. Instructions are outlined in the City Records Management Manual, Chapter 8, Microfilm.

3.04.095 Digital Imaging. Records may also be digitized if in compliance with the standards set out in OAR 166-17-0010. All digital imaging systems that store digitized public records with a retention period of 10 years or more must have system documentation on file with the records officer. If the life expectancy of the system is less than the retention period of the records it stores, system documentation must include a description of how access to digital images of records will be maintained.

3.04.100 Authority to Transfer Records to the State Archives. Instead of being retained permanently by the agency, records designated as having archival or historical value may be officially transferred to the State Archives.

3.04.110 Methods of Records Destruction. The primary objective of records destruction is to reduce obsolete records which are eligible for destruction based on the City Records Retention Schedule. Burning, pulping and shredding are considered to be the most effective methods. You should keep a records destruction log and compile certificates or affidavits recording the date and details of destruction for future reference.

TITLE IV
LEGAL ISSUES AND REQUIREMENTS

CHAPTERS:

- 4.02 LAWS AFFECTING CITIES**
- 4.04 FORMS OF MUNICIPAL GOVERNMENT**
- 4.06 LEGISLATIVE PROCEDURES**
- 4.08 ELECTIONS**
- 4.10 CITY BOUNDARY CHANGES**
- 4.12 PUBLIC CONTRACTING AND PURCHASING**

CHAPTER 4.02

LAWS AFFECTING CITIES

Sections:

4.02.010	Political Subdivisions of the State
4.02.020	Municipal Power
4.02.030	Home Rule
4.02.040	Liability of Municipal Governments
4.02.050	Crimes and Torts

4.02.010 Political Subdivisions of the State. Local governments, which are not mentioned in the United States Constitution, are basically creatures of the state and all are public municipal corporations. They are subject to federal restrictions on states, but the main sources of law governing them are the state constitution, statutes and state courts. The law grants local governments powers of various types to carry out their functions. Those powers differ in many respects from the powers of private corporations. City charters and ordinances are the sources of law that govern a city's actions and decisions on matters reserved exclusively for local control under "home rule." However, local laws may not conflict with the state constitution or certain state laws that are intended to preclude inconsistent local enactment.

Several provisions for local government and more numerous restrictions on it appear in the Oregon Constitution and a substantial portion of the Oregon Revised Statutes is devoted to local government -- ORS Chapters 221 to 227 deals with city government; Chapter 294 outlines the Local Budget Law; Chapters 295-297 deals with public funds and financial administration; and Chapter 250 contains the provisions for local initiative and referendum. Judicial decisions that interpret constitutions, statutes, charters and/or ordinances are also an important source of law affecting cities.

4.02.020 Municipal Power. Municipalities are empowered to acquire, manage and dispose of property (including eminent domain powers); to employ persons (although a higher standard of fairness and nondiscrimination is required than of private employers); to raise revenues; levy taxes; impose fees; levy assessments for improvements; impose service charges; sell goods and services and to borrow money through bond issues to pay for improvements; to enter into contracts, following the competitive bidding laws; and to preserve and promote "the order, safety, health, morals and general welfare of the public."

There are multiple types of powers exercised by local government. If a power is exercised to require or prohibit certain conduct -- independent of an existing legal requirement or prohibition -- the exercise is legislative or "lawmaking." If the purpose is to execute or administer a requirement or prohibition, the power is executive or administrative. If the purpose is to settle a dispute about a requirement or prohibition or how it is to be interpreted or applied, the power is judicial. For example, a zoning ordinance would be adopted through a legislative act; issuing a building permit would be an exercise of executive or administrative power; a decision regarding an alleged violation of a zoning ordinance would be a judicial decision.

Most local government powers are "intramural" meaning the powers can only be exercised inside the city limits. Extramural powers, those exercised outside the jurisdictional boundaries of the city, can only be granted by the constitution or by statute. Extramural power could be granted to a city to acquire land outside its boundaries for parks or to build and maintain a sewage or water facility outside of town.

Even though power is granted to cities through the constitution, the statutes, our charters and ordinances, we also have to remember that those same mechanisms restrict municipal power as well. Cities are subject to statutory, constitutional, judicial and charter limitations. As mentioned above -- the U.S. Constitution doesn't mention local government, but the limitations it places on states also affect local government because cities are considered a part of the state. The statutes limit expenditures in excess of the city's adopted budget; prohibit "secret" meetings of the Council; define unfair labor practices; etc. By judicial decision, city ordinances must be "reasonable" and two cities cannot exercise the same powers in the same territory at the same time. Our own city's charters typically have strict requirements on the process of adopting ordinances.

In general, grants of power to local government are strictly construed, and doubt is usually resolved against the local government and in favor of the individual. Therefore, Recorders should be knowledgeable of their city's limits and restrictions -- as well as the powers it has been afforded.

4.02.030 Home Rule. The term "home rule" refers to the extent to which a city may set policy and manage its own affairs. Without any home rule, state law would control every aspect of municipal government --- even the finances. Some states allow minimal home rule -- this is considered "statutory home rule." Oregon, however, allows a broad range of home rule powers to cities, called "constitutional home rule." The 1941 Incorporation Act says a city operating under the Act may "take all action necessary or convenient for the government of its local affairs." Under Oregon home rule provisions, the voters of cities have taken from the state legislature and reserved to themselves, the power to adopt and amend their own city charters.

Most city charters include a "general grant of powers" provision that permits the Council to decide on matters relating to its organization, powers, functions and finances without recourse to the state legislature. City charters not having this "general grant of powers" have "enumerated powers" -- specific authorizations for the city to exercise certain powers (issue bonds, acquire property, etc.) and perform certain functions (license and regulate businesses, construct facilities, etc.). A charter with enumerated powers limits a city's authority and must be amended when powers or functions are found lacking.

4.02.040 Liability of Municipal Governments. Municipal governments are subject to liabilities much like natural persons. Municipal governments act only through their agents, and as an agent's principal, the government is responsible for acts of an agent when the acts are within the agent's authority. As officers and employees are agents of municipal government, they too are generally subject to personal liability for acts they commit as government employees. The main exception to general liability of municipal government is a limitation on criminal liability -- since there is no actual "person" to incarcerate or punish.

4.02.050 Crimes and Torts. Although a municipal government cannot be "punished" for a crime committed by one of its agents, cities are sometimes made subject to fines and punitive or exemplary damages for such things as denial of civil rights or restraint of trade. Cities are bound by contractual rules and are also liable for a breach in a contract, a judgment for damages or an order to comply with their contractual duty by performance of the contract terms.

Torts are injuries or wrongs done to the person or property of another, in contrast to crimes -- which are considered wrongs to the public in general. The same conduct may constitute both a tort and a crime. The enactment of the 1967 Oregon Tort Claims Act (OTCA) generally made

cities liable for torts of their officers, agents and employees if the torts are committed within the scope of their employment -- but it also made several exceptions that preserve or create certain immunities for cities. The OTCA also provided that public officials were to be defended and held harmless by their public body for actions taken in their official capacity, except for malfeasance in office or willful or wanton neglect of duty. A public official tort may take any one of the three following forms:

- **Nonfeasance:** a tort committed when a public official forgets or otherwise omits doing a required act; for instance, failure of a City Recorder to record a document which the duties of the office obligate the Recorder to record and such failure to record the document results in some type of injury or damage to a person or property;
- **Misfeasance:** a tort committed when a public official performs a lawful act in an illegal or improper manner; for example, a firefighter who, although he is authorized to drive a fire truck, does so recklessly and causes injury to a person or property; or
- **Malfeasance:** a tort committed when a public official does something that should not be done at all; for example, a police officer arrests someone without any reason to do so and the person arrested claims injury due to the arrest.

In order for a tort to occur, there must be an injury to a person or property, as well as a wrongful act or omission; if no injury occurs as a result of the wrongful behavior or failure to act, no tort has been committed. A review of ORS 30.260 to 30.300 will acquaint you with the tort law.

CHAPTER 4.04

FORMS OF MUNICIPAL GOVERNMENT

Sections:

4.04.010	Generally
4.04.020	Major Variables in Governmental Form
4.04.030	Weak-Mayor Form
4.04.040	Strong-Mayor Form
4.04.050	Commission Form
4.04.060	Council-Manager Form
4.04.070	Hybrid Forms

4.04.010 Generally. A city's form of government defines its internal organizational structure -- the relations among its electorate, its legislative body and its executive officials, and the respective roles of each in the formal decision-making process. The form of government is often said to be less important to the quality of a city's performance than the personal qualities and abilities of its city officials and employees. Nonetheless, issues do arise on questions of governmental form, and a general understanding of alternative approaches is useful to City Recorders.

4.04.020 Major Variables in Governmental Form. Although there are four basic forms of city government, rarely does the organization of a city adhere completely to one form. A city's governmental form depends on the way its charter deals with several types of variables. In a few cities that have no charter, state statute provides the form of government.

- **Election vs. Appointment:** While all Councilors are elected, the Mayor may be either elected by the people or appointed by the Council from among its own members. Most city administrative officers and Municipal Judges are appointed, but about a dozen Oregon cities elect the Municipal Judge, and a very few elect the City Recorder and/or Treasurer. In Portland, the Mayor and other members of the Council also function as administrators of the city departments.
- **Territorial Representation:** Election of the Council can be either "at-large" (city-wide) or by district or ward. Some cities use a combination of these approaches: nomination from a district and election at-large. Cities that elect by district must comply with the "one-person, one-vote" requirement, which means that elected officials must represent roughly equal numbers of the population -- thus giving "equal representation."
- **Nonpartisanship:** In contrast to most Oregon county governments and to city governments in some other states, elective offices in Oregon cities are filled by nonpartisan elections. This is a matter of tradition and choice, since nothing in the state Constitution prevents a city from adopting a charter provision for partisan elections.
- **Council Size and Term:** Oregon cities have Councils of fewer than ten members, although there is a variation in Council size -- from five to nine members. Most Councilor terms are four years, but a few cities have two-year terms. Several cities have two-year terms for the Mayor, even though the Councilors serve for four years. A few city charters provide a limit for the number of terms that one individual may serve as Mayor or Councilor.

- **Separation of Powers and Functions:** Local government in the United States often does not operate under the separation of powers that is required for the federal government by the United States Constitution and for state governments by state constitutions. However, charters and statutes often require some type of separation of powers and functions in local government. In traditional Council-Manager government, for instance, the charter accords legislation and other basic policy making to the City Council, administration to the City Manager/Administrator, and adjudication to the Municipal Judge.
- **Executive Authority:** The key variable that characterizes different forms of city government is the way executive authority is structured. A city's chief executive power may be vested in a single officer or it may be divided among several offices (in Oregon, only Portland has more than one chief executive (see Section 4.04.050 of this Manual). The chief executive body or officer may be elective or appointive, and its powers may be extensive or limited in relation to the powers of the Council and other executive officers.

4.04.030 Weak-Mayor Form. In the “Weak-Mayor Form” of city government, the elected Council is the legislative and basic policy-making body of the city. Council committees such as parks, public works, public safety, etc., are often responsible for day-to-day oversight of city activities, and may appoint or recommend the appointment of some or all administrative personnel of the city. Some administrative offices, boards and commissions may be elected. The Mayor, who in some instances is elected and in others is appointed by the Council from its own members, is the ceremonial head of the city and presiding officer of the Council. Often, the Mayor does not appoint administrative personnel, has no special administrative responsibility and has no power to veto ordinances adopted by the Council. For these reasons, this form of government is called the “Weak-Mayor Form.” Most small cities in Oregon have this form of government.

4.04.040 Strong-Mayor Form. The other Mayor-Council form of government differs from the “Weak-Mayor Form” mainly by making the Mayor the chief executive of the city. In addition to being ceremonial head of the city and presiding at Council meetings, the Mayor has the power to appoint all or most administrative personnel of the city and has general responsibility for proper administration of city affairs. The Mayor usually has the power to veto ordinances adopted by the Council. Because of the dominant role of the Mayor, this form of government is called the “Strong-Mayor Form.” Few cities in Oregon have this form.

4.04.050 Commission Form. Only Portland has the “Commission Form” of government in Oregon. (Note: Oregon City, Warrenton and Bend use the term “Commission” rather than “Council,” but they do not have the “Commission Form” of government.) In this form, the voters directly elect the city's major department heads, who collectively function as the City Council. The Mayor's role is largely ceremonial in most Commission cities, although in Portland, the Mayor has the power to assign and reassign bureaus among the five City Commissioners -- a power that is used to strengthen the Mayor's leadership role in city government.

4.04.060 Council-Manager Form. All Oregon cities over 2,500 population have the “Council-Manager or Council-Administrator Form” except Portland (“Commission-Form”), Beaverton and Burns (“Strong-Mayor Form”), and Lakeview (“Weak Mayor Form”). The chief characteristic of this form is that the Council appoints a qualified professional person as City Manager or Administrator to take charge of the daily supervision of city affairs. The City

Manager or Administrator serves at the pleasure of the Council. The theory underlying the Council-Manager plan is that the Council sets policy and the City Manager carries it out.

An absolute separation between policy and administration does not really exist in city government. However, the Council-Manager plan works best when the Council exercises its responsibility for policy leadership and respects the City Manager's/Administrator's leadership role and responsibility for administration.

Council-Manager charters commonly include specific provisions that prohibit individual Councilors from giving orders to city employees or from attempting to influence or coerce the City Manager with respect to appointments, purchasing or other matters. However, the charters do not prohibit, and may affirmatively provide for, the City Council discussing administrative matters with the Manager in open meetings.

Many small cities in Oregon have established a City Administrator position instead of a City Manager position. This is usually accomplished by ordinance rather than by charter, and occasionally a city sets up such a position merely by budgeting for it. The duties and responsibilities of City Administrators vary. In some cities, they are indistinguishable from those of a City Manager; in others, the Administrator may share administrative duties with the Council or its committees, including hiring and firing department heads.

4.04.070 Hybrid Forms. Certain city governments may possess some of the characteristics of two or more of these basic forms and may be considered "hybrid forms." A Weak-Mayor City, for example, may have few, if any, independently elected or appointed officers or boards, and a Council-Manager City may have a relatively strong Mayor who appoints most city board and commission members, has veto power over ordinances passed by the Council and exercises considerable power as presiding officer. Frequently, specific local circumstances require that actual city operations deviate somewhat from the formal structure, as sometimes happens when a City Administrator gradually assumes increased responsibility to the point where his/her functions become indistinguishable from those of a City Manager. Other circumstances, including the interest, capabilities and personalities of city officials and employees, may cause a city government to function differently than might be expected on the basis of its formal structure.

CHAPTER 4.06

LEGISLATIVE PROCEDURES

Sections:

4.06.010	Legislative vs. Quasi-Judicial Procedures
4.06.020	Ordinances
4.06.030	Resolutions
4.06.040	Original Documents Retained
4.06.050	Motions
4.06.060	Public Hearings
4.06.070	Appeal Procedures
4.06.080	Separation of Powers and Functions
4.06.090	Ethics and Conflicts of Interest

4.06.010 Legislative vs. Quasi-Judicial Procedures. Legislative acts affect a broad class of individuals and set general rules and/or public policy. In legislative matters, Council has discretion on whether or not to consider the matter. Quasi-judicial actions are narrower in scope and focus on specific situations where a process, once initiated, must be carried through to final resolution or decision. The distinction between the two processes determines the extent of procedural safeguards afforded members of the public who are affected by a proposed action.

In local government, quasi-judicial action must afford affected parties a wider range of procedural rights than is required for legislative action. The procedures for legislative actions are simpler than those followed in quasi-judicial actions, but legislative proceedings make it more difficult for an aggrieved member of the public to attack the validity of the action. The courts will uphold legislative action unless it was unauthorized, unconstitutional or the result of arbitrary and capricious action. There is no requirement for a governing body taking legislative action to be impartial in arriving at a decision. Recorders should be familiar with and sensitive to the distinction between the two types of actions because of the important differences in the procedures to be used.

The City Recorder is required by statute to perform certain legislative functions such as maintaining the official record of Council minutes, ordinances, resolutions, etc. and Recorders are typically very involved in the legislative proceedings of their city. This Chapter discusses various legislative areas where the City Recorder might desire clarification -- for instance, the methods by which Council may take action. The list is not all-inclusive, but is representative of the types of legislative areas in which the City Recorder may be expected to be knowledgeable.

4.06.020 Ordinances. Ordinances are the laws of a municipality and are the most binding form of action taken by the City Council. Existing ordinances may only be amended or repealed by another ordinance. Ordinances are always required when the law will impose a penalty by fine, imprisonment or forfeiture; and when state law expressly requires the action be taken or policy adopted by ordinance. Actions which have a general legislative purpose must be done by ordinance.

Ordinances typically contain a title which completely describes the content of the ordinance; recitals which outline the background and purpose for the ordinance (the "whereas" clauses); a statement which reads: "Now therefore, the City Council of the City of ____ hereby ordains as follows..." (This is known as the "ordaining clause"); and the sections, which actually state the legislation being enacted. Ordinances are signed by the Mayor and attested by the Recorder and

include the date of passage. The City Recorder is typically responsible for assigning the ordinance number. Most City Charters prescribe the method in which ordinances are to be adopted; whether or not the Mayor can veto ordinances; the time required for an ordinance to become effective; and the requirements for an ordinance containing an emergency clause. Some charters also require that the vote include how each councilor voted.

A municipal code is a compilation of all legislative and penal ordinances of a city in one document. City Recorders are typically responsible for maintenance of the code and are expected to know the provisions of the code "practically by heart." They also usually have authority to administratively correct typographical or reference errors contained in the code or to any ordinance adding, amending or repealing any provision of the code. New ordinances should always refer to the code section they are creating; amending or repealing -- never to a prior ordinance -- this ensures proper maintenance of the code. Some cities have their code professionally published and maintained by a firm specializing in that field (for example: Lexis Nexis; Code Publishing, American Legal Publishing) and some cities do in-house codification, publication and updating. If your city does not have a municipal code, please contact OAMR for a reference to another Recorder who can help you get started on putting one together. The municipal code is probably the most important city document you will ever deal with....after all; it is a collection of the laws of your city. It is very important that the code be kept current and up-to-date at all times.

4.06.030 Resolutions. Resolutions, in contrast, are more "temporary" in nature than ordinances and are a less "formal" way Council can take action. A resolution can be an expression of Council consensus concerning temporary matters; a statement of policy; or a way of granting special privileges. Resolutions typically take effect immediately upon adoption and are always used to repeal or amend a prior resolution.

4.06.040 Original Documents Retained. The originals of all ordinances and resolutions are permanent records and should be treated with care. The Recorder should set up a system of tracking ordinances and resolutions, including an index by subject matter as well as a chronological list of the ordinances and resolutions. In addition, the Recorder should keep the originals in a hardback book designed specifically for official permanent records such as minutes, ordinances and resolutions. These are the "history books" of your city and should never be destroyed. Certified copies of ordinances and resolutions may be prepared by the Recorder to satisfy requests by the public; however, the original ordinances and resolutions should stay in the Recorder's possession and control at all times.

4.06.050 Motions. Motions are the least formal means by which Council takes action -- less formal than an ordinance or a resolution. Motions are used to approve minutes, adopt an ordinance or resolution, award a construction contract, etc. They are made orally and need only be seconded to be brought before the Council for discussion and a vote.

4.06.60 Public Hearings. With the exception of elections, public hearings are the most traditional and most prevalent way of getting citizens involved in local government decisions. Many Council's hold public hearings on certain topics, not because it is a required process of law, but because they want to strongly encourage public involvement. However, there are certain legislative actions that require public hearings prior to a Council decision being made. For example, a public hearing must be held prior to budget adoption; prior to submission of an application for certain types of grants; and prior to a decision on endorsement of a liquor license application for a new outlet. In general, a public hearing is an open consideration during a

regular or special Council meeting for which special notice has been given. The notice requirements for mandatory public hearings are set by statute or ordinance.

During a specified portion of the hearing, concerned individuals are invited to present their opinions regarding the subject under consideration. A public hearing is open to everyone who wishes to speak. Depending on the subject of the public hearing, notice of the hearing may be required to be delivered only within the area directly involved in the subject of the public hearing. Public hearing notices may be required to be posted, published and mailed. Recorders should be careful to always refer to the municipal code, state statute, and/or the City Attorney to make sure notice requirements are met. Recorders should keep copies of the notices posted, published and/or mailed -- along with certificates attesting to their authenticity for proof that the public hearing was held, and that notice was given, in accordance to law.

4.06.070 Appeal Procedures. State law and/or city ordinances provide that many actions of the city's top administrative officer (City Manager or Administrator) and decisions of various city advisory boards and commissions are appealable to the City Council. The Recorder should be familiar with the applicable code provisions regulating the appeal. The Recorder sometimes determines the date for the hearing before Council; in some cities the hearing date must be set by Council; in others, the Mayor or City Manager/Administrator sets the hearing date. In some cities, appeal forms may be provided by the Recorder and should include a space for the appellant's name, address and phone number, a description of the matter or decision being appealed and a space for the appellant to explain the grounds or basis for the appeal. Your City Attorney should be able to help you with the appeal process.

4.06.080 Separation of Powers and Functions. As noted in the previous Chapter, in most charters, legislative authority is typically granted to the Council; administrative authority to the City Manager/Administrator; and judicial authority to the Municipal Judge. As the "legislators" of the city, Council clearly has the dominant voice in policy matters; they do not have a "corner" on setting policy, but they do serve as the highest authority within city government in resolving issues of policy. Only the City Council may pass an ordinance, adopt a comprehensive plan, or otherwise put a plan into final form or direct a final course of action. The budget is the major vehicle for making city policy decisions -- and only the City Council may adopt the budget.

4.06.090 Ethics and Conflicts of Interest. Public officials' ethics and conflicts of interest are covered by various constitutional provisions, common law, state statutes and, occasionally, City Charter or ordinance provisions. State law ([ORS 244.040](#)) requires that public officials (including local officials) not use their official positions or offices to obtain financial gain other than official salary, honorariums or reimbursement of expenses. The law also limits the value of gifts that officials, candidates or members of their families may solicit or receive, or that any person may offer. It also prohibits public officials from soliciting or receiving offers of future employment in return for influence and from furthering their personal gain by use of official information.

In 2007, there were major changes to ethics laws. The new laws dealt with gifts, travel restrictions, nepotism, personal bias, annual reporting, and conflicts of interest, among other items. After evaluation by legislation, the ethics laws were revised further in 2009, through SB 30.

For the most current applications, forms, training and opinions, refer to the website at www.ogec.state.or.us. The Oregon Government Ethics Commission can be contacted at 503-378-5105; email ogec.mail@state.or.us; and address 3218 Pringle Road Suite 220, Salem, OR,

97302-1544. Every Recorder should obtain a copy of their A Guide for Public Officials, which can be obtained from the Oregon Government Ethics Commission website. The League of Oregon Cities is also an important resource, and provides information in regards to ethics laws, as well as acting as liaison to the legislature on behalf of municipalities and elected/appointed officials.

While the law does not specify prohibited behavior, it does impose extensive reporting requirements. Most city officials and candidates are required to file annual verified statements of economic interest (called SEI's) which become a matter of public record. Cities elected officials, City Manager/Administrator, Municipal Judges, Justices of the Peace and members of some local boards and commissions (primarily Planning Commission), are required to file these statements by April 15 each year. City Recorders who do not have a City Manager or Administrator are themselves subject to the ethics laws, as the primary decision maker outside of their elected officials. City Recorders, by statute, are responsible for supplying this information to local officials and updating the Oregon Government Ethics Commissions, as changes occur within their city government, with the names of local officials subject to the reporting requirements.

All elected and some appointed officials serving on boards or commissions must state the nature of any potential conflict of interest by publicly announcing it before taking any action on the matter giving rise to the conflict. Appointed officials other than those serving on boards or commissions (City Manager/Administrator and all Department Heads, etc.) are required to notify the Council or City Manager/Administrator (as appropriate) in writing of any potential conflict, leaving disposition of the matter to the proper authority.

In addition to being subject to civil sanctions, some conflicts of interest may be subject to criminal penalties under the "bribe receiving" statute. When a public servant solicits or agrees to accept pecuniary benefit upon agreement that his/her vote, opinion, judgment or action will thereby be influenced, he/she commits a Class B felony (ORS 162.025).

Some City Charters contain additional sanctions against conflicts of interest. This is an area City Recorders should strive to be familiar with. Every Recorder should obtain a copy of the manual called the Oregon Government Standards and Practices Law - A Guide for Public Officials from the Oregon Government Ethics Commission, which may be reached by their website, www.ogec.or.us, or at 3218 Pringle Road, Suite 200, Salem, OR 97302, Phone 503-378-5105, and email at ogec.mail@state.or.us.

See Exhibit at end of this section for New Resources released by the Oregon Government Ethics Commission on August 16, 2011.

4.06.100 Best Practices in Relation to Ethics Laws. Since City Recorders are required to notify the OGEC as changes to their elected and appointed officials occur, it helps to add this to your various systems that assist you in the process of your job. Adding the notification to your checklists when processing a new official will help you to remember this important step. In addition, it's important for officials considering running for election, or that are considered for appointment to a local board or commission, to know what their requirements are in relation to the ethics laws requirements. Adding this information to the packet you hand out to them will help them understand their requirements prior to election or appointment. Finally, it's important to remind your officials to remember to send in their SEI's by April 15 of each year. Doing so during a meeting, via memo's or emails, prior to the deadline should be a standard practice.

**OREGON GOVERNMENT ETHICS COMMISSION
NEW RESOURCES
AUGUST 16, 2011**

About OGEC- An Overview

The Oregon Government Ethics Commission (OGEC), established by vote of the people in 1974, is a seven-member citizen commission charged with enforcing government ethic laws. Oregon government ethic laws prohibit public officials from using office for financial gain, and require public disclosure of economic conflict of interest. The OGEC also enforces state laws which require lobbyists and the entities they represent to register and periodically report their expenditures. The third area of OGEC jurisdiction is the executive session provisions of public meetings law.

About OGEC- History

During the Watergate scandal of the early seventies, Americans were confronted with deceit and misuse of power by elected officials. Citizens across the nation began calling for accountability from their governments. In response, Oregon was one of the first states to create laws designed to open government to greater public scrutiny.

In 1974, more than 70 percent of the voters approved a statewide ballot measure to create the Oregon Government Ethics Commission. The ballot measure also established a set of laws (ORS Chapter 244) requiring financial disclosure by certain officials and creating a process to deal with the inevitable question of conflict of interest. The drafters of the original laws recognized that "conflict of interest" is, indeed, inevitable in any government that relies on citizen lawmakers.

About OGEC- Staff

The OGEC is administered by an executive director selected by the commissioners. The commission also employs seven full-time staff member who are appointed by the executive director, including investigators, trainers, executive support, and administrative staff.

The OGEC members and staff consider that they are doing their job most successfully if they can help public officials avoid conduct that violates the relevant statutes. They encourage people to inquire into any point of the statutes prior to taking any action that may violate Oregon Government Ethic law, Lobbying Regulation law or the Executive Session provisions of Public Meetings law.

OGEC staffers are available for informal questions and discussions about statutes, administrative rules and the commission's process. Public officials are encouraged to contact OGEC staff at any time.

OGEC Contact info

Oregon Government Ethics Commission
3218 Pringle Rd. SE, Suite 220
Salem, OR 97302-1544
Phone: 503-378-5105
ogec.mail@state.or.us

Real people answer the phone.
OGEC does not have an automated phone tree.

About Oregon Government Ethics Law

- Applies to all elected and appointed officials, employees and volunteers at all levels of state and local government in all three branches
- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Requires designated elected and appointed officials to file an annual disclosure of sources of economic interest
- Limits gifts that an official may receive per calendar year
- Found in Oregon Revised Statutes, Chapter 244

About the Executive Session Provisions of Public Meetings Law

- Authorizes specific, limited reasons for which a public body may meet in a closed session
- Found in Oregon Revised Statutes 192.660 and 192.685

Summary of the Main Points

Financial Gain

No public official shall use or attempt to use an official position to obtain financial gain or avoid financial detriment. [ORS 244.040(1)] Oregon's ethics laws prohibit each public official from gaining a financial benefit or avoiding a financial cost as a result of his or her position. However, several specific benefits, such as compensation packages and reimbursed expenses, are allowed.

Gifts

No public official shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of that public official. A gift is defined as something of value given to a public official, for which the official does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does allow the public official to receive up to \$50 worth of gifts from each source. In addition, unlimited gifts may be accepted from a source that does not have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

Conflict of Interest

A conflict exists if a decision or recommendation could affect the finances of the public official or the finances of a relative. A few other situations can present a conflict of interest, as well. If a conflict of interest exists, the public official must always give notice of the conflict, and in some situations the public official is restricted in his ability to participate in the matter that presents the conflict of interest.

About Training

OGEC staffers are available for informal questions and discussions about statutes, administrative rules and the commission's process. You are welcome to contact OGEC staff at any time. If you call, you will speak to a real live person. OGEC does not have an automated phone tree.

OGEC is pleased to offer free on-line training through iLearn Oregon. Training modules are short, focused, and convenient. There are trainings on several topics, including conflicts of interest, gifts, and executive sessions.

Whether you are a public official or a private citizen, anyone with an email address can take training through iLearn Oregon at no cost. iLearn trainings are available from any internet connected computer.

Training Topics:

- *Conflicts of Interest*
- *Complaints*
- *Ethics Statutes Overview for Employees and Other Appointed Officials*
- *Ethics Statutes Overview for Elected Officials and Officials Appointed to Boards, Commissions, or Advisory Groups*
- *Gifts*
- *Introduction to Executive Sessions*
- *Prohibited Use of Office*
- *2010 Legislative Changes*

Useful Links:

Oregon Government Ethics Commission Home Page: <http://www.oregon.gov/OGEC/>

Link to email OGEC: ogec.mail@state.or.us

Link to the Guide for Public Officials:
http://www.oregon.gov/OGEC/docs/Public_Official_Guide/2010-10_PO_Guide_October_Final_Adopted.pdf

Link to the ethics statutes found in ORS 244: <http://landru.leg.state.or.us/ors/244.html>

Link to the Oregon Administrative Rules that clarify and define the ethics statutes in ORS 244:
http://arcweb.sos.state.or.us/rules/OARS_100/OAR_199/199_tofc.html

Link to the public meeting statutes found in ORS 192: <http://landru.leg.state.or.us/ors/192.html>

Link to the Attorney General’s Public Records and Meetings Manual, prepared by the Oregon Department of Justice: http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf

Link to the lobbying statutes found in ORS 171: <http://landru.leg.state.or.us/ors/171.html>

Link to previous ethics advice, organized by topic:
http://www.oregon.gov/OGEC/opinion_category.shtml

Link to ethics training information: <http://www.oregon.gov/OGEC/training.shtml>

A Few Questions and Answers About the Law

Q: Who are public officials?

A: “Public official” is defined in ORS 244.020(14) as any person who is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

You are a public official if you are:

Elected or appointed to an office or position with a state, county or city government.

Elected or appointed to an office or position with a special district.

An employee of a state, county or city agency or special district.

An unpaid volunteer for a state, county or city agency or special district.

Anyone serving the State of Oregon or any of its political subdivisions, such as the State Accident Insurance Fund or the Oregon Health & Science University.

Q: Are volunteers “public officials”?

A: Some volunteers are public officials. By some estimates, there are up to 50,000 volunteer public officials in the State of Oregon. A volunteer is a “public official” if they meet one of these three criteria:

- 1.) The volunteer is elected or appointed to a governing body of a public body
- 2.) The volunteer is appointed or selected for a position with a governing body or a government agency with responsibilities that include deciding or voting on matters that could have a pecuniary impact on the governing body, agency or other persons
- 3.) The volunteer position includes all of the following:
 - a. Responsible for specific duties
 - b. The duties are performed at a scheduled time and designated place.
 - c. Volunteer is provided with the use of the public agency’s resources and equipment.
 - d. The duties performed would have a pecuniary impact on any person, business or organization served by the public agency.

For purposes of ORS Chapter 244, volunteers are not public officials if they perform such tasks as picking up litter on public lands, participating in a scheduled community cleanup of buildings or grounds, participating in locating and eradicating invasive plants from public lands and other such occasional or seasonal events.

Q: What are the provisions of law that prohibit a public official from using the position or office held for financial gain?

A: As defined earlier, public officials become public officials through employment, appointment, election or volunteering. ORS 244.040(1) prohibits every public official from using or attempting to use the position held as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official.

The prohibited financial benefit can be either an opportunity for gain or to avoid an expense.

Each public official is prohibited from using the position as a public official to receive certain financial benefits. In addition, each public official is prohibited from using or attempting to use the official position to obtain financial benefits for a relative or a member of the public official’s household, or for a business with which the public official, a relative, or a member of the public official’s household is associated.

There are a variety of actions that could be a prohibited use or attempted use of an official position. The use of a position could be voting in a public meeting, placing a signature on a government agency’s document, making a recommendation, making a purchase with government agency funds, or conducting personal business on a government agency’s time or with a government agency’s resources such as computers, vehicles, heavy equipment or office machines.

Q: What are some examples of actions a public official might do, that would be a violation of the prohibited use of office provision in ORS 244.040(1)?

A:

- The mayor of a city signs a contract obligating the city to pay for janitorial services provided by a business owned by a relative of the mayor.
- A city treasurer signs a city check payable to an office supply business that is owned by a relative.
- A city billing clerk alters water use records so that the amount billed to the clerk's parents will be less than the actual amount due.
- A volunteer firefighter borrows the fire district's power washer to prepare the exterior of the volunteer's personal residence for painting.
- A county public works employee stores a motor home that is owned by the employee's parents in a county building used for storing heavy equipment.
- An employee of a state agency has a private business and uses the agency's computer to advance the business by promoting, corresponding and managing the activities of the private business.
- A school district superintendent approves and signs her own request for reimbursement of personal expenses the superintendent incurred when conducting official business.

Q: Are there any financial benefits a public official is allowed to receive, even if those benefits are only available because of the official position the person holds?

A: Yes. ORS 244.040(2) provides a list of financial benefits that may be received. These include:

- Official compensation
- Reimbursement of expenses
- Honorarium
- Unsolicited awards for professional achievement
- Contributions to a legal expense trust fund
- Some gifts

Please note, all of these items have specific definitions, and in order to be lawfully received, the financial benefit must meet the definition of the allowable item.

Q: Do the Oregon Government Ethics laws prevent two people who are related from being employed by the same public body, or serving the same public body?

A: No. Public officials who are relatives can be employed by the same public body at the same time, or serve on the same governing body of a public body at the same time. However, there are provisions prohibiting a public official from participating in the appointment, employment, promotion, demotion, firing, or discharge of a relative to/from a paid position as a public official. Another statute prohibits a public official from directly supervising a relative who holds a paid position as a public official.

Q: Do the Oregon Government Ethics laws prohibit a public official from working for a private employer or owning a private business while being employed by a public body or while holding a position with a public body?

A: No. In general, public officials may obtain employment with a private employer or engage in private income producing activity of their own. However, they must not use the position they have as a public official to create the opportunity for additional personal income. They must also ensure that when they are engaged in personal income producing activities, there is a clear distinction between the use of personal resources and time and the use of the public body's time and resources.

Q: What is a “conflict of interest” as defined in Oregon Government Ethics law?

A: In brief, a conflict of interest when an official action by the public official could or would result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.

A matter is a statutory conflict of interest when both of these conditions are met:

1. The official act will cause a personal monetary gain or monetary loss
2. The monetary gain or loss will be to the public official, a relative of the public official, or a business with which the public official or the relative is associated.
- 3.

Q: What are the two types of conflict of interest?

A: Oregon Government Ethics law identifies and defines two types of conflicts of interest: actual conflict of interest and potential conflict of interest.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.”

A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated.

A public official is met with a **potential** conflict of interest when the public official participates in action that **could** affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

Q: Does Oregon Government Ethics law limit the gifts that public officials may receive?

A: Yes. ORS 244.025 limits a public official, and relatives and household members of the public official, to each accepting no more than \$50 worth of gifts in a calendar year, from each source that has a legislative or administrative interest in the official position of that public official.

However, if the source of the offered gift does not have a legislative or administrative interest in the official position, then the public official and his relatives and household members may accept unlimited gifts from that source. In addition, there a number of items that ORS 244.020(6)(b)

excludes from the definition of a gift, and in the specific circumstances listed, those items can be accepted without limit.

Q: Do the Oregon Government Ethics laws cover all bad behaviors that a public official might do?

A: No. There are occasions when a public official engages in conduct that may be viewed as unethical, but that conduct may not be governed by Oregon Government Ethics law. Without an apparent statutory violation, the following are some examples of conduct by public officials that are not within the authority of the Commission to address:

- An elected official making promises or claims that are not acted upon.
- Public officials mismanaging or exercising poor judgment when administering public money.
- Public officials being rude or unmannerly.
- Public officials using deception or misrepresenting information or events.

While the conduct described above may not be addressed in Oregon Government Ethics law, public agency policies and procedures may prohibit or redress the behavior. Please contact the Commission staff if you need further clarification regarding how the Oregon Government Ethics law may apply to circumstances you may encounter.

A Few Questions and Answers About OGEC

If I have a question about the Oregon Government Ethic statutes, what can I do?

The easiest course is to pick up the phone and call the staff of the Oregon Government Ethics Commission (OGEC) at (503) 378-5105. You can also make an appointment to visit in person with a staff member. Some issues that are not clearly described in the statutes may be explained more fully in a brief conversation.

OGEC staff are knowledgeable about the statutes and quite familiar with past and current commission interpretations. Furthermore, they are committed to providing accurate advice and preventing violations of the statutes whenever possible.

If I ask for advice, will I trigger an inquiry into my conduct?

Not if the request relates to official action that has not yet taken place. If the facts presented indicate that a violation of the statutes has occurred, the commission may initiate a preliminary review.

CHAPTER 4.08

ELECTIONS

Sections:

4.08.010	Overview of City Elections
4.08.020	Election of City Officials
4.08.030	Initiative, Referendum and Recall
4.08.040	Promotional Activities by City Employees Prohibited
4.08.050	Election Duties of the Recorder

4.08.010 Overview of City Elections. Voters influence the policies and actions of government at its locally responsive level by electing city officials and voting on local measures. Mayor and Council positions are the elective offices most commonly found on a city ballot, but occasionally other officials (such as City Recorders and/or Utility Board members) are also elected. Measures that appear on city ballots are proposed by city officials or by citizens through the initiative and referendum process -- and the issues are of great variety.

The Secretary of State is the chief executive primarily responsible for elections in Oregon. Oregon laws applicable to city elections are found in ORS Chapters 221, 246, 249, 250, 251, 254 and 260. Many City Charters and codes also prescribe election provisions. The City Recorder is typically the "City Elections Officer." The Secretary of State's Election's Division office provides manuals on local elections, initiative and referendum, recall and campaign finance regulations for use by City Recorders. County Clerks in Oregon have the responsibility for conducting city elections and City Recorders work with them to ensure city election laws are followed. The State Election's Division is located at 255 Capitol Street NE, Suite 501, Salem, OR 97310, phone 503-986-1518, email elections.sos@state.or.us and the website is <http://www.sos.state.or.us/elections/>.

4.08.020 Election of City Officials. Cities are required to hold regular elections for city officials on the same dates that state and county primary and general biennial elections are held - the third Tuesday in May and the first Tuesday after the first Monday in November in even-numbered years. The statutes do, however, allow for special elections for city officials on other than those dates if death, resignation or other events reduce the membership of the Council below that constituting a quorum. Most cities have code or charter provisions that provide for appointment to Council vacancies that occur mid-term.

Most City Charters or codes also set forth the qualifications for elective city offices, but some qualification requirements are set by state law and the state constitution. Nominating petitions and declarations of candidacy for municipal office must be filed with the City Recorder. Procedures for securing nominations vary among city charters and codes.

4.08.030 Initiative, Referendum and Recall. The Oregon State Constitution was amended in 1906 to provide direct voter initiative and referendum rights to city electors. The initiative is the power to propose and enact or repeal laws independent of the Council. The referendum involves submitting measures already enacted by the Council to a vote of the electors. The power to recall city elected officials before expiration of their terms was added in 1908. The Constitution allows cities the authority to adopt, by charter or ordinance, local procedures by which the powers of initiative and referendum are exercised, but cities may not require petition signatures of more than 15% of the qualified voters for initiatives or 10% for referendum. The constitution

does not specify the number of signatures needed on a petition to put a referendum or initiative measure on the city ballot -- this is typically set by city charter or the municipal code.

Recall technically applies to "every" public officer, but has only been directed at elected officials. A petition to recall a public official must contain signatures equaling at least 15% of the votes cast for governor in the official's district during the last election. The petition must contain the reason for the recall and must be filed with the City Recorder. After a recall petition is successfully filed, the official subject to the recall has five days in which to resign. If there is no resignation, a special recall election is required to be held within 35 days. A public official may be subjected to only one recall election during his/her term in office, unless the sponsors of a later recall effort are willing to pay the entire cost of the previous, unsuccessful recall election. A city official may not be recalled during the first six months of a term. Vacancies resulting from a recall are treated the same as vacancies cause by death or resignation -- which is usually by Council appointment as prescribed in most City Charters or municipal codes.

4.08.040 Promotional Activities by City Employees Prohibited. It is important to remember that the law prohibits city employees from actively "campaigning" for or against a city measure approved for placement on the ballot. The law also, of course, prohibits the expenditure of city funds to promote a "yes" or "no" vote on a city measure. Cities may provide factual information on a measure, but must be sure that the facts are not presented in a way that could be considered "favoring" a particular vote. We strongly recommend that informational material prepared on a matter scheduled to be on the ballot be reviewed by the City Attorney to ensure that the material does not have a promotional bias. City officials may be personally liable for city funds expended if their activities are determined by a court to be promotional rather than merely informational.

4.08.050 Election Duties of the Recorder. By law, County Clerks are the only elections officer authorized to conduct an election in Oregon. The duties of the County Clerk basically consist of establishing precincts, preparing ballots and sample ballots, receiving and processing the votes and supervising local elections officials (typically the City Recorder).

As the City's Elections Officer, the Recorder is responsible for city election duties that are not performed by the County Clerk. Such duties include accepting and verifying filing materials for nominations or petitions; preparing and submitting proposed ballot titles to the County Clerk (often the City Attorney actually prepares the ballot title); preparing voters' pamphlets (if the County doesn't do it for you); and preparing, posting and publishing election notices.

Recorders keep all city election records, including petitions and the necessary forms filed by candidates for city elected office or citizens proposing city measures. Recorders also carry out any election procedures outlined by charter or code and deliver various election related documents to the County Clerk. Other Recorder election related duties include: filing certified statements of candidates and measures with the County Clerk at a specified time before an election; preserving pre-election contribution and expenditure statements filed prior to _____; providing candidates and citizens filing petitions, the information necessary to participate in the local election process; presenting election results to the Council and posting the same; and within 30 days after an election, preparing and delivering certificates of election to each city candidate who received the most votes.

Cities are authorized by law to adopt ordinances regulating certain areas of the election process. It is important, therefore, for Recorders to be well acquainted with not only the election related provisions of state law, but also those found in their City Charter or code.

Elections in the state legislature should be closely monitored. A good resource is the OAMR Legislative Committee.

CHAPTER 4.10

CITY BOUNDARY CHANGES

Sections:

4.10.010	Introduction
4.10.020	City Incorporation
4.10.030	Merger and Consolidation
4.10.040	Annexation/Withdrawal from Special Districts
4.10.050	Disconnections

4.10.010 Introduction. The establishment, dissolution or change in city boundaries is governed almost completely by the constitution and state law. Cities within Multnomah, Washington and Clackamas counties that fall within Metro’s boundary, must comply with ORS 222 and Metro Chapter 3.09 “Local Government Boundary Changes.” The cities in Lane County are served by a boundary commission so the procedures are different. Procedures also vary depending on the particular circumstances -- for instance, whether an election was requested by petition or whether a health hazard exists. To become acquainted with the provisions of state law, see ORS Chapters 199 (for cities served by boundary commissions) and 222 (for other cities).

Where a city boundary lies determines many conditions that affect the property and interests of persons who live on either side of it. Because of the importance of boundaries, and because of the controversy that often arises when a change in a city boundary is proposed, Oregon law provides several safeguards to prevent arbitrary boundary changes. The law prescribes a detailed process, with complicated requirements for petitions, hearings and elections. For those cities having a boundary commission, the process is different and requires a review of the proposed changes by the state-appointed commission. The Land Conservation and Development Commission (LCDC) makes boundary commissions responsible for ensuring that the annexation is in conformance with the statewide goals, even though the same rule permits the commission to use the findings of the city in making its determination.

4.10.020 City Incorporation. City incorporation occurs when residents of an area decide that the public services needed by the area can best be provided by an independent general purpose government. The decision to incorporate must come from the voters residing in the area. An area that has at least 150 residents and is not included in another city may be incorporated as a city. On receiving a petition signed by the required number of legal voters in the proposed city, the county governing body conducts a hearing to determine appropriate boundaries, calls an election in the area as originally proposed or as adjusted, and, if a majority of those voting approve the proposal, the city is incorporated. Incorporation is a land use decision and therefore involves application of the statewide planning goals as adopted by LCDC.

Note: A city that has no debt may surrender its charter and disincorporate by following the procedures for petition and election contained in ORS 221.610 to 221.650.

4.10.030 Merger and Consolidation. Two or more cities may unify and become one by merger or consolidation. In a merger, one city goes out of existence and its territory becomes part of another. In consolidation, both cities go out of existence and a new city is formed. In a consolidation, unincorporated areas may be included along with the city areas. A merger or consolidation is achieved only with separate voter approval from each area involved. Under a

boundary commission, merger and consolidation proposals must follow the same commission processes as those required for new incorporations.

4.10.040 Annexation/Withdrawal from Special Districts. Annexation extends the boundaries of a city by bringing unincorporated areas into the city. Usually, these areas are located adjacent to an incorporated city. Annexation generally must be sought by the residents or owners of the land in the area. It also must be acceptable to the city.

Through annexation, city services become available to residents previously outside of the city. Once an area is annexed, the city replaces the county as the primary provider of local government services. In the city, these services could include police; fire; water and sewer services; transit service, if applicable; residential refuse service; animal control; zoning and land use planning; building regulation and inspection; and improvement and maintenance of streets, parks and recreation services. Some cities contract for many of these services.

Under the general municipal annexation law, in order to be annexable to a city, territory must lie outside other cities or be contiguous to the city or separated by no more than a public right-of-way, stream, bay, lake or other body of water (except in areas served by a boundary commission).

City annexations must be consistent with goals developed by LCDC or with the city's acknowledged comprehensive plan. The comprehensive plan establishes the areas of potential annexation through its urban growth boundary. Before a City Council may proceed with an annexation, it must make findings demonstrating compliance with the comprehensive plan (this is often done on the planning commission level before the proposed annexation comes to the Council).

Contract annexation occurs when an owner of land outside of a city seeks a service but the city is unwilling, or unable, to annex the land at the time of the request. The city and the landowner enter into a written agreement stating that the city will provide the service before the land is annexed and that the landowner consents to the annexation later at the option of the city. This single-owner annexation is provided for in ORS 222.125. The area served must be within the urban growth boundary unless an amendment to the urban growth boundary is being made.

The County Assessor is required, "upon official request," to furnish the city a statement showing the current assessed value of the taxable property in the territory proposed to be annexed. Notice of boundary changes must be given to the County Assessor and the State Department of Revenue by March 31 of any year for the property to be taxed.

When a city annexes an area that is part of a special district (for example: a rural fire district, water district, special road district, etc.), the city may cause that part (that being annexed) to be withdrawn from the district. The withdrawal may be done at the time of annexation (via the same ordinance) or at any later time. It is strongly recommended that the withdrawal be done at the same time the area is annexed because until that formal action is taken, the area annexed remains part of the district and the district receives taxes from those property owners. Once the property is withdrawn, the district from which the property was withdrawn and the city, to which the property was annexed, must agree upon an equitable division and disposal of assets of the district in order to compensate the city for the liabilities assumed upon withdrawal of the property. See ORS 222.510 - 222.580 to become familiar with the withdrawal of property from service districts and the subsequent division of assets process.

4.10.050 Disconnections. The opposite of annexation, disconnection, retracts city boundaries by removing territory from a city. The Oregon Supreme Court has held that cities have home rule power to disconnect territory and has upheld the right of cities to do so by charter amendment. ORS 222.460 provides the procedures for withdrawal of territory from a city if not prohibited by city charter.

4.10.060 Notification to Franchises and Utilities. After annexation of property or disconnection from a boundary, franchises and utilities within that boundary must be notified via certified mail within 10 days of adoption by the local government.

CHAPTER 4.12

PUBLIC CONTRACTING AND PURCHASING

Sections:

4.12.010	Introduction
4.12.020	Cooperatative Purchase/State Surplus Program
4.12.030	Pre-qualification
4.12.040	State Registration/License Required for Public Improvement Contracts.
4.12.050	Brand Name Products
4.12.060	Use of Electronic Data Interchange (EDI)
4.12.070	Solicitation of Bids/Proposals
4.12.080	Receipt and Opening of Bids/Proposals
4.12.090	Additional Public Improvement Contract “First Tier Subcontractor
4.12.100	Public Improvement Contract, Bid Security and Performance Bonds
4.12.110	Protest of Contractor Selection/Contractor Disqualification
4.12.120	Terms and Conditions Applicable to Public Contracts

4.12.010 Introduction. City Recorders and other city employees participating in the contracting or procurement process should be familiar with the Public Contracting Code. Among the areas covered by the Public Contracting Code are competitive bidding and proposals; exemptions from competitive bidding, e.g., cooperative purchasing, special procurements, sole source contracts and emergency contracts; affirmative action contracts for disadvantaged businesses or persons such as women, minorities, emerging small businesses, qualified rehabilitation facilities, contract preference requirements for Oregon suppliers and recycled materials; bid solicitation, award, protest and appeal procedures; and prevailing wage requirements (both state BOLI and federal Davis Bacon Act).

Many City Recorders are intimately involved in the public contracting and purchasing done by their cities -- others may only be responsible for advertising and/or receiving and opening bids/proposals. Public contracting laws are quite detailed and complex and this chapter of our Manual will only touch on some of the major highlights of those requirements. Therefore, regardless of the degree of involvement you have with the process, it is highly recommended that you obtain a copy of the booklet called Oregon Attorney General's Public Contract Manual -- it is an excellent resource tool and will help you become more familiar with public contracting requirements. City Recorders are urged to consult with their city attorneys regarding specific questions and when applying the Public Contracting Code to specific contracts.

City Recorders should also be familiar with the Public Records Law's confidential submissions and public trade secrets exemptions, to avoid pitfalls in public purchasing of good, services, personal services and construction of public works and improvements.

Public contracts are defined as the purchase, sale or disposal, rental, lease, or other acquisition of personal property, public improvements, services, including personal services, public works, or ordinary repair or maintenance necessary to preserve a public improvement by cities. (See ORS Chapters 279A, 279B and 279C (collectively “Public Contracting Code,” regulate public contracts by cities.)

Note: Frequently, the public contracting rules are thought to apply merely to the *acquisition* of personal property, but they also apply to the *rental* or disposal of property.

The Public Contracting Code is organized as follows:

- ORS Chapter 279A: applies to all public contracts.
- ORS Chapter 279B: applies to good and services and personal services not subject to ORS 279C.
- ORS Chapter 279C: applies to public improvements and selection of architects, engineers, land surveyors and related services.

“Public Contracts” do not include “grants,” although it would include the city’s *purchase* of goods or services with grant funds. (See ORS 279A.010(1)(i), (x)). Intergovernmental agreements also do not fall within the scope of “public contracts” (ORS 279A.025 (2)(a)), although ORS 279A.190 does authorize transfer of fire fighting equipment to other “regularly organized fire departments,” subject to certain limitations. See ORS 279A.025 for a listing of other types of transactions that are not “public contracts”, e.g., sale or disposition of real property.

The Public Contracting Code was adopted in 2005 to simplify, clarify and modernize purchasing practices so that they reflect the marketplace and industry standards; to instill public confidence through ethical and fair dealing; to promote efficient use of state and local government resources; to identify rules and policies that implement state mandated socioeconomic programs; to allow impartial and open competition and to evaluate goods and services based on methods other than price to arrive at the “best value”; and to take advantage of evolving industry purchasing methods while preserving competitive bidding on public improvement projects. (ORS 279A.015)

Public contracts are, unless exempted, procured through written solicitation, public advertisement and the submission of written, sealed offers which are opened and read aloud at a publicly announced (through the advertisement) date, time and place. The resulting contract is typically awarded to the lowest responsive, responsible bidder, unless a different methodology is specified. Although alternative selection methods may be used in certain circumstances, many of the same competition-enhancing elements of the process (for example: public advertisement, a written solicitation and sealed, written offers or proposals) are still used.

Common exceptions to the competitive bidding requirement are:

- Purchase of goods or services with a value of less than \$5,000 – select vendor in a manner determined to be “practical or convenient” (see ORS 279B.065)
- Purchase of goods or services with a value greater than \$5,000 and less than \$150,000 – select vendor following three competitive quotes (See ORS 279B.070);
- Sole-source procurement (See ORS 279B.075);
- Emergency procurements (See ORS 279B.080);
- Cooperative Procurements (See ORS 279A.200 – 279A.225);
- Qualified Rehabilitation Facility services (See ORS 279A.025(4));
- Class Special Procurements - allows additional exemptions to be made by a local contract review board (often the City Council) See ORS 279B.085(1); and
- Contract-Specific Special Procurements (See ORS 279B.085(2)).

Cities typically adopt ordinances outlining their individual purchasing and contracting policies, rather than utilizing the Attorney General’s Model Public Contracting Rules (OAR 137-046, -047 and -050), based on authority granted by statute.

4.12.020 Cooperative Purchase / State Surplus Program. Oregon law permits cities to purchase items through the Oregon Cooperative Purchasing Program (ORCPP) without compliance with the competitive bidding requirements since the state has essentially already

performed this function for the city. Purchases through the state may include vehicles, office equipment and supplies. See <http://www.oregon.gov/DAS/SSD/SPO/coop-menu.shtml>.

The State Surplus Property Program exists to provide a central distribution point for surplus and seized or recovered public property for State Agencies and cities with emphasis on reutilization of property within the public sector. The state also auctions surplus equipment and furniture. (See the State Surplus Property Program on their website at <http://www.oregon.gov/DAS/SSD/SURPLS/index.shtml>.)

4.12.030 Pre-qualification. "Pre-qualification" refers to a decision made prior to the procurement process to determine a prospective bidder's or proposer's eligibility to submit a bid or proposal.

- Goods and Services: ORS 279B.120;
- Public Improvements: ORS 279C.430.

Cities may require pre-qualification of persons or firms wishing to submit bids or proposals. When pre-qualification is required, cities should not consider a bid or proposal from any prospective person or firm who was not properly pre-qualified. Among other things, pre-qualification enables a city to determine whether a bidder or proposer has adequate financial, technical, personnel and facilities resources to perform the contracted work and also whether they have a positive record of integrity and satisfactory performance.

4.12.040 State Registration/License Required for Public Improvement Contracts.

Competition for public improvement contract bidding is primarily limited to persons or firms registered with the Construction Contractors Board or licensed by the State Landscape Contractors Board. Bids or proposals received from persons who fail to comply with this requirement are typically deemed non-responsive and are rejected and returned (See ORS 279A.010(1)(p)), unless contrary to federal law (this limitation may not be allowed on certain projects if federal funds are involved). All advertisements for bids for public improvement contracts should require that the contractor's state registration/license number be clearly identified on the outside of the sealed envelope containing the bid or proposal. (ORS 279C.365).

4.12.050 Brand Name Products. Specifications for public contracts cannot expressly or implicitly require any product by brand name or mark, or the product of any particular manufacturer or seller unless exempted by law. Cities may, however, identify products by brand names so long as "approved equal," "or equal," "approved equivalent," "or equivalent" or similar language is included in the solicitation for bids or proposals. (ORS 279B.215).

4.12.060 Use of Electronic Data Interchange (EDI). If authorized by the City's public contracting rules, Cities may receive bids/proposals by use of electronic data interchange (for example: fax) but before doing so, several issues should be considered and a rule on the way bids/proposals received in this manner will be handled should be developed (for example: the issue of security and confidentiality). (See OAR 137-47-0320, -0330.) After development of such a rule, bids may be received by facsimile or EDI if the city has the equipment necessary and the prospective bidder who wishes to submit by EDI has entered into an agreement with the city which expresses the EDI standard by which data will be exchanged, as well as the rights and obligations of both parties in making the interchange. Cities should not accept bid or proposal security instruments (bonds) by telephonic facsimile or EDI. Electronic transmission may provide convenience for both cities and their prospective bidders and proposers, but if sent by EDI, bids/proposals must still be received by the city at the specified place, date and time as noted in the solicitation advertisement.

4.12.070 Solicitation of Bids/Proposals. The "call for bids/proposals" or "advertisement for bids/proposals" should be made available to a sufficient number of prospective bidders or proposers to foster and promote competition. A fee may be charged for the plans and specifications that contractors must obtain in order to submit bids for public improvements.

Unless exempted by law, all advertisements for bids/proposals must be published at least once in a newspaper of general circulation in the city requesting the bid or in as many additional issues and publications as the city may determine. (ORS 279B.055; 279C.335.) If the contract is for a public improvement with an estimated cost in excess of \$125,000, the Model Public Contracts would require the advertisement for bids or proposals to also be published in at least one trade newspaper of general statewide circulation. (See OAR 137-049-0210.)

All advertisements for bids must state (ORS 279B.055; 279C.335):

- A description of the good, service, or public improvement project;
- The office where the specifications/scope of work for the project, good or service may be reviewed;
- The time, date and place that pre-qualification applications must be filed if pre-qualification is required;
- The date and time after which bids will not be received (the days differ depending on whether it is a good/service procurement or public improvement project). (See ORS 279B.055 and ORS 279C.360.)
- The name, title and address of the person designated to receive the bids/proposals and the contact person for the procurement, if different;
- The date, time and place that the public contracting agency will publicly open the bids; and
- If the contract is for a public works subject to ORS 279C.800 to 279C.870 or the Davis-Bacon Act (40 U.S.C. 276a).

In addition, the following language is required in the solicitation documents:

- A statement that the contracting agency may cancel the procurement or reject any or all bids, when the cancellation or rejection is in the best interest of the contracting agency as determined by the contracting agency. (See ORS 279B.100);
- A statement that each bid must identify whether the bidder is a "resident bidder" as defined in ORS 279A.120;
- Information addressing whether the contractor or subcontractor must possess an asbestos abatement license, if required under ORS 468A.720;
- All contractual terms and conditions applicable to the procurement;
- A statement that no bid for a Public Improvement construction contract shall be received or considered by the city unless the bidder is registered with the Construction Contractors

Board, as required by ORS 701.055, or licensed by the State Landscape Contractors Board, as required by ORS 671.530;

- A statement that, if the contract is for a public works subject to ORS 279C.800 to 279C.870 or the Davis-Bacon Act (40 U.S.C. 276a), no bid will be received or considered by the contracting agency unless the bid contains a statement by the bidder that ORS 279C.840 or 40 U.S.C.276a (prevailing wage requirements) will be complied with.

4.12.080 Receipt and Opening of Bids/Proposals. Bids/Proposals should be submitted in sealed envelopes, appropriately marked indicating that the contents contain a bid/proposal for the specified project/supplies, the date and time of opening and the contractor's name, address and registration/license number. If a city allows electronically submitted bids/proposals, the bidder or proposer must identify and submit the bid or proposal documents exactly as required in the city's advertisement/solicitation of the bid/proposal. Cities are not held responsible for proper identification and handling of bids or proposals not submitted in the designated manner or format to the required delivery point -- that is solely the bidder's/proposer's responsibility. This means the contractor/bidder/proposer bears the risk of delay or misdelivery of bids and proposals -- not the city.

Just prior to bid opening time, a bid/proposal tally sheet should be prepared listing the names and addresses of each person/firm submitting a bid/proposal. Bid opening should be conducted by the Recorder or authorized staff on the date and at the exact time specified in the advertisement. A witness, typically the Recorder's Deputy, assistant or secretary, should be present at the bid opening to record the information from the bids as the Recorder opens and publicly reads each one. Both the Recorder and the witness should sign the bid tally sheet, the original of which should be appropriately filed with the other bid documents. Bidders present for the opening are typically given a copy of the bid tally sheet for their records. After having been opened, the bids must be made available for public inspection.

4.12.090 Additional Public Improvement Contract "First Tier Subcontractor" Requirements. For public improvement projects competitively bid, with a bid total of \$100,000 or more and is not a public improvement project for maintenance or construction of highways, bridges, or other transportation facilities, within two working hours after the advertised bid closing time, a bidder shall submit to the public contracting agency a disclosure of any first-tier subcontractor that will be furnishing labor or labor and materials in connection with the public improvement and whose contract value is greater than or equal to: (A) Five percent of the total project bid or \$15,000 whichever is greater; or (B) \$350,000 regardless of the percentage of the total project bid. (ORS 279C.370). Failure to submit a disclosure by the required deadline will result in a nonresponsive bid.

4.12.100 Public Improvement Contract Bid Security and Performance Bonds. Bid security (typically in form of a bid bond, cashier's check or certified check) in an amount not to exceed 10 percent of the base bid is required to be attached to all bids for public improvement contracts exceeding \$100,000, unless the contract has been exempted. The bid security is forfeited if the bidder fails to execute the contract if awarded to him/her. Bid security can be required for other types of contracts in order to guarantee acceptance of the award, but the requirement must be stipulated in the advertisement for bids and the amount required cannot exceed 10 percent of the bid. The bid security from all unsuccessful bidders is returned after a contract is executed and a performance and payment bond has been provided for the improvement project. Bid bonds are returned also if all bids are rejected. (ORS 279C.375 - .395)

Except in emergencies, when the requirement for a performance bond and payment bond may be waived pursuant to ORS 279C.380 or unless the requirement is exempted under ORS 279C.390, a performance bond and payment bond in a sum equal to the contract price is required for all public improvement contracts in excess of \$100,000. Cities may require performance bonds for other type of public contracts, but the requirement should be stated in the advertisement for bids. A surety bond furnished by a surety company or companies holding a certificate of authority to transact surety business in this state is the only acceptable form of performance security.—The successful bidder must furnish the required performance bond and payment bond within the contract agency’s required time line; failure to do so may result in rejection of the bid and award of the contract to the next lowest responsive and responsible bidder.

Cities may, in their contracting rules and regulations, exempt certain contracts or classes of contracts from the requirement for bid security and from all or a portion of the requirement to submit a performance and payment bond. (See ORS 279C.380(4) and OAR 137-049-0150 (Emergency Contracts); 137-049-0290 (Public Improvement Contracts)). Caution should be used when improperly waiving the requirement for a payment bond because it creates joint liability on the part of the officers of the city which authorized the contract (which would be the Council members, if the Council awarded the contract) and the City itself for payment of any liens which may be filed. (ORS 279C.625.)

4.12.110 Protest/Appeal of Contractor Selection/Contract Award/Contractor Disqualification.

ORS 279C.430-.470 defines the process to appeal prequalification and disqualification of bidders/proposers for public improvements and related contracts.

Once the bid/proposal review is done and a contractor selected, the City must send all the bidders/proposers on the project a Notice of Intent to award the bid/proposal at least seven days before the award of a public contract, unless the contracting agency determines that seven days is impractical (see ORS 279A.065 and ORS 279B.135). A bidder/proposer who submitted a bid/proposal and wishes to protest the award has a designated time period (based on the type of procurement being awarded) after the issuance of the Notice of Intent to submit a written protest of the award. The protest is submitted to the City and must state the grounds on which the protest is based. ORS 279B.410-415 fully outlines the basis on which a protest can be submitted and how it will be handled for procurements of goods and services.

4.12.120 Terms and Conditions Applicable to Public Contracts. There are many terms and conditions applicable to public contracts. The law requires specific language dealing with these terms and conditions that must be clearly stated in the solicitation document and contract documents. Many of these are covered by ORS 279B.220 and 279C.505 to 515 such as those relating to payment of laborer, disallowing any lien or claim to be filed against a municipality on account of any labor or materials furnished, contributions to the Industrial Accident Fund; the requirement that a contractor demonstrate that he has an Employee Drug Testing Program in place (ORS 279C.505); hours of labor (ORS 279B.235, 279C.520 and 279C.540 to 545); payment for medical care to employees (ORS 279B.230 and 279C.530); prevailing wage rate (ORS 279C.800 to 279C.870 and 40 U.S.C. 276a); retainage (ORS 279C.550 to 279C.570 -and 279C.845); compliance with Oregon tax laws (ORS 305.380 to 385); nondiscrimination regarding subcontractors (ORS 279C.580 to 279C.590); Oregon Workers' Compensation Law

(ORS 656.017 and 279C.530); bid compliance (ORS 279C.365); contractor registration/licensing (ORS 701.035 to 701.063 and 468A.720 to 730); and compliance with federal and/or state law (ORS 279A.020 to 70, 279A.120 and 279C.335 to 400,). Again, to learn more about all these requirements please refer to the Oregon Attorney General's Public Contracts Manual. The Manual may be obtained from the Department of Justice, 100 Justice Building, 1162 Court Street, NE, Salem, Oregon 97301-4096, Phone: (503) 378-4400, or on website at www.doj.state.or.us.

TITLE V

DEALING WITH OTHER GOVERNMENTAL AGENCIES

CHAPTERS:

- 5.02 THE "INTERGOVERNMENTAL CONNECTION"**
- 5.04 INTERLOCAL RELATIONS**
- 5.06 STATE-LOCAL RELATIONS**
- 5.08 FEDERAL-LOCAL RELATIONS**

CHAPTER 5.02

THE "INTERGOVERNMENTAL CONNECTION"

Sections:

- 5.02.010 Introduction**
- 5.02.020 Local Government Associations**
- 5.02.030 National Organizations**

5.02.010 Introduction. Cities are "connected" financially and legally to a complex, interlocking and interdependent system of governments -- federal, state and local. As do other local government officials, City Recorders must devote their attention and energies not only to the internal affairs of their organization, but also to a somewhat bewildering array of intergovernmental concerns. As part of the local government arena, City Recorders deal constantly with other local government officials and agencies and with state and federal agencies on administrative matters of mutual concern. Public official's at all three levels -- local, state and federal -- need to work together and see each other as members of the same team, rather than adversaries or competitors. Only by working together will local, state and federal agencies make the system "whole" and accountable to the public.

5.02.020 Local Government Associations. When special problems arise, including problems that indicate the need for policy or program revision by another government at the same or a different level, Recorders and other local officials may need to establish direct contact with legislative committees or headquarter offices of state or federal agencies. Service organizations that have special expertise in intergovernmental relations can be very helpful to local officials trying to make effective contacts with state and federal agencies. One such organization with intergovernmental relations expertise is the League of Oregon Cities (LOC). The LOC is readily available to City Recorders for information and assistance on intergovernmental matters. This organization, which maintains a full-time staff in Salem, is supported primarily by dues paid by member cities. LOC was organized in 1925 and is governed by a 16-member board made up of the president, vice-president, immediate past president, treasurer and twelve members elected at large at LOC's annual conference.

The LOC has a Legislative Committee that represents Oregon cities before the state legislature. Other legislative services provided are a legislative bulletin, bill tracking, events and activities listings, and legislative alerts. Other committees represented are the Nominations Committee, Resolutions Committee, and Policy Committees; which consist of the following subjects: Community Development; Energy; Finance & Taxation; General Government; Legal Advocacy; Personnel; Telecom, Cable & Broadband, Transportation; and Water/Wastewater.

The LOC publishes a monthly newsletter, and also provides services such as Web Services, the LOC Capital Access Program for asset acquisition of services and property, Legal Services, the Oregon Local Leadership Institute (O.L.L.I.), Group Purchasing, Codification services partnerships, and Email Discussion Lists, such as the listserve for the Oregon City County Management Association (OCCMA), and a listserve for city, county, and special district chief administrators and human resource professionals. It also provides Conference Calling/On-line Meeting Services, and an Intern Placement Program, as well as the City Administrator Recruitment Service. (CARS).

The LOC jointly formed the City County Insurance Services, or CIS, with the Association of Oregon Counties, to meet the risk management and employee benefit needs of cities, counties

and other eligible local governments. CIS provides property/liability and workers' compensation programs (CIS Trust) and employee benefits coverage (EBS and AOCIT Trusts). They also offer claims management, legal defense, risk management, loss prevention services and Healthy Benefits.

Several statewide professional public employee organizations are affiliated with the League including, but not limited to, the Oregon Mayors' Association (OMA), Oregon Section of the International City/County Management Association (O-ICMA), Oregon Municipal Finance Officers Associations (OMFOA), Oregon City Attorneys Association (OCAA), Oregon Planning Directors Association (OCPDA), Oregon Association of Municipal Recorders (OAMR), the Oregon Association of Water Utilities (OAWU), and the Association of Oregon Redevelopment Agencies (AORA).

5.02.030 National Organizations. Many national organizations serve city interests in federal government affairs. For instance, with headquarters in Washington, D.C., the National League of Cities (NLC), U.S. Conference of Mayors (USCM), International City/County Management Association (ICMA), Government Finance Officers Association (GFOA) and the National Institute of Municipal Law Officers (NIMLO) are funded through dues paid by individual cities and, in some cases, by state organizations. They also may receive federal grants for a portion of their revenue. They hold annual conventions, mid-year legislative conferences, and other national and regional meetings of many kinds. They help keep cities informed of federal affairs through weekly newspapers and other publications. Please refer to 7.02 of this Manual for links to the Local Government Associations and National Organizations.

CHAPTER 5.04

INTERLOCAL RELATIONS

Sections:

5.04.010	General Legal Relations
5.04.020	Specific Statutory Relations
5.04.030	Interlocal Contracts and Agreements
5.04.040	Intergovernmental Councils

5.04.010 General Legal Relations. The city-county "connection" is mostly defined by law, but some aspects of these interlocal relations are negotiated voluntarily by city and county officials. Legal questions sometimes arise concerning the jurisdiction of county governments inside city limits. Some of these questions are covered by statute. For example, applicability of a county ordinance adopted under the counties' statutory delegation of powers is limited to areas outside cities of the county unless the cities contest by action of the City Council or by the city voters. Some county charters also have provisions that limit a county's exercise of powers inside cities. Even in the absence of such provisions, the Attorney General has ruled that "ordinances of 'home rule' counties would not...be effective within a city which has relegated to itself under its charter the power to regulate the same subject."

5.04.020 Specific Statutory Relations. Many state laws, both mandatory and permissive, regulate city-county relations in specific matters. For example, cities in Oregon do not assess property or collect their own property taxes -- state law mandates that function to counties on a county-wide basis. State law also requires counties to conduct city elections; stipulates that an area newly annexed to a city retains county zoning until the city changes it; and regulates city-county relations in other ways. Counties also administer a number of services that extend to residents of cities as well as unincorporated areas -- public health and mental health programs; property document recording; solid waste disposal; food stamp distribution; etc.

Friction sometimes arises in city-county relations. The issues are often financial, such as the "double taxation" issues when cities complain that city property owners pay county taxes but some county services are provided only outside cities. County roads annexed to cities remain a county responsibility until the city voluntarily takes over, and there are city-county disagreements over the level of maintenance that should be provided on such roads. There are also disagreements as to the timing and conditions of transfer of a county road to the city, including the standards to which the roads must be improved prior to transfer. City Council and county governing bodies in many areas hold joint periodic meetings to keep communications open on these and other issues.

5.05.030 Interlocal Contracts and Agreements. Most interaction among local governments is carried out under formal contracts or agreements -- usually called interlocal or intergovernmental agreements (IGA). They often involve the provision of specific services or facilities and are very common among governmental entities. Cities may be involved in intergovernmental contracts or agreements with counties, school districts, special districts or even neighboring cities. Cities often shift from in-house to intergovernmental service delivery. Individual cities in Oregon have reported being a party to more than 100 intergovernmental agreements. Intergovernmental agreements are regulated under ORS Chapter 190, which specifically authorizes any unit of local government to enter into an agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement has authority to

perform. Local governmental entities may also cooperate with an agency of the state or federal government, but the subject agreements must be reviewed by the Attorney General prior to execution. Typical examples of intergovernmental agreements would be those that provide for sale of water by a city or water district to another city or water district, for firefighting services by a fire district to a city, for jail services from a county to a city or for equipment sharing between a county and a city.

5.04.040 Intergovernmental Councils. The federal agencies designed intergovernmental councils to assist in area-wide planning for use of federal grant funds for specific projects such as highways, sewer systems and/or water systems. The Intergovernmental Cooperation Act of 1968 provided a statutory basis for requiring area-wide or regional planning council review of federal grant proposals. The state government also encouraged the formation of "Council of Governments" (COGs) for the purpose of coordinating local government activities with state agency planning and field operations. COGs serve as regional clearinghouses to provide local review and comment on proposed federal grant applications, environmental impact statements and other matters associated with federal activity in Oregon. (Please see Section 5.06.030 for a reference to the Oregon Blue Book. This is an excellent source of information and contains a listing of Intergovernmental Councils and their contact information.)

CHAPTER 5.06

STATE-LOCAL RELATIONS

Sections:

5.06.010	Introduction
5.06.020	The Oregon Legislative Assembly
5.06.030	Executive Branch Agencies
5.06.040	Judicial Branch
5.06.050	State-Local Interaction

5.06.010 Introduction. Even though cities in Oregon have broad grants of home rule power, cities must still work with the state legislature, state agencies and state courts. "Home rule" applies only to matters that do not affect the interest of the state as a whole or of other local governments on such matters as the environment, economic development, public health and many other areas of public concern. Conflicts sometimes are inevitable and it is occasionally necessary that they be resolved by court action.

5.06.020 The Oregon Legislative Assembly. The organization of the state legislature and its functions, procedures and methods are of vital importance to local government officials. Most action of the legislature has some direct or indirect effect on local government. County and city officials (including Recorders) often must deal with individual legislators, particularly from their own districts and with legislative committees. It is not uncommon for City Recorders to be designated as the "legislative liaison" for their city.

The legislature's power is broad. It may enact laws on any subject not specifically prohibited by the state or federal constitutions. It may not, however, enact laws that infringe on constitutional home rule powers and powers expressly delegated to the federal government.

Most of the work of the legislature takes place in committees, similar to city boards and commissions -- but with broader power. Committees of the legislature can amend bills, pass them out with or without recommendations as to passage, table them or simply let them die. Because of the broad discretion vested in committees, the powers of the presiding officer of each legislative chamber in appointing committees and referring bills are of crucial importance.

The legislature convenes in early January of each odd-numbered year, but activities continue during the interim through numerous interim committees, task forces and standing committees. Either the Governor or a majority of members of both chambers can call the legislature into special session. The League of Oregon Cities' legislative bulletin is an important resource cities use to keep informed of legislative developments both during and between legislative sessions.

OAMR provides its membership with the advantage of our own Legislative Committee. This committee works to stimulate interest and activity in legislation affecting municipal government and studies proposed legislation that is reported to the OAMR Executive Board and membership. This committee works closely with the League of Oregon Cities (LOC) to receive committee training and to monitor legislation that affects jurisdictions as well as the profession of municipal recorder. This committee is an excellent source of information for the membership.

5.06.030 Executive Branch Agencies. Cities have many direct contacts with state agencies and it is necessary for City Recorders and other city officials to be familiar with the organization of

the state executive branch and with state agencies that have a major impact on city programs and finances. It is recommended that every Recorder obtain the Oregon Blue Book from the Oregon Secretary of State's Office. It is also available at the State's website at <http://www.bluebook.state.or.us>. This is an excellent source of information about state government as well as federal agencies, counties, and cities.

The following are a few of the primary state agencies with programs that affect local government:

- **Department of Land Conservation and Development (DLCD):** This agency administers statewide land use goals and rules; reviews city and county comprehensive plans and land use ordinances and may appeal amendments thought to be in conflict with statewide goals or acknowledgment orders; provides grant-in-aid and technical assistance, both from its main office in Salem and field offices around the state.
- **Department of Environmental Quality (DEQ):** This state agency promulgates standards for air and water quality and enforces them through a permit system (except in Lane County where the county and its cities have established a regional air pollution authority that administers the state standards); establishes standards for noise control and conducts limited enforcement through complaint investigation; provides planning assistance; issues permits; enforces standards; administers grants-in-aid; provides technical assistance and advice on a wide range of matters such as water and air quality, solid waste and recycling.
- **Department of Revenue (DOR):** This agency promulgates rules and regulations and supervises county assessors in administration of the ad valorem tax system; appraises utility and industrial property for ad valorem tax purposes; offers official interpretations and technical advice and assistance to local governments in administering the state local budget law; offers other services, including state administration of locally enacted income, sales or employment taxes.
- **Department of Transportation (ODOT):** This is the state agency that constructs and maintains state highway systems; administers federal and state grants-in-aid for city and county street and road systems; administers federal and state grants-in-aid for transportation facilities and programs other than motor vehicles, including airports and public transit, and for various categories of parks and open space; provides technical assistance and advice regarding these and other transportation and park matters.
- **Secretary of State:** This is the state agency that prescribes local government audit standards, maintains a list of approved auditors and supervises implementation of audit recommendations; prescribes rules and supervises the administration of elections, and operates the archives division which includes the records retention program.

State agencies with programs affecting local governments may adopt rules and regulations that have the force of law. But the Administrative Procedures Act excludes agency action "directed to...other units of government which do not substantially affect the interest of the public" from the definition of a "rule." Therefore, unless the "substantially affect" language applies, local governments do not have the same rights to notice, hearing and other procedural rights accorded to private individuals. Local governments must be vigilant in tracking agency actions and proposed rules. Much of the work of the League of Oregon Cities involves representing local government interests with respect to the numerous state agency programs that affect them.

5.06.040 Judicial Branch. The judicial branch of state government affects local government by 1) awarding damages, imposing penalties or issuing orders in cases to which a local government is a party; and 2) interpreting constitutional provisions, charters, laws, ordinances and rules that determine what a local government may do or not do and how it may do it.

Cities may be drawn into court in a variety of ways. Some of these include petitions for "writ of review" of their actions by the circuit court; actions for damages in tort or through contracts; and petitions for writs of mandamus or injunctions. Cities can minimize the risk of lawsuits by retaining competent counsel, keeping their legal advisors informed of their actions and following the legal advice they receive from their advisors.

5.06.050 State-Local Interaction. The state deals with cities in several ways, most of which can be characterized either as actions to control local governments in some way, or as actions that provide assistance to local governments. The state exercises control over cities by 1) preempting their authority or jurisdiction over certain matters; 2) imposing limitations or constraints on their activities (usually in financial matters); or 3) mandating certain functions, activities or expenditures. Varying degrees of state supervision and enforcement accompany these preemptions, limitations and mandates. The state assists local government by providing financial aid in the form of shared revenues, grants and reimbursements. It also assists cities through a variety of cooperative activities and technical assistance programs.

- **Preemption:** The state preempts a matter on which a city might otherwise act when it precludes local government regulation completely or in part. Examples of preemption specifically provided by law include energy facility siting and the regulation of real estate brokers and salespersons. Implied preemption may exist in laws even though preemption may not be specifically and expressly stated. Under certain laws (for example: the state traffic code or the state obscenity law), cities cannot enact ordinances or regulations that conflict with state law. Also, a 1986 Oregon Supreme Court case determined that the working of the city home rule amendment prevents cities from setting criminal penalties that differ from those established by state law for the same crimes.
- **Limitations:** Limitations and constraints are used extensively to regulate municipal finance policy and administration. The statutory debt limits and limits on the length of time for which a serial levy may be approved, are examples of this kind of state action. The state has also imposed limitations and constraints in other areas of local concern, including the conduct of local elections, political activity of public employees and public contracting.
- **Mandates:** Mandates differ from preemptions and limitations in that they require some specified city action, while preemptions prevent city actions and limitations determine the extent or manner in which cities may act on an otherwise discretionary matter. Mandates generally include any state action that requires increased city expenditures. Mandates may be imposed either by statute or administrative rule and they may take the form of either direct orders or conditions attached to an otherwise voluntary action, such as acceptance of a grant-in-aid. Examples of mandates are laws and regulations requiring cities to prepare and implement comprehensive plans, provide unemployment and workers' compensation for their employees and enforce certain state standards for operations of local lock-ups and other corrections facilities. We can all accept that some state mandates are necessary because they deal with matters of statewide concern that require uniformity of treatment -- for example, public health and safety and property tax administration. However, most cities object to mandates that impose additional costs, but provide no additional state revenue with which to meet the added costs -- and unfortunately, this seems to be an ongoing problem. Fortunately, as noted in Section

5.02.020, Local Government Associations, organizations such as the LOC help as an advocate for municipalities in matters relating to mandates that add costs without corresponding revenue sources.

- **Supervision:** State supervision of city activity is always associated with state mandates, although not all mandates are made subject to supervision by any particular state agency. However, in some cases, specific state agencies are charged with the responsibility of enforcing certain state mandates.
- **Financial Aid:** State payments as a percent of total city revenues have been stable or declining over the past several years. Cities cite various reasons to support their entitlement to state payments, including the need to compensate for state-mandated expenditures; restrictions imposed by the state on the ability of cities to raise money from property taxes; and various reasons related to specific programs, such as local law enforcement costs attributed to state liquor laws. The state can also specify that cities must demonstrate that they provide certain services to their citizens as terms for obtaining revenue.

CHAPTER 5.08

FEDERAL-LOCAL RELATIONS

Sections:

- 5.08.010** **Introduction**
- 5.08.020** **Cities and Federal Programs**

5.08.010 **Introduction.** Important and complex interactions developed between local governments and the federal government years ago despite the fact that the United States Constitution does not mention local governments. Cities are subject to the same federal constitutional limitations, and their City Charters and ordinances bear the same relation to federal powers, as do state constitutions and statutes.

5.08.020 **Cities and Federal Programs.** Although federal funds to cities have been reduced, cities are still subject to many federal laws and regulations. Federal powers derived from the Interstate Commerce Clause and the Fourteenth Amendment of the U.S. Constitution have been exercised to subject cities to a variety of requirements in such areas as nondiscrimination, employment policy (including minimum ages, maximum hours and occupational health and safety) and environmental quality. Many "crosscutting" federal regulations still remain applicable to cities that receive money from any federal source, including such requirements as removal of architectural barriers in public buildings and facilities, Davis-Bacon prevailing wage requirements on public contracts, historic preservation requirements and uniform relocation requirements. In addition, many cities that garner federal funds from agencies such as the United States Department of Agriculture (USDA) or under USDA's Rural Utility Services (RUS) are held to strict guidelines on their use of the funds, and how the funds are paid back to the program. This includes the ability in municipalities with enterprise funds, to review and dictate to a city how its rates are established in order to be sufficient for the city to pay back its debt obligations.

TITLE VI

PUBLIC AND MEDIA RELATIONS

CHAPTERS:

- 6.02 GENERAL PROVISIONS**
- 6.04 WORKING WITH THE PUBLIC**
- 6.06 WORKING WITH THE MEDIA**

CHAPTER 6.02

GENERAL PROVISIONS

Sections:

6.02.010	Identifying the Public
6.02.020	Philosophy
6.02.030	Communication Policies and Programs
6.02.040	Helpful Hints

6.02.010 Identifying the Public. The "public" involves everyone in the community -- groups or individuals -- organized or unorganized. The public includes the taxpayer, voter, political party member, merchant, fisherman, parent, educator, consumer, student, etc. When making decisions or taking any form of action, officials need to know how the public will be affected. Citizens deserve to know what their government officials are doing and how it will impact their community. The public that will be affected by a government action needs to be identified, recognized and listened to and making the effort to do this is the first step to fostering good public relations.

6.02.020 Philosophy. Establishing and maintaining sound relationships with the citizens, elected and appointed officials and the media is the essence of good public relations. Recordors deal with many members of the public on a regular basis -- including other governmental agencies and officials, civic leaders, the area chamber of commerce, the local school district and other educators, city service consumers, voters, business owners, contractors, licensees -- all types of citizens.

To develop good public relations, you must be genuinely committed to presenting yourself and your municipality in a professional manner at all times. This means being responsive to the needs of the individual or agency you're working with, without losing sight of the fact you are an official representative of your city government. Your first allegiance should always be to your municipality. It's a good idea to give advance thought to the message you're sending out and how the message may be received. What will the message convey? Is it ambiguous or is it clear? Will the message reflect positively on your city? The old saying, "think before you speak," should always be applied.

Recordors need to always remember the importance of good public relations. Sometimes, that requires us to be something of a psychologist -- to be mindful of other viewpoints; something of a financial expert -- to be able to translate figures to others; a sociologist -- to be attuned to changing trends; a paralegal -- always aware of potential lawsuits; and, most of all, a dedicated public servant who reflects a professional image of their municipality. Developing good written and oral communications skills is an essential part of cultivating good public relations.

6.02.030 Communication Policies and Programs. Local government deals with a full spectrum of issues, and to effectively deal with a wide array of situations, formal policies governing the dissemination of public information should be developed and adopted. As the person primarily responsible for city records, the City Recorder is often put in charge of administering and enforcing such public information policies and programs. Communication policy guidelines can also be developed to address citizen input on the most common issues facing local government. In order for public participation to be effective, cities must not only

solicit public opinion, but they must also give the public sufficient facts to formulate a reasoned position. A good communication program requires "identifying" who needs the information and how that information can most easily be conveyed.

When developing a communication program, remember these important thoughts:

- The process of communications begins with determining public opinion. This requires defining who the affected public is and providing various methods through which the affected citizens may participate in the process and convey their opinions.
- An effective communication program requires careful organization and planning, and includes a written policy statement or set of guidelines, that assigns staff responsibility and provides training in public relations.
- A city government cannot expect to have a good public image (or a Recorder to have a professional image) if it fails to assist the media or to provide information about city functions and problems.
- Periodic evaluation of the communication program will help keep the city's effort on target and determine whether the goals and objectives of the program are being met.

6.02.040 Helpful Hints. Whether working with the public or the media, it is always important to be as organized and prepared as possible. The more knowledgeable you are on the topic of discussion, the better you can present the information being requested. It's also important to be receptive to the level of knowledge the individual you're working with possesses. If you're working with another government official, chances are they're going to understand "government language." But, if you're working with a common citizen, use "common language" -- language the person can understand. Remember -- you are there to serve everyone in your community -- regardless of their position, status, and level of knowledge or need. We are all public servants and therefore, we should always convey our desire to help. There are many times that it's better not to give a personal opinion -- however, there are times when it is acceptable -- common sense should tell you when it's appropriate. But you should always make it clear that you are giving "your personal opinion" when you do so.

It is absolutely essential to be kind, polite and professional at all times. Never use crude or rude language. Even if the individual you are working with becomes rude or obnoxious -- remember you are representing your local government. One way to keep this in mind is to "pretend" that all your conversations and discussions with the public are being tape recorded and could be replayed on the local radio or television station. Would you be comfortable with what you've said -- if so, you know the value of good public relations -- if not, maybe you need to work a little harder in this area. Always remember -- everything you say can be reflected back on your city and on your personal position with the city -- and your presentation may determine how the citizens of your community view the effectiveness of their local government and their opinion of you as a professional representative of that government.

CHAPTER 6.04

WORKING WITH THE PUBLIC

Sections:

6.04.010	The "Art" of Working with the Public
6.04.020	Getting Citizens Involved
6.04.030	Public Hearings
6.04.040	Citizen Advisory Committees
6.04.050	Neighborhood Associations
6.04.060	Public Opinion Surveys
6.04.070	Volunteer Programs

6.04.010 The "Art" of Working with the Public. The "art" of working with members of the public, especially in difficult situations, is an area in which all city employees need training, but it becomes particularly critical for certain key personnel who are so often in direct contact with the public -- for instance, the City Recorder. Remember, the Recorder is considered to be the "hub of the local government wheel" -- that puts us right in the middle! We are often the person the citizens come to first -- especially with complaints. Many times, we may be the only person at city hall that the citizen deals with. How we handle the citizen may determine that citizen's opinion -- whether favorable or one of condemnation -- toward all city programs, activities and employees! Generally, attentively listening to these citizens and offering a simple explanation of what the city must consider in rendering a decision, is the first step. If people understand the relevant facts, are treated courteously and given every consideration that the circumstances will allow, the integrity of the process, the City Recorder's position and the entire city government will be protected -- and maybe even enhanced.

6.04.020 Getting Citizens Involved. There are two very important tasks local government officials must accomplish when trying to get citizens involved. First, they must determine what the citizen's opinion is, and secondly, they must make sure that citizens have sufficient information with which to form intelligent opinions. For these tasks to be carried out successfully, cities need an active public information program and must provide opportunities for citizens to get involved and actively participate in their local government process. Recorders play a major role in these two tasks as we are often the city's "public information officer" and we typically issue the public notices which encourage citizen participation.

The proverbial "two-way street" is important in achieving effective citizen participation in city government. Success depends on both the attitudes and interests of the citizens, and of the city officials. Sometimes it's hard to get citizens involved, but they need to know that their efforts and concerns are recognized and considered in the decision-making process. This "two-way street system" can be provided through public hearings, advisory committees, neighborhood associations, volunteer programs and public opinion polls and surveys.

6.04.030 Public Hearings. Public hearings are the most traditional way of encouraging citizens to be a part of the city government process. These hearings are supposed to be held specifically to give citizens an opportunity to voice their opinions on a matter to be decided upon. Effort should be taken to make public hearings as effective as possible. The following are a few suggestions that might increase the effectiveness of your public hearings:

- **Convenient Timing:** Public hearings should be scheduled at a time that is convenient for the public to attend -- usually in the early evening.
- **Adequate Facilities:** The Americans with Disabilities Act (ADA) requires that meeting facilities are accessible to disabled persons, but we also need to make sure that the location of the facility is convenient (of course this is typically city hall), has good acoustics and adequate seating capacity. All open public meeting laws must be complied with at all meetings and public hearings.
- **Pre-hearing Conferences:** Some cities find that on very controversial matters (except for quasi-judicial hearings), a pre-hearing conference with the primary proponents and opponents on the issue can be beneficial and save time during the public hearing. If this process is used, it is highly recommended that staff persons be involved, as opposed to elected officials, to ensure compliance with the open meetings law and to preserve impartiality required for quasi-judicial hearings.
- **Opening Statement:** The presiding officer (typically the Mayor or City Attorney) should open the public hearing, and then make a statement clearly describing the matter to be discussed and the process under which the hearing will be conducted.
- **Procedural Rules:** Many City Councils have established and adopted formal procedural rules to be followed in all public hearings. The rules may include time limits for each speaker, written registration (including name, address and telephone number) of each speaker, the order in which testimony will be heard and the process for closing the hearing.
- **Staff Assistance:** It is common for staff members to give a report outlining the facts about the issue, and sometimes to offer a recommendation on the decision, prior to the City Council hearing public testimony. Staff members may also be called upon during or after public testimony to answer questions raised during the public comment time; however, during the public comment period, staff should not offer any statements or comments unless requested to do so by the governing body.
- **Closing Statements:** After the hearing has been closed, and a decision made (if applicable at the time), the Mayor should advise the public of the action that will be taken following the hearing and describe how and when the public can expect such action to be taken.

6.04.040 Citizen Advisory Committees. Citizen Advisory Committees (or Commissions or Boards, Task Forces, Ad Hoc Committees, as they may be called) can be very helpful in the local government process. These groups can be selected to meet on a regular basis (usually once or twice a month) and to act in an advisory capacity to Council on matters involving a specific aspect of local government (for example: Public Works Commission, Public Safety Commission, Downtown Development Committee, etc.); or they can be selected to serve for a shorter, specified period to conduct an in-depth study on one particular issue, for example, the development of a ten-year parks master plan. Such boards and committees have been found to improve communication between the public and local government, and often between competing groups of citizens. They also tend to serve as a sounding board for proposed city action before such matters are brought before the City Council for a final decision.

The typical advisory committee/board/commission is generally created by ordinance or resolution and appointed by the Mayor and/or City Council to fulfill a designated term (for

example: two years to the Public Works Commission). The order establishing the committee also usually outlines the committee's duties and responsibilities and defines the number of citizens to serve on the committee. Councilors are sometimes designated as the chair to preside over the meetings of such committees, but are more often appointed as regular members or ex-officio non-voting members of the committee; they are usually also considered the committee's liaison to City Council.

Most advisory committees are voluntary and are not compensated for their time. Staff members are often assigned to provide technical assistance and administrative support to the committee -- as well as to provide continuity and direction for the committee. It is important to remember that these advisory committees and boards are subject to the open public meetings law and Records should make sure that the committees are aware of these requirements.

6.04.050 Neighborhood Associations. Private neighborhood associations are formed by citizens to work on matters involving traffic, transportation, social services, housing, zoning, land use, law enforcement, recreational facilities and other matters that affect their neighborhoods. These types of associations usually only exist in medium-to-large sized cities. Some are viewed as being of benefit to the local governing body, while some, unfortunately, are viewed as being an "interference to the process."

There is considerable disagreement as to whether cities should formally recognize and/or sponsor such private associations. Some believe these organizations promote citizen participation and improved neighborhood planning. Others argue that these groups tend to project and stimulate a lack of trust in the local government process and often stifle community cooperation and strong City Council leadership.

6.04.060 Public Opinion Surveys. A very common method to expand public participation is through public opinion surveys. This can be done in many ways, but each survey should have a very clear goal. Cities can use surveys for such things as determining how its citizens feel about a proposed new service or facility, or the effectiveness of an existing service or program. Some cities conduct their own surveys, but many hire professional polling or survey organizations to guarantee reliable and unbiased results.

6.04.070 Volunteer Programs. An excellent illustration of the "two-way street" of citizen participation can be seen through the use of volunteers in local government. Unpaid elected and appointed officials (the Mayor, City Council, various Board/Commission Members) are the chief volunteers of the city -- but there are many, many ways in which volunteers can be utilized -- from fire fighting to planting flowers. Volunteers are typically the type of people who naturally feel a sense of community pride and sincerely want to serve their community. Their efforts warrant sincere recognition and appreciation, especially when existing staff levels, and/or funds available, are insufficient to carry out certain city programs that the entire community benefits from in one way or another.

The economic benefits of volunteerism are obvious, but there are a few pitfalls that need to be avoided. Difficulties can be avoided if a few guidelines are developed for your city's volunteer programs. An example of such guidelines would be:

- Be careful to review the background of your volunteers;
- Clearly define the volunteers' functions and provide the necessary training and orientation they need;
- Always assign a staff person to "oversee" your volunteers and have them periodically "check-in" on the volunteers to answer any questions they may have and just to let them know they're appreciated. A staff person should also keep a volunteer roster, which establishes a list of volunteer names, personal information, and locations/hours worked;
- When appropriate, set project time limits and establish work schedules in advance;
- Always check with your city attorney regarding possible liability in connection with proposed volunteer efforts;
- Implement a volunteer appreciation program; present them with certificates of appreciation during a City Council meeting so their efforts are known in the community;
- Check with the personnel officer regarding fringe benefit costs and other possible liabilities relating to the volunteer program. Some cities may decide to include their volunteers in their workman's comp coverage. Insurance companies may have certain requirements for this type of coverage.

CHAPTER 6.06

WORKING WITH THE MEDIA

Sections:

6.06.010	Establishing a Good Relationship
6.06.020	Credibility Creates a Reliable Spokesperson
6.06.030	Deadlines and Reporting Procedures
6.06.040	Interviews
6.06.050	Personal Media
6.06.060	Council Meeting Coverage

6.06.010 Establishing a Good Relationship. Establishing a good working relationship with the media -- especially reporters from the local newspaper, radio stations and television stations -- is critical. Good media relations are essential, not only in the city's effort to communicate with the public, but also in the ability of city government to carry out its basic functions and responsibilities. Regardless of community size, the local media is probably the most useful communication tool available for informing the citizenry of community issues. The local media may carry general information from all city departments, along with keeping citizens apprised of the next meeting of the Council or other city boards or commissions; upcoming elections; special ballot issues; public hearings and more. City Recorders are often considered the "public relations/media relations officer" of the city and as such, Recorders should work diligently to develop a cooperative, business relationship, based on mutual respect and understanding, with local media representatives.

6.06.020 Credibility Creates a Reliable Spokesperson. It is important to establish credibility, not only with the general public, but also with reporters and other media personnel who must be dealt with regularly. City Recorders, as mentioned above, are often considered the city's media spokesperson. As such, we function as a coordinator who puts media representatives in contact with the appropriate public officials or employees, notifies reporters of meetings, supplies background information, writes news releases and oversees city media communications in general. Having an "open door policy" to the media establishes the rapport required for a good relationship. As the city's media spokesperson, you need to be available to the media at all times (within reason of course) -- especially in times of a crisis or an emergency situation. Timely reporting enhances the public image of government operations and helps establish your credibility with the media. Once you've proved your credibility with the local media, you will be considered a trusted and reliable source for accurate and timely information.

6.06.030 Deadlines and Reporting Procedures. As Recorders, we're all well aware of how important deadlines are -- especially those we must deal with on a regular basis -- for example, our agenda deadline. It's important to remember reporters must adhere to very strict deadlines as well. We all know everybody wants the news "hot off the press," this makes receiving information on time vital to a reporter. Equally important as meeting the media's deadline is the accuracy of the information given. If you're not sure you have an accurate answer to a question or all the vital details of a given situation or development, be up-front about it. Tell the media representative you'll get back to them with the complete answer or "the rest of the story" -- then, keep your word and get back to the reporter as soon as you've gathered all the necessary facts.

It's important to be aware of and accommodate the different procedures and requirements of various media. Newspapers have different schedules and deadlines, depending whether they are published daily, weekly, monthly, in the morning or in the evening. Radio station coverage usually consists of brief, up-to-the-minute news. Many stations depend entirely on telephone interviews, news releases or faxed information, but some assign reporters to cover city government to get in-depth coverage. Because of its ability to provide immediate coverage, radio is especially helpful during emergency situations. Television presents unusual demands and opportunities. It conveys images, actions and emotions -- a complete visual story. Being in front of a camera can sometimes totally change the "atmosphere" or "tone" of a meeting or public presentation. Cable television can be an excellent way to better inform residents and publicize upcoming meetings and special events. A number of communities have found numerous ways to use cable TV to improve communication between government and citizenry.

6.06.040 Interviews. Interviews with media representatives can be an unnerving experience even for those who are usually comfortable with public speaking. Fear of being unable to answer a question, of being tripped up or stumbling over words, or just the idea of speaking into a microphone or in front of a camera -- all of these can be intimidating to even the most experienced public speaker. City Recorders are becoming increasingly more involved in the public relations aspect of local government, so it's important that we sharpen our media interview skills.

The first step toward being professional and successful in an interview is to **BE PREPARED!** We suggest that before agreeing to an interview, you should:

- Find out where and when the interview would be held. If you're more comfortable with the surroundings, you'll probably be more relaxed during the interview.
- Find out whether the interview will be taped.
- Specify topics that are off limits or off the record. If a reporter asks you to comment "off the record," be very careful with your comments. How well you know the reporter should help you determine how "safe" it is to trust that what you say really will be kept "off the record." When in doubt, don't volunteer comments gratuitously -- and remember, it's not always appropriate to give your "personal opinion."
- If possible, ask for questions in advance.
- Brush up on the topic beforehand; collect pertinent facts and figures.
- If time allows, role-play the interview with a well informed partner who acts as "devil's advocate." Prepare for controversial questions and for being interrupted by the interviewer -- which can make you lose your "train of thought." Try to resist interruption and work to get your message across.
- When at all possible, try to control the situation, rather than letting the media control the situation. Have your "agenda" ready beforehand (for example: those items that you want to discuss).

During an interview, try to relax -- don't panic. Realize that most of the time you know more about the subject than the interviewer. TV and radio exposure can help Recorders become more visible to the community for which they work. It's a chance to cast a professional reflection on

our position in local government and on your city. We also suggest the following to ensure a successful interview:

- Listen carefully to each question and note the questioner's "body language." Pay attention to what is being said and what is implied.
- Do not try to second guess your interviewer. Answer the question as posed, or ask for clarification if you do not understand (for example: "I don't understand your question. Would you please rephrase it?").
- Insist on time to think through your answers; then respond when you're comfortable.
- Project the image of a knowledgeable and professional interviewee; do not allow hostile or leading questions to frustrate you into responding in kind.
- Keep your answers brief and simple. This helps you keep both the interviewer's and the audience's attention.
- Keep a conversational attitude and tone of voice. The interview should seem as natural as talking to a citizen on a street corner or carrying on a phone conversation.

6.06.050 Personal Media. Personal media includes speeches and presentations given by government officials -- such as City Recorders -- at civic affairs and service club meetings, personal contact through correspondence and conversations, appearances on radio or television discussion programs and publication of letters or articles in newspapers.

Personal appearances by government officials reduce the "impersonality" of government and expose officials to direct citizen feedback. Citizens often feel more comfortable expressing their views and opinions face-to-face at an informal meeting than they do at a formal hearing. Speeches and discussions can be flexible and geared to specific audiences.

Perhaps the greatest communication impact occurs when city officials and employees are engaged in daily city business -- just doing their jobs. This spans from how elected officials project themselves during a formal City Council meeting to how friendly a utility department worker is to a citizen he comes in contact with while reading a water meter. A person performing functions of the government directly influences the city's "public image." If they're doing their job properly -- government officials and employees will be aware of how their actions can affect a citizen's perception of government. Again, as Recorders, we come into contact with our citizenry on a regular basis, so it is critical that we promote and protect a positive perception of local government while performing the daily functions of our office.

6.06.060 Council Meeting Coverage. Several cities schedule regular media meetings to cover every City Council meeting. Sometimes this is done in advance of the meeting, sometimes it's done the morning after the meetings -- and in some of the bigger cities -- it may be done both before and after each meeting. A staff person (very typically the City Recorder) is assigned to report on the matters presented to City Council -- particularly those issues of major interest to the general public. In these cases, it is appropriate to prepare a media packet prior to meeting with the media representatives. The packet should provide background information, reinforce the facts and clarify the action taken, which should save time when reviewing the details with the media.

Most cities prepare and distribute media packets which contain most of the information (staff reports and memos, etc.) included in the City Council packets (with the exception of executive session materials). This expedites dissemination of information for news coverage of the City Council meetings.

In-house publications such as city newsletters, special reports, annual reports and bulletins provide another form of media for coverage of City Council meetings and other aspects of local government. These publications can also be used as informative public relation tools.

TITLE VII

INFORMATIONAL RESOURCES & REFERENCE MATERIALS

CHAPTERS:

7.02 INFORMATIONAL RESOURCES, ORGANIZATIONS, ETC.

7.04 RECORDER'S PERSONAL RESOURCE NETWORK

CHAPTER 7.02
INFORMATIONAL RESOURCES, ORGANIZATIONS, ETC.

Sections:

- 7.02.010 Published Resource Materials**
- 7.02.020 Resource Organizations**

7.02.10 Published Resource Materials. For easy reference, the following is a list of published materials (and addresses for ordering) which we feel can serve as valuable resources for City Recorders (some of these have been mentioned in this manual):

The Department of Justice
1162 Court Street NE
Salem, OR 97310-4096
Phone: 503-378-4400
Website: www.doj.state.or.us

- Attorney General's Public Records and Meetings Manual , January 2011
- Attorney General's Model Public Contract Rules Manual, January 2010
- Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the APA – January 2008
- Model Rules – General Provisions related to Public Contracting
- Model Rules – Public Procurement for Goods and Services
- Model Rules – Consultant Selection: Architectural, Engineering and Land Surveying Services and Related Services Contracts
- Model Rules – General Provisions Related to Public Contracts for Construction Services
- Oregon Revised Statutes (ORS)
- Oregon Administrative Rules (OAR)
- Public Records Orders

Secretary of State's Office / Elections Division
255 Capitol St NE, Suite 501
Salem, OR 97310
Phone: 503-986-1518
Fax: 503-373-7414
Website: <http://www.sos.state.or.us/elections/>

- Oregon Election Laws
- City Elections Manual
- ORE STAR User's Manual
- Campaign Finance Manual
- Recall Manual
- County, City and District Referral Manual

Quick References:

- Candidate “Quick Guide” on Campaign Finance Reporting in Oregon
- Restrictions on Political Campaigning for Public Employees Quick Reference

Secretary of State's Office / Archives Division

800 Summer Street NE

Salem, OR 97310

Phone: 503-373-0701

Fax: 503-373-4118

Email: reference.archives@state.or.us

Web Site: <http://arcweb.sos.state.or.us/>

- City Records Retention Schedule
http://arcweb.sos.state.or.us/rules/OARS_100/OAR_166/166_200.html
- Disaster Training (PDF)

Basic Records Management

- Managing your Records (PDF)
- Recent PowerPoint Presentations

Electronic Records Management – Email

- What’s in YOUR Inbox? – requires RealPlayer
- Local Government Email Policy Manual (PDF)
- Local Government Email Training Quizzes

Disaster Preparedness and Recovery

- “The Call” (requires RealPlayer)
- “Public Records: a Manual for Creating a Disaster Preparedness and Recovery Plan” (PDF)

Security Copy Depository

Micrographics Manual (PDF)

Oregon Administrative Rules:

- 166-017 – Digital Imaging
- 166-020 – The Protection and Storage of Public Records
- 166-025 – Microfilm Standards Rules
- 166-030 – Records Management Procedures
- 166-150 – County and Special Districts Retention Schedule
- 166-200 – City Records Retention Schedule

Secretary of State's Office / Oregon Blue Book Division
P. O. Box 3370
Portland, OR 97208
Phone: 503-986-2234
Website: bluebook.state.or.us

- Oregon Blue Book: <http://bluebook.state.or.us/default.htm>

Oregon Department of Revenue
955 Center St. NE
Salem, OR 97301-2555
Phone: 503-378-4988
Toll Free: 1-800-356-4222
Fax: 503-945-8738
Email: questions.dor@state.or.us
Website: www.oregon.gov/DOR/PTD/LocalB.shtml

- Basic Budgeting Book, 150-504-406 (9/07)
- Local Budgeting in Oregon – 2001 Edition, 150-504-400 (Rev. 9-09)
- Local Budget Law, 150-504-620 (Rev. 1-03)
- Local Budgeting Manual, 150-504-420 (Rev. 6-10)
- Local Budget Law and Notice of Property Tax Forms and Instructions for URBAN RENEWAL AGENCIES (150-504-076)
- Local Budget Law and Notice of Property Tax Forms and Instructions for Municipal Corporations (150-504-073) (Rev. 1-10)

Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, OR 97302-1544
Phone: 503-378-5105
Fax: 503-373-1456
Email: osec.mail@state.or.us
Website: www.oregon.gov/OGEC

- Oregon Government Standards and Practices Laws; A Guide for Public Officials
- Sample Annual Statement of Economic Interest Form
-

Oregon Liquor Control Commission/Regulatory Process Division
 9079 SE McLoughlin Blvd. Mailing: P. O. Box 22297
 Portland, OR 97222-7355 Milwaukie, OR 97269-2297
 Phone: 503-872-5000
 Toll Free: 800-452-6522
 Fax: 503-872-5266
 Email: joy.evensen@state.or.us
 Website: www.oregon.gov/OLCC

- OLCC's Guide to Liquor Licensing in Oregon
- 2008 OLCC Law Book of Liquor Laws and Administrative Rules

League of Oregon Cities
 1201 Court Street NE Mailing: P. O. Box 928
 Salem, OR 97301 Salem, OR 97308
 Phone: 503-588-6550
 Toll Free: 800-452-0338
 Fax: 503-399-4863
 Website: www.orcities.org

The League of Oregon Cities website provides a lot of information including manuals and surveys that can be either downloaded or ordered. To download, one must enter the login and password for their agency. Here is a sample of the LOC publications as of March 2011:

SPECIAL PUBLICATIONS

Information on this page is considered “premium” information, which has been developed by The City Center @ LOC. Free access is available to city officials in LOC-member cities.

Title	Published	Price	Availability
Animal Control Ordinances: Policy Considerations	2001	\$ 5.00	Members
Business License Ordinances: Policy Considerations	2001	\$10.00	Members
City Handbook	2010	No Charge	Link
City Services Survey	2002	No Charge	Link
City Streets: Investing in a Neglected Asset	2007	\$10.00	Download
Conducting Effective Meetings	2006	\$10.00	Members
Councilor Stipend Survey	2006	\$ 5.00	Download
Debt Issuance Manual	2007	\$30.00	Members
Endangered Species Act Assessment Manual	2000	\$15.00	Members
Evaluating the City Administrator	2002	No Charge	Download
Fiscal Challenges to the Sustainability of Oregon's Cities	2008	\$40.00	Members
Fiscal Challenges to the Sustainability of Oregon's Cities – Topical Supplement	2008	\$ 5.00	Members
Franchise Fee and Utility Survey	2008	\$10.00	Members

Goal Setting		No Charge	Download
Guide to Private Fund Raising for Local Government	2004	\$15.00	Members
Home Rule in Oregon Cities	2006	\$ 5.00	Members
Implementing Local Gas Taxes	2007	\$10.00	Members
Incorporation Guide	2007	\$10.00	Members
Involving, Educating and Engaging: Youth Programs	2003	\$ 5.00	
Livable Oregon Cities: Community Visioning	1993	No Charge	
Local Property Tax Election Study	2006	No Charge	Download
Model Charter for Oregon Cities	2004	\$20.00	Members
Model Noise Ordinance	2006	\$25.00	Members
Ordinance Drafting and Maintenance	1991	No Charge	
Profiles of Change: Economic Development in Oregon	2003	\$10.00	Download
Recall Election Study	2004	\$ 5.00	
Recruiting a City Administrator	2002	No Charge	Download
Regulation of Adult Businesses	1996	No Charge	Download
Robert's Rules of Order	2004	\$60.00	
Skateboard Ordinances: Policy Considerations	2001	\$ 5.00	Members
So You Want to Run for Local Office	2000	\$ 1.00	
Systems Development Charges Survey (2007)	2007	\$10.00	Members
TUF Solutions for Local Street Funding: A Survey on Transportation Utility Fees (TUFs)	2008	\$10.00	Members
Water Management and Conservation Plans	2003	No Charge	Download
Water/Wastewater Rate Survey	2009	\$ 5.00	Members

In addition to “special publications,” the League is an excellent source of up-to-date legislative information. It is also a good way to look up information on who your legislator is and how to contact them.

Legislative Information

Go to <http://www.orcities.org/Legislative/tabid/4719/Default.aspx>, for additional information on:

- [2011 Legislative Priorities](#)
- [2009 Legislative Bill Summary](#)
- [2009 Legislative Session - Important Bills for Cities](#)
- [Oregon Municipal Policy](#)
- [LOC Policy Committees](#)

- [Legislative Bulletin](#)
- [Contact My Legislators](#)
- [Bill Tracking](#)
- [Events & Activities](#)
- [Hometown Voices](#)

[Contact Us](#)
[Legislative Alerts](#)
[Communications & Media](#)

General Reference:

In addition to bound publications, there are some quick references available online:

<http://encarta.mas.com/encnet/features/dictionary/dictionaryhome.aspx>

- * Atlas
- * Dictionary
- * Encyclopedia

<http://www.bartleby.com/100/>

- * Dictionary
- * Encyclopedia
- * English Usage
- * Quotations
- * Thesaurus

International Institute of Municipal Clerks
8331 Utica Ave. Ste 200
Rancho Cucamonga , CA 91730-7600
Phone: 909-944-4162
Toll Free: 800-251-1639
Fax: 1-909-944-8545
Email: hq@iimc.com
Website: www.iimc.com

TECHNICAL BULLETINS

- Election Management & Performance Indicators
- How to Design a Disaster Recovery Program
- Consent Agendas
- Short, Simple & Efficient Agendas
- City Council Rules of Procedure
- Manual for Drafting Ordinances & Resolutions
- Document Imaging
- Sample Proclamations
- Parliamentary Procedures in Local Government
- IIMC Meeting Administration Handbook
- Efficient Filing
- Document Imaging in the New Millenium

2000 IIMC-NAGARA Technical Leaflets on Records Management

- Starting a Records Management Program
- Funding your Project
- Identifying and Locating Your Records
- Establishing Records Retention
- Selecting a Records Storage System
- Making Your Program Successful

BOOKS

- Role Call
- Mina's Guide to Minute Taking
- Language of Local Government
- 201 Secrets to Building Community Involvement

CD ROM

- Robert's Rules of Order
- IIMC Municipal Clerk – Partners in Democracy

VIDEO

- IIMC – Laser Fiche Document Imaging Video

Oregon Association of Municipal Recorders

- City Recorders Procedure Manual:
<http://www.oamr.org/Manuals/ProcManual.pdf>

7.02.020 Resource Organizations. There are several professional organizations which Recorders may benefit from joining. The most obvious of course are OAMR and IIMC. If you have this manual, you apparently know how to contact OAMR. The following list will give you the information you need to contact IIMC and other professional organizations you may be interested in:

(IIMC) International Institute of Municipal Clerks
8331 Utica Ave, Suite 200
Rancho Cucamonga, CA 91730-7600
Phone: 909-944-4162
Toll Free: 800-251-1639
Fax: 909-944-8545
Email: hq@iimc.com
Website: www.iimc.com

(ARMA) Association of Records Managers & Administrators, Inc.
Oregon Chapter:
P.O. Box 40004
Portland 97240-0004
Contact: Tyrene Bada, 2011-12 President
Phone: 503-977-8583, Portland Community College
Email: Tyrene.bada@pcc.edu
Website: www.oregonarma.org

ARMA International
11880 College Blvd., Suite 450
Overland Park, KS 66210
Phone: 913-341-3808
Toll Free: 800-422-2762
Fax: 913-341-3742
Website: www.arma.org

(OMFOA) Oregon Municipal Finance Officers Association
Contact: Misty Slagle, Association Manager
Western Advocates, Inc.
12725 SW 66th Ave, Suite 107
Portland, OR 97223
Phone: 503-2601-2777
Toll Free: 866-757-9970
Fax: 503-597-3668
Website: www.omfoa.org

(LGPI) Local Government Personnel Institute
1201 Court St NE, Suite 201 Mailing: P. O. Box 908
Salem, OR 97301 Salem, OR 97308
Phone: 503-588-2251
Fax: 503-485-5900
Email: asklgpi@lpgi.org
Website: www.lgpi.org

(PRIMA) Public Risk & Insurance Management Association

Contact: Mark Anderson, President
Multnomah County
501 SE Hawthorne Blvd, Suite 400
Portland, OR 97214-3501
Phone: 503-988-5811
Fax: 503-988-5758
Email: mark.r.anderson@multco.us
Website: www.orprima.org

(OMJA) Oregon Municipal Judges Association

Contact: Lisa N. Bertalan, Treasurer
Hendrix, Brinich & Bertalan, LLP
716 NW Harriman St
Bend, OR 97701
Phone: 541-382-4980
Fax: 541-382-9060
Email: lisa@hxbri.com

(OJPA) Oregon Justices of Peace Association

Contact: Hon. Charles Fadeley
Deschutes County Justice Court
P.O. Box 1750
Redmond, OR 97756
Phone: 541-617-4758
Fax: 541-548-1434

(OACA) Oregon Association for Court Administrators

Contact: Donna Poirier, President
Beaverton Municipal Court
P. O. Box 4755
Beaverton, OR 97076
Phone: 503-526-2359
Fax: 503-350-4031
Email: dpoirier@ci.beaverton.or.us
Website: www.oaca.org

(NAP) National Association of Parliamentarians

213 S Main St
Independence, MO 64050-3808
Phone: 816-833-3892
Toll Free: 888-627-2929
Fax: 816-833-3893
Email: hq@nap2.org
Website: www.parliamentarians.org

(ITC) International Training in Communication
POWERtalk International
P. O. Box 13260
Tauranga, New Zealand
Email: info@powertalkinternational.com
Web Site: www.itcintl.com

(NMA) National Management Association
2210 Arbor Blvd
Dayton, OH 45439
Phone: 937-294-0421
Fax: 937-294-2374
Email: nma@nma1.org
Website: www.nma1.org

Northwest Clerks Institute (As of June 2008)
Professional Development Institute
Registration and Information:
Washington State University
Conference Management
2606 W Pioneer
Puyallup, WA 98371
Phone: 253-445-4575
Fax: 253-445-4633
Website: conferences.wsu.edu/nci
Training Location: University of Puget Sound
Tacoma, Washington

CHAPTER 7.04

RECORDER'S PERSONAL RESOURCE NETWORK

Sections:

7.04.010	Agenda Preparation
7.04.020	Annexations
7.04.030	Assessments (special)
7.04.040	Bankruptcy
7.04.050	Bond Issuance
7.04.060	Budgeting
7.04.070	Business Licenses
7.04.080	Codification
7.04.090	Council Rules of Procedure
7.04.100	Foreclosure
7.04.110	Granicus Streaming Video System
7.04.120	Grants
7.04.130	Human Resources
7.04.140	Initiative Petitions
7.04.150	Investments
7.04.160	Local Improvement Districts
7.04.170	Meeting Conduct & Procedures
7.04.180	Minute Taking
7.04.190	Municipal Court
7.04.200	Ordinance Drafting & Codification
7.04.210	Parliamentary Procedures
7.04.220	Passport Processing
7.04.230	Payroll
7.04.240	Planning
7.04.250	Public Relations
7.04.260	Recall Petitions
7.04.270	Records Management
7.04.280	Referendum Petitions
7.04.290	Requests for Proposals
7.04.300	Risk Management / Safety
7.04.310	Robert's Rules of Order
7.04.320	State Elections Manual
7.04.330	Tort Claims
7.04.340	Union Contract Negotiations
7.04.350	Utility Billing
7.04.360	Utility Rate Issues
7.04.370	Vacation of the Public Way
7.04.380	Website Management

7.04.010 . Agenda Preparation. The following people may be contacted for questions and/or recommendations regarding the preparation of agendas, agenda memos and agenda packets:

Amy Sowa, CMC, City Recorder
City of Springfield
225 Fifth St
Springfield, OR 97477
Phone: 541-726-4666 Fax: 541-726-2363
Email: asowa@ci.springfield-or.gov

Cathy Wheatley, CMC, City Recorder
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
Phone: 503-718-2410 Fax: 503-684-7297
Email: cathy@tigard-or.gov

Debbie Werner, CMC, Deputy City Recorder
City of Hillsboro
150 E Main St
Hillsboro, OR 97123
Phone: 503-681-6269 Fax: 503-681-6232
Email: debbiew@ci.hillsboro.or.us

Kelly Morse, CMC, City Recorder
City of Redmond
716 SW Evergreen Ave
Redmond, OR 97756
Phone: 541-923-7751 Fax: 541-548-0706
Email: kelly.morse@ci.redmond.or.us

Norma Alley, MMC, City Recorder
City of Newberg
P. O. Box 970
Newberg, OR 97132
Phone: 503-537-1283 Fax: 503-537-5013
Email: norma.alley@newbergoregon.gov

Sandy Lund, City Recorder
City of La Grande
P. O. Box 670
La Grande, OR 97850
Phone: 541-962-1309 Fax: 541-963-3333
Email: slund@cityoflagrande.org

Tracy Davis, MMC, City Recorder
City of Keizer
P. O. Box 21000
Keizer, OR 97307
Phone: 503-856-3412 Fax: 503-393-9437
Email: davist@keizer.org

7.04.020 Annexations. The following Recorders may be contacted as resources on the subject of annexation:

Karen Spoons, MMC, Deputy City Recorder
City of Medford
411 W 8th St
Medford, OR 97501
Phone: 541-774-2088 Fax: 541-618-1700
Email: karen.spoons@ci.medford.or.us

Sheila R. Cox, MMC, City Recorder
City of Roseburg
900 SE Douglas Ave
Roseburg, OR 97470
Phone: 541-492-6866 Fax: 541-673-2856
Email: scox@cityofroseburg.org

7.04.040 Bankruptcy. What to do about a customer who has filed for bankruptcy, call:

Diane Belt, Tax Collection Supervisor
Washington County
155 N First Ave, Suite 130
Hillsboro, OR 97124-3072
Phone: 503-846-3900 Fax: 503-846-3909
Email: diane_belt@co.washington.or.us

7.04.060 Budgeting. For questions regarding the budget process, budgeting practices and budget law, feel free to call:

Amber Mathiesen, CMC, Management Analyst
City of Cornelius
1355 N Barlow St
Cornelius, OR 97113
Phone: 503-357-9112 Fax: 503-357-7775
Email: amathiesen@ci.cornelius.or.us

Kate Mast, MMC, Finance Director
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481 ext 1113 Fax: 541-298-5107
Email: kmast@ci.the-dalles.or.us

Leahnette Rivers, CMC, City Administrator/Recorder
Columbia City
P. O. Box 189
Columbia City, OR 97018
Phone: 503-397-4010 Fax: 503-366-2870
Email: lrivers@columbia-city.org

7.04.070 Business Licensing. The following may be contacted as resources on the subject of business licensing:

Carol Weir, MMC, Deputy City Recorder
City of Rogue River
P. O. Box 1137
Rogue River, OR 97537
Phone: 541-582-4401, ext 100 Fax: 541-582-0937
Email: cweir@ci.rogue-river.or.us

7.04.080 Codification. Call the following for help if you are doing the codification in house:

Cathy Wheatley, CMC, City Recorder
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
Phone: 503-718-2410 Fax: 503-684-7297
Email: cathy@tigard-or.gov

Kelly Morse, CMC, City Recorder
City of Redmond
716 SW Evergreen Ave
Redmond, OR 97756
Phone: 541-923-7751 Fax: 541-548-0706
Email: kelly.morse@ci.redmond.or.us

Norma Alley, MMC, City Recorder
City of Newberg
P. O. Box 970
Newberg, OR 97132
Phone: 503-537-1283 Fax: 503-537-5013
Email: norma.alley@newbergoregon.gov

Sheila R. Cox, MMC, City Recorder
City of Roseburg
900 SE Douglas Ave
Roseburg, OR 97470
Phone: 541-492-6866 Fax: 541-673-2856
Email: scox@cityofroseburg.org

7.04.090 Council Rules of Procedure. The following OAMR members would be happy to share their Council Rules of Procedure:

Amy Sowa, CMC, City Recorder
City of Springfield
225 Fifth St
Springfield, OR 97477
Phone: 541-726-4666 Fax: 541-726-2363
Email: asowa@ci.springfield-or.gov

Cathy Wheatley, CMC, City Recorder
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
Phone: 503-718-2410 Fax: 503-684-7297
Email: cathy@tigard-or.gov

Elisa Olson, MMC, City Recorder
City of Klamath Falls
P. O. Box 237
Klamath Falls, OR 97601
Phone: 541-883-5325 Fax: 541-883-5399
Email: eolson@ci.klamath-falls.or.us

Julie Krueger, MMC, City Clerk
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481, ext 1120 Fax: 541-296-6906
Email: jkrueger@ci.the-dalles.or.us

Norma Alley, MMC, City Recorder
City of Newberg
P. O. Box 970
Newberg, OR 97132
Phone: 503-537-1283 Fax: 503-537-5013
Email: norma.alley@newbergoregon.gov

Sandy Lund, City Recorder
City of La Grande
P. O. Box 670
La Grande, OR 97850
Phone: 541-962-1309 Fax: 541-963-3333
Email: slund@cityoflagrande.org

Sheila R. Cox, MMC, City Recorder
City of Roseburg
900 SE Douglas Ave
Roseburg, OR 97470
Phone: 541-492-6866 Fax: 541-673-2856
Email: scox@cityofroseburg.org

Tracy Davis, MMC, City Recorder
City of Keizer
P. O. Box 21000
Keizer, OR 97307
Phone: 503-856-3412 Fax: 503-393-9437
Email: davist@keizer.org

7.04.100 Foreclosure. Questions regarding foreclosure proceedings may be directed to:

Diane Belt, Tax Collection Supervisor
Washington County
155 N First Ave, Suite 130
Hillsboro, OR 97124-3072
Phone: 503-846-3900 Fax: 503-846-3909
Email: diane_belt@co.washington.or.us

7.04.110. Granicus Streaming Video System. If you are considering purchasing the Granicus Streaming Video System, feel free to call:

Cathy Jansen, MMC, City Recorder
City of Beaverton
P. O. Box 4755
Beaverton, OR 97076
Phone: 503-526-2495 Fax: 503-526-2479
Email: cjansen@beavertonoregon.gov

7.04.120 Grants. Questions regarding grants may be directed to:

Shirley Kappas, MMC, Deputy City Recorder
City of Klamath Falls
P. O. Box 237
Klamath Falls, OR 97601
Phone: 541-883-5320 Fax: 541-883-5399
Email: skappas@ci.klamath-falls.or.us

7.04.130 Human Resources. The following members would be happy to answer questions on Human Resources issues.

Janet Newport, Assistant to the City Manager/HR Director
City of Silverton
306 S Water St
Silverton, OR 97381
Phone: 503-873-6117 Fax: 503-874-2260
Email: jnewport@silverton.or.us

Michele Eldridge, CMC, City Recorder
City of Harrisburg
P. O. Box 378
Harrisburg, OR 97446
Phone: 541-995-6655 Fax: 541-995-9244
Email: meldridge@ci.harrisburg.or.us

Vicki Luther, MMC, City Recorder
City of Sutherlin
126 E Central Ave
Sutherlin, OR 97479
Phone: 541-459-2856 ext 223 Fax: 541-459-3281
Email: v.luther@ci.sutherlin.or.us

7.04.140 Initiative Petitions. For someone who's dealt with a lot of initiative petitions and really understands the process, call:

Sandra C. King, MMC, City Recorder
City of Wilsonville
29799 SW Town Center Lp East
Wilsonville, OR 97070
Phone: 503-570-1506 Fax: 503-682-1015
Email: king@ci.wilsonville.or.us

Tracy Davis, MMC, City Recorder
City of Keizer
P. O. Box 21000
Keizer, OR 97307
Phone: 503-856-3412
Email: davist@keizer.org

Fax: 503-393-9437

7.04.160 Local Improvement Districts. The following OAMR members have had a great deal of experience in local improvement district projects and would be happy to share their knowledge with you:

Julie Krueger, MMC, City Clerk
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481, ext 1120
Email: jkrueger@ci.the-dalles.or.us

Fax: 541-296-6906

7.04.170 Meeting Conduct & Procedures. For questions, suggestions or recommendations on effective meeting conduct and procedures, contact:

Julie Krueger, MMC, City Clerk
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481, ext 1120
Email: jkrueger@ci.the-dalles.or.us

Fax: 541-296-6906

Marge Price, CMC - Retired
Professional Registered Parliamentarian
5711 W Payette Ave
Kennewick, WA 99336
Phone: 509-783-3727

Sandy Lund, City Recorder
City of La Grande
P. O. Box 670
La Grande, OR 97850
Phone: 541-962-1309
Email: slund@cityoflagrande.org

Fax: 541-963-3333

Sheila R. Cox, MMC, City Recorder
City of Roseburg
900 SE Douglas Ave
Roseburg, OR 97470
Phone: 541-492-6866 Fax: 541-673-2856
Email: scox@cityofroseburg.org

7.04.180 Minute Taking. The following Recorders would feel comfortable helping other Recorders improve their minute taking skills:

Elisa Olson, MMC, City Recorder
City of Klamath Falls
P. O. Box 237
Klamath Falls, OR 97601
Phone: 541-883-5325 Fax: 541-883-5399
Email: eolson@ci.klamath-falls.or.us

Julie Krueger, MMC, City Clerk
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481, ext 1120 Fax: 541-296-6906
Email: jkrueger@ci.the-dalles.or.us

Kelly Morse, CMC, City Recorder
City of Redmond
716 SW Evergreen Ave
Redmond, OR 97756
Phone: 541-923-7751 Fax: 541-548-0706
Email: kelly.morse@ci.redmond.or.us

Norma Alley, MMC, City Recorder
City of Newberg
P. O. Box 970
Newberg, OR 97132
Phone: 503-537-1283 Fax: 503-537-5013
Email: norma.alley@newbergoregon.gov

Sandy Lund, City Recorder
City of La Grande
P. O. Box 670
La Grande, OR 97850
Phone: 541-962-1309 Fax: 541-963-3333
Email: slund@cityoflagrande.org

Sheila R. Cox, MMC, City Recorder
City of Roseburg
900 SE Douglas Ave
Roseburg, OR 97470
Phone: 541-492-6866 Fax: 541-673-2856
Email: scox@cityofroseburg.org

7.04.190. Municipal Court. Questions regarding municipal court may be directed to:

Amber Mathiesen, CMC, Management Analyst
City of Cornelius
1355 N Barlow St
Cornelius, OR 97113
Phone: 503-357-9112 Fax: 503-357-7775
Email: amathiesen@ci.cornelius.or.us

Carol Weir, MMC, Deputy City Recorder
City of Rogue River
P. O. Box 1137
Rogue River, OR 97537
Phone: 541-582-4401, ext 100 Fax: 541-582-0937
Email: cweir@ci.rogue-river.or.us

Cathy Jansen, MMC, City Recorder
City of Beaverton
P. O. Box 4755
Beaverton, OR 97076
Phone: 503-526-2495 Fax: 503-526-2479
Email: cjansen@beavertonoregon.gov

7.04.200 Ordinance Drafting & Codification. If you need to talk to someone who's written LOTS of ordinances and has gone through the professional codification process from start to finish, call:

Dbbie Werner, CMC, Deputy City Recorder
City of Hillsboro
150 E Main St
Hillsboro, OR 97123
Phone: 503-681-6269 Fax: 503-681-6232
Email: debbiew@ci.hillsboro.or.us

Sheila R. Cox, MMC, City Recorder
City of Roseburg
900 SE Douglas Ave
Roseburg, OR 97470
Phone: 541-492-6866 Fax: 541-673-2856
Email: scox@cityofroseburg.org

Shirley Kappas, MMC, Deputy City Recorder
City of Klamath Falls
P. O. Box 237
Klamath Falls, OR 97601
Phone: 541-883-5320 Fax: 541-883-5399
Email: skappas@ci.klamath-falls.or.us

7.04.210 Parliamentary Procedures. For expert advice on all the in's and out's of parliamentary procedures, feel free to contact:

Julie Krueger, MMC, City Clerk
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481, ext 1120 Fax: 541-296-6906
Email: jkrueger@ci.the-dalles.or.us

Marge Price, CMC - Retired
Professional Registered Parliamentarian
5711 W Payette Ave
Kennewick, WA 99336
Phone: 509-783-3727

7.04.240 Planning. For advice on general planning issues, call:

Michele Eldridge, CMC, City Recorder
City of Harrisburg
P. O. Box 378
Harrisburg, OR 97446
Phone: 541-995-6655 Fax: 541-995-9244
Email: meldridge@ci.harrisburg.or.us

7.04.250 Public Relations. For advice and suggestions on public relation issues, call:

Sandy Lund, City Recorder
City of La Grande
P. O. Box 670
La Grande, OR 97850
Phone: 541-962-1309 Fax: 541-963-3333
Email: slund@cityoflagrande.org

7.04.260 Recall Petitions. If you get stuck dealing with a recall petition and don't know quite what to do, there's a Recorder that's had to deal with more than "her share" of them, just call:

Sandra C. King, MMC, City Recorder
City of Wilsonville
29799 SW Town Center Lp East
Wilsonville, OR 97070
Phone: 503-570-1506 Fax: 503-682-1015
Email: king@ci.wilsonville.or.us

7.04.270 Records Management. OAMR's records management experts are:

Cathy Wheatley, CMC, City Recorder
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
Phone: 503-718-2410 Fax: 503-684-7297
Email: cathy@tigard-or.gov

Debbie Lockhart, MMC, Deputy City Recorder
City of Keizer
P. O. Box 21000
Keizer, OR 97307
Phone: 503-856-3418 Fax: 503-393-9437
Email: lockhartd@keizer.org

Norma Alley, MMC, City Recorder
City of Newberg
P. O. Box 970
Newberg, OR 97132
Phone: 503-537-1283 Fax: 503-537-5013
Email: norma.alley@newbergoregon.gov

Sandra C. King, MMC, City Recorder
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503-570-1506 Fax: 503-682-1015
Email: king@ci.wilsonville.or.us

Sue Nelson, CMC
Business: Records Management Solutions
1700 N.W. Saltzman Road
Portland, OR 97229-4651
Phone: 971-230-4833
E-mail: daschound2@comcast.net

7.04.280 Referendum Petitions. If you have questions regarding the referendum process, contact:

Tracy Davis, MMC, City Recorder
City of Keizer
P. O. Box 21000
Keizer, OR 97307
Phone: 503-856-3412 Fax: 503-393-9437
Email: davist@keizer.org

7.04.290 Requests for Proposals. For samples of Requests for Proposals for a variety of services from architects to water rate studies, call:

Cathy Jansen, MMC, City Recorder
City of Beaverton
P. O. Box 4755
Beaverton , OR 97076
Phone: 503-526-2495 Fax: 503-526-2479
Email: cjansen@beavertonoregon.gov

7.04.300 Risk Management / Safety. For all of your Risk Management and/or Safety questions, contact:

Michele Eldridge, CMC, City Recorder
City of Harrisburg
P. O. Box 378
Harrisburg, OR 97446
Phone: 541-995-6655 Fax: 541-995-9244
Email: meldridge@ci.harrisburg.or.us

7.04.310 Robert's Rules of Order. For someone who really understands Roberts Rules of Order, call:

Marge Price, CMC - Retired
Professional Registered Parliamentarian
5711 W Payette Ave
Kennewick, WA 99336
Phone: 509-783-3727

7.04.320 State Elections Manual. Need help deciphering the State's Election Manual or have questions regarding your local election process, contact:

Tracy Davis, MMC, City Recorder
City of Keizer
P. O. Box 21000
Keizer, OR 97307
Phone: 503-856-3412 Fax: 503-393-9437
Email: davist@keizer.org

7.04.350 Utility Billing. Questions regarding utility billing may be directed to:

Amber Mathiesen, CMC, Management Analyst
City of Cornelius
1355 N Barlow St
Cornelius, OR 97113
Phone: 503-357-9112 Fax: 503-357-7775
Email: amathiesen@ci.cornelius.or.us

Carol Weir, MMC, Deputy City Recorder
City of Rogue River
P. O. Box 1137
Rogue River, OR 97537
Phone: 541-582-4401 ext 100 Fax: 541-582-0937
Email: cweir@ci.rogue-river.or.us

Kate Mast, MMC, Finance Director
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481 ext 1113 Fax: 541-298-5107
Email: kmast@ci.the-dalles.or.us

7.04.360 Utility Rate Issues. If your city is faced with some unpleasant utility rate issues and you have some questions that you really need answers to, relax....and call:

Carol Weir, MMC, Deputy City Recorder
City of Rogue River
P. O. Box 1137
Rogue River, OR 97537
Phone: 541-582-4401 ext 100 Fax: 541-582-0937
Email: cweir@ci.rogue-river.or.us

Kate Mast, MMC, Finance Director
City of The Dalles
313 Court St
The Dalles, OR 97058
Phone: 541-296-5481 ext 1113 Fax: 541-298-5107
Email: kmast@ci.the-dalles.or.us

7.04.370 Vacation of the Public Way . If someone comes in to see you about a vacation, call someone who knows just what kind of "vacation" they're talking about:

Karen Spoons, MMC, Deputy City Recorder
City of Medford
411 W 8th St
Medford, OR 97501
Phone: 541-774-2088 Fax: 541-618-1700
Email: karen.spoons@ci.medford.or.us

Sheila R. Cox, MMC, City Recorder
City of Roseburg
900 SE Douglas Ave
Roseburg, OR 97470
Phone: 541-492-6866 Fax: 541-673-2856
Email: scox@cityofroseburg.org

Shirley Kappas, MMC, Deputy City Recorder
City of Klamath Falls
P. O. Box 237
Klamath Falls, OR 97601
Phone: 541-883-5320 Fax: 541-883-5399
Email: skappas@ci.klamath-falls.or.us

7.04.380 Website Management. If you have questions about managing your website, feel free to call:

Debbie Lockhart, MMC, Deputy City Recorder
City of Keizer
P. O. Box 21000
Keizer, OR 97307
Phone: 503-856-3418 Fax: 503-393-9437
Email: lockhartd@keizer.org

Debbie Werner, CMC, Deputy City Recorder
City of Hillsboro
150 E Main St
Hillsboro, OR 97123
Phone: 503-681-6269 Fax: 503-681-6232
Email: debbiew@ci.hillsboro.or.us

Janet Newport, Assistant to the City Manager/HR Director
City of Silverton
306 S Water St
Silverton, OR 97381
Phone: 503-873-6117 Fax: 503-874-2260
Email: jnewport@silverton.or.us

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