



## **THE ROLE OF THE TRANSIT ADVISORY COMMITTEE, PUBLIC MEETINGS LAWS & OREGON ETHICS LAWS**

### **ROLE OF THE COMMITTEE**

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- **Advise Council concerning City's transit system**
  - Provide dispute resolution for issues concerning transit system
  - Advise on the financial resources available for transit service and ways to increase efficiency

## AUTHORITY

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- There is only power in numbers
  - A quorum (3) members must be present for the Committee to hold a meeting, and
  - A majority vote is required for all decisions
- Committee only has authority to deliberate / make recommendations on topics allocated to it by the City Council, which include...
  - Items within the Council's established work plan
  - Promotion of the City's Transit Resources
- Council is the final decision maker

## COMMITTEE MEMBERSHIP

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- Consists of 6 members, of which...
  - 3 shall be residents of the City
  - 2 may be residents of Urban Service Area
  - 1 shall be high school student
- In addition, there may be 1 ex-officio member from each of the City-funded transit organizations (i.e. River City)

## MEETINGS HELD

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- Third Wednesday of every month at 1:30 p.m.
- Dates/Times can be adjusted depending on schedules
- Committee may meet more / less often depending on work load.
- Note: Standard meeting date/times established and meetings set in advance to allow public notification

## ROLE OF CHAIRPERSON & VICE-CHAIRPERSON

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- First meeting in February
- Chair presides over meeting
  - Responsible for making sure meeting proceeds in a fashion conducive to rational decision making
  - Sets tone for meeting, keeps discussions on track, encourages fairness, moderates and contributes to discussions

## ROLE OF CHAIR CONTINUED...

- Chair will...
  - Open the meeting
  - Moderate discussion
  - Ask speakers (if any) to identify themselves & sign in
  - Lead deliberations...
    - Summarize the issues, Ask for input from the committee as a whole, Make sure motions are understandable before full vote is taken, encourage the meeting to move in a timely manner
  - Official Signature on Decisions

## PUBLIC MEETINGS LAW

- Regulated by State of Oregon – Department of Justice
  - From ORS 192
  - Attorney General's Public Meetings and Open Records Manual



## WHO MUST FOLLOW?

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- The City governing body and any committee or sub-group tasked with making decisions or deliberating toward a decision on any matter
  - Aka the Transit Advisory Committee

## WHAT IS THE LAW?

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- ORS 192.620: "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."
- 'A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690"
- Note: Public Participation does not always mean public conversation

## WHAT IS A MEETING?

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- Any instance where a quorum (3 or more) members are discussing / deliberating toward a decision:
- This includes:
  - Standard meetings where a quorum is present (3 or more)
  - Electronic meetings (Emails, IMs, Texts, Social Media)
  - Serial Discussions
- Does NOT include Social Gatherings:  
If possible, staff publishes agenda noting the social nature of event

## PROCEDURAL REQUIREMENTS FOR MEETINGS

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- Public Notice at least 24 hours in advance (Agenda)
- Space, Location, Accessibility and Attendance  
(Meeting location must be accessible to all public)
- Voting (Decisions must be made and recorded)
- Records (Digital Recording / Minutes, Public Records Law)

## PRACTICAL TIPS

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- Avoid replying to emails when City business information is shared
  - To request more information on item ask Staff Rep. Glen Southerland, who will prepare for all agency members
  - To request agenda item ask Chairperson to add to future agenda
- Avoid conversations (in person or via email) between directors where the views of fellow directors are shared
- Avoid sharing opinions on items the Agency would need to vote on

## PUBLIC RECORDS

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- What is a public record?
  - Any document that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics
  - All items before the TAC are public records
    - Emails, formal letters, photos, handwritten napkin drawings, etc.
  - Must be available to the public
  - Records used for decision deliberation (i.e. distributed at meeting)
    - = Permanent Retention



## OKAY – SO HOW DOES THE CITY COMPLY WITH THESE LAWS?

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- Agendas & Meeting Materials are prepared in advance
  - Posted Online and at City Hall
  - Distributed to all interested parties
- Public Hearing notices published as required by state law
- Public records for body retained according to records law, including...
  - Agenda
  - Meeting Materials
  - Items Distributed at Meeting
  - Digital Recording / Minutes

## AGENDA PREPARATION

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- Agenda prepared by staff and approved by Chairperson
- If you would like to request something on the agenda:
  - Notify chairperson – who will determine best timeline for discussion
- Can always bring things up at end of meeting for further discussion later on
- All items (pertinent to body) can be discussed at meeting, all decisions need to be specified on agenda
- The Point: To allow the public enough information to understand what the agency will discuss and decide whether or not to attend the meeting

## PREPARING FOR THE MEETING

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- Agenda & Meeting materials distributed to agency:
  - Friday before the meeting (goal earlier)
- Note:
  - If possible – if you have questions about information provided, ask Staff (Glen) prior to the meeting.
  - This allows staff to address thoughts in advance, and relay information to all agency members at the meeting.
  - Saves everyone time!

## OREGON GOVERNMENT ETHICS LAW

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- ORS Chapter 244
- Oregon Government Ethics Commission
  - 503-378-5105
  - [www.Oregon.gov/ogec](http://www.Oregon.gov/ogec)



## WILL COVER RULES FOR:

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- Public Officials
- Prohibited use of office
- Gifts
- Conflicts of interest
- Violations & Sanctions

## AM I A PUBLIC OFFICIAL?

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- ORS 244.020(14):“Any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for their services.”
- Includes Elected & Appointed Officials, Employees, Members of Boards and Committees and Volunteers



## KELLI'S ETHICS CLIFF NOTES

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- Don't use your position on the Committee for personal gain

## PROHIBITED USE OF OFFICE (ORS 244.040(1))

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- A public official may not use or attempt to use official position or office to:
  - obtain financial gain or avoidance of financial detriment
- Who applies?:
  - The public official, a relative, or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated
- Disclaimer:
  - If the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office (The 'But-For' Test)

## RELATIVE (ORS 244.020(15))

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- Spouse
- Children of the Public Official or the Public Official's Spouse
- The following of Public Official or Public Officials Spouse
  - Brother / Sister, Stepbrother / Stepsister, Parent / Step Parent, Son-in-law / Daughter in Law
- Anyone for whom the public official has a legal support obligation or provides employment benefits
- Note: Don't forget member of the Public Officials Household (i.e. anyone living with public official irrespective of relationship)

## SIMPLE QUESTION

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- Would I have this opportunity if I was NOT a public official?



## DOES NOT APPLY TO:

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- Compensation or Reimbursement
- Unsolicited awards
- Gifts or Honoraria (within limits)

## GIFTS (ORS 244.020(6)(A))

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- Something of value given to a:
  - Public Official, Candidate, Relative, Or Member of the Household
- Without valuable consideration of equivalent value (i.e. not a trade)
  - Including: Full or partial forgiveness of indebtedness
- Which is not extended to others on the same terms or conditions
- Gifts are limited to \$50 per year, per giver

## THE GIFT RULE:

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1. You (your relative or member of household)
2. Cannot ask for, receive, or give
3. Or even hint at getting / giving
4. Gifts over \$50 from any single source in one year
5. IF your source has an interest in your official actions: i.e., a decision or vote

## A GIFT IS NOT LIMITED IF IT IS A:

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- Campaign contribution
- Present from relatives or household members
- Unsolicited award / token of appreciation with a resale value <\$25
- Discounted registration at a professional education event
- Informational material related to your official duties
- Part of a customary private business practice and not related to your public office
- Incidental food, beverage, entertainment
- Food, beverage, and entertainment when acting in official capacity (i.e. representing FURA)

## CONFLICTS OF INTEREST

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- Kelli's Cliff Note Definition:
- Situations that affect your ability to make a decision in an ethical manner



## ORS 244.020(12) DEFINITION:

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- Any action or any decision or recommendation by a person acting in a capacity as a public official
- The effect of which would/could
- Be to the private pecuniary benefit or detriment of:
- The person or the person's relative or any business with which the person or relative of the person is associated

## “BUSINESS WITH WHICH PERSON IS ASSOCIATED”

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- Any private business in which you or a relative are an owner, director, officer, or employee or in which you or a relative has \$1,000+ worth of interest
- Any publicly held corporation in which you or a relative has \$100,000 of interest or you or a relative is an officer / director

## TWO TYPES OF CONFLICTS

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- Actual Conflicts
  - Would result in financial benefit or detriment
- Potential Conflicts
  - Could results in financial benefit or detriment

## HOW TO DEAL WITH A CONFLICT (BOTH ACTUAL & POTENTIAL)

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### **When in doubt: Shout it Out!**

- State the nature of your conflict
- Do it before voting or discussing the manner
- Do it on the record
- Do it each meeting issue is discussed

## IF ACTUAL CONFLICT OF INTEREST

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### **When in doubt: Shout it Out...and then Shut It Up**

In addition to Declaring the conflict:

- No talking and No voting
- Unless Agency cannot act without you (but still no talking)
- We recommend you leave the room during agenda item

## DISCLAIMERS:

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It is **Not** a conflict if the financial benefit happens because of:

- Membership in a class (any large, distinguishable group of citizens that the Oregon Government Ethics Commission determines is a class)
- Membership in a non-profit (501c status)

## SANCTIONS

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- Civil penalty = Up to \$5,000 per violation
- Forfeiture = twice the amount of financial benefit realized
- Letters of reprimand, explanation or education

## RESOURCES & INFORMATION

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Oregon Government Ethics Commission

3218 Pringle Rd SE, Suite 220

Salem, OR 97302

(503) 378-5105

(503) 373-1456 – Fax

[ogec.mail@state.or.us](mailto:ogec.mail@state.or.us) – E-mail

[ogec.state.or.us](http://ogec.state.or.us) - Web

## CITY'S FRAUD POLICY (RESOLUTION NO. 32, 2012 – 12.17.12)

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- What the policy does...
  - Observes procedures for reporting and investigating fraud, theft, waste, abuse, and ethical misconduct.
- Who is it applied to?
  - Employees, Elected Officials, and Volunteers

## FRAUD POLICY - OVERVIEW

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- Fraud, Abuse of Position, and Ethical Misconduct are defined in the policy, the following examples being included in one of the definitions
  - Unauthorized use or willful destruction of City Equipment / Supplies
  - Accepting or seeking anything of material value from contractors or vendors
  - Many More.....
- If you suspect someone is performing a fraudulent act, either notify the City Manager or Mayor

## LOTS MORE INFORMATION ON ALL THESE TOPICS:

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- FURA Overview - <http://www.ci.florence.or.us/urbanrenewal>
- Public Meetings / Records Law –
  - League of Oregon Cities: Public vs. Private Meetings Training – <http://www.orcities.org/Training/LOC-TV/tabid/6768/language/en-US/Default.aspx>
  - Oregon Public Records and Meetings Manual - [http://www.doj.state.or.us/pdf/public\\_records\\_and\\_meetings\\_manual.pdf](http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf)

## LOTS MORE INFORMATION ON ALL THESE TOPICS:

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- Oregon Government Ethics Law –
  - League of Oregon Cities: Avoiding Problems – Conflicts of Interest –  
<http://www.orcities.org/Training/LOCTV/tabid/6768/language/en-US/Default.aspx>
  - League of Oregon Cities: Gifts –  
<http://www.orcities.org/Training/LOCTV/tabid/6768/language/en-US/Default.aspx>
  - Oregon Government Ethics Commission “Guide for Public Officials” -  
<https://www.oregon.gov/OGEC/pages/training.aspx>



The End



# Rhody Express 2017

February

|       | Elderly | Disabled | General | Companion | Total |                  | Fare Box |
|-------|---------|----------|---------|-----------|-------|------------------|----------|
| 1     | 16      | 8        | 8       |           | 32    | Wednesday        | \$21.00  |
| 2     | 21      | 5        | 9       |           | 35    | Thursday         | \$29.00  |
| 3     | 12      | 3        | 6       |           | 21    | Friday           | \$18.70  |
| 4     |         |          |         |           | 0     | Saturday         |          |
| 5     |         |          |         |           | 0     | Sunday           |          |
| 6     | 15      | 5        | 12      |           | 32    | Monday           | \$24.00  |
| 7     | 15      | 1        | 8       |           | 24    | Tuesday          | \$21.00  |
| 8     | 7       | 6        | 8       |           | 21    | Wednesday        | \$16.00  |
| 9     | 12      | 3        | 1       |           | 16    | Thursday         | \$7.00   |
| 10    | 18      | 1        | 11      |           | 30    | Friday           | \$29.00  |
| 11    |         |          |         |           | 0     | Saturday         |          |
| 12    |         |          |         |           | 0     | Sunday           |          |
| 13    | 14      | 0        | 6       |           | 20    | Monday           | \$20.00  |
| 14    | 8       | 7        | 6       |           | 21    | Tuesday          | \$15.00  |
| 15    | 6       | 6        | 8       |           | 20    | Wednesday        | \$15.00  |
| 16    | 10      | 4        | 7       |           | 21    | Thursday         | \$15.00  |
| 17    | 26      | 2        | 10      |           | 38    | Friday           | \$33.00  |
| 18    |         |          |         |           | 0     | Saturday         |          |
| 19    |         |          |         |           | 0     | Sunday           |          |
| 20    | 6       | 0        | 5       |           | 11    | Monday           | \$11.00  |
| 21    | 10      | 4        | 7       |           | 21    | Tuesday          | \$13.00  |
| 22    | 20      | 11       | 5       |           | 36    | Wednesday        | \$29.00  |
| 23    | 9       | 6        | 12      |           | 27    | Thursday         | \$21.00  |
| 24    | 19      | 2        | 10      |           | 31    | Friday           | \$28.00  |
| 25    |         |          |         |           | 0     | Saturday         |          |
| 26    |         |          |         |           | 0     | Sunday           |          |
| 27    | 13      | 4        | 5       |           | 22    | Monday           | \$14.00  |
| 28    | 13      | 5        | 11      |           | 29    | Tuesday          | \$24.00  |
| 29    |         |          |         |           | 0     | Monday           |          |
| 30    |         |          |         |           | 0     |                  |          |
| 31    |         |          |         |           | 0     |                  |          |
|       |         |          |         |           | =     | Total This Month | \$403.70 |
| Total | 270     | 83       | 155     | 0         | 508   | Same Total       |          |

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**FLORENCE**  
**fest '17**  
**WINE**  **ART**  **JAZZ**

**Friday & Saturday**  
**March 31 - April 1**

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**HOURS:**

**Friday**

**2:00 - 8:00 p.m.**

**Saturday**

**12:00 - 8:00 p.m.**

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**\$20 pre-sale tickets**  
available at the  
**Chamber Visitors Center**  
or online at  
[florencechamber.com](http://florencechamber.com)  
**\$25 at the door - includes**  
one full day admission,  
commemorative glass and  
a free taste at each  
of our 12 wineries!

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**LOCATION:**

**Florence**  
**Events Center**

*adults only • 21 & over*

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**a coast radio production**

# OREGON WINERIES

OFFERING TASTES AND SAMPLES

## Benton - Lane Winery

P.O. Box 99  
23924 Territorial Rd.  
Monroe, OR 97456  
541-847-5792  
www.benton-lane.com

## Cathedral Ridge Winery

4200 Post Canyon Drive,  
Hood River, Oregon 97031  
800-516-8710  
www.cathedralridgewinery.com  
crw@cathedralridgewinery.com

## Hanson Vineyards

34948 S Barlow Road  
Woodburn OR, 97071  
971-338 9760  
info@hansonvineyards.com

## Iris Vineyards

82110 Territorial Hwy  
Eugene, OR 97405  
541-242-6588  
contact@irisvineyards.com

## J Scott Cellars

520 Commercial St., Unit G  
Eugene, OR 97402  
541-357-5279  
146 SW Bay Blvd.  
Newport, OR 97365  
541-272-5222  
www.jscottcellars.com

## Naked Winery

102 Second St - Tasting Rm.  
Hood River, OR 97031  
541-386-3700  
www.nakedwinery.com

## Panache Cellars

3328 Stoneboro Place  
Philomath, OR, 97370  
541-929-2288  
info@panachecellars.com

## Poco Collina-Gelardi Winery

92945 Kinser Ln  
Cheshire, OR 97419  
541-998-3435  
www.gelardivineyard.com

## River's Edge Winery

1395 River Drive  
PO Box 539  
Elkton, OR 97436  
541-584-2357  
wines@riversedgewinery.com

## Season Cellars

305 Melrose Rd.  
Roseburg, OR 97471  
541-784-7831  
www.seasoncellars.com  
winery@seasoncellars.com

## Sineann Winery

8400 Champoeg Rd. NE  
St Paul, OR, 97137  
503-341-2698  
www.sineann.com

## Youngberg Hill

10660 SW Youngberg Hill Road  
McMinnville, OR 97128  
503-472-2727  
info@youngberghill.com

## FEATURED JAZZ BANDS & MUSICIANS

### Friday March 31, 2017

#### 2:00 pm – Michael Anderson Jazz Trio

Hometown: Eugene, Oregon  
Style: Straight ahead jazz standards – swing, Latin, ballads – vocals by Michael Anderson.  
Info: www.michael-anderson.net

#### 4:30 pm – Michelle & Dave Van Handel

Hometown: Bend, Oregon  
Style: Mixture of standards covers and contemporary originals with a mix of light rock jazz and latin-esque motifs.  
Info: www.michellevanhandel.com

#### 6:30 pm – Tony Glausi & his 9-Piece Funk Band

Hometown: Eugene, Oregon  
Style: Contemporary original jazz and fusion stylings featuring a 5 piece horn section.  
Info: www.tonyglausi.com

### Saturday April 1, 2017

#### 12:00 pm – Paul Biondi & Gus Russell Quartet

Hometown: Eugene, Oregon  
Style: Standard jazz offerings with diverse stylings including swing, latin and funk.  
Info: www.gusrussell.com

#### 2:30 pm – Miles to Go Quartet

Hometown: Florence, Oregon  
Style: Mixture of standard to contemporary stylings on straight ahead jazz. Eclectic versions or popular songs performed in a jazz idiom.

#### 4:30 pm – Don Latarski & D'Trio

Hometown: Eugene, Oregon  
Info: www.donlatarski.com

#### 6:30 pm – Halie Loren Quintet

Hometown: Eugene, Oregon  
Style: Original, contemporary jazz/soul/popular.  
Info: www.halieloren.com



## ART SHOW & SALE

Florence Regional Arts Alliance is coordinating the juried art show and sale, conducted by Robert Canaga — artist, appraiser, and gallery owner/curator — will include 47 finalists out of almost 100 entries from Seattle to Bandon, including many Lane County locals. A panel of 3 local artists and gallery owners will select three cash prize winners \$1,000 / \$500 / \$250.

