



City of West Linn Citizen Advisor Training

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Road Map

- Role of the City Attorney's Office
- Meeting Structure, Bylaws and Code
- Public Meetings and Notice
- Political Involvement and Ethics
- Land Use 101

Role of the City Attorney

- As a support department, the primary role of the City Attorney's office is to provide legal assistance, advice, and defense to all branches of West Linn City Government, including the attendance and representation of staff at all City Council meetings.

Meeting Structure, Bylaws and Code

- Creating Bylaws
 - The City Code, Chapter 2, provides for citizen advisory boards, committees, commissions, and Neighborhood Associations
 - Each board, committee or commission elects a chair annually
 - Section 2.075(4) provides that each body may from time to time adopt and amend rules of procedure consistent with the laws of the state, the City Charter and other applicable provisions of the City Code

Meeting Structure, Bylaws and Code -- Continued

- Understanding the Municipal Code
 - Chapter 2 has a description of each specific board, committee or commission that provides guidance to that body.
 - Section 2.075 specifies quorum, meetings and rules.
 - Section 2.075(6) provides that no advisory board, committee or commission shall appoint a standing subcommittee, an outside advisory committee or an ad hoc subcommittee without first obtaining approval of the City Council.

Meeting Structure, Bylaws and Code -- Continued

- Relationship to City Council
 - Section 2.080 spells out relationships:
 - Council authority
 - Annual meeting requirement and purpose
 - Council liaison purpose
 - Expenditure of funds
 - Additional duties and projects
 - Section 2.080(6) provides for testifying before Council
 - Member of advisory board, committee or commission, not on behalf of the body unless specifically designated

Meeting Structure, Bylaws and Code -- Continued

- Staff liaisons are your source of information:
 - Be sure to direct questions to your staff liaison whenever you are uncertain how a code provision applies to you.
 - Schedule an annual bylaw review to consider updating your bylaws.
 - Provide the City Council with an up to date copy of your bylaws.

Public Meetings and Notice

- Oregon Meetings Law, ORS 192
 - Purpose is to assure that meetings of public bodies are open to the public so that the public will know of the activities and actions of the public officials.
 - Subject to the law: all meetings of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.

Public Meetings and Notice -- Continued

- Who is subject to the law?
 - Subject:
 - City Council
 - Boards, advisory groups, commissions
 - Informal advisory groups (includes NAs)
 - Not Subject:
 - Staff meetings
 - Meetings that do not have a quorum of a council or commission
 - No deliberation toward a decision

Public Meetings and Notice -- Continued

- What are the requirements of a Public Meeting?
 - Notice
 - Proper space, location, accessibility, and attendance
 - Voting
 - Records/Minutes kept of the meeting
 - The public meeting law requires that attendance be allowed, but not participation by the public. The presiding officer has authority to keep order and impose reasonable restrictions.

Public Meetings and Notice -- Continued

- Legal requirements for noticing meetings:
 - Public notice of the time and place
 - Notice must be given of regular, special, and emergency meetings as well as workshops. This includes meetings of subcommittees and advisory committees established by the governing body.
 - Notice must be reasonably calculated to give actual notice to interested persons, including news media that have requested notice.

Public Meetings and Notice -- Continued

- Executive sessions:
 - Notice must be given if a meeting is to only include an executive session.
 - Any notice of an executive session must also include the specific statutory provision authorizing the executive session.
 - If a regular, special or emergency meeting is to be held which will include an executive session, the notice of executive session should included in the notice along with the statutory authority.

Political Involvement and Ethics

Why are my political activities a concern when I am serving on a city board or commission?

- State law has strict requirements about what is allowed when a “public employee” is representing the City during working hours because the City should remain neutral on elections and measures.
- You may become involved in political campaigns and measures, or you may be specifically asked to support or oppose a candidate or measure while you are serving on a board or commission.

Political Involvement and Ethics -- Continued

Who is a “public employee?”

- Staff in all City Departments
- Members of boards, committees and commissions
- Neighborhood association officers when acting in an advisory manner to the City

Who is not a “public employee?”

- Elected officials, such as the Mayor and Council members, are specifically exempted under Oregon law.

Political Involvement and Ethics -- Continued

What conduct is prohibited during working hours?

During working hours an employee is not allowed to “solicit any money, influence, service or other thing of value” to promote or oppose:

- Any political committee;
- The nomination or election of a candidate;
- The gathering of signatures on an initiative, referendum or recall petition; or
- The adoption of a measure or the recall of a public office holder.

Political Involvement and Ethics -- Continued

Prohibited conduct during working hours includes:

- Using any work time to take a position on a measure or candidate.
- Using City resources, such as email, phones, printers, copiers, or meeting space, to advocate for or against a measure or candidate.
 - Examples include:
 - making outgoing calls or sending emails to organize campaign events, and
 - granting unequal access to public facilities to candidates or political committees.

Political Involvement and Ethics -- Continued

When is political Advocacy permitted?

- Advocacy is permitted on the individual's personal time.
- Individuals are acting in their official capacity as public employees and considered to be working when they are:
 - At a board, commission, or association meeting;
 - Working on a duty assigned by the board, commission, or association;
 - Working on official publications, including the website, for the board, commission, or association; or
 - When appearing at an event in an official capacity.

Political Involvement and Ethics -- Continued

HYPOTHETICAL: John Smith is an appointed member of the Housing Commission. He has been friends with Dan and Mary for 10 years; their friendship began before he was a Housing Commission member. Dan and Mary invited John to a social gathering, and while he was there another guest asked him if he was supporting the proposed measure that will institute affordable housing requirements. Can John take a position on the measure?

What if: Dan and Mary invited John, in his official capacity as Housing Commissioner, to a benefit dinner to raise money for a measure that will institute affordable housing requirements. Can John attend the benefit dinner?

Political Involvement and Ethics -- Continued

Critical points:

- Individuals on boards, commissions, and associations should:
 - Avoid all political advocacy, and use of city resources for advocacy, during working hours;
 - Always provide factual, neutral, and balanced information during working hours; and
 - Consult with the City Attorney about any information being released about a city ballot or bond measure.
- Individuals can take positions on candidates and measures during their personal time.
- Individuals should clarify that the personal views being expressed are the individual's views, and not the views of the board, commission, or association the individual represents.

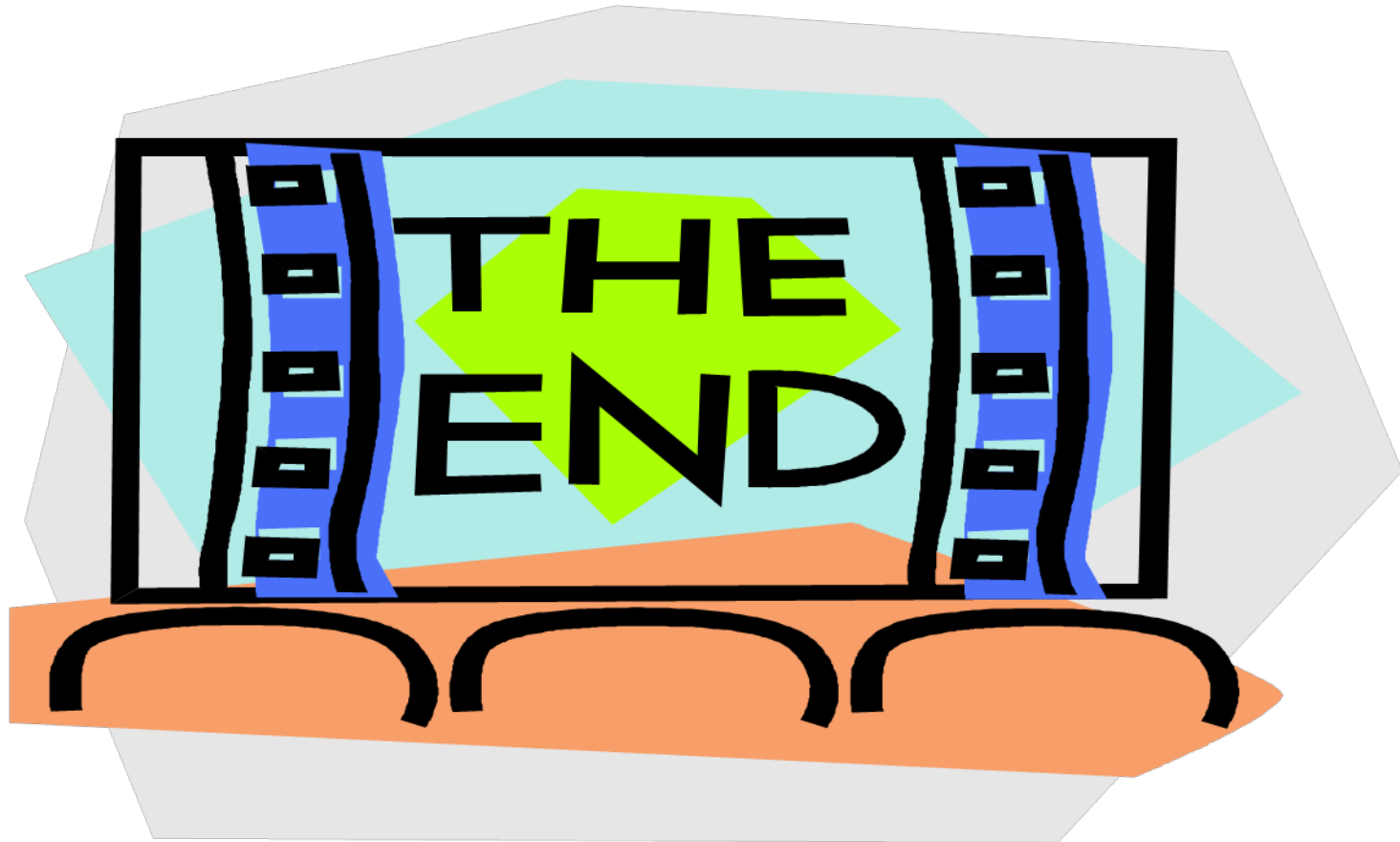
Land Use Issues

- Legislative and quasi-judicial action
- Bias versus conflict of interest

HYPOTHETICAL: Planning Commissioner James Scott owns a contracting business, Built to Last, LLC. He is one of seven commissioners on the Blackacres County Planning Commission. He has a long standing relationship with Land Development, LLC real estate developing company. Built to Last, LLC, has been the general contractor on all of Land Development, LLC's jobs in the county. Land Development, LLC is submitting a land use application to the County for a 28 unit subdivision. Can Commissioner Scott sit on the board and hear Land Development, LLC's application?

- *Fasano* Procedural Rights

[Questions?]



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