

**JEFFERSON COUNTY LIBRARY DISTRICT  
POLICY MANUAL**

**TABLE OF CONTENTS**

<b>EXECUTIVE LIMITATIONS</b>	<b>2</b>
POLICY TITLE: GLOBAL EXECUTIVE CONSTRAINT	2
POLICY TITLE: TREATMENT OF LIBRARY USERS	3
POLICY TITLE: TREATMENT OF STAFF	4
POLICY TITLE: FINANCIAL PLANNING AND BUDGETING	5
POLICY TITLE: FINANCIAL CONDITION AND ACTIVITIES	6
POLICY TITLE: EMERGENCY LIBRARY DIRECTOR SUCCESSION	7
POLICY TITLE: ASSET PROTECTION	8
POLICY TITLE: COMPENSATION AND BENEFITS	9
POLICY TITLE: COMMUNICATION AND SUPPORT TO THE BOARD	10
POLICY TITLE: COLLECTION DEVELOPMENT	11-13
<b>BOARD GOVERNANCE</b>	<b>14</b>
POLICY TITLE: GLOBAL GOVERNANCE COMMITMENT	14
POLICY TITLE: GOVERNING STYLE	15
POLICY TITLE: BOARD JOB DESCRIPTION	16
POLICY TITLE: ANNUAL CALENDAR	17
POLICY TITLE: CHAIR/VICE-CHAIR ROLES	18
POLICY TITLE: BOARD MEMBERS' CODE OF CONDUCT	20
POLICY TITLE: BOARD COMMITTEE PRINCIPLES	21
POLICY TITLE: GOVERNANCE QUALITY AND COSTS	22
POLICY TITLE: BOARD OPERATIONS	23-25
<b>BOARD-LIBRARY DIRECTOR LINKAGE</b>	<b>26</b>
POLICY TITLE: GLOBAL BOARD-LIBRARY DIRECTOR LINKAGE	26
POLICY TITLE: UNITY OF CONTROL	27
POLICY TITLE: ACCOUNTABILITY OF THE LIBRARY DIRECTOR	28
POLICY TITLE: DELEGATION TO THE LIBRARY DIRECTOR	29
POLICY TITLE: MONITORING LIBRARY DIRECTOR PERFORMANCE	30
<b>RESULTS</b>	<b>31</b>
POLICY TITLE: PURPOSE, RESULTS AND PRIORITIES	31
<b>Appendix A – Oregon Revised Statutes Chapters 198.510 to 198.600</b>	<b>32</b>
<b>Appendix B - Oregon Revised Statutes Chapters 192.610 to 192.690</b>	<b>33</b>

## **EXECUTIVE LIMITATIONS**

Executive limitation policies tell the CEO what the Board will not tolerate; they are boundary setters. These policies describe what boundaries the organization's operational practices must be conducted within.

**POLICY TITLE:                    GLOBAL EXECUTIVE CONSTRAINT**

*Approved: 8/806*

*The Library Director will not cause or allow any practice, activity, decision, or organizational circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.*

Accordingly, the Director may not:

1. Endanger the organization's public image or credibility, particularly in ways that would hinder the accomplishment of mission.

## EXECUTIVE LIMITATIONS

### **POLICY TITLE: TREATMENT OF LIBRARY USERS**

*Approved: 8/8/06*

*With respect to interactions with consumers or those applying to be consumers, the Library Director will not cause or allow conditions, procedures, or decisions that are unsafe, undignified, unnecessarily intrusive, or that fail to provide appropriate confidentiality or privacy.*

Accordingly, the Director will not:

1. Use application forms that elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting, or storing client information that fail to protect against improper access to the material elicited.
3. Maintain facilities that fail to provide a reasonable level of privacy, both visual and aural.
4. Fail to establish with consumers a clear understanding of what may be expected and what may not be expected from the service offered.
5. Fail to inform consumers of this policy, or to provide a grievance process to those who believe they have not been accorded a reasonable interpretation of their rights under this policy.
6. Fail to provide mechanisms for users to provide input.
7. Fail to comply with the propositions and policies expressed in the American Library Association Bill of Rights and the American Library Association Freedom to Read Statement and Freedom to View Statement.
8. Fail to make copy of Board policies available for inspection and use by the public during regular business hours.
9. Fail to notify the Board of changes to the General Operational Policies Manual.

*Revised June 10, 2008*

## EXECUTIVE LIMITATIONS

**POLICY TITLE:            TREATMENT OF STAFF**

*Approved: 8/8/06*

*With respect to the treatment of paid and volunteer staff, the Library Director may not cause or allow conditions that are unfair or undignified.*

Accordingly, the Director will not:

1. Operate without written personnel policies that clarify personnel rules for staff, provide for effective handling of grievances, and protect against wrongful conditions such as nepotism and grossly preferential treatment for personal reasons.
2. Discriminate against any staff member for expressing an ethical dissent.
3. Prevent staff from grieving to the Board when (1) the employee files a grievance (2) the employee alleges that Board policy has been violated to his or her detriment.
4. Fail to acquaint staff with their rights under this policy
5. Fail to notify the Board of any changes to the Personnel Policies.

*Revised June 10, 2008*

## **EXECUTIVE LIMITATIONS**

**POLICY TITLE: FINANCIAL PLANNING AND BUDGETING**

*Approved: 8/8/06*

*Financial planning for any fiscal year or the remaining part of any fiscal year will not deviate materially from the Board's Results priorities, risk fiscal jeopardy, or fail to be derived from a multiyear plan.*

Accordingly, the Library Director will not allow budgeting that:

1. Contains too little information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flow and disclosure of planning assumptions.
2. Plans the expenditure in any fiscal year of more funds than are conservatively projected in any fiscal year to be available in that period.
3. Reduces the current assets in the general operating fund at any time to less than the amount required to meet liabilities for the next thirty days.

## EXECUTIVE LIMITATIONS

### **POLICY TITLE: FINANCIAL CONDITION AND ACTIVITIES**

*Approved: 8/8/06*

*With respect to the actual, ongoing financial condition and activities, the Library Director will not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from Board priorities established in Results policies.*

Accordingly, the Library Director will not:

1. Indebt the organization in an amount greater than can be repaid by the end of the fiscal year.
2. Use any long-term reserves not approved by the District Board during the budget process.
3. Conduct interfund shifting in amounts greater than can be restored to a condition of discrete fund balances by certain, otherwise unencumbered revenue by the end of the fiscal year.
4. Fail to settle payroll and debts in a timely manner.
5. Make a single purchase or commitment of greater than \$10,000 without prior Board approval, with the following exceptions:
  - a. The Director has the authority to approve the purchase of multiple items with an aggregate cost exceeding \$10,000 when the purchase was specifically budgeted during the annual budget process and as long as the total cost does not exceed the budget allocation. (Examples: book purchases, payroll costs, computers.)
  - b. The Director has the authority to approve a purchase or commitment which was previously approved by the Board as part of a contract award. (Example: construction costs.)
  - c. The purchase of emergency services or materials that exceed \$10,000 may be approved by the District Board Chair with the limitation that the purchases must comply with Oregon Revised Statutes and may not exceed the budgeted allocation for the pertinent expenditure category. *A full report of the purchase must go to the Board at the next scheduled meeting.*
6. Contract for the services of legal counsel without the approval of the District Board.
7. Issue a check or warrant which is not properly signed.
8. Acquire, encumber, or dispose of real property without prior Board approval.
10. Fail to aggressively pursue receivables after a reasonable grace period.
11. Fail to track revenues and expenditures against the budget.
12. Fail to track authorizations for signing checks, warrants and resolutions.

## **EXECUTIVE LIMITATIONS**

**POLICY TITLE:                   EMERGENCY LIBRARY DIRECTOR SUCCESSION**

*Approved: 8/8/06*

*In order to protect the Board from sudden loss of Library Director services, the Library Director may have one manager familiar with Board and Library Director issues and processes.*

Accordingly, the Library Director may not:

1.     Fail to prepare at least one manager in human resources and general library operations.

## EXECUTIVE LIMITATIONS

**POLICY TITLE: ASSET PROTECTION**

*Approved: 8/8/06*

*The Library Director will not allow the assets to be unprotected, inadequately maintained, or unnecessarily risked.*

Accordingly, the Library Director may not:

1. Fail to insure against theft and casualty losses to at least 80 percent of replacement value and against liability losses to Board members, staff, and the organization as required by Oregon Revised Statutes.
2. Allow unbonded personnel access to material amounts of funds.
3. Subject plant and equipment to improper wear and tear or insufficient maintenance.
4. Unnecessarily expose the organization, its Board, or staff to claims of liability.
5. Make any purchase (1) wherein normally prudent protection has not been given against conflict of interest; (2) of over \$500 without having obtained comparative prices and quality; (3) of over \$5,000 without a stringent method of assuring the balance of long-term quality and cost.
6. Fail to protect intellectual property, information, and files from loss or significant damage.
7. Receive, process, or disburse funds under controls that are insufficient to meet the Board-appointed auditor's standards.
8. Fail to follow state law regarding the investment of capital assets in secure instruments.

## EXECUTIVE LIMITATIONS

**POLICY TITLE:                   COMPENSATION AND BENEFITS**

*Approved: 8/8/06*

*With respect to employment, compensation, and benefits to employees, consultants, contract workers, and volunteer, the Library Director will not cause or allow jeopardy to fiscal integrity or public image.*

Accordingly, the Library Director may not:

1. Change their own compensation and benefits.
2. Promise or imply permanent or guaranteed employment.
3. Create compensation obligations over a longer term than revenues can be safely projected, in no event longer than one year, and in all events subject to losses in revenue.
4. Fail to maintain appropriate levels of compensation and benefits sufficient to attract and retain capable employees, subject to fiscal limitations and availability within the labor market. This policy is not subject to the District's grievance process.
5. Enter into a contract for personal services (1) wherein normally prudent protection has not been given against conflict of interest; (2) of over \$500 without having obtained comparative prices and quality; (3) of over \$5,000 without evaluating a balance of long-term quality and cost.
6. Fail to maintain a reasonable salary schedule.

## EXECUTIVE LIMITATIONS

### **POLICY TITLE: COMMUNICATION AND SUPPORT TO THE BOARD**

*Approved: 8/8/06*

*The Library Director will not permit the Board to be uninformed or unsupported in its work.*

Accordingly, the Library Director may not:

1. Neglect to submit monitoring data required by the Board (see policy on Monitoring Library Director Performance) in a timely, accurate, and understandable fashion, directly addressing provisions of Board policies being monitored.
2. Let the Board be unaware of relevant trends, anticipated adverse media coverage, material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established.
3. Fail to advise the Board if, in the Library Director's opinion, the Board is not in compliance with its own policies on Governance Process and Board-Library Director Linkage, particularly in the case of Board behavior that is detrimental to the work relationship between the Board and the Library Director.
4. Fail to marshal for the Board as many staff and external points of view, issues, and options as needed for fully informed Board choices.
5. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.
6. Fail to provide a mechanism for official Board, officer, or committee communications.
7. Fail to deal with the Board as a whole except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the Board.
8. Fail to report in a timely manner an actual or anticipated noncompliance with any policy of the Board.
9. Fail to supply for the consent agenda all items delegated to the Library Director yet required by law or contract to be Board-approved, along with the monitoring assurance pertaining thereto.
10. Fail to release support materials for regularly scheduled Board meetings no fewer than seven days prior to the Board meeting.
11. Fail to post a notice of Board meetings at the library in a timely fashion.
12. Fail to provide access to current District Policies.

*Revised Dec. 11, 2007*

## EXECUTIVE LIMITATIONS

### **POLICY TITLE:                    COLLECTION DEVELOPMENT**

*Approved: 8/8/06*

*The Library Director will not operate without a Collection Development Administrative Policy that supports the Board's Results priorities.*

Accordingly, the Library Director will not:

1. Fail to develop and apply a policy that:
  - a. Clearly defines collection goals that support the achievement of District Results Policies.
  - b. Establishes procedures that are consistent with professional standards for the selection, acquisition, maintenance, evaluation and disposal of materials in the collection.
    1. Applies relevant selection criteria including, but not limited to, the following:
      - Relationship to interests and needs of individuals in the community
      - Permanent value as source material or as an interpretation of source material
      - Vitality and originality of thought
      - Contemporary significance
      - Artistic excellence
      - Entertaining presentation
      - Accuracy and objectivity
      - Suitability of physical form for library use
      - Suitability of the format for the message or for the intended use of the material
      - Skill, competence, and purpose of the author
      - Relationships to other materials, and to existing areas of coverage, as they contribute to maintaining a well-balanced collection
      - Value for the expenditure; by comparing the cost of the item with that of similar, alternative materials
      - Technical quality (non-book material)
  - c. Provides for diversity of viewpoints and expressions
  - d. Does not allow materials to be excluded or removed because of partisan or doctrinal disapproval.
  - e. Does not allow materials to be excluded or removed because of the origin, background, or views of those contributing to their creation.
  - f. Excludes materials which are legally obscene as defined by Oregon Revised Statutes:
    - ORS 167.087 (2) (2003 edition)
    - “matter is obscene if:
      1. It depicts or describes in a patently offensive manner sadomasochistic abuse or sexual conduct

## EXECUTIVE LIMITATIONS

### COLLECTION DEVELOPMENT Continued.

2. The average person applying contemporary state standards would find the work, taken as a whole, appeals to the prurient interest in sex; and
  3. Taken as a whole, it lacks serious literary, artistic, political or scientific value”
- g. Establishes procedures for a resident to appeal to the District Board a selection decision that has been appealed to, and upheld by, the Library Director.
1. Each appeal must be submitted and signed by an individual who resides within Jefferson County. Groups or organizations may not submit appeals.
  2. The Board reserves the right to deny consideration of appeals that the Board determines lacks sufficient merit.
  3. The Board reserves the right to deny consideration of multiple appeals of the same item, by one or more individuals, when the Board determines that such appeals would create an unreasonable workload.
  4. The Board reserves the right to deny consideration of multiple appeals of different items by a single individual when such appeals would create an unreasonable workload.
  5. The Board will review an appeal of a selection decision as follows:
    - a. The Board will determine if the selection decision is in compliance with a reasonable interpretation of this document. The Board will make such a determination by:
      - i. reviewing the specific objections contained in the appeal
      - ii. judging items as whole works and not solely based on random or selected parts
      - iii. reading reviews in professional publications
      - iv. considering the analysis presented by the Library Director
    - b. The Board will issue a determination no later than the second regular Board meeting after the meeting at which the appeal was presented, unless the Board, by formal action, extends the consideration period by some reasonable amount.
    - c. Board decisions are final and are not subject to additional appeal.
2. Fail to provide a copy of the Board Collection Development Executive Limitations Policy to residents of Jefferson County, who say that they are considering contesting a selection that has been upheld by the Library Director.

## **EXECUTIVE LIMITATIONS**

### **COLLECTION DEVELOPMENT Continued.**

3. Fail to provide a resident of Jefferson County who wishes to contest a selection decision that has been upheld by the Director a copy of the Board Collection Development Executives Limitations Policy and the appeals process contained herein.

## **GOVERNANCE**

Governance Process Policies describe the standards of the group; the Board and individual behavior to which it agrees to hold itself.

**POLICY TITLE:                    GLOBAL GOVERNANCE COMMITMENT**

*Approved: 8/8/06*

*Pursuant to an election held in Jefferson County on the 16<sup>th</sup> day of May 2000, the voters authorized the creation of the Library District to serve Jefferson County. This organization will be called the "Jefferson County Library District," hereafter referred to as "District." It will assume and perform functions as provided in Chapters 357 and 198 of the Oregon Revised Statutes and all other relevant state states that relate to Library Districts.*

*The purpose of the Board, on behalf of the people of Jefferson County, is to see to it that the District (1) achieves appropriate results for appropriate persons at an appropriate cost and (2) avoids unacceptable actions and situations.*

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

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

## GOVERNANCE

### **POLICY TITLE: GOVERNING STYLE**

*Approved: 8/8/06*

*The Board will govern with an emphasis on (1) outward vision rather than internal focus, (2) encouragement of diversity in viewpoints, (3) strategic leadership more than administrative detail, (4) clear distinction of Board and chief executive roles, (5) collective rather than individual decisions, (6) Future rather than past or present, and (7) proactivity rather than reactivity.*

Accordingly,

1. The Board will cultivate a sense of group responsibility. The Board, not the staff, will be responsible for excellence in governing. The Board will be the initiator of policy, not merely a reactor to staff initiatives. The Board will use the expertise of individual members to enhance the ability of the Board as a body rather than to substitute individual judgments for the Board's values. The Board will allow no officer, individual, or committee of the Board to hinder or be an excuse for not fulfilling Board commitments.
2. The Board will direct, control, and inspire the organization through the careful establishment of broad written policies reflecting the Board's values and perspectives about Results to be achieved and means to be avoided. The Board's major policy focus will be on the intended long-term effects outside the District, not on the administrative or programmatic means of attaining those effects.
3. The Board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation, policy-making principles, respect of roles, and ensuring continuance of governance capability. Continual Board development will include orientation of new Board members in the Board's governance process and periodic Board discussion of process improvement.
4. At each meeting the Board will monitor and discuss the Board's process and performance at each meeting. Self-monitoring will include comparison of Board activity and discipline to policies in the Governance Process and Board-Library Director Linkage categories.

*Revised September 9, 2008*

## GOVERNANCE

### **POLICY TITLE: BOARD JOB DESCRIPTION**

*Approved: 8/8/06*

*The job of the Board is to represent the people of the Jefferson County Library District in determining and demanding appropriate organizational performance.*

Accordingly,

1. The Board will provide the link between the organization and the ownership.
2. The Board will produce written governing policies that, at the broadest levels, address each category of organizational decision.
  - a. *Results*: Organizational products, effects, benefits, outcomes, recipients, and their relative worth (what good for which recipients at what cost).
  - b. *Executive Limitations*: Constraints on executive authority that establish the prudence and ethics boundaries within which all executive activity and decisions must take place.
  - c. *Governance Process*: Specification of how the Board conceives, carries out, and monitors its own task.
  - d. *Board-Library Director Linkage*. How power is delegated and its proper use monitored; the Library Director role, authority, and accountability.
3. The Board will hold the Director accountable for the performance of the Library District by measuring his/her performance against the Results Policies and Executive Limitations Policies. (See also Board-Library Director Linkage Policy: "Monitoring Library Director Performance.")
7. The Board will regularly monitor its compliance to the Governance Process and Board-Library Director Linkage policies.
8. Board members will not receive a salary or other form of compensation.
9. Board members may request reimbursement for actual and reasonable travel and other expenses incurred in the performance of official District duties, consistent with District Administrative Rules.
10. In order to effectively carry out their duties, Board members are expected to regularly attend Board meetings, and be adequately prepared and informed.
  - a. Board members are expected to give the Chair or the Director notice of any anticipated absence.

## GOVERNANCE

**POLICY TITLE: ANNUAL CALENDAR**

*Approved: 8/8/06*

*To accomplish its job products with a governance style consistent with Board policies, the Board will follow an annual planning calendar that (1) completes re-exploration of Results policies annually and (2) continually improves Board performance through Board education and enriched input and deliberation.*

Accordingly,

1. The cycle will conclude each year by the last day of January so that administrative planning and budgeting can be based on accomplishing a one-year segment of the Board's most recent statement of long-term Results.
2. The cycle will start with the Board's development of its calendar for the next year.
  - a. Consultations with selected groups in the ownership or other methods of gaining ownership input will be determined and arranged in the first quarter, to be held during the balance of the year.
  - b. Governance education and education related to Results determination (for example, presentations by futurists, demographers, advocacy groups, and staff) will be arranged in the first quarter, to be held during the balance of the year.
- 3 Library Director monitoring will be included on the meeting agenda if monitoring reports show policy violations or if policy criteria are to be debated.
- 4 Library Director remuneration will be decided no later than March 31<sup>st</sup> after a review of monitoring reports since the previous review.

## GOVERNANCE

### **POLICY TITLE: CHAIR/VICE-CHAIR ROLES**

*Approved: 8/8/06*

*It is the responsibility of the Chair to ensure that Board practices conform to Board policy, and to represent the Board to outside parties. In the absence of the Chair, or during any disability of the Chair that makes the Chair unable to serve, the Vice-Chair will have the powers and duties of the Chair.*

Accordingly,

1. It is the responsibility of the Chair to ensure that the Board operates according to its adopted rules as described in these policies, and according to those rules legitimately imposed upon it from outside the organization.
  - a. Meeting discussion content will be only those issues which, according to Board policy, clearly belong to the Board to decide, not the Library Director.
  - b. The chair will assist the director in the development of the agenda.
  - c. Deliberation will be fair, open, and thorough but also timely, orderly, and kept to the point.
2. The authority of the Chair consists in making decisions that fall within topics covered by Board policies on Governance Process and Board Library Director Linkage, except where the Board specifically delegates portions of this authority to others. The Chair is authorized to use any reasonable interpretation of the provisions in these policies.
  - a. The Chair is empowered to chair Board meetings, with all the commonly accepted power of that position (for example, ruling, recognizing).
  - b. The Chair has no authority to make decisions about policies created by the Board within Results and Executive Limitations policy areas. Therefore, the Chair has no authority to supervise or direct the Library Director.
  - c. The Chair may represent the Board to outside parties in announcing Board stated positions and in stating chair decisions and interpretations within the area delegated to that position.
  - d. The Chair may delegate this authority but remains accountable for its use.

*Revised Dec. 11, 2007*

## GOVERNANCE

### **POLICY TITLE: BOARD MEMBERS' CODE OF CONDUCT**

*Approved: 8/8/06*

*The Board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.*

Accordingly,

1. Members must represent unconflicted loyalty to the interests of the ownership. This accountability supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs. It also supersedes the personal interest of any Board member acting as a consumer of the organization's services.
2. Members must avoid conflict of interest with respect to their fiduciary responsibility.
  - a. There must be no self-dealing or any conduct of private business or personal services between any Board member and the organization except as procedurally controlled to assure openness, competitive opportunity, and equal access to inside information.
  - b. When the Board is to decide upon an issue about which a member has an unavoidable conflict of interest, that member will adhere to the highest ethical standards in the conduct of District business, as set forth in ORS Chapter 244.
  - c. Board members must not use their positions to obtain employment for themselves, family members, or close associates. Should a member apply for employment, he or she should first resign.
  - d. Members will, at the earliest Board meeting opportunity, disclose their involvement with other organizations, with vendors, or any other associations that might produce a conflict of interest, or the appearance of a conflict of interest.
3. Board members may not attempt to exercise individual authority over the organization except as explicitly set forth in Board policies.
  - a. Members' interaction with the Library Director or with staff must recognize the lack of authority vested in individuals except when explicitly Board-authorized.
  - b. Members' interactions with public, press, or other entities must recognize the same limitation and the inability of any Board member to speak for the Board except to repeat explicitly stated Board decisions.

## **GOVERNANCE**

### **BOARD MEMBERS' CODE OF CONDUCT Continued.**

- c. Members will make no judgments of the performance of the Library Director or the organization except as that performance is assessed against explicit Board policies as part of the monitoring process.
- 4. Members will respect the confidentiality appropriate to issues of a sensitive nature. Board discussion appropriately conducted in executive session under Oregon public meeting law will not be discussed by members outside the executive session.

## GOVERNANCE

### **POLICY TITLE: BOARD COMMITTEE PRINCIPLES**

*Approved: 8/8/06*

*Board committees, when used, will be assigned so as to reinforce the wholeness of the Board's job and so as never to interfere with delegation from Board to Library Director.*

Accordingly,

1. This policy applies to any group that is formed by Board action, whether or not it is called a committee and regardless whether the group includes Board members. It does not apply to committees formed under the authority of the Library Director.
2. The Board may create Board committees to help the Board to do its job, never to help or advise the staff. Committees ordinarily will assist the Board by preparing policy alternatives and implications for Board deliberation. In keeping with the Board's broader focus, Board committees will normally not have dealings with current staff operations.
3. Board committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the Library Director.
4. Board committees cannot exercise authority over staff. Because the Library Director works for the full Board, he or she will not be required to obtain approval of a Board committee before and executive action.
5. A Board committee that assists the Board to create policy on a topic will not be used by the Board to monitor organizational performance on that same topic.
6. Committees will be used sparingly and ordinarily in an ad hoc capacity.

## GOVERNANCE

### **POLICY TITLE: GOVERNANCE QUALITY AND COSTS**

*Approved: 8/8/06*

*Because poor governance costs more than learning to govern well, the Board will invest in its governance capacity.*

Accordingly,

1. Board skills, methods, and supports will be sufficient to assure governance with excellence.
  - a. Training will be liberally used to orient new members, and candidates for Board membership, as well as to improve existing member's skills and understanding of the principles of the Board's method of governance.
  - b. All Board members will receive orientation to the District and the role and responsibilities of the Board.

The orientations will be the responsibility of the Board Chair or designee with the assistance of the Library Director. Board members will be responsible for taking advantage of the orientation opportunities. The orientation will include an introduction to:

- The Governance by Policy Model
  - Board Governance Policies
  - Statutory authority and restrictions (ORS), 357.216-357.286
  - Public Records and Meetings Law
  - Conflict of Interest, ORS 244.120
  - The District Budget
  - The District's facilities, organization and staff
- c. Board members are encouraged to attend such conferences and other training programs as the Board may authorize.
2. Outside monitoring assistance will be arranged so that the Board can confidently exercise control over the organization's performance. This includes but is not limited to the fiscal audit.
  3. Outreach mechanisms will be used as needed to ensure that the Board listens to owner's viewpoints and values.
  4. Adequate resources will be allocated to support this goal.

## GOVERNANCE

### **POLICY TITLE: BOARD OPERATIONS**

*Approved: 8/8/06*

The Board will operate in a consistent manner, following legislative requirements and the policies detailed herein.

Accordingly,

1. Board meetings will conform to the following requirements:
  - a. All meetings of the District Board, including any meetings of subcommittees or advisory groups appointed by the Board, will be conducted in accordance with the Oregon Public Meetings Law, ORS 192.610-192.710, and 192.990.
  - b. The District Board will establish a place and time for the regular monthly meetings
  - c. In the event of a change of place, time, or date of a regular meeting, each Board member will be notified not less than 24 hours in advance of the meeting and publish the change.
  - d. Special meetings may be called by the Chair or a majority of the District Board upon compliance with public meeting notice requirements. If the Chair is absent from the District, special Board meetings may be held at the request of the Vice-Chair. No special meeting will be held upon less than 24 hours' public notice.
  - e. Emergency meetings may be held at the request of persons entitled to call special meetings, upon less than 24 hours notice in situations where a true emergency exists. An emergency meeting is to be held only in rare and extreme situations. Every effort will be made to notify all Board members and the Library Director 24 hours in advance of the meeting.
  - f. Every regular meeting will include opportunity for public comment.
  - g. Any member of the public may request time on regular meeting agenda.
2. Officers of the Board will be elected as follows:
  - a. The Chair and Vice-Chair will be elected at the regular Board meeting each July, and will serve a term of one year. Board members may not serve more than two consecutive terms as Chair.
  - b. In the event that the Chair resigns or the office otherwise becomes vacant mid-term, the Vice-Chair will automatically become Chair. The Board will then elect a replacement Vice-Chair from among its other members.
  - c. Any officer elected by the Board may be removed from office by a majority vote of the Board when, in their judgment, the best interest of the District would be served thereby.

## GOVERNANCE

### BOARD OPERATIONS Continued.

- d. Vacancies on the Board shall be filled by appointment by a majority of the remaining members of the Board. If a majority of the membership of the Board is vacant, or if a majority cannot agree, the vacancies shall be filled promptly by the County Commission of Jefferson County. The period of service of a person appointed to fill a vacancy shall expire on the June 30 after the next regular District election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term of the position for which the appointment was made. If the term for which the appointment was made expires June 30 after election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following his or her election.
  - e. Vacancies shall be filled as follows: The Director will immediately post the vacancy and accept applications for this position for fourteen (14) calendar days from date of posting. Once applications are closed, the Board will meet at its earliest convenience to review applications and appoint an applicant to the vacant term until a regular election is held.
  - f. d. If no applications are made for the vacant position, the Board will meet at its earliest convenience and appoint a new Board member.
3. Board meetings will be conducted in a manner to conform with the following requirements:
- a. A quorum for the transaction of business will consist of a majority of the District Board. Board action requires three or more affirmative votes.
  - b. Board members may not assign a Proxy vote, but if absent, may submit written comments on any Agenda item.
  - c. The Chair will preside at Board meetings. In the Chair's absence, the Vice-Chair will preside. The Chair will appoint a Board member to preside at meetings where the Chair and Vice-Chair are not present. If the Chair has failed to appoint a Board member to preside, and if the Vice-Chair is not present, then the remaining members of the Board will elect a Board member to preside at the meeting.
  - d. Any decision of the Chair or other presiding office at the meeting may be overridden by a majority vote of the Board.
  - e. The Board will consider proposed new or revised policies twice as follows: (1) the introduction and discussion of a proposed change at one meeting; (2) further deliberation if any, a motion and a vote at the next regularly scheduled Board meeting.
  - f. Adoption, amendment or repeal of the Board's established policies will be accomplished by a majority vote of the Board of Directors acting upon a motion put before the Board.

## GOVERNANCE

### BOARD OPERATIONS Continued.

- g. In the event that an emergency is deemed to exist, and said emergency is recorded in the official minutes and agreed to by at least four of the District Board members, a guideline or policy can be suspended, added to, or deleted from in the course of a single meeting. An emergency will be defined as an unforeseen circumstance or circumstances requiring immediate action so as to prevent diminishing of the public good.
  - h. Board members may participate in Board meetings by telephone or other electronic means as provided for in the Oregon Revised Statutes.
4. Minutes of Board meetings will be maintained as follows:
- a. Written minutes will be maintained of all public meetings.
  - b. *Minutes of executive sessions may be kept either in writing, in the same manner as minutes of public sessions, or by tape recording. They are not public record.*
  - c. Votes will be recorded. Any member may request that his or her vote be changed, if such request is made prior to consideration of the next order of business.
6. The general principles contained within the current edition of Robert's Rules of Order Newly Revised will guide the proceedings of the Library Board in all cases to which they are applicable and in which they are consistent with these policies and the Oregon Revised Statutes, at the Board's discretion. By motion on any issue, the Board may elect to conduct business exclusively by Robert's Rules of Order Newly Revised so long as these rules do not conflict with the policies of the District and/or the Oregon Revised Statutes.

*Revised September 8, 2009*

## **BOARD-LIBRARY DIRECTOR LINKAGE**

These policies describe how the Board delegates authority to the Library Director. They describe not what is delegated, but how delegation occurs. They also describe why the Board has a Library Director and how the Board will behave in relating to the Library Director.

**POLICY TITLE:                    GLOBAL BOARD-LIBRARY DIRECTOR LINKAGE**

*Approved: 8/8/06*

*The Board's sole official connection to the operational organization, its achievements, and conduct will be through the Library Director. The Library Director will be the executive and administrative office of the District. As prescribed in ORS 357.226, the Library Director will also serve as Secretary to the Board.*

## **BOARD-LIBRARY DIRECTOR LINKAGE**

### **POLICY TITLE: UNITY OF CONTROL**

*Approved: 8/8/06*

*Only decisions of the Board acting as a body are binding on the Library Director.*

Accordingly,

1. Decisions or instructions of individual Board members, officers, or committees are not binding on the Library Director except in rare instances when the Board has specifically authorized such exercise of authority.
2. In the case of Board members or committees requesting information or assistance without Board authorization, the Library Director can refuse such requests that require, in the Library Director's opinion, a material amount of staff time or funds, or are disruptive.
3. A Board member or committee always has the option of submitting a request for information directly to the District Board.

## **BOARD-LIBRARY DIRECTOR LINKAGE**

### **POLICY TITLE: ACCOUNTABILITY OF THE LIBRARY DIRECTOR**

*Approved: 8/8/06*

*The Library Director is the Board's only link to operational achievement and conduct, so that all authority and accountability of staff, as far as the Board is concerned, is considered the authority and accountability of the Library Director.*

Accordingly,

1. The Board will never give instructions to persons who report directly or indirectly to the Library Director.
2. The Board will refrain from evaluating, either formally or informally, any staff other than the Library Director.
3. The Board will view Library Director performance as identical to organizational performance, so that organizational accomplishment of Board-stated Results and avoidance of Board-proscribed means will be viewed as successful Library Director performance.

## BOARD-LIBRARY DIRECTOR LINKAGE

### **POLICY TITLE: DELEGATION TO THE LIBRARY DIRECTOR**

*Approved: 8/8/06*

*The Board will instruct the Library Director through written policies that prescribe the organizational Results to be achieved and describe organizational situations and actions to be avoided, allowing the Library Director to use any reasonable interpretation of these policies.*

Accordingly,

1. The Board will develop policies instructing the Library Director to achieve certain results, for certain recipients, at a specified cost. These policies will be developed systematically from the broadest, most general level to more defined levels, and will be called *Results policies*.
2. The Board will develop policies that limit the latitude the Library Director may exercise in choosing the organizational means. These policies will be developed systematically from the broadest, most general level to more defined levels, and they will be called *Executive Limitations policies*.
3. As long as the Library Director uses *any reasonable interpretation* of the Board's Results and Executive Limitations policies, the Library Director is authorized to establish all further policies and procedures, make all decisions, take all actions, establish all practices, and develop all activities.
4. The Board may change its Results and Executive Limitations policies, thereby shifting the boundary between Board and Library Director domains. By doing so, the Board changes the latitude of choice given to the Library Director. But as long as any particular delegation is in place, the Board will respect and support the Library Director's choices.

## BOARD-LIBRARY DIRECTOR LINKAGE

### **POLICY TITLE: MONITORING LIBRARY DIRECTOR PERFORMANCE**

*Approved: 8/8/06*

*Systematic and rigorous monitoring of Library Director job performance will be solely against the only expected Library Director job outputs: organizational accomplishment of Board policies on Results and organizational operation within the boundaries established in Board policies on Executive Limitations.*

Accordingly,

1. Monitoring is simply to determine the degree to which Board policies are being met. Data that do not do this will not be considered to be monitoring data.
2. The Board will acquire monitoring data by one or more of three methods: (a) by internal report, in which the Library Director discloses compliance information to the Board, (b) by external report, in which an external, disinterested third party selected by the Board assesses compliance with Board policies, and (c) by direct Board inspection, in which a designated member or members of the Board assess compliance with the appropriate policy criteria.
3. In every case, the standard for compliance will be any *reasonable Library Director interpretation* of the Board policy being monitored.
4. All policies that instruct the Library Director will be monitored at a frequency and by a method chosen by the Board. The Board can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule.

<b>Policy</b>	<b>Method</b>	<b>Frequency</b>
Global Executive Restraint		
Treatment of Library Users	Internal	Annually
Treatment of Staff	Internal	Annually
Financial Planning and Budgeting	Internal	Quarterly Financial
Financial Condition and Activities	Internal External	Quarterly Annually Emergency
Emergency Library Director Succession	Internal	Annually
Asset Protection		
Compensation and Benefits	Internal	Annually
Communication and Support to the Board	Direct Inspection	Annually
Results Policies	Internal	Annually
Collection Development		

*Revised Dec. 11, 2007*

## RESULTS POLICIES

*Approved: 8/8/06*

Results Policies describe the effect that the Library District seeks to have on the world outside itself. Each Result consists of three parts:

- ◆ A description of the desired change, difference, benefit, or outcome.
- ◆ The identity, description, or characteristic of the consumer who benefits from the change.
- ◆ The monetary expense, relative worth, or relative priority of the benefit.

### **POLICY TITLE:                    PURPOSE, RESULTS AND PRIORITIES**

*Approved: 8/8/06*

*Residents of The Jefferson County Library District freely and openly access ideas and information to lead lives enriched by literature, cultural resources and life-long learning consistent with the wise application of the funds and resources of the District.*

1. *Residents in a large variety of living situations access library services.*  
*Priorities are:*
  - *Children*
  - *Teens*
  - *Seniors*
  - *Special Needs*
  - *Spanish Speaking*
2. *Library facilities accommodate library services and staff.*
3. *Technology is maintained at a high level.*
4. *Residents enjoy visiting the library, and consider it to be a comfortable, safe and welcoming place for people to meet and interact.*
5. *The collection is current, reliable, relevant, including; books, magazines, music, online data bases, newspapers, and the Oregon History collection.*

*Revised Feb. 13, 2007*  
*Revised Feb. 10, 2009*

## **Appendix A Oregon Revised Statutes Chapters 198.510 to 198.600**

### **198.510 Definitions for ORS 198.510 to 198.600.**

As used in ORS 198.510 to 198.600, unless the context requires otherwise:

- (1) “County” means the county in which the district, or the greater portion of the assessed value of the district, is located.
- (2) “County board” means the board of county commissioners or the county court of the county.
- (3) “County clerk” means the county clerk of the county.
- (4) “District board” means the governing body of a district and the term includes a county board that is in the governing body of a district.
- (5) “Presiding officer” means the chairperson, Chair or other person performing the office of presiding officer of the district board.
- (6) “Principal Act” means the law, other than ORS 198.510 to 198.600, applicable to a district. [1971 c.268 s.2]

### **198.520 “District” defined for ORS 198.510 to 198.600.**

As used in ORS 198.510 to 198.600, unless the context requires otherwise, district has the meaning given that term by ORS 198.010 (2), (4), (5), (6), (11), (12), (14), (17), (19) and (20) to (23). In addition, “district” means any one of the following:

- (1) A county service district organized under ORS chapter 451.
- (2) The Port of Portland established by ORS 778.010. [1971 c.268 s.1; 1975 c.782 s.48b; 1977 c.756 s.3; 1981 c.226 s.20]

### **198.530 Procedure for adopting, amending or repealing ordinances or regulations.**

When a district board is authorized by the principal Act of a district to enact, amend or repeal regulations, it shall do so in accordance with ORS 198.510 to 198.600. In all counties which do not provide by ordinance or charter for the manner of enacting, amending or repealing ordinances and regulations, this section applies when a county board pursuant to statute is acting as the governing body of a district. [1971 c.268 s.3]

### **198.540 Notice prior to adoption of ordinance affecting regulation.**

- (1) Except in an emergency, an ordinance adopting, amending or repealing a regulation shall not be considered or voted upon by a district board unless the ordinance is included in the published agenda of the meeting. The agenda of a meeting shall state the time, date and place of the meeting, give a brief description of the ordinances to be considered at the meeting and state that copies of the ordinances are available at the office of the district board.
- (2) The presiding officer shall cause the agenda to be published not more than 10 days nor less than four days before the meeting, in one or more newspapers of general circulation within the district or, if there is no such newspaper, in a newspaper of general circulation in each county in which the district is located. The presiding officer may also cause the agenda:
  - (a) To be posted in three public places within the district at least 10 days before the meeting; or
  - (b) To be published by radio and television stations broadcasting in the district as provided by ORS 193.310 and 193.320. [1971 c.268 s.4]

### **198.550 Publication of ordinance; emergency ordinance procedure.**

- (1) Except as provided by subsection
- (3) of this section, before an ordinance is adopted it shall be read during regular meetings of the district board on two different days at least six days apart. The reading of an ordinance shall be full and distinct unless at the meeting:
  - (a) A copy of the ordinance is available for each person who desires a copy; and
  - (b) The board directs that the reading be by title only.
- (2) Except as provided by subsection
- (3) of this section, the affirmative vote of a majority of the members of the district board is required to adopt an ordinance.
- (3) An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the board at the meeting, a quorum being present, is required to adopt an emergency ordinance. [1971 c.268 s.5]

### **198.560 Filing of ordinance; notice of adoption of emergency ordinance.**

- (1) Within seven days after adoption of an ordinance, the enrolled ordinance shall be:
  - (a) Signed by the presiding officer;
  - (b) Attested by the person who served as recording secretary of the district board at the session at which the board

- adopted the ordinance; and
- (c) Filed in the records of the district.
- (2) A certified copy of each ordinance shall be filed with the county clerk, available for public inspection.
- (3) Within 15 days after adoption of an emergency ordinance, notice of the adoption of the ordinance shall be published as provided by ORS 198.540
- (2) for notice of proposed ordinances. The notice shall:
  - (a) Briefly describe the ordinance;
  - (b) State the date when the ordinance was adopted and the effective date of the ordinance; and
  - (c) State that a copy is on file at the district office and at the office of the county clerk of the county, available for public inspection. [1971 c.268 s.6]

**198.570 When ordinances take effect.**

- (1) Except as provided by subsection
- (2) of this section, an ordinance shall take effect on the 30th day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the electors of the district, it shall not take effect until approved by a majority of those voting on the ordinance.
- (2) An emergency ordinance may take effect upon adoption. [1971 c.268 s.7; 1983 c.350 s.3] 198.580 [1971 c.268 s.8; repealed by 1979 c.190 s.431]

**198.590 Petition to adopt, amend or repeal ordinance.**

Any interested person who is a landowner within the district or an elector registered in the district may petition the district board to adopt, amend or repeal an ordinance. Any such person may appear at any regular meeting of the board and shall be given a reasonable opportunity to be heard. [1971 c.268 s.9; 1983 c.83 s.6]

**198.600 Penalty for violation of regulations; jurisdiction; enforcement.**

- (1) If a penalty for a violation is not otherwise provided, violation of any regulation adopted by a district board under ORS 198.510 to 198.600 is punishable, upon conviction, by a fine of not more than \$250 or imprisonment of not more than 30 days, or both.
- (2) Actions to impose punishment shall be brought in the name of the district or county, as the case may be, in any court having jurisdiction of misdemeanors under state laws. The action shall be brought in the county in which the district, or the greater portion of the area of the district, is located. Fines recovered shall be paid to the clerk of the court who, after first deducting the court costs in such proceedings, shall pay the remainder thereof to the treasurer of the district or county initiating the action to go to and form a part of its general fund.
- (3) Any peace officer may enforce an ordinance adopted under ORS 198.510 to 198.600. ORS 221.333 is applicable to the enforcement of such ordinances. [1971 c.268 s.10]

**Appendix B Oregon Revised Statutes Chapters 192.610 to 192.690, 192.990**

**PUBLIC MEETINGS**

**192.610 Definitions for ORS 192.610 to 192.690. As used in ORS 192.610 to 192.690:**

- (1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- (2) "Executive session" means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- (3) "Governing body" means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.
- (4) "Public body" means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
- (5) "Meeting" means the convening 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. "Meeting" does not include any on-site inspection of any project or program. "Meeting" also does not

include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 s.2; 1979 c.644 s.1]

**192.620 Policy.**

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. [1973 c.172 s.1]

192.630 Meetings of governing body to be open to public; location of meetings; disabled access; interpreters.

(1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) No quorum of a governing body shall 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.

(3) A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action. This subsection does not apply to the Oregon State Bar until December 31, 1980.

(5)(a) It shall be considered discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to the disabled, or, upon request of a hearing impaired person, to fail to make a good faith effort to have an interpreter for hearing impaired persons provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Disabilities Commission or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the Oregon Disabilities Commission or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services. [1973 c.172 s.3; 1979 c.644 s.2; 1989 c.1019 s.1; 1995 c.626 s.1]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings.

(1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 s.4; 1979 c.644 s.3; 1981 c.182 s.1]

192.650 Written minutes required; content; content of minutes for executive sessions.

(1) The governing body of a public body shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law, but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

(a) All members of the governing body present;

(b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

(c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;

(d) The substance of any discussion on any matter; and

(e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting but such reference shall not affect the status of the document under ORS 192.410 to 192.505.

(2) Minutes of executive sessions shall be kept in accordance with subsection

(1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061

(2). Instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility. [1973 c.172 s.5; 1975 c.664 s.1; 1979 c.644 s.4; 1999 c.59 s.44]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits.

(1) Nothing contained in ORS 192.610 to 192.690 shall be construed to prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS

192.610 to 192.690 for the holding of such executive session. Executive session may be held:

(a) To consider the employment of a public officer, employee, staff member or individual agent. The exception contained in this paragraph does not apply to:

(A) The filling of a vacancy in an elective office.

(B) The filling of a vacancy on any public committee, commission or other advisory group.

(C) The consideration of general employment policies.

(D) The employment of the chief executive officer, other public officers, employees and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the public body and there has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring chief executive officers shall be adopted by the governing body in meetings open to the public in which there has been opportunity for public comment.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063, 441.085, 441.087 and 441.990

(3) including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) 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 of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the governing body in meetings open to the public in which there has been opportunity for public comment. An executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member shall not include a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) By a health professional regulatory board to consider information obtained as part of an investigation of licensee or applicant conduct. Notwithstanding paragraph (b) or (c) of this subsection, subsection

(5) of this section or ORS 192.650, the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of the matter investigated are governed by ORS 676.175.

(2) Labor negotiations shall be conducted in open meetings unless both sides of the negotiators request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(3) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection

(1)

(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061

(2) but the governing body may require that specified information subject of the executive session be undisclosed.

(4) When a governing body convenes an executive session under subsection (1)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(5) No executive session may be held for the purpose of taking any final action or making any final decision. [1973 c.172 s.6; 1975 c.664 s.2; 1979 c.644 s.5; 1981 c.302 s.1; 1983 c.453 s.1; 1985 c.657 s.2; 1995 c.779 s.1; 1997 c.173 s.1; 1997 c.594 s.1; 1997 c.791 s.9]

192.670 Meetings by means of telephonic or electronic communication.

(1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 s.7; 1979 c.361 s.1]

**192.680 Enforcement of ORS 192.610 to 192.690;**

effect of violation on validity of decision of governing body; liability of members.

(1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection

(1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 s.8; 1975 c.664 s.3; 1979 c. 644 s.6; 1981 c.897 s.42; 1983 c.453 s.2; 1989 c.544 s.1]

192.685 Additional enforcement of alleged violations of ORS 192.660.

(1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Standards and Practices Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS

192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Standards and Practices Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 s.28]

**192.690 Exceptions to ORS 192.610 to 192.690.**

(1) ORS 192.610 to 192.690 shall not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS 183.310 to 183.550, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of state or local lawyers assistance committees operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the multidisciplinary teams required to review child abuse and neglect fatalities in accordance with the provisions of ORS 418.747, the peer review committees in accordance with the provisions of ORS 441.055,

mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health Sciences University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health Sciences University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 s.9; 1975 c.606 s.41b; 1977 c.380 s.19; 1981 c.354 s.3; 1983 c.617 s.4; 1987 c.850 s.3; 1989 c.6 s.18; 1989 c.967 ss.12,14; 1991 c.451 s.3; 1993 c.18 s.33; 1993 c.318 ss.3,4; 1995 c.36 ss.1,2; 1995 c.162 ss.62b,62c; 1999 c.59 ss.45a,46a; 1999 c.155 s.4; 1999 c.171 ss.4,5; 1999 c.291 ss.25,26] 192.695 Prima facie evidence of violation required of plaintiff.

In any suit commenced under ORS 192.680 (2), the plaintiff shall be required to present prima facie evidence of a violation of ORS 192.610 to 192.690 before the governing body shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS 192.610 to 192.690 were complied with shall be on the governing body. [1981 c.892 s.97d; 1989 c.544 s.3] Note: 192.695 was added to and made a part of ORS chapter 192 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

192.710 Smoking in public meetings prohibited.

(1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or meeting notice indicates the meeting is to commence regardless of the time it actually commences.

(2) As used in this section:

(a) "Public meeting" means any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased or owned by the State of Oregon or by any county, city or other political subdivision in the state regardless of whether a quorum is present or is required.

(b) "Public body" means the state or any department, agency, board or commission of the state or any county, city or other political subdivision in the state.

(c) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment. [1973 c.168 s.1; 1979 c.262 s.1] PENALTIES

**192.990 Penalties.** Violation of ORS 192.710

(1) is a violation punishable by a fine of \$10. [1973 c.168 s.2]