

BOARD OF DIRECTORS  
GOVERNANCE  
POLICY MANUAL

DRAFT

LANE TRANSIT DISTRICT

DRAFT Version. 2021

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## WELCOME TO LTD!

Welcome to Lane Transit District (LTD). We hope your service will be a source of great personal and professional satisfaction. Your work directly impacts the quality of services we provide and our overall success. We appreciate and value the contribution you undoubtedly will make.

If you ever have any concerns or questions about our policies and procedures, we encourage you to speak with the General Manager. We want to make our time together a positive experience for all.

Thank you for being part of our incredible team.

## ABOUT THIS HANDBOOK

This Board of Directors Handbook contains information about current LTD policies and procedures, and we expect you to read it carefully because it is a valuable reference for understanding your role. As you become more familiar with your role, you may notice that not all policies and procedures are set forth in this Handbook.

No handbook or manual can include all policies of a business in detail, and we have not tried to do so here. Instead, we summarized some of the more important policies, and those that are listed in this Handbook are designed and intended to provide you with a general understanding of what types of conduct we expect and what behavior we will not tolerate.

## POLICIES MAY CHANGE IN THE FUTURE

This Handbook applies to the Board and General Manager regardless of position and location, and it supersedes any previously issued personnel materials, manuals, or inconsistent policy statements. **We continuously review our policies, and we may make changes from time to time.** LTD's Board of Directors reserves the right, at your sole discretion, to revise, delete, add, and make exceptions to the policies described in this Handbook at any time.

## WHO WE ARE

### A LITTLE ABOUT LTD

Since 1970, Lane Transit District has been providing transit services to Eugene, Springfield, and the surrounding communities. Lane Transit District is one of the most successful and highly regarded public transit systems in the nation; has received numerous national, state, and local awards for service to the community; and, for transit districts its size, is consistently ranked among the nation's leaders in the successful implementation of Bus Rapid Transit, bus ridership, and service efficiency.

### COMPANY MISSION

Connecting our community.

### COMPANY VISION

In all that we do, we are committed to creating a more connected, sustainable, and equitable community.

### OUR CORE VALUES

Organizational values are the guiding principles that represent how we – as individuals and as a team – behave on our way to the future.

As a way to ensure the success of Lane Transit District and because we care, we hold ourselves and our colleagues accountable for living and demonstrating our six core values:

- **RESPECT:** We honor and dignify all individuals by listening intently to their unique contributions and needs — treating others with trust, care, kindness, and courtesy.
- **INTEGRITY:** We hold all that we say and do to a high standard of honesty, stewardship, ethics, fairness, and compassion.
- **INNOVATION:** We persist in applying resourcefulness, creativity, and new technology alongside known best practices to best serve our community.
- **EQUITY:** We commit to listening, learning, and including voices from the diverse identities and abilities of our employees and our community — and we take care to consider how our decision-making processes address historic inequities in transportation.
- **SAFETY:** We create a safe environment for our employees, customers, and community – and are always willing to reach out to help, support, and assist others in ways that are safe to all involved.
- **COLLABORATION:** We demonstrate cooperation and excellent team behaviors when working with others — both internally and with our partners in the District — by focusing on common purpose and win-win outcomes.

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**

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BOARD WORKING  
AGREEMENT & POLICY  
Policy Number: 100.10  
Tier I: Board of Directors

Revision Date:

Effective Date: June 14, 2004

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I:	Lane Transit District Board of Directors
Tier II:	All (LTD) - All LTD employees, temporary employees; contractors, and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier III:	Multiple Divisions and/or Departments:
Tier IV:	Division or Department:

*\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirements; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.*

**Revision History:**

Revision	Author / Editor	Description
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**Legal References:**

**Related Forms:**

**Related Policies:**

**APPROVAL:** Approved by the Board June 14, 2004;

# **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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## **100.10.1 PURPOSE AND POLICY STATEMENT**

The Board of Directors (“Board”) is the governing body for Lane Transit District (“LTD” or the “District”). To effectively meet the District’s challenges, the Board, General Manager, and LTD administration must function together as a leadership team. The Board and General Manager Working Agreement: (1) sets forth the respective duties of the Board and the General Manager; and (2) addresses how the Board and General Manager function together as an effective, cohesive leadership team.

The Board of Directors hereby agrees and commits collectively and individually to the following operating protocols, adhering to all LTD policies and procedures:

## **100.10.2 APPLICABILITY**

These rules apply to members of the LTD Board of Directors only. LTD shall make this policy available to all LTD employees and members of the LTD Board of Directors.

## **100.10.3 ROLE OF THE BOARD**

1. Set the long-term direction of the District through the mission, vision, goals, and priorities.
2. Focus on policymaking, planning, and evaluation.
3. Be accountable for the financial stewardship of the District, including aligning resources with goals and priorities, setting expectations, and monitoring progress.
4. Deliberate and make decisions in accordance with Public Meeting Law. Foster a positive, respectful Board environment.
5. Understand that as an individual, a Board member has no authority. It is when acting as a body that a majority of the Board has influence.
6. Supervise the hiring, performance evaluation, and other personnel management processes related to the General Manager.
7. Respect the General Manager’s responsibility to manage the day-to-day operations of the District and to direct employees in District matters.
8. Manage Board processes, including Working Agreements and Bylaws.
9. Set priorities for Board professional development annually, pursuing continuous improvement through a yearly Board retreat.

## **100.10.4 ROLE OF BOARD LEADERSHIP**

1. Manage the Board’s process; convene meetings; develop the Board agenda with the General Manager, seeking Board member input; and execute documents, as appropriate.
2. Serve as the authorized spokesperson for the Board with regard to Board policy, process, and decisions. The president may delegate this responsibility to other Board members and/or the General Manager.

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**

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3. Facilitate the orientation of new Board members.
4. Assist the General Manager in communicating important information to the full Board. Keep Board members apprised of information exchanged with the General Manager.
5. The vice president will perform these duties when the president is not available.

**100.10.5      ROLE OF THE GENERAL MANAGER**

1. Manage the day-to-day operations of the District.
2. Work as a team with Board members.
3. Work with the Board to establish a clear vision for the District and affirm it annually.
4. Collaborate with the Board to set annual District goals.
5. Work with the president and vice president to effectively bring information and issues to the Board so that it can make proactive data-driven decisions on policy.

**100.10.6      BOARD AND GENERAL MANAGER DIVISION OF DUTIES**

<b><u>Division of Duties</u></b>	
<b>Board Work</b>	<b>General Manager and Administrative Work</b>
Hire General Manager	Hire Staff
Set Goals & Vision (with help)	Turn Goals and Vision into Action
Adopt Policy	Develop Administrative Procedures
Set Budget	Plan Expenditures
Approve Contracts	Employee Relations
Monitor Progress	Report Progress
<b><i>What Needs Done</i></b>	<b><i>How to Do It</i></b>
<b><i>The Ends</i></b>	<b><i>The Means</i></b>

**100.10.7      BOARD COMMUNICATION WITH THE GENERAL PUBLIC AND LTD STAFF**

1. Understand that as an individual, a Board member has no authority. It is when acting as a body that a majority of the Board has influence.
2. The Board is a single entity and therefore it can only have one voice. The Board should be united, not uniform. This does not and should not prevent Board members from disagreeing. Diverse opinions are expected of Board members.
3. When Board members are acting in their official capacity (representing LTD at a Board meeting, committee meeting, or event), remember that you are a representative of the Board and your communication is not necessarily your own opinion, but that of the Board as an entity.
4. As a private citizen, when you are not representing LTD in an official capacity, you have the right to free expression. Make clear that it is your opinion, and you are not speaking on behalf of the Board.



## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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5. The public has a right to attend any public meeting, but the Public Meetings Law does not provide the public the right to participate. That said, most public entities provide an opportunity for the public to comment in the form of a 3-minute time for public comment. The president should ensure all comments are kept to the stated time, with the assistance of the vice president. The president may thank the individual for feedback, but generally this is not the time for Board members to engage in a dialogue with the individual. If Board members have questions following public comment, those questions can be directed to the General Manager for follow up.
6. Board to staff communication goes through the General Manager.
7. Staff to Board communication goes through the General Manager.

### **100.10.8 EVALUATION OF BOARD OPERATIONAL PROCEDURES**

1. Manage Board processes, including Working Agreements and Bylaws.
2. Participate in an annual self-assessment of the Board's performance. Specifically, evaluate Board actions, District projects, and allocation of District resources and how they align, or do not, with the mission, vision, goals and priorities established by the Board.



**LTD BOARD OF DIRECTORS  
COMMITTEES AND SPECIAL ASSIGNMENTS**

Updated February 2021

Two-year officer elections  
to be held in December

\*Denotes Current Committee Chair

**BOARD OFFICERS  
(Terms expire 12/30/2021)**

President – Caitlin Vargas  
Vice President – Vacant

Secretary – Emily Secord  
Treasurer – Don Nordin

**STRATEGIC PLANNING COMMITTEE (SPC)**

*(meets quarterly the last Tuesday of the month at 5:30 p.m.)*  
Caitlin Vargas, Susan Cox

**COMPREHENSIVE & ACCESSIBLE TRANSPORTATION  
COMMITTEE (ATC)**

*(meets quarterly the 3<sup>rd</sup> Tuesday of the month at 1:00 p.m.)*  
Subdistrict 1 Board Member, Don Nordin, Susan Cox

**BUDGET COMMITTEE**

*(Meets a minimum of twice per year)*  
All Board members

**PENSION TRUSTS**

*(meets quarterly)*  
Michelle Webber

**STATE TRANSPORTATION IMPROVEMENT FUND  
(STIF) ADVISORY COMMITTEE**

*(Meets a minimum of twice per year)*

Ex officio: Emily Secord

Ex officio: Caitlin Vargas

**SPECIAL TRANSPORTATION FUND (STF) ADVISORY  
COMMITTEE**

*(Meets a minimum of twice per year)*

Ex officio: Don Nordin

Alternate Ex officio: Subdistrict 1 Board Member

**CONTRACT COMMITTEE**

*(meets the 2<sup>nd</sup> Monday of each month at 4:00 p.m.)*

Michelle Webber, Emily Secord, Susan Cox

**AD HOC SUSTAINABILITY COMMITTEE**

*(scheduled as needed)*

Don Nordin, Subdistrict 1 Board Member, Emily Secord

**AD HOC GENERAL MANAGER EVALUATION COMMITTEE**

Michelle Webber, Caitlin Vargas, Vacant

**MAIN STREET-MCVAY GOVERNANCE COMMITTEE**

*(scheduled as needed)*

Subdistrict 5 Board Member, Michelle Webber

**MOVINGAHEAD OVERSIGHT COMMITTEE**

*(scheduled as needed)*

Don Nordin, Susan Cox

**VISION ZERO TASK FORCE**

*(scheduled as needed)*

Subdistrict 1 Board Member

Alternate: Mark Johnson

**METROPOLITAN POLICY COMMITTEE (MPC)**

*(meets the 1<sup>st</sup> Thursday of the month at 11:30 a.m.)*

Don Nordin, Caitlin Vargas

Alternate: Subdistrict 5 Board Member

Ex officio: Mark Johnson

**LANE COUNCIL OF GOVERNMENTS BOARD OF  
DIRECTORS (LCOG)**

*(meets the 4<sup>th</sup> Thursday of February, April, June,  
September, December at 6:30 p.m.)*

Subdistrict 5 Board Member

Alternate: Michelle Webber

**LANE AREA COMMISSION ON TRANSPORTATION  
(LANEACT)**

*(meets the 2<sup>nd</sup> Wednesday of each month at 5:30 p.m.)*

Don Nordin

Alternate: Mark Johnson

**OREGON METROPOLITAN PLANNING ORGANIZATION  
CONSORTIUM (OMPOC)**

*(scheduled as needed)*

Caitlin Vargas

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**



BOARD HARASSMENT,  
DISCRIMINATION AND  
RETALIATION POLICY  
Policy Number: 100.20

Tier I: Board of Directors

Revision Date:

Effective Date: December 16, 2020

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I:	Lane Transit District Board of Directors
Tier II:	All (LTD) - All LTD employees, temporary employees; contractors, and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier III:	Multiple Divisions and/or Departments:
Tier IV:	Division or Department:

*\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirements; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.*

**Revision History:**

Revision	Author / Editor	Description
00		

**Legal References:**

**Related Forms:**

**Related Policies:**

**APPROVAL:** Resolution No. 2020-12-16-071

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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## **100.20.1**      **PURPOSE AND POLICY STATEMENT**

Lane Transit District (LTD) and the LTD Board of Directors are committed to providing and maintaining a work environment that is free from discrimination, harassment, workplace bullying, and retaliation. These procedural rules outline types of prohibited conduct and procedures for reporting and investigating prohibited conduct involving the LTD Board of Directors.

## **100.20.2**      **APPLICABILITY**

These rules apply to members of the LTD Board of Directors only. LTD shall make this policy available to all LTD employees and members of the LTD Board of Directors.

## **100.20.3**      **AUTHORITY**

The authority for these rules includes ORS 267.540 (4); 174.100; 243.319; ORS chapter 659A; Title VII of the Civil Rights Act; The Age Discrimination in Employment Act; The Americans with Disabilities Act; The Rehabilitation Act; and accompanying rules and regulations.

## **100.20.4**      **DEFINITIONS**

### **Constructive knowledge**

“Constructive knowledge” is knowledge that a supervisor, manager<sup>1</sup> or Director is presumed to have with the exercise of reasonable care.

### **Director**

“Director” means a member of the LTD Board of Directors

### **Discrimination**

“Discrimination” means treating an employee or another Director negatively or less favorably based on a protected class in a manner that results in harm to the employee or Director.

Legitimate, nondiscriminatory reasons for different treatment of an employee or Director that are not based on a protected class do not violate these rules unless the treatment otherwise constitutes workplace bullying.

### **Employee**

“Employee” means an individual hired by LTD to perform work, under the supervision and control of LTD, in exchange for an hourly wage or salary. For purpose of these rules, volunteers, interns, and similar unpaid workers shall also be considered employees.

Employee does not include independent contractors.

### **Gender Identity and Gender Expression**

- (a) **Gender identity** is the personal sense of one’s own gender. One’s present gender identity may be the same or different from the sex assigned at birth. Gender identity may be expressed or described as cisgender (i.e., male, female), transgender, gender fluid, gender-neutral, and by other terms or phrases indicating a gender identity other than the binary male or female. Gender

## LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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identity does not imply any specific sexual orientation.

- (b) **Gender expression** refers to the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

### **Harassment**

"Harassment" is unwelcome verbal, nonverbal, or physical conduct, based on a person's protected class, that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating, or offensive working environment. Protection against harassment extends to the person harassed, as well as other people affected by the offensive conduct.

Harassment includes Sexual Harassment (defined below), as well as other forms of protected class harassment. Examples of conduct based on protected class status that is prohibited by this policy, regardless of whether sexual or non-sexual in nature, include:

- (a) Unwelcome intentional touching of another person or other unwanted intentional physical contact (including patting, pinching, rubbing, brushing against, etc.).
- (b) Unwelcome questions or comments about another person's sexual activities, dating, personal or intimate relationships, appearance, race, religion, age, disability, or any other category protected by law.
- (c) Unwelcome whistling, staring, or leering at another person. Unwelcome sexually suggestive or flirtatious gifts, letters, notes, e-mail, text messages or other form of instant messaging, or voice mail. Unwelcome sexual advances or flirtations.
- (d) Conduct or remarks that are sexually suggestive or that otherwise, demeanor demonstrate hostility toward another person (regardless of whether sexual in nature) for any protected class reason (e.g., jokes, taunts, negative stereotyping, and threats).
- (e) Displaying or circulating pictures, objects, or written materials (e.g., graffiti, cartoons, photographs, pinups, calendars, magazines, figurines, etc.) that are sexually suggestive, demeaning, or otherwise demonstrate hostility toward another person (regardless of whether sexual in nature) for any protected class reason.
- (f) Slandering, libeling, ridiculing, maligning, or spreading similarly negative and derogatory information about a person or that person's family or spreading rumors and gossip about individuals.
- (g) Expressing or communicating sentiments of hate towards a person or protected class group of people or that is intended to disparage, demean or denigrate another person or group of people based on their protected class.
- (h) Any other unwelcome gestures, symbols, comments, name-calling, or behavior that is directed towards another person, relates to another person, or that negatively impacts another employee's or Director's ability to work productively and efficiently.

## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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Although this policy provides examples of possible harassment-type behaviors, it is not intended to be a complete list.

### **Nondisclosure, Non-Disparagement, and No-Rehire Agreements**

- (c) A **“nondisclosure agreement”** is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, retaliation, or sexual assault.
- (d) A **“non-disparagement agreement”** is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the company.
- (e) A **“no-rehire provision”** is an agreement that prohibits an employee from seeking reemployment with the company and allows a company to not rehire or re-associate with that individual in the future.

### **Preponderance of Evidence**

A “preponderance of evidence” is sufficient evidence to convince a fact-finder or investigator that it is more likely than not that a violation occurred, and, therefore, that the allegation is substantiated.

### **Protected Class**

“Protected class” means a class protected by federal law, ORS chapter 659A, and any other state or local law designating protections for an identified group of persons or demographic, and includes race, color, national origin, religion, gender, gender identity (including gender expression), sex, sexual orientation, pregnancy, age, disability, injured worker status, family leave status, protected medical or veterans’ leave, marital status, familial status, veteran’s status, genetic information or history, opposition to unlawful employment practices, good faith reports of safety violations, good faith reports of harassment, discrimination or retaliation, whistleblower, or any other status not listed here but protected by local, state or federal law.

### **Retaliation**

“Retaliation” occurs when there appears to be a causal connection between a report of prohibited conduct under Section 2 and subsequent adverse treatment that is reasonably likely to deter future reports, participation in an investigation into the alleged conduct, testimony regarding the alleged conduct (regardless of forum), or other related or protected conduct in the future. Retaliation may take the form of overt, direct, or indirect acts or adverse treatment towards an individual that serves to punish, demean, discredit, intimidate, or otherwise harm an individual because of reporting prohibited conduct, participating in an investigation into prohibited conduct, or testifying about prohibited conduct.

### **Sexual Assault**

A “sexual assault” is unwanted conduct of a sexual nature that is inflicted upon a person or compelled using physical force, manipulation, threat, or intimidation.

### **Sexual Harassment**

Sexual harassment is a form of workplace harassment and includes, but is not limited to, the following types of conduct:

## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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- (a) Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when such conduct is directed toward an individual because of that individual's sex, sexual orientation, gender or gender identity and submission to such conduct is made either explicitly or implicitly a term or condition of employment or board-related activity; or submission to or rejection of such conduct is used as the basis for employment or board related decisions affecting that individual.
- (b) Unwelcome verbal, non-verbal or physical conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating, or offensive working environment.

### **Sexual Orientation**

"Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, other sexuality, or gender identity, regardless of whether the individual's gender identity, appearance, expression, or behavior differs from that traditionally associated with the individual's sex at birth.

### **Violence**

"Violence" includes physically harming another person, shoving, pushing, hitting, intimidating, coercing, brandishing weapons, using weapons to inflict harm, throwing objects at another person, etc., and threatening or talking of engaging in those activities.

### **Workplace and Workplace Conduct**

"Workplace" includes work-related settings outside the workplace, including board meetings (including in-person, telephonic, virtual, etc.), other job sites, business trips, business meetings, business-related social events, and company-sponsored events.

### **Workplace Bullying**

"Workplace bullying" is behavior or conduct that, while not necessarily based on a protected class, is nevertheless so severe or pervasive that it would offend a reasonable person in the workplace or unreasonably interferes with work performance or creates a hostile or intimidating working environment.

Severe or pervasive behavior that may, in some circumstances, rise to the level of bullying under this policy includes but is not limited to:

- (a) Conduct that intentionally embarrasses, humiliates, offends, or degrades another person.
- (b) Shouting or yelling at a person in anger or frustration or otherwise behaving in a manner that a reasonable person would consider unreasonably confrontational or disruptive in a public or private setting.
- (c) Personal attacks, negative or derogatory name-calling, and abusive language of any kind.
- (d) Disparaging or denigrating another person to others with the purpose or effect of diminishing that person's reputation or credibility with management, other employees, or Directors or encouraging others to avoid, ignore or isolate an employee or Director.
- (e) Repeated and frequent complaints about an employee or Director that are determined to be unsubstantiated, false, misleading, or consistently relating to minor annoyances, or disagreements, or issues of little or no significance.

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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Conduct that is not considered workplace bullying includes but is not limited to:

- (a) Incidental and insignificant behaviors common among diverse workgroups, even if considered irritating, distracting, disappointing or frustrating.
- (b) Conflicts arising from diverse personality types or communication styles.
- (c) The ordinary communication, delivery, and provision of non-discriminatory performance-based directions, oversight, coaching, discipline, employee reviews, and other performance-related feedback or decisions.
- (d) Reports or complaints of harassment, discrimination, or retaliation made in good faith.

Although this policy provides examples of possible workplace bullying behaviors, it is not intended to be a complete list.

## **100.20.5      PROHIBITED CONDUCT**

### **Discrimination, Harassment, and Retaliation**

Directors are prohibited from engaging in discrimination and harassment against LTD employees and other Directors. LTD also prohibits retaliation based on good faith reports under this subsection.

### **Workplace Bullying**

Directors are prohibited from engaging in workplace bullying conduct towards other Directors and LTD employees. LTD also prohibits retaliation based on good faith reports under this subsection.

### **Conduct Occurring Outside of Work or Board-Related Activities**

Directors are prohibited from using social media, regular media, telephone calls, text messages, recordings, and personal interactions outside of work to share, post, or publish information that rises to the level of harassment, discrimination, workplace bullying, or retaliation expressly prohibited by this policy against an LTD employee or another Director, regardless of whether the comments are directed specifically at the employee or Director or made in direct or indirect reference to the employee or Director.

### **Violence**

Directors are prohibited from threatening violence, engaging in violence, or inciting others to engage in violence towards another LTD employee, Director, member of the public, group of people, or protected class demographic.

### **Sexual Relationships with LTD Employees**

Due to potential conflicts of interest and a heightened risk of sexual harassment claims, Directors are prohibited from dating or pursuing romantic or sexual relationships with LTD employees.

Directors are also prohibited from participating in, or providing input, directly or indirectly, on decisions related to the employment, job assignment, performance measurement, or compensation review of any LTD employee with whom they currently have or have had a dating, romantic, or sexual



## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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relationship. Failing to disclose the existence of a sexual relationship contemplated by this policy is considered a form of dishonesty and a violation of this section.

### **100.20.6 PROCEDURES FOR REPORTING A VIOLATION OF 100.20.5**

#### **Report by Employee of Potential Director Violation**

Any LTD employee, which includes leadership and non-leadership positions, who experiences or observes what the employee believes to be a violation of Section 2 is encouraged to document the incident and share that information with at least one of the following: (1) the Board President or Vice President; (2) LTD General Manager or Assistant General Manager; (3) Human Resources Department; or (4) the employee's manager or supervisor.

#### **Report by Director of Potential Director Violation**

A Director who experiences or observes what the Director believes to be a violation of Section 2 is encouraged to document the incident and share that information with the Board President or, if the subject of the report is the Board President, the Board Vice President. If the subject of the report is the Board President and Vice President, the Director shall report the incident to the Board Secretary or Treasurer.

#### **Notice of Potential Director Violation**

If an individual listed in Sections 3 (1) or 3 (2) receives notice of a potential violation other than through a report, such as personally witnessing a violation or constructive knowledge of a violation, that individual shall treat that information as a report under Section 3 (1) or 3 (2).

#### **Designated Persons Responsible for Reports of Potential Director Violation**

Supervisors, managers, and Directors who receive reports or complaints of possible violations of Section 2 by Directors shall document the concerns and forward the documented information to one of the following Designated Persons responsible for receiving reports, in order of priority listed here: (1) the Board President; or (2) the Board Vice President. If the subject of the report is the Board President and the Board Vice President, the Director shall report the incident to the Board Secretary or Treasurer.

Upon receipt of a complaint or report, the Designated Person shall remind the complainant that the accused Director will be notified that a concern has been raised consistent with an independent investigation. The Designated Person shall also provide a copy of these rules to the Director who is the subject of the prohibited conduct report

#### **Form of Reports**

Reports of alleged violations of Section 2 or other parts of this policy may be made orally or in writing. A supervisor, manager, or Director with actual or constructive knowledge of a potential violation under Section 2, or who receives an oral report of a potential violation under Section 2, shall document that information to a person designated under Section 3 (4). When a report is received orally and forwarded to the Designated Person pursuant to this paragraph, the Designated Person shall follow up with the complainant to review the allegations and then send a summary of the interview and concerns to the complainant for verification of scope and accuracy. The absence of written confirmation of allegations shall not postpone the initiation of an investigation contemplated by this Policy.

## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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Documentation of a report of an alleged violation of Section 2 should include: (1) the date of incident; (2) the date the complaint was received by the Designated Person or alternate; and (3) a summary of the alleged violations of Section 2.

### **Other Reporting and Remedy Options**

Although employees and Directors are encouraged to bring matters to the attention of the appropriate party for prompt resolution, nothing in this policy precludes an employee or Director from seeking remedies for unlawful conduct through the grievance process afforded by state or federal administrative agencies and the courts.

### **Investigation**

The Designated Person under Section 3 (4) who receives a report of a potential violation of Section 2 shall contact and coordinate with counsel for the Board to initiate a formal investigation facilitated by an independent third-party workplace investigator to investigate any complaints or reports of a Section 2 violation. The Designated Person shall have authority to engage an independent third-party workplace investigator on behalf of the Board and without further Board approval. The investigator shall report directly to counsel for the Board. Serious violations, such as allegations of conduct that violates the law, shall be concurrently forwarded by the Designated Person to the Governor's office. If the complaint is forwarded to the Governor's office, the Designated Person shall notify the complainant, the Board, and the accused Director that the Governor's office has been notified. Any notice to the Governor's office shall confirm the initiation and status of any investigation contemplated by this Policy.

Investigations initiated by the Designated Person shall be conducted independently from any investigation the Governor's office may choose to pursue, unless a majority of the Board (as defined in Section 4 (2) below) votes to discontinue its' investigation in light of the investigation conducted by the Governor's office.

### **Cooperation with Investigation and Dishonesty**

LTD expects all employees and Directors to cooperate fully with any investigation. Dishonesty during an investigation is considered unprofessional, and, in some cases, may be a violation of the law, and may be grounds for removal from the Board.

### **Action on Finding of Violation**

If a violation is found by a preponderance of evidence, prompt and appropriate action shall be taken consistent with Section 4 of these rules.

### **Confidentiality**

Confidentiality shall be maintained throughout the investigatory process to the extent possible and to the extent consistent with an adequate investigation and appropriate corrective action. LTD requests that employees and Directors maintain confidentiality to the extent allowed by law.

LTD may elect not to disclose or discuss with the employee or Director who made the complaint the results of the investigation or the actions taken in response to a report. Information regarding the person who complained or the witnesses who participated in an investigation may similarly be withheld

## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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from the subject of the complaint. The subject of the complaint will be notified by either the Designated Person or counsel whether a complaint is substantiated.

If a complaint is substantiated, the results of the investigation and/or the Investigation Report shall be forwarded to the Governor's office by the Designated Person.

### **Prohibition of Non-Disclosure, Non-Disparagement, and No-Rehire Agreements**

LTD may not require, coerce, or enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a non-disparagement provision, or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing conduct that:

- (a) Constitutes sexual assault or alleged discriminatory conduct prohibited under ORS 659A.030, ORS 659A.082 or ORS 659A.112; or
- (b) Constitutes conduct between employees and/or Directors that may have occurred in the workplace or at a work-related event; or
- (c) Constitutes conduct that may have occurred between an employee and a Director off-site in a non-work-related situation or capacity.

An employee may voluntarily request a settlement, separation, or severance agreement which contains a nondisclosure, non disparagement, or no-rehire provision and will have at least seven days to revoke any such agreement. Other restrictions may also apply to any such agreement as required by applicable law.

### **Time limitations**

Time limitations apply to employee reports alleging violations of Oregon law. A complaint alleging a violation of ORS 659A.030, 659A.082, 659A.112 or Section 2 of the Oregon Workforce Fairness Act must be filed with the Oregon Bureau of Industries (BOLI) or in civil court no later than five years after the occurrence of the alleged violation for conduct occurring on or after September 29, 2019.

Civil actions and BOLI complaints alleging unlawful employment actions other than a violation of ORS 659A.030, 659A.082, 659A.112 or Section 2 of the Oregon Workforce Fairness Act must be filed no later than one year after the occurrence of the alleged unlawful employment practice.

Filing deadlines differ and are considerably shorter for complaints filed with the federal Equal Employment Opportunity Commission and the federal Department of Labor. Additionally, any individual harmed by a public employer may be required to give advance notice of a claim as required by ORS 30.275.

## **100.20.7      VIOLATIONS AND DISCIPLINE**

### **Violations**

Violations of Section 2 may result in discipline up to and including referral to the Governor's office requesting removal.

### **Discipline**

## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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The nature and scope of discipline will depend on the nature and seriousness of the violation, and it shall reflect LTD's commitment to prevent discrimination, harassment, and retaliation by taking prompt, appropriate action in the face of a violation. Counsel for the Board shall provide Directors *other than the Director(s) who is the subject of the report* with a copy of a confidential Executive Summary or the confidential Investigation Report, whichever counsel deems most prudent under the circumstances, and shall concurrently make the recommendation of discipline to the Board. Directors who receive a copy of the confidential Executive Summary or Investigation Report shall not distribute or disclose the contents of such information to the subject of the report unless distribution or publication is authorized by counsel for the Board.

The Director(s) accused of violating Section 2 shall be afforded an opportunity to respond to the proposed discipline with a statement, either orally or in writing, within 7 business days of learning of the proposed discipline. The Directors other than the accused shall then deliberate and vote on the proposed discipline. The discipline measure, if any, voted on by the Board shall be adopted if it passes with a majority of Board members, not counting the accused (but counting any vacant or absent Board members).<sup>2</sup> The Director(s) accused of violating Section 2 shall abstain from voting on any matter involving proposed discipline for their conduct.

If the disciplinary measure is passed, it shall be implemented, and a copy of the disciplinary measure shall be sent to the Governor's office by the Designated Person. If the Board votes to request removal of the Director from the Board, the accused Director shall be given the opportunity to resign in lieu of a request to the Governor's office that the accused Director be removed. If the accused Director declines to resign, the Designated Person shall make a formal request to the Governor's office that the Director be removed from the Board.

### **Board Member Removal**

A violation of Section 2 shall be considered unprofessional and, in some cases, may be a violation of the law. A Board's vote to allow a Director to retain their position on the Board does not preclude the Governor's office from making an alternate determination that would result in the Director's removal from the Board. Directors are subject to removal by the Governor's office.

Vacancies shall be filled under ORS 198.320(2).

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<sup>1</sup> As used herein, "supervisor or manager" includes LTD managers, supervisors, department directors, the Assistant General Manager, and the General Manager.

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<sup>2</sup> By way of example, assume there is: (a) one Board member who is the subject of the complaint; and (b) one vacancy on the Board. Six Board members attend the meeting, including the accused. Five Board members vote, with four voting in the affirmative to implement the proposed discipline measure and one Board member opposed. The sixth Board member (the accused) abstains, consistent with this policy. There is a vacancy representing the seventh Board member. The motion passes: Four of six Board members voted in the affirmative (the vacancy is counted towards the six Board members), one Board member opposed, one Board member, abstained. For purposes of determining a majority, the abstaining Board member is not counted in this instance.



**RESOLUTION NO. 2020-12-16-071**

**ADOPTION OF THE BOARD POLICY AND PROCEDURES PROHIBITING HARASSMENT,  
DISCRIMINATION AND RETALIATION**

**WHEREAS**, the Lane Transit District (“District”) Board of Directors (“Board”) may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, the Board has established a Policy providing procedures for the Board related prohibiting harassment, discrimination and retaliation;

**WHEREAS**, these procedural rules outline types of prohibited conduct and procedures for reporting and investigating prohibited conduct involving the LTD Board of Directors;

**WHEREAS**, these rules apply to members of the LTD Board of Directors only;


**WHEREAS**, LTD shall make this policy available to all LTD employees and members of the LTD Board of Directors; and,

**WHEREAS**, the authority for these rules includes ORS 267.540 (4); 174.100; 243.319; ORS chapter 659A; Title VII of the Civil Rights Act; The Age Discrimination in Employment Act; The Americans with Disabilities Act; The Rehabilitation Act; and accompanying rules and regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

- Board Policy and Procedures Prohibiting Harassment, Discrimination and Retaliation

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 16<sup>TH</sup> DAY OF DECEMBER, 2020.

  
[Carl Yeh \(Dec 30, 2020 13:36 PST\)](#)  
Board President, Carl Yeh

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**

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**BOARD POLICY AND  
PROCEDURES  
CONFLICT OF INTEREST**

Policy Number: 100.30

Tier I: Board of Directors

Revision Date:

Effective Date:

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I:	Lane Transit District Board of Directors
Tier II:	All (LTD) - All LTD employees, temporary employees; contractors, and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier III:	Multiple Divisions and/or Departments:
Tier IV:	Division or Department:

*\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirements; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.*

**Revision History:**

Revision	Author / Editor	Description
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**Legal References:** ORS Chapter 244; OAR Chapter 199; FTA Circular 4220.1F.

**Related Forms:** Conflict of Interest Acknowledgment and Disclosure Form

**Related Policies:**

**APPROVAL:**

**100.30.1 PURPOSE AND POLICY STATEMENT**

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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Members of the Lane Transit District Board of Directors (the “Board”) are public officials subject to Oregon’s ethics laws governing public officials and, to the extent a project is federally funded, to the ethics rules of the Federal Transit Administration. Board members owe fiduciary duties of loyalty and care to Lane Transit District (“LTD”). This duty requires that Board members comply with and meet all ethical requirements and standards, including the disclosure and avoidance of conflicts of interest, and that they act at all times in the best interest of LTD. The purpose of this Ethics and Conflicts of Interest Policy is to inform the Board about the ethical requirements and standards governing their conduct as Board members.

## **100.30.2**      **APPLICABILITY**

These rules apply to members of the LTD Board of Directors only. LTD shall make this policy available to all LTD employees and members of the LTD Board of Directors.

## **100.30.3**      **GENERAL EXPECTATIONS**

Board members are expected to:

- Know and align with the vision, mission, and values of LTD;
- Attend all board meetings and committee meetings on which they serve unless an emergency or illness arises;
- Read the minutes, resolutions, ordinances, and other supporting materials prior to all board meetings and ask known questions of staff in advance of the meetings;
- Build goodwill for LTD by attending charitable and community-based events as an LTD ambassador, being mindful that as a Board member they represent LTD publicly and should make all efforts to promote a positive image that supports the interests of LTD;
- Learn and observe established procedures in board meetings and display courteous conduct in all public meetings;
- Keep abreast with trends and developments in the public transportation sector;
- Maintain objectivity and exercise fairness, integrity, loyalty, collegiality, and care in the execution of their duties, and,
- Always keep at the forefront their role as Board members, which is to define and focus on the mission of LTD through the development of policies that govern the implementation of the institutional plan and purposes.

## **100.30.4**      **CONFLICTS OF INTEREST**

Board members have an obligation to perform their Board-related duties within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that Board members can seek further clarification when the need arises.

An “**actual conflict of interest**” means any action or any decision or recommendation by a Board member, the effect of which would be to the private pecuniary benefit or detriment of the Board member or their relative or any business with which the Board member or their relative is associated. A “**potential conflict of interest**” means any action or any decision or recommendation by a Board member, the effect of which could be to the private pecuniary benefit or detriment of the Board member or their relative, or a business with which the Board member or their relative is associated. For example,

## LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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a potential conflict would arise when a Board member is voting to approve a construction contract with a general contractor who may subcontract a portion of the work to a company the Board member's brother owns. In that circumstance, the conflict does not exist currently, but it could arise in the future.

For the purpose of this Policy, a “**relative**” includes the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the Board member; the parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the Board member; and any individual for whom the public official or candidate has a legal support obligation.

For purposes of this Policy, a “**business in which the Board member or relative are associated**” or “**associated business**” includes any private business or closely held corporation of which the Board member or their relative is a director, officer, owner, employee, or agent, or of which the Board member or their relative owns or has owned stock, or another form of equity interest, valued at \$1,000 or more at any point in the preceding year; or a publicly held corporation in which the Board member or their relative owns or has owned \$100,000 or more in stock or another form of equity in the preceding calendar year; or a publicly held corporation in which the Board member or their relative is a director or officer.

### **100.30.5**      **PROCEDURE WHEN A CONFLICT ARISES**

- **Actual Conflict.** If a Board member has an actual conflict of interest, they must publicly announce the nature of the conflict. Following the public announcement, they must refrain from further participation in official action on the issue that gave rise to the conflict of interest. This includes not only abstaining from the vote, but also from any discussion or deliberation of the issue leading up to the vote. Under limited circumstances, and only when federal funds are **not** involved, a Board member may be able to vote despite an actual conflict of interest. This exception only applies when all Board members are present for the vote and the number of members who must refrain due to actual conflicts of interest makes it impossible for the Board to take official action.
- **Potential Conflict.** If a Board member is met with a potential conflict of interest, they must publicly announce the nature of the potential conflict before participating in any official action on the issue giving rise to the conflict of interest. Following the public announcement, the Board member may participate in official action on that issue **unless** federal funds are or may be involved. If federal funds are or may be involved, the Board member must refrain from further participation.

### **100.30.6**      **CONFLICTS OF INTEREST WHEN FEDERAL FUNDS MAY BE INVOLVED**

Board members are prohibited from participating in the selection, award, or administration of a contract supported with assistance from the Federal Transit Administration if an actual or potential conflict of interest exists in relation to that contract.

### **100.30.7**      **DISCLOSURE REQUIREMENTS**

All actual and potential conflicts of interest shall be disclosed by Board members to the General Manager through the annual Disclosure Form and to the Board whenever an actual or potential conflict of interest arises. On an annual basis, all Board members shall be provided with a copy of this policy and are required to complete and sign the Acknowledgment and Disclosure Form.

LTD Board members are also required to file with the Oregon Government Ethics Commission a verified statement of economic interest (“SEI”) on or before April 15 of each year. If needed, additional



## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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information regarding the SEI can be obtained from the Clerk of the Board, or from the Oregon Government Ethics Commission.

### **100.30.8      USE OF OFFICE PROHIBITION**

A Board member may not use or attempt to use their official position or office to obtain any financial gain or to avoid a financial detriment for the Board member or their relative, or any associated business of the Board member or relative if the financial gain or avoidance of financial debt would not otherwise be available but for the Board member's holding of their official position. This prohibition does not apply to any part of an official compensation package; the receipt of an honorarium; an unsolicited award for professional achievement; or permitted gifts or items expressly excluded from the definition of "gift."

### **100.30.9      PROHIBITED GIFTS**

A Board member, their relative or any associated business of the Board member or relative may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of Fifty Dollars (\$50.00) from any single source that could reasonably be known to have a legislative or administrative interest. A "legislative or administrative interest" exists when the source has an economic interest distinct from that of the general public in a matter that is our could be subject to the decision or vote of the Board member. For purpose of this section, the term "relative" also includes a member of the Board member's household that would not otherwise qualify under this Policy as a relative.

Prohibited gifts include anything of economic value that is free or discounted and not offered on the same terms to others who are not public officials, their relatives, or associated business. Prohibited gifts do not include gifts from relatives or members of the Board member's household, an unsolicited token or award of appreciation with a resale value less than Twenty-five Dollars (\$25.00); admission provided to or the cost of food or beverage consumed by a Board member or relative accompanying the Board member at a reception, meal, or meeting held by an organization when the Board member is representing LTD; or entertainment provided to a Board member that is incidental to the main purpose of another event.

Under federal law, a personal conflict of interest arises when a Board member solicits or accepts gifts, gratuities, favors, or anything of monetary value from a contractor, potential contractor, or party to a sub-agreement. However, federal law allows the acceptance of gifts where the financial interest is "not substantial" or the gift is an "unsolicited item of intrinsic value." Therefore, by following Oregon's \$50 gift limit, Board members will comply with the requirements under federal law.

### **100.30.10      PROHIBITED FINANCIAL INTERSET IN PUBLIC CONTRACT**

A Board member who ceases to hold a position as a public official may not have a direct beneficial financial interest in a public contract for two years after the date the contract was authorized by the Board member. A contract is "authorized" by a Board member if the Board member performed a significant role in the selection process of a contractor or the execution of the contract. A "significant role" can include recommending approval or signing of the contract, including serving on a selection committee or team or having the final authorizing authority for the contract.

This law is most relevant in the following scenario. A former Board member becomes employed by Company. Company has a public contract with LTD. Board member is prohibited from working on the contract with LTD for two years from the date the contract was authorized.

### **100.30.11      PENALTIES**

## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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The Oregon Government Ethics Commission has jurisdiction to investigate alleged violations of the Oregon Government Ethics Laws. After an investigation, if the Commission finds that a violation has occurred it may impose sanctions against the Board member personally that include a letter of reprimand or civil penalties of up to \$10,000. In addition, any financial gain that a public official realized from a violation of Oregon Government Ethics Laws is subject to a forfeiture of twice the gain.

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**

POLICY TITLE  
Policy Number: 100.10  
Tier I - Organizational

Revision Date:

Effective Date:

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I	All (LTD) - All LTD employees, temporary employees; and contractors and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier II	Mutiple Divisions and/or Departments:
Tier III:	Division or Department :

*\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirement; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.*

**Revision History:**

Revision	Author / Editor	Description
00		

**Legal References:** [ORS Chapter 244](#); [OAR Chapter 199](#); [FTA Circular 4220.1F](#).

**Related Forms:** Conflict of Interest Acknowledgment and Disclosure Form

**Related Policies:**

**APPROVAL:**

**100.10.1. PURPOSE AND POLICY STATEMENT**

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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~~As a member~~Members of the Lane Transit District Board of Directors (the “Board”), ~~I recognize that I~~are public officials subject to Oregon’s ethics laws governing public officials and, to the extent a project is federally funded, to the ethics rules of the Federal Transit Administration. Board members owe a fiduciary ~~duty~~duties of loyalty and care to Lane Transit District (“LTD”). This duty requires ~~me to avoid that~~ Board members comply with and meet all ethical requirements and standards, including the disclosure and avoidance of conflicts of interest, and that they act at all times in the best interest of LTD. The purpose of ~~the~~this Ethics and Conflicts of Interest Policy is to: inform the Board about the ethical requirements and standards governing their conduct as Board members.

## 100.10.2. Assist the GENERAL EXPECTATIONS

Board ~~in understanding the enumerated powers~~members are expected to:

- Know and align with the vision, mission and values of LTD;
- 1. ~~Inform the Board about what constitutes a conflict of interest;~~
  - Assist the BoardAttend all board meetings and committee meetings on which they serve unless an emergency or illness arises;
  - Read the minutes, resolutions, ordinances, and other supporting materials prior to all board meetings and ask known questions of staff in advance of the meetings;
  - Build goodwill for LTD by attending charitable and community-based events as an LTD ambassador, being mindful that as a Board member they represent LTD publicly and should make all efforts to promote a positive image that supports the interests of LTD;
  - Learn and observe established procedures in board meetings and display courteous conduct in all public meetings;
  - Keep abreast with trends and developments in the public transportation sector;
  - Maintain objectivity and exercise fairness, integrity, loyalty, collegiality and care in the execution of their duties, and,
  - Always keep at the forefront their role as Board members, which is to define and focus on the mission of LTD through the development of policies that govern the implementation of the institutional plan and purposes.

## 100.10.3. Conflicts of Interest~~identifying and disclosing~~

Board members have an obligation to perform their Board-related duties within guidelines that prohibit actual and/or potential conflicts; of interest. The purpose of these guidelines is to provide general direction so that Board members can seek further clarification when the need arises.

An “actual conflict of interest” means any action or any decision or recommendation by a Board member, the effect of which would be to the private pecuniary benefit or detriment of the Board member or their relative or any business with which the Board member or their relative is associated. A “potential

## LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

conflict of interest” means any action or any decision or recommendation by a Board member, the effect of which could be to the private pecuniary benefit or detriment of the Board member or their relative, or a business with which the Board member or their relative is associated. For example, a potential conflict would arise when Board member is voting to approve a construction contract with a general contractor who may subcontract a portion of the work to a company the Board member’s brother owns. In that circumstance, the conflict does not exist currently, but it could arise in the future.

For the purpose of this Policy, a “relative” includes the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the Board member; the parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the Board member; and any individual for whom the public official or candidate has a legal support obligation.

For purposes of this Policy, a “business in which the Board member or relative are associated” or “associated business” includes any private business or closely held corporation of which the Board member or their relative is a director, officer, owner, employee, or agent, or of which the Board member or their relative owns or has owned stock, or another form of equity interest, valued at \$1,000 or more at any point in the preceding year; or a publicly held corporation in which the Board member or their relative owns or has owned \$100,000 or more in stock or another form of equity in the preceding calendar year; or a publicly held corporation in which the Board member or their relative is a director or officer.

### Procedure When a Conflict Arises

- Actual Conflict. If a Board member has an actual conflict of interest, they must publicly announce the nature of the conflict. Following the public announcement, they must refrain from further participation in official action on the issue that gave rise to the conflict of interest. This includes not only abstaining from the vote, but also from any discussion or deliberation of the issue leading up to the vote. Under limited circumstances, and only when federal funds are **not** involved, a Board member may be able to vote despite an actual conflict of interest. This exception only applies when all Board members are present for the vote and the number of members who must refrain due to actual conflicts of interest makes it impossible for the Board to take official action.
- 2. Potential Conflict. Inform the Board about the use of office prohibition; and
- 3. Assist the Board in understanding the rules regarding acceptance of gifts.

LTD Board members are public officials and, as such, are subject to Oregon’s Government Ethics Law, found in Oregon Revised Statutes Chapter 244 and Oregon Administrative Rules Chapter 199. For any projects that are federally funded through the Federal Transit Administration (“FTA”), LTD Board members are also subject to the conflict of interest provisions of FTA Circular 4220.1F. Pertinent laws and rules are summarized below.

### The Enumerated Powers of a Mass Transit District

LTD is a mass transit district and a special district. Special districts are created by the Legislature, and thus do not have broad or inherent general powers (like counties and cities). As a mass transit special district, LTD only has those powers enumerated in statute, which generally are:

1. Have and use a seal; sue and be sued;
2. Acquire real or personal property within the District boundaries for the purpose of providing or

## LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

~~operating a mass transit system;~~

- ~~3. Contract for the construction, acquisition, purchase, lease, preservation, improvement, operation or maintenance of any mass transit system;~~
- ~~4. Build, construct, purchase, lease, improve, operate and maintain all improvements, facilities or equipment necessary or desirable for the mass transit system of the District;~~
- ~~5. Enter into contracts and employ agents, engineers, attorneys and other persons;~~
- ~~6. Fix and collect charges for the use of the transit system and other district facilities;~~
- ~~7. Construct, acquire, maintain and operate and lease, rent and dispose of passenger terminal facilities, motor vehicle parking facilities and other facilities for the purpose of encouraging use of the mass transit system within the District;~~
- ~~8. Enter into contracts or intergovernmental agreements to act jointly or in cooperation to provide mass transit services to areas, provided the party contracting to receive the services shall pay to the mass transit district not less than the proportionate share of the cost of the services that the benefits to the contracting party bear to the total benefits of the service;~~
- ~~9. Conduct programs and events and other actions for the purpose of maintaining employee relations;~~
- ~~10. Improve, construct and maintain bridges over navigable streams; and~~
- ~~11. Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a District herein.~~

- If a Board member is met with a potential conflict of interest, they must publicly announce the nature of the potential conflict before participating in any official action on the issue giving rise to the conflict of interest. Following the public announcement, the Board member may participate in official action on that issue **unless** federal funds are or may be involved. If federal funds are or may be involved, the Board member must refrain from further participation.

### **Conflicts of Interest When Federal Funds May Be Involved**

Board members are prohibited from participating in the selection, award, or administration of a contract supported with assistance from the Federal Transit Administration if **an actual or potential** conflict of interest, ~~real or apparent, would be involved.~~ Such a conflict arises when: exists in relation to that contract.

- ~~1. The Board member;~~
- ~~2. Any member of the Board member's immediate family;~~
- ~~3. The Board member's partner; or~~
- ~~4. The Board member's employer or prospective employer~~

## LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

~~has a financial or other interest in the entity awarded a contract with LTD. When a conflict of interest, real or apparent, arises, you are prohibited from participating in the selection, award, or administration of the contract.~~

~~“Immediate family member” is not defined in the FTA Circular, but should be given its common meaning, which likely includes a “spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law.”~~

### ~~Conflicts of Interest~~ Under Oregon Law (Applies All the Time)

~~An **actual/potential** conflict of interest means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **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 a relative of the person is associated.~~

~~“Relative” means the following:~~

- ~~a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official;~~
- ~~b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the **spouse** of the public official; or~~
- ~~c) Any individual for whom the public official has a legal support obligation or provides benefits arising from the public official’s public employment, or from whom the public official receives benefits arising from that individual’s employment.~~

~~“Business with which the person is associated” means the following:~~

- ~~a) Any private business or closely held corporation of which the person or the person’s relative is a director, officer, owner or employee, or agent;~~
- ~~b) Any private business or closely held corporation of which the person or the person’s relative owns or has owned stock, or another form of equity interest, \$1,000 or more at any point in the preceding year; or~~
- ~~c) Any publicly held corporation in which the person or the person’s relative owns or has owned \$100,000 or more in stock or another form of equity interest at any point in the preceding calendar year.~~

### What If I Have a Conflict?

- ~~1. **Potential Conflict.** If you are met with a **potential** conflict of interest, you must publicly announce the nature of the conflict before participating in any official action on the issue giving rise to the conflict of interest. Following the public announcement, you may participate in official action on that issue **unless** federal funds are or may be involved. If federal funds are or may be involved, you must refrain from further participation, even in the instance of a potential or apparent conflict. Even if the Board member’s vote is necessary to meet the minimum number of votes required for official action, the Board member must refrain from participation if federal funds are involved.~~

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

~~2. Actual Conflict. If you are met with an **actual** conflict of interest, you must publicly announce the nature of the conflict. Following the public announcement, you must refrain from further participation in official action on the issue that gave rise to the conflict of interest.~~

~~In very limited circumstances, and only when federal funds are **not** involved, you may be able to vote despite an actual conflict of interest. This exception only applies when a Board member's vote is necessary to meet the minimum number of votes required for official action. In this circumstance, you must make the announcement and refrain from any discussion, but may participate in the vote required for official action by the Board. This provision does not apply in situations where there are insufficient votes because of a member's absence when the Board is convened. Rather, it applies in circumstances when all Board members are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the Board to take official action.~~

~~When there is a conflict between federal law and Oregon law, the stricter standard shall apply.~~

## **Disclosure Requirements**

All actual and potential conflicts of interest shall be disclosed by Board members to the General Manager through the annual Disclosure Form and to the Board whenever an actual or potential conflict of interest arises. On an annual basis, all Board members shall be provided with a copy of this policy and are required to complete and sign the Acknowledgment and Disclosure Form, ~~below~~.

~~Under Oregon law,~~ LTD Board members are also required to file with the Oregon Government Ethics Commission a verified statement of economic interest ("SEI") on or before April 15 of each year. If needed, additional information regarding the SEI can be obtained from the Clerk of the Board, or from the Oregon Government Ethics Commission.

## **100.10.2, 100.10.4. Use of Office Prohibition**

~~Generally, a~~ Board member may not use or attempt to use their official position or office to obtain any financial gain or ~~avoidance of~~ to avoid a financial detriment for the Board member, ~~a or their~~ relative, or ~~member of the household~~ any associated business of the Board member, ~~or any business with which the Board member, or relative or a member of the household is associated,~~ if the financial gain or avoidance of financial debt would not otherwise be available but for the Board member's holding of official position ~~their official position~~. This prohibition does not apply to any part of an official compensation package; the receipt of an honorarium; an unsolicited award for professional achievement; or permitted gifts or items expressly excluded from the definition of "gift."

~~The following are exceptions to the use of office prohibition:~~

- ~~1. Any part of an official compensation package;~~
- ~~2. Receipt of an honorarium;~~
- ~~3. An unsolicited award for professional achievement; and~~
- ~~4. Permitted gifts / items expressly excluded from the definition of "gift."~~

## **100.10.3, 100.10.5. Prohibited Gifts**



# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

~~Under Oregon law, a~~ Board member, ~~or their~~ relative, ~~or a~~ or any associated business of the Board member ~~of your household, or relative~~ may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of ~~\$50~~ Fifty Dollars (\$50.00) from any single source that could reasonably be known to have a legislative or administrative interest. A “legislative or administrative interest” exists when the source has an economic interest distinct from that of the general public in a matter that is our could be subject to the decision or vote of the Board member. For purpose of this section, the term “relative” also includes a member of the Board member’s household that would not otherwise qualify under this Policy as a relative.

- ~~1. What is a “Gift”? A “gift” is something~~ Prohibited gifts include anything of economic value ~~given to a Board member, a relative, or a member of the household that is:~~ (1) is free or discounted; and (2) not offered on the same terms to others who are not public officials, ~~or their~~ relatives or ~~members of a public official’s household.~~
- ~~2. What is NOT a “Gift”? Under Oregon law, and in pertinent part only, the following are excluded from the definition of gift:~~
  - ~~a. Gifts~~ associated business. Prohibited gifts do not include gifts from relatives or members of the Board member’s household;
  - ~~b. An, an~~ unsolicited token or award of appreciation with a resale value less than ~~\$~~ Twenty-five Dollars (\$25;

~~Admission.00); admission~~ provided to or the cost of food or beverage consumed by a Board member, ~~or relative, or member of the household~~ accompanying the Board member at a reception, meal, or meeting held by an organization when the Board member is representing LTD; or entertainment provided to a Board member that is incidental to the main purpose of another event.

- ~~c. Entertainment provided to a Board member, relative, or member of the household that is incidental to the main purpose of another event.~~
- ~~3. Legislative or Administrative Interest. Under Oregon law, the receipt of gifts must be analyzed when the source has a “legislative or administrative interest” in the Board member. A source has a “legislative or administrative” interest in a Board member when the source has:~~
- ~~4.~~
  - ~~a. An economic interest, distinct from that of the general public; and~~
  - ~~b. In any matter that is or would be subject to the decision or vote of a Board member.~~

Under federal law, a personal conflict of interest arises when a Board member solicits or accepts gifts, gratuities, favors or anything of monetary value from a contractor, potential contractor, or party to a sub-agreement. However, federal law allows the acceptance of gifts where the financial interest is “not substantial” or the gift is an “unsolicited item of intrinsic value.” Therefore, by following Oregon’s \$50 gift limit, Board members will comply with the requirements under federal law.

## 100.10.4.100.10.6. Prohibited Financial Interest in Public Contract

~~Under Oregon law, a~~ Board member who ceases to hold a position as a public official may not have a

## LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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~~“direct beneficial financial interest” in a public contract for two years after the date the contract was “authorized.”~~

by the Board member. A contract is “authorized” by a Board member if the Board member performed a significant role in the selection process of a contractor or the execution of the contract. A “significant role” can include recommending approval or signing of the contract, including serving on a selection committee or team, or having the final authorizing authority for the contract.

This law is most relevant in the following scenario. A former Board member becomes employed by Company. Company has a public contract with LTD. Board member is prohibited from working on the contract with LTD for two years from the date the contract was authorized.

### ~~100.10.5, 100.10.7.~~ Penalties

The Oregon Government Ethics Commission has jurisdiction to investigate alleged violations of the Oregon Government Ethics Laws. After an investigation, if the Commission finds that a violation ~~occurs, has occurred~~ it may impose sanctions against the Board member personally that include, ~~but are not limited to, letters a letter~~ of reprimand or civil penalties (of up to \$10,000). ~~Any. In addition, any~~ financial gain that a public official realized from a violation of Oregon Government Ethics Laws is subject to a forfeiture of twice the gain.

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**

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**BOARD PUBLIC  
ENGAGEMENT**  
Policy Number: 100.40  
Tier I: Board of Directors

Revision Date:

Effective Date: August 19, 2020

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I:	Lane Transit District Board of Directors
Tier II:	All (LTD) - All LTD employees, temporary employees; contractors, and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier III:	Multiple Divisions and/or Departments:
Tier IV:	Division or Department:

*\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirements; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.*

**Revision History:**

Revision	Author / Editor	Description
00		

**Legal References:**

**Related Forms:**

**Related Policies:**

**APPROVAL:** Resolution No. 2020-08-19-047

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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## **100.40.1      PURPOSE AND POLICY STATEMENT**

The purpose of this policy is to establish procedures and guidelines for Board member communication with the community, public speaking engagements, and any other public engagement.

## **100.40.2      APPLICABILITY**

This policy applies to members of the Board of Directors only.

## **100.40.3      PUBLIC SPEAKING ENGAGEMENTS**

When speaking for the Board of Directors, Board members' statements shall be consistent with official actions taken by the full Board or Board majority. Individual Board members shall refrain from making commitments on behalf of the entire Board of Directors or LTD.

## **100.40.4      REPRESENTATION AT APPOINTED COMMITTEES**

When serving as a committee member for another governing body as a representative of the LTD Board of Directors, individual Board members shall make reasonable efforts to make statement and vote consistent with the position of the full Board or Board majority.

## **100.40.5      REPRESENTATION AT NON-BOARD-APPOINTED ENGAGEMENTS**

When testifying or making public statements at community events or meetings in which a Board member is not appointed because of his/her role on the LTD Board of Director, the Board members shall identify that statements are not representative of the LTD Board of Directors.

## **100.40.6      STAKEHOLDER ENGAGEMENTS**

Individual Board Members shall have no legal status to act for the Board of Directors outside of a Board meeting unless specifically directed to do so by the Board majority or appointed by the Board president.

## **100.40.7      COMMUNITY COMPLAINT PROCEDURES**

When complaints are sent to the Board of Directors, Board members may respond briefly to the community member to indicate the complaint will be forwarded for official handling. The Board member(s) shall forward the complaint to the Clerk of the Board or General Manager, and may request information related to resolution of each complaint. Board members may take unresolved complaints to the entire Board for consideration.

## **100.40.8      BOARD DECISION REPRESENTATION**

When speaking for the Board of Directors, Board members' statements shall be consistent with official actions taken by the full Board or Board majority.

On matters that the Board of Directors has made an official decision, all Board member communications/statements must coincide with the Board consensus. On matters that are still in deliberation, it is permissible for individual Board members to express their individual opinions.



**RESOLUTION NO. 2020-08-19-047**

**ADOPTION OF THE BOARD PUBLIC ENGAGEMENT POLICY**

**WHEREAS**, the Lane Transit District (“District”) Board of Directors (“Board”) may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, the Board has established a Policy providing procedures for the Board’s engagement with the public;

**WHEREAS**, when speaking for the Board of Directors, Board members’ statements shall be consistent with official actions taken by the full Board or Board majority;

**WHEREAS**, individual Board members shall refrain from making commitments on behalf of the entire Board of Directors or LTD;

**WHEREAS**, when serving as a committee member for another governing body as a representative of the LTD Board of Directors, individual Board members shall make reasonable efforts to make statements and votes consistent with the position of the full Board or Board majority;

**WHEREAS**, when testifying or making public statements at community events or meetings in which a Board member is not appointed because of his/her role on the LTD Board of Director, the Board members shall identify that statements are not representative of the LTD Board of Directors;

**WHEREAS**, individual Board Members shall have no legal status to act for the Board of Directors outside of a Board meeting unless specifically directed to do so by the Board majority or appointed by the Board president;

**WHEREAS**, when complaints are sent to the Board of Directors, Board members may respond briefly to the community member to indicate the complaint will be forwarded for official handling. The Board member(s) shall forward the complaint to the Clerk of the Board or General Manager;

**WHEREAS**, Board members may request information related to the resolution of each complaint;


**WHEREAS**, Board members may take unresolved complaints to the entire Board for consideration; and,

**WHEREAS**, when speaking for the Board of Directors, Board members’ statements shall be consistent with official actions taken by the full Board or Board majority.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

- Adoption of the Board Public Engagement Policy

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 19<sup>th</sup> DAY OF AUGUST, 2020.

  
\_\_\_\_\_  
Carl Yeh (Oct 1, 2020 08:55 PDT)  
Board President, Carl Yeh

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**



**BOARD USE OF  
DISTRICT RESOURCES  
POLICY**

Policy Number: 100.50

Tier I: Board of Directors

Revision Date:

Effective Date: October 22, 2019

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I:	Lane Transit District Board of Directors
Tier II:	All (LTD) - All LTD employees, temporary employees; contractors, and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier III:	Multiple Divisions and/or Departments:
Tier IV:	Division or Department :

*\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirements; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.*

**Revision History:**

Revision	Author / Editor	Description
00		

**Legal References:**

**Related Forms:**

**Related Policies:**

**APPROVAL:** Resolution No. 2019-10-22-058

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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## **100.50.1**      **PURPOSE AND POLICY STATEMENT**

This Board Use of District Resources Policy (the “Policy”) establishes a standard for individual Board members to request the use of District Resources.

## **100.50.2**      **APPLICABILITY**

This Policy applies to members of the Lane Transit District (“LTD”) Board of Directors (the “Board”).

## **100.50.3**      **DEFINITIONS**

- “**Director[s]**” shall mean a member of the Board.
- “**District Resources**” shall mean personnel, material, equipment or assets under the District’s control or ownership.
- “**Financial Impact**” shall mean an expense to the District aside from staff time.

## **100.50.4**      **INCIDENTAL REQUESTS FOR USE OF DISTRICT RESOURCES**

Individual Directors may direct the General Manager to use District Resources to fulfill a Director’s request for information or services, subject to the limitations set forth in Section 5.

## **100.50.5**      **LARGER REQUESTS FOR USE OF DISTRICT RESOURCES**

A Director’s request for the use of District Resources that either exceeds three (3) hours of staff time or has a Financial Impact to the District that exceeds fifty (\$50) dollars shall be submitted to the Board President for inclusion at the next regularly scheduled Board of Directors’ meeting. A Director shall be provided with a sufficient explanation regarding the computation of staff time. Such a larger request as described in this section will be fulfilled upon the affirmative vote of a majority of the Board.

## **100.50.6**      **INFORMATION AND RESOURCES TO THE BOARD OF DIRECTORS**

Any information or resources provided to a Director pursuant to this Policy shall also be provided to the entire LTD Board.



**RESOLUTION NO. 2019-10-22-058**

**ADOPTION OF THE BOARD USE OF DISTRICT RESOURCES POLICY**

**WHEREAS**, the Lane Transit District ("District") Board of Directors ("Board") may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, the Board has established a Policy providing procedures for the Board's use of District resources;

**WHEREAS**, individual Directors may direct the General Manager to use District Resources to fulfill a Director's request for information or services;

**WHEREAS**, larger requests for the use of District Resources that either exceeds three (3) hours of staff time shall be submitted to the Board President for inclusion at the next regularly scheduled Board of Directors' meeting;

**WHEREAS**, larger requests for the use of District Resources that has a Financial Impact to the District that exceeds fifty (\$50) dollars shall be submitted to the Board President for inclusion at the next regularly scheduled Board of Directors' meeting;

**WHEREAS**, financial impact shall mean an expense to the District aside from staff time;

**WHEREAS**, requests meeting the larger request criteria will be fulfilled upon the affirmative vote of a majority of the Board; and,

**WHEREAS**, the requesting Director shall be provided an explanation regarding the computation of staff time.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

Adopt the Board Use of District Resources Policy.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 22<sup>nd</sup> DAY OF OCTOBER, 2019.

A handwritten signature in blue ink that reads 'Carl Yeh'. The signature is written in a cursive, flowing style.

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Board President, Carl Yeh



**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**



**BOARD TRAVEL AND  
EXPENSE  
REIMBURSEMENT**

Policy Number: 100.60

Tier I: Board of Directors

Revision Date:

Effective Date: March 20, 2019

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I:	Lane Transit District Board of Directors
Tier II:	All (LTD) - All LTD employees, temporary employees; contractors, and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier III:	Multiple Divisions and/or Departments:
Tier IV:	Division or Department:

*\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirements; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.*

**Revision History:**

Revision	Author / Editor	Description
01	Camille Gandolfi, Clerk of the Board	Updated rates to coincide with revised ORS 292.495, effective September 25, 2021

**Legal References:** Internal Revenue Service; U.S. General Services Administration  
[www.gsa.gov/perdiem](http://www.gsa.gov/perdiem); ORS 292.495, ORS 171.072

**Related Forms:** Board Expense Report Form

**Related Policies:**

**APPROVAL:** Resolution No. 2019-03-20-015

**100.60.1      PURPOSE AND POLICY STATEMENT**

## LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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The purpose of this policy is to establish per diem payment and expense reimbursement rates and procedures relative to Board-related travel, meetings, and miscellaneous duties for the members of the Board of Directors of Lane Transit District; to define authorizations required to incur such expenses, and to ensure uniform and fair payment of expenses.

### **100.60.2      APPLICABILITY**

This policy applies to members of the Board of Directors only.

### **100.60.3      DEFINITIONS**

- **“Board”** shall mean the Board of Directors of Lane Transit District.
- **“Qualified Director”** shall mean a member of the LTD Board of Directors that is not in full-time public service and has an adjusted gross income for the previous tax year of less than \$50,000, or less than \$100,000 reported on a joint income tax return.
- **“Board Meeting”** shall mean any official meeting of the Board, any committee meeting of the Board, or any meeting related to District Business.
- **“Director[s]”** shall mean a member of the Board.
- **“District”** or **“LTD”** shall mean Lane Transit District.
- **“District Business”** shall mean activities related to the business of LTD or the operation of a mass transit district generally.
- **“Meeting”** shall mean any Board meeting, District meeting, conference, seminar, committee meeting, or gathering related to District Business.
- **“Personal Business”** shall mean activities that are personal in nature and not related to District Business.
- **“Incidental Expense”** shall mean any fee or tip given to a porter, bellhop, skycap, hotel maid, taxicab driver, Uber or Lyft driver, valet, or any similar person.
- **“Travel Documentation”** shall mean any receipt, paid bill, or written document related to an expense, including an email, text, fax, log, or any other digital or written format that provides a record of the expense.

### **100.60.4      PER DIEM PAYMENTS FOR QUALIFIED DIRECTORS**

A Qualified Director shall be paid daily compensation in the amount equal to the per diem paid to members of the Oregon Legislative Assembly for each day or portion thereof during which the member is actually engaged in the performance of official Board duties. The performance of official duties includes attending meetings of the LTD Board and performing any task necessary to fulfill the responsibilities of the board member to the LTD Board. Per diem compensation is in addition to actual travel or other expense reimbursement. A Qualified Director may decline per diem payments in part or whole.

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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## **100.60.5      PER DIEM FOR NON-QUALIFIED DIRECTORS**

Subject to the availability of funds therefore in the budget, all other Directors shall also be paid the per diem described in Section 100.60.4, in accordance with and subject to the same limitations set forth in that Section, including the ability to decline such payment.

## **100.60.6      TRAVEL AUTHORIZATION AND APPROVAL**

### **Out-of-District Travel**

All out-of-district travel for Directors to attend a Meeting at District expense shall be approved by action of the Board, prior to incurring such expense. In unusual or emergency circumstances, if prior Board approval is not possible, the Board President may approve out-of-district travel for Directors. In such unusual or emergency situations, the travel authorization shall be presented to the Board of Directors for ratification at its next scheduled Board meeting. If a Director is assigned to a committee, then attendance at those committee meetings shall not require prior approval of the Board. For periodic out-of-District Meetings, which occur several times per year, the Board may approve attendance at such Meetings annually. It is recommended that the Clerk of the Board keep authorizations on file.

### **In-District Travel**

Each Director is authorized to travel at District expense within the District, when, in their judgment, such travel is required for District Business. Other than the payments described in Section 100.60.4, expenses for meals and lodging are not reimbursable for in-district travel. Directors are entitled to receive reimbursement for other actual, reasonable, and necessary expenses incurred in the performance of District Business (e.g. personal vehicle mileage reimbursement, parking fees, payment for a substitute up to a maximum of \$25.00, etc.).

## **100.60.7      PERSONAL EXPENSES**

The District shall not reimburse for any travel expenses primarily associated with Personal Business. If a Director attends a Meeting for which travel reimbursement is claimed that also includes Personal Business, the Director shall only seek reimbursement for the expenses associated with District Business.

## **100.60.8      ADVANCE PAYMENT AND REIMBURSEMENT FOR OUT-OF- DISTRICT TRAVEL**

### **Meals and Incidental Expenses**

All Directors shall receive an advance payment of the per diem rate set forth in Section 100.60.4 for meal and incidental expenses when traveling out-of-district for District Business. After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses are reasonable and exceed the advanced per diem amount,, then the District shall reimburse the difference. All such invoices shall be paid promptly but in no event later than the end of the fiscal year. Incidental Expense is reimbursable if reasonable and documented. Expenditures for alcohol shall not be reimbursed.

### **Lodging**

Directors shall receive advance payment or reimbursement for actual, reasonable, and necessary out-of-district lodging expenses incurred in the performance of District Business in accordance with Section

## **LANE TRANSIT DISTRICT POLICIES AND GUIDELINES**

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100.60.10. All efforts should be made to obtain reasonable lodging rates as appropriate for the nature of the District Business. The reasonableness of a lodging rate shall be determined in consultation with federal lodging per diem established by the Internal Revenue Service (IRS) and the U.S. General Services Administration (GSA), published by the United States Government, at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly but in no event later than the end of the fiscal year. Incidental Expense is reimbursable if reasonable and documented.

### **100.60.9      TRANSPORTATION EXPENSES**

#### **Airfare**

Airfare shall be reimbursed based on the value of the applicable round-trip coach airfare from EUG to the proposed destination.

#### **Use of Rented Vehicle**

Except as otherwise provided by law, Directors shall be reimbursed for actual, reasonable, and necessary out-of-district rented vehicle expenses incurred in the performance of District Business.

#### **Private Vehicle Mileage Reimbursement**

Directors shall receive actual, reasonable, and necessary private vehicle mileage reimbursement (in-district or out-of-district) incurred in the performance of District Business. Directors shall maintain a log, kept contemporaneously, which lists the date, purpose of travel, and the number of miles driven for District Business. The Director shall submit the log to the Clerk of the Board for reimbursement. Directors will be reimbursed based on the Internal Revenue Service *Business Standard Mileage Rate*. Parking fees and tolls will be reimbursed at their actual cost.

### **100.60.10      BOOKING TRAVEL**

The Board is encouraged to use the Clerk of the Board to arrange for the booking of all out-of-District travel and lodging. The District shall advance the cost of such travel and lodging booked by the Clerk. However, Directors are allowed to book their own travel and seek reimbursement therefore upon the presentation of all appropriate receipts, but will only be reimbursed at the standard or economy rate, similar to what other Directors or employees going to the same Meeting paid for similar arrangements. All properly supported invoices for reimbursement shall be paid promptly but in no event later than the end of the fiscal year. Incidental Expenses are reimbursable if reasonable and documented.

### **100.60.11      TRAVEL DOCUMENTATION**

#### **Record of Expenses and Revenues**

The District shall maintain a record all travel expenses paid by the District in its financial records.

**LANE TRANSIT DISTRICT  
POLICIES AND GUIDELINES**



BOARD TRAVEL AND  
EXPENSE  
REIMBURSEMENT  
Policy Number: 100.60  
Tier I: Board of Directors

Revision Date:

Effective Date: March 20, 2019

File Location / Name:

**Scope:**

Tier *	Affected Divisions / Departments/ Groups
Tier I:	Lane Transit District Board of Directors
Tier II:	All (LTD) - All LTD employees, temporary employees; contractors, and vendors.
	All Administrative Employees.
	All ATU Employees.
Tier III:	Multiple Divisions and/or Departments:
Tier IV:	Division or Department:

\* Tier – Tier I operational policies are organizationally supported, governed, and enforced; Tier II standards and procedures are developed, governed, and enforced between specific divisions/departments and must adhere to Tier I requirements; Tier III methods and instructions are developed, governed, and enforced within divisions/departments, but must adhere to Tier I and II requirements.

**Revision History:**

Revision	Author / Editor	Description
01	Camille Gandolfi, Clerk of the Board	Updated rates to coincide with <a href="#">HB2992 revised ORS 292.495, effective September 25, 2021</a>

**Legal References:** Internal Revenue Service; U.S. General Services Administration

[www.gsa.gov/perdiem;HB2992](http://www.gsa.gov/perdiem;HB2992)

;; [ORS 292.495](#), [ORS 171.072](#)

**Related Forms:** Board Expense Report Form

**Related Policies:**

**APPROVAL:** Resolution No. 2019-03-20-015

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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## 100.60.1 PURPOSE AND POLICY STATEMENT

The purpose of this policy is to establish [per diem payment and expense reimbursement rates and procedures relative to Board-related travel, meetings, and miscellaneous expense reimbursement duties](#) for the members of the Board of Directors of Lane Transit District ~~in the performance of their duties~~; to define authorizations required to incur such expenses, and to ensure uniform and fair payment of expenses.

## 100.60.2 APPLICABILITY

This policy applies to members of the Board of Directors only.

## 100.60.3 DEFINITIONS

- **“Board”** shall mean the Board of Directors of Lane Transit District.
- [“Qualified Director” shall mean a member of the LTD Board of Directors that is not in full-time public service and has an adjusted gross income for the previous tax year of less than \\$50,000, or less than \\$100,000 reported on a joint income tax return.](#)
- **“Board Meeting”** shall mean any official meeting of the Board, any committee meeting of the Board, or any meeting related to District Business.
- **“Director[s]”** shall mean a member of the Board.
- **“District”** or **“LTD”** shall mean Lane Transit District.
- **“District Business”** shall mean activities related to the business of LTD or the operation of a mass transit district generally.
- **“Meeting”** shall mean any Board meeting, District meeting, conference, seminar, committee meeting, or gathering related to District Business.
- **“Personal Business”** shall mean activities that are personal in nature and not related to District Business.
- **“Incidental Expense”** shall mean any fee or tip given to a porter, bellhop, skycap, hotel maid, taxicab driver, Uber or Lyft driver, valet, or any similar person.
- **“Travel Documentation”** shall mean any receipt, paid bill, or written document related to an expense, including an email, text, fax, log, or any other digital or written format that provides a record of the expense.

## 100.60.4 PER DIEM PAYMENTS FOR QUALIFIED DIRECTORS

[A Qualified Director shall be paid daily compensation in the amount equal to the per diem paid to members of the Oregon Legislative Assembly for each day or portion thereof during which the member is actually engaged in the performance of official Board duties. The performance of official duties includes attending meetings of the LTD Board and performing any task necessary to fulfill the responsibilities of the board member to the LTD Board. Per diem compensation is in addition to actual](#)

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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[travel or other expense reimbursement. A Qualified Director may decline per diem payments in part or whole.](#)

## 100.60.5 PER DIEM FOR NON-QUALIFIED DIRECTORS

[Subject to the availability of funds therefore in the budget, all other Directors shall also be paid the per diem described in Section 100.60.4, in accordance with and subject to the same limitations set forth in that Section, including the ability to decline such payment.](#)

## ~~100.60.4~~ 100.60.6 TRAVEL AUTHORIZATION AND APPROVAL

### Out-of-District Travel

All out-of-district travel for Directors to attend a Meeting at District expense shall be approved by action of the Board, prior to incurring such expense. In unusual or emergency circumstances, if prior Board approval is not possible, the Board President may approve out-of-district travel for Directors. In such unusual or emergency situations, the travel authorization shall be presented to the Board of Directors for ratification at its next scheduled Board meeting. If a Director is assigned to a committee, then attendance at those committee meetings shall not require prior approval of the Board. For periodic out-of-District Meetings, which occur several times per year, the Board may approve attendance at such Meetings annually. It is recommended that the Clerk of the Board keep authorizations on file.

### In-District Travel

Each Director is authorized to travel at District expense, within the District, when, in [his/her/their](#) judgment, such travel is required for District Business. ~~Expenses~~[Other than the payments described in Section 100.60.4, expenses](#) for ~~Personal Business,~~ meals, and lodging are not reimbursable for in-district travel. ~~Directors are entitled to receive reimbursement for~~ [other](#) actual, reasonable, and necessary expenses incurred in the performance of District Business (e.g. personal vehicle mileage reimbursement, parking fees, ~~etc.~~)[.payment for a substitute up to a maximum of \\$25.00, etc.\).](#)

## ~~100.60.5~~ 100.60.7 PERSONAL EXPENSES

The District shall not reimburse for any travel [expenses primarily](#) associated with Personal Business. If a Director attends a Meeting for which [travel](#) reimbursement is claimed that also includes Personal Business, the Director shall only seek reimbursement for the expenses associated with District Business.

## ~~100.60.6~~ MEALS

## 100.60.8 Advancement for ADVANCE PAYMENT AND REIMBURSEMENT FOR OUT-OF-DISTRICT TRAVEL

### Meals and Incidental Expenses

[All Directors shall receive an advance payment of the per diem rate set forth in Section 100.60.4 for meal and incidental expenses when traveling out-of-district for District Business. After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses are reasonable and exceed the advanced per diem amount,, then the District shall reimburse the difference. All such invoices shall be paid promptly but in no event later than the end of the fiscal year. Incidental Expense is reimbursable if reasonable and documented.Expenditures for](#)

# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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alcohol shall not be reimbursed.

## Lodging

Directors shall receive advance payment or reimbursement for actual, reasonable, and necessary out-of-district lodging expenses incurred in the performance of District Business in accordance with Section 100.60.10. All efforts should be made to obtain reasonable lodging rates as appropriate for the nature of the District Business. Unless a Director requests otherwise, the District shall advance money to a Director for out-of-district meal and incidental expenses at a rate equal to the maximum federal per diem and incidental expenses rate. The reasonableness of a lodging rate shall be determined in consultation with federal lodging per diem established by the Internal Revenue Service (IRS) and the U.S. General Services Administration (GSA) for travel within the continental United States, outside the continental United States, and foreign rates as published by the United States Government, or \$50 per day if the rate is unpublished. Per diem rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). Advancements for the first and last day actual out-of-district travel shall be based on the Meals and Incidental Expenses (M&IE) Breakdown as published on the GSA website at the rate published for the First and Last Day of Travel.

After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. ~~If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly but in no event later than the end of the fiscal year. Incidental Expense is reimbursable if reasonable and documented. Expenditures for alcohol shall not be reimbursed.~~

## 100.60.7 — LODGING

### Commercial Lodging Expenses

~~Directors are entitled to receive reimbursement for actual, reasonable, and necessary out-of-district lodging expenses incurred in the performance of District Business. All efforts should be made to obtain reasonable lodging rates as appropriate for the nature of the District Business. Unless a Director requests otherwise, the District shall advance money to a Director for out-of-district lodging equal to the maximum federal per diem established by the Internal Revenue Service (IRS) and the U.S. General Services Administration (GSA) for travel within the continental United States, outside the continental United States, and foreign rates as published by the United States Government, or \$200 per day if the rate is unpublished. Per diem rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).~~

~~After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such invoices shall be paid promptly but in no event later than the end of the fiscal year. Incidental Expense is reimbursable if reasonable and documented.~~

## 100.60.8-100.60.9 TRANSPORTATION EXPENSES

### Airfare

Airfare shall be reimbursed based on the value of the applicable round-trip coach airfare from EUG to the proposed destination.



# LANE TRANSIT DISTRICT POLICIES AND GUIDELINES

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## Use of Rented Vehicle

Except as otherwise provided by law, Directors ~~are entitled to receive reimbursements~~ shall be reimbursed for actual, reasonable, and necessary out-of-district rented vehicle expenses incurred in the performance of District Business.

## Private Vehicle Mileage Reimbursement

Directors ~~are entitled to~~ shall receive ~~reimbursement for~~ actual, reasonable, and necessary private vehicle mileage reimbursement (in-district or out-of-district) incurred in the performance of District Business. Directors shall maintain a log, kept contemporaneously, which lists the date, purpose of travel, and the number of miles driven for District Business. ~~The Director shall submit the log to the Clerk of the Board for reimbursement. Directors will be reimbursed~~ based based on the Internal Revenue Service *Business Standard Mileage Rate*. Parking fees and tolls ~~may~~ will be reimbursed, ~~in addition to the Standard Mileage Rate at their actual cost.~~

## ~~100.60.9~~ 100.60.10 BOOKING TRAVEL

The Board is encouraged to use the Clerk of the Board to arrange for the booking of all out-of-District travel and lodging. The District shall advance the cost of such travel and lodging. ~~booked by the Clerk.~~ However, Directors are allowed to book their own travel and seek reimbursement therefore upon the presentation of all appropriate receipts, but will only be reimbursed at the standard or economy rate, similar to what other Directors or employees going to the same Meeting paid for similar arrangements. ~~After travel, the Director shall submit to the Clerk of the Board Travel Documentation of the actual expenses. If the actual expenses exceed the advancement, then the District shall reimburse the difference. If the actual expenses are less than the advancement, then the District shall invoice the Director for the difference. All such properly supported invoices for reimbursement shall be paid promptly but in no event later than the end of the fiscal year. Incidental Expense is~~ Expenses are reimbursable if reasonable and documented.

## ~~100.60.10~~ 100.60.11 TRAVEL DOCUMENTATION

### Record of Expenses and Revenues

The District shall maintain a record all travel expenses paid by the District in its financial records.



**RESOLUTION NO. 2019-03-20-015**

**ADOPTION OF THE BOARD TRAVEL AND REIMBURSEMENT POLICY**

**WHEREAS**, the LTD Board of Directors may create bylaws and policies and do such other acts or things as may be necessary or convenient for the proper exercise of powers granted to them as the governance of a mass transit district;

**WHEREAS**, at the November 2018 Board of Directors' meeting, the Board requested the drafting of a Board Travel and Expense Reimbursement Policy;

**WHEREAS**, the Board of Directors provided input on the draft Board Travel and Expense Reimbursement Policy at the January and February 2019 Board of Directors' meeting; and

**WHEREAS**, the Board Travel and Expense Reimbursement Policy included in the March Board of Directors' meeting packet reflects the Board's input.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Transit District Board of Directors passes a Resolution as follows:

Adopt the Board Travel and Reimbursement Policy effective retroactively to June 30, 2018.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 20<sup>th</sup> DAY OF MARCH, 2019.

A handwritten signature in cursive script that reads 'Carl Yeh'.

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Board President, Carl Yeh

## ORDINANCE NO. 52

### AN ORDINANCE PROVIDING RULES FOR MEETINGS OF THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS, AND AMENDING AND RESTATING ORDINANCE NO. 45.

WHEREAS Lane Transit District is reorganizing and updating its Board governance procedures:

BE IT ENACTED BY LANE TRANSIT DISTRICT:

Lane Transit District Ordinance No. 45 is amended and restated in its entirety to read as follows:

#### **Section 1. Meetings to Be Public**

In accordance with Public Meetings Law, all meetings of the Board of Directors shall be open to the public and all persons, unless otherwise excluded, shall be permitted to attend, except that the public may be excluded from executive sessions.

Although the Public Meetings Law guarantees the public the right to attend all public meetings, it does not provide the public the right to participate. LTD has historically allowed public participation at regular monthly Board meetings upon recognition by the president. Public testimony will typically be limited to three (3) minute increments, but it is adjustable at the discretion of the president.

#### **Section 2. Regular Meetings**

**a. *Time***

The Board of Directors shall hold regular monthly meetings at the time and day as designated by the Board Resolution Setting Time and Day for Regular Monthly Board Meetings. When the day fixed for any regular meeting falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same time on the next succeeding day not a holiday, or as otherwise directed by the Board.

**b. *Place***

Regular meetings shall be held in the Board Room at the District's Glenwood-area facility, or at such other location as the Board of Directors may specify from time to time and cause to be included in the notice of meeting.

**c. *Notice***

Public notice shall be given, reasonably calculated to give actual notice, to interested persons of the time and place for holding regular meetings. The notice also shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the Board of Directors to consider additional subjects.

### **Section 3. Adjourned or Canceled Meetings**

Meetings may be adjourned to a specific time and place before the day of the next regular meeting. A meeting may be adjourned by the vote of the majority of the members present, even in the absence of a quorum.

Meetings may be canceled. In the event a meeting is canceled, a notice of cancelation of meeting shall be posted on the Lane Transit District website as soon as is reasonably possible.

### **Section 4. Special Meetings**

#### ***a. Call***

The president of the Board or a majority of the directors may call special meetings.

#### ***b. Notice***

At least 24 hours' notice of special meetings shall be given to the directors, the news media which have requested notice, and the general public. The notice shall state the time, place, and purpose of the meeting.

### **Section 5. Emergency Meetings**

#### ***a. Call***

The president of the Board or a majority of the directors may call emergency meetings.

#### ***b. Notice***

In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances both to the directors and to the public. The minutes and/or recording for such a meeting shall describe the emergency justifying less than 24 hours' notice. The notice shall state the time, place, and purpose of the meeting.

### **Section 6. Executive Sessions**

The Board of Directors may hold executive sessions during a regular, special, or emergency meeting after the presiding officer has identified the specific provision of the Public Meetings Law that authorizes the executive session.

If an executive session only will be held, notice shall be given to the members of the Board of Directors and to the general public, stating the specific provision of law authorizing the executive session.

### **Section 7. Telephone or Other Electronic Communication**

Any meeting of the Board of Directors, including an executive session, may be held through the use of telephone or other electronic communication, provided it is conducted in accordance with Public Meetings Law and with this ordinance. When telephone or other

electronic means of communication is used and the meeting is not in executive session, the Board of Directors shall make available to the public a place where the public can listen to the communication at the time it occurs. The place provided may be a place where no Board member is present, but said place shall be located within the geographic boundaries of the District.

### **Section 8. Place of Meetings**

All meetings shall be held within the geographic boundaries of the District, and shall be in a place accessible to persons with disabilities. A meeting of the Board of Directors that is held through the use of telephone or other electronic communication shall be deemed held within the geographic boundaries of the District if the place provided for the public to listen to the communication is located within the geographic boundaries of the District. Training sessions may be held outside the geographic boundaries of the District as long as no deliberations towards a decision are involved.

### **Section 9. Conduct of Meetings**

#### ***a. Presiding Officer***

The president, and in the president's absence, the vice president; and in the absence of both, a director selected by the directors present to act as president pro tem, shall preside at meetings of the District directors.

The presiding officer shall be entitled to vote on all matters and may make and second motions and participate in discussion and debate.

#### ***b. Minutes***

The secretary, or a person so designated by the secretary or Board of Directors, shall keep a sound, video or digital recording or prepare written minutes of the District Board meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

1. All members of the Board of Directors who are present at the meeting;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The substance of any discussion on any matter; and
4. Subject to Public Records Law, a reference to any document discussed at the meeting.

If written minutes are kept for a regular meeting, minutes of executive sessions shall be kept the same as the minutes of regular meetings, except that instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording which need not be transcribed unless

otherwise required by law. Material, the disclosure of which is inconsistent with the purpose for which an executive session is authorized to be held, may be excluded from disclosure unless otherwise ordered by the court in any legal action.

The approved written minutes, or the sound, video, or digital recording shall be considered the official record of the Board meeting and shall be retained by the Clerk of the Board in accordance with the Public Meetings Law and Oregon Administrative Rules regarding document retention.

**c. Quorum**

A quorum of Board members is a majority of the Board members, even if a position is vacant or a director is absent. Therefore, four (of seven) Board members are required for a quorum. A quorum is required to hold a public meeting.

**d. Rules**

Roberts' Rules of Order shall be the parliamentary procedure for meetings of the District Board, except when a specific rule is provided by statute or this ordinance, or by a resolution of this Board.

**e. Matters to be considered**

1. At regular meetings and adjourned sessions of regular meetings, the Board of Directors can consider any matters that they desire to consider, whether in the published agenda or not, except that an ordinance can be considered only at a regular meeting or an adjourned session of a regular meeting if consideration of that ordinance appeared in the published agenda for the regular meeting.
2. At special meetings, only those matters that were specified in the notice of the meeting shall be considered.
3. At emergency meetings, only the emergency matters shall be considered.
4. No final action may be taken in executive session; however, a consensus of the Board may be determined.

**Section 10. Notices**

**a. Notices to Directors**

Notice to directors shall be deemed given when sent, via e-mail, to the director's LTD email address.

**b. Public Notice**

All public notices shall be given in one or more newspapers of general circulation within the District, published on the District's website, and in such other and additional manner as the Board of Directors shall from time to time direct.

**c. News Media**

Notice of all meetings must be given to news media which have requested notice.

## **Section 11. Ordinances**

### ***a. Publication of Agenda***

1. Except in an emergency, an ordinance shall not be considered or voted upon by the 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 ordinance to be considered at the meeting; and state that copies of the ordinance are available at the office of the District.
2. The presiding officer shall cause the agenda to be published not more than ten days nor less than four days before the meeting, in one or more newspapers of general circulation within the District.

### ***b. Adoption***

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. If the ordinance as initially read is substantially amended prior to adoption, it shall be read as amended during regular meetings of the District Board on two different days at least six days apart, the first of which may be the meeting at which it is amended.

1. The reading of an ordinance shall be full and distinct unless at the meeting:
  - 1.1. A copy of the ordinance is available for each person who desires a copy; and
  - 1.2. 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, special, or emergency 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. No emergency ordinance shall be adopted imposing an income tax nor changing the boundaries of the District.

### ***c. Signing and Filing***

1. Within seven days after adoption of an ordinance, the enrolled ordinance shall be:

- 1.1. Signed by the presiding officer;
- 1.2. Attested by the person who served as recording secretary of the District Board at the session at which the Board adopted the ordinance; and
- 1.3. 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 in one or more newspapers of general circulation within the District. The notice shall:
  - 3.1. Briefly describe the ordinance;
  - 3.2. State the date when the ordinance was adopted and the effective date of the ordinance; and
  - 3.3. 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.

**d. *Effective Date***

1. Except as provided by subsection 2 of this section, an ordinance shall take effect on the 30<sup>th</sup> day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the voters 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.

**e. *Petition to Adopt, Amend, or Repeal an Ordinance***

Any interested person who is a landowner within the District or an elector registered in the District may petition the Board of Directors 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.

**Section 12. Resolutions and Motions**

- a.** All matters, other than legislation coming before the District Board and requiring Board action, shall be handled by resolution or motion. A motion approved by the vote of the majority of all Board members shall have the same force and effect as a resolution.
- b.** The affirmative vote of a majority of all Board members (four of seven) is required to pass a motion. Even if only five members attend the meeting, four must vote affirmatively to pass the motion.



**Section 13. Officers**

The Board shall choose from among its members, by majority vote of the members, a president, vice president, treasurer, and secretary to serve for terms of two years. Terms of office shall begin on the first day of January and end on the last day of December in even-numbered years. In case of a vacancy in any office other than by expiration of the officer's term, the vacancy shall be filled by election by the Board of Directors when the need arises and the newly-elected officer shall take office immediately upon the occurrence of such vacancy to fill the balance of the unexpired term.

**Section 14. Committees**

The president, on the president's own motion, or the directors by majority vote, may appoint committees to make investigations, to study problems, and to make recommendations to the Board of Directors. A committee that reports directly to the Board is a "Board subcommittee" or a "community advisory committee." Board subcommittees only include directors. Community advisory committees may include persons who are not directors. The appointment shall include a designation of a president of the committee. All provisions of this ordinance shall apply to committees and their meetings to the extent relevant, substituting "committee" for "Board of Directors," and "committee members" for "directors."

Two or more committees may meet jointly so long as a quorum of the Board of Directors is not present, unless the required notice for a Board meeting has been given. Although two or more committees may meet jointly, separate minutes or recordings and separate votes must be taken for each committee.

**Section 15. General Manager**

The general manager shall attend all Board meetings and may participate in such meetings, but has no vote. The Board of Directors may appoint a general manager pro tempore during the absence or disability of the general manager.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
President and Presiding Officer

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Recording Secretary

LANE TRANSIT DISTRICT

ORDINANCE NO. 30

An Ordinance making the Board of Directors of the Lane Transit District (LTD) the local contract review board for LTD and declaring an emergency.

The Board of Directors of the Lane Transit District (LTD) ordains as follows:

Section 1. Findings.

a. LTD is authorized by ORS 279.055, as amended by Chapter 690, Oregon Laws 1983 (Enrolled Senate Bill 190), to create its governing body as a local contract review board for LTD, and to prescribe the manner in which the local contract review board may adopt rules.

b. The immediate establishment of a functioning local contact review board for LTD is essential for the effective provision of a mass transit system.

Section 2. Contract Review Board.

a. The LTD Board of Directors is made the local contract review board for LTD, which shall be called the LTD Contract Review Board (LTD/CRB).

b. The LTD Board of Directors, acting as the LTD Contract Review Board, may adopt rules by resolution.

Section 3. Emergency.

The Board of Directors finds that this ordinance is necessary for efficient operation of the District, and that this ordinance is necessary for the immediate preservation of the public health, order and safety and that therefore immediate enactment of this ordinance is required.

An emergency is declared and this ordinance takes effect upon adoption in order that the LTD/CRB may immediately adopt operating rules to allow it to function.

Adopted: June 18, 1985

  
\_\_\_\_\_  
Janet Calvert, President

ATTEST:

  
\_\_\_\_\_  
Recording Secretary

CERTIFICATION

The undersigned duly qualified and acting Executive Secretary of the Lane Transit District certifies that the foregoing is a true and correct copy of an ordinance adopted at a legally convened meeting of the Board of Directors held on June 18, 1985.

*J. E. Sullivan*

\_\_\_\_\_  
Signature of Recording Officer

Executive Secretary

\_\_\_\_\_  
Title of Recording Officer

June 19, 1985

\_\_\_\_\_  
Date

03  
LTD RESOLUTION NO. 2018-02-17-006  
CMB

**DESIGNATING GENERAL MANAGER PRO TEMPORE**

WHEREAS, ORS Chapter 267.145 (2) allows the LTD Board of Directors to designate a general manager pro tempore during the absence or disability of the general manager; and

WHEREAS, the official business of the District must continue during such times when the general manager may be absent or disabled;

NOW, THEREFORE, BE IT RESOLVED that the LTD Board of Directors appoints the assistant general manager to serve as the general manager pro tempore for LTD during the absence or disability of the general manager.

For planned absences, the general manager will provide notice to the LTD Board and staff that the designation of general manager pro tempore will be in effect for a specific period. For unforeseen or emergency absences of the general manager, the designation will take effect without prior notice. In the event that the general manager and general manager pro tempore are unavailable for a certain period, the Board authorizes the general manager to designate another general manager pro tempore.

This appointment shall remain in effect until the LTD Board appoints a new general manager pro tempore.

March 21, 2018

Date

  
President, LTD Board of Directors



**LTD RESOLUTION NO. 2021-09-15-048**  
**A RESOLUTION AMENDING THE PUBLIC CONTRACTING PROCEDURES AND OTHER**  
**RELATED PROCUREMENT POLICIES**

**WHEREAS**, the Lane Transit District (“LTD” or “District”) Board of Directors (“Board”) acts as the LTD Contract Review Board;

**WHEREAS**, the Board, acting as the LTD Contract Review Board, may adopt rules by Resolution;

**WHEREAS**, the LTD Contract Review Board previously adopted the Oregon Model Rules, Division 46, 47, 48, and 49, adopted by the Attorney General under Oregon Revised Statutes (“ORS”) 279A, 279B, and 279C, as they may be amended from time to time, as LTD’s Public Contracting Rules;

**WHEREAS**, in 2018, the federal government through the Office of Management and Budget (OMB) increased the Simplified Acquisition Threshold from \$150,000 to \$250,000;

**WHEREAS**, in 2020, the state of Oregon through the Oregon Revised Statutes (ORS) increased their small purchase threshold to \$250,000;

**WHEREAS**, this change will improve efficiencies at LTD while continuing to maintain adequate financial controls; and

**WHEREAS**, adoption of this resolution would supersede Resolution 2017-03-15-011.

**NOW, THEREFORE, BE IT RESOLVED** that the LTD Board of Directors, acting as the LTD Contract Review Board, passes a Resolution as follows:

1. Levels of Contracting Authority. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate and execute procurements and contracts which do not exceed \$249,999.
2. Routine Annual Procurements. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate, and execute routine annual procurements and contracts, regardless of amount, for operational goods and services including but not limited to diesel, fuel, gasoline, engine oil and lubricants, tires, bus batteries, bus and facilities parts, printing, proprietary software, and facilities maintenance.
3. Contract Amendments and Change Orders. For those contracts authorized by the LTD Board of Directors, the LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute contract amendments and change orders as may be necessary. Individual or cumulative contract amendments and change orders cannot exceed ten-percent (10%) of the initial contract without General Manager’s prior approval, provided the change order and initial contract amount combined does not exceed \$249,999.
4. Contract Documents. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute all contract documents including purchase orders, blanket purchase orders, contracts, contract amendments, and change orders after any necessary authorization by the Board of Directors.
5. Sole Source. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve all sole source contracts up to \$249,999, provided sufficient and justified determination has been provided and approved by the General Manager or designee.
6. Budget and Policies. All authority delegated herein shall be exercised consistent with the adopted LTD budget and established policies and approved projects of LTD.

7. Intergovernmental Agreements. Subject to the limits set forth in Paragraphs 1 and 2, Intergovernmental Agreements shall be presented to the Board of Directors prior to entering into. "Intergovernmental Agreements" shall include any contract between governmental entities that is not a Real Property Agreement.
8. Real Property Agreements. Real Property Agreements shall be presented to the Board of Directors prior to entering into. "Real Property Agreements" shall include:
  - a. Agreements for the sale or purchase of real property;
  - b. Agreements for the granting of an easement or other encumbrance on real property; and
  - c. Lease agreements that exceed those limits set forth in Paragraphs 1 and 2, or that have a lease term of ten years or more.
9. Levels of Review for Non-Standard Procurements. The Procurement Manager and General Manager must approve, in writing, any non-standard procurement before it is solicited and/or published. "Non-standard procurement" is intended to include procurements other than Invitations for Bid and Requests for Proposals solicited using full and open competition. Micro-purchases and small procurements shall be excluded from this definition of "non-standard procurements."
10. Contracting Actions Requiring Board Authorization. For those contracts authorized by the LTD Board of Directors, the Board shall do the following concurrent with contract award:
  - a. Identify the "Project Closeout Team" for the project, such team being responsible for ensuring project milestones (substantial completion, final completion, acceptance) are met in accordance with the contract terms;
  - b. Authorize the payment plan for the contract; and
  - c. Identify the reporting, if any, the Board expects to receive on the project.
11. Delegated Authority Report. A report regarding the General Manager's delegated authority, pursuant to Paragraphs 1 and 2 of this Resolution, shall be presented to the Board of Directors at its monthly meeting in the form of a report in a format satisfactory to the Board. The report shall include all routine annual procurements that exceed \$10,000 and all other contracting actions that exceed \$10,000 but are below \$249,999. The report will be approved by the Board in the consent agenda portion of its meeting.
12. Delegation. The General Manager may delegate in writing any of the authorities granted under this Resolution; provided, however, any such authority delegated to staff shall not exceed the authority delegated herein to the General Manager.
13. Liquidated and Delinquent Debt. Additional language to include LTD's requirement, as part of an evaluation on a bid or proposal, to determine if the bidder or proposer owes a liquidated and delinquent debt to the State of Oregon.
14. Retainage. Clarify that LTD may retain amounts from progress payments for Public Improvement Projects.
15. Other. Other minor changes consistent with applicable authorities, as set forth in the ORS, OAR, and FTA C.4220.1F.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 15<sup>th</sup> DAY OF September, 2021.

*Caitlin Vargas*

Caitlin Vargas (Sep 20, 2021 21:14 PDT)

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Board President, Caitlin Vargas