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FIFTH AMENDED ORDINANCE NO. 1

FEB 27 1990

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County Clerk  
For Lane County, Oregon  
BY *[Signature]* CEF/v

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FIFTH AMENDED ORDINANCE NO. 1

AN ORDINANCE PROVIDING RULES FOR MEETINGS  
OF LANE COUNTY MASS TRANSIT DISTRICT

The board of directors of Lane County Mass Transit District does hereby ordain that Ordinance No. 1 of said district is hereby amended so as to read as follows:

Section 1. Meetings to Be Public.

All meetings of the board of directors shall be open to the public and all persons shall be permitted to attend except that the public may be excluded from executive sessions.

Section 2. Regular Meetings.

a. Time. The board of directors shall hold regular monthly meetings on the third Tuesday of each month at 7:30 p.m. 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.

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 by Resolution 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 shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the board of directors to consider additional subjects. Provided, however, that if any ordinance is to be considered or voted upon at the meeting, in such event, the notice shall comply with the provisions of Section 10.

Section 3. Adjourned 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.

Section 4. Special Meetings.

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

b. Notice. Five days written notice of special meetings shall be given to each director not joining in the call of the meeting, specifying the time, place and purpose of the meeting. At least 24 hours notice of special meetings shall be given to the public.

#### 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, but the minutes 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.

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. No quorum of the board of directors shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided in this ordinance.

#### 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 all applicable statutes 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 by means of speakers or other devices. 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 the disabled. 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.

Section 9. Notices.

a. Notices to Directors. Notice to directors shall be deemed given when delivered in person or when deposited in the United States mail with postage fully prepaid, directed to the address last specified by the director in the records of the district office for the mailing of communications to the director.

b. Public Notice. All public notices shall be given in one or more newspapers of general circulation within the district 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 10. Ordinances.

a. Publication of Agenda.

a-1. Except in an emergency, an ordinance adopting, amending or repealing a regulation shall not be considered or voted upon by a district board unless the ordinance is included in a published agenda of the meeting. The agenda of a meeting shall state the time, date and place of the meeting, give a brief description of the ordinances to be considered at the meeting and state that copies of the ordinances are available at the office of the district board.

a-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 b-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.

b-1. The reading of an ordinance shall be full and distinct unless at the meeting:

b-1.1. A copy of the ordinance is available for each person who desires a copy; and

b-1.2. The board directs that the reading be by title only.

b-2. Except as provided by subsection b-3 of this section, the affirmative vote of a majority of the members of the district board is required to adopt an ordinance.

b-3. An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the board at the meeting, a quorum being present, is required to adopt an emergency ordinance. No emergency ordinance shall be adopted imposing an income tax nor changing the boundaries of the district.

c. Signing and Filing.

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

c-1.1. Signed by the presiding officer;

c-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

c-1.3. Filed in the records of the district.

c-2. A certified copy of each ordinance shall be filed with the county clerk, available for public inspection.

c-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:

c-3.1. Briefly describe the ordinance;

c-3.2. State the date when the ordinance was adopted and the effective date of the ordinance; and

c-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.

d-1. Except as provided by subsection d-2 of this section, an ordinance shall take effect on the 30th day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the voters of the district, it shall not take effect until approved by a majority of those voting on the ordinance.

d-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 11. Resolutions.

a. All matters other than legislation coming before the district board and requiring board action shall be handled by resolution.

b. A resolution may be adopted by the vote of the majority of the directors present at any meeting at which a quorum is present.

Section 12. 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 chairman 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 designated by the board of directors as recording secretary, shall keep a record of the proceedings and prepare minutes of the district board meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law, but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time

after the meeting, and shall include at least the following information:

b-1. All members of the board of directors present;

b-2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

b-3. The results of all votes and the vote of each member by name;

b-4. The substance of any discussion on any matter.

b-5. 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 tape recording which need not be transcribed unless otherwise provided 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 court in any legal action.

c. Quorum. A majority of the directors constitutes a quorum.

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. Executive Sessions.

e-1. The board of directors may hold executive sessions during a regular, special or emergency meeting after the presiding officer has identified the authorization under ORS 192.610 to 192.690 (paragraphs e-1.1. to e-1.7. and e-2 herein) for the holding of such 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. Executive sessions may be held:

e-1.1. To consider the employment of a public officer, employee, staff member or individual agent, but this does not apply to:

e-1.1.1. The filling of a vacancy on any public committee, commission or other advisory group.

e-1.1.2. The consideration of general employment policies.

e-1.1.3. The employment of the general manager unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the board of directors and there has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring or evaluating the general manager shall be adopted by the directors in meetings open to the public.

e-1.2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing.

e-1.3. To conduct deliberations with persons designated by the directors to carry on labor negotiations.

e-1.4. To conduct deliberations with persons designated by the directors to negotiate real property transactions.

e-1.5. To consider records that are exempt by law from public inspection.

e-1.6. To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

e-1.7. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

e-1.8 To review and evaluate, pursuant to standards, criteria and policy directives adopted by the board of directors, the employment-related performance of the general manager, an officer,

employee or staff member, unless the person whose performance is being reviewed and evaluated requests an open hearing.

The standards, criteria and policy directives to be used in evaluating the general manager shall be adopted by the board of directors in meetings open to the public in which there has been opportunity for public comment.

e-2. Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Notwithstanding Sections 2, 4, 5, 6 and 8, subsequent sessions of the negotiations may continue without further public notice.

e-3. Representatives of the news media shall be allowed to attend executive sessions other than those held under paragraph e-1.3 relating to labor negotiations but the governing body may require that specified information subject of the executive session be undisclosed.

e-4. No executive session may be held for the purpose of taking any final action or making any final decision.

f. Matters to be Considered.

f-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 only be considered at a regular meeting or an adjourned session of regular meeting if consideration of that ordinance appeared in the published agenda for the regular meeting.

f-2. At special meetings only those matters shall be considered that were specified in the notice of the meeting.

f-3. At emergency meetings only the emergency matters shall be considered.

Section 13. Officers.

a. Officers to be elected. 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 and end on the first day of January.

b. Election of officers. Officers shall be elected at the last regular meeting of the board of directors in each calendar year, to fill all vacancies occurring in the next succeeding

January by expiration of the officer's term, and newly elected officers shall take office as of the first day of January in said next succeeding calendar year. 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.

Section 14. Committees.

The president on the president's own motion, or the directors by resolution, may appoint committees to make investigations, to study problems and to make recommendations to the board of directors. Advisory committees may include persons who are not directors. The appointment shall include a designation of a chairperson 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," "committee members," for "directors," and "committee chairperson" for "president."

Section 15. General Manager.

The general manager shall attend all meetings and may participate in such meetings, but has no vote.

Section 16. Smoking.

Smoking at meetings and hearings of the board of directors or any committee is prohibited when the meeting is held in a building or room owned, leased or rented by the State of Oregon or by any county, city or other public subdivision, regardless of whether a quorum is present or is required. The prohibition of smoking begins when the meeting is scheduled to start and continues through the entire meeting, including recesses, until the meeting is adjourned.

Section 17. Interpreters for Hearing Impaired Persons.

a. Upon request of a hearing impaired person, made at least 48 hours prior to any regular or special meeting, the board of directors shall make a good faith effort to have an interpreter for hearing impaired persons provided at the meeting. The person requesting the interpreter shall include in the request the name of the requester, sign language preference and any other relevant information the board of directors may request.

b. If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present.

c. The requirement for an interpreter does not apply to emergency meetings.

d. As used in this Section, "good faith effort" includes, but is not limited to, contacting the Oregon Disabilities Commission or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services.

Adopted this 21<sup>st</sup> day of February, 1990.

ATTEST:

Janet Calvert  
President

Op E Sullivan  
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 which was adopted at a legally convened meeting of the Board of Directors held on February 21, 1990.

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

\_\_\_\_\_  
Executive Secretary  
Title of Recording Officer

\_\_\_\_\_  
February 26, 1990  
Date

