

Index of Materials
Annual Special Districts
Information Sharing Meeting

December 2, 2017



Disclaimer: This information is provided as a general guide to procedures, laws, and rules applicable to special districts in Oregon and does not constitute legal advice.

Note: County Counsel's Office does not represent the Special Districts invited to this training. Information provided is of a general nature and should not be construed as legal advice. District members are encouraged to consult with their own attorneys for specific legal advice relating to District actions.

Special Districts Association of Oregon (10 pages)

Municipal Audit Law: What You Need to Know (2 pages)

Report In Lieu Of Audit - Secretary of State General Information and Instructions (3 pages)

Elections Materials (24 pages)

- Important Dates for Special Election and Filing for Office
- Lincoln County Voters' Pamphlet Information
- Qualifications and Costs for Candidates
- Candidacy Forms
- Nomination Petition
- Samples of Vacancy Letters
- District Directory
- Abstracts of Votes
- Acceptance of Election Results
- Certificate of Election and Oath of Office
- Guide for Local Measure Elections

Local Budget – Requirements to Certify Property Tax (8 pages)

Public Meeting Law and Public Records (19 pages)

Attorney General's Public Records and Meetings – Excerpt (26 pages)

Ethics and Public Contracts (33 pages)

Special Road Districts (9 pages)

- Frequently Asked Questions
- ORS 371
- Public Rights of Way Explained
- Internet and Email Communication Tools

Special Districts Association of Oregon (10 pages)

Who is SDAO?

- Formed in 1979 to give special districts a stronger and united voice at the Oregon Legislature
- Combined associations that support cities, counties, schools, and local government (900+ members)
- 12 member board
- Governed by Association By-Laws
- Mission is to assist special service districts in providing cost-effective and efficient public service to Oregon

SDAO Programs

- Legislative Program
 - Highest priority is to represent members
 - Work with other organizations and groups to meet membership needs
 - Most work preformed by Government Affairs Staff
 - Legislative Committee will review and act on 1000+ pieces of legislation

SDAO Programs

- SDAO Advisory Services, LLC (SDAOAS)
 - Financial Management
 - Debt monitoring and analysis
 - Refinancing opportunities
 - Investment alternatives
 - Debt Issuance Planning (Financing Alternatives)
 - Market analysis
 - Credit rating consultation
 - Bond Assistance
 - Review and guidance of ballot title
 - Work with Bond Counsel

SDAO Programs

- Publications
 - Elected Officials Guide
 - Management and Policy Resource Guide
 - Additional reference library of internal and external materials

SDAO Programs

- Education and Training
 - Online training on SDAO web site
 - Sa*f*e personnel training
 - Training videos
 - Other training, including in-house opportunities

SDAO Programs

- Awards Program
 - Gives recognition to member districts for accomplishments
 - Two special awards
 - Outstanding Special District Program Award
 - Outstanding Special District Service Award

SDAO Programs

- Internship Grant Program
 - To assist a variety of districts in meeting or improving loss control and best practices
 - Not intended to fund routine maintenance needs or normal staffing

SDAO Services

- Discount Pricing for SDAO members through NPPGov
 - National Purchasing Partners, FireRescue GPO
 - Office supplies
 - Maintenance equipment
 - Playground equipment
 - And more!!

SDIS Programs

- Insurance Program
- Background checks and Drug-Free Workplace Programs
- Special District Board Practices Assessment
- Claims Administration
- Management Consulting Services
- Onsite Loss Control Consultations
- Pre-loss Legal Service
- Research and Technical assistance
- Safety & Security Grant Programs

safePERSONNEL Training

- Online training for all members and staff
- Access created by SDAO staff
- Online tracking of completion
- SafePersonnel has over forty courses designed specifically for our members and their employees. They are expert-authored and can be delivered through any web-enabled device. Training categories include:
 - Emergency Management
 - Employment Practices/Supervisory
 - Environmental
 - Health
 - Human Resources
 - Nutrition Services
 - Social & Behavioral
 - Transportation

**Municipal Audit Law:
What You Need to Know (2 pages)**

Municipal Audit Law: What you need to know

1. Background
2. Annual filing requirements:
 - Who: All Oregon municipalities
 - What: ORS 297.405-.545 and 297.990
 - Annual financial report – audit, review, or in-lieu report
 - Fee (\$20-\$400)
 - Updated information (address change, DBA name, dissolution)
 - Plan of Action (in response to audit deficiencies)
 - When: Due dates and extension requests
 - In-lieu reports are due 90 days after fiscal year end
 - Audits and reviews are due 180 days after fiscal year end
 - Extension requests
 - Common questions and errors
 - Fidelity bond coverage is required for municipalities filing in-lieu and review reports.
 - How do we complete the in-lieu form if we aren't subject to Local Budget Law?
 - Do I use current or former board members/directors when completing the prior year report?
 - What happens after I file my report? Who sees it?
 - Available on-line. SOS staff review reports periodically.
 - What if I don't file on time?
 - Cities and counties – withhold state funds. File delinquency report.
 - Periodically, a list of delinquent filers is published on-line.
3. Resources

Municipal Reports Search: sos.oregon.gov/audits/Pages/muniaudits.aspx
Oregon Revised Statute 297.405-.545, and .990
Oregon Administrative Rules 162-010 (audits) and OAR 162-040 (reviews)
sos.oregon.gov
In-Lieu report
Extension request (on-line, form)
Filing instructions
Board of Accountancy's Municipal Roster –www.oregon.gov/boa
Audits Division – 503-986-2255 or Municipalfilings.sos@oregon.gov
4. Subscribe for email alerts!

The screenshot shows a web browser window with the URL sos.oregon.gov/audits/Pages/muniaudits.aspx. The page header features the Oregon Secretary of State, Dennis Richardson, and a navigation menu with links for Home, Business, Voting & Elections, State Archives, and Audits. A search bar is located on the right side of the header.

Municipal Audit and Local Government Resources

The Audits Division administers Municipal Audit Law to ensure local governments comply. Municipal Audit Law (Oregon Revised Statutes 297.405 to 297.555 and 297.990) requires Oregon's local governments to submit annual financial reports to the Secretary of State. In the interest of transparency and accountability, we assist with understanding and complying with the law and making information available to the public.

Oregon municipalities include about 1,800 cities, counties, school districts and special districts

[Municipal Reports Search and Delinquent Filers](#)

[Municipal Forms and Plan of Action Templates](#)

Municipal Forms	Plan of Action Templates
Report In-Lieu of Audit	Template #1
Extension Request (online form)	Template #2
Summary of Revenues and Expenditures (NEW)	Template #3
Registered Agent Form	

[Filing Instructions](#)

[Municipal Newsletters](#)

[Audit Resources](#)

Sign up for Alerts
Receive email news related to Municipal Audit Law. You can also sign up to receive email notices when the Audits Division releases an audit report.

Sign up for updates or access your subscriber preferences by entering your email below.

*Email Address

Past Municipal Alerts
Sep 11, 2017

**Report In Lieu Of Audit –
Secretary of State General
Information and Instructions
(3 pages)**

REPORT IN LIEU OF AUDIT

SECRETARY OF STATE

GENERAL INFORMATION AND INSTRUCTIONS

Oregon Law (ORS 297.435) requires every local government exempt from an annual audit or review to file financial statements with the Secretary of State, Audits Division. Those statements are due within **90 days** following the end of government's accounting (fiscal or calendar) year on forms prescribed by the Secretary of State. This report is required each year regardless of whether the municipality budgets on an annual or biennial basis. The report must be signed by an officer of the government; it is normally signed by the Secretary/Treasurer or Chair/President. If submitted electronically without a written signature, type in the name of the publicly elected official responsible for the information contained in the report.

These forms are provided for your convenience and are intended to aid you in meeting these requirements. Use of these forms is not mandatory. However, any variation should provide the same basic information. Please submit any substitute forms on letter-sized paper (8 1/2" x 11"). Should you need additional copies please visit our website at

<http://sos.oregon.gov/audits/Pages/muniaudits.aspx>

Required Information (First page of report)

Fiscal Year Reported: This should be the government's fiscal year. Some common fiscal periods are July 1, 20X1 through June 30, 20X2, and January 1, 20X1 through December 31, 20X1.

Registered Agent: Special districts are required by law (ORS 198.340) to designate a registered office and a registered agent. The registered agent should be the person who receives official notices on behalf of the district. The address of the registered agent must be the same as the district's registered office. The form used to designate a registered agent can be found on our website at <http://sos.oregon.gov/audits/Pages/muniaudits.aspx>

Officers: The officers listed should include those that governed during the period being reported.

Fidelity or Performance Bond: To remain exempt from audit requirements under ORS 297.435(2)(c), a local government must maintain a fidelity or faithful performance bond for the principal responsible official of the municipal corporation. The amount must be at least equal to the total amount of money received by the municipal corporation during the year.

Budgeted and Actual Transactions (Second page of report)

This schedule is used to report the budgeted and actual revenues/receipts and expenditures/disbursements for the fiscal year. Three funds can be reported on the schedule; the organization's General Operating Fund and up to two additional funds if necessary. Please fill in the names of the budgeted funds (Reserve, Capital Projects, Debt Service, etc.). If more than three funds are adopted, copy a blank schedule to report the others. Leave blank any accounts (line items) that do not apply to your organization.

Whether you budget on an annual or biennial basis the Budget columns on this schedule should report the final budgeted amounts including all supplemental budgets and transfers. The Actual columns should report receipts and disbursements during the year. If your organization is exempted from the requirements of the Local Budget Law, you are not required to complete the budget columns but still must complete the Actual Columns.

Transfers Between Funds - Transfers between funds and interfund loans are presented separately in the schedule. These transactions are common among municipalities with multiple funds. However, these amounts are not used in calculating the \$150,000 threshold to determine which reports should be filed with the Secretary of State at the end of the fiscal year. Finally, transfers between funds should always net out to zero in the far right column. In other words, Transfers-Out should always be equal to Transfers-In.

Municipal Customer numbers can be found online:

<https://secure.sos.state.or.us/muni/public.do>

Enter your government name in the **Government Name** field.

Select any year and click the **Search** button.

Your customer number will be located in the left column of the search results.

**Report to Secretary of State
Required Information**

Municipal Customer #

Fiscal Year Reported:

First Day

Last Day

1.

Name of government (use the official legal name)

2.

Mailing Address (Street or PO Box)

City

County

Zip Code

REGISTERED AGENT (ORS 198.340)

3.

Name

Title

Address

OFFICERS

4.

Name

Title

Address

Name

Title

Address

Name

Title

Address

Name

Title

Address

Fidelity or Faithful Performance Bond (ORS 297.435 (2)(c))

5.

Name of Company

6.

Name of Person Covered

Amount (should equal or exceed total money received)

7. Please list the balances, per your accounting records, as of the last day of the year reported:

a) **Cash** (banks, credit unions, county/state investment pools, etc.)

\$

b) **Other Assets** (land, buildings, equipment, vehicles, etc.)

\$

c) **Accounts payable** (e.g. rents, payroll, utilities)

\$

d) **Long-Term Debt** (bonds, loans, leases, or other outstanding debt)

\$

By checking this box, I hereby certify that the information contained in this report is true and correct to the best of my knowledge and belief. Sign (or type if submitted electronically) the name of the publicly elected official who is responsible for the information described in this report.

8.

Signature of elected official

9.

Telephone No.

Title

Name of government (use the official legal name)

Fiscal Year Reported:

First Day

Last Day

Budgeted and Actual Transactions

	General Fund		<input style="width: 50px;" type="text"/>	Fund	<input style="width: 50px;" type="text"/>	Fund	Total Actual
	Budget	Actual	Budget	Actual	Budget	Actual	
A. Revenue/Receipts							
Property taxes	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
Charges for services	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Assessments	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Grants (state and federal)	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Long-Term Debt Proceeds	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Other	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Total (A)	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
B. Payments/Disbursements							
Personal Services	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
Material and Services	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Capital Outlay	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Debt Service	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Contingencies	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Other Payments	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Total (B)	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
C. Transfers Between Funds	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>

Enter Total Payments/Disbursements (Part B above)

If Total Payments/Disbursement (B) exceed \$150,000, the municipality must have an audit or review for this fiscal year (ORS 297.435).

FILING INSTRUCTIONS

This report is due within 90 days from the end of your fiscal year reported.
Please submit the completed report and required filing fee to the following address/email:

Secretary of State - Business Services Division municipalfilings@sos.state.or.us
255 Capitol Street NE, Suite 180
Salem, Oregon 97310

FILING FEE (ORS 297.485)

		Filing Fee
Expenditures (Item B)	Over	Not Over
\$0	\$50,000	\$20.00
\$50,000	\$150,000	\$40.00

Elections Materials (24 pages)

IMPORTANT DATES FOR MAY 21, 2019 SPECIAL ELECTION

- 1st day to file for office: **Monday, February 11, 2019**
- Last day to file ballot title for measures:
(county & city) **Friday, March 1, 2019**
- Last day to file for office: **Thursday, March 21, 2019**
- Last day to file measures & explanatory:
statements **Thursday, March 21, 2019**
- Last day to file for the Voters' Pamphlet:
(candidate statements & measure arguments) **Monday, March 25, 2019**
- Ballots mailed to military & overseas voters: **Friday, April 5, 2019**
- Ballots mailed to out-of-state voters: **Monday, April 22, 2019**
- Voter Registration Deadline: **Tuesday, April 30, 2019**
- Ballots mailed out: **Thursday, May 2, 2019**
- Election Day: **Tuesday, May 21, 2019**

FILING FOR OFFICE

A candidate may file for office in one of two ways:

1 - Filing by Declaration:

- Completely fill out and turn in form SEL 190
- Pay the filing fee of \$10.00

2 - Filing by Petition:

- Completely fill out and turn in form SEL 190
- Turn in the signature sheet form SEL 121 with sufficient signatures
 - Petition signers must be registered voters in the same county/city/district/zone as the candidate
 - All petitions require a certain number of valid signatures – see qualifications for your district

LINCOLN COUNTY VOTERS' PAMPHLET

If you would like to have your picture and/or additional information in the voters' pamphlet, the cost would be as indicated in the voters' pamphlet section of this filing packet. **Voters' Pamphlet Statements Must Be Typed.** Please read the directions very carefully. You will need to fill out the County Voters' Pamphlet forms and complete the "**Required Information**" section again, even though you already provided similar information on your candidate filing form. If you have any questions, please call 541-265-4131.

CAMPAIGN FINANCE

For those candidates who plan to receive or spend less than \$750 during the entire campaign:

- You are not required to form a Principal Campaign Committee (*Candidate's Statement of Organization – SEL 220*) or file any Contribution or Expenditure reports or forms.

Any candidate who plans to/or receives or spends more than \$750 during the entire campaign, must:

- Form a Principal Campaign Committee You must file a completed SEL 220 (*Candidate's Statement of Organization*) and a completed SEL 223. This filing must be done with the Secretary of State using their electronic filing system called ORESTAR at <http://sos.oregon.gov/elections>

If you are a candidate who plans to/or receives or spends more than \$750 and less than \$3,500 during the entire campaign:

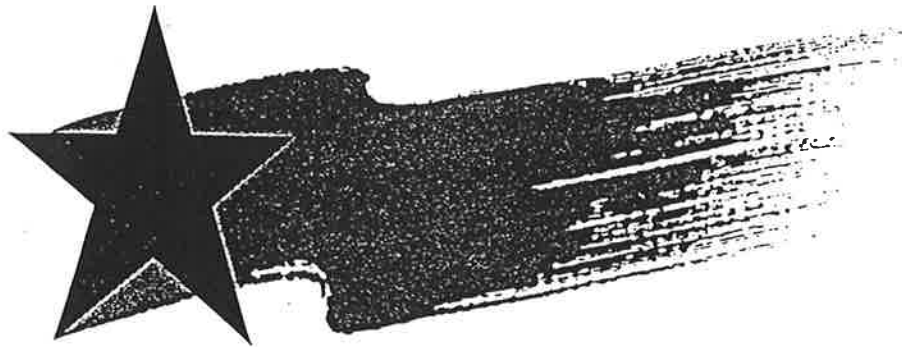
- You may file a PC 7 (*Certificate of Limited Contributions and Expenditures*). This filing must be done with the Secretary of State using their electronic filing system called ORESTAR at <http://sos.oregon.gov/elections>
- Or – you may file detailed contribution or expenditure reports on ORESTAR.

If you are a candidate who plans to/or receives or spends more than \$3,500, during the entire campaign:

- You must file detailed contribution and expenditure reports using the Secretary of States's electronic filing system called ORESTAR at <http://sos.oregon.gov/elections>

Beginning January 1, 2007, Contribution and Expenditure filings must be made with the Secretary of State using their ORESTAR electronic filing system. The Secretary of State is now the filing officer for all local campaign committees.

**CANDIDATE STATEMENT
INSTRUCTIONS AND
FILING FORMS**



**FOR
LINCOLN COUNTY
VOTERS' PAMPHLET**

COUNTY VOTERS' PAMPHLET CANDIDATES

The Lincoln County Clerk's Office publishes a voters' pamphlet for all elections.

For Primary and General Elections, this pamphlet will be included with the State Voters' Pamphlet.

For Special Elections, this pamphlet will be included in each voter's vote by mail ballot packet.

If you would like to be included in the County Voters' Pamphlet for the upcoming election, return the completed forms, the photographs, and the filing fee to the Lincoln County Clerk's Office at 225 W. Olive Street, Room 201 in Newport by 5:00 p.m. on or before the deadline date indicated below.

The Candidate's Statement must be typed. Filing must be by hard copy AND electronic Word Document emailed to: countyclerk@co.lincoln.or.us

The filing fees shall be:

For paid offices-\$100; for unpaid offices-\$25.

For city and county candidates at the primary or general election the following fees apply:

Number of Voters in District	Less Than 1,000	1,000 to 9,999	10,000 to 49,999	50,000 and Over
Filing Fee	\$25	\$50	\$100	\$300

Two identical black and white photographs are required. Minimum size is 3" x 5" and the maximum size is 8" x 10". The preferred photograph size is 3" X 5" or 5" X 7" because they will reproduce the best. Photographs must be less than four (4) years old from the date of submission.

If you have any questions or comments about the County Voters' Pamphlet, please contact:

Dana W. Jenkins
Lincoln County Clerk
225 W. Olive Street - Room 201
Newport, OR 97365
(541) 265-4131

ELECTION	March 12, 2019 Special	May 21, 2019 Special	Sept. 17, 2019 Special	Nov. 5, 2019 Special
Deadline for candidates that filed candidacy with County Elections Office:	Monday, Jan. 14, 2019	Monday, March 25, 2019	Monday, July 22, 2019	Monday, Sept. 9, 2019
Deadline for candidates that filed candidacy with a City, Dept. of Agriculture, or Other:	Monday, Jan. 14, 2019	Monday, March 25, 2019	Monday, July 22, 2019	Monday, Sept. 9, 2019

CANDIDATE'S STATEMENT FOR COUNTY VOTERS' PAMPHLET

Name of Candidate _____

Office _____

District _____

Position/Zone No. _____

PART ONE: REQUIRED INFORMATION

OCCUPATION (Present Employment — Paid or Unpaid)

OCCUPATIONAL BACKGROUND (Previous Employment — Paid or Unpaid)

EDUCATIONAL BACKGROUND (Schools Attended, Last Grade Completed; Degree(s), if any)

PRIOR GOVERNMENTAL EXPERIENCE (Elected or Appointed)

By signing this form I HEREBY CERTIFY THAT all information supplied by me about my occupation, occupational and educational background, and prior governmental experience is true to the best of my knowledge.

Any person who supplies any information in this part, knowing it to be false, is subject upon conviction to imprisonment in the penitentiary for up to five years or a fine of \$100,000, or both.

X _____
Candidate's Signature

Date

CANDIDATE STATEMENT INSTRUCTIONS

1. The CANDIDATE'S STATEMENT must be typed. Filing must be by hard copy AND electronic Word Document emailed to: countyclerk@co.lincoln.or.us
2. Use semicolons (;) to separate items such as jobs, organizations, dates, etc.
3. The word "None" must be used in any section which does not contain any information. The word "None" shall count as part of the word/number count.
4. The combined word count total for PART ONE and PART TWO shall not exceed 325 words/numbers, including the eight words in the heading of PART ONE (Occupation, Occupational Background, etc.). If the CANDIDATE'S STATEMENT exceeds the 325 word/number limit, the County Election Official shall edit the statement.
5. PAGE ONE shall be signed by either the candidate or the person responsible for the content of the statement.
6. All information cited or quoted from previously published material SHALL INCLUDE the source and date of publication. (Example: *The Oregonian*, June 1, 1995.)
7. Any endorsement by an individual or any organization, which was not previously made public, shall be accompanied by a STATEMENT OF ENDORSEMENT.
8. The County Election Official shall reject any statement (ORS 251.415) which:
 - a. Contains any obscene, profane or defamatory language;
 - b. Incites or advocates hatred, abuse or violence toward any person or group; or
 - c. Contains any language which may not legally be circulated through the mails.
9. The CANDIDATE'S STATEMENT will not accepted without the filing fee.
10. You may choose to submit two (2) identical photographs (black and white glossy finish) with the CANDIDATE'S STATEMENT.

PHOTOGRAPHS

MUST:

- a. Be less than four (4) years old from the date of submission;
- b. Be reproducible to a finished black and white picture which is 3 inches high and 2 inches wide;
- c. Have a plain background (Note: A grey background reproduces the best); and
- d. Show the face, neck and shoulder only.

MUST NOT:

- a. Include the hands or anything held in the hands;
- b. Show the wearing of a judicial robe, a hat or a military, police or fraternal uniform;
- c. Show the uniform or insignia of any organization.

(see INSTRUCTIONS CONTINUED)

CANDIDATE'S STATEMENT FOR COUNTY VOTERS' PAMPHLET

PART TWO: OPTIONAL INFORMATION

X

Signature — Candidate or Person responsible for the content of PART TWO (OPTIONAL INFORMATION) of the Candidate's Statement.

Word Count: Part One Total: _____

Part Two Total: _____

Grand Total: _____ (325 Maximum)

INSTRUCTIONS CONTINUED

11. Any cost incurred for retouching the photograph(s) to meet the requirements will be billed to the candidate.
12. The CANDIDATE'S STATEMENT will not be returned to candidates for proofreading.
13. The CANDIDATE'S STATEMENT, photograph(s) and filing fee SHALL BE FILED NO LATER THAN 5:00 p.m. on the deadline specified below:

ELECTION	March 12, 2019 Special	May 21, 2019 Special	Sept. 17, 2019 Special	Nov. 5, 2019 Special
Deadline for candidates that filed candidacy with County Elections Office:	Monday, Jan. 14, 2019	Monday, March 25, 2019	Monday, July 22, 2019	Monday, Sept. 9, 2019
Deadline for candidates that filed candidacy with a City, Dept. of Agriculture, or Other:	Monday, Jan. 14, 2019	Monday, March 25, 2019	Monday, July 22, 2019	Monday, Sept. 9, 2019

14. The required and optional information may be submitted on a separate piece of paper with the PART ONE form completed, signed and dated. Indicate on the form in the area designated for required information "SEE ATTACHED."
15. A refund may be requested by the person who paid the filing fee no later than the last day for filing the CANDIDATE'S STATEMENT. When a refund is made, the CANDIDATE'S STATEMENT will not be printed in the voters' pamphlet.
16. CANDIDATE'S STATEMENT shall become public record on the 4th business day after the filing deadline (ORS 251.430).
17. Voters' pamphlets are prepared county by county. If your name will appear on the ballot in more than one county, and you wish to have your statement and photograph in more than one county's voters' pamphlet, you must contact each individual county for information on the appropriate forms.

County Elections Office:

Dana W. Jenkins
Lincoln County Clerk
225 W. Olive - Room 201
Newport, Oregon 97365
(541) 265-4131

STATEMENT OF ENDORSEMENT

I, _____ consent to the
(PRINTED NAME OF INDIVIDUAL OR ORGANIZATION BEING USED)

use of my name or the name of the organization I am authorized to represent in
the _____ county voters' pamphlet statement submitted by the following:

(PRINTED NAME OF CANDIDATE OR BALLOT MEASURE STATEMENT USING ENDORSEMENT)

In Support Of In Opposition To

Ballot Measure Number: _____

At the _____ Election, 20____ .
(INDICATE APPLICABLE ELECTION)

Dated on this _____ day of _____, 20____ by

X

Signature of Individual*

Name of the Organization person represents, if any

* Oregon law specifies that a person shall not submit a false signature (ORS 251.405).

INSTRUCTIONS FOR SUBMITTING STATEMENT OF ENDORSEMENT

If the name of a person or an organization is used in your Candidate's Statement as endorsing the candidate,

YOU MUST EITHER:

- File a Statement of Endorsement signed by the person, stating that the person consents to the use of the name of the person in your Candidate's Statement;

OR

- File a Statement of Endorsement signed by an authorized person on behalf of the organization, stating the organization consents to the use of the name of the organization in your Candidate's Statement;

AND

- This Statement of Endorsement should be filed with the Candidate's Statement it relates to, and must be filed no later than the filing deadline for the Candidate's Statement.
- Faxed copies of the Statement of Endorsement are acceptable, but must be signed.

NOTE:

- If a Statement of Endorsement is required and not received, the endorsement information will be removed from the Candidate's Statement.
- Lincoln County Elections will accept the Secretary of State's SEL 400 form in lieu of our County form.

If you have any questions, call the Lincoln County Clerk at 541-265-4131.

Dana W. Jenkins
Lincoln County Clerk
225 W. Olive Street, Room 201
Newport, OR 97365
www.co.lincoln.or.us/clerk/

QUALIFICATIONS & COSTS

District	Filing Fee	# of Signatures	Qualifications	Voters' Pamphlet Cost
School District				
Lincoln County School Board of Directors	\$10	25	Elector in zone and resident in district for one year preceding election	\$25
Community College District				
Oregon Coast Comm. College	\$10	25	Elector in zone	\$25
Education Service District				
Linn-Benton-Lincoln ESD(Linn Co.)	\$10	25	Elector in zone	\$25
Library District				
Lincoln County Library District	\$10	25	Elector in zone	\$25
Port Districts				
Port of Alsea	\$10	25	Elector in district	\$25
Port of Newport	\$10	25	Elector in district	\$25
Port of Toledo	\$10	25	Elector in district	\$25
Health Districts				
North Lincoln Health	\$10	25	Elector in district	\$25
Pacific Communities Health	\$10	25	Elector in district	\$25
Fire Districts				
Alsea RFPD (file with Benton Co.)	\$10	25	Elector or owner in district	\$25
Central Oregon Coast F&R RFPD	\$10	25	Elector or owner in district	\$25
Depoe Bay RFPD	\$10	25	Elector or owner in district	\$25
Newport RFPD	\$10	25	Elector or owner in district	\$25
North Lincoln F&R RFPD	\$10	25	Elector or owner in district	\$25
Seal Rock RFPD	\$10	25	Elector or owner in district	\$25
Siletz RFPD	\$10	25	Elector or owner in district	\$25
Toledo RFPD	\$10	25	Elector or owner in district	\$25
Yachats RFPD	\$10	25	Elector or owner in district	\$25
Water Districts				
Beverly Beach Water	\$10	13	Elector in district or landowner in district and elector in state	\$25
Carmel Beach Water	\$10	5	Elector in district or landowner in district and elector in state	\$25
Kern-Gleneden-Lincoln Water	\$10	25	Elector in district	\$25
Lower Siletz Water	\$10	12	Elector in district or landowner in district and elector in state	\$25
Otter Rock Water	\$10	17	Elector in district	\$25
Panther Creek Water	\$10	25	Elector in district	\$25

Qualifications and Costs

Page 2

District	Filing Fee	# of Signatures	Qualifications	Voters' Pamphlet Cost
Water Districts (Continued)				
Seal Rock Water	\$10	25	Elector in district	\$25
Southwest Lincoln Water	\$10	25	Elector in district	\$25
Water Improvement District				
Devils Lake Water Improvement	\$10	25	Landowner in district	\$25
Sanitary Districts				
Cape Foulweather Sanitary	\$10	25	Elector or landowner in district	\$25
Gleneden Beach Sanitary	\$10	25	Elector or landowner in district	\$25
Salishan Sanitary	\$10	22	Elector or landowner in district	\$25
Siletz Keys Sanitary	\$10	3	Elector or landowner in district	\$25
Road Districts				
Bear Creek Hideout No. 2 Road	\$10	2	Elector in district	\$25
California Street Special Road	\$10	6	Elector in district	\$25
Little Switzerland Special Road	\$10	4	Elector in district	\$25
New Bridge Special Road	\$10	5	Elector in district	\$25
NE San Marine Special Road	\$10	3	Elector in district	\$25
Panther Creek Special Road	\$10	25	Elector in district	\$25
Surfland Special Road	\$10	9	Elector in district	\$25
Westwood Village Special Road	\$10	7	Elector in district	\$25
SW Lincoln County Water PUD				
SW Lincoln County Water PUD	\$10	25	Elector in subdivision	\$25
Greater Toledo Pool Recreation Dis				
Greater Toledo Pool Recreation Dist	\$10	25	Elector in district	\$25

Candidate Filing District

SEL 190

rev 01/16
ORS 255.235

i All information must be completed or the form will be rejected.

This filing is an

Original

Amendment

Office Information

Filing for Office of:

District, Position or County:

Filing Information

Filing with the required \$10.00 fee

Prospective Petition

Candidate Information

Name of Candidate

First

MI

Last

Suffix

Title

How you would like your name to appear on the ballot

Candidate Residence/Route Address

Street Address

City

State

Zip

Candidate Mailing Address and Contact Information: Only one phone number is required.

Street Address or PO Box

City

State

Zip

Work Phone

Home Phone

Cell Phone

Fax

Email Address

Web Site, if applicable

Occupation (present employment) If no relevant experience, None or NA must be entered.

Occupational Background (previous employment) If no relevant experience, None or NA must be entered.

Educational Background (schools attended) If no relevant experience, None or NA must be entered.

Complete name of School (no acronyms)	Last Grade completed	Diploma/Degree/Certificate	Course of Study

Educational Background (other) Attach a separate sheet if necessary.

Prior Governmental Experience (elected or appointed) If no relevant experience, None or NA must be entered.

--

Campaign Finance Information (not applicable to candidates for federal office)

Candidate Committee

- Yes, I have a candidate committee.
- No, I do not expect to spend more than \$750 or receive more than \$750 during each calendar year. I understand I must still keep records of all campaign transactions and if total contributions or total expenditures exceed \$750 during a calendar year, I must follow the requirements detailed in the Campaign Finance Manual.
- No, but will be filing a Statement of Organization for Candidate Committee (SEL 220).

By signing this document, I hereby state that:

- I will qualify for said office if elected
- all information provided by me on this form is true to the best of my knowledge



Warning

Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715). A person may only file for one lucrative office at the same election. (ORS 249.013 and ORS 249.170)

Candidate's Signature _____

Date Signed _____

For Office Use Only Initials _____

Candidate Signature Sheet | Nonpartisan

Signatures for this petition are being gathered by

PAID Circulators

VOLUNTEER Circulators

This is a candidate nominating petition. Signers of this page must be active registered voters in the county listed.

i Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer.

i Candidates should allow ample time for the verification process to be completed before 5pm on the filing deadline day.

Petition ID _____

County _____

Candidate Information	
Name	Office
Election	District or Position Number

To the Secretary of State of Oregon/County Elections Official/City Recorder, We the undersigned voters, request the candidate's name be placed on the ballot at the election listed above for nomination to the office indicated.

i Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature _____ Date Signed mm/dd/yy _____

Print Name _____

Residence or Mailing Address street, city, zip code _____

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____
- 7 _____
- 8 _____
- 9 _____
- 10 _____

Circulator Certification This certification must be completed by the circulator and additional signatures should not be collected on this sheet once the certification has been signed and dated!

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 249.061). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature _____

Date Signed mm/dd/yy _____

Sheet Number _____

Sheet will be numbered by group submitting the petition.

Printed Name of Circulator _____

Circulator's Address street, city, zip code _____



June 12, 2013

Dana Jenkins, Lincoln County Clerk
225 W. Olive, Room 201
Newport, OR 97365

RE: Appointment to Depoe Bay RFPD Board Position 4

Dear Sir:

This letter serves as notification to the Lincoln County Clerk that the Depoe Bay Rural Fire Protection District Board of Directors appointed Roy Hageman to fill the remaining term of Board Position #4 at the June 11, 2013 Board Meeting. Board Position #4 was recently vacated by the resignation of Philip Taunton. Mr. Hageman's personal information is as follows:

Roy Hageman
325 SW Coast Ave.
Depoe Bay, OR 97341

Home Phone: 541-765-7755
Cell Phone: 541-272-4087

recorded
vdj

If you have any questions, please call our Administrative Office at 541-764-2202.

Respectively,

Gary Nees, Board President
Depoe Bay Rural Fire Protection District

OFFICIAL OATH

United States of America



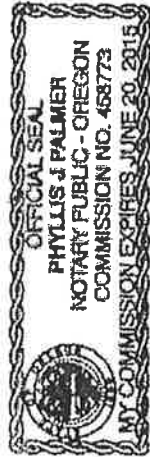
STATE OF OREGON)
) ss.
County of Lincoln)

I, Roy Hageman, do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of Oregon, and the laws thereof, and will faithfully and honorably demean myself in the office of **DEPOE BAY RURAL FIRE PROTECTION DISTRICT DIRECTOR, POSITION 4:**
TERM EXPIRES 06/30/2015, to which I have been appointed, to the best of my ability.

Roy Hageman

subscribed and sworn to before me this 11th day of June 2013

Phyllis J. Palmer
Gary A. New



SPECIAL DISTRICT DIRECTORY

DEPOE BAY RFPD
Attn: Barbara Leff
PO Box 280
Gleneden Beach, OR 97388

(District Name) District No: **033**
 (Contact) Phone: 541.764.2202
 (Mail Address) Fax: 541.764.0902
 ed: Y vbm: Y dir: Y FIRE

<u>Board Member</u>	<u>Pos.</u>	<u>Elec or Appt</u>	<u>EI Date</u>	<u>Term Exp</u>
GARY J. NEES 179 Coronado Shores Lincoln City, OR 97367 541.764.5246 (H) garyann179@centurytel.net	1	E	05/21/13	06/30/17
DAVID J. PERRY PO Box 495 Gleneden Beach, OR 97388 541.764.5010 (H) parmeleeanddave@gmail.com	2	E	05/21/13	06/30/17
NANCY E. TRANTOW PO Box 1537 Depoe Bay, OR 97341 541.764.5067 (H) 541.961.1677 (W) trantow@centurytel.net	3	E	05/21/13	06/30/17
ROY HAGERMAN ** 325 SW Coast Avenue Depoe Bay, OR 97341 541.765.7755 (H) 541.272.4087 (C)	4	E A	05/17/11 06/12/13	06/30/15
BARBARA LEFF PO Box 1258 Depoe Bay, OR 97341 541.765.3445 (H) 541.765.2322 (W) blbl2@centurytel.net	5	E	05/17/11	06/30/15

(Director)

Coronado Shores Special Road District

78 Coronado Shores, Lincoln City, OR 97367

June 24, 2013

FILED

AUG 12 2013

Dana Jenkins
Lincoln County Clerk
225 W Olive Room 201
Newport OR 97365

AT _____ O'CLOCK _____ M
DANA W. JENKINS, COUNTY CLERK
BY _____ DEPUTY

Dear Mr. Jenkins,

Please be advised that on June 20, 2013 the Board of Commissioners of the Coronado Shores Special Road District met and did consider the results of the May 21, 2013 Special District Election.

It appears to the Board that the following individuals have been elected to a 4 year term on the Coronado Shores Special Road District:

Justine Farnsworth, Position 1
Robert Batty, Position 3

Furthermore the Board has determined that Justine Farnsworth and Robert Batty are qualified to serve as commissioners and have voted to accept these election results.

Your assistance to our District is very much appreciated.

Sincerely,



Robert A. Batty, Chairman

CERTIFICATE OF ELECTION

United States of America

STATE OF OREGON)
) ss.
County of Lincoln)

I, Dana W. Jenkins, County Clerk of said State and County, do hereby certify that at a Special Election held in said County on the 21st day of May, 2013,

ROBERT A BATTY

was duly elected to the office of

CORONADO SHORES SPECIAL ROAD DISTRICT COMMISSIONER – POSITION 3 - 4 YEAR TERM

in and for the County of Lincoln, State of Oregon.

WITNESS my hand and seal this 12th day of June, 2013.

Dana W. Jenkins, Lincoln County Clerk

OFFICIAL OATH

United States of America

STATE OF OREGON)
) ss.
County of Lincoln)

I, **ROBERT A BATTY**, do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State Of Oregon, and the laws thereof, and will faithfully and honorably demean myself in the office of **CORONADO SHORES SPECIAL ROAD DISTRICT COMMISSIONER, POSITION 3, 4 YEAR TERM; TERM EXPIRES 06/30/2017**, to which I have been elected, to the best of my ability.

Subscribed and sworn to before me this _____ day of _____ 2013

GUIDE FOR LOCAL MEASURE ELECTIONS

TYPE OF MEASURE	BALLOT TITLE WORD COUNT	REQUIRED LANGUAGE IN BALLOT TITLE	OUTER ENVELOPE STYLE	50% Voter Turnout Required
<p>Local Option Tax Measure (Taxes within Measure 5 limits) (Not available for ESDs)</p>	<p>10 word caption 20 word question 175 word summary ORS 250.035(1)</p>	<ul style="list-style-type: none"> • The length, in years, that the proposed local option tax is to be imposed as part of the question. 280.070(5)(a) • The first fiscal year in which the proposed local option tax will be imposed as part of the question. 280.070(5)(b) • If this measure is the imposition of a new local option tax ballot title shall contain the following additional statement: "This measure may cause property taxes to increase more than three percent" <i>(Placed after the question - not included in word count)</i> 280.070(4)(a) • If this measure is a renewal of a current local option tax ballot title shall contain the following additional statement: "This measure renews current local option taxes. <i>(Placed after the question - not included in word count)</i> 280.070(4)(b) • "This measure may be passed only at an election with at least a 50 percent voter turnout." <i>(First statement in the summary - not included in word count – Not required for elections in May or November of any year.)</i> 250.036 • Total amount of local option tax to be raised, in dollars and cents <i>(Part of summary - not included in word count)</i> 280.075(2) <p>If there is an estimated tax impact, "The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate." <i>(Part of summary - not included in word count)</i> 280.075(1)</p> <p>NOTE: Local option taxes can be used for general or specific purposes and capital projects. Local option taxes used for capital projects may be imposed for the expected useful life of the capital project or 10 years, whichever is less.</p>	<p>If the measure is authorizing the imposition of local option taxes:</p> <p>Must include clearly and boldly in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE."</p> <p>If the measure is authorizing the imposition of local option taxes and a renewal of a current local option tax:</p> <p>Must include clearly and boldly in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE."</p> <p>If the measure is a renewal of a current local option tax</p> <p>Must include clearly and boldly in red, "CONTAINS VOTE ON RENEWAL OF CURRENT LOCAL OPTION TAXES."</p> <p style="text-align: right;">ORS 250.038</p>	<p>Yes</p>

GUIDE FOR LOCAL MEASURE ELECTIONS

TYPE OF MEASURE	BALLOT TITLE WORD COUNT	REQUIRED LANGUAGE IN BALLOT TITLE	OUTER ENVELOPE STYLE	50% Voter Turnout Required
<p>General Obligation Bonds (Outside of measure limits)</p>	<p>10 word caption 20 word question 175 word summary ORS 250.035(1)</p>	<ul style="list-style-type: none"> • "If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution." <i>(Last sentence after question - not included in word count)</i> 250.037(1) • "This measure may be passed only at an election with at least a 50 percent voter turnout." <i>(First statement in the summary - not included in word count – Not required for elections in May or November of any year.)</i> 250.036 • A reasonably detailed, simple and understandable description of the use of proceeds <i>(Part of summary - included in word count)</i> 250.037(3) 	<p>Must include clearly and boldly in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE." ORS 250.037(4)</p>	<p>Yes</p>
<p>Measure to establish permanent rate limit for operating taxes for a district or a district that has never imposed a property tax.</p>	<p>10 word caption 20 word question 175 word summary ORS 250.035(1)</p>	<ul style="list-style-type: none"> • Tax rate per \$1000 of assessed value of the proposed permanent rate limitation <i>(included in question.)</i> 280.070(6)(a) • The first fiscal year in which the permanent rate limit will be imposed <i>(included in question.)</i> 280.070(6)(b) • "This measure may be passed only at an election with at least a 50 percent voter turnout." <i>(First statement in the summary - not included in word count – Not required for elections in May or November of any year.)</i> 250.036 	<p>Must include clearly and boldly in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE." ORS 250.038</p>	<p>Yes</p>
<p>All other measures</p>	<p>10 word caption 20 word question 175 word summary ORS 250.035(1)</p>	<p>None</p>	<p>No requirement</p>	<p>No</p>

**Local Budget –
Requirements to Certify Property Tax
(8 pages)**

Local Budget – Requirements to Certify Property Tax

Once an annual budget is adopted, each taxing district imposing a tax must notify the county assessor to certify its property tax levy by July 15th. An extension of time to certify may be requested by this deadline for good and sufficient reasons. Following are the documents required to be submitted to the assessor's office as part of the certification process. They provide the budgetary information necessary to justify the imposition of taxes by each district.

Districts subject to local budget law must submit to County Assessor by July 15th:

- Two copies of a complete Form LB-50.
- Two copies of governing body resolutions that adopt the budget, make appropriations, impose property taxes and categorize those taxes as to their Measure 5 category.
- Two copies of any newly approved ballot measures (if applicable).

Districts not subject to local budget law must submit to County Assessor by July 15th:

- Two copies of a complete Form LB-50.
- Two copies of governing body resolutions that impose property taxes and categorize those taxes as to their Measure 5 category.
- Two copies of any newly approved ballot measures (if applicable).

The Oregon Department of Revenue maintains the required documents for local budgeting at the following website: www.oregon.gov/dor/forms. All information and forms are categorized alphabetically on this page where you can view and print in both Excel and fillable PDF formats. Budget hearing notices, resolutions and tax certification forms are located under "Local budget". The *2017-18 Local Budget Law and Notice of Property Tax* booklet can also be found here, under the link "Local Budget - Forms and Instruction Booklet for Municipal Corporations". This booklet provides a good summary of Local Budget requirements along with instructions on completing forms and contact information for DOR representatives.

Local budget

Title	Number	Year	Group
Local Budget — Education districts—Form CC-1, Notice of Budget Hearing - Excel	150-504-075-9	General	Form
Local Budget — Education districts—Form CC-1, Notice of Budget Hearing - PDF	150-504-075-9	General	Form
Local Budget — Education districts—Form ED-1, Notice of Budget Hearing - Excel	150-504-075-2	General	Form
Local Budget — Education districts—Form ED-1, Notice of Budget Hearing - PDF	150-504-075-2	General	Form
Local Budget — Education districts—Form ED-50, Notice of Property Tax and Certification of Intent to Impose a Tax, Fee, Assessment or Charge on Property for Education Districts - Excel	150-504-075-6	General	Form
Local Budget — Education districts—Form ED-50, Notice of Property Tax and Certification of Intent to Impose a Tax, Fee, Assessment or Charge on Property for Education Districts - PDF	150-504-075-6	General	Form
Local Budget — Education districts—Forms and Instruction Booklet for Education Districts	150-504-075	General	Publication
Local Budget — Education districts—Resolution - Excel	150-504-075-5	General	Form
Local Budget — Education districts—Resolution - PDF	150-504-075-5	General	Form
Local Budget — Form LB-1, Notice of Budget Hearing - Excel	150-504-073-2	General	Form
Local Budget — Form LB-1, Notice of Budget Hearing - PDF	150-504-	General	Form
Local Budget — Form OR-LB-10, Special Fund Resources and Requirements - PDF	150-504-010	General	Form
Local Budget — Form OR-LB-11, Reserve Fund Resources and Requirements - Excel	150-504-011	General	Form
Local Budget — Form OR-LB-11, Reserve Fund Resources and Requirements - PDF	150-504-011	General	Form
Local Budget — Form OR-LB-20, Resources - Excel	150-504-020	General	Form
Local Budget — Form OR-LB-20, Resources - PDF	150-504-020	General	Form
Local Budget — Form OR-LB-30, Expenditure Summary - Excel	150-504-030	General	Form
Local Budget — Form OR-LB-30, Expenditure Summary - PDF	150-504-030	General	Form
Local Budget — Form OR-LB-31, Detailed Requirements - Excel	150-504-031	General	Form
Local Budget — Form OR-LB-31, Detailed Requirements - PDF	150-504-031	General	Form
Local Budget — Form OR-LB-35, Bonded Debt Resources and Requirements - Excel	150-504-035	General	Form
Local Budget — Form OR-LB-35, Bonded Debt Resources and Requirements - PDF	150-504-035	General	Form
Local Budget — Forms and Instruction Booklet for Municipal Corporation	150-504-073	General	Publication

Local budget - Continued

Title	Number	Year	Group
Local Budget — Forms and Instruction Booklet for Municipal Corporation	150-504-073		General Publication
Local Budget — Notice of Budget Committee Meeting	150-504-073-1		General Form
Local Budget — Notice of Budget Committee Meeting - Excel	150-504-073-1		General Form
Local Budget — Notice of Budget Committee Meeting - PDF	150-504-073-1	2016	Form
Local Budget — Notice of Supplemental Budget Hearing - Excel	150-504-073-8		General Form
Local Budget — Notice of Supplemental Budget Hearing - PDF	150-504-073-8	2016	Form
Local Budget — Resolution - Excel	150-504-073-6		General Form
Local Budget — Resolution - PDF	150-504-073-6	2016	Form
Local Budget — Urban renewal agencies—Form UR-1, Notice of Budget Hearing - Excel	150-504-076-2		General Form
Local Budget — Urban renewal agencies—Form UR-1, Notice of Budget Hearing - PDF	150-504-076-2	2016	Form
Local Budget — Urban renewal agencies—Form UR-50, Notice to Assessor - Excel	150-504-076-5		General Form
Local Budget — Urban renewal agencies—Form UR-50, Notice to Assessor - PDF	150-504-076-5	2016	Form
Local Budget — Urban renewal agencies—Forms and Instruction Booklet for Urban Renewal Agencies	150-504-076	2016	Publication
Local Budget — Urban renewal agencies—Resolution	150-504-076-4	2016	Form
Local Budgeting in Oregon	150-504-400		General Publication
Local Budgeting Manual	150-504-		General Publication

**Please route this booklet to your budget officer, finance officer, bookkeeper,
or other person responsible for preparing your budget.**

2017–2018

Local Budget Law and Notice of Property Tax

Forms and Instructions for Municipal Corporations

This booklet contains forms and instructions that a county, city or special district uses to publish notice of its budget committee meetings and its budget hearing and financial summary in order to comply with Oregon's Local Budget Law.^{1,2} It also contains the forms necessary to certify property taxes to the county assessor and to publish notice for a supplemental budget hearing.

The booklet is arranged with the instructions and examples in the front and the blank forms in the back.

Urban renewal agencies are subject to Local Budget Law and must complete the process separately from the parent municipality (county or city). A booklet with the forms designed specifically for urban renewal agencies, *Local Budget Law and Notice of Property Tax Forms and Instructions for Urban Renewal Agencies*, 150-504-076, is available on our website at: www.oregon.gov/dor/forms, search by form number, or by scrolling down to "Local budget".

School districts, education service districts, and community colleges are also subject to Local Budget Law, but the forms differ somewhat. A booklet designed specifically for these districts, *Local Budget Law and Notice of Property Tax Forms and Instructions for Education Districts*, 150-504-075, is available at: www.oregon.gov/dor/forms, search by form number, or by scrolling down to "Local budget".

Budget detail sheets

Budget detail sheets are used to prepare your municipal corporation's budget. These forms are not included in this booklet but are available for down-

¹—Local Budget Law is found in Oregon Revised Statutes (ORS) 294.305 to 294.565.

²—Not all special districts are subject to Local Budget Law. See page 4 for information about those districts that are not subject to the law.

load in fillable PDF or Microsoft Excel format on our website at: www.oregon.gov/dor/forms, scroll down to "Local budget".

You may create your own computer-produced versions of these forms as long as the formats are the same as the detail sheets provided by the department.

Forms included in this booklet

	Page
• Notice of Budget Committee Meeting, 150-504-073-1	19
• Form LB-1, Notice of Budget Hearing, 150-504-073-2	21
• Resolutions, 150-504-073-6	23
• Form LB-50, Notice of Property Tax, 150-504-073-7	25
• Notice of Supplemental Budget Hearing, 150-504-073-8	27

Finance & Taxation contact information:

Finance & Taxation 503-945-8293
finance.taxation@oregon.gov

Rebecca Hall 971-301-0312
rebecca.hall@oregon.gov

Melanie Cutler 971-301-1128
melanie.cutler@oregon.gov

Danette Benjamin 971-301-1149
danette.m.benjamin@oregon.gov

Jean Jitan 971-600-4097
jean.jitan@oregon.gov

Notice of Property Tax and Certification of Intent to Impose a Tax, Fee, Assessment, or Charge on Property

FORM LB-50 2017-2018

To assessor of _____ County

Check here if this is an amended form.

• Be sure to read instructions in the current Notice of Property Tax Levy Forms and Instructions booklet.

The _____ has the responsibility and authority to place the following property tax, fee, charge, or assessment on the tax roll of _____ County. The property tax, fee, charge, or assessment is categorized as stated by this form.

Mailing address of district	City	State	ZIP code	Date submitted
Contact person	Title	Daytime telephone number	Contact person e-mail address	

CERTIFICATION— You must check one box if you are subject to Local Budget Law.

- The tax rate or levy amounts certified in Part I are within the tax rate or levy amounts approved by the budget committee.
- The tax rate or levy amounts certified in Part I were changed by the governing body and republished as required in ORS 294.456.

PART I: TAXES TO BE IMPOSED

	Subject to General Government Limits Rate —or— Dollar Amount	
1. Rate per \$1,000 or total dollar amount levied (within permanent rate limit) ... 1	[]	
2. Local option operating tax 2	[]	Excluded from Measure 5 Limits
3. Local option capital project tax 3	[]	
4. City of Portland Levy for pension and disability obligations 4	[]	Dollar Amount of Bond Levy
5a. Levy for bonded indebtedness from bonds approved by voters prior to October 6, 2001 5a	[]	
5b. Levy for bonded indebtedness from bonds approved by voters after October 6, 2001 5b	[]	
5c. Total levy for bonded indebtedness not subject to Measure 5 or Measure 50 (total of 5a + 5b) 5c	[]	

PART II: RATE LIMIT CERTIFICATION

6. Permanent rate limit in dollars and cents per \$1,000..... 6	[]
7. Election date when your new district received voter approval for your permanent rate limit 7	[]
8. Estimated permanent rate limit for newly merged/consolidated district 8	[]

PART III: SCHEDULE OF LOCAL OPTION TAXES— Enter all local option taxes on this schedule. If there are more than two taxes, attach a sheet showing the information for each.

Purpose (operating, capital project, or mixed)	Date voters approved local option ballot measure	First tax year levied	Final tax year to be levied	Tax amount —or— rate authorized per year by voters

PART IV: SPECIAL ASSESSMENTS, FEES, AND CHARGES

Description	Subject to General Government Limitation	Excluded from Measure 5 Limitation
1		
2		

If fees, charges, or assessments will be imposed on specific property within your district, you must attach a complete listing of properties, by assessor's account number, to which fees, charges, or assessments will be imposed. Show the fees, charges, or assessments uniformly imposed on the properties. If these amounts are not uniform, show the amount imposed on each property. **The authority for putting these assessments on the roll is ORS _____.** (Must be completed if you have an entry in Part IV.)

(see the back for worksheet for lines 5a, 5b, and 5c)
File with your assessor no later than **JULY 15**, unless granted an extension in writing.

Worksheet for Allocating Bond Taxes

Debt service requirements for bonds approved *prior to* October 6, 2001 (including advanced refunding issues to redeem them):

	Principal	Interest	Total
Bond Issue 1			
Bond Issue 2			
Bond Issue 3			
Total A			

Debt service requirements for bonds approved *on or after* October 6, 2001:

	Principal	Interest	Total
Bond Issue 1			
Bond Issue 2			
Bond Issue 3			
Total B			
Total Bond (A + B)			

Total Bonds

$$\frac{\text{Total A} = \$ \underline{\hspace{2cm}}}{\text{Total A + B} = \$ \underline{\hspace{2cm}}} = \underline{\hspace{2cm}} \% \times \text{Bond Levy} = \$ \underline{\hspace{2cm}} \quad (\text{enter on line 5a on the front})$$

$$\frac{\text{Total B} = \$ \underline{\hspace{2cm}}}{\text{Total A + B} = \$ \underline{\hspace{2cm}}} = \underline{\hspace{2cm}} \% \times \text{Bond Levy} = \$ \underline{\hspace{2cm}} \quad (\text{enter on line 5b on the front})$$

Total Bond Levy \$ (enter on line 5c on the front)

Example – Total Bond Levy = \$5,000

Debt service requirements for bonds approved *prior to* October 6, 2001 (including advanced refunding issues to redeem them):

	Principal	Interest	Total
Bond A: Bond Issue 1	5,000.00	500.00	5,500.00
Bond Issue 2	3,000.00	250.00	3,250.00
Bond Issue 3	1,000.00	100.00	1,100.00
Total A			9,850.00

Debt service requirements for bonds approved *on or after* October 6, 2001:

	Principal	Interest	Total
Bond B: Bond Issue 1	3,000.00	50.00	3,050.00
Total B			3,050.00
Total Bond (A + B)			\$12,900.00

Formula for determining the division of tax:

$$\frac{\text{Total A} = \$ \underline{9,850.00}}{\text{Total A + B} = \$ \underline{12,900.00}} = \underline{0.7636} \% \times \text{Bond Levy} = \$ \underline{3,818.00} \quad (\text{enter on line 5a on the front})$$

$$\frac{\text{Total B} = \$ \underline{3,050.00}}{\text{Total A + B} = \$ \underline{12,900.00}} = \underline{0.2364} \% \times \text{Bond Levy} = \$ \underline{1,182.00} \quad (\text{enter on line 5b on the front})$$

Total Bond Levy \$ 5,000.00 (enter on line 5c on the front)

Sample: Resolution Adopting the Budget:

Clear This Page

Resolution No. _____

RESOLUTION ADOPTING THE BUDGET

BE IT RESOLVED that the Board of Directors of the _____ hereby adopts the budget for fiscal year 20____ - ____ in the total of \$____. * This budget is now on file at _____, Oregon.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 20____, and for the purposes shown below are hereby appropriated:

General Fund

Organizational Unit or Program:	
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Not Allocated to Organizational Unit or Program:

Personnel Services	\$ _____
Materials & Services	\$ _____
Capital Outlay	\$ _____
Debt Service	\$ _____
Special Payments	\$ _____
Transfers Out	\$ _____
Contingency	\$ _____
Total	\$ _____

Debt Service Fund

Debt Service	\$ _____
Total	\$ _____

Fund

Org. Unit/Program	\$ _____
Special Payments	\$ _____
Transfers Out	\$ _____
Contingency	\$ _____
Total	\$ _____

Fund

Org. Unit/Program	\$ _____
Special Payments	\$ _____
Transfers Out	\$ _____
Contingency	\$ _____
Total	\$ _____

Total Appropriations, All Funds \$ _____

Total Unappropriated and Reserve Amounts, All Funds \$ _____

TOTAL ADOPTED BUDGET \$ _____*

(*amounts with asterisks must match)

RESOLUTION IMPOSING THE TAX

BE IT RESOLVED that the following ad valorem property taxes are hereby imposed for tax year 20____ - ____ upon the assessed value of all taxable property within the district:

- (1) In the amount of \$ _____ OR at the rate of \$ _____ per \$1,000 of assessed value for permanent rate tax;
- (2) In the amount of \$ _____ OR at the rate of \$ _____ per \$1,000 of assessed value for local option tax; and
- (3) In the amount of \$ _____ for debt service for general obligation bonds;

RESOLUTION CATEGORIZING THE TAX

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as:

General Government Limitation

Permanent Rate Tax	\$ _____ or _____ / \$1,000
Local Option Tax	\$ _____ or _____ / \$1,000

Excluded from Limitation

General Obligation Bond Debt Service

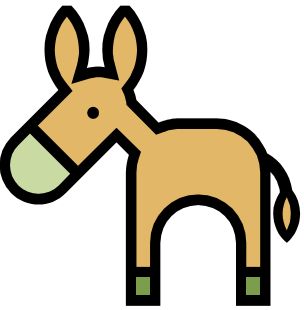
The above resolution statements were approved and declared adopted on this _____ day

of _____ 20____.

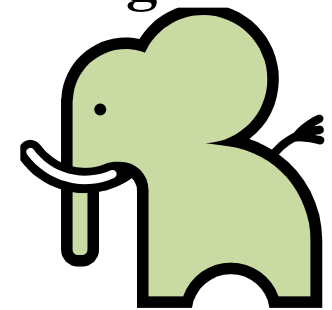
X _____
Signature

**Public Meeting Law
and Public Records (19 pages)**

Lincoln County Special Districts Training 2017



Notice: County Counsel's Office does not represent the Special Districts invited to this training. Information provided is of a general nature and should not be construed as legal advice. District members are encouraged to consult with their own attorneys for specific legal advice relating to District actions.



Public Meetings Law

- A public meeting is any meeting conducted by a state, regional or local governing body to decide or consider any matter.
- For the meeting to be subject to open meeting law, a majority must be present.

Public Meeting Law cont...

- The public meetings law applies to the governing body of any state agency, regional government, city, county, school district, special district or municipal corporation. It also applies to any subcommittee of any of these public bodies. Staff meetings generally are not covered by the Public Meetings Law. If less than a majority is present, the meeting is not covered by the Public Meetings Law.

Meeting Notice

- A governing body must provide notice that is reasonably calculated to inform the public and all interested parties about the time, place and agenda of public meetings.
- Time, date, place

Executive session

- A meeting can be closed to the public if a governing body goes into Executive Session. The law governing Executive Session is designed to allow a public body to have confidential discussions, but does not allow any decisions to be made in secret. All decisions by a governing body must be made in public.

Keep Minutes

- Public bodies must keep a record of their public meetings. Written minutes are acceptable, as are audio or video recordings. Written minutes must include the members present; all motions, resolutions and other actions; any votes that were taken; and the substance of any discussion.

Violation of the Public Meetings Law

- A citizen who believes that a public body has violated the Public Meetings Law can file a lawsuit in Circuit Court. If you believe that a public official has violated Executive Session provisions of the law, you may file a complaint with the Oregon Government Ethics Commission. Neither the Attorney General nor a district attorney may assist a citizen in enforcing the Public Meetings Law.

History of Public Records

- Enacted in 1973-Watergate era
- Citizen Participation

“Democracy depends on a knowledgeable citizenry whose access to a range of information enables them to participate more fully in **public** life, help determine priorities for **public** spending, receive equal access to justice, and to hold their **public** officials accountable.”

-Carter Center

What are public records?

- The Oregon **Public Records** law applies to all government **records** of any kind.
- ORS defines **public records** as including “any writing that contains information relating to the conduct of the **public’s** business...”
- A “writing” means handwriting, typewriting, printing, photographing and every means of recording such as videotape or microfiche. **Public records** include e-mail, as well as other information stored on computers.

Access to Public Records

“Generally, the identity, motive and need of the person requesting access to **public records** are irrelevant. Interested persons, news media representatives, business people seeking access for personal gain, busybodies on fishing expeditions, persons seeking to embarrass government agencies, and scientific researchers all stand on an equal footing.”

-Attorney General's Public Records
and Meetings Manual

ORS 192.410 to 192.505

- [e]very person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505

Responding to a request



← Records Custodian

- ❖ Must respond to a request “as soon as practicable and without reasonable delay” .
- ❖ District can request additional information or clarification from requestor to help expedite request

Responding to a request cont...

❖ Need to formally “respond” to request as follows:

✍ Acknowledge receipt and one of the following:

- ◆ Statement: No records or exempt records
- ◆ Provide copies of records (either make copies or provide for inspection)
- ◆ Statement: Have some records (or is custodian of others records), estimate when records will be available and estimate fees to be charged as condition of release of records
- ◆ Same as above but, estimate time when estimates will be available (yes it says that !!!)
- ◆ Statement: Uncertain if have records and will search and make response as soon as practicable
- ◆ Statement: State or Federal law prohibits acknowledgment whether record exists (or results in loss of benefits by acknowledgement. Must cite law relied upon

Written procedure

- ❖ District **Must** Have Written Procedure for making public records requests
 - ✗ Does any District currently have a public records procedure and written request form?



- ✗ Must Identify Records Custodian(s) and amounts and manner of calculating fees for responding to requests in procedure/form

Ethics

The Oregon Government Ethics Commission (OGEC), established by vote of the people in 1974, is a seven-member citizen commission charged with enforcing government ethic laws. Oregon government ethic laws prohibit public officials from using office for financial gain, and require public disclosure of economic conflict of interest.

<http://www.oregon.gov/OGEC/index.shtml>

Ethics continued

- Nepotism: public official can't participate in hiring, appointing, employing, promoting, discharging, demoting or supervising relatives or members of household
 - - Can adopt **exceptions** for smaller districts where options are limited. But governing body should formally adopt exceptions.

Local Budget Law Application

- ORS 294.316
- Does NOT apply to Road Districts organized under ORS 371

Municipal Audit Law

- ORS 297.435
- Required to submit financial statements for the year to the Secretary of State (considered audit reports)

Links

http://www.doj.state.or.us/public_records/pages/citizens_guide.aspx

<http://sos.oregon.gov/audits/Pages/local-government-resources.aspx>

<http://www.oregon.gov/dor/ptd/pages/localb.aspx>

**Attorney General's Public
Records and Meetings –
Excerpt (26 pages)**

**STATE OF OREGON
DEPARTMENT OF JUSTICE**

**ATTORNEY GENERAL'S
PUBLIC RECORDS
AND
MEETINGS MANUAL**



“Knowledge will forever govern ignorance.
And a people who mean to be their own governors, must arm
themselves with the power knowledge gives. A popular government
without popular information or the means of acquiring it, is but
a prologue to a farce or a tragedy, or perhaps both.”
James Madison (1822)

ELLEN F. ROSENBLUM
Attorney General

November 2014

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COMPLIANCE WITH THE AMERICANS WITH
DISABILITIES ACT (ADA)**

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Salem, Oregon 97301-4096
Telephone: 503-947-4342 — Voice
800-735-2900 — TTY
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TABLE OF CONTENTS

INTRODUCTION	xix
PREFACE	xxi
I. PUBLIC RECORDS	1
A. WHO HAS THE RIGHT TO INSPECT PUBLIC RECORDS?	1
B. WHO IS SUBJECT TO THE PUBLIC RECORDS LAW?	2
1. <i>Public Bodies</i>	2
2. <i>Private Bodies</i>	3
C. WHAT RECORDS ARE COVERED BY THE LAW?	5
1. <i>Writing</i>	6
2. <i>Prepared, Owned, Used or Retained</i>	8
D. HOW CAN A PERSON INSPECT OR OBTAIN PUBLIC RECORDS	9
1. <i>Making a Request</i>	9
2. <i>Records Custodian</i>	10
3. <i>Acknowledging a Request</i>	11
4. <i>Proper and Reasonable Opportunity to Inspect</i>	12
5. <i>Copying</i>	14
6. <i>Public Body Prerogatives</i>	15
a. <i>Protective Rules</i>	15
b. <i>Fees</i>	16
(1) <i>Fee Schedules</i>	18
(2) <i>Waiver or Reduction of Fees</i>	19
(a) <i>Public Interest Test</i>	20
(b) <i>Decision on Fee Waiver or Reduction</i>	22
c. <i>Consultation with Legal Counsel</i>	24
d. <i>Retention and Destruction of Public Records</i>	24
E. WHAT PUBLIC RECORDS ARE EXEMPT FROM DISCLOSURE?	26
1. <i>The Nature of the Exemptions</i>	26
2. <i>What Are Conditional and Unconditional Exemptions from Disclosure?</i>	29
3. <i>What Is “The Public Interest in Disclosure”?</i>	30
4. <i>The Catalogue of Exemptions</i>	31
a. <i>The Personal Safety Exemption</i>	31
b. <i>The Public Employee Photo ID Badge and Card Exemption</i>	33
c. <i>Concealed Handgun License Holder Information Exemption</i>	34
d. <i>The “Conditional” Exemptions of ORS 192.501</i>	36
(1) <i>Public Records Pertaining to Litigation</i>	37
(2) <i>Trade Secrets</i>	39
(3) <i>Criminal Investigatory Material</i>	42
(4) <i>Tests and Examination Material</i>	45
(5) <i>Business Records Required to be Submitted</i>	47
(6) <i>Real Estate Appraisal Information</i>	48
(7) <i>Employee Representation Cards</i>	48
(8) <i>Civil Rights Investigation Material</i>	48
(9) <i>Unfair Labor Practice Complaints</i>	49

INTRODUCTION

In August of 1973, just after the enactment of Oregon's Public Records and Public Meetings Laws, the first Attorney General's Public Records and Meetings Manual was published. Since then, successive versions of the manual have striven to illuminate, for citizens and government bodies alike, the requirements of Oregon's laws related to public meetings and the disclosure of public records.

Put simply, these laws establish a general expectation that Oregon's government will be transparent to its people. Government records are available to the public, and governing bodies must conduct deliberations and make decisions in the open. This manual contains opinions of the Attorney General construing these requirements. Oregon's Attorneys General have long recognized that this transparency is vital to a healthy democracy. Public scrutiny helps ensure that government spends tax dollars wisely and works for the benefit of the people.

The legislature has recognized exceptions to the general policy of openness. For example, the law protects the privacy of citizens whose confidential records are held by the government. And the law protects public safety by exempting from disclosure documents that would reveal security measures and investigatory documents that could compromise criminal investigations if disclosed. One purpose of this manual is to identify the general exceptions that, in the legislature's judgment, sometimes justify withholding information from the public. For more than four decades, the office of the Attorney General has striven to faithfully interpret the Public Records and Public Meetings Laws in a manner consistent with the fundamental premise underlying them. This means ambiguities in the law generally should be resolved in favor of the public's right to information. When public bodies do have the authority to exclude the public from some types of discussions, or withhold certain records from public view, that authority is an exception to the general rule of openness. The scope of such an exception must be interpreted narrowly in order to preserve to Oregonians the power to understand and oversee the activities of their government.

From time to time, the Attorney General reviews and updates this manual for consistency with legislative changes to the Public Records and Public Meetings Laws, recent appellate court decisions interpreting these statutes, and Public Records Orders issued by the Department of Justice. I

hope it is helpful both to our client agencies and to other users. I appreciate your comments and suggestions.

I gratefully acknowledge the contributions to this new edition of Assistant Attorneys General Michael Kron, Johanna Riemenschneider, and Sarah Weston; Department of Justice Legal Secretary Tonie Cotell; and Special Litigation Unit Law Clerk Shantel Chapple.

ELLEN F. ROSENBLUM
Attorney General

PREFACE

This Manual is organized in two parts: Part I discusses the Public Records Law; Part II discusses the Public Meetings Law. Each part is followed by its own set of appendices which include answers to commonly asked questions about the law, sample forms, summaries of court decisions, Attorney General opinions, and a reprint of the statutes.

I. PUBLIC RECORDS

A. WHO HAS THE RIGHT TO INSPECT PUBLIC RECORDS?

Under ORS 192.420 “every person” has a right to inspect any nonexempt public record of a public body in Oregon. This right extends to any natural person, any corporation, partnership, firm or association, and any member or committee of the Legislative Assembly. ORS 192.410(2).¹ The definition of “person” in ORS 192.410(2) does not mention a “public body,” and we have concluded that a public body may not use the Public Records Law to obtain public records from another public body.² Similarly, a public official, other than a legislator, acting within his or her official capacity may not rely on the Public Records Law to obtain records, although the individual could do so in his or her individual capacity.

Generally, the identity, motive and need of the person requesting access to public records are irrelevant.³ Interested persons, news media representatives, business people seeking access for personal gain, persons seeking to embarrass government agencies, and scientific researchers all stand on an equal footing.⁴

However, the identity and motive of the person seeking disclosure of a particular public record may be relevant in determining whether a record is exempt from disclosure under a conditional exemption. ORS 192.501 conditionally exempts certain records from disclosure “unless the public interest requires disclosure in the particular instance.” As the discussion of exemptions below demonstrates, many of the exemptions listed in ORS

¹ A legislative committee also may compel the production of public documents by means of a legislative summons. ORS 171.505 to 171.530.

² Letter of Advice dated June 26, 1987, to Wanda Clinton, Department of Revenue (OP-6049) at 8 (see App E); Public Records Order, October 7, 2002, Snow (see App F); Public Records Order, April 12, 2007, Giordano (principle applies equally to requests from governmental entities of other states).

³ See, e.g., *State ex rel Frohnmayer v. Oregon State Bar*, 307 Or 304, 767 P2d 893 (1989) (lawyer who is subject of bar disciplinary proceeding may use Public Records Law to gather records) (see App C); *State v. Spada*, 286 Or 305, 594 P2d 815 (1979); *Smith v. School Dist. No. 45*, 63 Or App 685, 692, 666 P2d 1345, rev den 295 Or 773, 670 P2d 1036 (1983) (see App M).

⁴ *MacEwan v. Holm, et al.*, 226 Or 27, 359 P2d 413 (1961) (see App C).

192.502 also call for a balancing of privacy rights, governmental interests, and other confidentiality policies, on the one hand, and the public interest in disclosure on the other. In cases requiring a balancing of interests, the identity of the requester and the use to be made of the record may be relevant in determining the weight of the public interest in disclosure.⁵ See “What Is The Public Interest in Disclosure” discussed below. In addition, the identity and motives of the requester may be relevant to whether a fee waiver or reduction is appropriate.

B. WHO IS SUBJECT TO THE PUBLIC RECORDS LAW?

1. Public Bodies

ORS 192.420 broadly extends the coverage of the Public Records Law to any public body in this state. For purposes of the records law, ORS 192.410(3) defines the term “public body” as including:

every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

ORS 192.410(5) defines the term “state agency” to mean:

any state officer, department, board, commission or court created by the Constitution or statutes of this state but does not include the Legislative Assembly or its members, committees, officers or employees insofar as they are exempt under section 9, Article IV of the Oregon Constitution.

Thus, all state and local government instrumentalities are subject to the Public Records Law, including “public corporations” such as the Oregon State Bar, the SAIF Corporation, and the Oregon Health and Science University.⁶

⁵ *Jordan v. MVD*, 308 Or 433, 443, 781 P2d 1203 (1989) (see App C); *Guard Publishing Co. v. Lane County School Dist.*, 96 Or App 463, 774 P2d 494 (1989), *rev'd on other grounds* 310 Or 32, 791 P2d 854 (1990) (see App C); *Turner v. Reed*, 22 Or App 177, 180 n 2, 538 P2d 373 (1975) (see App C); 37 Op Atty Gen 126, 128 (1974) (see App E).

⁶ *State ex rel Frohnmayr*, 307 Or at 304 (1989) (see App C); *see also Frohnmayr v.*
Continued – Next Page

Generally, legislative records are public records subject to inspection.⁷ However, a person may not seek to enforce the Public Records Law with respect to legislative records during the period the legislature is in session and the 15 days immediately preceding the start of the session. *See* ORS 192.410(5).⁸

Governing bodies of prekindergarten programs that receive Oregon prekindergarten grants are considered public bodies for some purposes. The notes of the meetings of such a program are subject to the Oregon Public Records Law. So are records created at or presented to the governing body's meetings.⁹

2. Private Bodies

On its face, the Public Records Law does not apply to private entities such as nonprofit corporations and cooperatives. However, in a 1994 case, the Oregon Supreme Court held that if the ostensibly private entity is the "functional equivalent" of a public body, the Public Records Law applies to it. The court stated that the following factors, although not exclusive, are relevant in determining whether a private entity is the functional equivalent of a public body:

- the entity's origin (was it created by government or was it created independently?);
- the nature of the function(s) assigned and performed by the entity (are these functions traditionally performed by government or are they commonly performed by a private entity?);
- the scope of the authority granted to and exercised by the entity

SAIF, 294 Or 570, 660 P2d 1061 (1983) (examples of state officers, boards and commissions listed in ORS 180.220 meant to illustrate, not to limit); *but see* Public Records Order, February 25, 1992, Loeb (Columbia River Gorge Commission, which is governed by federal law and interstate compact, is not a public body subject to state Public Records Law) (see App F).

⁷ *But see* ORS 171.430 (1) (legislative records may be designated confidential by statute, rule or resolution of Legislative Assembly, Emergency Board, Legislative Administration Committee, Legislative Counsel or Joint Committee on Ways and Means).

⁸ Or Const Art IV, § 9 (legislators not subject to civil process at certain times).

⁹ *See generally* ORS 329.175(6).

(does it have the authority to make binding decisions or only to make recommendations to a public body?);

- the nature and level of any governmental financial and nonfinancial support;
- the scope of governmental control over the entity;
- the status of the entity's officers and employees (are they public employees?).¹⁰

The court explained that no single factor was strictly necessary and no one factor would be determinative in all instances. In weighing the significance of the various factors, the court's focus was on whether the policies underlying the Public Records Law required that the private entity's records be available for inspection.

The Court of Appeals subsequently applied the factors listed above to determine whether a city could be compelled to disclose records of a fire department. The city asserted that the fire department was an independent, nonprofit organization, and the fire department had not been made party to the suit. The court determined that the analysis described above, including the specifically listed factors, provided the proper framework for deciding whether the city could be compelled to disclose the fire department's records, and answered in the affirmative.¹¹

Even if a private entity might meet this test, we have determined that not all of its records are necessarily subject to the public records law. Instead, we think it is appropriate to examine whether the entity possesses the requested records for purposes that are governmental in nature.¹² For

¹⁰ *Marks v. McKenzie High School Fact-Finding Team*, 319 Or 451, 878 P2d 417 (1994) (see App C); Public Records Order, January 31, 2001, Hinkle (see App F); Public Records Order, September 3, 2002, Long (see App F); Public Records Order, November 19, 2002, Forrester (see App F); Public Records Order, March 29, 2004, Redden (see App F). *See also* 46 Op Atty Gen 155 (1989) (Oregon Medical Insurance Pool not a "public body" subject to Public Records Law) (see App E). However, we believe our opinion that the Oregon Trade and Marketing Center is not a "public body" subject to the Public Records Law, 46 Op Atty Gen 97 (1988) (see App E), is no longer correct in light of *Marks*.

¹¹ *Laine v. City of Rockaway Beach*, 134 Or App 655, 896 P2d 1219 (1995) (see App C).

¹² Public Records Order, July 24, 2008, Rios (see App F).

example, contracting with a large company to manage a significant government program might mean that the company's records pertaining to the managed program are public records. But it should not mean that all of the company's records are public records.

As government "privatizes" various governmental functions, as the Legislative Assembly exempts state agencies from the application of various statutes and as government is directed to perform various functions through contracts with private entities, numerous quasi-public entities are being created. A similar analysis would be used to determine if a quasi-public entity is a public body.

Even if a private entity is not the functional equivalent of a public body, if it contracts with a public body, its records may be obtained under the Public Records Law from the public body if the public body has custody of copies of the records.¹³ In addition, a public body by rule or contract may require private bodies with which it deals to make pertinent records available for public inspection.¹⁴ Records in a private body's possession may also be subject to disclosure where a public body actually owns the records.¹⁵

C. WHAT RECORDS ARE COVERED BY THE LAW?

The definition of "public record" in ORS 192.410(4) and the policy statement in ORS 192.420 make it clear that the records law applies broadly.¹⁶ ORS 192.410(4)(a) defines a "public record" as including:

any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.

¹³ 46 Op Atty Gen 97 (1988) (see App E).

¹⁴ Cf. Public Records Order, December 11, 1992, Smith (reports are public records when contract makes all work products resulting from contract the property of Department of Human Services) (see App F).

¹⁵ See discussion below at section I.C.2 ("Prepared, Owned, Used or Retained").

¹⁶ ORS 192.410(4)(b) specifies that writings not related to the conduct of the public's business and contained on a privately-owned computer do not constitute "public records."

The definition of “public record” includes “court records,” paralleling the express reference to courts in the definition of “state agency.” ORS 192.410(5). The intended scope of the term “court records” in ORS 192.410(4) is not clear from the legislative history of this statute. There is evidence in the legislative history that the legislature intended the term to embrace only those records enumerated in ORS 7.010(1) and (2) (“The records of the circuit and county courts include a register, judgment docket and jury register”; and “The record of the Supreme Court and the Court of Appeals is a register.”).¹⁷ However, evidence in the history also suggests that the legislature intended for the Public Records Law to provide access to the materials submitted into evidence in a judicial proceeding. We leave this question for future resolution.

1. Writing

Public records include any “writing” containing information relating to the conduct of the public’s business. ORS 192.410(4). The term “writing” is defined expansively by ORS 192.410(6) to mean:

handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, films, facsimiles or electronic recordings.

This definition includes information stored on virtually any medium. ORS 192.440(2) expressly recognizes that public records may be in “machine readable or electronic form.” Telephone messages left on a voicemail system are writings under ORS 192.410(6), and therefore subject to inspection to the extent that they exist. However, public bodies are not required to retain their telephone messages.¹⁸

Public bodies frequently communicate via electronic mail (e-mail). E-mail is a public record. Even after individual e-mail messages are

¹⁷ Or Laws 1989, ch 377, § 1. See also *Jury Service Resource Center v. Carson*, 199 Or App 106, 111 n 2; 110 P3d 594 (2005), *rev'd in part on other grounds*, *Jury Service Resource Center v. De Muniz*, 340 Or 423, 429, 134 P3d 948 (2006) (jury pool records consisting of “source lists,” “master lists,” and “term lists” are not subject to disclosure under the Public Records Law) (see App C).

¹⁸ ORS 192.005(5)(f).

“deleted” from an individual’s computer work area, the messages may continue to exist on computer back-up tapes for at least a short period of time. E-mails on back-up tapes remain public records. As with any public record, a public body must make all nonexempt e-mail available for inspection and copying regardless of its storage location.

The Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the “reasoning” behind their actions, or other “knowledge” their staff might have. And it does not require public bodies to explain or to answer questions about their records, analyze their records, or perform legal research or opinions.¹⁹

The distinction between disclosing an existing record and creating a record is especially important in relation to computer-stored data. Public bodies at every level of government use computers extensively. Computer data and printouts generated for use by the public body are public records. But, a public body is not required to create new information using its computer programs nor to create a new program to extract data in a manner requested by the public.²⁰

Public bodies at every level of government use computers and electronic storage mechanisms extensively. The public’s access to this information depends on its retrieval by public bodies through the use of computer software or programs developed or acquired by the public bodies at public expense. On the other hand, if a request merely requires a public body to use its existing software in order to retrieve existing information, we believe that the Public Records Law requires those efforts to retrieve and make available nonexempt computer or electronically stored data and information, when requested, through the computer software or programs in use by the public body. *See* ORS 192.440(2). Again, this does not mean that public bodies must develop or acquire new or additional software or programs in order to retrieve the requested information.²¹ Nor does it mean

¹⁹ Public Records Order, May 26, 2005, Andrade (see App F); Public Records Order, February 23, 2006, Kane (see App F).

²⁰ Letter of Advice dated June 1, 1987, to Jim Kenney, Supervisor, Urban-Renewal Section, Department of Revenue (OP-6126) (see App E).

²¹ Public Records Order, July 17, 2000, Forgey (see App F); Public Records Order,

that public bodies are required to use their existing computer programs to develop entirely new information. But, if the public body has computer programs that it uses to retrieve data for its own purposes, it must use those same programs to retrieve data requested under the Public Records Law. The same is true for information stored by any other electronic means.²² When a public body uses computer software or programs to retrieve information for its own purposes, the public body must, upon request, use that same software or program to retrieve and make available existing data or information stored by the public body in computer or electronic form.

2. Prepared, Owned, Used or Retained

Records need not have been prepared originally by the public body to qualify as public records. If records prepared outside government contain “information relating to the conduct of the public’s business,” and are “owned, used or retained” by the public body, the records are within the scope of the Public Records Law. For example, we concluded that a contract giving an agency ownership of everything created by the contractor meant that a record never in the agency’s possession was a public record subject to disclosure under the Public Records Law.²³ We also concluded that a letter from the American Assembly of Collegiate Schools of Business to Portland State University (PSU) was a public record because it was retained and used by PSU.²⁴

However, a document prepared by a private entity does not become a public record merely because a public official reviews the document in the course of official business so long as the official neither uses nor retains the document. And not all documents in the possession of a public officer or

October 13, 2004, Johansen (see App F).

²² The public body is not required to disclose the underlying software or program. ORS 192.501(15).

²³ Public Records Order, December 11, 1992, Smith (see App F); *but see* Public Records Order, March 23, 2005, Har (state agency’s right to access records maintained by contractor not sufficient by itself to qualify records as “public records”) (see App F).

²⁴ Public Records Order, April 28, 1988, Koberstein (see App F). *See also AA Ambulance Co., Inc. v. Multnomah County*, 102 Or App 398, 794 P2d 813 (1990) (even if documents developed by contractor are public records only because contract gave county perpetual use of them, contract cannot create exemption to public records law) (see App C).

agency employee necessarily constitute public records. For instance, correspondence between the Oregon Government Ethics Commission (OGEC)²⁵ and a public official concerning the official's possible violation of ethical obligations in ORS chapter 244 is not a public record in the hands of the individual public official, because the OGEC investigation pertains to the official in his or her individual capacity and the liability of the public official is personal.²⁶ That same correspondence may be a public record in the hands of OGEC.

D. HOW CAN A PERSON INSPECT OR OBTAIN PUBLIC RECORDS

1. Making a Request

The statutory authority to request records of Oregon public bodies comes from the Oregon Public Records Law, not the federal Freedom of Information Act (FOIA).²⁷ Nevertheless, public bodies should not deny a request for their records merely because the requester calls it a FOIA request. Oregon public bodies are not bound by FOIA timeframes or any other provisions of that federal act. But Oregon courts do look to federal FOIA cases to help interpret compatible provisions of the Oregon Public Records Law. See "The Federal Freedom of Information Act," p. 128.²⁸

We believe that a public body may require the records request to be in writing.²⁹ A state agency should adopt such a requirement in compliance

²⁵ Oregon Laws 2007, chapter 865, subsection 40b(1) amends ORS 244.250 to change the name of the "Oregon Government Standards and Practices Commission" to the "Oregon Government Ethics Commission."

²⁶ Public Records Order, June 28, 2001, Zaitz (see App F).

²⁷ State statutes outside the Public Records Law may also provide a right to request disclosure of records from a particular public body. *Oregonians for Sound Economic Policy v. SAIF*, 187 Or App 621, 69 P3d 742 (2003) (see App C).

²⁸ See, e.g., *Jensen v. Schiffman*, 24 Or App 11, 544 P2d 1048 (1976) (interpreting Oregon's exemption for criminal investigatory exemption in light federal court interpretations of the similar FOIA exemption) (see App C).

²⁹ We believe that the statutory authority to adopt rules "to prevent interference with the regular discharge of duties of the custodian" would usually, and perhaps always, support rules requiring written requests. Public records requests can be broad and complex. By its nature, an oral request will risk being misunderstood or misremembered by the public employee receiving the request.

with the state Administrative Procedures Act.³⁰ See p. B-2 for a sample form of written records request. Written requests help public bodies identify the records requested. It also creates a record of the reason the public body released the record, which is helpful if releasing the record results in a legal challenge.

A public body must make available to the public a written procedure for making public records requests. The procedure must include: (1) the name of one or more persons to whom public record requests may be sent, with addresses; and (2) the amounts of and the manner of calculating fees that the public body charges for responding to requests for public records.³¹ See p. B-3 for a sample procedure.

When a person who is a party to litigation involving a public body or who has filed a tort claim notice under ORS 30.275(5)(a) uses the Public Records Law to request information relating to the litigation or notice, the party must notify the attorney for the public body. ORS 192.420(2).³² An attorney may request public records directly from a public body without consent of the public body's legal counsel, but the attorney could violate Section 4.2 of the Oregon State Bar's Rules of Professional Conduct by asking questions about the meaning of records or attempting to elicit admissions when the attorney knows that the public body is represented by legal counsel on a matter to which the records are relevant.³³

2. Records Custodian

The "custodian" of public records bears the duty to make nonexempt public records available for inspection and copying under the Public Records Law. The term "custodian" is defined as that public body mandated to create, maintain, care for or control the records. ORS 192.410(1)(b). More than one public body can be a custodian of a given public record, and each custodian is responsible for responding to public record requests directed to it. In general, any public body that possesses a public record for

³⁰ ORS 183.310(9), 183.335, 183.355.

³¹ ORS 192.440(7).

³² The attorney for a state agency is the Attorney General. ORS 192.420(2).

³³ Oregon State Bar Formal Opinion No. 2005-144 (revised 2007).

purposes related to one or more of its particular functions is a custodian of the record. However, the term does not include a public body that has custody of a public record as an agent for another public body that is the custodian, unless the record is not otherwise available.³⁴ ORS 192.410(1)(b). When a public body that is a custodian of public records has received the records from another public body, it should consult with the originating body regarding whether the records may be exempt from disclosure. *See* ORS 192.502(10).

3. Acknowledging a Request

If a request is made in writing, the public body must provide a response acknowledging receipt of the request “as soon as practicable and without unreasonable delay.” The response must also include one of the following:

- A statement that the public body does not possess, or is not the custodian of, the public record.
- Copies of all requested public records for which the public body does not claim an exemption from disclosure under ORS 192.410 to 192.505.
- A statement that the public body is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records.
- A statement that the public body is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public body within a reasonable time.
- A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and make an appropriate response as soon as practicable.

³⁴ Public Records Order, December 17, 1999, Sheketoff (see App F).

- A statement that state or federal law prohibits the public body from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the public body.

See p. B-5 for a sample form of response to a public records request. The public body may request additional information or clarification from the requester for the purpose of expediting the public body's response to the request.³⁵ Except in the rare cases where the last of these responses may be implicated, this requirement is straightforward. A public body may wish to take a brief time to make a more informed response. But a number of the responses permitted by the statute facilitate a prompt response by the public body, even if the public body does not know whether it has custody of responsive records. Timely acknowledgment of a request lets a requester know that the process is underway. It also provides a good opportunity to pursue any needed clarification of a request.

4. Proper and Reasonable Opportunity to Inspect

ORS 192.430 requires a custodian of public records to provide "proper and reasonable opportunities for inspection and examination of the records in the office of the custodian" during usual business hours to persons seeking access to public records. See p. B-9 for Helpful Hints for Responding to Public Records Requests. The public is entitled to inspect nonexempt records as promptly as a public body reasonably can make them available. How quickly a public body reasonably can make nonexempt records available will depend on factors like the specificity of the request, the volume of records requested, staff available to respond to the records request, and the difficulty of determining whether any of the records are exempt from disclosure. In the usual case, we think that it should be possible to make requested records available within ten working days. We recognize that in some cases more time – even significantly more time – may be required.

Merely failing to comply with a timeframe set by the requester is not a

³⁵ ORS 192.440(2); Or Laws 2007, ch 467, § 1.

denial entitling the requester to petition for release of the records.³⁶ We have also concluded that failing to timely acknowledge a public records request does not, by itself, amount to a denial of the request.³⁷

The custodian's duty to provide reasonable opportunities for inspection of records applies to records "maintained in machine readable or electronic form." ORS 192.430(1). The law also requires the custodian to provide persons inspecting records with "reasonable facilities" for making memoranda or abstracts from the records. In short, the law directs public bodies to take reasonable steps to accommodate members of the public while they inspect public records.

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities in governmental activities and requires public bodies to ensure that their communications with individuals with disabilities are as effective as communications with others.³⁸ Providing nonexempt public records under the Oregon Public Records Law is a governmental activity covered by the ADA. Thus, when making public records available, a public body must provide an opportunity for individuals with disabilities to request an alternative form (large print, Braille, audio tape, etc.).³⁹ The public body must give primary consideration to the choice expressed by the individual, but is not required to provide personal devices such as prescription glasses or readers for personal use or study.⁴⁰ The public body is entitled to consider the resources available for the program from which the records are sought in responding to a request for alternative format, and may conclude that compliance with the request would create undue burdens.⁴¹ Before refusing a request for accommodation under the ADA, a public body that is unsure of its obligations should consult with its legal counsel.

³⁶ *Morse Bros., Inc. v. ODED*, 103 Or App 619, 798 P2d 719 (1990) (see App C).

³⁷ Public Records Order, October 27, 2008, Harbaugh (see App F).

³⁸ 42 USC §§ 12131–12132; 28 CFR § 35.160.

³⁹ 28 CFR § 35.104.

⁴⁰ 28 CFR §§ 35.135, 35.160.

⁴¹ 28 CFR § 35.164; *Nelson v. Thornburgh*, 567 F Supp 369 (ED Pa 1983), *aff'd* 732 F2d 146 (3rd Cir 1984), *cert den* 469 US 1188 (1985).

Note that a public body may not charge a person with a disability to cover any additional costs of providing records in an alternative form, although the public body may charge a fee for all other “actual costs” that may be recovered under the Public Records Law just as it would for any other requester. See Waiver or Reduction of Fees, discussed below.

5. Copying

A person may require the public body to provide a copy of a requested record if the record is susceptible to copying.⁴² ORS 192.440(1) also requires public bodies to furnish “reasonable opportunity to inspect or copy” public records. This duty includes allowing requesters to use their own equipment to make copies, subject to reasonable restrictions imposed by the public body to protect the integrity of the records and to prevent interference with the regular duties of the public body. A person requesting a record generally can choose between receiving a copy of the record provided by the custodian, physically inspecting the record, or making a copy of the record using the requester’s own equipment at the custodian’s place of business.⁴³

Although an individual’s signature submitted under ORS chapter 247 for the purpose of registering to vote is subject to inspection as a public record, it is not subject to the copying requirements. ORS 192.440(8). Oregon election law prohibits the copying of such a signature, except by elections officials acting in their official capacity for purposes of administering election laws and rules.⁴⁴ Thus, although such signatures may

⁴² The Public Records Law does not require a custodian of a public record to furnish a *certified* copy of the record on demand. ORS 192.440(1). Public bodies may, however, continue to offer certification as a courtesy to requesters. Certification is not difficult and may be included as a statement on the cover sheet or last sheet of the copy. See p. B-6 for a sample certification. Copies of electronic records are more readily susceptible to being modified after a certified copy has been provided by the public body than are hard copies of records. In certifying an electronic record, the custodian may state that the copy provided in electronic form on a specified date is a true and correct copy of the original, but that the custodian cannot ensure that the electronic record will not be modified after its release from the custody of the custodian. See p. B-6 for a sample certification.

⁴³ 39 Op Atty Gen 721 (1979) (see App E).

⁴⁴ ORS 247.973.

be inspected, members of the public may not obtain copies of them.

ORS 192.440(3) explains a custodian's duty to provide copies of records maintained in machine readable or electronic form:⁴⁵

If the public record is maintained in a machine readable or electronic form, the custodian shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the custodian shall make the public record available in the form in which the custodian maintains the public record.

See pp. A-1 and A-2 for discussion of copyrighted materials. See also Fees, below, for discussion of costs.

6. Public Body Prerogatives

The statutes implementing the public's right to inspect nonexempt public records allow "reasonable" limits on inspection, examination and copying of public records. Those "reasonable" limits are allowed in order to protect identified governmental interests.

a. Protective Rules

The Public Records Law authorizes a public body to take reasonable measures to preserve the integrity of its records and to maintain office efficiency and order:

The custodian of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian.

ORS 192.430(2). When public bodies establish protective rules to maintain the integrity of public records or to prevent interference with the duties of the records custodian, we recommend they do so with notice and opportunity for public comment. This avoids the appearance of arbitrary action. Public bodies subject to the state Administrative Procedures Act must adopt such rules in conformity with that Act.⁴⁶ A rule designed solely

⁴⁵ 49 Op Atty Gen 210 (2000) (see App E); Public Records Order, April 22, 2004, Birhanzi (see App F).

⁴⁶ ORS 183.310(9), 183.335, 183.355.

to make public access to records more difficult is not valid. A rule or regulation carefully designed to prevent destruction of public records or to expedite staff identification of requested records is lawful. For example, we denied a petition for disclosure of records where the requester failed to comply with the Department of Corrections' administrative rule requiring that requests be in writing and "specify the record(s) from which information is requested, if known."⁴⁷

Again the crucial term is "reasonable." The statutory right to inspect public records encompasses a right to examine original records, and inspection of originals ordinarily should be allowed if requested. But the right to inspect does not include a right to rummage through file cabinets, file folders or electronic files,⁴⁸ and a public body may adopt administrative measures to supervise original document review. Nor does the right to examine original records require inspection of an original record that contains some information that is exempt from disclosure. In such a case, a public body acts reasonably if it furnishes a copy of the original, with the exempt material blanked out. *See* ORS 192.505. Furthermore, a public body's rule or determination under ORS 192.430 that copies will be furnished in lieu of inspection of original documents would be valid if "necessary for the protection of the records and to prevent interference with the regular discharge of [the public body's] duties."⁴⁹

b. Fees

The Public Records Law authorizes a public body to establish fees "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available." ORS 192.440(4)(a). The statute also permits a public body to include in its fees "costs for summarizing, compiling or tailoring the public records, either in

⁴⁷ Public Records Order, July 7, 1989, Baker (see App F). However, we doubt that a rule flatly requiring a requester to specify individual records would be reasonable, given that a requester may be able to specify the subject matter or other defining common characteristics of the records being sought but not have sufficient information to specifically identify individual records.

⁴⁸ Public Records Order, May 10, 1996, Kelley (see App F).

⁴⁹ Public Records Order, July 19, 1982, Baucom (see App F).

organization or media, to meet the person's request." ORS 192.440(4)(a). A public body has authority to charge a fee in excess of \$25 only if it first provides a written cost estimate to the requester and receives confirmation that the requester wants the public body to proceed with responding to the request. ORS 192.440(4)(c). A public body may require prepayment of its estimated charges before taking further action on a request.⁵⁰ Of course, if the actual charges are less than the prepayment, any overpayment should be refunded promptly.

"Actual cost" may include a charge for the time spent by the public body's staff in locating the requested records, reviewing the records in order to delete exempt material, supervising a person's inspection of original documents in order to protect the records, copying records, certifying documents as true copies, or sending records by special methods such as express mail.⁵¹ "Actual cost" also may include the cost of time spent by the public body's attorney reviewing, redacting and segregating records at the public body's request, although the cost of the attorney's time spent determining the application of the Public Records Law is not a recoverable cost.⁵²

Public bodies may charge for search time even if they fail to locate any records responsive to the request or even if the records located are subsequently determined to be exempt from disclosure.⁵³ However, public bodies may not include charges for any additional costs incurred to provide records in an alternative format to individuals with vision or hearing impairments when required by the Americans with Disabilities Act.⁵⁴

⁵⁰ Public Records Order, April 7, 1989, Martin (see App F); Public Records Order, June 30, 2005, Mills (see App F).

⁵¹ *But see Lane Transit District v. Lane County*, 146 Or App 109, 123, 932 P2d 81 (1997), *rev'd in part on other grounds* 327 Or 161, 957 P2d 1217 (1998) (public body may not charge labor costs even if permitted by Public Records Law when responding to discovery request for document under ORCP 43) (see App C).

⁵² ORS 192.440(4)(b); Public Records Order, May 19, 1993, Smith (see App F).

⁵³ 39 Op Atty Gen 61, 68 (1978) (see App E).

⁵⁴ 42 USC §§ 12131 *et seq.*

(1) Fee Schedules

As noted above, public bodies must make available to the public the amounts of and the manner of calculating fees that the public body charges for responding to requests for public records. We recommend that public bodies establish their fees for public record inspection and copying with notice and opportunity for public comment so that the public is aware of the justification for the fees. State agencies should adopt their fee schedules in compliance with the state Administrative Procedures Act.⁵⁵

A public body may wish to consider adopting a fee schedule that provides some degree of flexibility in assessing fees, but it may not charge more than its actual cost.⁵⁶ A per-page charge for copies may include the reasonably calculated cost of a routine file search, and in that case no additional charge should be made except where the public body incurs additional costs due to extraordinary circumstances. In other words, a per-page charge in excess of the cost of the copy itself (paper, ink, equipment depreciation, etc.) is lawful if the excess is related to the additional costs of making the copy, including the staff time necessary to locate, prepare and copy the record. However, where an agency's per-page fee exceeds the cost of the copy itself and the public body also charges for its other expenses, the fee may not be reasonably calculated to reimburse the public body's actual recoverable costs.

Whether a per-page or other fee approach is adopted, public bodies must be prepared to demonstrate that their fee schedules are based upon an evaluation of their actual costs in making public records available for inspection or copying.⁵⁷ While there is no provision in the Public Records Law that authorizes a person to petition the Attorney General to review an

⁵⁵ ORS 183.310(9), 183.335, 183.355.

⁵⁶ *Davis v. Walker*, 108 Or App 128, 131-33, 814 P2d 547 (1991) (see App C); 39 Op Atty Gen 721, 725 (1979) (see App E); and Public Records Order, March 9, 1989, Smith (see App F).

⁵⁷ See *Davis*, 108 Or App 128, 131-33 (1991) (public body has burden of proving that fees charged were reasonably related to its actual costs; fees charged by city police bureau to provide edited copies of bureau's records held not reasonably calculated to reimburse bureau for its actual costs when bureau's fee schedule not supported by study determining actual cost of providing records) (see App C).

Ethics and Public Contracts

(33 pages)

Introduction

Oregon Government Ethics Commission

- Enacted by voters in 1974
- 9 Members + Staff
 - * HB 2019 increased Commission members from 7 to 9
- Agency Jurisdiction:
 - Oregon Government Ethics law - ORS Chapter 244
 - Lobby Regulation law - ORS Chapter 171
 - Executive Session provisions of Public Meetings law
 - ORS Chapter 192

Oregon Government Ethics Commission



Home **Fee Assessment Notice**

About Us

Advisory Opinions

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Electronic Filing System

Publications

General Information

Historical Case

Information

Meetings

Performance Measures

Public Records

**Search Advice and Case
Outcomes**

Statutes and Rules

Training - Education

Fee Assessment

The annual billing for the Oregon Government Ethics Commission assessment is usually sent out in late September or October.

One half of the assessment is charged by law to local governments, local service districts and special government bodies subject to the Municipal Audit Law. The assessment may vary from year to year depending on the number of entities subject to the Municipal Audit Fee in each of the fee levels, which are determined by the expenditure activity of an entity as defined in ORS 297.485, and the legislatively approved budget for the Commission. Those factors determine the percentage rate used for the assessment. The chart below illustrates the calculation of the assessment and is based on audit fee payments to the Secretary of State.

The other half of the assessment is charged to state agencies. State agencies have been assessed on a per FTE basis at the current rate of \$18.64.

The invoice directs that payments be sent to the Department of Administrative Services. Please do not send your payments directly to the Ethics Commission.

If you have questions about the invoice, please contact Emily Rothweiler who administers the collection of the assessment on the Commission's behalf through the Department of Administrative Services. She may be reached at (503) 378-8523.

[2015 - 2017 Assessment Calculation Chart](#)

[2017 - 2019 Assessment Calculation Chart](#)

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PDF FILE ACCESSIBILITY

Adobe Reader, or equivalent, is required to view PDF files. Click the "Get Adobe Reader" image to get a free download of the reader from Adobe.



SAFEGUARD OF THE PUBLIC TRUST

“The Legislative Assembly declares that service as a public official is a public trust, and that as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.” [ORS 244.010 (1)]



Definitions

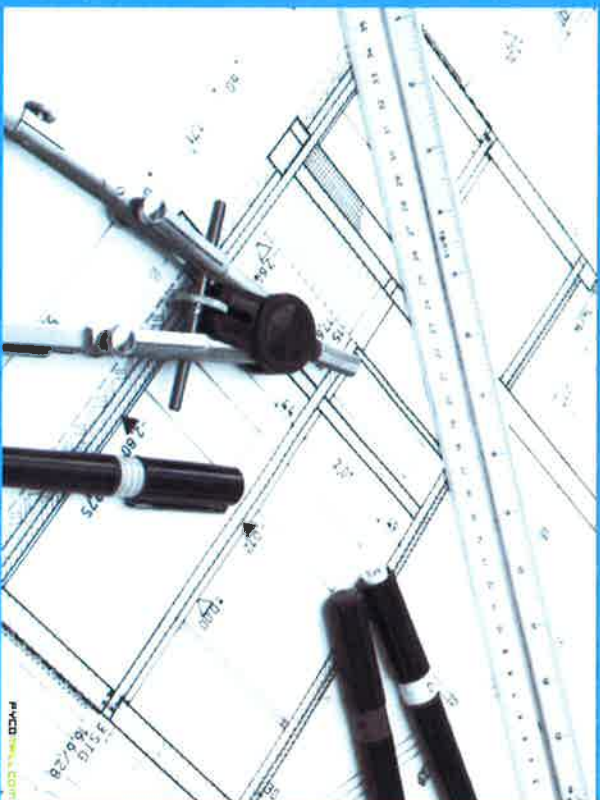
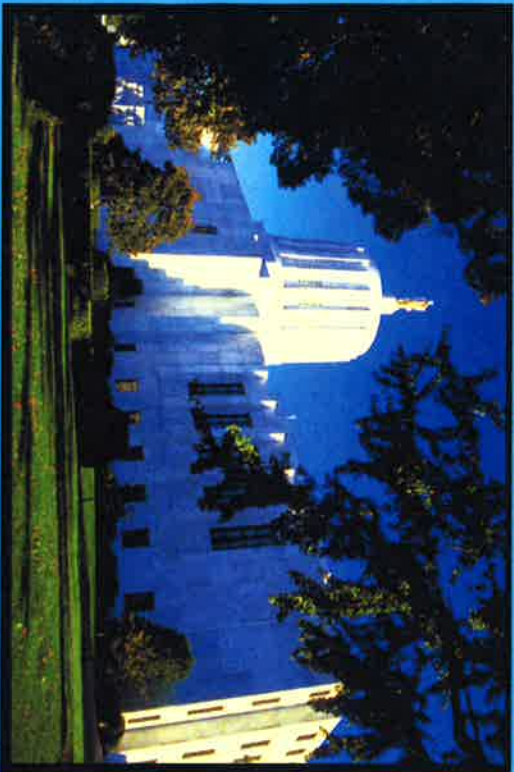


- Who is a **“Public Official”**?
- Who is a **“Relative”** of a public official?
- Who is a **“Member of the Household”** of a public official?
- What is a **“Business”** with which the person is **Associated”**?

Who is a **“Public Official”**?

ORS 244.020(15)

Any person who is **serving the State of Oregon** or any of its political subdivisions or any other public body, **as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the service.**



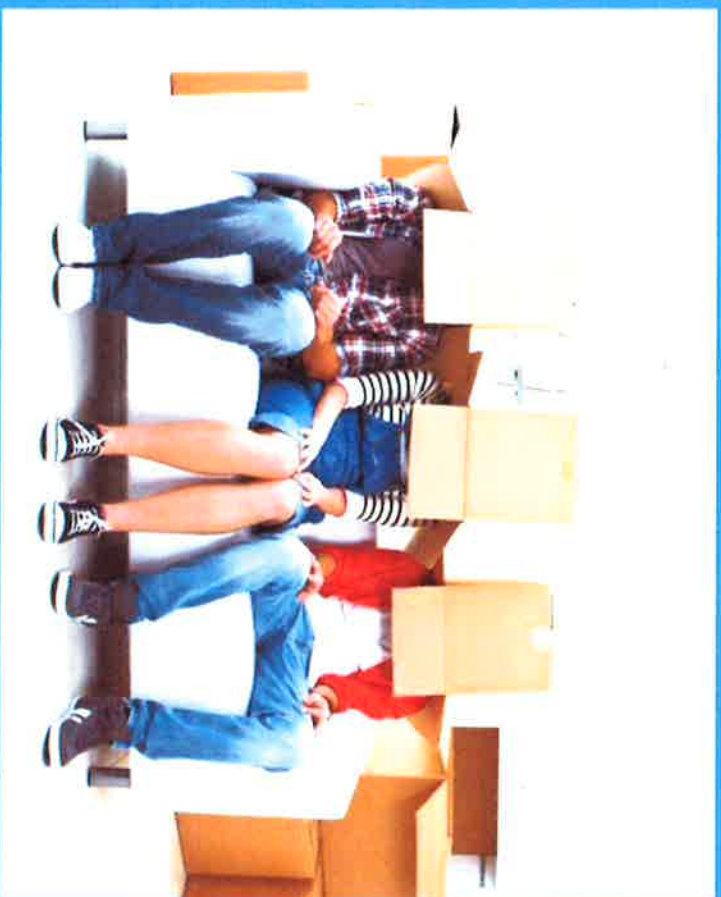
Who is a **“Relative”**? ORS 244.020(16)

- A public official’s
 - Spouse
 - Child, son or daughter-in-law
 - Parent, including stepparent
 - Sibling, including stepsibling
- Same members of the public official’s spouse’s family
- Anyone for whom the public official has a *legal support obligation*
- Anyone receiving *benefits* of the public official’s public employment
- Anyone from whom the *public official* receives a *benefit* of employment



Who is a **“Member of the Household”**? ORS 244.020(11)

Any person who resides with the public official.



What is a “Business”? ORS 244.020(2)

- Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other **legal entity operated for economic gain**
- **NOT:**
 - **Public Body.**
 - Tax-exempt 501(c)(3) **non-profit** (*if* the public official or relative is associated only as a **member, board director, or other unpaid position**)

A Business Association?

ORS 244.020(3)

“Associated with” a **private business** or **closely held corporation** if, a person or the person’s relative:

- Is a **director, officer, owner, employee, or agent**; OR
- Owned **\$1000+** in stock, equity interest, stock options, or debt interest during the **preceding calendar year**.

“Associated with” a **publicly held corporation** if, a person or the person’s relative:

- Is an **officer or director**; OR
- Owned **\$100,000+** in stock, equity interest, stock options, or debt interest during the **preceding calendar year**.

Prohibited Use Of Office

ORS 244.040(1)

Public official may not use or attempt use position or office to obtain financial gain or avoid a financial detriment for:

- the public official, a relative or household member, or any business with which any are associated, IF:
- the financial gain or avoidance of detriment would not be available **but for** the public official's holding the position or office.

* Notwithstanding proper disclosure of conflicts of interest (ORS 244.040(7))

EXCEPTIONS ORS 244.040(2)

(a) Any part of an **official compensation package** as determined by the public body that the public official serves.



(b) The receipt by a public official or a relative or member of the household of the public official of an **honorarium** or any other item allowed under ORS 244.042.



EXCEPTIONS ORS 244.040(2)

(c) Reimbursement of expenses.



(d) An unsolicited award for professional achievement.



(e) Gifts of not more than \$50 in a calendar year from a source that has a legislative or administrative interest. [see ORS 244.025(1)]

EXCEPTIONS ORS 244.040(2)

- (f) Gifts of any value from a source that could not reasonably be known to have a legislative or administrative interest.
- (g) The receipt of any item, which is excluded from the definition of “gift” in ORS 244.020.
- (h) Contributions into a legal expense trust fund established for a public official.



“Actual” Conflict of Interest

ORS 244.020(1)

- Any action, decision or recommendation,
- By a person acting in a capacity as a public official,
- That **would** result in a private financial benefit or detriment to the public official, the public official's relative or any business with which the public official or relative is associated.

Meaning that the financial effect of the action would occur **with certainty**.

“Potential” Conflict of Interest

ORS 244.020(13)

- Any action, decision or recommendation,
- By a person acting in a capacity as a public official,
- That **could** result in a private financial benefit or detriment to the public official, the public official's relative or any business with which the public official or relative is associated.

Meaning that the financial effect of the action is **not** **certain**.

Conflict of Interest Exceptions

1. Having interest or membership in a business, industry, occupation or other class required by law as a prerequisite to holding the office or position.
2. If the action would affect to the same degree a class of persons.
 - Could include: all inhabitants of the state, or an industry, occupation or other identifiable group.
3. Membership in a 501(c)(3) non-profit or on its board of directors.

ORS 244.020(13)(a)-(c)

Determining Conflicts of Interest

Summarized

To determine whether a conflict exists, first ask:

“Can the result of my official action, decision or recommendation financially affect myself, a relative or a business with which either are associated?”

IF YES, next ask:

“Do any of the exceptions apply?”

IF NO, determine whether you are met with an Actual or Potential Conflict of Interest:

“Is the resulting financial effect certain or uncertain to occur?”

OFFICIALS ON BOARDS OR COMMISSIONS & ELECTED OFFICIALS – ORS 244.120(2)

- Must publicly announce potential conflicts of interest, on each occasion **before taking action**.
- Must publicly announce actual conflicts of interest, on each occasion, and **refrain** from participating in **discussion, debate, or voting** on the issue out of which the actual conflict arises.



OFFICIALS ON BOARDS OR COMMISSIONS & ELECTED OFFICIALS (CONT.)

If a public official's vote is necessary to meet a quorum needed to take official action, an official with an actual conflict of interest may vote, but may not participate as a public official in any discussion or debate on the issue [ORS 244.120(2)(b)(B)].

- The provision applies only when a sufficient number of members of the public body are present and multiple members are met with a conflict, not when a quorum is unmet because members are absent.
- A public announcement must still be made first.

What is a “**gift**”? ORS 244.020(7)

- **Something of economic value**
- Given to a public official, or public official's relative or household member
- Without payment or other consideration
- That is **not offered to others** who are not public officials, their relatives or household members, **on the same terms and conditions**.



Gift Limit ORS 244.025

During a calendar year, a public official or a relative or member of the household of the public official may

NOT:

- Solicit or Receive
- Directly or Indirectly

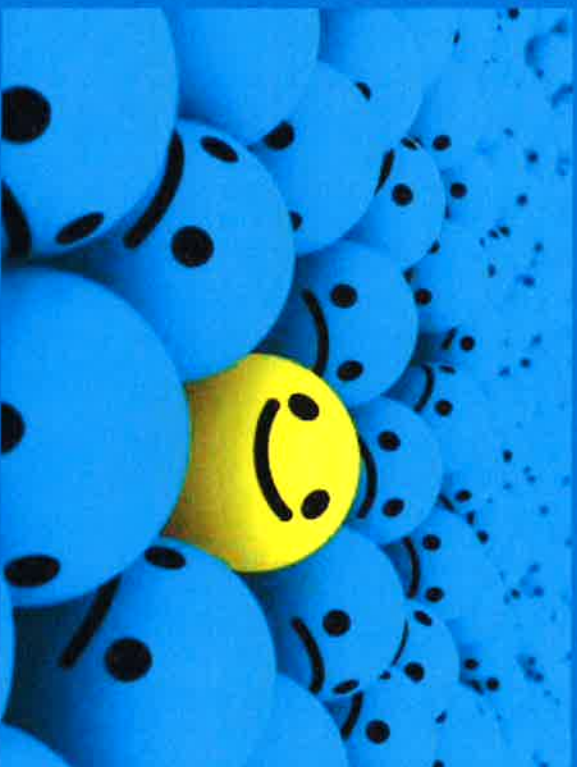


The image shows a screenshot of a calendar for the year 2016. The calendar is organized by month, with each month's days displayed in a grid format. The months shown are January, February, March, April, May, June, July, August, September, October, November, and December. Each day is numbered, and the days of the week are indicated by the first letter of the month header. The calendar is titled 'Calendar 2016' and includes a 'CalendarPrinter' link in the top right corner. The interface appears to be from a web browser, with various navigation and printing options visible.

Any gift(s) with an aggregate value **exceeding \$50** from any single source **reasonably known to have a legislative or administrative interest.**

What is a “Legislative or Administrative Interest”?

Means an economic interest, **distinct** from that of the general public, in any matter **subject to the decision or vote of the public official** acting in the public official’s capacity as a public official [ORS 244.020(10)].



What is NOT a “gift”?



*Items Expressly
Excluded From
The Definition Of
“Gift” In ORS
244.020(7)(b) May
Be Accepted
Without Limit.*

Gifts from Relatives or Members of the Household ORS 244.020(7)(b)(B)



Unsolicited Token or Award of appreciation
ORS 244.020(7)(b)(C)



Food & Beverage at planned events

ORS 244.020(7)(b)(E)

Admission provided or the cost of food or beverage consumed by a public official, [relative,] household member or staff when accompanying the public official at a **reception, meal or meeting held by an organization** where the public official is representing a government agency.

** Does not include private meals*

(see OAR 199-005-0015)



NOTE: SB 293 adds “relative” to this gift exception.

Food, Lodging & Travel

ORS 244.020(7)(b)(F)

Reasonable expenses must be paid by:

- Government entity,
- Native American Tribe,
- Membership organization (where membership's paid for by public official's governing body), or
- 501(c)(3) non-profit organization

Public official must be participating in:

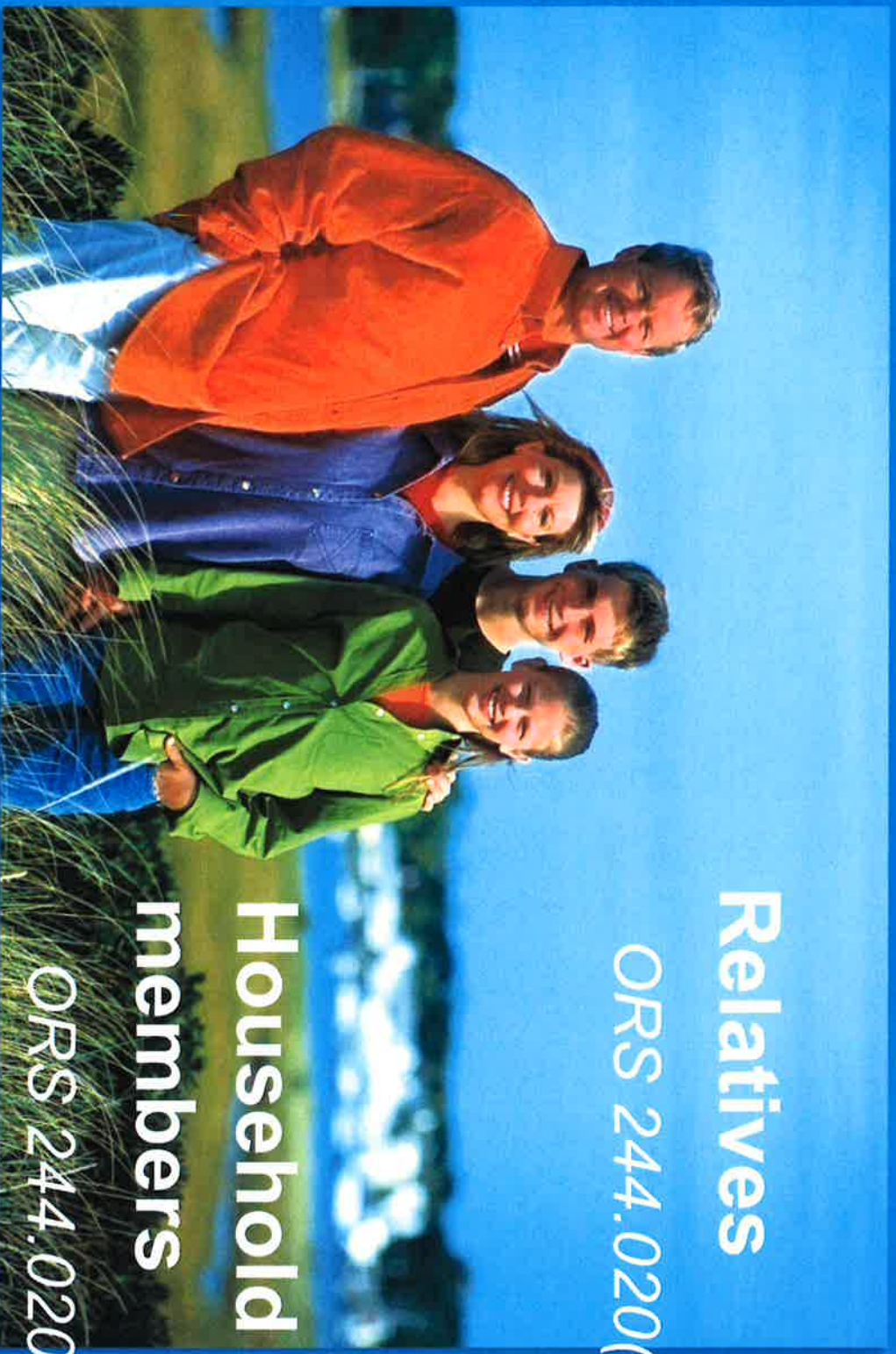
- Convention;
- Fact-finding mission/trip; or
- Meeting where scheduled to speak, participate in a panel discussion or represent government





Relatives

ORS 244.020(16)



Household members

ORS 244.020(11)

Nepotism

Employing a Relative/Household Member (ORS 244.177)

A public official **may not directly:**

- Appoint
- Employ
- Promote
- Discharge
- Fire
- Demote



Without first complying with the Conflict of Interest requirements (...which usually requires refraining).

Nepotism (ORS 244.179)



Public officials also may not directly supervise...



Unless the public official's public body adopts policies specifying when and to what extent such supervision is permissible.

Nepotism

(ORS 244.177 cont'd...)

A public official **may not participate** in any interview, discussion or debate to:

- Appoint
- Employ
- Promote
- Discharge
- Fire
- Denote



“Participate” IS NOT providing a reference, recommendation, or ministerial acts that are part of your regular job function

PUBLIC CONTRACTING

7.005 [repealed 2005 o.437 §8]

7.010 [1983 o.204 §1; 1999 o.392 §1; repealed 2005 o.437 §8]

7.015 [1998 o.376 §1; repealed 2005 o.437 §8]

7.020 [1991 o.290 § 1; 1992 o.308 § 1; 1993 o.325 §§ 1 and 2; 1998 o.376 § 2; 1999 o.392 §2; 2000 o.394 §1; repealed 2005 o.437 §8]

7.025 [repealed 2005 o.437 §8]

7.030 [1983 o.204 § 2; repealed 2005 o.437 §8]

7.035 [repealed 2005 o.437 §8]

7.040 [repealed 1999 o.392 § 3]

7.045 [repealed 2005 o.437 §8]

7.050 [repealed 2005 o.437 §8]

7.055 [1983 o.204 § 3; repealed 2005 o.437 §8]

7.060 Attorney General Model Rules

In accordance with ORS 279A.065, the Model Rules of Public Contract Procedure, OAR Chapter 137, adopted by the Attorney General shall apply to county public contracting, except as otherwise provided in this Chapter. [2005 o.437 §2]

7.065 Local Contract Review Board / Designation of Contracting Agency

(1) The Lincoln County Board of Commissioners is designated the Local Contract Review Board under Oregon Public Contracting Code, ORS Chapters 279A, 279B and 279C. The Local Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code and the Model Rules.

(2) Elected officials and appointed Department Heads and Program Coordinators, as determined by the Board of Commissioners, are designated as the County's "Contracting Agency" as that term is defined in ORS 279A.010(1b) to exercise powers consistent with the Oregon Public Contracting Code, the Model Rules and this Chapter. Each Contracting Agency designee shall have the authority, with the authorized procedures set forth in this Chapter and the Model Rules, to seek solicitations, proposals, or bids and to make awards or direct appointments, and enter into contracts not to exceed \$50,000 for each contract, provided sufficient sums are appropriated, unencumbered, and not restricted in the County, or as appropriate other County affiliated agency or countywide service district, budget and there are sufficient cash resources available to pay the maximum consideration set forth in each and every contract.

(3) All solicitations, appointments, awards and contracts exceeding \$5,000 shall be subject to review and approval of the County Counsel's Office for form and the Department of Finance for funding, under policies developed by each of those departments. [2005 o.437 §3]

7.070 Contracts Requiring Board of Commissioners Approval

Unless otherwise provided for in this Chapter, or upon other authorization of the Board of Commissioners, large procurements, as defined herein, require Board of Commissioners approval and execution. Large procurements mean contracts for the procurements of goods, services, or

public improvements with a value in excess of \$50,000, and change orders or amendments to such contracts that in the aggregate exceed 10 percent of the original amount. The Board of Commissioners shall also approve and execute all grant or service contracts, whether from public or private sources, that involve the addition of county employees or the subcontracting of employee services to other agencies or nonprofits. In addition, the Board of Commissioners shall be required to approve and execute any contract that by its terms requires governing body approval. [2005 o.437 §4]

7.075 Personal or Professional Service Contracts

(1) Personal or Professional Services Contracts are those contracts, as determined by the Board of Commissioners or the Contracting Agency designees, that involve an independent contractor engaged in services that predominately, but not always, require special training, certification or licenses, or special skills, or unique or specialized knowledge, or the exercise of judgment or skills that are unique to the service provider. Such service providers include, but are not limited to, consultants of all kinds, licensed or certified professionals, accountants, attorneys, medical personnel, computer experts, and similar persons.

(2) Direct appointment of qualified Personal or Professional Service Providers may be made by the Board of Commissioners or Contracting Agency designees where the estimated fee does not exceed \$50,000 in any one year or \$150,000 over the term of the work. For services over \$150,000, a competitive solicitation process shall be utilized.

(3) Direct appointment of qualified Personal or Professional Service Providers may also be made for installation, maintenance, repair or support of:

- (a) Computer software, hardware or networking systems; or
- (b) Telecommunications, video and access control systems.

(4) Direct appointments pursuant to this section shall be based on criteria including, without limitation, the provider's qualifications and experience, provider's available resources, project timing and location, provider's references, and provider's pricing.

(5) The County may use other methods to select qualified Personal or Professional Service Providers, including requests for proposals, requests for qualifications, listing of qualified providers, competitive bidding, selection from another public contacting agency's list of qualified providers, or other solicitation methods available under law.

(6) The County shall award contracts to Architects, Engineers, Land Surveyors and related service providers in accordance with the Model Rules. [2005 o.437 §5]

7.080 Exemption from Competitive Bidding

(1) Lincoln County exempts from Competitive Bidding any contract exempted by the Oregon Public Contracting Code or the Model Rules, including but not limited to those under ORS 279A.025, ORS 279A.180, ORS 279A.200 and ORS 279A.220.

(2) Lincoln County exempts from competitive bidding or sealed proposals contracts under ORS 279B.055, ORS 279B.060, ORS 279B.070, ORS 279B.075, ORS 279B.080 or ORS 279B.085 and the Model Rules for the following classes of contracts:

- (a) Emergency contracts.
- (b) Contracts and purchases not exceeding \$5,000 (direct purchasing allowed).

(c) Contracts and purchases exceeding \$5,000 but not exceeding \$75,000, where informal solicitation procedures are used in accordance with the Model Rules for Intermediate Procurements.

(d) Contracts exceeding \$75,000, but not exceeding \$150,000, where formal written solicitations or quotes are obtained in accordance with the Model Rules for Intermediate Procurements.

(e) Contracts for public improvements not exceeding \$100,000 (\$50,000 for roads, bridges or transportation construction projects) where formal written solicitation or quotes are obtained in accordance with the Model Rules for Intermediate Procurements.

(f) Amendments to the above referenced contracts are allowed in accordance with the Model Rules.

(2) Lincoln County may exempt additional contracts or classes of contracts through amendment of this Chapter, through Board of Commissioners' adoption of a resolution exempting a specific contract, or through any other method authorized under the Oregon Public Contracting Code or the Model Rules. [2005 o.437 §6]

7.085 Disposal of Surplus Property

Disposal of surplus property shall be conducted in accordance with the provisions of the resolution adopted by the Lincoln County Board of Commissioners declaring the property as surplus. [2005 o.437 §7]

Special Road Districts (9 pages)

APPOINTED SPECIAL ROAD DISTRICTS: FREQUENTLY ASKED QUESTIONS

1. There are only two active members serving on the special road district. How long can the current board continue to conduct business?

You can continue to serve as long as there is a quorum of two for as long as necessary. You can vote on issues, as long as you both agree on the decision. If a unanimous vote cannot be reached, the issue must be stalled and a vote cannot be made until a third board member is appointed.

2. There is a non-registered voter serving on our road district. Is this a problem?

Yes. There should be no one serving on any road district board who is not currently registered to vote in that district. If the person does not immediately register to vote, he/she will be removed by Board Order. If there is someone serving on your road district board who is not a registered voter in Lincoln County, please contact the County Board of Commissioners office immediately at (541) 265-4100.

3. Whose responsibility is it to remind board members of their term expirations?

It is the responsibility of the serving board members to notify the County Board of Commissioners Office of his/her term expiration and desire for reappointment or non-reappointment. However, the County tries to stay on top of the current member lists and may send reminder notices and reappointment forms as needed.

4. If a current member's term is expiring, does that person get first shot at reappointment, or is the vacancy open to any applicant?

Any registered voter in a road district can apply to serve on a road district at any time during the year. There is usually one board member expiration per year, and all applications are kept on file in the BOC office. If the expiring board member is the only one to submit an application, often, only that person will be considered for reappointment.

5. What happens if several applications for appointment are received in the Board of Commissioners office for one position on a road district?

The road district board chooses the applicant they find most suitable. The County Board of Commissioners may assist the road district board if there is one member serving or if two members cannot reach consensus.

6. If a road district board member's term is expiring and he/she wishes reappointment, does the reappointment need to be approved by the currently serving road district board members?

APPOINTED SPECIAL ROAD DISTRICTS: FREQUENTLY ASKED QUESTIONS

Yes. Anytime a new appointment or reappointment is desired the County Commissioners ask that the request for appointment and approval/denial from serving board members be submitted in writing via email or letter. We maintain a historical record of your district's board member membership appointments, expirations, and resignations.

7. How long are road district board members' terms?

Special road district board members serve three-year terms, unless it is a newly formed road district, in which case one person serves a one-year term, one person serves a two-year term, and the third person serves a three-year term. If someone resigns in the middle of his/her term, the newly appointed person serves out the remainder of that term (even if it's only a few months), then must re-apply for a three-year term.

8. What if property owners in a special road district disapprove of how their district is conducting business.

The County has no legal jurisdiction over special road districts and their members. However, if the Board of Commissioners believes that conflict within board membership or its quality of service has been compromised it may decide to convert an appointed board to an elected board.

Conversely, if a special road district does not want the input from the County Board of Commissioners about who is appointed to road district positions, the road district is encouraged to consider becoming elected by the voters. For more information on this, please contact our assistant county counsel at 265-4108.

SPECIAL ROAD DISTRICTS (ORS)

371.305 Authority to establish special road districts. Contiguous territory lying within any county and not incorporated within the limits of a city may be formed into, or included in, a special road district in the manner provided by ORS 371.305 to 371.360. [Amended by 1961 c.681 §1; 1965 c.498 §4; 2003 c.802 §104]

371.310 [Amended by 1965 c.498 §5; 1969 c.568 §1; repealed by 1971 c.727 §203]

371.315 [Repealed by 1971 c.727 §203]

371.318 Formation order to declare whether district board elected or appointed; change in method of selecting board; cost of election. (1) If a county court approves a petition for formation of a special road district, the order of the county court declaring the formation shall also declare, in addition to other matters specified in ORS 198.810, whether the commissioners of the district shall be appointed by the county court or elected by the electors of the district.

(2) When a special road district is situated within a county, the county court, by ordinance, may provide for a change in the method of selection of the commissioners of the district. The ordinance shall specify whether election or appointment shall be the method of selecting commissioners and shall prescribe the procedures for effecting the change.

(3) When a county court, by an order or ordinance described in this section, requires the commissioners of a special road district to be elected, the county shall pay the costs of conducting the elections at which the commissioners of the district are elected. [1999 c.764 §2]

371.320 [Repealed by 1971 c.727 §203]

371.323 Election of first commissioners. If a proposal for formation of a special road district is approved and the proposal specifies an elected district board of commissioners, members of the district board of commissioners shall be elected at the election held to form the district. [1999 c.764 §4]

371.325 [Repealed by 1971 c.727 §203]

371.330 Appointment of first commissioners. If a proposal for formation of a district is approved and the proposal specifies an appointed district board of commissioners, the county court shall appoint three persons with the qualifications described in ORS 371.338 (1) to be the first commissioners of the district and shall designate the term of office of each. [Amended by 1961 c.681 §2; 1965 c.498 §6; 1971 c.727 §102; 1999 c.764 §3]

371.335 [Repealed by 1971 c.727 §203]

371.336 Powers of district. A special road district may be formed for the purpose of improving roads within the district. A special road district has the power:

- (1) To make contracts.
- (2) To acquire, hold, receive and dispose of real and personal property.
- (3) To sue and be sued.
- (4) To exercise the power of eminent domain.
- (5) To assess, levy and collect taxes on all taxable real property within the district.

(6) To do any other act necessary to carry out the purposes of ORS 371.305 to 371.360. [1961 c.681 §5; 1963 c.9 §20; 1965 c.498 §7; 1969 c.568 §2; 1971 c.727 §103; 1987 c.667 §6; 2003 c.802 §105]

371.338 District board of appointed commissioners; qualification; term; vacancies; oath. (1) The powers of a special road district are vested in a district board of commissioners consisting of three commissioners appointed by the county court. Each commissioner shall be an elector of the district. The term of office of a commissioner is three years commencing on January 1 of the year of appointment. Vacancies on the board shall be filled by the county court by appointment for the unexpired term.

(2) Notwithstanding the three-year term of office prescribed in subsection (1) of this section, of the commissioners first appointed to a board one commissioner shall be appointed for a term ending December 31 of the second year following the year in which that commissioner first takes office, one commissioner for a term ending December 31 of the year following the year in which that commissioner first takes office and one commissioner for a term ending December 31 of the year in which that commissioner takes office.

(3) Before entering upon the duties of office, a commissioner shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of the commissioner's knowledge and ability. [1961 c.681 §6; 1983 c.83 §81]

371.340 [Repealed by 1961 c.681 §14]

371.342 Officers of appointed district board; meetings; records. As soon as possible after the first commissioners are appointed to the district board of commissioners, and thereafter during each January, the board shall meet and organize by selecting from their number a president, a secretary and a treasurer. The board shall hold one regular meeting each month at a time and place within the district designated by the

board. All meetings of the board shall be open to the public and the records of the district shall be available for public inspection. [1961 c.681 §§7,8; 1969 c.344 §5; 1969 c.345 §7]

371.344 [1961 c.681 §9; 1963 c.9 §21; 1965 c.498 §8; 1973 c.796 §59; 1983 c.83 §82; 1983 c.350 §241; 1997 c.541 §384; repealed by 1999 c.632 §30]

371.345 [Amended by 1959 c.102 §1; 1961 c.681 §10; 1967 c.609 §8; 1971 c.647 §67; 1975 c.647 §32; repealed by 1983 c.350 §331a]

371.347 Alternative provisions for elected board of commissioners. When a special road district has an elected district board of commissioners, ORS 371.349 and 371.351 are effective in that district in lieu of ORS 371.338 and 371.342. [1999 c.764 §5]

371.349 District board of elected commissioners; qualification; term; vacancies; oath. (1) The powers of a special road district are vested in a district board of commissioners consisting of three commissioners elected by the electors of the district. Each commissioner shall be an elector of the district. The term of office of a commissioner is four years commencing on July 1 following the date of election. A commissioner may serve until a successor is elected and qualified. Vacancies on the board shall be filled by the district board by appointment for the unexpired term.

(2) Notwithstanding the four-year term of office prescribed in subsection (1) of this section, of the commissioners first elected to a board, the term of one commissioner shall end on June 30 of the second year following the year in which that commissioner first takes office.

(3) ORS chapter 255 governs the nomination and election of the commissioners of a special road district and the conduct of all elections in the district.

(4) Before entering upon the duties of office, a commissioner shall take and subscribe an oath to support the Constitutions and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of the commissioner's knowledge and ability. [1999 c.764 §6]

371.350 [Amended by 1961 c.681 §11; 1971 c.647 §68; repealed by 1983 c.350 §331a]

371.351 Officers of elected district board; meetings; records. As soon as possible after the first commissioners are elected to the district board of commissioners, and thereafter during each July, the board shall meet and organize by selecting from their number a president, a secretary and a treasurer. The board shall hold one regular meeting each month at a time and place within the district designated by the board. All meetings of the board shall be open to the public and the records of the district shall be available for public inspection. [1999 c.764 §7]

371.353 Establishment of zones within special road district. The district board of a special road district located in a county of between 3,000 and 3,500 square miles and with a population of between 100,000 and 200,000 may seek elector approval to divide the district into zones for the purpose of imposing and levying property taxes at a different rate and amount on the assessed value of all taxable property in each zone. The establishment of zones within a district under ORS 371.353 to 371.357 must be based upon and reflect qualitative differences in the services provided by the district to the residents and their property in each zone. [2001 c.553 §2]

371.354 Notice and public hearing. (1) The district board of a special road district seeking to establish tax zones under ORS 371.353 to 371.357 shall cause a notice of a public hearing relating to the formation of the tax zones to be published once a week for two successive weeks in the newspaper in general circulation in the district that, in the judgment of the district board, will afford the best notice to the residents of the district.

(2) The notice published under this section shall set forth:

(a) The resolve of the district board to divide the district into zones.

(b) The boundaries of the proposed zones.

(c) The estimated percentage of the total amount of ad valorem taxes of the district that will be collected in each zone.

(d) The date, hour and place of the hearing.

(e) That all interested persons may attend and shall be given a reasonable opportunity to be heard. [2001 c.553 §3]

371.355 [Amended by 1961 c.681 §12; repealed by 1971 c.647 §149]

371.356 Election to approve zones within special road district. (1) Following the notice required under ORS 371.354, the district board of a special road district seeking to establish tax zones shall conduct a public hearing at which district residents and property owners may testify about the proposed zones.

(2) Following the hearing, if the district board decides to proceed, the district board shall submit a measure to the electors of the district that establishes the zones and zone boundaries. The measure shall state the operating tax rates proposed to apply to each zone, stated as a percentage, not to exceed 100 percent, of the lesser of the district's statutory or permanent rate limit. The measure may contain any other provisions deemed necessary by the district board.

(3) The measure shall be approved and the tax zones established if a majority of district electors voting on the question vote in favor of the measure.

(4) If district electors establish tax zones within a road district pursuant to this section, the operating tax rate applicable to each zone may not be modified for three tax years following zone establishment.

(5) If tax zones within a road district are established under this section, zone boundaries may not be changed unless notice of the zone boundary change is given and elector approval of the change is obtained in the same manner as zones are established under ORS 371.353 to 371.357. [2001 c.553 §4]

371.357 Ad valorem taxation; operating tax rate limits. (1) If a special road district is divided into tax zones under ORS 371.353 to 371.357, the district board shall determine, make and declare each item of ad valorem property tax, as set forth in ORS 310.060 (2), for each zone when the district board adopts its budget for any fiscal year.

(2) The operating tax rate for each tax zone of the district may not exceed the lesser of the statutory or permanent rate limit for operating taxes of the district established under ORS 310.200 to 310.242 or section 11 (3), Article XI of the Oregon Constitution. [2001 c.553 §5]

371.359 Filing boundary change with county assessor and Department of Revenue. For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §21]

371.360 Deposit of tax proceeds in bank. (1) The proceeds of the tax levied and collected for the district shall be deposited in a bank or banks designated by the district board of commissioners. Such moneys shall be paid out only upon order of the board by checks or drafts signed by the president and treasurer of the board. All deposits of any district in any bank in excess of the amount protected by Federal Deposit Insurance Corporation insurance shall be secured by deposit of bonds of the United States.

(2) Any moneys on deposit in a county treasury in a special fund of a road district on August 9, 1961, shall be paid to the district board of commissioners for deposit as provided in subsection (1) of this section. [Amended by 1961 c.681 §13]

371.365 [Repealed by 1961 c.681 §14]

371.370 [Repealed by 1961 c.681 §14]

371.375 [1965 c.498 §2; repealed by 1971 c.727 §203]

371.380 [1965 c.498 §3; repealed by 1971 c.727 §203]

371.385 Certain tax limitations not in effect after August 22, 1969. If any district existing on August 22, 1969, had a tax limitation set forth in the petition for formation as provided by ORS 371.310, prior to amendment by section 1, chapter 568, Oregon Laws 1969, the limitation stated in such petition shall not be effective to limit the taxing authority of any such district after August 22, 1969. Such limitation shall be construed to be effective only to limit taxes levied prior to August 22, 1969, and after the formation of the district. [1969 c.568 §3]

Note: 371.385 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 371 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

PUBLIC RIGHTS OF WAY: WHO OWNS WHAT?

Public rights of way directly affect nearly all land owners in the County yet few have an understanding of what a public right of way is, or what rights they may or may not have in the right of way. The following is an overview of ownership and rights in and to public right of ways.

County's Rights in Right of Way

Most of the county's right of way is in the form of road right of way easements. An easement is a limited right to go onto and make use of another's land for a specific purpose. The granting of a public road easement gives the county the right to go onto property to do whatever may be necessary to construct and maintain public roads.

By statute, the county has jurisdiction over two types of public rights of way. One is the type known as a "county road." County roads may be both in the incorporated and unincorporated areas of the county. The county exercises the full range of jurisdiction for county roads, including their maintenance and improvement. The other type is known as a "local access road." Local access roads are only in the unincorporated areas of the county. The county exercises some jurisdiction for local access roads, but does not maintain or improve them.

The county does not own the right of way or have the right to take away anything from it unless it interferes with the use of the easement. As an example, the county can trim a tree that causes a vision hazard or remove a tree or other material to allow for a road widening. However, the county cannot remove the material for any purpose not related to the road without the property owners permission.

Property Owner Rights in Right of Way

A fee title owner of property owns not only the land, but everything below, on, or in the reasonable airspace above the land, including trees or other natural growth. By granting a public right of way, the owner is giving an easement across their land for specific uses, but retains ownership of the land. Because of the extent of the easement this is often referred to as the underlying fee ownership.

Under Oregon law, a property owner does not have the right to allow trees or other vegetation to intrude onto an abutting property or to interfere with an easement. The abutting owner or easement holder has the right to remove the offending vegetation, but is required to place the offending material on the original property owner's land, if the original owner wants them. This is a common situation for Public Works trimming in the right of way. The department usually removes the trimmings as a courtesy, but the property owner can keep the trimmings if they want.

Other's Rights in Right of Way

The purpose of a public right of way is to provide the public with a means to travel between places and to provide ingress to or egress from their property. Oregon law also grants authority to any person or corporation a right and privilege to construct, maintain and operate water, gas, electric and communication lines, fixtures and other facilities along public roads. While the public's rights are essentially restricted to travel, utilities enjoy the same rights as the county, subject to county oversight and control. This means they have the right to trim or remove vegetation in the right of way if it threatens or interferes with their facilities.

Internet Communications Tools

Implementing a web site for your Special District can provide your organization with the ability to create a virtual online location for all your activity. You can post meeting dates, notifications, and upload files such as minutes and other documents that your constituents would desire to have access to.

There are local businesses available to aid you in this process. Use an internet search such as “web design Lincoln county, Oregon” or look in the local telephone directory for leads.

Some online companies can provide all in one solutions. Doing a general internet search for “web site builders” will produce numerous links to choose from.

The three primary technical components to creating an online presence:

1. Domain name: (for example – www.salmonriverspecialroaddistrict.com)
2. Hosting: space for you to upload the design of the web site and other files like documents, etc.
3. Software/theme. This is the web site as it appears online. And, the interface to manipulate the site from your computer to alter the appearance, color, text, etc.

Additional components (may include):

1. Email account: (for example – chair@salmonriverspecialroaddistrict.com)

A certain degree of computer literacy is required. Choosing a company with live tech support 24/7/365, will be useful to help you through the process.