

ORDINANCE NO. 45

AN ORDINANCE PROVIDING RULES FOR MEETINGS OF THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS, AND AMENDING AND RESTATING ORDINANCE NO. 1.

WHEREAS following a recent review of its ordinances, Lane Transit District determined that its ordinances should be better organized so as to make them more accessible to the public:

BE IT ENACTED BY LANE TRANSIT DISTRICT:

Lane Transit District Ordinance No. 1 is amended and restated in its entirety to read as follows:

Section 1. Meetings to Be Public

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

Section 2. Regular Meetings

a. Time

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

b. Place

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

c. Notice

Public notice shall be given, reasonably calculated to give actual notice, to interested persons of the time and place for holding regular meetings. The notice also shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the Board of Directors to consider additional subjects, provided, however, that if any ordinance is to be considered or voted upon at the meeting, in such event, the notice shall comply with the provisions of Section 10.

Section 3. Adjourned or Canceled Meetings

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

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

Section 4. Special Meetings

a. Call

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

b. Notice

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

Section 5. Emergency Meetings

a. Call

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

b. Notice

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

Section 6. Executive Sessions

The Board of Directors may hold executive sessions during a regular, special, or emergency meeting after the presiding officer has identified the authorization under Public Meetings Law for the holding of such executive session.

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

Section 7. Telephone or Other Electronic Communication

Any meeting of the Board of Directors, including an executive session, may be held through the use of telephone or other electronic communication, provided it is conducted in accordance with all applicable statutes and with this ordinance. When telephone or other electronic means of communication is used and the meeting is not in executive session, the Board of Directors shall make available to the public a place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no board member is present, but said place shall be located within the geographic boundaries of the district.

Section 8. Place of Meetings

All meetings shall be held within the geographic boundaries of the district, and shall be in a place accessible to persons with disabilities. A meeting of the Board of Directors that is held through the use of telephone or other electronic communication shall be deemed held within the geographic boundaries of the district if the place provided for the public to listen to the communication is located within the geographic boundaries of the district.

Section 9. Conduct of Meetings

a. Presiding Officer

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

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

b. Minutes

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

1. All members of the Board of Directors who are present at the meeting;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The results of all votes, the vote of each director by name, the name of any director abstaining from a vote, the reason for the director's abstention;
4. The substance of any discussion of any matter; and
5. Subject to Public Records Law, a reference to any document discussed at the meeting.

Minutes of executive sessions shall be kept the same as the minutes of regular meetings, except that instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording which need not be transcribed unless otherwise required by law. Material, the disclosure of which is inconsistent with the purpose for which an executive session is authorized to be held, may be excluded from disclosure unless otherwise ordered by court in any legal action.

The approved written minutes shall be considered the official record of the board meeting and shall be permanently retained by the clerk of the board.

c. Quorum

A majority of the members of the directors constitutes a quorum.

d. Rules

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

e. Matters to be considered

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

Section 10. Notices

a. Notices to Directors

Notice to directors shall be deemed given when sent, via e-mail, to the last e-mail address specified by the director in the records of the district office.

b. Public Notice

All public notices shall be given in one or more newspapers of general circulation within the district and in such other and additional manner as the Board of Directors shall from time to time direct.

c. News Media

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

Section 11. Ordinances

a. Publication of Agenda

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

board; and, in accordance with the Americans with Disabilities Act, state that persons needing an accommodation may contact the District office 48 hours prior to the meeting to request the necessary accommodation.

2. The presiding officer shall cause the agenda to be published not more than ten days nor fewer than four days before the meeting, in one or more newspapers of general circulation within the district.

b. Adoption

Except as provided by subsection 3 of this section, before an ordinance is adopted, it shall be read during meetings of the district board on two different days at least six days apart. If the ordinance as initially read is substantially amended prior to adoption, it shall be read as amended during meetings of the district board on two different days at least six days apart, the first of which may be the meeting at which it is amended.

1. The reading of an ordinance shall be full and distinct unless at the meeting:
 - 1.1. A copy of the ordinance is available for each person who desires a copy; and
 - 1.2. The board directs that the reading be by title only.
2. Except as provided by subsection 3 of this section, the affirmative vote of a majority of the members of the district board is required to adopt an ordinance.
3. An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the board at the meeting, a quorum being present, is required to adopt an emergency ordinance. No emergency ordinance shall be adopted imposing an income tax nor changing the boundaries of the district.
4. An ordinance receiving a favorable vote of a majority of Board members present, but not a majority of the entire Board, will remain on the agenda for the succeeding meeting, unless otherwise disposed of by a duly adopted motion. If, at the succeeding meeting, the ordinance receives a favorable vote of a majority of Board members present, but not a majority of the entire Board, the ordinance shall remain on the agenda for one additional succeeding meeting, unless otherwise disposed of by a duly adopted motion.

c. Signing and Filing

1. Within seven days after adoption of an ordinance, the enrolled ordinance shall be:
 - 1.1. Signed by the presiding officer;

- 1.2. Attested by the person who served as recording secretary of the district board at the session at which the board adopted the ordinance; and
- 1.3. Filed in the records of the district.
2. A certified copy of each ordinance shall be filed with the county clerk, available for public inspection.
3. Within 15 days after adoption of an emergency ordinance, notice of the adoption of the ordinance shall be published in one or more newspapers of general circulation within the district. The notice shall:
 - 3.1. Briefly describe the ordinance;
 - 3.2. State the date when the ordinance was adopted and the effective date of the ordinance; and
 - 3.3. State that a copy is on file at the district office and at the office of the county clerk of the county, available for public inspection.

d. *Effective Date*

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

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

Any interested person who is a landowner within the district or an elector registered in the district may petition the Board of Directors to adopt, amend, or repeal an ordinance. Any such person may appear at any regular meeting of the board and shall be given a reasonable opportunity to be heard.

Section 12. Resolutions and Motions

- a.** All matters, other than legislation coming before the district board and requiring board action, shall be handled by resolution or motion.
- b.** A resolution may be adopted by the vote of the majority of the directors present at any meeting at which a quorum is present.
- c.** A motion approved by the vote of the majority of the directors present at any meeting at which a quorum is present shall have the same force and effect as a resolution and shall be characterized and recorded in the minutes as the passage of a resolution.

Section 13. Officers

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

Section 14. Committees

The president, on the president's own motion, or the directors by resolution, may appoint committees to make investigations, to study problems, and to make recommendations to the Board of Directors. Advisory committees may include persons who are not directors. The appointment shall include a designation of a chairperson of the committee. All provisions of this ordinance shall apply to committees and their meetings to the extent relevant, substituting "committee" for "Board of Directors," "committee members" for "directors," and "committee chairperson" for "president."

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

Section 15. General Manager

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

ADOPTED this _____ day of _____, 2013.

President and Presiding Officer

ATTEST:

Secretary

Recording Secretary