

# POLICY 4.5

# EXECUTIVE SESSIONS

ADOPTED: FEBRUARY 1, 2013

REVIEWED: AUGUST 16, 2016

## A. NOTICE

Public notice of executive sessions shall be provided in accordance with Policy 4.3.

## B. NO FINAL DECISIONS

The Board shall not take any votes during any executive session, nor make any final decisions during any executive session. This policy, however, shall not prohibit full discussion of Board members' views during executive sessions.

## C. PURPOSES

Executive sessions shall be held only for the following purposes:

1. Employment of Personnel: ORS 192.660(1)(a). To discuss the employment of a public officer, employee, or staff member, but only if the following requirements have been met:
  - a. The vacancy for the position has been advertised;
  - b. Regularized procedures for hiring have been adopted;
  - c. There has been opportunity for public input into the employment of such employee or officer;
  - d. Where employment of a Chief Executive Officer is under consideration, the standards, criteria and policy directives to be used in hiring such officer must have been adopted at a meeting open to the public at which the public has had an opportunity to comment. No executive session may be held under ORS 192.660(1)(a) for purposes of filling a vacancy in an elective office.
2. Discipline of Public Officers and Employees: ORS 192.660(1)(b). To consider the dismissal or disciplining of a public officer, employee, staff member or individual agent, or to hear complaints or charges brought against such persons, unless the person complained against requests an open hearing.
3. Consultation with Labor Negotiator: ORS 192.660(1)(d). To conduct deliberations with persons designated by the Board to carry on labor negotiations on its behalf. News media representatives may be excluded from executive sessions called under this section.
4. Real Property Transactions: ORS 192.660(1)(e). To conduct deliberations with persons designated by the Board to negotiate real property transactions.
5. Exempt Records: ORS 192.660(1)(f). To consider records that are exempt by law from public inspection. Examples of such records include medical records pertaining to personnel, confidential communications from legal counsel, employment tests or examination materials, and other materials exempted from public disclosure under the Public Records Law, ORS 192.501 and 192.502.

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6. Litigation/Consultation with Legal Counsel: ORS 192.660(1)(h). To consult counsel concerning the District's legal rights and duties, as well as current litigation or litigation likely to be filed. Whenever written legal advice received from counsel is to be discussed, the Board may utilize an executive session to discuss the writing under the authority of ORS 192.660(1)(f), as well. This section authorizes an executive session to consider records which are exempt by law from public inspection.
7. Performance Evaluations: ORS 192.660(1)(i). To review and evaluate the employment related performance of the Chief Executive Officer, other officers, employees or staff members, pursuant to standards, criteria and policy directives adopted by the District, unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating Chief Executive Officers must first have been adopted by the Board in meetings open to the public in which there was an opportunity for public comment. Executive sessions called pursuant to this section may not include a general evaluation of any District goal, objective or operation, and may not include any directive to the Chief Executive Officer or other District personnel concerning agency goals, objectives, operations or programs.
8. Labor Negotiations: ORS 192.660(2). Labor negotiations may be held in executive session if either side requests an executive session.

**D. CONDUCT OF EXECUTIVE SESSION**

The President or other presiding officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the President shall direct any representatives of the news media who are present not to report certain specified information from the executive session. In general, the extent of the non-disclosure requirement should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board as a whole.