

## Appendix BB - OAR 661-010-0026

### Objections to the Record

(1) Before filing an objection to the record, a party shall attempt to resolve the matter with the governing body's legal counsel. The objecting party shall include a statement of compliance with this section at the same time the objection is filed. The Board may deny any objection to the record that does not comply with this rule.

(2) An objection to the record or an objection to an amendment or supplement to the record shall be filed with the Board within 14 days of the date appearing on the notice of record transmittal sent to the parties by the Board. A party may file a **precautionary record objection** while continuing to resolve objections with the governing body's legal counsel. Objections may be made on the following grounds:

(a) **The record does not include all materials included as part of the record during the proceedings before the final decision maker. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.**

(b) The record contains material not included as part of the record during the proceedings before the **final decision maker**. The item(s) not included as part of the record during the proceedings before the final decision maker shall be specified, as well as the bases for the claim that the item(s) are not part of the record.

(c) The minutes or transcripts of meetings or hearings are incomplete or do not accurately reflect the proceedings.

(d) The record does not conform to the requirements of OAR 661-010-0025(4).

(3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration regarding contested minutes, the Board shall require the governing body to produce a transcript of the relevant portion of the proceeding, if an audiotape recording or other type of recording is available. Upon such demonstration regarding contested transcripts, the Board shall require the governing body to produce a more complete or amended transcript.

(4) A party may, within 14 days from the date of service of a record objection, file a response.

(5) The Board may, at its discretion, conduct a telephone conference with the parties to consider any objections to the record. A party desiring a telephone conference on an objection to the record shall include a request for a telephone conference in its objection to the record or response.

(6) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Board shall issue an order declaring the record settled and setting forth the schedule for subsequent events. Unless otherwise provided by the Board, the date of the Board's order shall be deemed the date of receipt of the record for purposes of computing subsequent time limits.

Stat. Auth.: ORS 183.545 & ORS 197.820(4)

Stats. Implemented: ORS 197.830(10)(a), ORS 197.830(14) & ORS 197.835

Hist.: LUBA 1-1987, f. & ef. 12-30-87; LUBA 1-1994, f. & cert. ef. 6-22-94; LUBA 1-1998, f. 2-12-98, cert. ef. 3-1-98