
Josephine County Meeting Laws - *Orderly and Respectful*

Free Speech Supporting free speech and the exercise of citizens' constitutional right to speak and petition government for redress of grievances are significant citizen involvement issues and a good idea.

Responsibility of Josephine County Chair, Board of County Commissioners (BCC) The issue being addressed is not free speech or the right to petition government. The problem is the conduct of citizens at public meetings and the failure of the Chair of the BCC to preserve order and enforce meeting rules.

Josephine County Mission Statement

- We shall provide services in an open, honest and efficient manner.

- **We will encourage public involvement and co-operation** to identify present and future needs and solutions. [emphasis added]

- We are dedicated to providing positive leadership and quality service.

Josephine County Charter, Section 10. Board Chairman

"The Chairman shall:

- (1) preside over the Board meetings,
- (2) **preserve order at the meetings,**
- (3) **enforce the rules** of the Board, and
- (4) have whatever additional functions the Board prescribes consistent with this charter." [emphasis added]



Standards For Conduct Of Participants During Josephine County Meetings

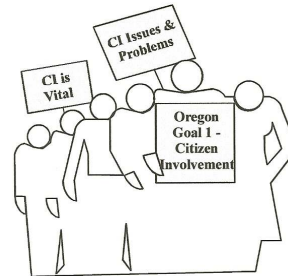
County Meeting Law Standards In addition to the county's mission and charter, Josephine County Ordinance 92-27, Section 7, and Josephine County Rural Land Development Code (RLDC) 31.060 provide the rules of the BCC for the conduct of participants during BCC meetings and land use proceedings.

BCC Meeting: "Meetings shall at all times be orderly and respectful."

Land Use Proceeding: "Proceedings shall, at all times, be orderly and respectful."

Conduct Standards It is clear from the county's meeting laws that the Chair of the BCC and the Chair of the Josephine County Rural Planning Commission can refuse to recognize citizens when their conduct is: 1. disrespectful, 2. disorderly, 3. abusive, 4. disruptive, and/or 5. presents irrelevant comments. However, disrespectful and abusive comments are regularly made by citizens at county meetings.

Allowing the transformation of a debate over public policy — including such local issues as zoning, wetlands preservation, school curriculum, or consumer protection — into a private personal dispute during public meetings and/or land use proceedings is a bad idea.



Raise It Or Waive It

Citizens' Request On March 9, 2009 Hal Anthony, Wayne McKy, Holger Sommer, and Mike Walker wrote a letter to the BCCs requesting clarification concerning the conduct of participants during public meetings before the BCC and/or the hearing body of a land use proceeding. The BCC never responded to this citizen request. On October 14, 2009 the request was again brought before the BCC at its business meeting.

Raise It Or Waive It Exception When the "raise it or waive it" provisions for a procedural error (ORS 197.763) are read together with ORS 215.412(1), Oregon case law requiring that land use proceedings be conducted in a fair and impartial manner (*Fasano v. Washington County Commission*, 264 OR 574, 588 (1973)), and a point of order from *Robert's Rules of Order*, they can help establish the threshold for how a participant can rise and speak without permission of the presiding officer.¹⁻²

Summary It is clear that participants have responsibilities for orderly and respectful conduct during BCC meetings and land use proceedings, and that the chairs have the ability to enforce county meeting standards.

Want more information? Contact a member of the Hugo Land Use Committee and/or the Executive Director of Rogue Advocates.

1. Hugo Neighborhood. 2006. *Point of Order*. Brochure. Hugo, OR.
2. Hugo Neighborhood. 2006. *Raise It or Waive Point of Order*. Brochure. Hugo, OR.

Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission promoting the social welfare of its neighbors.

Land Use & History

The *Hugo Neighborhood's* land use mission is to promote the social welfare of the citizens of the area by working to promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests, and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

Voluntary membership dues are \$10.00 annually and used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to a member of the Land Use Committee. Send us your e-mail address if you want to know what we are doing.

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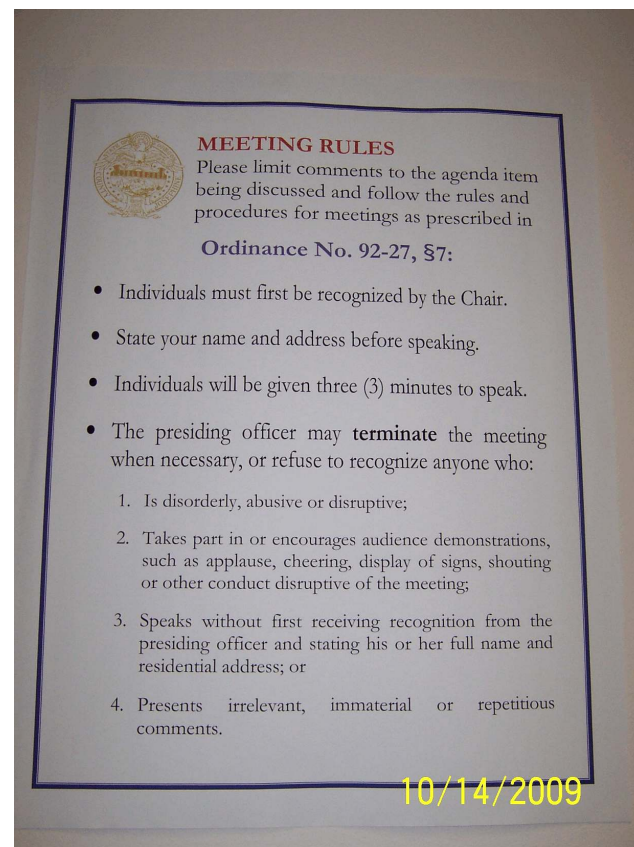
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**Hugo Land Use Committee
Hugo Neighborhood Association &
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Rogue Advocates

