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RESOLUTION No.

Authorize City Attorney to appear as amicus curiae in *Rob Handy v. Lane County*, Oregon Supreme Court No. S063725 (Resolution)

WHEREAS, The City of Portland values open, public meetings; and

WHEREAS, There are times when it is appropriate, necessary, reasonable and in the public interest for individual Council members to communicate directly with one another, or for Council members' staff to communicate with one another, or for Bureau Directors and staff to communicate individually with members of the Council, and not in a public meeting; and

WHEREAS, In *Rob Handy v. Lane County*, the Oregon Court of Appeals adopted an interpretation of a "meeting" subject to the Public Meetings Law that does not require a majority of the governing body either to be present simultaneously or to participate in the conversation simultaneously; and

WHEREAS, The Oregon Court of Appeals found that a public meeting violation may have occurred when the County Administrator had separate conversations or email exchanges with individual County commissioners; and

WHEREAS, The Oregon Court of Appeals' interpretation of "meeting" is contrary to the text, context and legislative history of the Public Meetings Law, and unnecessarily and inappropriately constrains the ability of Council members to communicate with one another and with City staff, and, potentially, with Portland's citizens; and

WHEREAS, The Oregon Supreme Court has accepted review of the case in order to address the proper scope of "meetings" subject to the Public Meetings Law; and

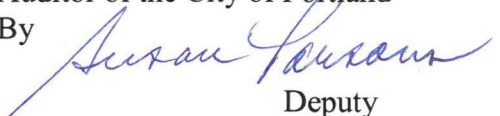
WHEREAS, It is in the public interest for the City to appear as amicus curiae to advocate for an interpretation that preserves the essence of the Public Meetings Law, while allowing for necessary and appropriate conversation between Council members and City staff;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Portland, that the City Attorney or her designee may file or join amicus briefs on behalf of the City of Portland, in support of Lane County, in *Rob Handy v. Lane County*, Oregon Supreme Court No. S063725.

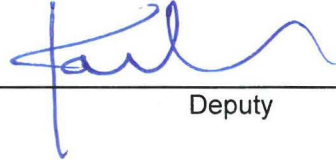

Adopted by the Council: FEB 24 2016

Commissioner: Mayor Hales
Prepared by: Harry Auerbach
Date Prepared: February 12, 2016

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

Authorize City Attorney to Appear as Amicus Curiae in Rob Handy v. Lane County, Oregon Supreme Court No. S063725 (Resolution).

<p>INTRODUCED BY Commissioner/Auditor: Mayor Hales</p>	<p>CLERK USE: DATE FILED FEB 16 2016</p>
<p>COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p>
<p>Mayor—Finance and Administration - Hales</p>	<p>By:  _____ Deputy</p>
<p>Position 1/Utilities - Fritz</p>	<p>ACTION TAKEN:</p>
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Saltzman</p>	
<p>Position 4/Safety - Novick</p>	
<p>BUREAU APPROVAL</p>	
<p>Bureau: City Attorney Bureau Head: Tracy Reeve</p> 	
<p>Prepared by: Harry Auerbach Date Prepared: February 12, 2016</p>	
<p>Financial Impact Statement & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date February 24, 2016</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: 15 minutes
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman _____	
4. Novick	4. Novick ✓	
Hales	Hales ✓	