

THE COMMUNIQUE

Winter 2024

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Publication Of The
**OREGON FIRE DISTRICT
DIRECTORS ASSOCIATION**
EDUCATION-COORDINATION-LEGISLATION

THE COMMUNIQUE

A Publication of the
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Directors Association

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MISSION

To serve and strengthen through the provision and coordination of timely information, education, and legislation.

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PRESIDENT'S MESSAGE

By Joe Morneau
OFDDA President

I would like to first thank the board for trusting me to be your Board President for 2024.

This is a commitment that I take very seriously. I will give my all to support the OFDDA Board and its mission. I look forward to working with our fantastic staff, along with our executive committee and the OFDDA Board members.

We will continue to work closely with SDIS/SDAO and fire service organizations in our great State. One of my top priorities will be to “Support the needs of the smaller districts and departments throughout the state, and to ensure that all fire service organizations have the opportunity to receive the training necessary to complete their mission.” I want to help support and supply districts or departments with all the tools possible to ensure that they have the training and tools they need to advance their fire district to maintain the best service possible.

We will continue to have a strong voice in the Legislature and do everything possible to promote district interests. We will communicate updates to members as timely as possible.

I will promote policy and encourage anyone with fire service questions or concerns to contact me personally or reach out to our incredible staff. We will do everything we can to address your concerns.

One way to achieve our goal is to encourage all boards in the state to do what they can to encourage their members to attend our conference, and take advantage of the great sessions offered and share ideas with other districts. OFDDA invests time and money to make our organization not only successful but accessible to all member districts in the state. WE are here for you! Help us help you by letting us know what you need to accomplish your mission.

Respectfully,
Joseph Morneau
Coburg Fire District
OFDDA

A special *Thank You* to Special Districts Association of
Oregon, title sponsor of the
2024 Oregon Fire Service Conference

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SPECIAL DISTRICTS
ASSOCIATION OF OREGON

Serial Meetings and Oregon Government Ethics Commission Oversight

by Carrie Connelly

Did you think public meeting hazards couldn’t get stickier? Think again! The 2023 Legislature adopted House Bill (HB) 2805, which amends Oregon’s public meetings law in four ways. In summary, HB 2805:

- I Adds new defined terms to ORS 192.610. For years, the term “meeting” has been defined as: “. . . the *convening* of a governing body of a public body for which a quorum is required in order to make a decision or *deliberate* toward a decision on any matter.” ORS 192.610(7)(a) (emphasis supplied). HB 2805 defines the two italicized terms used in this definition.

The term “**convening**” is now defined in ORS 192.610(1) as:

- “(a) Gathering in a physical location;
- (b) Using electronic, video, or telephonic technology to be able to communicate contemporaneously among participants;
- (c) Using serial electronic written communication among participants; or
- (d) Using an intermediary to communicate among participants.”

Subsections (a) and (b) describe classic public meetings—gathering in noticed public meetings, in person or virtually. Subsection (c) captures the term “serial meetings,” as previously developed in caselaw. Subsection (d) adds a “go-between” meeting: A person talking to and sharing information between at least a quorum of council or board members (note, this doesn’t *necessarily* include solely gathering information.) If such conversations involve a quorum of the public body who make or deliberate towards a decision, a public meeting is held – even if non-members of the governing body communicate directly with each other.

The term “**deliberation**” is now defined in ORS 192.610(3) as a:

“. . . discussion or communication that is part of a decision-making process.”

* Note that the definition of “meeting” uses the term “deliberate” not the newly defined term, “deliberation.”

- II. Clarifies that public meetings law does not apply to communications between members of a governing body that: are purely factual or educational; not related to any matter that might reasonably come before the governing body; or nonsubstantive in nature.

Codifying preexisting case law, Oregon public meetings law now expressly excludes essentially administrative communications between or among members of a governing body. Specifically, those include communications that are:

- A. “Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the governing body;
- B. Not related to any matter that, at any time, could be reasonably foreseen to come before the governing body for deliberation and decision; or
- C. Non-substantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.”

- III. Requires training on Oregon public meetings law for members of governing bodies of public bodies whose total expenditures exceed \$1 million for a fiscal year.

As of January 1, 2024, HB 2805 requires members of governing bodies whose public bodies spend more than \$1 million per fiscal year to attend an in-person or virtual public meetings training provided, or approved, by the Oregon Government Ethics Commission (OGEC). The training will be required once per term of office.



(Continued on page 5)

IV. Expanded Oregon Public Meeting Law Oversight by OGEC.

HB 2805 expands OGEC’s public meeting law oversight from only executive session violations to *all* public meeting violations. Grievances must first be filed with the public body within 30 days of the alleged public meeting violation. Upon receipt, the public *body* must:

- A. Acknowledge and respond to the grievance in writing *within 21 days* and—
 - 1. Deny the allegations, provide the correct facts, and explain why no violation occurred;
 - 2. Admit that the allegations correct, but deny that those facts violate the public meetings law; or
 - 3. Admit that the allegations are correct and admit a violation of the public meetings law. Such a response must then explain the steps the public body will take to cure the violation, including but not limited to—
 - A. Rescinding the decision made in violation of the Oregon public meetings law; or
 - B. Holding a properly noticed and conducted public meeting within 45 days of the original decision and, in the meeting, state that
 - i. The original decision was made in violation of the Oregon public meetings law;
 - ii. Good cause exists for the public body to not rescind the decision; and
 - iii. The public body’s practices will be modified to avoid future violations.
- B. When the public body sends its response, the public body must also send a copy of the written grievance and its response to OGEC.

Note that the required response must be from the public body. As it may be difficult to convene your Board and issue a response within the required 21 days, do not ignore submitted grievances for any period of time.

If OGEC finds that a member of a governing body failed to attend a required training or investigates a public meeting law violation allegation and finds that a violation occurred, the responsible member(s) of the governing body may be assessed a civil penalty of up to \$1,000. Such civil penalties are now expressly personal to violator (s); a governing body is expressly prohibited from paying or indemnifying the fine.





Introducing OFDDA's Newest Board Members



Brandon Fowler, Chiloquin Fire & Rescue – Director Position #2

Brandon Fowler is currently serving his second tour on the Board for Chiloquin Fire & Rescue, 2009-2013 and 2020-Present. Brandon served as Klamath County Director of Emergency Management and Public Information Officer for the Klamath County Sheriff's Office from 2019-2023. In that time Brandon had a front row seat to the many large and devastating wildfires that Klamath County experienced in that time frame as well as the extraordinary efforts that our Rural Fire Protection Districts go to in serving small communities as well as large amounts of square mileage.

In addition to his service for Chiloquin Fire and Rescue, Brandon also serves on the Board of Directors for the Klamath 911 Emergency Communications District.

Brandon has spent much of his career in the private sector in the telecommunications industry and has recently assumed the role of Vice President – Project Management for Cal-Ore Communications. Brandon and his wife Anna have a ranch in the Chiloquin area of Klamath County and have three adult children.

Angie Frye, Drakes Crossing RFPD – Director Position #4

Angie Frye became involved with the Drakes Crossing Rural Fire Protection District in 2014 after suffering a severe fall. The DCRFPD's amazing volunteers came to her rescue, and it was then she knew she wanted to be a part of this special team. Angie joined the DCRFPD Board in 2015, and was elected Vice President in 2017, then Board President in 2018 where she currently serves. DCRFPD was instrumental in stopping the Beachie Creek Fire in September 2020, and it was then that Angie's outlook changed from a simple business position to a desire to become more involved politically. She looks forward to working with Genoa as well as the rest of the members to fulfill the mission of OFDDA!

Angie's career field is paints and coatings, specializing in automotive coatings. For 39 years she held sales jobs in that capacity in the Willamette Valley, and simultaneously owned a collision repair shop in Woodburn for 15 years. She is currently employed as a sales consultant by Horizon Distribution Inc. Angie has 2 grown children, 1 grandchild, 3 dogs, 4 cats and 33 chickens.

Brad King, Junction City RFPD – Director Position #5

A resident of the Junction City Rural Fire Protection District for nearly 49 years, Brad King became involved with the Fire Department by being appointed to the Budget Committee in 2012, and then to the Board in January 2015. He is currently Board President. Brad feels lucky to have such a great Board and Fire Department to be a part of.

Brad sold his financial advisory business in July 2022 and retired. He and his wife, Michelle, enjoy spending time around their home just outside of Junction City. Brad takes occasional travels to different parts of Oregon, particularly eastern Oregon. He has been around the world but knows Oregon is the best and most beautiful place to live, work, go fishing, and just relax.

Bobby Meyer, Aurora RFPD #63 – Director Position #6

Bobby Meyer was a volunteer firefighter for 45 years, starting with 12 years at Canby Fire and then 33 years at Aurora RFPD. When he retired from active duty, Bobby held the rank of Battalion Chief and EMT Intermediate. He has been on the Aurora Fire District Board of Directors for 10 years.

Bobby works for Feenaughty Machinery in Eugene where he sells logging and construction equipment.

Bobby is very community oriented and is a member of the Molalla Moose, Woodburn Eagles, Canby Sons of the American Legion and the Canby Gun Club.

Bobby is the proud father of two adult children, Elizabeth and Bobby.

2024 Legislative Session Update (as of February 26, 2024)

The 82nd Legislative Assembly convened on February 5 under the oversight of Senate President Rob Wagner and House Speaker Dan Rayfield (D-Corvallis). The OFDDA Board of Directors has taken the time to review and provide input on a number of proposals, including the following:

PERS Expansion

[HB 4045](#), at the time of this writing, is expected to sail through both Chambers and be signed by the Governor. The bill lowers the retirement age for certain public safety employees and creates a new hazardous position category for 911 operators and state hospital employees. The bill is opposed by both OFDDA and SDAO.

Ethics Opinions on Public Meetings

[HB 4117](#) expands the authority of the Oregon Government Ethics Commission (OGEC) with regard to oversight of public meetings laws; however, this modification could benefit public officials. If a public official seeks an advisory opinion from OGEC and follows it, it creates a "safe harbor" for the public official if he or she can show that they were acting on the advice of the advisory opinion.

Statewide Property Tax for Public Safety Fails

[HJR 201](#) and [HB 4075](#) will not move forward this session. The bills would have assessed property owners up to \$0.25 per \$1,000 to fund a Public Safety Authority. OFDDA Director Brandon Fowler of Coquille Fire & Rescue presented [testimony](#) on behalf of OFDDA during the [hearing](#). The bill also received a substantial amount of testimony, mostly in opposition due to the following concerns:

- Oregon's burdensome tax system;
- Lack of definition of what constitutes public safety programs;
- Reluctance of voters to approve fire district levies after already paying a county and state

More on Wildfire Mitigation Funding

[HB 4133](#) represents another proposal to fund wildfire mitigation. As introduced, the bill makes a variety of changes to Oregon's wildfire mitigation and suppression system by increasing the portion of the Forest Products Harvest Tax dedicated to the Oregon Forest Land Protection Fund from \$0.625 to \$1.00 per thousand board feet. OFDDA joined with the Oregon Fire Chiefs Association, the Oregon Volunteer Firefighters Association, and the Oregon Fire Marshal's Association in expressing concerns and offering several recommendations. The fire service was given a number of concessions and the bill remains in play. A Ways and Means budget note directs ODF and Oregon State Fire Marshal (OSFM) to work with stakeholders to develop options for sustainable funding for wildfire suppression & mitigation, land classification, and managing the intersection between forest land protection districts and structural fire protection districts.

For more in-depth reporting on legislative activities impacting the fire service, subscribe to OFDDA's weekly updates (available only during legislative sessions)—contact Mandy in the OFDDA office (Mandy@ofdda.com or 503-378-0896).



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