Columbia River Gorge Commission

Chapter 350

Division 011

Open Meetings

As Amended through September 1, 2026

Table of Contents

350-011-0010. Definitions for Division 11 of the Gorge Commission's Rules 2
350-011-0020. Policy 3
350-011-0030. Meetings of Gorge Commission to be Open to Public; Location of Meetings; Accommodation for Person with Disability; Interpreters 3
350-011-0040. Public Notice Required; Special Notice for Executive Sessions 5
350-011-0050. Special and Emergency Meetings 6
350-011-0060. Written Minutes and Recording Required and Made Available; Content; Content of Minutes for Executive Sessions 7
350-011-0070. Executive Sessions Permitted on Certain Matters; Procedures; News Media Representatives' Attendance; Limits 9
350-011-0080. Meetings by Means of Telephone, Electronic, or Internet Communication, or Other Means of Remote Access 11
350-011-0090. Interruptions 12
350-011-0100. Regular Meeting to Include Time for Public Comment 12
350-011-0110. Enforcement 13

350-011-0010. Definitions for Division 11 of the Gorge Commission's Rules

(1) "Action" means the transaction of the official business of the Gorge Commission including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, or decisions.

(2) "Convening" means:

(a) Gathering in a physical location; or

(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.

(3) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, rule, or measure on which a vote of the Gorge Commission is required at any meeting at which a quorum is present.

(4) "Deliberation" means discussion or communication that is part of the decision-making process.

(5) "Executive session" means any meeting or part of a meeting of the Gorge Commission that is closed to certain persons for deliberation on certain matters.

(6) "Gorge Commission" means the Columbia River Gorge Commission or any Gorge Commission committee established and ratified in accordance with the Gorge Commission's bylaws that consists of two or more members with the authority to conduct hearings, take testimony, or make decisions for or recommendations to the Gorge Commission on policy or administration.

(7) "Meeting" or "meet" means the convening of the Gorge Commission for which a quorum is required in order to take action. "Meeting" or "meet" does not include any onsite inspection of any project or program. "Meeting" or "meet" also does not include the following, provided the members of the Gorge Commission do not take action:

(a) Attendance of members of the Gorge Commission at any national, regional, or state association to which the Gorge Commission or members of the Gorge Commission belong, or

(b) For a majority of the members of the Gorge Commission to travel together or gather for purposes other than a meeting.

350-011-0020. Policy

(1) The Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544c(b) and Columbia River Gorge Compact (ORS 196.150 and RCW 43.97.015) require the Gorge Commission adopt open meetings regulations consistent with the more restrictive statutory provisions of Oregon and Washington. This division is the Gorge Commission's open meetings regulations. The Oregon Public Meetings Laws (generally ORS 192.610 - 192.695) and the Washington Open Public Meetings Act (generally Chapter 42.30 RCW) do not directly apply to the Gorge Commission.

(2) The Columbia River Gorge National Scenic Area Act and Columbia River Gorge Compact require an informed public aware of the deliberations and decisions of the Gorge Commission and the information upon which such decisions were made. It is the intent of this division that decisions of the Gorge Commission be arrived at openly.

(3) Division 11 of the Gorge Commission's rules do not apply to communications between or among members of the Gorge Commission that:

(a) Are related purely to procedural matters and convey no deliberation or decision on the substance of the matter in question;

(b) Except as otherwise provided in this paragraph, are not related to any matter that, at any time, could reasonably be foreseen to come before the governing body for deliberation and decision; or

(c) Are nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.

350-011-0030. Meetings of Gorge Commission to be Open to Public; Location of Meetings; Accommodation for Person with Disability; Interpreters

(1) All meetings of the Gorge Commission shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this division.

(2) A member of the public shall not be required, as a condition of attending a meeting, to give his or her name, other information, complete a questionnaire, or fulfill any other condition precedent. This section does not prohibit any generally applicable conditions that the Gorge Commission determines to be reasonably necessary to protect the public health or safety, or to protect against interruption of the meeting, including a meeting held electronically.

(3) The Gorge Commission shall not meet in private except as otherwise provided by this division.

(4) The Gorge Commission shall not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, gender identity, national origin, age, or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by the Gorge Commission if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(5) Location of meetings

(a) Meetings of the Gorge Commission shall be held:

(A) Within the geographic boundaries over which the Gorge Commission has jurisdiction;

(B) At the administrative headquarters of the Gorge Commission;

(C) At another practical location within one of the National Scenic Area counties;

(D) Within Indian country (as that term is used in 18 U.S.C. § 1151) of one of the four Columbia River Treaty Tribes specified in 16 U.S.C. § 544(g); or

(E) By means of telephone, electronic, or internet communication, or other means of remote access as provided by this division.

(b) Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved.

(c) A joint meeting between the Gorge Commission and another entity subject to an open public meeting law or one or more of the four Columbia River Treaty Tribes shall be held within the geographical boundaries over which one of the entities has jurisdiction, or within Indian country or at another practical location.

(d) Meetings may be held in locations other than those described in this section in the event of an actual emergency necessitating immediate action.

(6) It shall be considered discrimination on the basis of disability for the Gorge Commission to meet in a place inaccessible to persons with disabilities, or upon request of an individual with a disability or a non-English-speaking

person, to fail to make a good faith effort to have an interpreter for the individual with a disability or a non-English-speaking person provided at a regularly scheduled meeting.

(a) The person requesting the interpreter shall provide the Gorge Commission at least 48 hours' notice of the request, shall provide the name of the requester, language or sign language preference and any other relevant information the Gorge Commission may require.

(b) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(c) As used in this section, "good faith effort" includes contacting the Oregon Disabilities Commission, the Washington Aging and Long Term Support Administration, state or federal court with jurisdiction in the National Scenic Area, or other state or local government or community service agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services.

(7) Voting by the Gorge Commission shall take place in public and each member's vote shall be recorded as it is cast. The Gorge Commission shall not vote by secret ballot.

350-011-0040. Public Notice Required; Special Notice for Executive Sessions

(1) The Gorge Commission shall provide the time for holding regular meetings by rule or bylaw.

(2) Notices in the Washington State Register and on Oregon's website for state agency meeting notices:

(a) The Gorge Commission shall file with the Code Reviser in Washington a schedule of the time and place of regular meetings as provided by rule or bylaw on or before January of each year for publication in the Washington State Register.

(b) The Gorge Commission shall post an annual notice of its regular meetings as provided by rule or bylaw on the Oregon website for state agency meetings notices, provided that the State of Oregon maintains such a website and authorizes the Gorge Commission to post an annual notice.

(c) The Gorge Commission's notices in this section shall direct persons to the Gorge Commission's website for changes to the date, starting time, and location of regular meetings, for agendas and meeting materials, and for notices of cancellation of regular meetings.

(3) The Gorge Commission shall give public notice, reasonably calculated to give actual notice to interested persons, including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include an agenda containing the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the Gorge Commission to consider additional subjects or remove listed subjects from consideration.

(a) The Gorge Commission shall make the agenda of each regular meeting available on its website no later than 24 hours in advance of the published start time of the meeting.

(b) Nothing in this section modifies notice requirements or shall be construed as establishing that the Gorge Commission's posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws.

(4) If an executive session only will be held, the notice shall be given to the members of the Gorge Commission, the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(5) The Gorge Commission shall not adopt any ordinance, resolution, rule, regulation, order, or directive except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this division.

(6) The Gorge Commission may adjourn or continue a meeting to a time and place specified in an order of adjournment or continuance. Written notice of the adjournment or continuance shall be provided in accordance with section (3) of this rule.

350-011-0050. Special and Emergency Meetings

(1) A special meeting may be called at any time by the Chair of the Gorge Commission or by a majority of the members of the Gorge Commission by delivering written notice personally, by mail, or by electronic communication to each member of the Gorge Commission and to the Executive Director of

the Gorge Commission. Written notice shall be deemed waived in the following circumstances:

(a) A member submits a written waiver of notice with the Executive Director of the Gorge Commission at or prior to the time the meeting convenes. A written waiver may be given by any means, including electronic communication; or

(b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under section (1) of this rule shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the Gorge Commission a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the Gorge Commission's website;

(c) Prominently displayed at the main entrance of the Gorge Commission's office; and

(d) Delivered or posted, as applicable, at least 24 hours before the time of such meeting as specified in the notice.

(3) The call and notices required under sections (1) and (2) of this rule shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at a special meeting of the Gorge Commission.

(4) Emergency Meetings. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage, or when the required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against. The minutes for an emergency meeting shall describe the emergency justifying less than 24 hours notice.

350-011-0060. Written Minutes and Recording Required and Made Available; Content; Content of Minutes for Executive Sessions

(1) The Gorge Commission shall provide for the taking of written minutes of all its meetings. The written minutes must give a true reflection of the matters

discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

(a) All members of the Gorge Commission present;

(b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;

(c) The results of all votes and the vote of each member by name;

(d) The substance of any discussion on any matter;

(e) Subject to Commission Rule chapter 350, division 12, relating to public records, a reference to any document discussed at the meeting but such reference shall not affect the status of the document under Commission Rule chapter 350, division 12; and

(f) The announced purpose(s) and authorization(s) for any executive session.

(2) The Gorge Commission shall provide for a sound, video, or digital recording of all its meetings.

(a) The Gorge Commission shall promptly make the recordings available online on a publicly accessible website or hosting service for a minimum of six months so that members of the public may without charge:

(A) Observe a recording of the meeting if the meeting was conducted through videoconferencing technology; or

(B) Listen to a recording of the meeting if the meeting was conducted through teleconferencing technology that did not include video capabilities.

(b) The requirement that a meeting be published under this section does not apply to that portion of a Gorge Commission meeting that was lawfully held in executive session under 350-011-0070.

(3) Minutes of executive sessions shall be kept in accordance with section (1) of this rule. Instead of written minutes, a record of any executive sessions may be kept in the form of a sound, video, or digital recording, which need not be transcribed unless otherwise provided by law. However, excluded materials are authorized to be examined by a court in any legal action and the court shall determine their admissibility.

350-011-0070. Executive Sessions Permitted on Certain Matters; Procedures; News Media Representatives' Attendance; Limits

(1) The Gorge Commission can hold executive session during a regular, special, or emergency meeting after announcing the authorization for the holding of such executive session. Executive session may be held:

(a) To evaluate the qualifications of an applicant for employment as an employee, staff member, or individual agent. The exception contained in this subsection does not apply to:

(A) The consideration of general employment policies, including salaries, wages, and other conditions of employment to be generally applied within the Gorge Commission;

(B) The employment of the executive director, employees, and staff members unless:

(i) The Gorge Commission has advertised the vacancy;

(ii) The Gorge Commission has adopted regular hiring procedures;

(iii) In the case of the executive director, the public has had the opportunity to comment on the employment of the officer; and

(iv) In the case of the executive director, the Gorge Commission has adopted hiring standards, criteria, and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria, and policy directives;

(C) The final action of the Gorge Commission hiring an individual employee.

(b) To review the performance of an employee, staff member or individual agent or to consider the dismissal or disciplining of, or to hear complaints or charges brought against, an employee, staff member, or individual agent who does not request an open hearing. The Gorge Commission shall not use an executive session for purposes of evaluating the executive director, employee or staff member to conduct a general evaluation of an agency goal, objective, or operation or any directive to personnel concerning agency goals, objectives, operations, or programs. When the Gorge Commission elects to take

final action hiring or setting the salary of an individual employee or class of employees, that action shall be taken in a meeting open to the public. When the Gorge Commission elects to take final action discharging or disciplining an employee, that action shall be taken in a meeting open to the public.

(c) To conduct deliberations with persons designated by the Gorge Commission to carry on labor negotiations.

(d) To conduct deliberations with persons designated by the Gorge Commission to negotiate real property transactions or to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.

(e) To consider information or records that are exempt by law from public inspection. The Gorge Commission may consider whether to consider such information or records in open meeting on a case-by-case basis.

(f) Consultation with legal counsel:

(A) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the Gorge Commission, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency;

(B) This subsection does not permit the Gorge Commission to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection, "potential litigation" means matters protected by Oregon or Washington's rules and laws governing an attorney's duty of confidentiality concerning:

(i) Litigation that has been specifically threatened to which the Gorge Commission or a member of the Gorge Commission or staff acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the Gorge Commission reasonably believes may be commenced by or against the Gorge Commission

or a member of the Gorge Commission or staff acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the Gorge Commission has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the Gorge Commission.

(g) To consider matters relating to the safety of the Gorge Commission and of Gorge Commission staff and volunteers and the security of Gorge Commission facilities and meeting spaces.

(h) For any other purpose authorized by either the laws of Oregon or the laws of Washington not listed above.

(2) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (1)(c) of this rule relating to labor negotiations but no information that is the subject of the executive session shall be disclosed. When the Gorge Commission convenes an executive session under subsection (1)(f) of this rule, the Gorge Commission shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent, or contractor of a news media organization that is a party to the litigation.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

350-011-0080. Meetings by Means of Telephone, Electronic, or Internet Communication, or Other Means of Remote Access

(1) Any meeting, including an executive session, of the Gorge Commission which is held through the use of telephone or other electronic communication shall be conducted in accordance with this division.

(2) When telephone, electronic, or internet communication, or other means of remote access is used and the meeting is not an executive session, the Gorge Commission shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the Gorge Commission is present.

(3) All meetings held by the Gorge Commission, excluding executive sessions, must provide to members of the general public, to the extent reasonably possible, an opportunity to:

(a) Access and attend the meeting by telephone, video, or other electronic or virtual means;

(b) If in-person oral testimony is allowed, submit during the meeting oral testimony by telephone, video, or other electronic or virtual means; and

(c) If in-person written testimony is allowed, submit written testimony, including by electronic mail or other electronic means, so that the Gorge Commission is able to consider the submitted testimony in a timely manner.

(4) The provisions of section (3) of this rule apply to hearings under Commission Rule division 350, chapters 60 and 70.

350-011-0090. Interruptions

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the Gorge Commission may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section prohibits the Gorge Commission from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. Nothing in this section prohibits the Gorge Commission from stopping people from speaking to the Gorge Commission when not recognized by the Gorge Commission to speak.

350-011-0100. Regular Meeting to Include Time for Public Comment

(1) At all regular meetings of the Gorge Commission, the Gorge Commission shall provide time for oral public comment for issues not on the Gorge Commission's agenda, and an opportunity for Tribal Nations to address the Gorge Commission.

(2) At all regular meetings of the Gorge Commission, the Gorge Commission shall provide an opportunity for written public comment. Written comments

shall be distributed to the members of the Gorge Commission. The Gorge Commission may set a reasonable deadline for the submission of written comment before the meeting.

(3) Upon the request of any individual who will have difficulty attending a meeting of the Gorge Commission by reason of disability, limited mobility, or for any other reason that makes physical attendance at a meeting difficult, the Gorge Commission shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

(4) The Gorge Commission may limit the number of speakers or the time for oral public comment and opportunity for Tribal Nations to address the Gorge Commission in a manner that limits time equally for each speaker.

(5) The Gorge Commission may exclude oral or written comment that concerns matters currently before or likely to come before the Gorge Commission in a hearing where the Gorge Commission must disclose ex parte communications and comply with the Washington Appearance of Fairness doctrine.

(6) Nothing in this section diminishes the authority of the Gorge Commission to deal with interruptions as provided in this division or requires the Gorge Commission to accept public comment that renders orderly conduct of the meeting unfeasible.

350-011-0110. Enforcement

Enforcement of this division is governed by the judicial review provisions of the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544m, and applicable court rules.