

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

July 9, 2009

9:00 a.m.

(Tape 1A, 0.1)

Chair Delna Jones called the meeting to order at 9:10 a.m. The meeting was held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, Salem, Oregon. Other Commissioners present were Kenneth Lewis, Charles Beggs, Jeffrey Jones, Heather Van Meter, and Gary Wilhelms. Staff present were Executive Director Ron Bersin, Investigator Don Crabtree, Investigator Deborah Tuss, Trainer Tammy Hedrick, Program Analyst Virginia Lutz, Administrative Specialist Andrea Mowry, and OGEC Counsel Lynn Rosik.

(Tape 1A, 0.2)

D. Jones called for approval of minutes of the May 1, 2009 Commission meeting. The minutes were approved without correction.

(Tape 1A, .4)

Bersin addressed changes to the content of the consent calendar and the application of the penalty matrix to the staff recommended actions.

CONSENT CALENDAR

Reports of Investigation

None.

(Tape 1A, 4.3)

D. Jones discussed methods for addressing the consent calendar. Items 13, 53, 68, 69, and 70-79 were removed from the consent calendar for comment or appearance of parties wishing to address the Commission.

Statement of Economic Interest Penalty Correspondence

(Tape 1A, 8.8)

AGENDA ITEM 13, Chad Jacobs, League of Oregon Cities, re City of Ukiah Councilor Elaine Childers-Gilliland. Mr. Jacobs was present. Lutz summarized the issue. (Tape 1A, 13.0) (Van Meter joined meeting at 9:35 a.m.) J. Jones moved to waive the filing requirement for 2009 for Ms. Childers-Gilliland due to a serious health condition. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, aye; Van Meter, aye; Wilhelms, aye; D. Jones, aye. Motion passed unanimously.

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(Tape 1A, 15.8)

AGENDA ITEM 53, Jon Yunker, OHSU Board of Directors. Mr. Yunker was not present. Wilhelms suggested using a stronger letter. The Commission discussed letters of education versus letters of reprimand. Beggs moved to issue a letter of reprimand. J. Jones commented regarding determining who might warrant increased sanctions and the Commission discussed equally imposing sanctions. Beggs withdrew his motion. Bersin discussed sanction options. Beggs commented regarding the various levels.

(Tape 1A, 28.1)

AGENDA ITEM 68, Ed Dennis, Hillsboro City Council. Mr. Dennis was not present. The Commission discussed Mr. Dennis' public official history and knowledge of lobby processes.

(Tape 1A, 35.8)

Bersin removed Item 56 from the agenda. D. Jones moved for approval of consent calendar items 2-12, 14-55, and 57-68 and the staff recommendation on each as follows:

Stipulated Final Orders

The parties in the following items were not present unless so noted.

AGENDA ITEM 2, No. 08-160XDC, Teri Greenwood
Jewell School District No 8 Board of Directors

AGENDA ITEM 3, No. 08-181EDC, Robert Warsaw
Oregon Youth Authority Field Services Supervisor

AGENDA ITEM 4, No. 08-191XDC, Donald "Bob" Strom
Councilor, City of Halfway

AGENDA ITEM 5, No. 08-192XDC, Eric Kauffman
Councilor, City of Halfway

AGENDA ITEM 6, No. 08-193XDC, Marion Crow
Councilor, City of Halfway

AGENDA ITEM 7, No. 08-194XDC, Jake Brown
Councilor, City of Halfway

AGENDA ITEM 8, No. 08-195XDC, Frances Gulick-Vaughan
Councilor, City of Halfway

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AGENDA ITEM 9, No. 08-196XDC, Randy Simrell
Councilor, City of Halfway

AGENDA ITEM 10, No. 08-197XDC, Minden Wreden
Councilor, City of Halfway

AGENDA ITEM 11, No. 08-215EDT, Rick Schiedler
Councilor, City of Mt. Angel

AGENDA ITEM 12, No. 08-226ETH, Jack Hoffman
Councilor, City of Lake Oswego

Statement of Economic Interest Penalty Correspondence

The staff recommendation for the following items was to issue a letter of education.

AGENDA ITEM 14, Marty Sprinzi, Rainier Planning Commission

AGENDA ITEM 15, Matt Dunckel, Yamhill Co Planning Commission

AGENDA ITEM 16, Cistie Shaffer, Fossil SD 21J Business Manager

AGENDA ITEM 17, John Johnson, Port of Alsea Commissioner

AGENDA ITEM 18, John Young, Independence Historic Preservation Committee
Mr. Young was present but did not address the Commission

AGENDA ITEM 19, Peggy Beckhardt, Monroe Council

AGENDA ITEM 20, William Harrington, Prairie City Council

AGENDA ITEM 21, David Rickel, Port of Port Orford Commissioner

AGENDA ITEM 22, Patricia Weber, Corvallis Planning Commission

AGENDA ITEM 23, John Volkmann, Falls City Council

AGENDA ITEM 24, Sarah Grisgby, Columbia River Gorge Commission

AGENDA ITEM 25, Walter Hellman, Hillsboro Hearings Board

AGENDA ITEM 26, Chris Lassen, Gresham Planning Commission

AGENDA ITEM 27, Matt Nolan, Sherwood Planning Commission

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AGENDA ITEM 28, Anthony "Scott" Vigil, Stayton Council

AGENDA ITEM 29, Malcolm Drake, Josephine County Rural Planning Commission

AGENDA ITEM 30, Dennis Anderson, Estacada Planning Commission

AGENDA ITEM 31, Floyd Holcom, Port of Astoria Commissioner

AGENDA ITEM 32, Lloyd Bigler, North Powder Council

AGENDA ITEM 33, Camden King, Redmond Council

AGENDA ITEM 34, Tim Labrousse, Malhuer ESD Region 14 Superintendent

AGENDA ITEM 35, Cindy Graversen, Ontario Planning Commission

AGENDA ITEM 36, Daniel Lajoie, Oregon City Planning Commission
Mr. Lajoie was present but did not address the Commission

AGENDA ITEM 37, Jared Hokanson, Medford Planning Commission

AGENDA ITEM 38, Gwen Gardner, Newberg SD 29J Business Manager

AGENDA ITEM 39, William "Bill" Sahlin, Aurora Council

AGENDA ITEM 40, Mark Freeman re Joshua Greene, Port of Siuslaw Commissioner

AGENDA ITEM 41, Lorie Biggs re Charlie Bernards, St Paul Council

AGENDA ITEM 42, David Anderson, Annex SD 29 Business Manager

AGENDA ITEM 43, Connie Kennedy, Nestucca Valley SD 101 Superintendent

AGENDA ITEM 44, Michelle Conditt, Estacada Council

AGENDA ITEM 45, Barbara Thomas, Dufur Planning Commission

AGENDA ITEM 46, Jake Roe, Jordan Valley Mayor

AGENDA ITEM 47, Bill Jablonski, Astoria Design Review Commission

AGENDA ITEM 48, Carl Miller, Forest Grove Planning Commission

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AGENDA ITEM 49, Camille Miller, Forest Grove Council

AGENDA ITEM 50, Jennifer Ochsenein, Cornelius Planning Commission

AGENDA ITEM 51, Lawrence Johnson, Port of Gold Beach Commissioner

AGENDA ITEM 52, Ramona Ginn, Brownsville Council

AGENDA ITEM 53, Jon Yunker, OHSU Board of Directors

AGENDA ITEM 54, Marlene Bork, Sumpter Council

AGENDA ITEM 55, Paul Vanderwal, Scotts Mills Council

AGENDA ITEM 57, Michael Ausec, Aurora Council
Mr. Ausec was present but did not address the Commission

AGENDA ITEM 58, Karen Ladd, Columbia City Planning Commission

AGENDA ITEM 59, Brenda Pace, Deschutes Co Planning Commission

AGENDA ITEM 60, Margaret Snider, Grass Valley Council

AGENDA ITEM 61, John McGinn, Aumsville Planning Commission

AGENDA ITEM 62, Terise McDaniel, Scio Council
Ms. McDaniel was present but did not address the Commission

AGENDA ITEM 63, Dan Dunn, Helix Council

AGENDA ITEM 64, Marian Chasse, Lafayette Planning Commission

AGENDA ITEM 65, Greg Taylor, Aurora Council

AGENDA ITEM 66, Peter Hurley, Wilsonville Development Review Board

AGENDA ITEM 67, Angie Wheatcroft, Hubbard Council

AGENDA ITEM 68, Ed Dennis, Hillsboro City Council

Consent Calendar roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, aye; Van Meter, aye; Wilhelms, aye; D. Jones, aye. Motion passed unanimously.

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(Tape 1A, 40.3)

AGENDA ITEM 69, Onno Husing, Lincoln Co Planning & Development Commission. Mr. Husing was not present. Lewis commented on the content of the correspondence regarding the resignation and the Commission briefly discussed those issues. The Commission asked staff to include prior filing history to activity notes for their reference. (Tape 1B) Lewis moved for approval of the staff recommendation to not reduce the accrued penalty. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, aye; Van Meter, aye; Wilhelms, aye; D. Jones, aye. Motion passed unanimously.

Lobbying Client/Employer Penalty Correspondence

(Tape 1B, 2.0)

AGENDA ITEM 70, Oregon Shores Conservation Coalition, 4th quarter 2008. Anne Squier was present. Wilhelms made comments regarding the responsibility of lobbyists to their clients. Ms. Squier addressed the Commission. Lutz summarized the lobbyist registration process. The Commission generally discussed lobbyist and client relationships.

(Tape 1B, 8.0)

AGENDA ITEM 74, Oregon Bus Project, 1st quarter 2009. Client was not present. Lewis declared that he would abstain from voting because he had previously contributed to the organization. The Commission discussed conflict declarations and voting practices.

(Tape 1B, 12.1)

Wilhelms moved to approve the staff recommendation to issue a letter of education on the following items:

AGENDA ITEM 70, Oregon Shores Conservation Coalition, 4th quarter 2008

AGENDA ITEM 71, Upstream Public Health, 1st quarter 2009.

AGENDA ITEM 72, Grocery Manufacturers Association, 1st quarter 2009

AGENDA ITEM 73, Indoor Tanning Association, 1st quarter 2009

Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, aye; Van Meter, aye; Wilhelms, aye; D. Jones, aye. Motion passed unanimously.

(Tape 1B, 12.5)

AGENDA ITEM 74, Oregon Bus Project, 1st quarter 2009. Client was not present. J. Jones moved to approve the staff recommendation to issue a letter of education. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, abstained; Van Meter, aye; Wilhelms, aye; D. Jones, aye. Motion passed unanimously.

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(Tape 1B, 13.4)

AGENDA ITEM 75, Columbia River Bar Pilots, LLC, 3rd and 4th quarters 2008. Gary Lewin was present. Bersin summarized issues and possible address problems. Gary Lewin addressed the Commission. Van Meter moved to issue a letter of education in lieu of a penalty. D. Jones held discussion regarding imposing a penalty versus a letter of education. Roll call vote was taken as follows: Beggs, aye; J. Jones, nay; Lewis, aye; Van Meter, aye; Wilhelms, aye; D. Jones, nay. Motion passed 4-2.

(Tape 1B, 28.0)

AGENDA ITEM 78, National Popular Vote, 1st quarter 2009. Tom Barrows and Justin Martin were present. Barrows and Martin addressed the Commission regarding their history and their activities to keep their clients informed. There was discussion regarding Commission mailing practices based on information contained in the registration. General discussion. Beggs commented regarding actions in previous cases. The item was tabled for additional discussion later in the meeting.

(Tape 1B, 42.2)

AGENDA ITEM 76, City of Lake Oswego, 1st quarter 2009. Lewis moved to approve the staff recommendation to reduce the penalty to \$245. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, aye; Van Meter, aye; Wilhelms, aye; D. Jones, aye. Motion passed unanimously.

(Tape 1B, 42.5)

AGENDA ITEM 78, National Popular Vote. J. Jones moved to approve the staff recommendation to reduce the penalty to \$795. There was discussion regarding reduction of the penalty. J. Jones withdrew his motion. Beggs moved to reduce the penalty to \$300. D. Jones commented regarding the penalty process. (Tape 2A) Bersin commented regarding the process for establishing the proposed penalty. Beggs withdrew his motion. J. Jones moved to approve the staff recommendation to reduce the penalty to \$795. Roll call vote was taken as follows: Beggs, nay; J. Jones, aye; Lewis, nay; Van Meter, aye; Wilhelms, nay; D. Jones, aye. Motion failed 3-3. Beggs moved to reduce the penalty to \$500. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, aye; Van Meter, aye; Wilhelms, nay; D. Jones, aye. Motion passed 5-1.

ADVISORY OPINIONS

(Tape 2A, 3.1)

AGENDA ITEM 80, No. 09A-1004, T-Mobile re wireless service discounts to public officials. Bersin summarized the opinion request and discussed previous requests from other providers. Lewis suggested the opinion be denied because of the benefit to public officials. Rosik addressed availability issues to officials as well as the public. There was discussion regarding benefits to government employees. Van Meter moved to

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adopt opinion as presented. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, nay; Van Meter, aye; Wilhelms, aye; D. Jones, aye. Motion passed 5-1.

(Tape 2A, 15.2)

The Commission recessed at 11:05 a.m. and D. Jones was excused from balance of meeting. The Commission reconvened into regular session at 11:15 a.m.

Lobbying/Client Employer Penalty Correspondence

(Tape 2A, 15.3)

AGENDA ITEM 77, Klamath Tribes, 1st quarter 2009. Client was not present. Rosik summarized the background of the matter. Lutz summarized the prior history of penalties imposed in sovereignty issues. Rosik addressed authority issues regarding penalties and there was general discussion regarding the need for further information. Van Meter moved to reschedule the issue to the August 14, 2009 meeting to gather additional information. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, nay; Van Meter, aye; Wilhelms, aye. Motion passed 5-1.

Lobbyist Penalty Correspondence

(Tape 2A, 25.7)

AGENDA ITEM 79, Marcy Eastham, 1st quarter 2009. Ms. Eastham was not present. The Commission discussed lobbying responsibilities. Lewis moved to not approve staff recommendation to issue a letter of education. Bersin discussed the background of the matter. Roll call vote was taken as follows: Beggs, aye; J. Jones, nay; Lewis, aye; Van Meter, nay; Wilhelms, nay. Motion failed 3-2. Van Meter moved to approve staff recommendation to issue a letter of education. Roll call vote was taken as follows: Beggs, nay; J. Jones, aye; Lewis, nay; Van Meter, aye; Wilhelms, aye. Motion failed 3-2. J. Jones commented regarding other options. Lewis moved to impose a penalty of \$470. Roll call vote was taken as follows: Beggs, aye; J. Jones, aye; Lewis, aye; Van Meter, nay; Wilhelms, nay. Motion failed 3-2. The Commission requested that the item be continued to the August 14, 2009 meeting for additional discussion.

End of Consent Calendar

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

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REPORTS OF INVESTIGATIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

None.

Staff Advice

(Tape 2A, 39.6)

The Commission reviewed the following items without comment:

AGENDA ITEM 81, Laurie Steele re Oregon Association of County Treasurers and Finance Officers solicitation of donations

AGENDA ITEM 83, Tim Klarr re conflict between public official position and personal business

AGENDA ITEM 84, Natasha Chapman re paid expenses offered for participating in event sponsored by company that provides software used by public employer

AGENDA ITEM 85, Association of Municipal Recordors re co-signing checks payable to one of the co-signers

Other Correspondence

(Tape 2A, 40.0)

The Commission reviewed the following items without comment:

AGENDA ITEM 86

No. 09-131ENJ, Sandy Joy

No. 09-132ENJ, Doug Olsen

No. 09-133ENJ, Paul Henninger

No. 09-134ENJ, Cate Brooks

No. 09-135ENJ, Ted Flicker

Terry Pickering re Oregon Water Wonderland II Property Owners Association

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AGENDA ITEM 87

No. 09-136ENJ, Alice Tucker
No. 09-137ENJ, Drew Foster
David Picray re City of Adair Village officials

AGENDA ITEM 88

No. 09-139ENJ, Dave Hunt
No. 09-140ENJ, Peter Buckley
Bob Tiernan re State Representatives

AGENDA ITEM 89

No. 09-141ENJ, Julie Hajduk
No. 09-142ENJ, Tom Pessemier
No. 09-143ENJ, Jim Patterson
R. James Claus re City of Sherwood officials

AGENDA ITEM 90

No. 09-144ENJ, Tom Pessemier
No. 09-145ENJ, Jim Patterson
R. James Claus re City of Sherwood officials

AGENDA ITEM 91

No. 09-146ENJ, Mark Townes
No. 09-147ENJ, Rob Pell
No. 09-148ENJ, Lisa Berger
No. 09-149ENJ, Bill Kangas
No. 09-150ENJ, Richard Michelin
No. 09-151ENJ, Ward Warren
N. Del Renfro re City of Grants Pass officials

AGENDA ITEM 92, No. 09-152ENJ, Ann Marie Gurney re Cindy Hunt, Office of Superintendent of Public Instruction

MISCELLANEOUS ITEMS

(Tape 2A, 41.0)

AGENDA ITEM 93, Trainer's Report, Hedrick summarized training issues. (Tape 2B)
There was general discussion regarding reaching out to all public officials.

(Tape 2B, 5.9)

The Commission recessed for lunch at 11:50 a.m. and reconvened into regular session at 12:00 p.m.

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(Tape 2B, 6.0)

AGENDA ITEM 94, Legislative and Budget Updates, Bersin summarized legislative issues and statute changes. Rosik discussed legislative and administrative interest issues. There was general discussion regarding teacher/student travel and general discussion regarding matters influenced by litigation. Bersin provided a summary regarding the status of the agency budget.

(Tape 2B, 33.6)

AGENDA ITEM 95, Director's Report, Bersin discussed the status of additional staff recruitment and the purchase of new office equipment.

(Tape 2B, 45.7)

The Commission convened into executive session at 12:40 p.m. to consider preliminary reviews pursuant to ORS 244.260(4)(d) and to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h).

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

None.

End of Executive Session Consent Calendar

OTHER PRELIMINARY REVIEWS

None.

OTHER ITEMS

Own Motion Reviews

None.

Other Items

(Tape 2B, 45.7)

The Commission reviewed the following items without comment except where noted. Item 98 was removed from the calendar.

AGENDA ITEM 96, No. 09-111EAI, Rex Cordova re West Extension Irrigation District

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AGENDA ITEM 97, No. 09-116EAI, John Seeley re Union School District

AGENDA ITEM 99, No. 09-118EAI, John Seeley re Clackamas ESD

AGENDA ITEM 100, No. 09-122EAI, John F. Duggan re Dept of Environmental Quality employee

AGENDA ITEM 101

No. 09-123EAI, Dean Lawrence

No. 09-124EAI, John Lansdowne

No. 09-125EAI, Robert Tucker

No. 09-126EAI, Bill Bell

No. 09-127EAI, Gloria Buchanan

Jim O. Baker, Jr. re Bly Water and Sanitary District Board Members

AGENDA ITEM 102, No. 09-153EAI, Jim Baker re Leda Hunter, Bly Water and Sanitary District

(Tape 3A, .1)

AGENDA ITEM 103, Summary of Pending Cases

The Commission reviewed the list of pending cases without comment.

(Tape 3A, .5)

AGENDA ITEM 104, Review of Pending Litigation

Rosik summarized the status of pending litigation matters.

(Tape 3A, 3.6)

The Commission reconvened into regular session at 1:00 p.m.

ADJOURNMENT

(Tape 3A, 4.3)

J. Jones adjourned the meeting of the Oregon Government Ethics Commission at 1:10 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for August 14, 2009 at 9:00 a.m. The meeting will be held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, in Salem, Oregon.

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