

# Oregon State Government Manager Reference Guide

PREPARED BY THE DEPARTMENT OF ADMINISTRATION SERVICES  
CHIEF HUMAN RESOURCES OFFICE



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## INTRODUCTION

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As a state manager, you will face several responsibilities and challenges that managers in the private sector do not face. This online guide is intended to provide you with a quick orientation to and overview of many of those responsibilities. It will focus on state government operations, procedures, and requirements that affect all agencies.

We hope to provide you with important information in an understandable and accessible form. Although the online guide provides only the highlights on each topic, it does provide references and resources from which you can obtain more detailed information as needed. The reference sources listed in the online guide for a given topic may include websites, relevant statutes and rules, applicable publications, and phone numbers.

Most of the program areas covered are written with a statewide perspective. In the case of most agencies, there are staff who specialize in dealing with many of the issues covered in this online guide. We would encourage you to check with the specialists in your agency before contacting the statewide divisions discussed here.

### Questions or Suggestions?

Contact the CHRO Policy Unit at [chro.policy@das.oregon.gov](mailto:chro.policy@das.oregon.gov).

## DISCLAIMER

Although this guide is intended to be a useful tool, it does not and cannot override federal and state law, administrative rules, and collective bargaining agreements. Further, this guide is not a substitute for on-going agency or professional organization training. While the intent is to periodically update the material to comply with applicable laws, rules, policies and bargaining agreements, it is incumbent upon the user to use the current and effective laws, rules, policies, and agreements. Where in conflict, the applicable law, rule, policy, or bargaining agreement provision takes precedence over information contained in the reference guide.

## ACCOUNTING AND REPORTING

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Oregon State Government is responsible for the prudent management of public resources. Both the Oregon Constitution and the ORS provide checks and balances to ensure the state achieves this goal.

Under the Constitution, the Legislature has the authority to create agencies and control budgets. The Constitution gives the Governor the authority to ensure that the state complies with laws and regulations. It also authorizes the Secretary of State to perform audit procedures at state agencies.

The ORS further provide for a system of checks and balances. Under ORS 293.265, agencies must submit all cash receipts to the state Treasurer who is responsible for the control of cash and the investment of state funds. ORS 291, 292, and 293 provide the DAS the authority to establish statewide policies and procedures.

DAS designs these policies and procedures to enhance accountability over state resources by ensuring that agencies comply with accounting and reporting requirements.



Each state agency is responsible for its own accounting process, including applicable internal controls, and for complying with state and federal requirements. The DAS Chief Financial Office (CFO) establishes policies and procedures for agencies to follow and uses information from all agencies to comply with statewide reporting requirements.

The DAS Enterprise Goods and Services Division, Financial Business Systems section maintains an accounting system, a payroll system, and a data warehouse used by most state agencies. The accounting system is the Statewide Financial Management Application (SFMA), the payroll system is the Oregon Statewide Payroll Application (OSPA), and the data warehouse is called the Financial Data Mart.

### **ACCOUNTING SYSTEM**

SFMA is the state's central system application for accounting and purchasing. SFMA includes the Relational Statewide Accounting and Reporting System (R\*Stars), which provides accounting functionality and the Advanced Purchasing and Inventory System (ADPICS), which provides purchasing functionality.

R\*Stars is designed to satisfy the changing accounting needs of a diverse set of users in both large and small governmental organizations. The system provides a standardized approach to accounting events, strict financial, budget and cash controls, and efficient use of computer resources.

R\*Stars provides automated controls to ensure that expenditures and agency commitments stay within legislatively approved budget plans. A flexible financial structure that fosters effective fiscal policies and procedures and allows daily monitoring of expenditure activity is another provision of R\*Stars. The system prevents agencies from exceeding budgetary limits. R\*Stars allows agencies to monitor cash balances at the same level as the Treasury account. Agencies can use R\*Stars to limit these accounts further to help monitor cash balances and expenditures at a user-defined level, such as for specified programs, grants, or projects. While agencies with their own accounts at Treasury are responsible for reconciling these accounts with R\*Stars, the FBS Statewide Financial Management Service (SFMS) section reconciles the general fund and lottery Treasury accounts that are shared by multiple agencies.

### **PAYROLL PROCESS**

OSPA is the state's central payroll application. In providing central payroll services to state agencies, OSPS manages and maintains OSPA and provides system and payroll user support and training. OSPS is responsible for ensuring that the system's pay and deduction codes, tables and calculation structures are programmed accurately to comply with the rules for federal and Oregon state tax withholding and reporting. They must uphold Fair Labor Standards, Oregon Bureau of Labor rules, DAS CHRO policies, PERS contributions, PEBB plan-year rules and meet the requirements of all collective bargaining agreements that are in force.

The state's payrolls are processed using an anticipatory payroll model. On Payroll Run 1, salaried employees are paid based on their forecasted work hours. Payroll Run 2 perfects the first run with the addition of actual time and attendance information. Hourly employees are paid twice a month based on actual hours worked.



Employee and position information, salary and fixed differential pay are interfaced into OSPA by the Workday Human Resource module. Agencies use OSPA to enter time and attendance information, gross pay adjustments, voluntary and involuntary deduction information and set up direct deposit choices. Payroll accounting information is interfaced into the state's accounting system (SFMA) and payroll costs are collected automatically from most agencies.

Agencies select to manage time and attendance information by either using paper timesheets that are manually entered into the system, by use of the Online Daily Time, an employee-entered time and attendance module, or e-Time. A few agencies upload timesheet data from their own time and attendance utility.

OSPS processes daily batches of off-cycle payroll payments to assist agencies in ensuring compliance with state labor laws that require timely final payroll checks to those retiring or terminating from state service. Daily checks are used for the issuance of salary advances, which are provided for in law and collective bargaining agreements.

OSPA sets the annual payroll calendar and stages and releases each payroll. Paychecks and direct deposit statements are printed and distributed to agencies from the DAS Publishing and Distribution section of the Enterprise Goods and Services Division. OSPS staff distribute payroll registers and other payroll reports directly following each payroll run.

OSPS transmits the electronic direct deposits, pays all vendors from deductions, makes federal and state tax deposits, files all payroll tax returns and issues W-2 statements at year end.

## **RESOURCES**

Statewide Accounting and Reporting Services

<http://www.oregon.gov/das/financial/Acctng/Pages/Index.aspx>

Statewide Financial Management Services

<http://www.oregon.gov/das/Financial/AcctgSys/pages/index.aspx>

Oregon Statewide Payroll Services

<http://www.oregon.gov/das/Financial/payroll/Pages/index.aspx>

Oregon Accounting Manual

<http://www.oregon.gov/das/Financial/Acctng/Pages/OAM.aspx>



## STATE AUDITS

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Article VI, Section 2, of the Oregon Constitution establishes the Secretary of State as the constitutional auditor of public accounts. In 1929, the Legislature established the Division of Audits to carry out the duties of the Secretary of State. The authority for and responsibilities of the Audits Division are found in ORS 297.010 through 297.230. The Audits Division is the only independent audit organization in the state with authority to audit all three branches of state government and other organizations that receive state money.

### TYPES OF AUDITS

Each year, the Audits Division performs several types of audits, the largest of which is the annual financial and compliance audit of the state's Annual Comprehensive Financial Report (ACFR) and federal programs. The ACFR is prepared by the Statewide Accounting and Reporting Services (SARS) unit using accounting information from all state agencies. The statewide single audit is the largest audit of public funds in the state and is performed to comply with the federal Single Audit Act and [Uniform Guidance](#), which require an annual audit as a condition of eligibility for federal funds. Other types of audits and reviews conducted by the Audits Division include:

- Financial Statement audits
- Performance audits
- Information Technology audits
- Fiscal Resource Audits
- Investigations
- Informational Reports

The Audits Division also administers the Oregon Municipal Audit Law. It receives and reviews annual audit reports of municipalities prepared by independent CPA firms.

### AUDIT PROCESS

For all types of audits, the basic audit process consists of planning, fieldwork, and reporting.

In the planning phase, the Audits Division defines the scope and objectives of the audit and determines the procedures or methodology to achieve the objectives. The division will contact agency management when an audit is expected to begin and send the agency director an engagement letter. A formal entrance conference will be held with management to further clarify the audit, introduce the audit team members, and make other arrangements regarding the conduct of the audit. Integral to the planning process, the auditor will obtain an understanding of the agency's processes, systems, and internal controls. A risk assessment may be used to determine the type and extent of auditing procedures to be followed. The objectives, scope and methodology of the audit are detailed in an audit plan.

Fieldwork involves the actual procedures carried out by the auditor to achieve the objectives of the audit. The procedures vary depending on the type of audit. In all types of audits, the fieldwork is designed to provide





sufficient, competent, and relevant evidence to provide a reasonable basis for the auditor’s opinion, findings, and conclusions.

In the reporting phase, the Audits Division prepares a written report setting forth the conclusions of each audit. The audit reports are addressed to the Governor and the agency director. All reports (except confidential information technology security audit reports) are public record and made available to members of the Legislative Assembly and all other interested parties.

Some of the more common problems found at agencies are:

- Inadequate systems and procedures to account for and report financial transactions.
- Unawareness of and/or failure to follow legal requirements.
- Insufficient staff and/or inadequate staff training to carry out agency objectives.
- Inefficiencies identified in programs or activities.
- Ineffective results from programs or activities.
- Incomplete or ineffective management controls.

### **AUDITS DIVISION HOTLINE**

The Audits Division operates the Government Waste, Fraud, and Abuse hotline and website as authorized by the Legislature in 1995 (ORS 177.010 through 177.180). It provides public employees and citizens an avenue for reporting waste, inefficiency, or abuse in state programs. The law provides confidentiality for any person making a report through the hotline. When an agency sustains a loss of public funds or property under circumstances involving public officials charged with the duty to account for the funds or property, the agency is required by ORS 297.120 to report the loss in writing to the Audits Division.

### **RESOURCES**

Secretary of State – Audits Division

<http://sos.oregon.gov/audits/Pages/default.aspx>

Government Waste, Fraud, and Abuse Reporting:

<http://sos.oregon.gov/audits/Pages/fraud.aspx>



## STATE BUDGETING

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Budgeting is an essential process in every large organization, public and private. It is especially important to the state. The budgeting process brings all the state's branches and interested citizens together in a public forum to deal with state policy and planning. Budgeting is the wise allocation of limited state resources. Goals include producing a balanced budget and controlling state spending. But the main goal of state budgeting is to make good policy decisions and convert them, economically and effectively, into needed results.

Oregon's budget is a tool to carry out the state's law and policy decisions. It allocates the state's General Fund and lottery revenues. The budget also sets limits on other types of revenues and state positions. Oregon's budget must be balanced. However, the budget may authorize debt financing for some projects and activities.

The budget covers two fiscal years (a biennium). This means it runs from July 1 of an odd-numbered year to June 30 of the next odd-numbered year. For example, July 1, 2015, to June 30, 2017. Individual state agency budgets are developed and presented by the executive branch and passed into law by the legislative branch. The state's financial administration policy is outline in Chapter 291 of the Oregon Revised Statutes, which establishes the overall authority and guidelines for budget preparation and execution.

The budget development process has three major phases: Agency Request, Governor's and Legislatively Adopted. Note: the legislative branch, the judicial branch and constitutionally elected officials present their budgets directly to the legislature and are not subject to executive branch control.

### **Agency Request Budget**

Agencies start the budget early in even-numbered years to develop their Agency Request Budget. This lays out agency finances and policies for consideration by the Governor. The DAS Chief Financial Office gives agencies guidelines to use in this process. Agencies send their budget request to the CFO by September 1.

### **Governor's Budget**

The Governor, the Governor's policy advisors, and CFO analysts and leadership review agency budget requests. They use the Governor's priorities, budget policies and current law to make budget decisions. The Governor's Budget document summarizes those decisions. It gives data on all the state's revenues and expenditures. It also gives information on each agency's budget. The Department of Revenue puts together a Tax Expenditure Report that is published at the same time. The Tax Expenditure Report outlines the various reductions available to residents for the income tax.

### **Legislatively Adopted Budget**

The Governor and executive branch agencies present the Governor's Budget to the Legislature when it meets at the start of the next calendar year (January of 2015, for the 2015-17 biennium). Legislative committees review the proposed budget. They hold public hearings to hear from each agency and the public. Each budget bill has a Budget Report that presents the committee recommendations. The Legislature votes on each budget bill. The budget bills that are enacted into law make up the Legislatively Adopted Budget. Agencies carry out, or execute, the budget over the two-year budget period. The Emergency Board can make some changes to the budget



between legislative sessions. Special sessions may also be called to deal with budget issues. The Legislatively Adopted Budget and the changes to it make up the Legislatively Approved Budget.

The Legislatively Approved Budget is one of the determining factors in the type of procurements an Agency can conduct. (For example, if an Agency wishes to conduct an engineering procurement, they must have a line item in their approved budget to pay for it before they can proceed.)

## **FUNDING SOURCES**

The state uses money from four sources to pay for services. The sources are grouped as General Fund, Other Funds, Lottery Funds, and Federal Funds. The following is a brief discussion of each source. (Note: Property taxes are not a source that funds the state budget. There is no state property tax. Property taxes support local government services. They are the main source of funding for cities, counties, and some special districts.)

### **General Fund**

The General Fund is the money in the budget that the Legislature can apply anywhere it is needed. It comes largely from both personal and corporate income taxes. (Personal income taxes provide over 80% of the state General Fund.) The rest comes from the insurance premium tax, cigarette tax, liquor tax, other minor sources, and General Fund investment earnings.

### **Other Funds**

Other Funds are mostly moneys dedicated to certain purposes, often collected by agencies from businesses or citizens in return for services. They include some taxes, chiefly those related to highway use, employment, and forests. They include state licensing fees. Other Funds also include the state's business-like incomes. Examples include tuition and other fees for services, inmate workforce products, and many funds related to loans or bonds.

### **Federal Funds**

Federal Funds are moneys received from the federal government. The federal government limits the state's choices about where and how Federal Funds may be used. Federal funding comes with conditions, such as requiring the state to keep certain service levels or to provide matching funds.

### **Lottery Funds**

Lottery Funds are revenues collected by the Oregon Lottery from lottery gaming. The Oregon Constitution states that 18 percent of Lottery proceeds go to the Education Stability Fund and 15 percent of the proceeds are to fund parks, and salmon and restoration activities (by voter mandate). The remaining proceeds are designated for education and economic development with specific recipients being determined by the Legislature.



### **STEPS IN OREGON'S BUDGET PROCESS**

1. Agencies develop budget requests (January through September, even-numbered years)
2. DAS CFO analyzes budget requests (August through November, even-numbered years)
3. Governor reviews requests and makes decisions (October through November, even-numbered years)
4. Governor's budget produced (December, even-numbered years)
5. DAS CFO prepares and files appropriations bills with the Legislature (December, even-numbered years)
6. Agencies present Governor's budget to legislative Joint Committee on Ways and Means subcommittees
7. Legislature reviews and adopts budgets (January through June, odd-numbered years)
8. Joint Committee on Ways and Means acts and full Legislature approves
9. Legislatively adopted budget produced
10. Agencies implement adopted budgets (aka budget execution) (July, odd-numbered year through June 30 of next odd-numbered year)
11. Funds are allotted to agencies by DAS CFO
12. Agencies keep track of expenditures
13. Interim legislative committees (Emergency Board or Joint Committee on Ways and Means) make budget adjustments as requested or as necessary

### **AUTOMATED BUDGET SYSTEMS**

DAS CFO Statewide Audit and Budget Reporting Section (SABRS) manages and maintains the following automated systems: the Oregon Budget Information Tracking System and the statewide Position Information Control System. The section also oversees the statewide expenditure allotment system and position reallocation process.

#### **Oregon Budget Information Tracking System**

The Oregon Budget Information Tracking System (ORBITS) is the central repository of data for the preparation of the Governor's printed budget. All state agencies included in the budgeting process have direct computer access to the system. The agencies input the data into ORBITS, and SABRS audits the information and assists agencies to assure compliance with the Governor's instructions. ORBITS is updated after the legislature has adopted its budget and as adjustments are made during the interim between legislative sessions.

The information in ORBITS includes:

- Prior biennium actual expenditures for each agency
- Legislatively adopted budgets for the prior and current biennia
- Agency requested budgets
- Governor's Budget
- Legislatively Adopted Budget



### **Position Information Control System**

The Position Information Control System (PICS) contains two primary modules: budget preparation and legislatively approved. The budget preparation module is used to request and define positions for budget building. The PICS system interfaces with ORBITS to automatically provide most of the Personal Services expenditures. The legislatively approved file is the control file of all state positions approved by the Legislature, Emergency Board, or through the reallocation process.

### **Statewide Expenditure Allotment System**

The statewide expenditure allotment system is part of the Statewide Financial Management Applications. The statewide expenditure allotment system is used by state agencies to create a spending plan for the current biennium. The process works as follows:

1. Agencies send plans to the allotment analyst in DAS CFO SABRS who allocates their appropriations into expenditures over the eight quarters of the current biennium.
2. The allotment analyst verifies that the plan is valid, and the CFO budget analyst approves the plan.
3. SABRS then “releases” the plan so the agency can make expenditures.

### **Position Reallocation Process**

Oregon statute allows agencies to reallocate positions if the changes do not create a future budget impact. This is carried out using the reallocation package process as follows:

1. SABR Section and CFO budget analysts review and verify the finance plan.
2. If approved, SABR Section staff key the changes to the legislatively approved PICS file.

## **BUILDINGS AND PROPERTY**

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The DAS – Real Estate Services section provides professional services including real estate leasing, planning, relocation assistance, and real property sales and acquisitions. The section handles lease property transactions for state agencies by searching for space, negotiating, and preparing contracts.

### ***RENTING OR LEASING OFFICE SPACE***

The DAS – Real Estate Services section helps state agencies with:

- Lease negotiations
- Lease dispute resolution
- Rental market analysis
- Leasing Special facilities

Call The DAS – Real Estate Services section when you need to:

- Increase or decrease your office space needs
- Interpret terms and conditions of your lease
- Remodel and/or make tenant improvements
- Address Americans with Disabilities Act compliance issues



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## **REMODELING EXISTING PROPERTY**

DAS must preserve the architecture, design integrity, quality, and usefulness of the buildings it owns. Therefore, DAS must approve and manage remodeling and tenant projects in DAS owned or operated building. Major renovations or improvements to State owned building structures and systems are included in the DAS Capital Improvements and Major Construction Budget requests.

## **SALES AND SOLICITATIONS ON STATE PROPERTY**

Individuals who want to sell goods or services on DAS-owned property must obtain approval from DAS. Before engaging in any activity, submit a state premises agreement form to DAS for approval.

No person, firm, or state agency may place any vending facility in any state office building. Vendors wanting to set up a business to sell goods must obtain approval from DAS. The Commission for the Blind is given first right of refusal for operating vending facilities on state property. Qualified rehabilitation facilities are given second right of refusal.

## **RESOURCE CONSERVATION MANAGEMENT**

DAS has designated its buildings as resource conservation zones. This means DAS works hard to save energy and water in its buildings, as well as ensure employees and tenants recycle to the best of their ability. The goal is to save taxpayer money and care for the environment to the greatest extent possible.

## **RESOURCES**

Statewide Real Estate Services

<http://www.oregon.gov/das/Facilities/Pages/ResServ.aspx>

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## **EMPLOYEE RELATIONS**

### **ROLE OF DAS CHIEF HUMAN RESOURCES OFFICE (CHRO)**

DAS – CHRO is governed by ORS 240 and is tasked with overseeing state agencies' human resources functions. CHRO provides enterprise-wide policy leadership necessary to maintain a reliable and qualified workforce for Oregon state government. CHRO's centralized policy functions enables executive branch agencies to share resources and expertise with which to manage their human resource assets and capital in a cost-effective way.

If an agency doesn't have an internal human resources office, they can contract with DAS – CHRO to provide human resource services for the agency.



### **ROLE OF AGENCY HUMAN RESOURCE OFFICES**

Agency human resource offices are responsible for administering state and federal human resource laws, rules, and policies for the employees of their agency. The role of human resources (HR) includes strategic planning, facilitating change, encouraging learning, and integrating HR functions into the management of the agency and its programs.

There are workforce topics and issues you need to be aware of and engaged in as a manager. For more information on these topics go to the Human Resources Reference Guide.

### **LABOR RELATIONS**

The Chief of Human Resources Office - Labor Relations Unit (LRU) is charged with the responsibility to represent the “Employer” (State of Oregon) in negotiations with labor organizations or associations representing state employees. LRU works collaboratively with 11 labor organizations to administer and negotiate 32 collective bargaining agreements for 33 bargaining units in 62 different agencies, boards, commissions. LRU also administers and negotiates for four non-state employee bargaining units, which covers approximately 23,300 non-state employees. Contracts negotiated are typically for a two-year period, concurrent with the state budget cycle.

### **LAWS, RULES, AND COUNSEL**

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High on any new manager’s “to do” list should be meeting the agency’s legal counsel and becoming familiar with the agency’s enabling statutes, rules, and procedures. Equally important are the statutes applicable to state agencies generally.

Statutes both authorize and limit agency actions. They also establish procedures which agencies must follow before taking certain actions. Some examples include:

- ORS 192 Public Records and Meetings Laws;
- ORS 244 Ethics Laws; and
- ORS 279 Public Contracting Laws.

### **ROLE OF DOJ**

DOJ is responsible for handling all civil actions and legal proceedings the state is a party or has an interest. DOJ, through the Attorney General, also has full charge and control of all the state’s legal business that requires the services of an attorney or legal counsel. DOJ is further responsible for the operation of several program areas designated by the Legislature, such as child support enforcement and consumer protection services. Services are provided to state agencies at a published hourly rate.



DOJ also publishes Administrative Rules which detail how state agencies are to conduct their procurements. Should an Agency procurement be conducted not under DAS OARs, or the agencies own administrative rule then DOJ Model Rule would apply.

### ***ROLE OF YOUR ASSIGNED ASSISTANT ATTORNEY GENERAL (AAG)***

The Attorney General and the AAGs under the Attorney General's supervision act as legal counsel to all agency managers. ORS 180 states the Attorney General is the sole counsel for state agencies, unless the Attorney General determines other counsel is necessary and appropriate.

Each agency is assigned an AAG who serves as the agency's contact attorney. The agency's AAG is responsible for providing the agency with most of its day-to-day legal advice. The contact attorney may refer some legal issues to AAGs in other sections or divisions of DOJ who have more expertise with a particular issue assuring the agency receives the best legal advice possible. Each agency is also assigned a backup contact attorney, so legal counsel should always be available. All contact with your DOJ attorneys is billed to your agency.

It is important that managers confronted with legal questions seek advice from DOJ. Failure to comply with the law can result in lawsuits against the agency, which substantially affect agency operations and budget. Oregon courts have ruled, however, when government officials base their actions on advice of counsel, the officials will not be personally liable for any damages, even if those actions are later found to be contrary to law.

In matters involving litigation against state agencies, refrain from making any public comments. The same is true for matters under investigation. Always consult with your assigned AAG for guidance when dealing with media inquiries involving any agency investigation or litigation.

### ***ATTORNEY GENERAL OPINIONS AND LETTERS OF ADVICE***

Attorney General opinions may be issued in response to requests by state agency officials and state legislators to assist in the performance of their duties. These opinions are not law, but rather legal advice to state officials on how the law applies to particular fact situations.

The opinions fall into two broad categories:

- Formal Attorney General Opinions (published) are signed by the Attorney General as chief legal officer of the state and typically respond to questions concerning constitutional issues and other matters of statewide concern.
- Letters of Advice (sometimes referred to as "informal opinions") are issued on matters less likely to impact those other than the requestor and are signed by DOJ's Chief Counsel for the General Counsel Division.

There is both an online version of the Attorney General Opinions and a printed copy. The printed copy is the official copy, and the online copy is made available for added convenience.





### **ATTORNEY GENERAL SERVICES FOR LEGISLATIVE MATTERS**

The Attorney General and AAGs under the Attorney General sometimes testify before the Legislature on behalf of client agencies. An agency may request monitoring, legal advice, or assistance with legislative testimony on pending legislation.

In cases where the AAGs testify, it should be made clear they are expressing the views of the agency and not those of the Attorney General, unless the Attorney General officially supports the legislation. Time spent by the Attorney General and AAGs are billed to your agency.

### **DEPARTMENT OF JUSTICE SPECIAL SERVICES AND PUBLICATIONS**

DOJ provides several special services and publications:

- The Public Records and Meetings Manual discusses in detail the requirements imposed on the government by the Public Meeting and Public Records Laws.
- The Attorney General's Administrative Law Manual and Model Rules of Procedure provides an in-depth review of the state Administrator's Procedures Act (ORS 183). Of particular importance is the manual's discussion on requirements for rulemaking and contested case proceedings.

### **RESOURCES**

Attorney General's Public Records and Meetings Manual

[http://www.doj.state.or.us/public\\_records/manual/pages/index.aspx](http://www.doj.state.or.us/public_records/manual/pages/index.aspx)

Attorney General Opinions

<http://www.doj.state.or.us/agoffice/pages/index.aspx>

DOJ Training

[http://www.doj.state.or.us/ca/pages/client\\_training\\_calendar.aspx](http://www.doj.state.or.us/ca/pages/client_training_calendar.aspx)

### **WORKING WITH THE LEGISLATURE**

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The following suggestions are intended to help you achieve an effective relationship with legislators and their staff.

### **LEGISLATIVE REQUESTS FOR INFORMATION AND REPORTS**

Be certain you fully understand the question or request – and know what facts you should provide; it is often helpful to ask for the context of the request to make sure they are asking for the information that's going to be the most useful.



Be quick, accurate, and clear in responding to a request for information.

If you are unsure of an answer, say you don't know and that you'll get back to them as soon as you find the answer; follow through on your commitments.

Keep a legislator's staff in the loop on information you provide directly to a Legislator.

Maintain your integrity; truth and reliability are your foremost assets.

If a request is going to involve extensive staff time, let the Legislator know the response may take some time.

Be helpful to all legislative staff, not just those working on legislation related to your agency.

### **MEETING WITH LEGISLATORS OR TESTIFYING BEFORE THE LEGISLATURE**

Understand that facts and issues between you and the Legislature are not to be viewed as wins and losses.

If a professional relationship is maintained, both branches of government should benefit.

Be clear regarding the limits of your authority and responsibility. You are providing information and assistance, not establishing policy.

Be specific on how your goals affect stakeholders and the public.

Be clear, concise, and have the necessary data to support your assertions.

Specific information or examples are most effective.

Agencies may not take positions on a bill without approval from the Governor's Office. Please keep DAS informed as well.

Plan before providing testimony; if you can, meet with committee staff before testifying to make sure you are addressing the committee's needs, areas of concern, and potential questions.

When testifying – including responding to questions from members at the table – always direct your testimony/response to the committee chair first and then the legislator who posed the question.

If a committee member asks for a report or for some information, provide it to all committee members and committee staff.

Keep the number of staff involved to a minimum.

Whenever possible, provide materials electronically, 24 hours before the hearing.



Take advantage of the legislative coverage available through the Oregon Legislative Information System (OLIS).

## ***LEGISLATIVE STRUCTURE***

### **Organization**

The Legislative Assembly consists of the Senate and the House of Representatives. The Legislature consists of 30 Senators and 60 Representatives. Representatives are elected for two-year terms and Senators are elected for four-year terms. Elections are held in even-numbered years.

### **Schedule**

Legislative sessions are held every year. Long sessions occur during odd-numbered years, last for six months, and commence on the second Monday in January. Short sessions occur during even-numbered years, last for one month, and commence on the first Monday of February.

Special sessions may be called by either the Governor or by most of both houses.

### **Organization of the Legislative Assembly**

The leader of the Senate is the President of the Senate, and the leader of the House is the Speaker of the House.

Other leadership positions typically include President Pro Tempore, Speaker Pro Tempore, Majority and Minority Leaders, and the Co-Chairs of Ways & Means.

### **Committees**

Most of the work of the Legislature is done in committee where the public can testify in favor of or in opposition to a bill. These committees usually cover areas such as business and labor, consumer protection and government efficiency, education, energy and environment, finance and revenue, general government, health care, human services and housing, judiciary, legislative conduct, rural communities, transportation and economic development, veterans' services and emergency preparedness, and ways and means (appropriations).

The presiding officer designates the chair and vice-chair of each committee and the committee members.

The committee system divides up the work of the Legislature. Bills are assigned after the first reading to a specific committee by the presiding officer.



### **STEPS IN ENACTING A BILL**

A bill is a proposed law. All statutes, except those initiated by the people (initiatives), must be enacted through a bill.

#### **Steps in Enacting a Bill**

1. Agency submits a concept (idea for a law) to DAS for the Governor's approval; approved concepts are sent to Legislative Counsel for drafting.
2. Agency bills are either introduced by the Governor through pre-session filing or through a member, committee, or as set forth in the Senate and House Rules. Agency bills must have the Governor's approval before they are introduced.
3. One or more members of either chamber or members of both chambers may introduce bills. Revenue measures must originate in the House.
4. The bill is read in the chamber of origin.
5. The bill is assigned to committee.
6. Hearings are held.
7. If committee takes action, it is read a second time.
8. Bill is then given third reading which is followed by debate and voting.
9. If the bill passes, it is sent to the other chamber.
10. The other chamber then goes through the same process as outlined above; if changes are made, it must return to the first chamber for approval of changes.
11. When the bill passes it goes to the Governor to be signed or vetoed.

Unless otherwise stated in the bill, the bill becomes law on January 1 of the year after passage.

### **RESOURCES**

Oregon Legislature

<https://www.oregonlegislature.gov/>

Audio and Video for Committee and Chamber Meetings

[https://www.oregonlegislature.gov/citizen\\_engagement/Pages/Legislative-Video.aspx](https://www.oregonlegislature.gov/citizen_engagement/Pages/Legislative-Video.aspx)

Oregon Legislative Information System

<https://olis.leg.state.or.us/liz/201311>



## PUBLIC SECTOR ETHICS

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In 1974, Oregon voters approved a ballot measure which created ORS Chapter 244 and the Oregon Government Ethics Commission (OGEC). The OGEC administers Oregon's ethics laws. These laws prohibit a public official from using his or her position for financial gain, limit the value of gifts officials can receive from some sources, require disclosure of conflicts of interest, and restrict most forms of nepotism. The laws apply to state and local officers, agents, and employers; paid or unpaid.

### **PROHIBITED USE OF OFFICE**

ORS 244.040 lists several types of prohibited conduct. They include:

- Use of public office to obtain private financial gain or avoidance of financial loss for oneself, a household member, or an associated business. The OGEC has interpreted the statute to also prohibit the use of public materials, equipment, facilities, or personnel for private gain.
- Taking or offering to take official action based on the promise of future employment.
- Use of confidential information attained as a public official for personal gain, including individuals who have ceased to be public officials.
- Representing a client for a fee before a public body of which a person is a member.

### **GIFTS**

As a public official, you may not solicit or receive any gift or gifts with an aggregate value more than \$50 per calendar year from a single source that could reasonably be known to have a legislative or administrative interest [ORS 244.025(1)].

Your relatives and members of your household are also subject to this law and cannot solicit or receive gifts worth more than \$50 per calendar year from a source that has a legislative or administrative interest in your decisions or votes.

“Legislative or administrative interest” means an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official acting in their official capacity.

You make a “decision” when you exercise the authority given to you to commit your public body to a particular course of action (e.g., issuing or denying a permit, approving a contract, or using the public body's funds to purchase goods and services).

The definition of gift has several specified exceptions, like political contributions and gifts from relatives. A list of these exceptions can be found in ORS 244.020(6)(b).

Agency Administrative Rules may modify the limits of gifts.



### CONFLICTS OF INTEREST

Conflicts of interest disclosure requirements are listed in ORS 244.120. Public officials must take specific actions to deal with actual or potential conflicts of interest. The following definitions are found in ORS 244.020:

- An **actual** conflict of interest is any action, decision, or recommendation by a public official, the effect of which *would* be to the private financial benefit or detriment to the official, the official's relative, or any business with which the official or relative is associated.
- A **potential** conflict of interest is the same, except that the effect of the action, decision, or recommendation *could* be to the private financial benefit or detriment of the official, relative, or business.

Relevant statutes and rules include exceptions are listed in ORS 244.020(12); methods of disclosure are listed in ORS 244.120.

For appointed officials (including employees) other than appointed members of a board or commission, the appropriate action is to notify your appointing authority in writing on each occasion you are met with a conflict of interest. Your appointing authority is then required to respond with an alternate means of handling the action that causes the conflict.

The Annual Verified Statement of Economic Interest (SEI) is a form that asks several questions about your sources of income. State employees (primarily department heads) who are required to file an SEI are listed in ORS 244.050.

### NEPOTISM

According to ORS 244.177 and 244.179, a public official may not:

- Appoint, employ, or promote a relative or member of the household to, nor discharge, fire or demote a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control.
- Participate as a public official in any interview, discussion or debate regarding the appointment, employment, or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with that public body.
- Directly supervise a relative or member of household.

Statute does allow the public official to serve as a reference or provide a recommendation, or to perform "other ministerial acts" that are part of that person's normal job functions. These restrictions do not apply if the relative or member of household is applying for or serves as an unpaid volunteer with the public body that the public official serves.

### ETHICS AND LOBBYING LAWS

Public officials, including officers and employees of state agencies, are subject to the lobbyist regulations found in ORS Chapter 171 when they lobby. These regulations are enforced by the OGEC. They include registration and reporting requirements.



### **LOBBYING BY STATE EMPLOYEES**

Many state officials' jobs may require them to lobby – i.e., influence or attempt to influence legislative action. As a state official, you must register with the OGEC when you agree to provide personal services for the purpose of lobbying, or if your lobbying activities exceed 24 hours or \$100 per quarter. See ORS 171.735 for exceptions.

#### **You are lobbying when you:**

Talk or write to a Legislator or legislative staff to influence legislative action. This includes:

- Testimony favoring or opposing a bill or budget.
- Proposing amendments to a bill, including technical amendments.
- A letter, memo, or electronic mail favoring or opposing a bill or budget.
- Formal or casual conversations favoring or opposing a bill or budget.
- Talk or write to a Legislator or legislative staff to promote good will toward an agency or program.
- Talk or write to others with the intent to ask them to influence legislative action. This includes:
  - Meetings where you ask people to influence legislative actions by supporting or opposing a bill or budget.
  - Letters, memos, electronic mails, or newsletters asking people to support or oppose a bill.

#### **You are *not* lobbying when you:**

- Talk or write to a Legislator or legislative staff merely to provide neutral facts. The facts may apply to any program, budget, bill, or issue. Facts may include estimates of fact or opinions of fact.
- Do work within your agency to research, write, or otherwise develop a bill or budget.
- Research or write testimony supporting or opposing a bill.
- Are waiting to present testimony or meet with legislators or staff.
- Write or talk to anyone to solicit their input on an agency's legislative proposals or budget.
- Do support work for an agency's lobbying activities but do not communicate, yourself, with legislators or their staff.

#### **Who Should Lobby?**

Agencies should limit lobbying activities to the minimum number of employees and board, or commission members needed to effectively represent the Governor and agency. In most cases, the agency head and one liaison will suffice. Before registering, agencies must supply DAS with a roster of those proposed to be registered.

### **RESOURCES**

OGEC Phone, Email, and Web Site

503-378-5105

[OGEC.mail@oregon.gov](mailto:OGEC.mail@oregon.gov)

<http://www.oregon.gov/ogec/Pages/index.aspx>



## MANAGING RISK

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### ***ROLE OF DAS RISK MANAGEMENT (DAS RM)***

DAS Risk Management exists to assist agencies with managing risk and provide insurance programs for agency losses. DAS RM serves the following purposes:

- Adjust and pay state owned property and tort liability claims.
- Procure commercial insurance, as needed, for state activities.
- Manage the state Self-Insurance Fund.
- Partner and pay for the state workers' compensation program that is administered by SAIF corporation.
- Allocate losses and assess risk charges and costs to agencies.
- Provide advice regarding risk assessments, risk mitigation and risk transfer strategies.

DAS RM insurance programs provide coverage and funding for:

- State-owned property damage.
- Tort claims and lawsuits.
- Employee dishonesty.
- Workers' Compensation insurance.

Each state agency pays an assessment into the State Self-Insurance Fund. The amount of the assessment relates to the cost of each agency's own losses. Loss prevention efforts by each agency are important risk management responsibilities and help contain costs due to losses.

### ***STATE PROPERTY COVERAGE***

If agency property is damaged, the Self-Insurance Fund restores the loss. DAS RM adjusts the claim and pays for the loss under the terms and conditions of the State self-insurance policy. This coverage includes state-owned vehicles, buildings, equipment, and furnishings. Claims for loss or damage to state property need to be filed with DAS RM no later than 90 days after the loss.

The coverage generally does not include employees' private vehicles or personal property. Examples of personal property not covered include damaged clothing, lost or stolen purses or wallets, and employees' personal computers.

### ***TORT LIABILITY COVERAGE***

Others may allege State liability for harm done to them while employees were performing State business. This harm, or tort, may result from something done or not done (acts and omissions) by employees and may form the legal basis for a suit or claim. The following should be kept in mind:

- Liability policies covers damage to another's property, body, civil rights, well-being, etc.





- DAS RM reviews and pays for employee defense by the Department of Justice for accepted claims.
- If the alleged harm is meritorious, DAS RM will pay the loss or settlement.
- Claims or “tort notices” must be filed by claimants within 180 days of the alleged harm.
- Claimants must file a claim directly with DAS and Risk Management.
- DAS director’s office should send claim notices to Risk Management as soon as is possible.
- DO NOT make any payment, assume any obligation, or incur any expense related to a claim without prior approval from DAS RM.

### **CLEAREST RISKS OF PERSONAL LIABILITY AND RESPONSIBILITY**

- Payment or transfer of state funds, property, or assets in violation of the law.
- Ethics violation charge (ORS 244).
- Criminal charges.
- Motor vehicle citations.
- Professional licensure sanctions, complaints, or discipline.
- Negligent or willful damage or loss to state assets.
- Physical damage to an employee’s private vehicle if used on state business.

The State covers work-caused liability but will not defend or pay damages if:

- Work is outside the course and scope of duties.
- Intentional acts result from malfeasance, gross recklessness, or willful neglect.
- An employee fails to cooperate or acts to prejudice the State’s defense.

### **OBTAINING COVERAGE**

Coverage is automatic and is coordinated through an agency’s risk coordinator. They also provide agency specific policies and practices. Agencies must be cooperative in the investigation and defense of claim against them for coverage to be applied.

DAS Risk Management provides tools to help Agencies determine the types and amounts of insurance an Agency may require of their contracted vendors and consultants for various types of procurement.

### **MANAGERS AND SUPERVISOR’S ROLES IN RISK MANAGEMENT**

All agency managers and supervisors are expected to identify and anticipate risks related to their programs, operations, and activities. The goal is to avoid unnecessary risks. Nevertheless, much of the State’s work has risks that must be accepted. In those cases, it is management’s job to choose, pay for, and implement steps to prevent or reduce losses and ultimately pay for all costs of loss.



### **WORKERS' COMPENSATION COVERAGE**

The following applies to managing work-related injuries:

- A claim for workers' compensation should be filed with SAIF Corporation.
- ORS 656 mandates workers' compensation benefits.
- SAIF processes, investigates, and manages or defends claims for benefits.
- Oregon Occupational Health and Safety Administration (OR-OSHA) requires investigation of all incidents and management review of recommended hazard corrections.
- It is the State's policy to place injured employees who are expected to recover and return to their job into a temporary, modified assignment within three days of their date of injury.
- The injured employee must complete an 801 Form. This form is available online through SAIF Corporation.
- SAIF must receive the 801 Form within five days of the date the employer learns an employee has been injured on the job.

### **EMPLOYEE DISHONESTY COVERAGE**

This coverage restores State assets stolen or misappropriated by a state employee. Theft or fraud by an employee must be reported to DAS RM, Department of Justice, and the Secretary of State office as soon as the employer is aware of the loss, but no later than 90 days after knowledge of *potential* theft or fraud.

### **RESOURCES**

DAS RM

503-373- 7475

<http://www.oregon.gov/das/Risk/Pages/index.aspx>

## **PROCUREMENT**

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### **PROCUREMENT AUTHORITY**

Procurement Authority is the ability to obligate an Oregon State Agency to the terms of a legal contract.<sup>1</sup>

An agencies procurement authority comes from either statutory authority as provided for in ORS 279A.050 or from a written delegation of authority by DAS per ORS 279A.140, or by DAS Administrative Rule. DAS delegates procurement authority at certain dollar thresholds to agency heads and Designated Procurement Officers. Before purchasing goods or services with taxpayer money, a written document setting out agency authority must be on file. Agencies may be permitted to sub-delegate procurement authority granted by DAS, but the responsibility for operating within the rules remains with the employee to whom authority was granted. Authority and accountability for procurements is delegated to individuals based on the knowledge, skills and abilities of staff assigned to procurement duties. The delegation of authority to procure goods and



services is usually tied to thresholds outlined in the procurement statutes or in a tiered delegation assigned to an agency.

Agencies must follow:

- Oregon Revised Statutes 279A, B and C
- Oregon Administrative Rules Chapter 125 and 137; and their own, if applicable
- The Oregon Accounting Manual
- Agency policies and procedures
- Statewide policies and procedures promulgated by DAS

### **SOURCING DECISION MAKING PROCESS**

Agencies, when conducting procurements, should follow the prioritized list to select the source of their procurements.

1. An agency is allowed to enter into intergovernmental or interagency agreements without competitive bidding when it is with another state agency, public entity (for instance a city, county, community college, etc.), or the federal government. See ORS Chapter 190
2. *If you don't use an intergovernmental or interagency agreement, and you are conducting the procurement under DAS OAR, you shall purchase goods and services using these sources in this order. If you are conducting the procurement under your Agencies' OARs, then the following prioritization is highly recommended.*
3. Surplus provides a central repository for the collection, reutilization and, public sale of excess and surplus property and vehicles for all state agencies and public entities. This is the first place an agency must look to see if the goods are available.
4. An *Oregon Forward Contractor* is a non-profit rehabilitation organization employing individuals with disabilities. *OFCs* provide services such as janitorial services, recycling services, food and beverage services, temporary staffing services, etc. Agencies are required to purchase goods or services from an *OFC* before going out to the open market.
5. *Inmate Labor which consists of Oregon Corrections Enterprises (OCE) or inmate work programs.* OCE provides inmates full-time work or on-the-job training through the state's correctional institutions. It provides goods and services such as furniture, office seating, signs, park equipment, printing services, call centers, laundry services, etc. Agencies are required to purchase goods or services from OCE before going out to the open market.
6. All agencies are required to purchase needed goods and services from the DAS contracted *statewide* price agreements when other steps in the "Buy Decision" do not yield results. An agency may purchase services or supplies from a price agreement without further competition. Most commonly used products and services are found on the price agreements.



7. If sections (1) through (4) do not apply, the Agency may procure Supplies and Services through the open market, using the methods provided under the Public Contracting Code, related Rules, and policies. This means going out for bid or a request for proposal from private firms

If an agency goes out to the open market, you must consider the following.

Contracts valued between \$10,000 and \$150,000 must be competitively solicited. Agencies have the authority to conduct intermediate procurements for these goods and services.

Contracts with a value exceeding \$150,000 must receive legal sufficiency approval from DOJ. This review is intended to ensure contracts contain all the elements to make the agreement legally binding. Legal sufficiency review does not ensure the agency is making a good business decision.

Notice of all contracts with a value exceeding \$10,000 must be provided to the Advocate for Minority, Women and Emerging Small Business which can be done through posting the solicitation on the Oregon Procurement Information Network.

Agencies must submit a procurement request to DAS for personal services, trade services and commodities exceeding \$150,000 and construction contracts exceeding \$100,000.

### **PURCHASING IN THE OPEN MARKET**

When you need to go to the open market here are the mechanisms used to purchase goods and services.

A request for quote is an informal process used to get pricing information *and is used during an Intermediate procurement.*

An invitation to bid is formally advertised solicitation. This process is intended to ensure the contract is awarded to the lowest responsible bidder.

A request for proposal is an advertised formally advertised solicitation. This process is intended to ensure that the contract is awarded to the most qualified company based on evaluation factors other than cost. Including negotiated Best Value contracts for information technology projects.

An emergency procurement is used when a circumstance could not reasonably be foreseen and creates a substantial risk of loss, damage, interruption of services, or threat to public health or safety. When an emergency takes place, the chief executive *of a state agency* or another duly authorized person must prepare a written declaration. An agency must keep a written record of the competition process used to award contracts. Agencies must get quotes, when possible, for all procurements.

A sole source procurement is used on very rare occasions when there is only one source or provider for the needed item or service.

Special procurements are an exempted process is used when determined competition will not be harmed and the state will realize substantial savings. The DAS Chief Procurement Officer must approve all special



procurements in advance. Forms to apply for a special procurement may be found on the Oregon Procurement Information Network.

### **CONTRACT TYPES**

There are four contract types commonly used to acquire goods and services.

1. Goods contracts are for consumable products, equipment, and materials; these are often found on price agreements established by DAS. For example, office supplies, computers, cars, etc.
2. Personal services contracts require specialized skills, knowledge, and professional judgment. For example, a lawyer, an interpreter, etc.
3. Public improvement contracts are projects for construction, reconstruction, or major renovation on state-owned real property. Public works contracts fall under public improvements, but have separate rules and usually are used to repair or update existing structures. A public works contract does not always qualify as a public improvement project.
4. Information technology contracts are projects requiring hardware, software, and associated services. Many IT projects must be reviewed by the DAS Chief Information Office prior to being implemented.

### **CONTRACT ADMINISTRATION**

Following the award of a contract, contract administration is the management actions to be taken to assure full compliance with all the terms and conditions contained within the contract. Before administering a contract, you need to determine the who, where, when and how the contract will be administered.

- You will need to determine who will provide oversight of the project, services, or deliverables.
- You will need to determine who and how will the work be reviewed, and progress monitored.
- You will need to determine who review and match deliverables to the contract payments.
- You will need to determine who will approve bills and invoices.
- Who and how will changes and amendments to the contract be managed.
- All actions must be documented in the procurement files. The procurement files also must be properly maintained and retained according to the retention schedule.
- You will need to determine who and how you'll perform compliance reviews.

### **AMENDMENTS**

If you need to make any changes to *the terms and conditions* a contract, make sure to do the following:

- Review the original solicitation and contract to ensure the changes are still within the scope of the procurement.
- Review prior amendments.
- Check your budget in the event there will be a fiscal impact.



- Make sure the contract is not at term and can't be amended.
- Use the amendment process to update anything in the contract needing to be addressed such as timelines or delivery schedules.
- If an amendment will alter the terms or conditions of the contract substantially, consult with DOJ prior to authorizing the amendment.
- Do not sign off on amendments unless you are sure they are in order - check with your Designated Procurement Officer before signing contract documents.

## RESOURCES

Procurement Services

<http://www.oregon.gov/das/Procurement/Pages/Index.aspx>

NIGP Position Paper: Procurement Authority in Public Entities <https://www.nigp.org/resource/position-papers/Procurement%20Authority%20in%20Public%20Entities%20Position%20Paper.pdf>

## PUBLIC RECORDS AND MEETINGS

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### PUBLIC MEETINGS

Oregon's Public Meetings Law is found in ORS 192.610 through 192.710, and serves two purposes:

1. The law provides a means by which the public can be informed about the deliberations and decisions of state government; and
2. The law ensures that governing bodies in Oregon have an open decision-making process.

A public meeting is any meeting conducted by a state, regional or local governing body to decide or consider any matter. For the meeting to be subject to open meeting law, a majority must be present.

The public meetings law applies to the governing body of any state agency, regional government, city, county, school district, special district, or municipal corporation. It also applies to any subcommittee of any of these public bodies. Staff meetings generally are not covered by the Public Meetings Law. If less than a majority is present, the meeting is not covered by the Public Meetings Law.

Public meetings may be conducted electronically, but the public must have adequate notice and access to the meeting - no matter how it is conducted.

A meeting can be closed to the public if a governing body goes into Executive Session. The law governing Executive Session is designed to allow a public body to have confidential discussions, but does not allow any decisions to be made in secret. All decisions by a governing body must be made in public. Reasons for Executive



Session include discussions about labor negotiations or the hiring or disciplining of a public employee. Journalists may attend most Executive Sessions, but cannot report or broadcast what was said.

Public bodies must keep a record of their public meetings. Written minutes are acceptable, as are audio or video recordings. Written minutes must include the members present; all motions, resolutions, and other actions; any votes that were taken; and the substance of any discussion.

### ***PUBLIC RECORDS***

With a few exceptions, all government records of any kind are considered public records. Specifically, a "public record" is any writing that contains information relating to the conduct of public business that is prepared, owned, used, or retained by a public body.

The Public Records law applies to every "public body," which includes every state officer, agency, department, bureau, board and commission, every county and city governing body, school district, special district, municipal corporation or any board, department, commission, council, or agency thereof.

Public agencies may charge a fee to recover the cost of fulfilling a records request. An agency cannot charge more than \$25 without first providing an estimate.

Most public records are subject to disclosure, but there are exemptions. Records related to an active criminal investigation are generally exempt from disclosure until the case is resolved. Confidential communications between government officials and government lawyers are generally exempt from disclosure. If a public body claims an exemption, it generally must show that the need for confidentiality outweighs the public interest in disclosure under the circumstances.

### **State Records Center**

The State Archivist operates the State Records Center, which provides off-site storage for agency records. To qualify for transfer to the Records Center, these records must be used infrequently. They must also have some time left on their retention period. While at the Records Center, these records remain agency property. The State Archives provides space for them and service to them. However, all requests for access to these records must be handled by the agency that created them.

### **State Archives**

The State Archives itself exists to preserve permanently valuable records of Oregon government. Examples of holdings include the records of the Territorial and Provisional Governments, Supreme Court case files, and records of the Legislative Assembly. When records are transferred to State Archives, they become the property of State Archives. They must remain in the Archives Building, and Archives staff handles all requests for access to them.



## **RESOURCES**

Public Records and Meetings Manual

[http://www.doj.state.or.us/public\\_records/manual/pages/index.aspx](http://www.doj.state.or.us/public_records/manual/pages/index.aspx)

State Archives Records Management

<http://sos.oregon.gov/archives/Pages/recordsmgmt.aspx>

## **SURPLUS PROPERTY**

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### **STATE SURPLUS PROPERTY**

Surplus provides a central repository for the collection, reutilization and, public sale of excess and surplus property and vehicles for all state agencies subject to ORS 279 (A.250-290) and local municipalities based upon the authority granted in ORS 190. This does not include the sale or disposal of real property assets. Below is a listing of services available.

**Purchasing Surplus:** state agencies should purchase items that meet their needs from State Surplus whenever possible. Reutilization of surplus property saves dollars and is part of the sustainable strategy to recycle and reutilize property with remaining value.

**Property Disposition:** Agencies that have excess State-owned personal property are required to enter information into the Surplus Property Inventory System called: Reuse, which maintains a record of property to be removed from State service. The State screener schedules the property for delivery to the PDC.

**E-waste Program:** Agencies disposing of outdated or obsolete electronic waste (E-waste) must dispose of E-waste through the State's e-waste contractor or through an authorized product take-back program established under a state price agreement by the DAS Procurement Services Office under procedures established by the Surplus Property Program. Utilizing the State's e-waste contractor or an authorized product take back program ensures proper secure disposal or recycling of obsolete equipment, thus reducing the expense and liability to the originating agency.

### **FEDERAL SURPLUS PROPERTY**

This program is designed to match federal property to agencies participating in the DAS Surplus Property Program, many times at a fraction of original cost. Below is a listing of services available.

**Federal Donation Program:** Property is identified by a DAS Surplus Property screener who determines an actual or foreseen need of agencies participating in the Surplus Property Program. The screener will "freeze" said property, and if allocated, arranges for the transportation of items to the PDC in Salem. At that time, the Surplus





Property Program becomes the custodian of the property, and makes it available to agencies for a nominal service charge.

**Fixed Price Vehicle Sales:** This program serves to match a qualified agency's vehicle and equipment needs to federal vehicles that are available for direct sale. If an agency expresses a need, the federal screener seeks vehicles that match the requesting agency's needs, and gives the agency options for vehicles that are available for purchase through the federal government. If an agency agrees, the vehicle is purchased by the DAS Surplus Property Program and then sold to the requesting agency for a nominal service charge.

**Excess Property Program:** When federal agencies surplus excess items, they contact Surplus Property and arrange to transport items to the PDC in Salem. After an approximate 21 day waiting period during which another federal agency may claim the property, guardianship transfers to State Surplus and the property may be sold to state agencies or other qualified entities including the general public.

**Law Enforcement Support Office (LESO):** Oregon's LESO office provides state and local law enforcement agencies (LEA) an opportunity to acquire both demilitarized property from the Department of Defense as well as take advantage of federal contracts for items commonly utilized by these organizations. Currently an annual service fee applies to LEAs who elect to participate in the Program.

## **RESOURCES**

Surplus Property

<http://www.oregon.gov/das/Surplus/Pages/Index.aspx>