



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Columbia River Gorge Commission

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: April 13, 2004

(2) Purpose: The Columbia River Gorge Compact Art. I, § a and the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544c(b) require the Gorge Commission to maintain regulations relating to open meetings that are consistent with the more restrictive statutory provisions of either state. In 2003, Oregon adopted changes to the Oregon Open Meeting Act to keep certain utility security information confidential. This rule makes those changes effective to the Gorge Commission.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended: 350-11-006
- Suspended:

(4) Statutory authority for adoption: RCW 43.97.015
Other Authority: ORS 196.150; 16 U.S.C § 544c(b)

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-05-050 on 2/13/2004 (date).
Describe any changes other than editing from proposed to adopted version: none

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) 6/1/2004

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Nancy A. Andring

Signature

Nancy A. Andring

Title
Rules Coordinator

Date
April 27, 2004

CODE REVISER USE ONLY

TIME 2:42
WSR 04-10-039

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	<u>1</u>	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Amendatory Section

350-11-006

Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits

(1) The commission can hold executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization for the holding of such executive session. Executive session may be held:

(a) To consider the employment of a public officer, employee, staff member or individual agent. The exception contained in this paragraph does not apply to:

(A) The filing filling of a vacancy in an elective office;

(B) The filling of a vacancy on any public committee, commission or other advisory group;

(C) The consideration of general employment policies;

(D) The employment of the chief executive officer, other public officers, employees and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the public body and there has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring chief executive officers shall be adopted by the commission in meetings open to the public in which there has been opportunity for public comment.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing;

(c) To conduct deliberations with persons designated by the commission to carry on labor negotiations;

(d) To conduct deliberations with persons designated by the commission to negotiate real property transactions;

(e) To consider information or records that are exempt by law from public inspection;

(f) To consider preliminary negotiations involving matters of trade or commerce in which the commission is in competition with governing bodies in other states or nations;

(g) To consult with counsel concerning the legal rights and duties of the commission with regard to current litigation or litigation likely to be filed;

(h) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the commission, the employment-related performance of the chief executive officer of the commission, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the commission in meetings open to comment. An executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member shall not include a general evaluation of any agency goal, objective or operation ~~of~~ or any directive to personnel concerning agency goals, objectives, operations or programs;

(i) To carry on negotiations with private persons or business regarding proposed acquisition, exchange or liquidation of public investments.

- (j) To discuss information about the review or approval or programs relating to the security of any of the following:
- (A) A nuclear-powered thermal power plant or nuclear installation.
- (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
- (C) Generation, storage or conveyance of:
- (i) Electricity;
- (ii) Gas in liquefied or gaseous form;
- (iii) Hazardous substances as defined by Oregon or Washington state law;
- (iv) Petroleum products;
- (v) Sewage; or
- (vi) Water;
- (D) Telecommunications systems, including cellular, wireless or radio systems.
- (E) Data transmissions by whatever means provided.
- (2) Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice.
- (3) Representatives of the news media shall be allowed to attend executive sessions other than those held under paragraph (c) of subsection (1) of this section relating to labor negotiations but no information that is the subject of the executive session shall be disclosed. The 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.
- (4) No executive session may be held for the purpose of taking any final action or making any final decision.