

Clatskanie School District 6J  
PO Box 678  
Clatskanie OR 97016

BOARD OF DIRECTORS' BOND WORKSHOP

February 4, 2021, 6:00 pm , Old Middle School Gym, 660 SW Bryant St.

(see our main page at [www.csd.k12.or.us](http://www.csd.k12.or.us) for instructions on joining the meeting via Zoom)

BOARD BOND WORKSHOP MINUTES

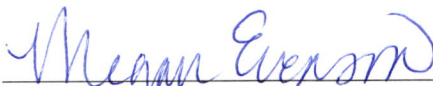
BOARD MEMBERS PRESENT: Megan Evenson-Board Chair, Kara Harris-Vice Chair, Ian Wiggins (via Zoom), Kathy Engel, Katherine Willis  
ADMIN TEAM PRESENT: Cathy Hurowitz-Superintendent, Mark Bergthold-Business Manager(until 6:20 pm), Jim Helmen-Director of Student Services and Innovation, Tami Burgher-Board Secretary, Kara Burghardt-CES Principal  
GUESTS: Lauren MacMillan-Piper Sandler (via Zoom) and Rick Becker-McKinstry

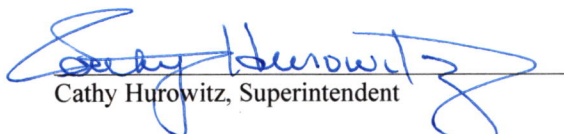
- I. CALL TO ORDER: 6:01 pm
  - A. Agenda Review: Reviewed, no additions
  - B. Agenda approval

- II. NEW BUSINESS
  - A. New Federal Funds
  - B. Bond Planning: C. Hurowitz gave a brief introduction to the evening and shared a more detailed agenda (see attached). Lauren Macmillan from Piper-Sandler gave a presentation on the election timeline and general obligation bond levy rate analysis. The paperwork timeline was presented, with the election being on May 18, 2021. If the bond passes, it takes 2.5 to 3 months to get the bonds issued for public sale. The first fiscal year that the tax would be levied is 21-22. She discussed campaign dos and don'ts via the Secretary of State brochure (see attached). This needs to be shared with all staff. Via a question from K. Engel, Lauren discussed the effect of the urban renewal tax and its effect on taxpayers if it ends. Next, Rick from McKinstry presented the priorities and needs in the district from the study they conducted. He discussed how they came up with the list and how they prioritized the list. The main priority is safety throughout the district and dividing the middle and high school students within CMHS. He showed how they plan to accomplish this with restructuring within the building. CES upgrades include safety, roofing, security and HVAC work. There was also some discussion around the Bus Garage, parking lots and lighting. There was mention of the auditorium at CMHS and some upgrades that would be included there. Rick also addressed the cost of waiting until 21-22 to start construction, which could up the cost as much as 5%. The board talked about the selling points of the bond. The bond is for \$10 million and if it passes, we get a matching \$4 million. If the bond doesn't pass the first time, the \$4 million grant goes away and we would have to reapply. There is also a possibility of \$2 million in seismic grants. We would keep the bond at the same rate for the taxpayer as the current bond that is expiring. They discussed whether work can be done while school is in session. The main goal, if the bond passes, is to get the design done and order the needed equipment to be able to get started as soon as possible. C. Hurowitz went over the work that needs to be done. The board needs to complete the Bond Resolution and Exhibit A for board approval at Monday's meeting. That will get the bond process moving. There was a lot of discussion as to what should appear on the Exhibit A. This document gives a general sense of what the district wants to complete with the bond money. C. Hurowitz will speak with the lawyer and M. Evenson to firm up the Exhibit A explanatory statement tomorrow at 10:30 am and it will be ready for board approval on Monday.

NEXT BOARD MEETING: February 8, 2021

ADJOURNMENT: 8:18 pm

  
Megan Evenson, Board Chair

  
Cathy Hurowitz, Superintendent

Board Work Session  
February 4, 2021

Brief Intro – Cathy

Time lines – Lauren

A walk through the analysis and process - Lauren

McKinstry going over the priorities and needs Rick Becker

Review of the Draft Election Resolution – Cathy

Work on our Exhibit A – Board

Next steps:

**CLATSKANIE SCHOOL DISTRICT NO. 6J,  
COLUMBIA AND CLATSOP COUNTIES, OREGON  
GENERAL OBLIGATION BOND ELECTION  
MAY 18, 2021**

<b>Date</b>	<b>Event</b>
01/12/2021	Mersereau Shannon to distribute form of resolution calling election and form of ballot measure
	Call to discuss resolution and ballot measure
	District to provide project description Piper Sandler to provide updated levy rate projections
	Mersereau Shannon to distribute updated resolution and ballot measure
	Final comments due on ballot measure language
02/01/2021	Final draft of resolution and ballot measure to District Board packets
02/08/2021	Regular District Board meeting
	File ballot measure with County on Form SEL805
02/26/2021	Last day to file ballot measure on SEL805
	Confirm challenge process complete and file ballot measure with County on Form SEL803 with explanatory statement, if applicable
03/18/2021	Last day to file ballot measure on SEL 803 and explanatory statement
05/18/2021	Election



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# Clatskanie School District No. 6J

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## General Obligation Bonds Levy Rate Analysis

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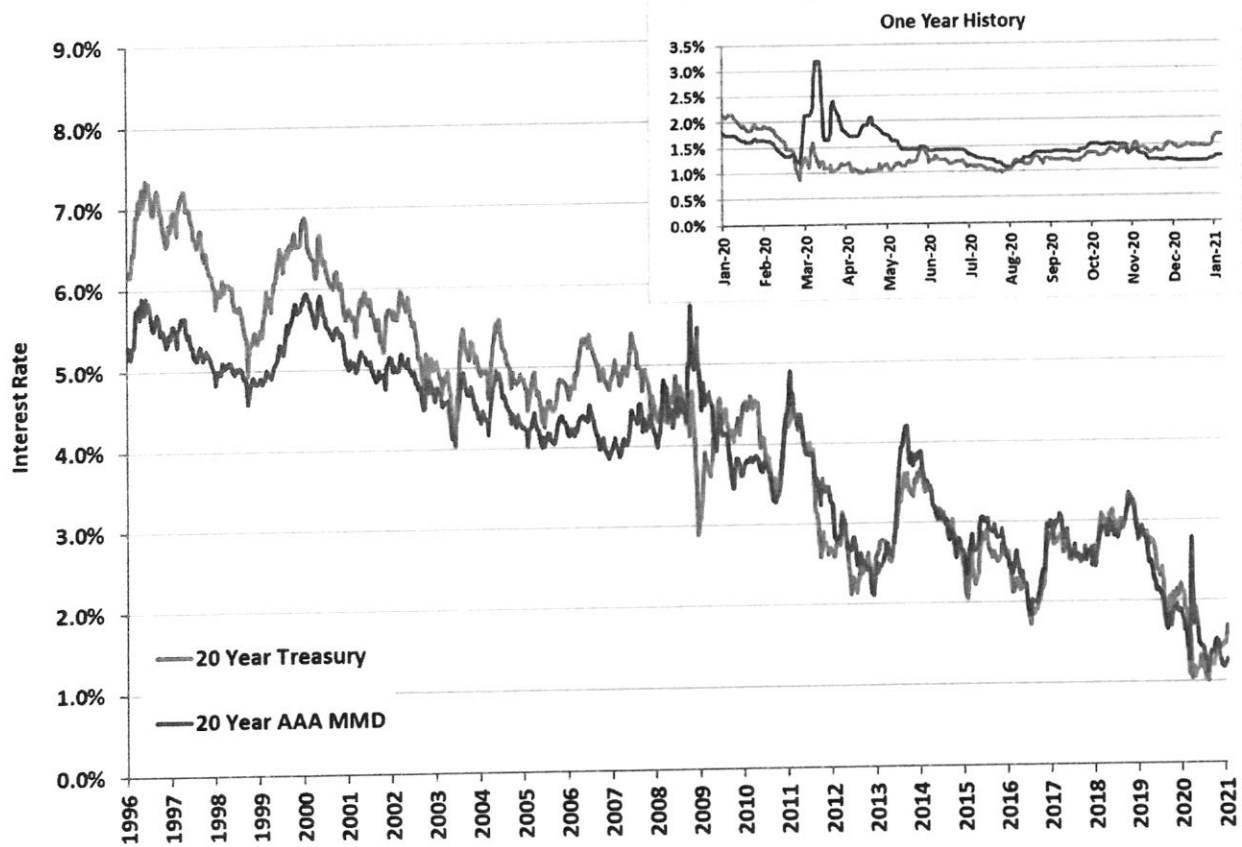
Alex Bowers  
Vice President  
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January 12, 2021

## HISTORICAL INTEREST RATES

### 20 Year Tax-Exempt (AAA MMD) vs. 20 Year Treasury Rates



## CLATSKANIE SCHOOL DISTRICT NO. 6J

### Historical Property Values

Fiscal Year	M5 Real Market		Total Assessed		Urban Renewal		% Total AV	% Net AV		
	Value		Value		Excess	Net Assessed Value	Growth	Growth		
2021	\$	1,596,696,266	\$	1,093,249,439	\$	282,754,990	\$	810,494,449	-5.42%	0.64%
2020		1,626,266,688		1,155,959,636		350,653,026		805,306,610	3.21%	1.01%
2019		1,526,473,499		1,119,964,446		322,687,387		797,277,059	4.47%	0.48%
2018		1,523,933,954		1,072,011,577		278,526,730		793,484,847	-1.07%	-1.27%
2017		1,481,102,680		1,083,623,383		279,914,194		803,709,189	1.74%	-0.56%
2016		1,449,611,728		1,065,050,138		256,851,408		808,198,730	-3.27%	0.54%
2015		1,244,973,236		1,101,003,240		297,179,573		803,823,667	6.10%	-2.38%
2014 <sup>(1)</sup>		1,199,714,825		1,037,737,724		214,339,161		823,398,563	27.07%	0.83%
2013		1,162,452,171		816,652,118		-		816,652,118	-6.16%	-6.16%
2012		1,211,103,648		870,238,131		-		870,238,131	-6.12%	-1.19%
2011		1,286,358,889		926,996,475		46,234,455		880,762,020	0.28%	-4.31%
2010		1,225,379,440		924,370,434		3,968,965		920,401,469	-3.38%	-2.99%
2009		1,301,991,837		956,670,643		7,933,406		948,737,237	-1.37%	31.10%
2008 <sup>(1)</sup>		1,187,457,455		969,964,170		246,287,545		723,676,625	23.55%	2.84%
2007		892,412,497		785,063,386		81,351,265		703,712,121	10.87%	2.94%
2006		773,763,802		708,107,408		24,510,695		683,596,713	0.90%	3.43%
2005		939,650,730		701,802,080		40,869,557		660,932,523	4.64%	2.62%
2004		729,606,993		670,652,237		26,618,993		644,033,244	-0.22%	-1.77%
2003		730,837,271		672,101,354		16,450,007		655,651,347	5.01%	2.44%

(1) Portland General Electric (PGE) built a natural gas-fired power plant within the Columbia County Development Agency's Port Westward Urban Renewal Area. The project was also within an enterprise zone and qualified for tax abatements which expired after FY 2013.

Source: Columbia and Clatsop Counties Departments of Assessment and Taxation

### Urban Renewal Excess

When urban renewal areas are created, they are designated as either "standard" or "reduced" rate plans and the type determines the assessed value against which general obligation bonds are levied. General obligation bonds cannot be levied on the excess assessed value in standard rate plan areas. Alternatively, general obligation bonds can be levied on the excess assessed value in reduced rate plan areas, if the bonds were approved at an election after October 6, 2001.

Urban Renewal Excess - 2021		
Plan Area	County	Amount
<b>REDUCED RATE</b>		
Total Reduced Rate Urban Renewal Excess:		\$ -
<b>STANDARD RATE</b>		
Columbia County Development Agency	Columbia	\$ 282,754,990
Total Standard Rate Urban Renewal Excess:		\$ 282,754,990
<b>TOTAL URBAN RENEWAL EXCESS</b>		<b>\$ 282,754,990</b>

2021 Assessed Value for Bond Levies	
Total Assessed Value:	\$ 1,093,249,439
Less Standard Rate Urban Renewal Value:	(282,754,990)
Assessed Value (Bonds Approved After 10/06/01):	810,494,449
Less Reduced Rate Urban Renewal Value:	-
Net Assessed Value (Bonds Approved Before 10/06/01):	810,494,449

**CLATSKANIE SCHOOL DISTRICT NO. 6J**  
**Outstanding General Obligation Bonds**

Purpose	Date of Issue	Date of Maturity	Amount Issued	Amount Outstanding <sup>(1)</sup>
<b>General Obligation Bonds:</b>				
Series 2001 <sup>(2)</sup> Remodeling and improvements to District facilities	05/01/01	06/15/11	\$7,690,000	\$ -
<b>Refunding Bonds</b>				
Series 2005 <sup>(2)</sup> Refunded Series 2001 Bonds	10/06/05	06/15/17	5,755,000	-
Series 2017 Refunded Series 2005	08/01/17	06/15/21	2,703,000	717,000
<b>Total General Obligation Bonds</b>				<u>\$ 717,000</u>

(1) After 6/15/20 payment.

(2) Refunded.

**Legal General Obligation Debt Capacity**

Real Market Value (Fiscal Year 2021)	\$ 1,596,696,266
<b>Debt Capacity</b>	
General Obligation Debt Capacity (7.95% of Real Market Value)	\$ 126,937,353
Less: Outstanding Debt Subject to Limit	(717,000)
Remaining General Obligation Debt Capacity	\$ 126,220,353
Percent of Capacity Issued	0.56%

**CLATSKANIE SCHOOL DISTRICT NO. 6J**  
**Outstanding General Obligation Bonds – Actual and Projected Levy Rates**

		Outstanding General Obligation Bonds									
Approval	Before 10/6/01	Before 10/6/01	Before 10/6/01								
Fiscal Year <sup>(1)</sup>	2001 Bonds	Debt Service		Total	Amount Levied	Over/(Under) Debt Service	Total Assessed Value	% AV Growth	Actual Bond Rate	Taxes Collected <sup>(2)</sup>	Projected Bond Rate
2002	496,543	-	-	496,543	N/A	---	640,056,373	-0.89%	0.8432		
2003	517,258	-	-	517,258	563,812	46,555	672,101,354	2.44%	0.8599		
2004	535,733	-	-	535,733	N/A	---	670,652,237	-1.77%	0.9067		
2005	558,083	-	-	558,083	608,270	50,188	701,802,080	2.62%	0.9203		
2006	306,900	262,102	-	569,002	624,661	55,659	708,107,408	3.43%	0.9137		
2007	315,650	250,865	-	566,515	617,501	50,987	785,063,386	2.94%	0.8774		
2008	328,400	255,165	-	583,565	655,319	71,755	969,964,170	2.84%	0.9055		
2009 <sup>(3)</sup>	339,900	249,290	-	589,190	607,000	17,811	956,670,643	31.10%	0.6397		
2010	350,150	258,590	-	608,740	440,000	(168,740)	924,370,434	-2.99%	0.4780		
2011	365,750	247,540	-	613,290	650,000	36,711	926,996,475	-4.31%	0.7379		
2012	-	626,840	-	626,840	546,490	(80,350)	870,238,131	-1.19%	0.6279		
2013	-	635,840	-	635,840	532,000	(103,840)	816,652,118	-6.16%	0.6514		
2014	-	654,590	-	654,590	655,000	410	1,037,737,724	0.83%	0.7954		
2015	-	666,340	-	666,340	709,000	42,660	1,101,003,240	-2.38%	0.8820		
2016	-	680,090	-	680,090	733,690	53,600	1,065,050,138	0.54%	0.9078		
2017	-	695,295	-	695,295	765,021	69,726	1,083,623,383	-0.56%	0.9518		
2018	-	-	679,494	679,494	738,000	58,506	1,072,011,577	-1.27%	0.9300		
2019	-	-	697,344	697,344	645,000	(52,344)	1,119,964,446	0.48%	0.8090		
2020	-	-	711,710	711,710	719,000	7,290	1,155,959,636	1.01%	0.8928		
<b>Current</b>	<b>2021</b>	-	-	<b>729,619</b>	<b>729,619</b>	<b>734,000</b>	<b>1,093,249,439</b>	<b>0.64%</b>	<b>0.9056</b>		
<b>2022</b>							<b>1,093,249,439</b>	<b>0.00%</b>		<b>95.0%</b>	

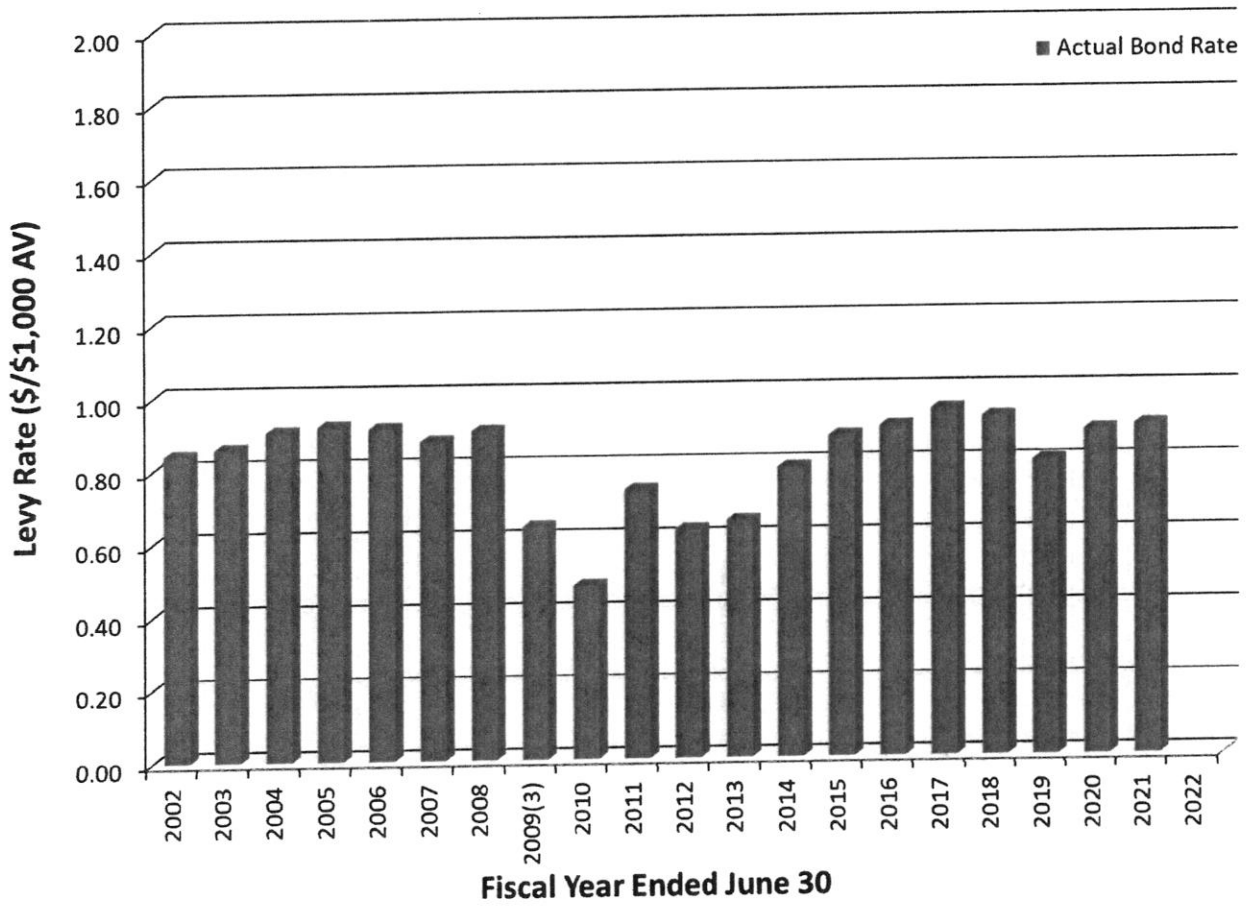
(1) Fiscal years ended June 30.

(2) Assumes collection year delinquencies will be offset by back tax collections.

(3) The District received additional, unbudgeted property taxes from the Wauna Mill as they did not meet enterprise zone requirements and paid prior year taxes, leading to future reductions in the levy.



**CLATSKANIE SCHOOL DISTRICT NO. 6J**  
 Outstanding General Obligation Bonds – Actual and Projected Levy Rates



## CLATSKANIE SCHOOL DISTRICT NO. 6J

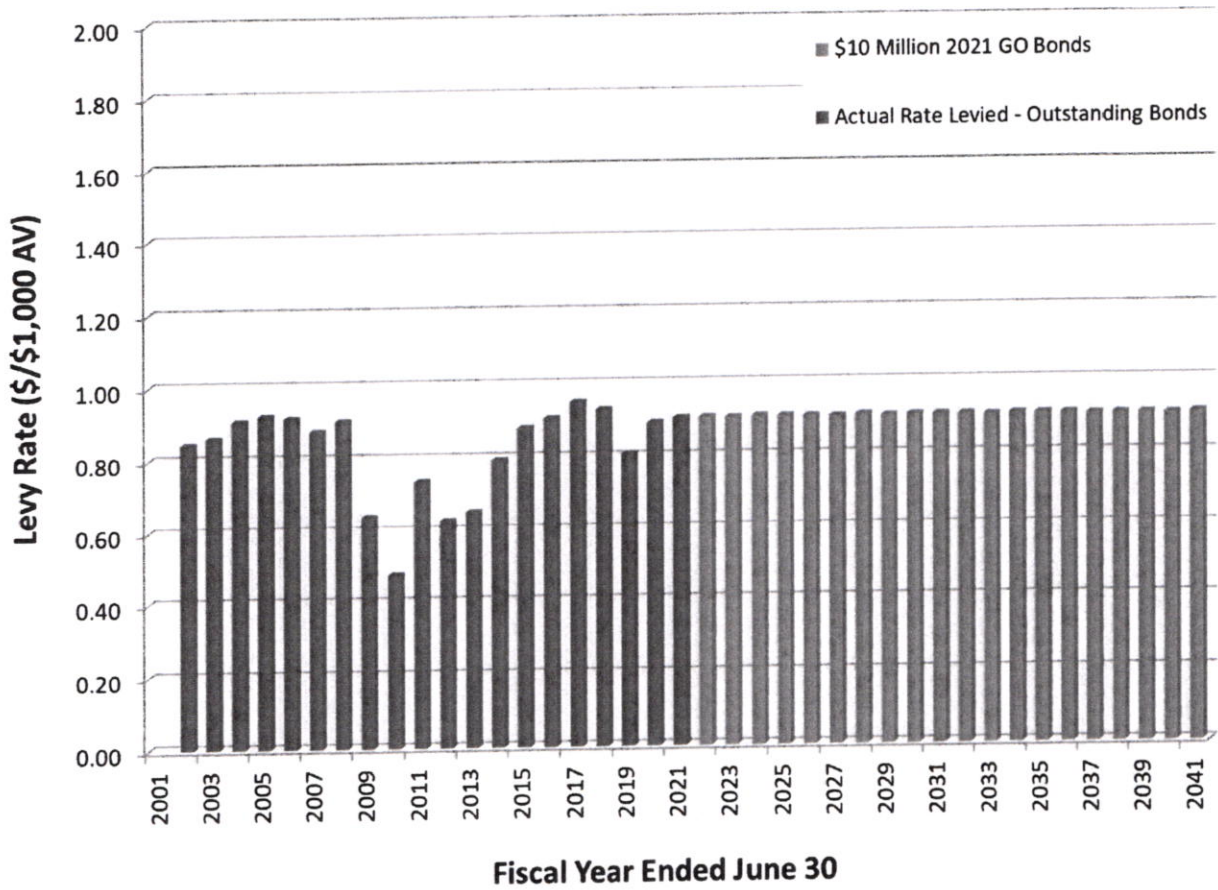
### General Obligation Bonds, Series 2021 – Summary of Structuring Scenario

Structure		Maintain FY 2021 Levy Rate	
<b>Par Amount</b>		<b>\$10,000,000</b>	
Dated Date		8/1/2021	
Final Maturity		6/15/2041	
Amortization Period		19.87 Years	
Projected Average Levy Rates*			
	Prior Debt	New Bonds	Combined
2021.....	\$ 0.91	\$ -	\$ 0.91
2022-2041.....	-	0.91	0.91
Interest Estimates			
Cushion over Current Interest Rates		+ 2.00%	
True Interest Cost (TIC)**		3.74%	
Total Interest		\$4,319,392	
Total Interest as % of Par		43%	

\* Projected average levy rates are based on a variety of assumptions regarding AV growth, tax collections & interest rates. Debt service will be fixed when bonds are sold but levy rates are preliminary until the assessor certifies values each year.

\*\* True interest cost is the blended, overall interest rate for the issue. Includes the interest rate cushion.

**CLATSKANIE SCHOOL DISTRICT NO. 6J**  
 General Obligation Bonds, Series 2021 – Maintain Projected FY 2021 Levy Rate



**Clatskanie School District No. 6J**  
**\$10,000,000**  
**General Obligation Bonds, Series 2021**  
**Projected Bond Levy Rates**  
**19.87 Year Issue**

Bond Issue Data	
Dated Date:	08/01/2021
First Coupon:	12/15/2021
Final Maturity:	06/15/2041
Term (years):	19.87
Current Market Rates Plus:	2.00%

2021 Property Tax Data (000s)	
Total Assessed Value:	\$ 1,093,249
Less Standard Rate Urban Renewal Value:	282,755
Assessed Value (Bonds Approved After 2001):	\$ 810,494
Less Reduced Rate Urban Renewal Value:	-
Net Assessed Value (Bonds Approved Before 2001):	\$ 810,494

Summary	
Issue Amount:	\$ 10,000,000
Total Interest Cost:	\$ 4,319,392
Interest Cost as a Percent of Par:	43%

Structuring Assumptions			
	AV Growth	Tax Collections <sup>(1)</sup>	
2022	0.00%	2022	95.0%
2023	0.00%	2023	95.0%
2024	0.00%	2024	97.5%
2025	0.00%	2025	97.5%
Thereafter	0.00%	Thereafter	97.5%

Fiscal Year Ending 6/30	AV for New Bond Levies (000s)	Estimated Debt Service Requirements		
		Total		FY
		Prior Debt	New Bonds	Total
2021	\$ 810,494	\$ 729,619	\$ -	\$ 729,619
2022	810,494	-	698,248	698,248
2023	810,494	-	697,482	697,482
2024	810,494	-	718,122	718,122
2025	810,494	-	717,904	717,904
2026	810,494	-	717,304	717,304
2027	810,494	-	716,193	716,193
2028	810,494	-	719,433	719,433
2029	810,494	-	716,731	716,731
2030	810,494	-	718,203	718,203
2031	810,494	-	718,713	718,713
2032	810,494	-	718,370	718,370
2033	810,494	-	716,710	716,710
2034	810,494	-	719,288	719,288
2035	810,494	-	719,495	719,495
2036	810,494	-	718,622	718,622
2037	810,494	-	716,756	716,756
2038	810,494	-	718,005	718,005
2039	810,494	-	717,995	717,995
2040	810,494	-	716,706	716,706
2041	810,494	-	719,118	719,118
		\$ 729,619	\$ 14,319,392	

Projected Levy Rates <sup>(1)</sup>		
\$/ \$1,000 AV		
Prior Debt <sup>(2)</sup>	New Bonds	Combined Levy Rate
\$ 0.91	\$ -	\$ 0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91
-	0.91	0.91

(1) Includes estimated delinquencies. Beginning in FY 2024 assumes collection year delinquencies will be offset by back tax collections.

(2) 2020 prior debt rate shown is actual rate levied.

**Clatskanie School District No. 6J**  
**Projected Debt Service Schedule**  
**\$10,000,000**  
**General Obligation Bonds, Series 2021**  
**19.87 Year Issue**

Payment Date	Principal	Coupon	Interest	Total Debt Service	FY Total	Estimated (1) Delinquencies	Estimated (2) Amount to Levy
12/15/2021			\$ 129,411	\$ 129,411	\$ -	\$ -	\$ -
06/15/2022	395,000	2.58%	173,836	568,836	698,248	36,750	734,998
12/15/2022			168,741	168,741			
06/15/2023	360,000	2.60%	168,741	528,741	697,482	36,710	734,191
12/15/2023			164,061	164,061			
06/15/2024	390,000	2.62%	164,061	554,061	718,122	18,413	736,535
12/15/2024			158,952	158,952			
06/15/2025	400,000	2.65%	158,952	558,952	717,904	18,408	736,311
12/15/2025			153,652	153,652			
06/15/2026	410,000	2.71%	153,652	563,652	717,304	18,392	735,696
12/15/2026			148,096	148,096			
06/15/2027	420,000	2.80%	148,096	568,096	716,193	18,364	734,556
12/15/2027			142,216	142,216			
06/15/2028	435,000	2.92%	142,216	577,216	719,433	18,447	737,879
12/15/2028			135,865	135,865			
06/15/2029	445,000	3.04%	135,865	580,865	716,731	18,378	735,108
12/15/2029			129,101	129,101			
06/15/2030	460,000	3.15%	129,101	589,101	718,203	18,415	736,618
12/15/2030			121,856	121,856			
06/15/2031	475,000	3.23%	121,856	596,856	718,713	18,429	737,141
12/15/2031			114,185	114,185			
06/15/2032	490,000	3.40%	114,185	604,185	718,370	18,420	736,790
12/15/2032			105,855	105,855			
06/15/2033	505,000	3.45%	105,855	610,855	716,710	18,377	735,087
12/15/2033			97,144	97,144			
06/15/2034	525,000	3.77%	97,144	622,144	719,288	18,443	737,731
12/15/2034			87,248	87,248			
06/15/2035	545,000	3.83%	87,248	632,248	719,495	18,449	737,944
12/15/2035			76,811	76,811			
06/15/2036	565,000	3.87%	76,811	641,811	718,622	18,426	737,048
12/15/2036			65,878	65,878			
06/15/2037	585,000	4.06%	65,878	650,878	716,756	18,378	735,134
12/15/2037			54,003	54,003			
06/15/2038	610,000	4.10%	54,003	664,003	718,005	18,410	736,415
12/15/2038			41,498	41,498			
06/15/2039	635,000	4.14%	41,498	676,498	717,995	18,410	736,405
12/15/2039			28,353	28,353			
06/15/2040	660,000	4.18%	28,353	688,353	716,706	18,377	735,083
12/15/2040			14,559	14,559			
06/15/2041	690,000	4.22%	14,559	704,559	719,118	18,439	737,557
<b>Total</b>	<b>\$ 10,000,000</b>		<b>\$ 4,319,392</b>	<b>\$ 14,319,392</b>	<b>\$ 14,319,392</b>	<b>\$ 404,835</b>	<b>\$ 14,724,228</b>

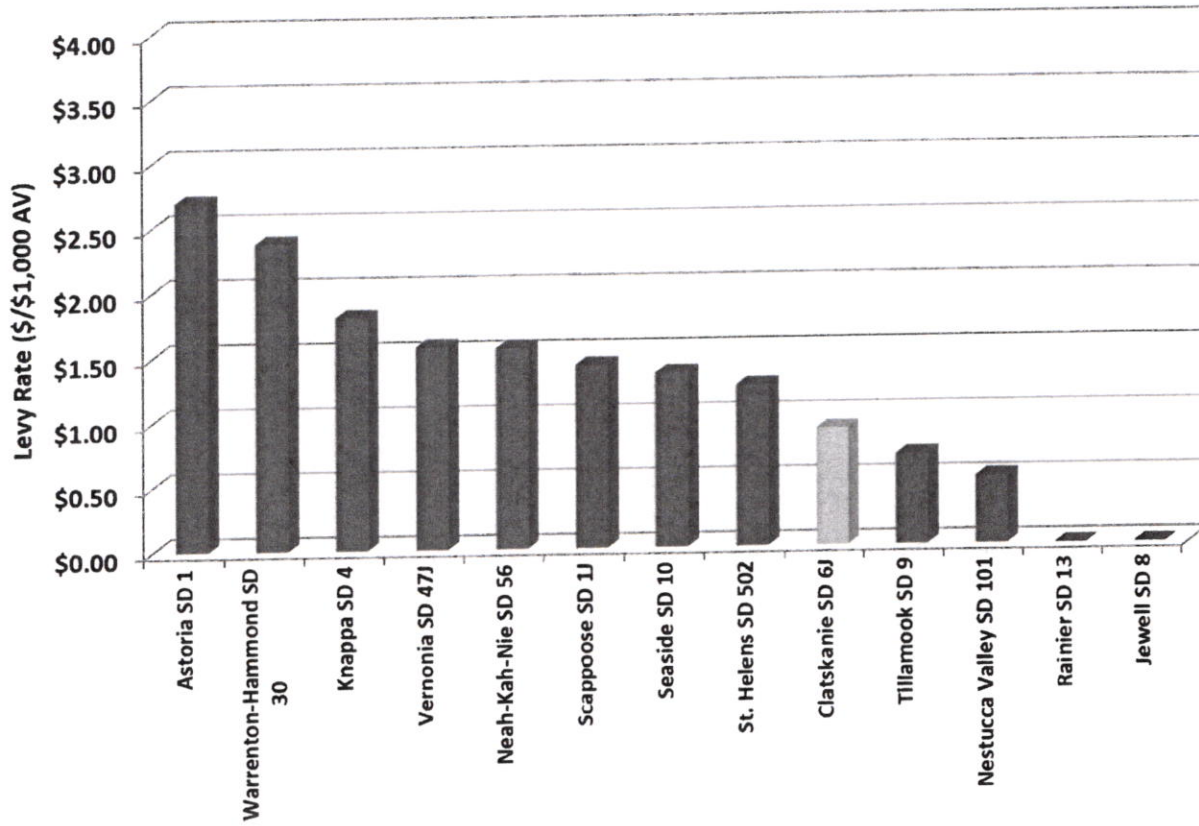
(1) Beginning in FY 2023 assumes collection year delinquencies will be offset by back tax collections.

(2) Actual levy amount should be calculated annually based on County's current delinquency rates, actual debt service requirements and debt service fund balance, if any.

**CLATSKANIE SCHOOL DISTRICT NO. 6J**  
 School District Levy Rates in Neighboring Districts

District	Extended ADMw (6-26-20)	Assessed Value (Net of Urban Renewal)	2021 Levy Rates			
			Permanent Rate	Local Option Rate	Bond Rate	Total District Rate
Astoria SD 1	2,205.34	1,337,423,089	4.9407	-	2.6970	7.6377
Warrenton-Hammond SD 30	1,247.81	738,056,990	4.5902	-	2.3755	6.9657
Vernonia SD 47J	787.70	633,665,269	5.0121	-	1.5686	6.5807
Knappa SD 4	681.74	308,913,365	4.6062	-	1.8030	6.4092
Scappoose SD 1J	2,772.79	1,938,465,345	4.9725	-	1.4182	6.3907
Seaside SD 10	1,977.67	3,824,284,292	4.4105	0.5200	1.3494	6.2799
St. Helens SD 502	3,263.82	1,978,696,767	5.0297	-	1.2463	6.2760
Neah-Kah-Nie SD 56	1,045.90	1,348,608,770	4.5002	-	1.5557	6.0559
Tillamook SD 9	2,673.56	1,820,609,849	5.0969	-	0.6996	5.7965
Clatskanie SD 6J	952.69	810,494,449	4.6062	-	0.9056	5.5118
Rainier SD 13	1,051.52	778,810,690	5.4360	-	-	5.4360
Nestucca Valley SD 101	704.20	2,255,557,663	4.8580	-	0.5231	5.3811
Jewell SD 8	326.09	150,696,264	3.7690	-	-	3.7690

### 2021 School District Bond Rates



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# Restrictions on Political Campaigning by Public Employees - ORS 260.432

*Published by*

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## Secretary of State

Elections Division Rev. 01/2016

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## Using this Manual

This manual details allowable and restricted activities, consistent with ORS 260.432 and advice from the Attorney General. It is adopted by Oregon administrative rule. Violations of this rule are to be enforced as violations of ORS 260.432. This manual details for public agencies and individuals allowable and restricted activities, consistent with ORS 260.432 and the Attorney General's advice and provides information on the Elections Division prior review process.

### Icons

The following icons are used in this manual to emphasize information:



**alert icon**

indicates alert; warning; attention needed



**info icon**

indicates additional information



**deadline icon**

indicates a deadline



**example icon**

indicates an example



**form icon**

indicates a reference to a form



**search icon**

indicates information located elsewhere

### Assistance

If you have any questions about the material covered in this manual or need further assistance, please contact:

Elections Division

255 Capitol St NE Suite 501

Salem OR 97310

 **503 986 1518**

 **503 373 7414**



**elections.sos@state.or.us**



**www.oregonvotes.gov**



**1 866 673 VOTE/673 8683**

se habla español

**tty 1 800 735 2900**

for the hearing impaired

## Getting Started

An Attorney General letter dated October 5, 1993 states:

“Public bodies may use public funds to inform voters of facts pertinent to a measure, if the information is not used to lead voters to support or oppose a particular position in the election. However, we also have pointed out that ‘informational’ material may be found to ‘promote or oppose’ a measure even if it does not do so in so many words if the information presented to the public clearly favors or opposes the measure and, taken as a whole, clearly is intended to generate votes for or against a measure.”

### ORS 260.432 Statutory Provisions

Essentially, public employees may not engage in political activity while on the job. This manual will go into detail about what it means to promote or oppose, and when a public employee is “on the job during work hours.” The statute has three specific paragraphs:

ORS 260.432(1) states that a person - including public employers and elected officials - may not require a public employee to promote or oppose any political committee or any initiative, referendum or recall petition, ballot measure or candidate.

ORS 260.432(2) states that public employees (including school administrators, city managers, police chiefs, etc.) may not be involved in **promoting or opposing** any political committee or any initiative, referendum or recall petition, measure or candidate **"while on the job during working hours."**

ORS 260.432(3) states that each public employer must have posted - in all appropriate places where public employees work - a notice about the prohibitions of ORS 260.432. See the final page of this manual for a sample notice.

## When Does 260.432 Apply?

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- for initiative, referendum and recall petition efforts, as soon as a prospective petition is filed with the appropriate elections filing officer (for a statewide initiative, this is the date the sponsorship prospective petition is filed);
- for a ballot measure referred to the ballot by a governing body (district, city, county, state) as soon as the measure is certified to the ballot. A county, city or district measure is certified to the ballot when the elections official files the referral with the county election office;
- for a candidate, as soon as the person becomes a candidate under the definition in ORS 260.005(1)(a); and
- for political committees, whenever the political committee is active.

The prohibition ceases to apply at 8:00 pm on the date of the election at which the candidate, measure, recall or referendum is being voted on. The prohibition ceases to apply to a petition (initiative, referendum or recall) on the date the petition is withdrawn or becomes void.

## Overview of Restrictions and Allowable Activities

Public employees may not use their work time to support or oppose measures, candidates, recalls, political committees or petitions. When this manual refers to engaging in "political activity" or "advocacy", it means only that political activity or advocacy which is restricted by the statute- supporting or opposing measures, candidates, recalls, political committees or petitions. Supporting or opposing political issues which do not fall into any of those categories is not restricted by the statute.

Oregon election law does not specify any amount of work time that may be used before a violation occurs, so a public employee may be found in violation even though they used a minimal amount of work time.

An elected official or any other employer of a public employee may not require or direct public employees to prepare or distribute advocacy materials.

## Who must follow ORS 260.432?

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All non-elected public employees are covered by 260.432. Elected officials are covered insofar as they direct other public employees to engage in political activities.




 See Candidates and Elected Officials, page 10.

Federal employees, including persons principally employed by state or local executive agencies in connection with programs financed in whole or in part by federal loans or grants, are covered by the federal Hatch Act, which is administered by the U.S. Office of Special Counsel.

### Appointed Board Members and Commissioners

ORS 260.432 applies to appointed board and commission members when they are acting in their official capacity. Appointed board or commission members are acting in their official capacity when they are at a meeting of the board or commission, working on a duty assigned by the board or commission, working on official publications (including website materials) for the board or commission, or when appearing at an event in an official capacity.

Appointed board or commission members may use their titles to engage in political advocacy (including endorsing candidates, measures, etc.) as long as they are not acting in an official capacity when authorizing use of their title.

-  On personal time, a candidate approaches a planning commission board member and asks for their endorsement. The candidate asks if they can use the board member's title, and the board member agrees. This is allowable.
-  Example: A candidate, attending a planning commission meeting, asks the board members for an endorsement and some board members agree. This is not allowable, because the board members are at a meeting and therefore acting in an official capacity.
-  See Use of Public Employee Title on page 11 for more information.



### Salaried and Hourly Employees: What is “On the Job”?

Salaried employees' work time is not as easily measured as hourly workers. If the work performed falls generally within the job duties of the public employee, the work is performed in an official capacity regardless of the time of day or location.

If a salaried employee applies for expense reimbursement for a function, they are considered on the job.

A regular workday may not be definable for a position, or may not have a specific time period. It is based on the activities and whether the person is acting, or appears to be acting, in an official capacity.

Personal note-keeping by salaried employees to record when the employee is on or off duty is suggested. During public appearances, the employee is encouraged to specifically announce to the audience that the employee is not acting in his or her official capacity if they are engaging in political advocacy. Such an announcement would not negate a subsequent statement or action that indicates the public employee is acting in his or her official capacity (such as handing out official publications, or speaking on behalf of the jurisdiction).

-  If a salaried police officer attends a meeting about a bond measure on his own time (i.e. while not “on duty”) and advocates for the measure, he should announce to the audience that he is there in his capacity as a citizen, and is not representing the police department.  
However, if the police officer went on to hand out official publications from the jurisdiction, the police officer would be acting in his or her official capacity (despite their previous announcement) and would be subject to the requirements of ORS 260.432.
-  A school superintendent is acting in his or her official capacity at all school board meetings and school functions.  
→ A salaried public employee may be acting in his or her official capacity even when using personal equipment and personal time, if the activity is related to work duties.

**ex** A public employee who, on their own computer on the weekend, drafts a press release about how a measure might affect their agency, and signs the document with their title, is acting in their official capacity.

→ Salaried employees have the right to participate in political activity on their own time. An employee would not be on the job solely because they may be subject to a call back to duty at any time.

Common activities that are always undertaken in an official capacity (regardless of time of day or location) and are therefore subject to the requirements of ORS 260.432 include:

- posting material to an official website (and approving material to be posted to an official website)
- drafting or distributing an official publication from the jurisdiction
- Appearing at an event as a representative of a jurisdiction

**Q** See Use of Public Employee Title on page 11 for more information.

### **Volunteer personnel at a public agency**

Volunteers (other than members of appointed boards or commissions) receiving no compensation are not considered public employees and therefore are not restricted by ORS 260.432. Workers compensation coverage is not considered compensation.

These volunteers may be bound by the policies of the jurisdiction. The policies may include limits on political advocacy during their volunteer activities as well as limits on access to agency resources for advocacy purposes. While a volunteer will not be liable under ORS 260.432, a public employee may have exposure if the public employee directs a volunteer to engage in political advocacy.

### **Government Contractors**

Public employees may not direct government contractors to engage in political activity as part of the contracting service.

Contractors are bound by the policies of the jurisdiction and the terms of the contract. While a contractor will generally not be liable under ORS 260.432, a public employee may have exposure if the public employee directs a contractor to engage in political advocacy.

**ex** A school district may hire a public relations firm to help communicate with the public about an upcoming measure. If the public relations firm drafts material to be approved and disseminated by public employees, the material must be impartial. If the material is not impartial, the public employee who approved it would be liable for a violation of ORS 260.432.

### **National Voter Registration Act (NVRA) and ORS 247.208(3)**

While the restrictions imposed under ORS 260.432 apply generally to all public employees, ORS 247.208(3) imposes a separate, rigorous set of restrictions that apply only to persons who provide voter registration services required under the National Voter Registration Act (NVRA). NVRA is a federal Act enacted by Congress in 1993.

Public employees or other persons providing NVRA-required voter registration services on behalf of a designated public agency may not:

- seek to influence the political preference or party registration of a person registering to vote;
- attempt to discourage a customer from registering to vote;
- display any indications of political preference or party allegiance (including the choice of candidates for partisan political office);

- make any statement or take any action towards a person registering to vote that would lead the person to believe the voter registration has any bearing on the availability of services or benefits;
- seek to induce any person to register to vote or to vote in any particular manner.

These restrictions prohibit public employees from wearing political buttons while performing NVRA services, which is more restrictive than the general rule that is explained on page 8.

 See OAR 165-005-0070 for detailed guidelines.

## Personal Expression by Public Employees

### Signs and Posted Information

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#### Campaign Signs

Oregon election law does not address the size, location or timing of political campaign signs. Many local jurisdictions (cities and counties) have ordinances or policies that address campaign signs.

Public employees may generally have political stickers on their cars or post political signs in their work area, as long as they do so on personal time and such action does not violate any employer policy. Public employers are encouraged to have written policies about posting political material at work.

 See National Voter Registration Act (NVRA) on page 6 for signage rules specific to NVRA employees.


#### Union Bulletin Boards

Public employee unions may have a designated bulletin board to post information. The location and contents of those bulletin boards are regulated by collective bargaining agreements and are not subject to the requirements of ORS 260.432.

#### Distribution of Political Material within a Government Agency

Public employees may not distribute material that contains political advocacy while on the job during work hours, except public employees may, as part of their job duties, process and distribute incoming mail addressed to specific employees that contains political advocacy.

Political material may be distributed in public jurisdictions if the person doing the distribution is not on the job, if other people would be granted equal access, and if it does not violate the jurisdiction's policies.

 A teacher, while not on the job (before or after work or during lunch), may place information about his candidacy for a local office in the boxes of the other teachers at the school so long as any other candidate who asked would be allowed to distribute materials into the boxes.

Unions may distribute political materials to their members pursuant to their contract.

 See Email on page 14 regarding responding to or forwarding political emails.

#### Verbal Communication

ORS 260.432 does not restrict the right of a public employee to express personal political views during their personal time. However, it does restrict some verbal communication while on the job during working hours (or while acting in an "official capacity").

A public employee cannot promote or oppose a political position while they are on the job during work hours.

- ex** A City Manager gives a presentation to staff about a pending measure. During the presentation, he says "I hope we all agree that it is important that this measure passes". That verbal communication would constitute a violation.

Public employers may add additional policies.

### Public Presentations and Speeches

A public employee cannot give a speech or presentation advocating a political position if they are on the job or acting in their official capacity. An elected official may give political presentations and speeches, so long as no public employee work time is utilized.

When making a presentation that contains political advocacy during non-work time, the public employee should announce that they are acting in their capacity as a private citizen. The employee should also document that they were not on the job.

- ex** Employees may document that they are not on the job by keeping: a log, payroll records that indicate when they were on the job, time off slips, etc.

### Meetings

Public employees may attend meetings at which political issues are discussed, so long as they do not engage in political advocacy themselves while on the job or acting in their official capacity.

Public employees cannot be compelled to attend political presentations. If a public agency has a mandatory staff meeting and a political group is making a presentation, the agency must make it clear that attendance at the political presentation is optional. Public employees who do attend the political presentation must do so during non-work time. Political advocacy presentations should not occur in close proximity to events requiring public employee attendance.

## Buttons, T-Shirts, and Uniforms

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### Political Buttons and Clothing

Public employees may wear political buttons or clothing at work so long as it does not violate their employer's policy.

A public employer may not request or require that public employees wear political clothing, buttons, etc.

- ex** It would not be a violation for a teacher, on their own, to choose to wear a "Vote Yes on Measure 1234" button to school (so long as that did not violate school policy). It would be a violation for school administration to give out "Vote Yes on Measure 1234" buttons and email to encourage teachers to wear them to school on Election Day.

### Uniforms

Generally, wearing a uniform while engaging in political activity is governed by the uniform policy of the jurisdiction that issues the uniform. Wearing a uniform to a political event, or while giving a political presentation, is not a violation of ORS 260.432, unless other elements of the presentation violate requirements of this rule. Public employees who wear uniforms and engage in advocacy should notify the audience that they are not acting in their official capacity.



## Lobbying and Legal Challenges

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### Legal Challenges by Public Jurisdictions

Public employee's work involvement in legal court challenges as part of their regular job duties is not a violation of ORS 260.432.

- ex** Examples of legal challenges include whether an initiative petition meets constitutional requirements, whether a ballot title complies with statutory standards, etc.

### Legislation and Lobbying

Legislative bills are not covered by ORS 260.432. Therefore it is allowable, under election law, for public employees to lobby governing bodies. Once a referral has been certified to the ballot, political advocacy is restricted by ORS 260.432.

- i** For more information about lobbying, contact the Oregon Government Ethics Commission.

## Public Property

---

If a governing body makes their property available for advocacy activities, they must grant equal access for all political groups to use public property. This includes charging the same fee or requiring the same permit.

If a candidate (or group supporting or opposing a recall, measure, initiative, etc.) requests to use public property for political purposes, then the government agency must allow the same access at the same price (if any) to any other candidate.

Public agencies may have policies that regulate the use of public property. The policy may be more restrictive than the requirements of ORS 260.432.

- i** ORS 294.100 provides a limited remedy for possible inappropriate use of public resources. That statute is not within the jurisdiction of the Elections Division, and therefore we cannot give advice about compliance with that statute.

An elected official is not required to grant equal access to their office or equipment, even if it is in a public building.

### Contact Lists

If lists are available to the public, a public employee must grant equal access to anyone who requests the list. This includes any list that the public body administers. The public body must charge the same fee, if any.

A candidate may not use any list administered by a public body that is not available to all other candidates. Candidates may use contact lists that they created (including constituent contacts collected as an elected official) without granting equal access to other candidates.

- ex** This issue commonly arises with the use of personnel lists, public utility lists, email lists, voter lists, etc. Public bodies must allow equal access to these lists.

### Government Logos

A governing body must allow equal access to logos for political purposes, meaning that if any candidate is allowed to use the logo, all candidates must be allowed. It is not allowable to allow certain candidates (or other political groups), such as incumbents, to use logos but prohibit another candidate from doing the same.

Government agencies are encouraged to have written policies about use of their logos.

## Public Records

Governing bodies must grant equal access to public records. All requestors of records should be charged the same fee, if any.

## Advertising

Public jurisdictions which raise funds through advertisement must grant equal access to any political group or person. The public body must charge the same fee, if any, to any candidate or other political group for the same level of advertising space or time.

Public employees should not design an advertisement or verbally promote a sponsor candidate or political group at an event. A public employee may edit the advertisement for size, clarity, etc. but should not edit the substance of the advertisement.

**ex** A school district produces game programs for football games. A candidate asks to have a half page ad placed in the program. A public employee charges the candidate the same fee any other person or group would have been charged for the space, and places the candidate's pre-designed ad into the program.

Public jurisdictions are encouraged to have written policies on advertising which incorporate the requirements of ORS 260.432.

## Candidates and Elected Officials

An elected official may engage in political activity during work time. Elected officials are not considered public employees for the purposes of ORS 260.432.

A person appointed to fill a vacancy in an elective public office is considered an elected official for purposes of this statute.

Elected officials cannot request public employees who are on the job or acting in an official capacity to engage in political advocacy. A request made by an elected official is considered a command.

An elected official's quote, opinion piece, letter or speech advocating a political position may not be published in a jurisdiction's newsletter or other publication produced or distributed by public employees.

**Q** See Material Produced by Governing Bodies, page 12. See Voters' Pamphlet, page 13, for an exception to this standard.

**ex** Public employees may not prepare the text for a speech, a press release, constituent mail that advocates a vote, candidate filing forms, voters' pamphlet filing forms, file contribution and expenditure (C&E) transactions online, etc. during their work time.

An elected official, as part of a governing body, may vote to support or oppose a measure put before the body. The elected official may publicly discuss the vote. Elected officials may not use public employee staff time, except for ministerial functions.

**Q** See Material Produced by Governing Body, page 12.

An elected official may only solicit volunteer help from public employees during employee breaks or other personal time.

## Candidate Forums

A governing body may sponsor a candidate forum if it is open to all candidates, though not all candidates must attend.

Public employees may use work time to arrange the forum. The public employee may perform administrative support functions in conjunction with the forum and may attend on work time.



All public employee involvement in the forum must be impartial. Public employees may not draft or select questions for the candidates.

### Scheduling Political Appearances

Public employees may maintain the schedule of elected official candidates. Public employees may not solicit political scheduling opportunities for an elected official, but may respond to scheduling requests. Prohibited activities include organizing campaign events, communicating on political matters with the press or constituents, or initiating any other political activity on behalf of the official.

As discussed in the measure section, incoming calls about measures must be answered in a strictly factual manner.

### Visits by Candidate or Candidate Representative

A candidate may request to visit a government agency work site. The public agency must grant equal access to all candidates. The government agency should not initiate candidate visits, except for candidate forums.

Public employees involved in the arrangements for the visit may perform administrative duties necessary to arrange the event.

No public employee may take any actions to promote or oppose the candidate before or during the visit. This includes taking a political position when announcing the event, holding a campaign sign during the event or assisting the candidate in distributing campaign materials.

## Sharing Information with the Media

### Use of Public Employee Title

Public employees may use their work title in political activity so long as the title is the only indication that the public employee is acting in an official capacity. Use of a title may give people the impression that a public employee is acting in an official capacity, so it is suggested that public employees use caution. However, a violation of ORS 260.432 will only be found where a public employee is on the job or acting in an official capacity. Public employees may not always have control over whether people or political groups add a title to a publication.



A public employee, after work on personal time, is asked whether they are willing to endorse a candidate with the purpose of including the endorsement on the candidate's website. The public employee agrees. Regardless of whether the candidate adds the title of the public employee on their own or whether the public employee specifically agrees for his or her title to be included, the public employee would not be in violation of ORS 260.432 because the endorsement occurred after hours and the title is the only indication that the public employee is acting in an official capacity.

→ It would be a violation for a public employee to receive a call at work from a candidate and agree to endorse the candidate, regardless of whether the candidate includes the title in the endorsement, because the public employee is on the job during work hours.



See *Salaried v. Hourly*: "On the Job" on page 5.

### Guest Opinions or Letters to the Editor by Public Employees

If a public employee is asked in their official capacity to produce a guest opinion related to a ballot measure or candidate, the content must be impartial.

A public employee may write a letter to the editor that contains political advocacy so long as they do so on their own time and not in their official capacity.

## Agency Interaction with Media

A spokesperson for an agency may respond to media inquiries about the possible effects of a measure or initiative so long as the information they provide is impartial. The public employee must not state or imply support or opposition.

A public employee may draft and distribute an impartial news release, except for a news release regarding a resolution advocating a political position on a measure.



See Resolutions (Vote Taken) by an Elected Governing Body, page 15.

Information that is entirely factual may nonetheless be considered advocacy (for example, by omitting required cost information).



See Determining Impartiality for Documents, page 17.

## Material Produced by Governing Bodies

Any covered political materials produced by public employees while on the job during work hours must be impartial. The Elections Division is available to review documents prior to publication to ensure compliance with ORS 260.432. If the document is submitted to the Elections Division and approved in writing, there will be no violation of ORS 260.432 as long as what is printed does not deviate from the approved version. This review process will be completed within five business days of the submission of the document.

### Contact

Oregon Secretary of State, Elections Division



503 986 1518



503 373 7414



elections.sos@state.or.us

When the Elections Division receives a document for prior review (usually submitted by fax or email), it will review it utilizing the impartiality requirements on page 18 of this manual. It will then reply to the jurisdiction, usually by email, with a statement that the document as submitted is acceptable, or with notes about how to make the document more impartial. The jurisdiction may re-submit the material incorporating the suggested changes as many times as necessary.

### Who is Liable for Advocacy Material

Any public employee who authors or drafts material that contains advocacy may be in violation of ORS 260.432. This includes any public employee who creates material for inclusion in an advocacy document.

A supervisor who requests that an advocacy document be created, or oversees the project, may also be in violation of ORS 260.432, even if they are not the author of the document.

A public employee may edit material that is subsequently found to contain advocacy if the public employee only edits for grammar, spelling and other non-substantive issues. A public employee may not edit advocacy materials if they make or suggest substantive changes. It is not a violation for a public employee to design materials that are subsequently found to contain advocacy so long as they are not involved in the substantive content of the document.

It is not a violation of ORS 260.432 for a public employee, at the direction of a supervisor, to post advocacy materials to a website or otherwise distribute them. The supervisor who directed the distribution of materials may be in violation of ORS 260.432.



See Determining Impartiality of Documents, page 17.

## Letterhead and State Seal

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### Government Letterhead

Election law does not regulate the use of government letterhead.

We recommend agencies have policies in place governing letterhead that incorporate the requirements of ORS 260.432.

### State Seal

ORS 186.023 governs the use of the Oregon State Seal. Elected officials may use the state seal in an official capacity, but not as a candidate for public office.


 For questions about the use of the Oregon State Seal, contact the Secretary of State, Executive Office at 503-986-1523.

## Specific Kinds of Materials

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### Voters' Pamphlet

A public employee's duties may include producing an official voters' pamphlet. Public employees may not prepare measure arguments or candidate statements for inclusion in the voters' pamphlet while on the job during work hours.

 See page 16 for information about ballot titles and explanatory statements.

### Postcards

Postcards produced or distributed by public employees must be impartial. The postcards must meet the impartiality requirements, described on page 18.


When a public employee is involved in the production of a series of small mailers, each piece must be individually impartial. Read together, the series of mailers must also be impartial. For ballot measure material, any discussion of the measure's effects must be balanced with the amount of taxes or fees.

### "Don't Forget to Vote" Materials

Public employees may produce "don't forget to vote" materials as long as they are impartial. These materials can contain information about the date of the election, how to return ballots, etc. and can also include information about a measure, as long as that information is impartial.

### Previously Published Materials

Public employees may respond to public records requests with information that contains advocacy, but may not proactively distribute advocacy material.

 See Websites, page 14, for information about links to previously published materials.

### Video and Audio Productions

Video and Audio productions created or distributed by public employees must be impartial.

Public employees who record video of public meetings may do so even if non-public employees (or public employees who are not on the job or acting in their official capacity) engage in advocacy on the video. Public employees may not make recordings where the purpose of the video or audio production is advocacy. Public employees may not edit a video so that the resulting product is advocacy.

Public employees may broadcast videos of meetings for public access channels and post the videos on government websites, even if the videos contain advocacy. Posting only excerpts of the meeting where there is advocacy with an intent to advocate would be a violation.

## Websites

No advocacy material may be posted on any government website or blog unless it is part of an official function of the agency.

**ex** An elections website may contain voters' pamphlet information.

→ Any public body may post information that is a record of a public meeting, even if it contains advocacy.

Candidates and other political groups may link to government websites, but government websites may not contain links to advocacy material. Even if a public employee posts advocacy material on the government website during their personal time or on their personal equipment, the public employee would be acting in their official capacity and therefore would violate ORS 260.432.

Government websites may contain public records about measures or candidates. Those public records must be treated the same as other public records, which do not contain advocacy. Public records which contain advocacy cannot be proactively distributed or placed in a prominent location on a website when a measure or other restricted issue is pending.

**ex** A city manager may produce a memorandum to the city council about the need for a possible future bond measure referral. If the city council refers the bond measure, then that memorandum cannot be proactively distributed after the measure is certified. The city could respond to a public records request for the memorandum or maintain it with, for example, the minutes for the meeting in an archival section of the website.

Government agencies should have a policy in place for their website that incorporates the requirements of ORS 260.432.

## E-mail

Public employees may open and read emails that contain political advocacy. They may not, while on the job during work hours, send or forward emails that contain advocacy, except as outlined below.

A public employee may forward an email containing advocacy to their personal email, so long as this does not violate the employer's policies. Public employees may unsubscribe or otherwise ask to be removed for an email list while they are on the job.

A public employee may forward an email containing links to advocacy material only when that material is germane to the government agency and the public employee does not provide commentary.

**ex** A wildlife official may forward emails to other public employees that contain a link to an article about an upcoming measure that would change the way the state regulates the wolf population. They may not include commentary that endorses or opposes the article or issue. They may include commentary germane to how the measure would affect the agency, so long as the commentary is impartial. The wildlife official may not forward an advocacy article about a measure that would impose a public school bond (or any other issue not related to the agency).

Agencies are advised to have a policy on use of government email that incorporates the requirements of ORS 260.432.

## New Media (Twitter, Facebook, etc.)

Public employees may not post to government Twitter, Facebook, etc. material that contains political advocacy.

If a government agency interacts with candidates or covered political groups in new media (i.e., if a candidate left a comment on an agency Facebook post), the agency must ensure that they treat all candidates or political groups equally and that any agency interaction remains impartial.

If a government agency allows comments on social media posts, it must ensure that comments that support or oppose restricted political issues are treated equally.

- ex** An official school district facebook page posts a "don't forget to vote" message. Several people comment supporting and opposing a school district bond measure that is on the ballot. It would be a violation if the school district deleted the negative comments and maintained the positive comments. It would not be a violation to delete a comment opposing the measure if the comment also violates school district comment policy (e.g. the comment contained profanity).

Agencies are advised to have policies on use of government new media accounts that incorporate the requirements of ORS 260.432.

## Initiatives, Measures, and Ballot Titles

### When Does ORS 260.432 Apply?

- for initiative, referendum and recall petition efforts as soon as a prospective petition is filed with the appropriate elections filing officer;
- for a ballot measure referred to the ballot by a governing body (district, city, county, state) as soon as the measure is certified to the ballot. A district or city measure is certified to the ballot when the elections official files the referral with the county election office.

The actions taken by a governing body and its public employees in the planning stages of a possible measure are not subject to ORS 260.432.

Public employees may produce and distribute advocacy material about referrals prior to the measure being certified to the ballot. Any public employee work time used to change, amend, edit, distribute, etc. a document found to be supporting or opposing a referral between the date it is certified to the ballot until the date of the pertinent election could be a violation of ORS 260.432.

Public employees may respond to public records requests for documents that contain advocacy, even if the measure has been certified. They may not proactively distribute those materials after the measure is certified.

A public employee may not distribute prior measure materials that contain advocacy where the same or similar issue is currently on the ballot.

- ex** If a school district has a recurring bond levy, district employees may not proactively distribute any materials from the previous levies (even though those elections have passed) during the period between certification and the current election.

### Resolutions (Vote taken) by an Elected Governing Body

Elected boards of governing bodies may take a position on a ballot measure (or initiative, referendum or recall petition) provided there is no use of public employee work time to advocate that position.

With regard to a governing body's resolution that advocates a political position on a ballot measure, initiative, referendum or recall, a public employee:

May	May Not
Edit the jurisdiction's name and board member names to conform it to the requirements for the resolution	Draft, type, or edit the resolution
Prepare neutral, factual information for the board to use in taking a position on the measure, including impartial information on how the measure could affect the jurisdiction.	Recommend how to vote on the resolution
Be available at the board meeting to offer impartial information upon request.	Sign a resolution, unless the public employee's signature is ministerial and included only to attest that the board took the vote
Respond to direct questions from the media about the resolution, if their response is impartial.	Prepare a news release or other announcement of the resolution.
If the jurisdiction lists all votes on resolutions in a regularly published publication, they may include the vote in an impartial manner.	Include the vote or position of the governing body in a jurisdiction newsletter or other publication.
Use work time to record the vote if that is part of the employee's work duties.	
Use work time for regular job duties, such as responding to public records requests, taking minutes, retyping the resolution to conform to the required format, etc.	

### Ballot titles

Public employees may use work time to draft ballot titles. A public employee may also defend a challenged ballot title.

Because the impartiality requirements and ballot title challenge process in ORS chapter 250 are distinct from the requirements of ORS 260.432, this office will not review ballot titles for impartiality. Public employees who draft ballot titles as part of their job duties do not violate ORS 260.432 by drafting a ballot title.



See Legal Challenges by Public Jurisdictions, page 9.

### Explanatory statements

Public employees may use work time to draft explanatory statements.

Because the impartiality requirements and explanatory statement process in ORS chapters 251 are distinct from the requirements of ORS 260.432, this office will not review explanatory statements for impartiality. Public employees who draft explanatory statements as part of their job duties will not be found in violation of ORS 260.432 for drafting an explanatory statement.



See Legal Challenges by Public Jurisdictions, page 9.



## Public Employers Discussing Possible Effects of a Measure with Public Employees

A public employer may tell employees about the possible effects of a measure so long as the information presented is impartial and balanced. They may not encourage (implicitly or explicitly) public employees to support or oppose the measure.



Pursuant to ORS 260.665, it is a crime to threaten loss of employment (or other loss) or offer a thing of value to induce someone to vote in a particular manner.

## Measure Forums

A forum to allow political proponents and opponents to debate ballot measures may be held using public employee work time as long as equal access is granted.

Measure forums are governed by the same principles as candidate forums.



See Candidate Forums, page 10.

# Determining Impartiality of Documents

## Elections Division Review of Documents

The Elections Division offers a review service to give advice on whether a document complies with the requirements of ORS 260.432.

To submit a document for review, you may:



[elections.sos@state.or.us](mailto:elections.sos@state.or.us)



**Fax 503 373 7414**



255 Capitol Street NE, Suite 501, Salem, OR 97310

Any Elections Division review of a document must occur before publication or distribution of the document. The Elections Division does not review documents for accuracy, only for impartiality.



ORS 260.532 governs false statements in elections material. It prohibits false statements of material fact about candidates, political committees, or measures. That statute is not enforced through the Elections Division, but instead requires an aggrieved party to pursue their claim in court.

Approval by the Elections Division provides a safe harbor for compliance with ORS 260.432. Should the Elections Division receive a complaint, it will be rejected as long as what was published is exactly what was submitted for review and all recommended changes were made.

When governing bodies receive Elections Division advice, they may choose to make some or all of the changes. If a complaint is received, the governing body will only be provided a safe harbor if they:

- 1 Accepted and made all of the changes recommended by the Elections Division
- 2 Did not otherwise alter the document

Once a document has been reviewed and all of the changes are made, a governing body may include a disclaimer that reads: "This information was reviewed by the Oregon Secretary of State's Office for compliance with ORS 260.432." This is the only acceptable disclaimer.

## Impartiality Requirements

The overall inquiry for determining impartiality is whether the material “promotes or opposes” a candidate, initiative, measure, political committee or recall. In order to be impartial for the purposes of ORS 260.432, a document must meet three requirements:

- Documents must not explicitly urge a yes or no vote;
- Documents must be factually balanced;
- Any document that talks about what a measure would pay for must also fully describe how much it would cost.

The requirements are discussed in further detail below.

### 1 Vote Yes/No

The contents of the document must not urge a yes or no vote for the measure. There should be no “vote yes” or “vote no” language. The document must not include phrases such as:

- “Vote Yes on Measure 99,”
- “Support for Measure 99 is encouraged,”
- “The County is asking voters to approve,”
- “Why Should I Vote for Measure 99?”
- “Voters are asked to support Measure 99,”
- “At election time, please support the Home Rule Charter,”
- “On May 15, 2012, Anytown voters are being asked to continue their support of the community youth by renewing the Youth Action Levy, Measure 57,” and
- “Please support our incumbent mayor.”

Even if the remainder of the document is impartial, explicitly urging someone to vote in a particular manner would be a violation of ORS 260.432.

### 2 Balance of Factual Information

Documents produced by governing bodies must not be one-sided. They must include a balance of factual information.

### 3 Description of Cost

If a measure proposes to affect taxes or fees, the cost of the measure to an individual taxpayer or consumer must be included. In the context of a bond levy, this is generally the cost per \$1,000 of assessed value. The cost must not be worded in a way to minimize it. It is allowable to include an estimate if the exact cost is not known.

**ex** It would be advocacy to describe the cost as “less than”, “merely”, or “only” \$X.

It is allowable to indicate that a bond renewal would not “raise taxes” where the jurisdiction states that the bond, if renewed, would continue to cost \$X per \$1000 assessed value. It is also allowable to state how much the bond would raise taxes compared to the previous bond, as long as the full cost information (generally cost per \$1000) is also included.

**ex** “The ABC Library bond will not raise taxes. If the bond is renewed the rate will remain at \$1.23 per \$1000 assessed value.”

“The ABC School bond is an increase of \$.25 per \$1000 assessed value over the previous bond. The total rate if the bond is passed would be \$1.45 per \$1000 assessed value.”

For measures that use funding mechanisms other than cost per \$1000 assessed value, the cost must be described in a way that clearly informs the public of how the measure would affect taxes.

## Enforcement

### Complaints (ORS 260.345)

Any Oregon elector may file a signed, written complaint with the Secretary of State, Elections Division alleging that a violation of ORS 260.432 (or any other election law) has occurred. The Elections Division also has its own authority to initiate an investigation when it has reason to believe a violation has occurred.

When a complaint is received, the Secretary of State will acknowledge receipt of the complaint to the complainant and the subject of the complaint within 48 hours of receiving the complaint. When the complaint is against a jurisdiction and not any specific individuals, it will be acknowledged to someone the Elections Division believes has responsibility for the area where the public employees are alleged to have violated the statute. The acknowledgment will be in writing.

**ex** If a complaint is against a City and it is not clear who is responsible, it will be acknowledged to the City Manager.

Because ORS 260.432 is a civil statute, the complaint and all investigative documents are public information. The complaint and all correspondence are available for any person who makes a public records request.

### Investigation

Once a complaint is received, an investigation is conducted. The Elections Division will collect information and make inquiries. The subject of the complaint will be invited to respond to the allegations and provide any relevant information. As part of the investigation, the Elections Division may review materials not submitted with or mentioned in the complaint, and those materials may be the basis for a violation. The Elections Division may consider any information it considers relevant to the question of whether individuals in the jurisdiction violated ORS 260.432.

The investigation is independent of any election. The election will not dictate when a determination is made, and any determination will not change the outcome of the election.

### Determination

If the Elections Division determines there is insufficient evidence of a violation of ORS 260.432, it will issue a letter to the complainant and subject of the complaint closing the case.

If the Elections Division determines there is sufficient evidence to indicate individual(s) violated ORS 260.432, it will issue a Notice of Proposed Civil Penalty (PPN). The PPN will lay out the basis for the violation. When the person subject to the penalty receives the notice, they may:

- Choose to pay the penalty, or
- Contest the charges by requesting a hearing

If the person does not contest the penalty, the Elections Division will issue a default final order imposing the civil penalty. If the person chooses to pay the penalty, payment may be submitted by check made payable to the Secretary of State or paid by credit card over the phone. Payment may be mailed to the Elections Division at any time after the PPN is issued, but must be received not later than 60 calendar days after the default final order is issued.

If the person chooses to contest the charges, they must submit a hearing request form (which will be included with the PPN) and an answer, explaining their reasons for contesting the charges and including any relevant mitigating circumstances.

## **Mitigating Circumstances**

The Elections Division will consider reducing, in whole or in part, the civil penalty where the violation is the direct result of an error by an elections officer. The burden is on the person alleged to have committed the violation to show that this mitigating circumstance exists and caused the violation.

## **Hearing Process**

Hearings are conducted by an administrative law judge with the Office of Administrative Hearings (OAH) in Salem. On the hearing request form, the person subject to the civil penalty may select either a hearing in-person or by telephone.

When the Elections Division receives the hearing request and answer, they will forward this information, as well as the PPN and exhibits, to OAH. OAH will schedule a hearing not later than 45 calendar days after the deadline for requesting a hearing and notify the parties of the hearing date. A 15 calendar day extension may be granted if requested in writing by the person subject to the civil penalty.

## **Submitting Exhibits**

Not less than five business days prior to the commencement of the hearing, each party, including the Elections Division, must deliver copies of the exhibits it intends to offer into evidence at the hearing. Exhibits must be delivered to the administrative law judge, all parties, and the Elections Division.

Any documentary evidence submitted after the deadline may be admitted only if the administrative law judge finds that inclusion of the evidence in the record is necessary to conduct a full and fair hearing.

## **Conduct of In-Person or Telephone Hearing**

If the hearing is in-person, it will be held in a hearing room at the Office of Administrative Hearings in Salem. If the hearing is by telephone, the parties will call the phone number provided in the Notice of Hearing sent by the Office of Administrative Hearings. The hearing will be presided over by an administrative law judge who will describe the hearing process at the beginning of each hearing. The parties will then be given the opportunity to give opening statements, present and examine witnesses, and give closing statements.

If the party that requested the hearing does not appear within 15 minutes of the time set for a hearing, the administrative law judge will declare the party in default unless the party gives notice of a reason for the inability to appear at the designated time and requests and receives a continuance.

## **Opportunity to Opt Out of In-Person or Telephone Hearing**

A person that requests a hearing may decide that he or she does not want to appear at the hearing, but still wants to contest the penalty. The person may submit notarized testimony and other evidence for entry into the hearing record before the administrative law judge in lieu of attending the hearing. The Elections Division must receive the testimony no later than three business days before the day of the scheduled hearing.

The Elections Division may also submit notarized testimony. The Elections Division testimony must be received by OAH not later than 5:00 pm on the scheduled date of the hearing. If the Elections Division fails to submit notarized testimony, the Elections Division exhibits become part of the case file and may establish the basis for liability.

## **Proposed Order**

Not later than 30 calendar days after the hearing is closed, OAH sends the administrative law judge's proposed order to the parties. The proposed order will provide a deadline to file written exceptions to the proposed order. If the Elections Division chooses to amend the proposed order issued by the administrative law judge, the Elections Division will send an amended proposed order to the parties, which will provide a deadline to file written exceptions to the amended proposed order.

**Final Order**

After reviewing and considering the written exceptions, if any, the Elections Division will issue a final order no later than 90 calendar days after the hearing is closed. If the final order imposes a civil penalty, the party has 60 calendar days to pay the penalty or file an appeal.

**Judicial Review**

After the issuance of a final order or default final order, the person subject to the civil penalty is entitled to judicial review of the order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 calendar days of the service date of the order.

## **ATTENTION ALL PUBLIC EMPLOYEES:**

**The restrictions imposed by the law of the State of Oregon on your political activities are that “No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.”**

**It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours. (ORS 260.432)**



## ORS 260.432 Quick Reference— Restrictions on Political Campaigning for Public Employees rev 12/13

Generally, ORS 260.432 states that a public employee\* may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

\*A "public employee" includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).

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### As used in this Quick Reference

We use the phrase "advocate(s) a political position" to mean—

promote or oppose an initiative, referendum or recall petition, candidate, political committee or ballot measure.

The term "impartial" means equitable, fair, unbiased and dispassionate.

See the Secretary of State's detailed manual on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures. It is posted on the website under Election Laws, Rules and Publications, Manuals and Tutorials.

For more detailed information about ORS 260.432 and information about other election laws, contact:

Elections Division	phone	503-986-1518
Secretary of State	fax	503-373-7414
255 Capitol St NE, Suite	tty	1-800-735-2900
Salem, OR 97310	web	<a href="http://www.oregonvotes.gov">www.oregonvotes.gov</a>

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### Prohibited Activities

A public employee, while on the job during work hours may not:

- prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position
- collect funds, prepare filing forms or correspondence on behalf of candidates or political committees
- produce or distribute a news release or letter announcing an elected official's candidacy for re-election (except for an elections official doing so as an official duty) or presenting an elected official's political position
- make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee (however, a scheduler may, as part of official duties, take incoming calls about the official's availability and add an event to the schedule)
- grant unequal access to public facilities to candidates or political committees
- direct other public employees to participate in political activities, when in the role of a supervisor
- draft, type, format or edit a governing body's resolution that advocates a political position (except to conform the resolution to a standard format)
- prepare or give recommendations to the governing body urging which way to vote on such a resolution
- sign such a resolution, except if the signature is only ministerial and clearly included to attest the board took the vote
- announce the governing body's position on such a resolution to the media
- include the governing body's position or vote on such a resolution in a jurisdiction's newsletter or other publication

A public employee who provides voter registration assistance under the federal National Voter Registration Act (NVRA) must not, when performing voter registration services, influence a client's political choices. This means no display of political preferences, including a restriction that no political buttons may be worn. ORS 247.208(3)

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## Allowable Activities

A public employee, while on the job during working hours may:

- prepare and distribute impartial written material or make an impartial presentation that discusses election subjects (using the guidelines provided in the Secretary of State's detailed manual on ORS 260.432.)

The Secretary of State's Elections Division is also available for an advisory review of draft material about ballot measures produced by government agencies.

- perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting a proposed resolution into a board agenda packet, etc.
  - impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way
  - address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee's normal duties
  - as staff of an elected official, handle incoming calls about the official's availability for political events
  - prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body's proposed issue before certified as a measure to a ballot is not subject to ORS 260.432)
  - in a clerical manner, incorporate amendments into a finalized version of a governing body's resolution on an issue respond to public records request for information, even if the material advocates a political position
  - wear political buttons subject to applicable employer policies unless the public employee is providing voter registration services under NVRA, where additional restrictions apply - see note on previous page about ORS 247.208(3)
- A public employee, on their own, off duty time, may send letters to the editor that advocate a political position and may participate in any other lawful political activity.

It is advised that a salaried public employee keep records when appropriate in order to verify any such political activity that occurs while off duty.

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## Prohibited and Allowable Activities for Elected Officials\*

\*includes a person appointed to fill a vacancy in an elective public office

### Elected officials may:

- advocate a political position at any time. Elected officials are not considered a "public employee" for purposes of ORS 260.432. ORS 260.432(4)(a).
- vote with the other elected officials of a governing body (such as a school board, city council or county commission) to support or oppose a measure, and publicly discuss such a vote—but must not use the public employee staff time to assist in this, except for ministerial functions
- perform campaign activity at any time, however must take caution not to involve any public employee's work time to do so

### Elected officials may not:

- in the role of a supervisor, request a public employee—whether the public employee is on or off duty—to perform any political activity
- A request made by a person in a position of supervisor or superior is viewed as a command for purposes of this election law.
- have an opinion piece or letter advocating a political position published in a jurisdiction's newsletter or other publication produced or distributed by public employees



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF CLATSKANIE SCHOOL DISTRICT NO. 6J, COLUMBIA AND CLATSOP COUNTIES, OREGON CALLING A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE DISTRICT THE QUESTION OF CONTRACTING A GENERAL OBLIGATION BONDED INDEBTEDNESS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$~~\_\_\_\_\_~~\$10,000,000 TO FINANCE CAPITAL COSTS; DECLARING INTENT TO REIMBURSE EXPENDITURES; AND RELATED MATTERS.**

**WHEREAS**, the Board of Directors (the "District School Board") of Clatskanie School District No. 6J, Columbia and Clatsop Counties, Oregon, a school district organized under Oregon Revised Statutes ("ORS") Chapter 332 (the "District"), has determined that a need exists for the District to finance capital costs, as more fully described in the Notice of Measure Election attached hereto as Exhibit A and to pay bond issuance costs (collectively, the "Project"); and

**WHEREAS**, in connection with the Project, the District has evaluated the need for safety improvements, the joint funding of safety improvements with other public and private entities and the funding of safety improvements in accordance with ORS 332.176; and

**WHEREAS**, the cost of the Project is estimated to be not less than \$~~\_\_\_\_\_~~\$14,000,000; and

**WHEREAS**, ORS 328.205, as amended (the "Act"), authorizes the District, subject to voter approval, to contract bonded indebtedness to provide funds to finance the costs of the Project and to pay bond issuance costs; and

**WHEREAS**, Oregon Laws 2015, Chapter 783 (Senate Bill 447) established an Oregon School Capital Improvement Matching Program (the "OSCIM Program") which provides matching fund grants to school districts for capital costs of school districts; and

**WHEREAS**, the OSCIM Program requires matching funds in an amount equal to or exceeding the amount of the grant and such matching funds must be from general obligation bonds approved by the voters of the District; and

**WHEREAS**, the District expects to be awarded a \$~~3,357,5324,000,000~~ grant from the OSCIM Program; and

**WHEREAS**, the District anticipates incurring expenditures (the "Expenditures") to finance the costs of the Project and wishes to declare its official intent to reimburse itself for any Expenditures it may make from its general funds on the Project from the proceeds of voter-approved general obligation bonds (the "Bonds"), the interest on which is expected to be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

**WHEREAS**, the District School Board has determined that it is in the best interest of the District to place the question of issuing the general obligation bonds on the ballot at the May 18, 2021 election; and

**NOW, THEREFORE, THE DISTRICT SCHOOL BOARD OF CLATSKANIE SCHOOL DISTRICT NO. 6J, COLUMBIA AND CLATSOP COUNTIES, OREGON RESOLVES AS FOLLOWS:**

1. A measure election is hereby called for the purpose of submitting to the electors of the District the question of contracting a general obligation bonded indebtedness in the name of the District in an amount not to exceed \$~~\_\_\_\_\_~~ \$10,000,000. Bond proceeds will be used to finance the costs of the Project and pay all bond issuance costs. The Bonds shall mature over a period of not more than ~~\_\_\_\_\_~~ (~~20~~)twenty (20) years from the date of issue and may be issued in one or more series.

2. The measure election hereby called shall be held in the District on May 18, 2021. As authorized by the County Clerk of Columbia and Clatsop Counties, Oregon and the Oregon Secretary of State, the election shall be conducted by mail pursuant to ORS 254.465 and 254.470.

3. The District authorizes the Superintendent or the ~~\_\_\_\_\_~~ Director of Student Support and Innovation, or either of their designee, as the authorized representative (the "Authorized Representative") to act on behalf of the District, to submit the final ballot title and explanatory statement, if any, and to take such further action as is necessary or desirable to carry out the intent and purposes herein in compliance with the applicable provisions of law.

4. The Authorized Representative shall cause to be delivered to the Elections Official of Columbia County, Oregon, the Notice of Measure Election (the "Notice") in substantially the form attached hereto as Exhibit A, with such changes as are approved and filed by the Authorized Representative as follows:

- a. Not later than February 26, 2021 (at least 80 days prior to the election date) for publication of notice by Columbia and Clatsop Counties on Form SEL 805; and \_\_\_\_\_
- b. Not sooner than after completion of the ballot title challenge process provided in the Secretary of State's Referral Manual and not later than March 18, 2021 (61 days prior to the election date) on Form SEL 803.

5. The Authorized Representative shall cause to be delivered to the Elections Official of Columbia County, Oregon, an Explanatory Statement if the County prepares a voters' pamphlet for the May 18, 2021 election, which shall be approved and filed by the Authorized Representative at the time of filing Form SEL 803 pursuant to paragraph 4.b. above.

6. The District hereby declares its official intent to reimburse itself with the proceeds of the Bonds for any of the Expenditures incurred by it prior to the issuance of the Bonds.

7. The law firm of Mersereau Shannon LLP is hereby appointed to serve as bond counsel and Piper Sandler & Co. has been engaged to serve as underwriter or placement agent with respect to the Bonds.

**ADOPTED** by the District School Board of Clatskanie School District No. 6J, Columbia and Clatsop Counties, Oregon, this 8th day of February 2021.

**CLATSKANIE SCHOOL DISTRICT NO. 6J  
COLUMBIA AND CLATSOP COUNTIES, OREGON**

By: \_\_\_\_\_  
Chair

ATTEST:

By: \_\_\_\_\_  
Superintendent

EXHIBIT A

NOTICE OF MEASURE ELECTION

CLATSKANIE SCHOOL DISTRICT NO. 6J  
COLUMBIA AND CLATSOP COUNTIES, OREGON

Notice

Date of Notice	Name of District	Name of County or Counties	Date of Election
_____	Clatskanie School District No. 6J	Columbia and Clatsop	May 18, 2021

Ballot Title

**Caption** (10 words which reasonably identifies the subject of the measure)

Authorizes General Obligation Bonds \_\_\_\_\_

**Question** (20 words which plainly phrases the chief purpose of the measure; second sentence is not included in word count)

Shall Clatskanie School District No. 6J issue \$\_\_\_\_\_ ~~\$10,000,000~~ general obligation bonds for school capital costs, receive \$\_\_\_\_\_ ~~\$4,000,000~~ grant? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** (175 words which concisely and impartially summarizes the measure and its major effect)

The District has been awarded a \$~~3,357,5324,000,000~~ State grant which will be available only if the bonds are approved. ~~If the bonds are not approved, the grant will go to another District.~~

If approved, ~~this measure~~ bond and grant funds would finance capital costs within the District, including:

- Paying bond issuance costs

Bonds would mature in ~~—~~20 years or less from the date of issuance and may be issued in one or more series. If approved, the bond tax rate is estimated to be \$\_\_\_\_\_ ~~maintain the current bond levy rate of \$0.91~~ per \$1,000.00 of assessed value. Actual rates may vary based upon interest rates incurred and changes in assessed value.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF CLATSKANIE SCHOOL DISTRICT NO. 6J, COLUMBIA AND CLATSOP COUNTIES, OREGON CALLING A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE DISTRICT THE QUESTION OF CONTRACTING A GENERAL OBLIGATION BONDED INDEBTEDNESS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 TO FINANCE CAPITAL COSTS; DECLARING INTENT TO REIMBURSE EXPENDITURES; AND RELATED MATTERS.**

**WHEREAS**, the Board of Directors (the “District School Board”) of Clatskanie School District No. 6J, Columbia and Clatsop Counties, Oregon, a school district organized under Oregon Revised Statutes (“ORS”) Chapter 332 (the “District”), has determined that a need exists for the District to finance capital costs, as more fully described in the Notice of Measure Election attached hereto as Exhibit A and to pay bond issuance costs (collectively, the “Project”); and

**WHEREAS**, in connection with the Project, the District has evaluated the need for safety improvements, the joint funding of safety improvements with other public and private entities and the funding of safety improvements in accordance with ORS 332.176; and

**WHEREAS**, the cost of the Project is estimated to be not less than \$14,000,000; and

**WHEREAS**, ORS 328.205, as amended (the “Act”), authorizes the District, subject to voter approval, to contract bonded indebtedness to provide funds to finance the costs of the Project and to pay bond issuance costs; and

**WHEREAS**, Oregon Laws 2015, Chapter 783 (Senate Bill 447) established an Oregon School Capital Improvement Matching Program (the “OSCIM Program”) which provides matching fund grants to school districts for capital costs of school districts; and

**WHEREAS**, the OSCIM Program requires matching funds in an amount equal to or exceeding the amount of the grant and such matching funds must be from general obligation bonds approved by the voters of the District; and

**WHEREAS**, the District expects to be awarded a \$4,000,000 grant from the OSCIM Program; and

**WHEREAS**, the District anticipates incurring expenditures (the “Expenditures”) to finance the costs of the Project and wishes to declare its official intent to reimburse itself for any Expenditures it may make from its general funds on the Project from the proceeds of voter-approved general obligation bonds (the “Bonds”), the interest on which is expected to be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”).

**WHEREAS**, the District School Board has determined that it is in the best interest of the District to place the question of issuing the general obligation bonds on the ballot at the May 18, 2021 election; and

**NOW, THEREFORE, THE DISTRICT SCHOOL BOARD OF CLATSKANIE SCHOOL DISTRICT NO. 6J, COLUMBIA AND CLATSOP COUNTIES, OREGON RESOLVES AS FOLLOWS:**

1. A measure election is hereby called for the purpose of submitting to the electors of the District the question of contracting a general obligation bonded indebtedness in the name of the District in an amount not to exceed \$10,000,000. Bond proceeds will be used to finance the costs of the Project and pay all bond issuance costs. The Bonds shall mature over a period of not more than twenty (20) years from the date of issue and may be issued in one or more series.

2. The measure election hereby called shall be held in the District on May 18, 2021. As authorized by the County Clerk of Columbia and Clatsop Counties, Oregon and the Oregon Secretary of State, the election shall be conducted by mail pursuant to ORS 254.465 and 254.470.

3. The District authorizes the Superintendent or the Director of Student Support and Innovation, or either of their designee, as the authorized representative (the "Authorized Representative") to act on behalf of the District, to submit the final ballot title and explanatory statement, if any, and to take such further action as is necessary or desirable to carry out the intent and purposes herein in compliance with the applicable provisions of law.

4. The Authorized Representative shall cause to be delivered to the Elections Official of Columbia County, Oregon, the Notice of Measure Election (the "Notice") in substantially the form attached hereto as Exhibit A, with such changes as are approved and filed by the Authorized Representative as follows:

- a. Not later than February 26, 2021 (at least 80 days prior to the election date) for publication of notice by Columbia and Clatsop Counties on Form SEL 805; and
- b. Not sooner than after completion of the ballot title challenge process provided in the Secretary of State's Referral Manual and not later than March 18, 2021 (61 days prior to the election date) on Form SEL 803.

5. The Authorized Representative shall cause to be delivered to the Elections Official of Columbia County, Oregon, an Explanatory Statement if the County prepares a voters' pamphlet for the May 18, 2021 election, which shall be approved and filed by the Authorized Representative at the time of filing Form SEL 803 pursuant to paragraph 4.b. above.

6. The District hereby declares its official intent to reimburse itself with the proceeds of the Bonds for any of the Expenditures incurred by it prior to the issuance of the Bonds.

7. The law firm of Mersereau Shannon LLP is hereby appointed to serve as bond counsel and Piper Sandler & Co. has been engaged to serve as underwriter or placement agent with respect to the Bonds.

**ADOPTED** by the District School Board of Clatskanie School District No. 6J, Columbia and Clatsop Counties, Oregon, this 8th day of February 2021.

**CLATSKANIE SCHOOL DISTRICT NO. 6J  
COLUMBIA AND CLATSOP COUNTIES, OREGON**

By: \_\_\_\_\_  
Chair

ATTEST:

By: \_\_\_\_\_  
Superintendent

EXHIBIT A

NOTICE OF MEASURE ELECTION

CLATSKANIE SCHOOL DISTRICT NO. 6J  
COLUMBIA AND CLATSOP COUNTIES, OREGON

Notice

Date of Notice	Name of District	Name of County or Counties	Date of Election
_____	Clatskanie School District No. 6J	Columbia and Clatsop	May 18, 2021

Ballot Title

**Caption** (10 words which reasonably identifies the subject of the measure)

Authorizes General Obligation Bonds \_\_\_\_\_

**Question** (20 words which plainly phrases the chief purpose of the measure; second sentence is not included in word count)

Shall Clatskanie School District No. 6J issue \$10,000,000 general obligation bonds for school capital costs, receive \$4,000,000 grant? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** (175 words which concisely and impartially summarizes the measure and its major effect)

The District has been awarded a \$4,000,000 State grant which will be available only if the bonds are approved.

If approved, bond and grant funds would finance capital costs within the District, including:

- Paying bond issuance costs

Bonds would mature in 20 years or less from the date of issuance and may be issued in one or more series. If approved, the bond tax rate is estimated to maintain the current bond levy rate of \$0.91 per \$1,000.00 of assessed value. Actual rates may vary based upon interest rates incurred and changes in assessed value.



# Notice of Measure Election

## District

29-153

**SEL 803**  
rev 01/18 ORS 250.035,  
 250.041, 255.145, 255.345

Notice			
Date of Notice	Name of District	Name of County or Counties	Date of Election
	Nestucca Valley School District	Tillamook and Yamhill	May 15, 2018

**Final Ballot Title** The following is the final ballot title of the measure to be submitted to the district's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure.

Authorizes General Obligation Bonds to Construct and Renovate School Facilities

**FILED**  
**MAR 12 2018**  
**TASSI O'NEIL**  
**COUNTY CLERK**

**Question** 20 words which plainly phrases the chief purpose of the measure.

Shall Nestucca School District issue \$25,700,000 general obligation bonds for capital costs, renovate and expand elementary facilities, receive \$4,000,000 grant? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.

Nestucca Valley School District No. 101 has been awarded \$4,000,000 in State grants which will be available only if the bonds are approved.

If approved, this measure would finance capital costs, including:

- Renovate existing elementary facilities: plumbing, electrical, windows, siding and finishes.
- Construct addition to elementary facilities increasing the capacity to move 7th and 8th graders out of the JRSR High School to a K-8 campus. The construction will include: new cafeteria, commons, classrooms, regulation-size gymnasium, parking facility, playground, landscaping and other improvements with energy efficient, seismic, safety and security design.
- Facilities may serve as emergency shelter for area residents following a natural disaster.
- Renovate K-8 water system, purchase property and other capital improvements to District facilities.
- Pay issuance costs.

Bonds would mature in 21 years or less from date(s) of issuance. If approved, the incremental tax rate increase from the projected 2019 rate is estimated to be \$0.99 per \$1,000.00 of assessed value. Actual rates may vary based upon interest rates incurred and changes in assessed value.

**Explanatory Statement** 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the district elections authority; or  
 → any initiative or referendum, if required by local ordinance.

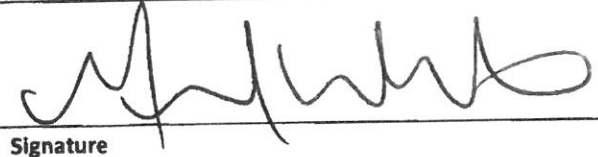
Explanatory Statement Attached?  Yes  No

**Authorized District Official** Not required to be notarized.

Name	Title
Misty Wharton	Superintendent
Mailing Address	Contact Phone
36925 Hwy. 101 S. Cloverdale, OR 97112-9601	(503) 392-3435

*By signing this document:*

→ I hereby state that I am authorized by the district elections authority to submit this Notice of Measure Election; and  
 → I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.



3/12/18  
 Date Signed

Signature

# Notice of Measure Election

District

20-297

4 SEP '18 PM 3:4  
SEL 803  
rev 03/18 ORS 250.035,  
250.041, 255.145, 255.345

## Notice

<b>Date of Notice</b> Sept. 4, 2018	<b>Name of District</b> Eugene School District 4J	<b>Name of County or Counties</b> Lane and Linn	<b>Date of Election</b> Nov. 6, 2018
--	--	--	---

**Final Ballot Title** The following is the final ballot title of the measure to be submitted to the district's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure.

Bonds to Construct, Improve School Facilities, Address Safety, Overcrowding

**Question** 20 words which plainly phrases the chief purpose of the measure.

Shall Eugene School District Improve school facilities, safety, career education, curriculum, technology, address overcrowding by issuing \$319.3 million in bonds?

If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.

The Eugene School Board has found that this measure is needed to construct and improve school facilities, address safety and security, and support student learning.

Eugene School District 4J has been awarded \$8,000,000 in state grants which will be available only if the bonds are approved.

If approved, this measure would finance capital costs, including projects that:

- Construct, furnish, replace, renovate, improve, repair and remodel school facilities and other property used for district purposes.
- Improve student safety and security across the district.
- Acquire textbooks and instructional materials.
- Acquire technology to support classroom instruction, and improve infrastructure.
- Acquire vehicles for transporting students and enhance access routes to schools.
- Acquire equipment and real property.
- Pay bond issuance costs.

The bonds may be issued in one or more series and each series will mature no more than 21 years from the date of issuance. If approved, the increase over the 2019 projected levy rate is estimated to be \$0.66 per \$1,000.00 of assessed value. Actual rates may vary based upon interest rates incurred and changes in assessed value.

**Explanatory Statement** 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

- any measure referred by the district elections authority; or
- any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached?  Yes  No

**Authorized District Official** Not required to be notarized.

<b>Name</b> Cydney Vandercar	<b>Title</b> Assistant Superintendent for Administrative Services
<b>Mailing Address</b> 200 N. Monroe St., Eugene OR 97402	<b>Contact Phone</b> 541-790-7706

*By signing this document:*

- I hereby state that I am authorized by the district elections authority to submit this Notice of Measure Election; and
- I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

FILED

SEP 04 2018

Sept. 4, 2018

LANE COUNTY ELECTIONS

Date Signed

**Notice of Measure Election  
District**

2-129

**SEL 803**  
rev 03/18 ORS 250.035,  
250.041, 255.145, 255.345

Notice			
Date of Notice	Name of District	Name of County or Counties	Date of Election
	Alsea School District No. 7J	Benton	November 3, 2020

**Final Ballot Title** The following is the final ballot title of the measure to be submitted to the district's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure.

Authorizes General Obligation Bonds for School Facility Improvements

**Question** 20 words which plainly phrases the chief purpose of the measure.

Shall Alsea School District No. 7J issue \$2,100,000 general obligation bonds for capital costs, facility improvements and receive \$1,740,000 grant? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.

The District has been awarded a \$1,740,000 State grant which will be available only if the bonds are approved. If the bonds are not approved, the grant will go to another District.

If approved, this measure would finance capital costs of the District, including:

- Improving, constructing, equipping and furnishing classrooms, exterior gathering plaza, vocational shop, administrative offices, covered bus waiting area, community weight room expansion, locker rooms and restrooms, kitchen, lunchroom, and rooms for life skills, social education, culinary arts
- Security and safety improvements and additions including controlled entries, security system, and fire alarm
- HVAC, window, lighting, communications and technology improvements
- Replacing bus repair facility
- Improving track and grandstand
- Paying costs of issuance

Bonds would mature in 26 years or less from the date of issuance and may be issued in one or more series. If approved, the bond tax rate is estimated to be \$1.00 per \$1,000.00 of assessed value. Actual rates may vary based upon interest rates incurred and changes in assessed value.

**Explanatory Statement** 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the district elections authority; **or**

→ any initiative or referendum, if required by local ordinance.

**Explanatory Statement Attached?**  Yes  No

**Authorized District Official** Not required to be notarized.


<b>Name</b> Marc Thielman	<b>Title</b> Superintendent
<b>Mailing Address</b> 301 South 3rd Street, Alsea, OR 97324	<b>Contact Phone</b> 541-487-4305

*By signing this document:*

→ I hereby state that I am authorized by the district elections authority to submit this Notice of Measure Election; and

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

**FILED**

Signature: 

Time: 2:05 PM

Date Signed: 08/27/2020

2-129

## EXPLANATORY STATEMENT

The Alsea School District 7J has placed a construction bond on the November 2020 ballot. If approved, this bond would provide funds to make capital improvements to District facilities.

Alsea School District 7J has been awarded a 1.745-million-dollar grant from the State of Oregon to use on identified projects if the bond measure is approved. If the bond measure is not approved, those grant funds would go to a different school district and will not be utilized for much needed facility and safety upgrades in Alsea.

Alsea School District 7J's Long Range Facilities Planning Committee, comprised of community members, parents, and staff reviewed data on the District's existing facilities, examined enrollment projections, discussed changes on how education is delivered and gathered input from the community to create a facilities improvement plan. If approved, the plan outlines bond funds be used to:

- Install Electronic Access Controls: at exterior doors to provide added safety and security
- Provide 2 new classrooms
- Demolish existing relocatable building and construct a new culinary arts, life skills and special education classroom
- Remodel and seismically upgrade the existing shop into a Serving Kitchen & Lunchroom.
- New VOC Shop Building Facility
- Construct a new Front Office Addition & Rear Vestibule addition & Office Expansion: secure entry, sick room, reception counter and additional offices.
- Build a new Bus Repair Facility: demolish old facility and replace with a new enclosed bay structure.
- Locker and toilet room remodeling and restoration
- Expand the Play Shed to include a new weight room that will also serve as an after-hours community use facility
- Electrical Service upgrade & new generator: Upsize and consolidate existing electrical services and provide emergency back-up generator.
- Fire alarm replacement to meet modern day occupancy safety standards
- New Heating & Cooling & Boiler Demolition: Provide HVAC mini splits at classroom space & new HVAC unit for gymnasium. Reclaim boiler room as instructional space.
- Replace school intercom and bell system
- Replace windows
- Construct a new "Graduation Plaza, and flagpole monument adjacent to Gym exits
- Provide needed grandstand repairs and crow's nest renovation.
- Construct a new covered bus waiting area.
- Track upgrade: Reconfigure the existing track in its current location to have (6) lanes and be regulation sized.
- Pay bond issuance costs.

**What would the bond cost?**

**FILED**

AUG 27 2020

FILED 2020 (M.V.)

2-129

If approved, the incremental tax rate increase from the projected 2019 rate is estimated to be \$1.00 per \$1,000.00 of assessed value. Actual rates may vary based upon interest rates incurred and changes in assessed value.


The bonds would mature in 26 years or less from the date of issuance and may be issued in one or more series.

The District is a single campus facility serving 220 students for in person instruction. The District operates on approximately \$6 million in general fund budget, supported mainly through the State School Fund and local property tax revenue.

Submitted by:  
Marc Thielman  
Superintendent  
Alsea School District 7J

FILED

AUG 27 2020

Time: 2:05 PM  
Deputy: 

# Notice of Measure Election

District

SEL 803

rev 03/18 ORS 250.035,  
250.041, 255.145, 255.345

# 19-34

<b>Notice</b>			
<b>Date of Notice</b>	<b>Name of District</b>	<b>Name of County or Counties</b>	<b>Date of Election</b>
February 13, 2019	North Lake School District #14	Lake	May 21, 2019

**Final Ballot Title** The following is the final ballot title of the measure to be submitted to the district's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure.  
Authorizes General Obligation Bonds to construct and renovate school facilities.

**Question** 20 words which plainly phrases the chief purpose of the measure.  
Shall District issue up to \$5,000,000 general obligation bonds for upgrades, renovations, classrooms, transportation maintenance facilities, receive \$3,000,000-\$4,000,000 grant? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.  
North Lake School District No. 14 was awarded \$3,000,000 in State grants which are available only if bonds are approved. District is also first on waiting list for additional \$1,000,000 State grant; if full \$4,000,000 State funds are received by District, only \$4,000,000 in bonds will be issued.  
If approved, this measure would finance capital costs within District, including:  
- Construction and equipping of elementary school improvements including additional classrooms, special education room, multipurpose gym for physical education and community use, playground upgrades  
- Replacing annex with upgraded modular for alternative education, preschool, community use including 4-H  
- Constructing indoor bus maintenance facility  
- Pay issuance costs  
Bonds would mature in 20 years or less from the date of issuance and may be issued in one or more series. If approved, the tax rate on \$5,000,000 bond is estimated to be \$1.37 per \$1,000.00 of assessed value, or on \$4,000,000 bond is estimated to be \$1.09 per \$1,000.00 of assessed value. Actual rates may vary based upon interest rates incurred and changes in assessed value.

**Explanatory Statement** 500 words that impartially explains the measure and its effect.  
If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:  
→ any measure referred by the district elections authority; or  
→ any initiative or referendum, if required by local ordinance.  
**Explanatory Statement Attached?**  Yes  No

**Authorized District Official** Not required to be notarized.

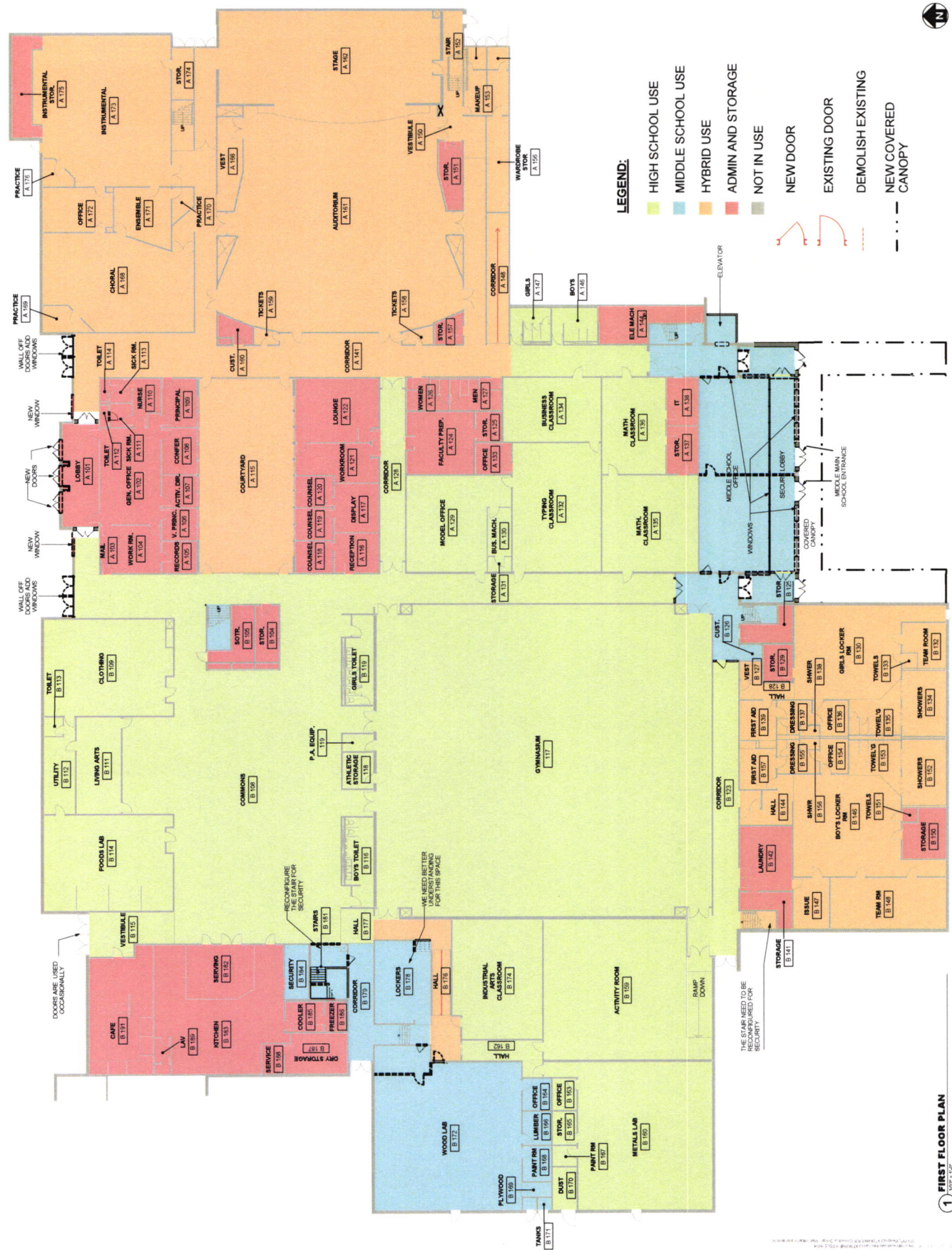
<b>Name</b>	<b>Title</b>
David Kerr	Superintendent
<b>Mailing Address</b>	<b>Contact Phone</b>
57566 Fort Rock Rd, Silver Lake, OR 97638	(541) 576-2121

**By signing this document:**  
→ I hereby state that I am authorized by the district elections authority to submit this Notice of Measure Election; and  
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature David Kerr Reid 2-13-2019 8/8 Date Signed 2-13-2019



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**LEGEND:**

- HIGH SCHOOL USE
- MIDDLE SCHOOL USE
- HYBRID USE
- ADMIN AND STORAGE
- NOT IN USE
- NEW DOOR
- EXISTING DOOR
- DEMOLISH EXISTING
- NEW COVERED CANOPY

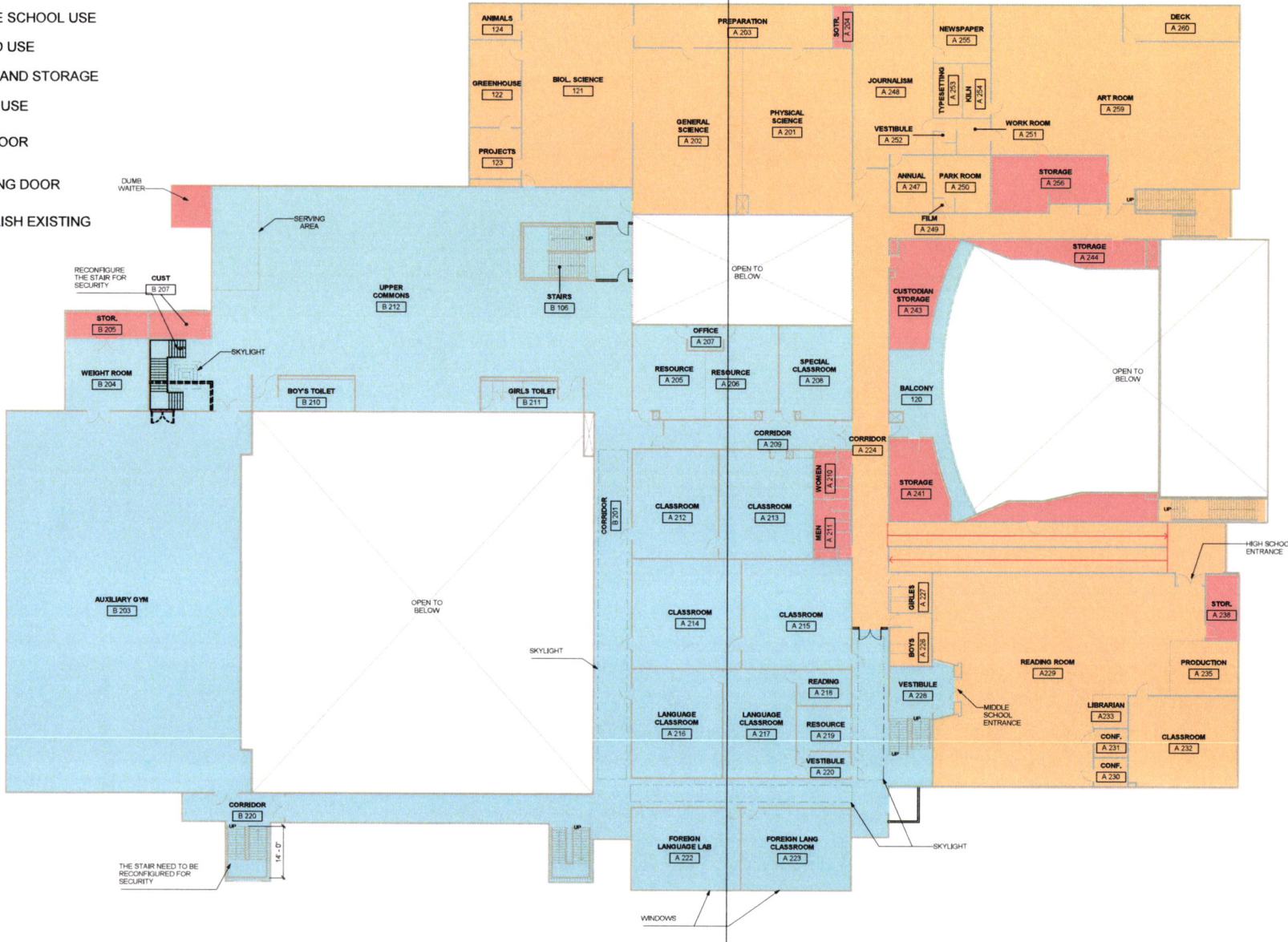
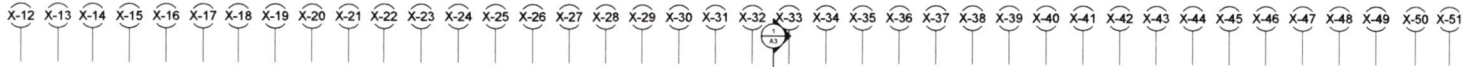




**LEGEND:**

- HIGH SCHOOL USE
- MIDDLE SCHOOL USE
- HYBRID USE
- ADMIN AND STORAGE
- NOT IN USE

- NEW DOOR
- EXISTING DOOR
- DEMOLISH EXISTING



SEATTLE  
5000 3RD AVENUE S.  
PO BOX 46062  
SEATTLE, WA 98146  
1 206.462.0000  
www.mckinstry.com

**CLATSKANIE M&H SCHOOL**

471 BEL AIR DR. CLATSKANIE, OR 97016

**REVISIONS**

NO.	DATE	DESCRIPTION
1		ISSUANCE DESIGN PROPOSALS
2		ISSUANCE DESIGN CHANGES

DESIGNED BY: MLM  
DRAWN BY: MLM  
CHECKED BY: Chen  
APP. NO.:

**SHEET TITLE**

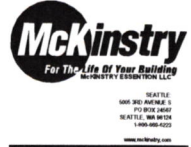
**SECOND FLOOR PLAN**

SHEET NUMBER:



**A2**

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PROJECT NAME

ADDRESS

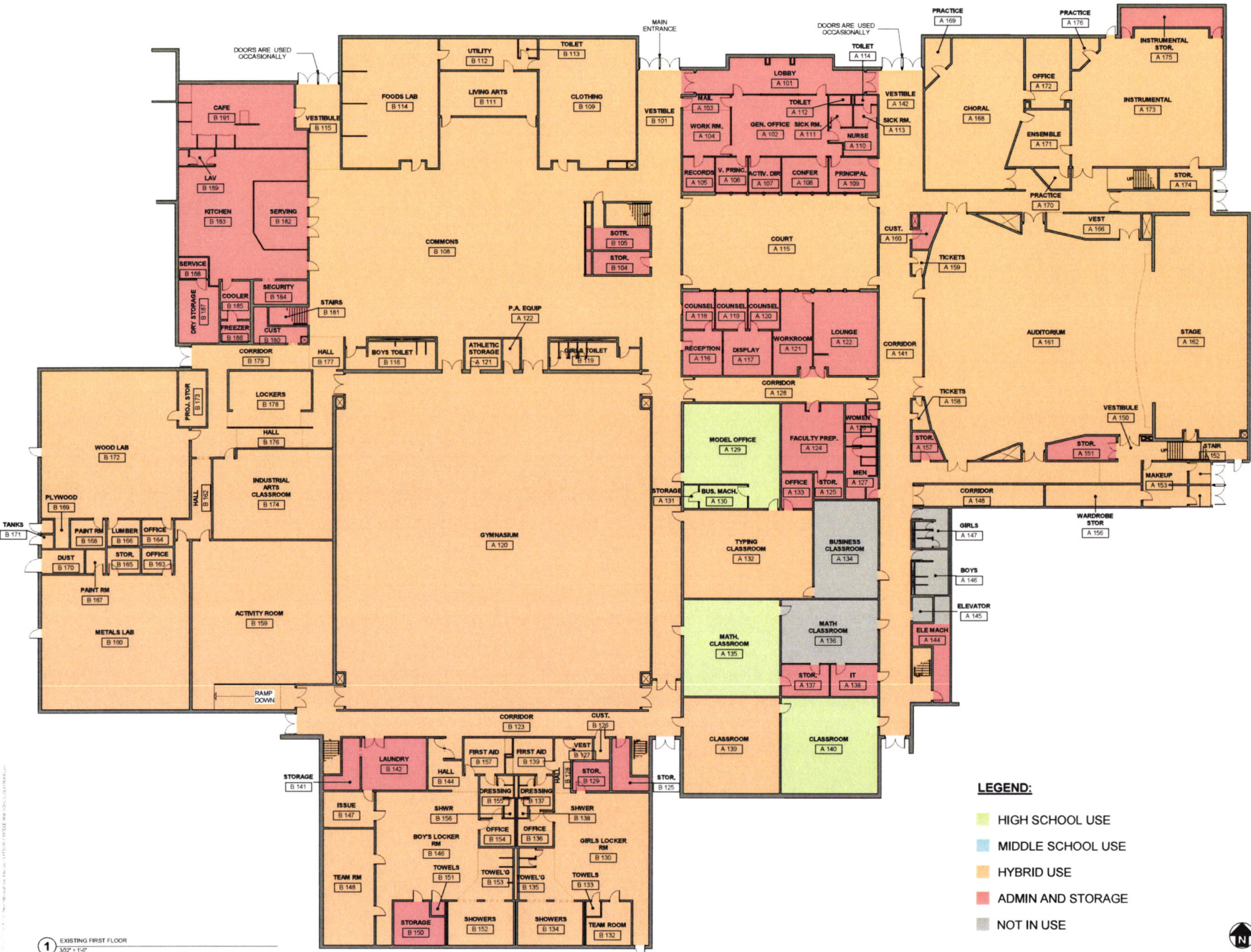
REGISTRATION

SHEET NO. DATE DESCRIPTION

SHEET TITLE  
EXISTING FIRST FLOOR

SHEET NUMBER

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- LEGEND:**
- HIGH SCHOOL USE
  - MIDDLE SCHOOL USE
  - HYBRID USE
  - ADMIN AND STORAGE
  - NOT IN USE

1 EXISTING FIRST FLOOR  
3/02" = 1'-0"



A3

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SEATTLE  
 3600 3RD AVENUE S.  
 P.O. BOX 48404  
 SEATTLE, WA 98104  
 206.466.4333  
 www.mckinstry.com

PROJECT  
**PROJECT NAME**

ADDRESS

REGISTRATION

REVISED

NO.	DATE	DESCRIPTION

DESIGNED BY

DRAWN BY

CHECKED BY

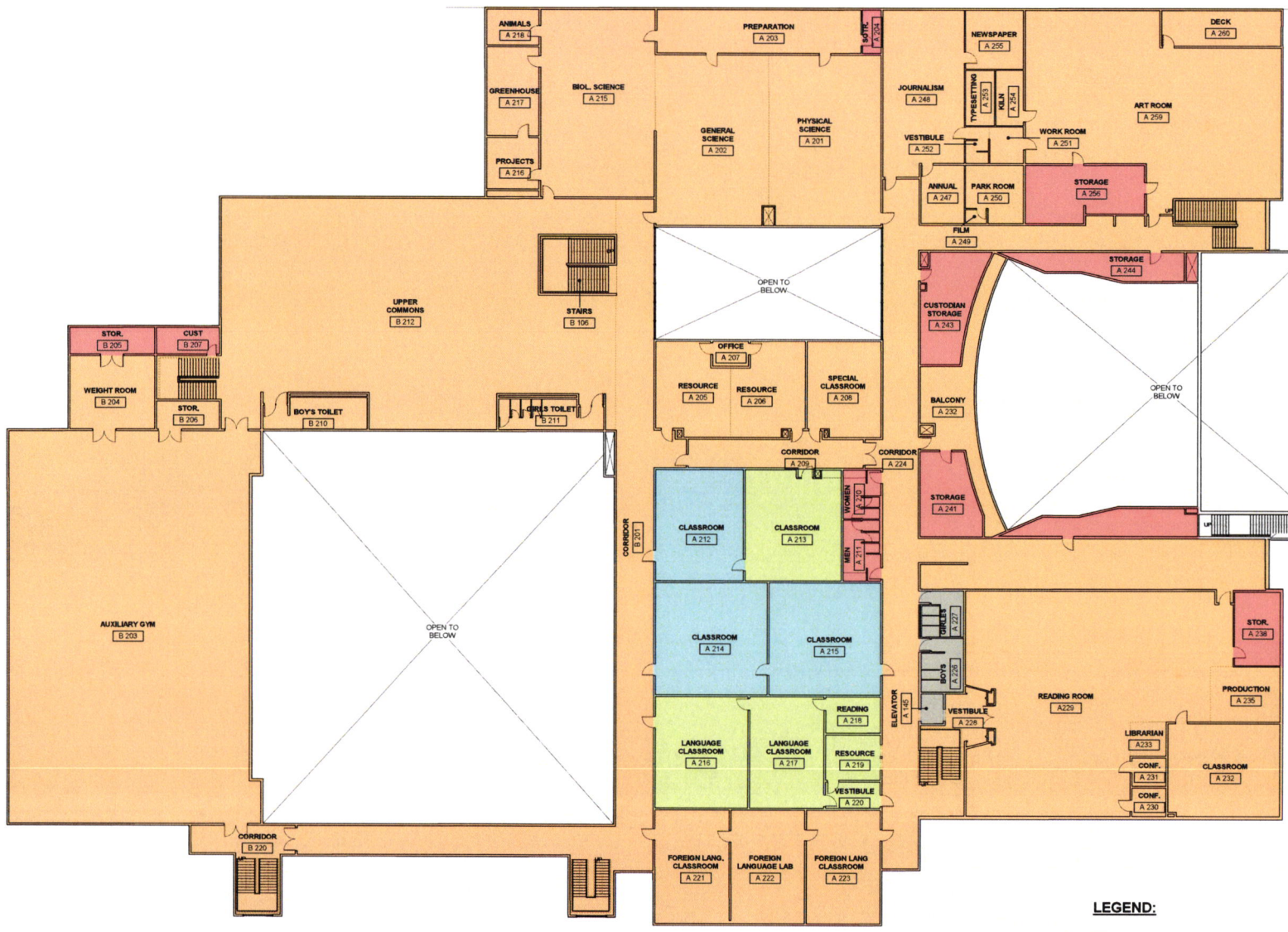
JOB NO.

SHEET TITLE

EXISTING SECOND FLOOR

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 (Y-7)



- LEGEND:**
- HIGH SCHOOL USE
  - MIDDLE SCHOOL USE
  - HYBRID USE
  - ADMIN AND STORAGE
  - NOT IN USE

1 EXISTING SECOND FLOOR  
 3/32" = 1'-0"



A4