



1.0 Application

EMSWCD Directive 1.1.6 applies to all public comments.

2.0 Definitions

Public Comment: Any oral or written, formal or informal, communication made by East Multnomah Soil & Water Conservation District (EMSWCD) staff on behalf of EMSWCD to any person or entity that is not staff or a Board member of EMSWCD.

3.0 Policy

It shall be the policy of the EMSWCD that prior to making any public comment EMSWCD staff must apply the decision-making criteria in section 4.0 below to determine if a public comment is permissible and whether Board input must be sought prior to commenting. If a public comment is permissible, staff must also determine whether the Board must be notified of such public comment by using the checklist in section 5.0 below.

4.0 Decision-making Criteria

EMSWCD Staff shall apply the criteria below to determine if a public comment, made on behalf of EMSWCD, is possible without Board approval.

1. Is the issue directly or indirectly related to the EMSWCD mission?
 - a. If yes, then proceed to Question #2.
 - b. If no, then commenting on EMSWCD's behalf is not permissible.
2. Has the EMSWCD Board already taken a position on the issue?
 - a. If yes, then commenting is permissible, but the Board position must be maintained.
 - b. If no, then commenting is only permissible if answers to 3, 4, and 5 below are all "No."
3. Does the project or issue somehow commit or otherwise impact EMSWCD time, staff and/or budget in a manner not previously considered and approved?
4. Is the project or issue politically, socially, and/or environmentally controversial?
5. *Reality check:* Does the hair on the back of your neck stand up when you think about the issue?

5.0 Board Notification Checklist

Regardless of whether the Board must give prior approval of public comments made on behalf of EMSWCD (as determined by the criteria in 4.0 above), staff shall notify the Board of all public comments made on behalf of EMSWCD when the project or issue involves:

1. law-making;
2. rule-making;
3. regulatory permitting;
4. legal/regulatory action;
5. a judicial proceeding; and/or
6. political, social and/or environmental controversy.

Approved by EMSWCD Board: May 4, 2015

Examples below demonstrate how the decision-making criteria and notification checklist are applied.



District

Example 1: Legislative hearing on the Outdoor School funding bill

1.0 Decision-making Criteria	Yes	No	2.0 Board Notification Required	Yes	No
1. Related to District Mission?	X		1. Law-making	X	
2. Board taken position?	X		2. Rule-making		X
3. District commitment?			3. Regulatory permitting		X
4. Controversial?			4. Legal/regulatory action		X
5. Hair standing up?			5. Judicial proceeding		X
			6. Political, social and/or environmental controversy		X
Result: Commenting permissible without Board check in.			Result: Board notification required.		

Example 2: Troutdale Energy Facility Permitting

1.0 Decision-making Criteria	Yes	No	2.0 Board Notification Required	Yes	No
1. Related to District Mission?	X		1. Law-making		X
2. Board taken position?		X	2. Rule-making		X
3. District commitment?		X	3. Regulatory permitting	X	
4. Controversial?	X		4. Legal/regulatory action		X
5. Hair standing up?	X		5. Judicial proceeding		X
			6. Political, social and/or environmental controversy		X
Result: Commenting not permissible without Board check in.			Result: Board notification required.		

Example 3: Support letter for Grow Portland's USDA grant for Future Market to Garden project

1.0 Decision-making Criteria	Yes	No	2.0 Board Notification Required	Yes	No
1. Related to District Mission?	X		1. Law-making		X
2. Board taken position?		X	2. Rule-making		X
3. District commitment?		X	3. Regulatory permitting		X
4. Controversial?		X	4. Legal/regulatory action		X
5. Hair standing up?		X	5. Judicial proceeding		X
			6. Political, social and/or environmental controversy		X
Result: Commenting permissible without Board check in.			Result: Board notification not required.		

Example 4: Portland Airport Signage

1.0 Decision-making Criteria	Yes	No	2.0 Board Notification Required	Yes	No
1. Related to District Mission?		X	1. Law-making		
2. Board taken position?			2. Rule-making		
3. District commitment?			3. Regulatory permitting		
4. Controversial?			4. Legal/regulatory action		
5. Hair standing up?			5. Judicial proceeding		
			6. Political, social and/or environmental controversy		
Result: Commenting not permissible.			Result: N/A		



District

DRAFT MATRIX TEMPLATE:

1.0 Decision-making Criteria	Yes	No	2.0 Board Notification Required	Yes	No
1. Related to District Mission?			1. Law-making		
2. Board taken position?			2. Rule-making		
3. District commitment?			3. Regulatory permitting		
4. Controversial?			4. Legal/regulatory action		
5. Hair standing up?			5. Judicial proceeding		
			6. Political, social and/or environmental controversy		
Result:			Result:		