

# Oregon Council on Health Care Interpreters Bylaws

Approved 12/11/2017

## ARTICLE I

### Background and Purpose

1. The Oregon Council on Health Care Interpreters (Council) was created pursuant to ORS 413.550 through ORS 413.560. The Council works in cooperation with the Oregon Health Authority (OHA) to:
  - a. Develop qualification and certification standards for health care interpreters in Oregon.
  - b. Coordinate (if appropriate, desirable, and approved by the OHA) with other states, federal bodies, or other entities efforts to develop and implement educational guidelines and certification and qualification programs for health care interpreters.
  - c. Examine and make recommendations regarding operational and funding issues, including but not limited to the feasibility of developing a central registry and renewal mechanism for Oregon health care interpreters.
  - d. Perform all other acts as shall be necessary or appropriate under the provisions of ORS 413.550 to 413.560.
  
2. The Council works to address the following findings and implement the following policies:
  - a. Persons who are Deaf, Deaf Blind, or Hard of Hearing (D/HH) and/or persons with Limited English proficiency (LEP) are often unable to interact effectively with health care providers. Because of language differences, D/HH and LEP persons may be excluded from health care services, experience delays or denials of health care services, or receive health care services based on inaccurate or incomplete information.
  - b. The lack of competent health care interpreters for health care providers impedes the free flow of communication between the health care provider and patient. This prevents the exchange of clear and accurate information and the development of empathy, confidence, and mutual trust essential for an effective relationship between health care provider and patient.
  - c. Health care for D/HH and LEP persons shall be provided according to the

following guidelines:

the policy statement issued August 30, 2000, by the U.S. Department of Health and Human Services, Office for Civil Rights, entitled, "Title VI of the Civil Rights Act of 1964; Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency," the 1978 Patient's Bill of Rights, ORS 413.550 to 413.560, Title II of the Americans with Disabilities Act as amended, and Section 1557 of the Affordable Care Act.

- d. The Council may accept contributions of funds and assistance from the United States Government or its agencies or from any other source, public or private, for purposes consistent with the purposes of the Council. All moneys received by the Oregon Council on Health Care Interpreters under ORS 413.550 to 413.560 shall be paid into the Oregon Health Authority Fund and credited to the account designated by the OHA. Such moneys shall be used solely for the administration and enforcement of the provisions of ORS 413.550 to 413.560.

3. Council Member Commitments and Expectations:

- a. Prepare for and set aside time for Council meetings and the whole process.
- b. Participate fully, honestly and fairly, commenting constructively and specifically.
- c. Speak respectfully, briefly and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak.
- d. Allow people to state their ideas or opinions without fear of reprisal from Council members.
- e. Avoid side conversations during meetings and be fully present.
- f. Provide information as much as possible in advance of the meeting in which such information is to be used and share all relevant information to the maximum extent possible.
- g. Generate and explore all options on the merits, keeping an open mind and listening to different points of view with the goal of understanding the underlying interests of other Council members.

- h. Agree to work toward fair, practical and durable recommendations that reflect the diverse interests of the entire Council and the public.
- i. When communicating with others, accurately summarize the Council process, discussion and meetings, presenting a full, fair and balanced view of the issues and arguments, both out of respect for the process and other members.
- j. Not attempt to effect a different outcome outside of the Council process once the Council has reached a decision.
- k. Strive vigorously for consensus and closure on issues. This means Council members will work together to identify underlying values, interests, and concerns with a goal of developing widely accepted solutions.
- l. Self-regulate and help other members abide by these commitments.
- m. Not disparage, undermine, or affirmatively work against the goals and mission of the Council.
- n. Adhere to ground rules established for the Council and all its committees and workgroups.
- o. When members are not acting in their official Council capacity, they shall consider the impact on the Council, the Council members, or OHA when using social media. Council members may express themselves as individuals about matters of public concern, but must not imply that their personal opinions reflect the views of the Council, the Council members, or OHA. This shall apply regardless of whether members use personal equipment or the State's information technology assets.
- p. When providing personal opinions on matters involving the agency, provide a disclaimer similar to the following: "This is my personal opinion, and I am not representing the official position of the Council."

## **ARTICLE II**

### Council Support

The Oregon Health Authority shall provide the Council with such services, materials, and/or administrative support as the Council requires to perform its duties.

## **ARTICLE III**

### Council Composition (Items 1-4 are based on ORS 413.554)

1. The 15-member Oregon Council on Health Care Interpreters (OCHCI) advises the Oregon Health Authority on administrative rules and policy standards for the Health Care Interpreter Program. Council members are appointed by the Director of Oregon Health Authority, representing:
  - a. Persons with expertise and experience in the administration of or policymaking for programs or services related to interpreters;
  - b. Employers or contractors of health care interpreters;
  - c. Health care interpreter training programs;
  - d. Language access service providers; and
  - e. Practicing certified and qualified health care interpreters.
2. The membership of the Council shall be representative of the racial, ethnic, cultural, social, and economic diversity of the people of this State.
3. If for any reason there is a vacancy, the appointing authority shall make an appointment for the unexpired term to become effective immediately. The appointing authority may appoint a replacement for any member of the Council who misses more than two consecutive meetings of the Council. The newly appointed member shall represent the same group as the member replaced.
4. An OHA representative shall attend and participate in Council meetings but is not a voting member of the Council.

## **ARTICLE IV**

### Council Compensation and Reimbursement

Members of the Council are not entitled to compensation, but at the discretion of the director may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to ORS [292.495 \(Compensation and expenses of members of state boards and commissions\)](#).

## **ARTICLE V**

### Members and Officers of the Council

1. Member Selection
  - a. Interested individuals shall submit a completed application for the Office of Equity and Inclusion (OEI) to review. The OHA Director shall appoint members based on input from OEI and Council members, as necessary.

## 2. Member Terms

- a. The term of a member shall be three (3) years. A member may be reappointed for a maximum of two terms, not to exceed nine years. Members of the Council who no longer represent the organization or role they were selected for may continue to serve on the Council at the discretion of the Director of the Oregon Health Authority.

## 3. Election of Officers

- a. A Nominating Committee shall be formed as necessary to oversee the election of officers.
- b. Council members may self-nominate or be nominated by other Council members for the position of Chair and Vice Chair by completing a nomination form.
- c. Nomination forms shall be submitted at least 60 days in advance of the scheduled election.
- d. Council members interested in becoming Chair or Vice Chair shall complete a candidate interest form at least 30 days in advanced of the scheduled election. The summary of all nominees' qualifications gathered from the candidate interest forms shall be provided to the Council at least three weeks prior to the meeting at which the election shall take place. Officers shall be elected by secret ballot.

## 4. Officers

- a. The Council shall elect one member as chairperson and one member as vice chairperson, for such terms and with such duties and powers as the Council determines necessary for the performance of the functions of these offices.

## 5. Officer Terms

- a. The term of an officer shall be two (2) years. Officers may be re-elected once and may serve a maximum of two terms as an officer.

## 6. Nominating Committee

- a. The Nominating Committee shall be comprised of at least three Council members.
- b. If there is not a sufficient number of eligible Council members to form a nominating committee, the Oregon Health Authority may provide staffing assistance to serve on the committee as needed.
- c. The Nominating Committee shall be responsible for managing the nomination

and election process including: establishing nominee qualifications, creating the nomination form, accepting the nomination form and reviewing it for completeness, assessing nominee interest, ensuring nominees recommended by Council members meet the necessary qualifications, developing the ballot, developing a summary of all nominees' qualifications to be presented to the Council, sharing the nomination and election process at a Council meeting, and developing and recommending leadership development activities for Council members.

- d. Nominating Committee members must recuse themselves from the Nominating Committee if they are interested in running for an Officer position.
- e. Eligibility Requirements
  - i. Any member of the Council may serve on the Nominating Committee
  - ii. Members of the Nominating Committee cannot be nominated as chair or vice chair of the Council during their tenure on the committee.
  - iii. The current chair and vice chair of the Council cannot chair the Nominating Committee
  - iv. Any other Council member can chair the Nominating Committee.

## 7. Duties of Officers and Council Members

- a. The Council Chair shall endeavor to preside at all meetings of the Council and shall perform such other duties as may be assigned by the Council. The Chair shall:
  - i. Coordinate meeting agendas in consultation with the OHA staff assigned to the Council.
  - ii. Finalize the agenda for each Council meeting.
  - iii. Review all draft Council meeting minutes prior to the meeting at which they are to be approved,
  - iv. Appoint committee chairs, and
  - v. Seek Council input regarding Committee Chair assignments.
- b. In the absence of the Council Chair or in the event of the Chairperson's inability or refusal to act, the Vice Chair shall perform the duties of the Chair, and when so acting, shall have all the responsibilities of and be subject to all the restrictions imposed upon the Chair. The Vice Chair shall perform such other duties as from time to time may be assigned by the Council Chair.

- c. The Council Chair and Vice Chair shall be subject to the same attendance requirements as other Council members per Article VI, Section 3, below.
- d. Council members shall:
  - i. Attend scheduled meetings as approved by the Council and
  - ii. Join at least one committee or workgroup during each of the member's terms.

#### 8. Officer Vacancies

- a. If a vacancy occurs in the office of the Council Chair, the Vice Chair shall assume the functions of the Chair until the Council elects a new Chair.
- b. If a vacancy occurs in the office of the Vice Chair, the office shall remain vacant until the Council elects a new Vice Chair.
- c. If a vacancy occurs in the office of the Chair when the office of the Vice Chair is vacant, the Council shall designate one of its Council members to preside over meetings as chairperson pro tem until the Council elects a Chair or a Vice Chair.

#### 9. Absence of Officers from Meetings

- a. If neither the Chair nor the Vice Chair is able to attend any duly called Council meeting, the Chair or Vice Chair of the Council shall designate a Council member to serve as chairperson pro tem for that meeting.
- b. If the Chair and the Vice Chair fail to designate a Council member to serve as chairperson pro tem, then a committee chair shall preside over the meeting. If no Committee chair is available or willing to serve as chairperson pro tem, then another Council member may do so.

## **ARTICLE VI**

### Meetings

#### 1. Regular and Special Meetings

- a. The Council shall meet at least once every three months at a place, day, and hour determined by the Council and an OHA representative.
- b. After prior consultation with the OHA representative, the Council may meet at other times and places by the call of the Chair or by a majority of the members of the Council, or as otherwise specified in these bylaws.
- c. Council meetings shall be held within the geographic boundaries of the State.

## 2. Meetings by Telecommunication

- a. Both regular and special meetings of the Council may be held by telephone, video conferencing, or any other electronic means by which all Council members may speak and hear each other, so long as this arrangement complies with the Oregon Public Meetings Law.
- b. In the event that a Council member is unable to attend any meeting in person, the member may participate by telephone, video conferencing or other electronic means, provided that all participants can hear each other and members of the public attending the meeting can hear any Council member who speaks during the meeting. Council members attending through such electronic means shall be counted in constituting a quorum.

## 3. Attendance and Participation

- a. Regular attendance and participation at Council, committee, and workgroup meetings is expected of each Council Member. Members who miss more than two consecutive Council meetings without a reasonable explanation may be subject to dismissal. Multiple absences at the committee or workgroup meetings without a reasonable explanation may be subject to dismissal.
- b. Any member may voice their concern about another member's failure to attend meetings without fear of retaliation. The Council recognizes that there are a variety of reasons for an absence and reserves the right to exercise its discretion to make recommendations as to the action to be taken on a case-by-case basis.
- c. Whenever possible, a Member should notify the Chair, facilitator, or the Oregon Health Authority staff assisting the Council, at least two business days in advance of a meeting if the Member will be unable to attend. In an emergency, the Member shall contact any of these parties as soon as reasonably possible.
- d. The Chairs of the Council, committees, and workgroups shall keep attendance records for all meetings in addition to the attendance record memorialized in the minutes. These records shall be provided to the Oregon Health Authority upon request.

## 4. Notice of Meetings, Minutes, and Records

- a. All meetings of the Council are subject to the Oregon Public Meetings Law (see Addendum A).
- b. There shall be no electronic recording or filming of Council meetings without



informing the meeting participants.

- c. Notice of scheduled meetings, together with an agenda and minutes of the previous meeting shall be made available to all Council members and to the public at least ten (10) business days prior to such meetings, or if ten days' notice is not practicable, then such lesser notice as is practicable.
- d. No later than 30 days following a Council meeting, the minutes approved during said meeting shall be made available to the Council members and public.
- e. The Council shall maintain all records in accordance with the Oregon Public Records Law. Council records, such as formal documents, discussion drafts, transcripts, meeting summaries, and exhibits are public records. Council communications (oral, written, electronic, etc.) are not confidential and may be disclosed. However, private documents unrelated to Council business held by individual Council members and not shared with the State are not considered public records and are not subject to disclosure under public records laws.

## 5. Rules of Order

### a. Procedures

- i. The Council shall conduct its business through discussion, consensus-building, and in formal meeting procedures.
- ii. The Council officers may, from time to time, establish specific procedural rules of order, subject to approval by the Council members, to ensure the orderly, timely, and fair conduct of business.
- iii. They shall refer to the most recent edition of Robert's Rules of Order for guidance.

### b. Public Comment

- i. The officers shall provide periodic opportunities for public comment for non-Council members during designated public comment periods during Council meetings.
- ii. Comments from the public shall be limited in time to allow sufficient opportunity to conduct the other portions of the Council agenda. Typically, comments shall be limited to a maximum of three minutes per person.
- iii. The public is encouraged to submit written comments to staff for circulation to the full Council.
- iv. Staff shall establish a clear procedure for the public to sign up to speak and to obtain interpreting services for the Council and Committee meetings.

## 6. Voting

- a. Quorum - A simple majority of 51% of the current members of the Council shall constitute a quorum for the transaction of business. A quorum is required for all official votes and other actions by the Council. When the Council does not have a quorum, it may deliberate on issues but may not vote or take any action.
- b. Voting Process
  - i. All official actions of the Council must be taken by a public "roll-call" vote.
  - ii. The results of all votes and the vote of each individual member shall be recorded by name.
  - iii. When there is a quorum present at a meeting, a simple majority of the Council members present is sufficient to pass motions or take other action during a meeting except for when voting on the by-laws or on removing a Council member, in which case there must be a 2/3 majority.
  - iv. Abstaining votes shall be recorded as abstentions.
  - v. Proxy votes are not permitted.

## 7. Committees and Workgroups

- a. The Council may establish such committees and workgroups as it considers necessary to support and advise the Council in the performance of its functions.
- b. A committee is comprised of Council members only, for the purposes of working on a particular project. Committees may invite, as needed, subject matter experts or consultants on an ad hoc basis. These individuals shall have no voting rights and shall serve at the pleasure of said Committee.
- c. A workgroup is comprised of at least one Council member and invited subject matter experts, for the purposes of working on a particular project or task.
- d. The committees or workgroups may be standing or ad hoc.
- e. Committees and workgroups shall be chaired by a Council member who shall report to the Council on the activities of the committee or workgroup.
- f. The Council Chair shall ask for volunteers to chair a committee or workgroup. If no Council member volunteers, the Council Chair shall assign a Council member to chair the committee or workgroup and announce the assignment at the next Council meeting.
- g. In the event of a vacancy, the Council Chair shall act as Chair of a committee or workgroup until the position can be filled with a Council member. The Council Chair may participate as a member of the committee or workgroup.

- h. Committee Procedures, Recommendations and Reports to the Council
  - i. Meetings of the Committees are subject to the Public Meetings Law. Each Committee Chairperson shall work with Oregon Health Authority staff to draft and distribute an agenda and to record the committee meeting minutes. The Committee chairperson shall preside over the meetings of the committee that he or she chairs.
  - ii. Committee recommendations to the Council shall require an affirmative vote of a simple majority of the Committee members using the decision-making process noted above in Article VI.

## **ARTICLE VII**

### Conflict of Interest

1. Council members are appointed, in part, because of their diverse experiences in their professional and civic lives. They bring valued histories of service to varied populations or stakeholder groups. By accepting membership on the Council, members agree to serve the broader goals of establishing health care interpreter policy for the State of Oregon.
2. Voting members of the Council shall identify situations that present potential conflicts of interest and follow appropriate procedures as set forth in DHS 060-002 if a potential conflict of interest arises<sup>1</sup>.
3. Members shall seek to promote transparency and the integrity of the Council's decision-making process by abiding by the policy described in this Article. Questions about this policy shall be directed to the Director of the Oregon Health Authority.
4. The Council members recognize that the standards that govern their conduct are fully set forth in ORS Chapter 244. All Council members, upon confirmation of appointment, and periodically thereafter, shall maintain an awareness of the requirements of this law and any subsequent

---

<sup>1</sup> Pursuant to ORS 244.120, "if the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict." Therefore, as members of a board appointed by OHA, conflicts of interest shall be governed by DHS policy DHS-060-002.

amendments thereof. The statutory requirements are binding on members, as are these bylaws.

5. ORS Chapter 244.120(2) states: “An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:
  - (a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or
  - (b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:
    - (A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.
    - (B) If any public officials vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.”
6. Council members are encouraged to examine prospective issues at the earliest opportunity in order to identify potential conflicts of interest. They are reminded that compliance with the statutory requirements often requires a heightened sensitivity in order to avoid even an appearance of impropriety. Members shall consult with the Director of the Oregon Health Authority for guidance whenever appropriate.
7. Council members shall first disclose to the Council Chairperson any actual or potential conflict of interest as soon as the Council member becomes aware of it. The Council chairperson will then make a determination if immediate action is necessary or if it can be deferred until the next meeting.
8. Council members or the Council Chairperson shall then publicly disclose the nature of the conflict of interest at the Council meeting prior to their participation in any official action (discussion or voting) on the issue giving rise to the possibility of a conflict of interest.

- a. Potential conflict of interest<sup>2</sup>: Following the public disclosure, the Council member may participate in official action on the issue that gave rise to the conflict of interest.
  - b. Actual conflict of interest<sup>3</sup>: Following the public announcement, the Council member must refrain from further participation in official action on the issue that gave rise to the conflict of interest.
9. If a Council member has an actual conflict of interest and the Council member's vote is necessary to meet the minimum number of votes required to take official action, the Council member may vote. In this situation, the Council member must make the required disclosure and refrain from any discussion, but may participate in the vote required for official action by the Council. These circumstances are rare.
10. The Council shall keep a record of disclosures of conflict of interest and the nature of the conflict in the public record. The Oregon Health Authority may choose to provide the notice of the conflict of interest and how it was disposed of to the Oregon Government Ethics Commission as stated in ORS 244.130.

## **ARTICLE VIII**

### Rules of Construction and Amendments to Bylaws

1. All references in these bylaws to "mail" or "mailing" shall also include electronic mail to a Council member or any addressee who has an email address on file with the

---

<sup>2</sup> Potential conflict of interest means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the persons relative, or a business with which the person or the persons relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the persons official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the persons relative or business with which the person or the persons relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code. (ORS Chapter 244.020(12))

<sup>3</sup> Actual conflict of interest means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the persons relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section. (ORS Chapter 244.020(1))

Council.

2. All procedures in these bylaws shall be construed in accordance with the intent and purpose of applicable state laws and regulations.
3. These bylaws may be amended or repealed and new bylaws may be adopted by the Council at any regular or special meeting of the Council provided that twenty (20) days' written notice of the proposed amendment shall have been provided to each Council member. Any amendment of the bylaws shall require an affirmative vote of a 2/3 majority of the Council members.
4. Nothing contained in these bylaws shall be deemed to limit or restrict by law the general authority vested in the Council or the Oregon Health Authority.

## **Addendum A**

Definitions for ORS 192.610 to 192.690

As used in ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#):

- (1) Decision means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- (2) Executive session means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- (3) Governing body means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.
- (4) Public body means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
- (5) Meeting means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program. Meeting also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

### **192.620<sup>1</sup>**

#### **Policy**

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

### **192.630<sup>1</sup>**

#### **Meetings of governing body to be open to public**

- • **location of meetings**
- • **accommodation for person with disability**
- • **interpreters**

- (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#).
- (2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#).
- (3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominant use.
- (4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.
- (5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS [192.680 \(Enforcement of ORS 192.610 to 192.690\)](#).
- (b) The person requesting the interpreter shall give the governing body at least 48 hours notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.
- (c) If a meeting is held upon less than 48 hours notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.
- (d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.



(e) As used in this subsection, good faith effort includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

#### **192.640<sup>1</sup>**

##### **Public notice required**

- **Special notice for executive sessions, special or emergency meetings**

(1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

#### **192.650<sup>1</sup>**

##### **Recording or written minutes required**

- **Content**
- **Fees**

(1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

(a) All members of the governing body present;

(b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS [192.410 \(Definitions for ORS 192.410 to 192.505\)](#) to [192.505 \(Exempt and nonexempt public record to be separated\)](#) relating to public records, a reference to any document discussed at the meeting.
- (2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS [332.061 \(Hearing to expel minor students or to examine confidential medical records\)](#) shall contain only the material not excluded under ORS [332.061 \(Hearing to expel minor students or to examine confidential medical records\)](#) (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS [192.660 \(Executive sessions permitted on certain matters\)](#) is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.
- (3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS [192.410 \(Definitions for ORS 192.410 to 192.505\)](#) to [192.505 \(Exempt and nonexempt public record to be separated\)](#).
- (4) A public body may charge a person a fee under ORS [192.440 \(Copies or inspection of public records\)](#) for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

## **192.660<sup>1</sup>**

### **Executive sessions permitted on certain matters**

- **Procedures**
- **News media representatives attendance**
- **Limits**

- (1) ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) for holding the executive session.
- (2) The governing body of a public body may hold an executive session:
- (a) To consider the employment of a public officer, employee, staff member or individual agent.

- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS [441.015 \(Licensing of facilities and health maintenance organizations\)](#) to [441.063 \(Use of facilities by licensed podiatric physicians and surgeons\)](#) and [441.196 \(Discharge of patients receiving mental health treatment\)](#) including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- (k) To consider matters relating to school safety or a plan that responds to safety threats made toward a school.
- (L) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.
- (m) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- (n) To discuss information about review or approval of programs relating to the security of any of the following:
  - (A) A nuclear-powered thermal power plant or nuclear installation.
  - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
  - (C) Generation, storage or conveyance of:
    - (i) Electricity;

- (ii) Gas in liquefied or gaseous form;
  - (iii) Hazardous substances as defined in ORS [453.005 \(Definitions for ORS 453.005 to 453.135\)](#)
- (7)(a), (b) and (d);
- (iv) Petroleum products;
  - (v) Sewage; or
  - (vi) Water.
- (D) Telecommunication systems, including cellular, wireless or radio systems.
- (E) Data transmissions by whatever means provided.
- (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS [192.640 \(Public notice required\)](#).
- (4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS [332.061 \(Hearing to expel minor students or to examine confidential medical records\)](#) (2) but the governing body may require that specified information be undisclosed.
- (5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.
- (6) No executive session may be held for the purpose of taking any final action or making any final decision.
- (7) The exception granted by subsection (2)(a) of this section does not apply to:
- (a) The filling of a vacancy in an elective office.
  - (b) The filling of a vacancy on any public committee, commission or other advisory group.
  - (c) The consideration of general employment policies.
  - (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
    - (A) The public body has advertised the vacancy;
    - (B) The public body has adopted regular hiring procedures;
    - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS [192.650 \(Recording or written minutes required\)](#):

(a) ORS [676.175 \(Complaints and investigations confidential\)](#) governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS [671.338 \(Confidentiality of application, examination and investigatory information\)](#) governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board.

(10) Notwithstanding ORS [244.290 \(General duties of commission\)](#), the Oregon Government Ethics Commission may not adopt rules that establish what entities are considered representatives of the news media that are entitled to attend executive sessions under subsection (4) of this section. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32; 2015 c.421 §2; 2015 c.666 §3]

Note: Section 4, chapter 666, Oregon Laws 2015, provides:

Sec. 4. The amendments to ORS [192.660 \(Executive sessions permitted on certain matters\)](#) and [244.290 \(General duties of commission\)](#) by sections 1 to 3 of this 2015 Act apply to alleged violations of ORS [192.660 \(Executive sessions permitted on certain matters\)](#) that occur on or after the effective date of this 2015 Act [January 1, 2016]. [2015 c.666 §4]

## **192.670<sup>1</sup>**

### **Meetings by means of telephone or electronic communication**

(1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#).

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1; 2011 c.272 §2]

#### **192.672<sup>1</sup>**

#### **State board or commission meetings through telephone or electronic means**

- **Compensation and reimbursement**

(1) A state board or commission may meet through telephone or other electronic means in accordance with ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#).

(2)(a) Notwithstanding ORS [171.072 \(Salary of members and presiding officers\)](#) or [292.495 \(Compensation and expenses of members of state boards and commissions\)](#), a member of a state board or commission who attends a meeting through telephone or other electronic means is not entitled to compensation or reimbursement for expenses for attending the meeting.

(b) A state board or commission may compensate or reimburse a member, other than a member who is a member of the Legislative Assembly, who attends a meeting through telephone or other electronic means as provided in ORS [292.495 \(Compensation and expenses of members of state boards and commissions\)](#) at the discretion of the board or commission. [2011 c.272 §1]

Note: [192.672 \(State board or commission meetings through telephone or electronic means\)](#) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 192 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

#### **192.680<sup>1</sup>**

#### **Enforcement of ORS 192.610 to 192.690**

- **Effect of violation on validity of decision of governing body**
- **Liability of members**

(1) A decision made by a governing body of a public body in violation of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#). A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#), by members of the governing body, or to determine the applicability of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#), the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#). [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

## **192.685<sup>1</sup>**

### **Additional enforcement of alleged violations of ORS 192.660**

(1) Notwithstanding ORS [192.680 \(Enforcement of ORS 192.610 to 192.690\)](#), complaints of violations of ORS [192.660 \(Executive sessions permitted on certain matters\)](#) alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review

and investigation as provided by ORS [244.260 \(Complaint and adjudicatory process\)](#) and for possible imposition of civil penalties as provided by ORS [244.350 \(Civil penalties\)](#).

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS [192.660 \(Executive sessions permitted on certain matters\)](#) occurred. Information related to an executive session conducted for a purpose authorized by ORS [192.660 \(Executive sessions permitted on certain matters\)](#) shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the officials governing body has authority to make recommendations or for which the officials governing body has authority to make decisions. [1993 c.743 §28]

#### **192.690<sup>1</sup>**

##### **Exceptions to ORS 192.610 to 192.690**

(1) ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) do not apply to the deliberations of the Oregon Health Authority conducted under ORS [161.315 \(Right of state to obtain mental examination of defendant\)](#) to [161.351 \(Discharge by agency\)](#), the Psychiatric Security Review Board, the State Board of Parole and Post-Prison Supervision, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS [9.568 \(State lawyers assistance committee\)](#), meetings of the personal and practice management assistance committees operating under the provisions of ORS [9.568 \(State lawyers assistance committee\)](#), the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS [418.747 \(County teams for investigation\)](#), the child fatality review teams required to review child fatalities in accordance with the provisions of ORS [418.785 \(Child Fatality Review Teams\)](#), the peer review committees in accordance with the provisions of ORS [441.055 \(Health care facility medical staff and bylaws\)](#), mediation conducted under ORS [36.252 \(Agricultural mediation services coordinated by State Department of Agriculture\)](#) to [36.268 \(Provision of mediation services contingent on funding\)](#), any judicial proceeding, meetings of the Oregon Health and Science



University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS [469.530 \(Review and approval of security programs\)](#). [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11; 2011 c.708 §26]

#### **192.695<sup>1</sup>**

##### **Prima facie evidence of violation required of plaintiff**

In any suit commenced under ORS [192.680 \(Enforcement of ORS 192.610 to 192.690\)](#) (2), the plaintiff shall be required to present prima facie evidence of a violation of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) before the governing body shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS [192.610 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) were complied with shall be on the governing body. [1981 c.892 §97d; 1989 c.544 §3]

Note: [192.695 \(Prima facie evidence of violation required of plaintiff\)](#) was added to and made a part of ORS chapter 192 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

<sup>1</sup> Legislative Counsel Committee, *CHAPTER 192—Records; Public Reports and Meetings*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors192.html](https://www.oregonlegislature.gov/bills_laws/ors/ors192.html) (2015) (last accessed Jul. 16, 2016).

<sup>2</sup> Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2015, Chapter 192*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ano192.html](https://www.oregonlegislature.gov/bills_laws/ors/ano192.html) (2015) (last accessed Jul. 16, 2016).

<sup>3</sup> OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.