

***EXCERPT FROM***  
**OPEN PUBLIC MEETINGS TRAINING**

June 26, 2008

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**I. POLICY AND OVERVIEW OF THE PUBLIC MEETINGS LAW.**

Oregon's Public Meetings Law is found at ORS 192.610 to 192.710. The policy underlying the law, set forth in ORS 192.620, is to ensure an open governmental decision making process and to facilitate the public's awareness "of the deliberations and decisions of governing bodies and the information upon which such decisions were made."

The Public Meetings Law applies to meetings of the "governing body of a public body." ORS 192.630(1). A "public body" is any state or local government board, commission, council, bureau, committee, subcommittee or advisory group thereof created by or pursuant to the state constitution, a statute, administrative rule, order, intergovernmental agreement, bylaw or other official act. ORS 192.610(4). If two or more members of any public body have authority to make decisions for or recommendations to a public body on policy or administration, they are a "governing body" for purposes of the meetings law.

A "meeting" subject to the law is the convening of a governing body for which a quorum is required to make a decision or deliberate toward a decision. Meetings subject to the law include such things as social gathering or working lunches, if they are attended by a quorum of the governing body and include discussion of official business. Information-gathering sessions are covered, except for on-site inspections and attendance at national, regional or state association meetings. Electronic meetings, such as gatherings of a quorum through on-line personal computer terminals, are covered. (A room with a speakerphone or other listening station must be provided to allow the public to listen to the meeting.)

**II. BASIC REQUIREMENTS OF THE LAW.**

The Public Meetings Law provides that any member of the public must be permitted to attend any meeting of the governing body, except for "executive sessions." To make meetings more accessible to the public, the law generally requires that meetings be held within the geographic jurisdiction of the governmental unit or at the governmental unit's regular administrative headquarters or the "nearest practical location." Meetings with the elected officers of a federally recognized Oregon Indian tribe may be held within the geographic boundaries over which the tribe has jurisdiction.

It is important to note that the Public Meetings Law allows public attendance, not public participation. Other statutes or rules may require a governing body to hear public testimony or comment. In the absence of such a requirement, a governing body may

conduct a meeting without any public participation. The presiding officer has authority to keep order and to impose reasonable restrictions for the orderly and efficient conduct of the meeting.

The Public Meetings Law requires that public notice be given of the time and place of the meetings. The notice must be reasonably calculated to give actual notice of the meeting to interested persons, specifically including members of the news media who have requested notice. The notice also must provide the name of a person and telephone number (including TTY number) at the public body to contact to make a request for an interpreter for the hearing impaired or for other communications aids. Alternatively, the agency may simply make sign language interpreters or other communication aids and services available, and so state in the notice.

All official actions by a governing body must be taken by public vote. The vote of each member must be recorded if the public body has 25 or fewer members. If the public body consists of more than 25 members, recording the vote of each member is mandatory only if a member of that body requests it. Secret ballots are prohibited.

All meetings must be recorded or have written minutes taken. Executive sessions may be tape recorded and not transcribed. The requirements that agencies should remember are:

- A. Meetings must be open to public attendance, unless executive sessions authorized.
- B. Advance notice must be provided to interested parties of meetings, location, principal subjects.
- C. Minutes must be taken at meetings or the meetings must be recorded.
- D. Votes must be cast publicly and recorded.

### **III. CONTROL OF MEETINGS.**

- A. The presiding officer has inherent authority to keep order at meetings – can “reasonably” regulate use of cameras and tape recorders.
- B. The public has no right to *participate* in the meeting under Public Meetings Law. (They may under other laws or ordinances.)
- C. *No smoking* is permitted at any public meeting held in a room rented, leased or owned by the state or by local government, even if a quorum is not present or required. ORS 192.710 (Note: Broader than regular definition of smoking.)