

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

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3-15-16 2:32 PM
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Oregon Government Ethics Commission
Agency and Division

199
Administrative Rules Chapter Number

Adopts rules clarifying procedures and requirements for governing bodies holding executive sessions.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Creating rules to clarify procedures and requirements under executive session provisions of public meetings law

Statutory Authority:

ORS 244.290

Other Authority:

Statutes Implemented:

ORS 192.660

Need for the Rule(s):

In 2015, the Legislature gave the Oregon Government Ethics Commission authority to write rules relating to ORS 192.660, which describes when a governing body may hold an executive session. The Commission regularly receives questions and complaints about how and when a governing body may convene an executive session. These rules provide guidance to governing bodies on some of the most commonly asked questions.

Documents Relied Upon, and where they are available:

None

Fiscal and Economic Impact:

These rules are expected to have a minimal impact, if any. Some governing bodies might use resources to print a written notice to a public official whose performance is to be evaluated. In the long term, this written guidance may reduce the number of violations of Executive Session law, thereby decreasing complaints and the associated costs to the agency and to public officials who are being investigated.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Likely to be minimal, if any. Public bodies may choose to print notices to public officials if the governing body intends to consider certain issues concerning the public official in executive session.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

None

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None

c. Equipment, supplies, labor and increased administration required for compliance:

None

How were small businesses involved in the development of this rule?

Because these rules apply to governing bodies of public bodies, any impact on small business is highly unlikely. Small businesses were not involved in the development of the rule.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

These rules are expected to have a minimal fiscal impact, if any, and no fiscal impact on small business.

04-25-2016 Close of Hearing

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Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address