



OED Advisory Council

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Public Meetings Law High Level Overview

By Anne Friend



Oregon's Public Meeting Law Overview

Oregon's Public Meetings Law can be found in 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 so facilitate the public's awareness of the deliberations and decisions of governing bodies and the information upon which such decisions were made.

The Oregon Attorney General's Public Records and Meetings Manual is available in print and online:

http://www.doj.state.or.us/public_records/manual/pages/index.aspx

Oregon's Public Meeting Law Overview

Basic Requirements of the Law

- Meetings must be open to public attendance, unless an executive session is authorized.
- Advance notice must be provided to interested parties of meeting, location, principal subjects to be discussed.
- Minutes must be taken at meetings or the meeting must be recorded.
- Votes must be cast publicly and recorded. Quorum required for voting.
- Meetings must be accessible to persons with disabilities.

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What type of meeting is being held?

- Public meeting law applies to state and local government governing bodies of public bodies.
- A ““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.” ORS 192.610(3)

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- “Public body” includes state, cities, counties, districts, boards, commissions, committees, subcommittees, advisory groups, and similar bodies. ORS 192.610(4)
- An advisory body or subcommittee of a public body is covered by law if it has authority to make decisions for or recommendations to a public body on policy or administration.

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What type of meeting is being held?

- “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.” ORS 192.610(5)

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- ORS 192.620 “...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 to 192.690 that the decisions of governing bodies be arrived openly.
- Sessions for gathering information
- Sessions for deliberating and making decisions
- Sessions that result in a recommendation

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Noticing is Required

- ORS 192.640 is the statute outlining the requirement for noticing public meetings.
- Noticing of the meeting is required, but we are not given hard and fast timelines.
- ORS 192.640, “...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. ...”

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- 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.
- Notice must include:
 - Date, Time, Location
 - Topics for discussion
 - Platform being used for the meeting, such as in-person or virtual
- Public Meetings website:
oregon.gov/transparency/Pages/Public-Meetings.aspx

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- ORS 192.650(1) “...provide for the sounds, video or digital recording or the taking of written minutes of all its meetings.”
- Minutes must include:
 - Members present,
 - All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition,
 - Results of all votes and vote of each member by name (unless over 25 members),
 - Substance of all discussions, and
 - Reference to any document discussed, subject to ORS 192.311 to 192.478

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Executive Session

- Notice is required.
- If there is an executive session during a regular meeting, it must be announced along with being a part of the meeting notice.
- Minutes or a recording will be taken during the executive session but are kept separate from the public portion of the minutes.
- No voting or decisions are allowed during executive session
- The media is allowed to attend with limited exceptions

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Legislation

- April 2020
 - Executive Order 20-16
 - Signed by Governor Brown to allow for virtual meetings to take place and be in compliance with the public meeting law.
- 2021 Oregon Legislative Session
 - House Bill 4212
 - Public participation through electronic or virtual means and adjusts the calculation of a quorum during a COVID-19 state of emergency
 - House Bill 2560
 - Permanently enact some of the elements of Executive Order 20-16 which is effective on January 1, 2022.

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Quorum

- Consists of a majority of council members
 - 10 members total on the Employment Department Advisory Council.
 - Majority is 6 or more members present.

Enforcement

- Oregon Government Ethics Commission
 - Complaints regarding violation of the public meetings law may be made to the ethics commission.
 - If a violation has occurred a public body can have a civil penalty up to \$1,000.

Please send questions to Anne and
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