

Executive Session Checklist

BEFORE THE MEETING

Provide notice.

Provide notice of an executive session in the same way you would a public meeting. This applies to standalone executive sessions, executive sessions held prior to a public session, and executive sessions held after a public session of a public meeting. This checklist applies to executive sessions held as part of a public meeting.

The meeting notice must include the specific statutory provision(s) authorizing the executive session for this specific meeting.

DURING AN OPEN MEETING

The presiding officer must:

Announce the reason(s).

Announce that you're going into executive session pursuant to ORS 192.660 and cite the specific reason(s) and statute(s) that authorize the executive session for each discussion.

Announce if/when you'll return to open session.

If you intend to come out of executive session to take final action, announce when the open session will begin.

Announce if any individuals besides media may attend the executive session.

Announce what the media may *not* report.

If this is not specified, the media *MAY* report everything. If you happen to discuss matters other than what you have cited, the media may report those additional items.

DURING AN EXECUTIVE SESSION

Discuss only provisions cited.

Only discuss the specific and limited topics allowed under the provisions cited. You may not discuss topics unless they are expressly permitted under the statutes.

Take no final actions or decisions during the executive session.

Return to open session for final action.

If you did not specify a time when you would reconvene open session, you may open the door and announce you are back in open session.

If you did specify a time, you must wait until that time to allow the public/interested parties to attend. If coming back into open session unexpectedly, you may be required to postpone final action until another meeting.



AFTER THE MEETING

Keep records.

Keep minutes or a sound, video or digital recording of all executive sessions. After the meeting, draft minutes or recordings of all meetings, **other than executive sessions**, need to be made available to the public in accordance with Public Records Law and the public body's policies. OAR 199-050-0060.

FREQUENTLY ASKED QUESTIONS

What executive session provisions do I need to list in my notice and before entering executive session?

You need to list the executive session provisions that you will be discussing during the specific meeting you are holding. For example, if you are discussing a legal memo from your legal counsel, you would cite that you are discussing information or records exempt by law from public inspection under ORS 192.660(2)(f).

The provisions cited should be relevant to the meeting you are holding. You should not list ORS 192.660(2) as a blanket provision or list every provision within ORS 192.660(2) either.

Is media allowed to stay for all executive sessions?

Media is typically allowed to stay for executive sessions. There are four reasons/provisions when media may be excluded from an executive session. When the executive session:

1. Is for the governing body to conduct deliberations with persons designated to carry on labor negotiations [ORS 192.660(2)(d)].
2. Involves expulsion of an elementary or secondary school student [ORS 192.660(4)].
3. Is in regards to the confidential records of a student [ORS 192.660(4)].
4. Is to discuss litigation and the member of the news media is party to the litigation or an employee, agent, or contractor of the news media organization that is party to the litigation being discussed [ORS 192.660(2)(h)].

What happens if the executive session discussion goes off topic?

You are only allowed to discuss topics expressly permitted in the executive session provisions you have cited [OAR 199-040-0020]. It is a violation of Public Meetings Law to discuss things outside of those topics. If your governing body begins to discuss off-topic issues in executive session, you should:

1. State that the discussion is off-topic and needs to stop.
2. If the discussion continues, state for the record that you are leaving the meeting.
3. Leave the meeting.

If you have questions about Public Meetings Law, call 503-378-5105 or email mail@ogec.oregon.gov.