



OREGON PUBLIC MEETINGS

QUICK REFERENCE GUIDE

FOR LOCAL GOVERNMENTS

Special districts, as local government entities, are subject to all of Oregon's public meetings laws. These laws were enacted with the intent to make government proceedings more transparent. They are important to guarantee the public the right to observe the meeting process and to foster credibility of government officials and trust between a governing board and the citizens it represents.

HOW TO **USE THIS GUIDE**

This summary is intended as a quick reference to Oregon Public Meetings law. It is not intended to be all-inclusive; the law in its entirety may be found in Oregon Revised Statutes 192.610-690. Additionally, a comprehensive analysis of the law may be found in the Attorney General's Public Records and Meetings Manual. A link to both resources is included here for further review and reference: [***ORS 192.610-690 \(Public Meetings\); AG Public Records & Meetings Manual***](#)

WHO IS **COVERED?**

Any governing body of a public body is required to comply with public meetings laws. This applies to all special districts, each of which is a public body governed by a board of directors. Additionally, if the board appoints a committee for any special purpose, then that committee, when authorized to make recommendations to the board, is also subject to public meetings laws.

WHAT IS A **PUBLIC MEETING?**

A public meeting is the convening of a quorum of a governing body (or an advisory committee of the same, as defined above) to make or deliberate toward a decision on any district matter, or to gather information on any such matter. Always remember the two-prong requirements that trigger a public meeting:

1. A quorum of the board or appointed sub-committee is present; and
2. That quorum is making or deliberating toward a decision or is gathering information on any district matter.

TYPES OF MEETINGS: Meetings of governing bodies are broken into 4 general categories: regular meetings, special meetings, emergency meetings and executive sessions. The procedural requirements for each are outlined in the public meeting requirements section to this guide.

PUBLIC MEETING REQUIREMENTS

NOTICE

Governing bodies must give notice of the time and place of all regular, special and emergency meetings, including an agenda of the principal topics to be discussed. Notice must also be given for executive sessions, and must include a citation of the specific authority granted by statute under which the session is being held. Permissible reasons for executive session may be found in ORS 192.660. See the executive sessions section of this guide for further details and requirements regarding executive sessions.

Direct notice must be given to any news media, mailing lists (including email), or other interested persons who have requested to be notified. Notice must also be issued to the general public. The requirement for how far in advance of the meeting the notice must be issued varies by type of meeting:

- For regular meetings and executive sessions, there is not a specific time-frame requirement for advance notice. The law requires that notice be “reasonably calculated” to give actual notice to interested persons who have asked to be notified, and general notice to the public at large. As a best practice, this is generally thought to be a week to ten days.
- Special meetings are public meetings designed to allow the board to address an important topic or issue without having to wait until the next regular board meeting. Special meetings require a minimum of 24 hours’ notice, and the agenda should only include the specific topic under discussion. No district business outside the special agenda item should be discussed in a special meeting.
- Emergency meetings are authorized when a true emergency exists that the board must address. They may be held with less than 24 hours’ notice, but the board must make a good faith effort to give as much notice as possible, both to media and other persons who have asked to be notified, and to the general public. The board must also be able to point to some reason why the meeting could not be delayed, and again the agenda should address only the urgent issue at hand, and no other district business should be discussed.

PUBLIC ATTENDANCE/PARTICIPATION

Unless an executive session is authorized by statute, the meeting must be open to the public. It’s important to note that the public meetings law requires attendance by the public, but not participation. There is no requirement that the public be allowed to participate in the meetings of a governing body. However, as a best practice, it is recommended that the public be given this opportunity to the extent possible. It fosters better engagement from the community and involvement in the civic process. If public comment will be included in the meeting, it is recommended that the board impose a time limitation (which must be applied consistently), for example: 30 minutes for public comment, and/or 3 minutes per speaker. A sign-in sheet will establish a fair order, in the case that time runs out before all comments are taken.

SPACE AND LOCATION

- Space. The governing body should consider the probable public attendance and should meet where there is sufficient room for that expected attendance.
- Geographic location. Meetings must be held within the geographic boundaries over which the public body has jurisdiction. This is generally its administrative headquarters but may be the nearest practical location.
- Nondiscriminatory site. The governing body may not meet at a place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced.
- Smoking is prohibited.

ACCESSIBILITY TO PERSONS WITH DISABILITIES

Meetings must be held in places accessible to individuals with mobility and other impairments, and if an interpreter is required for hearing-impaired persons, the board must make a good faith effort to provide one. Additionally, the board should familiarize itself with the Americans with Disabilities Act (ADA), and ensure it is acting in accordance with any additional requirements of the ADA beyond that of state law.

VOTING

All official actions by governing bodies must be taken by public vote. Secret ballots are prohibited, as is proxy voting or voting by email. A majority of all members must concur in order to make a decision.

MINUTES/RECORDKEEPING

Written minutes or a sound, video or digital recording must be taken at all meetings, including executive sessions. Written minutes need not be a verbatim transcript of the proceedings, but must include at least the following:

- Members present;
- Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- Results of all votes and how each member voted, by name;
- The substance of any discussion on any matter; and
- A reference to any document discussed at the meeting (reference to a document exempt from disclosure under the Public Records Law does not affect its exempt status).

Written minutes or alternative recording must be available to the public within a “reasonable time” after the meeting. Reasonable time is subject to some interpretation, but for written minutes, two to three weeks after the meeting is the general rule, whereas uploading of an audio or video recording of the meeting should be feasible within a few days to a week.

VIRTUAL ACCESSIBILITY FOR ALL PUBLIC MEETINGS

Public meetings may be held in person, via virtual means such as video conference or conference call, or may be a hybrid of both. Notice requirements are the same as for in-person meetings and must also include call-in instructions or log-in instructions for the public to access the meeting virtually. If public comment will be part of the meeting, any members of the public attending virtually must be given the same opportunity to participate as those attending in person. All attendees must be able to hear and, if applicable, be heard.

Pursuant to ORS 192.670, all meetings held by a governing body, excluding executive sessions, must provide to members of the public, to the extent reasonably possible, the opportunity to access and attend the meeting by virtual means. This rule applies even if the meeting will be held entirely in person.

MEETING FREQUENCY

Requirements for how frequently a board must conduct regular meetings is determined by the principal act for each type of district. In the majority of cases, this is set at a minimum of once per month, but please check the principal act for your district type for further guidance. In the absence of clear requirements in the principal act, holding monthly regular meetings is the recommended best practice.

EXECUTIVE SESSIONS

Governing bodies are allowed to hold executive sessions excluding the public for the discussion of certain subjects (these subjects are specified by statute, in ORS 192.660). It should be noted that while the public may be excluded from executive sessions, the media generally may not.

Executive sessions should be used judiciously and are one of the most common ways districts get tripped up with public meeting law violations. The procedure for executive sessions is outlined below:

1. Provide notice of an executive session in the same manner you give notice of a public meeting. The notice must cite to the specific statutory provision(s) authorizing the executive session. The most common permissible grounds for going into an executive session are outlined in the partial list at the end of this section, but for a full list of the permissible reasons for executive session, please refer to ORS 192.660 (2).
2. Announce that you are 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 subject to be discussed. As an additional note, the board may choose to hold a public session even if an executive session is authorized.
3. If you intend to come out of executive session to take final action, announce when the open session will begin again.
4. Specify if any individuals, other than the news media, may remain.
5. Tell the media what may not be disclosed from the executive session. If you fail to do this, the media may report everything. If you discuss matters other than what you announce you are going to discuss in the executive session, the media may report those additional matters.

A member of the news media must be excluded from executive sessions held to discuss litigation with legal counsel if he or she is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party.

6. Come back into open session to take final action. If you did not specify at the time you went into executive session when you would return to open session, and the executive session has been very short, you may open the door and announce that you are back in open session. If you unexpectedly come back into open session after previously announcing you would not be doing so, you must use reasonable measures to give actual notice to interested persons that you are back in open session. This may require postponing final action until another meeting.
7. Keep minutes or a sound, video, or digital recording of executive sessions.

The partial list below includes the grounds for executive session most commonly cited by SDAO members. For a complete listing of permissible grounds for going into an executive session, refer to ORS 192.660 (2); consult the Attorney General's Public Records and Meetings Manual; or visit the State of Oregon Department of Justice website at www.doj.state.or.us.

Pursuant to ORS 192.660 (2), the governing body of a public body may hold an executive session to:

- a. To consider the employment of an officer, employee, staff member or agent...(if the prerequisites listed in the
- b. Attorney General's Public Records and Meetings Manual have been satisfied). ORS 192.660(2)(a) and 192.660(7)
- c. To consider dismissal or discipline of, or to hear charges or complaints against an officer, employee, staff member or agent, if the individual does not request an open hearing. ORS 192.660(2)(b)
- d. To conduct deliberations with persons you have designated to carry on labor negotiations. ORS 192.660(2)(d)
- e. To conduct deliberations with persons you have designated to negotiate real property transactions. ORS 192.660(2)(e)
- f. To consider information or records that are exempt from disclosure by law, including written advice from your attorney. ORS 192.660(2)(f)
- g. To consider preliminary negotiations regarding trade or commerce in which you are in competition with other states or nations. ORS 192.660(2)(g)
- h. To consult with your attorney regarding your legal rights and duties in regard to current litigation or litigation that is more likely than not to be filed. ORS 192.660(2)(h)
- i. To review and evaluate the performance of an officer, employee or staff member if the person does not request an open meeting. This reason for executive session may not be used to do a general evaluation of an agency goal, objective or operation or any directive to personnel concerning these subjects. ORS 192.660(2)(i) and 192.660(8)
- j. To conduct labor negotiations if requested by negotiators for both sides. ORS 192.660(3)

PUBLIC MEETINGS LAW VIOLATIONS

Historically, there have been limited avenues for enforcement of violations of the Oregon Public Meetings Law. However, House Bill (HB) 2805 has changed that somewhat, with expansion of Oregon Ethics Commission oversight of public meetings law. Under the bill, a grievance process has been established by which citizens may report violations by filing a written grievance to the board. Governing bodies will be required to respond to said grievances according to the prescribed procedure outlined in the bill, including providing notice of the grievance and response to the OGEC.

The new oversight authority of the OGEC makes it more important than ever to carefully follow all of the rules and regulations of Oregon Public Meetings Law. District boards are charged with familiarizing themselves with the new requirements outlined in the bill, as well as all of the rules and guidelines for holding effective board meetings that are open to the public, encourage transparency in local government and foster the healthy communication and interaction between a district's governing board and its citizens.

TRAINING

The Oregon Government Ethics Commission (OGEC) has the authority to enforce public meetings law as it applies to special districts. ORS 192.700 lays out the public meeting training requirements for board members. Every member of a governing body of a public body with total annual expenditures of \$1 million or more is required to complete OGEC-approved training at least once during his or her term of office. SDAO provides Public Meetings Law training for our members that satisfies the OGEC requirement. More information regarding the training, including registration information, dates, in-person and virtual training options can be found at www.sdao.com/trainings.

ADDITIONAL RESOURCES

State of Oregon Department of Justice Website: www.doj.or.us

Oregon House Bill 2805: <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB2805/Enrolled>

The Attorney General's Public Records and Meetings Manual: [AG Public Records & Meetings Manual](#)

Special Districts Association of Oregon website: www.sdao.com

Oregon Revised Statutes Chapter 192 (Public Meetings and Records): https://oregon.public.law/statutes/ors_chapter_192