

Public Meetings – Summary of the law

ORS 192.620 establishes Oregon’s policy of open decision-making by governing bodies.

Bodies subject to the law:

All meetings of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate towards a decision **on any matter**.

Applies not only to counties, but to committees, subcommittees and advisory groups if they have the authority to make decisions for or recommendations to a public body on policy or administration.

A gathering of less than a quorum of a committee, subcommittee, advisory group or other governing body is not a “meeting”. However, be careful of sequential deliberation via email. The Attorney General’s office has opined that such deliberations may be a “meeting” under the public meetings law. “For example, communications between an among a quorum of members of a governing body convening on electronically-linked computers are subject to the public meetings law if the communications constitute a decision or deliberation towards a decision for which a quorum is required or the gathering of information on which to deliberate”.

Our recommendation regarding email use is to not “reply all”, and to not ask for nor participate in discussion or deliberation via email. Sharing of information is fine, but discussion of the information should occur in a public meeting that has been properly noticed. Additionally, we would recommend not continuing to respond to email strings that may inadvertently create quorum issues. Instead, start a new email or delete all of the prior emails from the string except for the one or two immediately preceding your reply.

Governing bodies, committees and advisory groups meeting with administrative staff are subject to the requirements of the public meetings law if a quorum of the members of the body convenes to receive information from staff. Even if the meeting is for the sole purpose of gathering information or being briefed on process, the meetings law will apply.

Summary of exemptions to public meetings:

- 1) Any judicial proceedings are exempt from the rule
- 2) On-site inspections are exempt from the rule
- 3) Gatherings of national, regional or state associations to which the public body or its members belong are exempt from the rule

Summary of executive session situations:

- 1) Employment of public officers, employees and agents
- 2) Discipline of public officers and employees
- 3) Labor negotiator consultations

- 4) Real property transactions
- 5) Exempt public records discussion
- 6) Trade negotiations
- 7) Consultation with counsel
- 8) Performance evaluations of public officers and employees (does not apply to salary)
- 9) Public investments
- 10) Security programs

Note: no executive session may be held for the purpose of taking any final action or making any final decision. The purpose of this requirement is to allow the public to know the result of the discussions. Taking a formal vote in open session satisfies that requirement, even if the public vote merely confirms a tentative decision reached in an executive session.

Public meetings law provides that representatives of the news media shall be allowed to attend all executive sessions except for session involving deliberations with persons designated to carry on labor negotiations.

Prior to going into executive session, the body should state something similar to the following:

The (governing body) will now meet in executive session for the purpose of (list reasons why and sections of the ORS that allow for executive session on these items). Representatives of the news media and designated staff shall be allowed to attend executive session. All other members of the audience are asked to leave the room. Representatives of the media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as announced previously. No final decisions may be made in executive session.