



Public Meetings in Oregon

OGEC Certified

Training Date: October 2, 2025
Training Location: LOC Annual Conference



Overview

Mandatory Training

Definitions

Legal Requirements

Virtual Meetings

Serial Meetings

Executive Sessions

Public Participation

Grievances and Complaints



Mandatory Training

Mandatory Training

- 1) Required for governing bodies with total expenditures of \$1M or more;
- 2) Once during term of office;
- 3) Maintain record;
- 4) Truthfully certify completion, if requested.
- 5) A person who serves on multiple governing bodies, each of which require the mandatory training, may attend a single training to satisfy the requirements so long as that training occurs during each applicable term of office.

OAR 199-050-0080(2)(3)

Record Keeping

- 1) Date of training.
- 2) Presenter's name.
- 3) Location of training.

OGEC Authority

- Any person may request an advisory opinion or written or oral staff advice for actual or hypothetical situations involving executive session. ORS 192.660(10).
- OGEC can also provide guidance, advice and opinions on other matters relating to Public Meetings Law. ORS 244.040.

OGEC Authority

1. If the public body does not timely respond to complainant's grievance, or if complainant is not satisfied with public body's written response, complainant may file complaint with OGEC.
2. OGEC may investigate public meetings violation complaints for executive sessions.
3. If OGEC finds that governing body violated public meetings law, can impose civil penalties "not to exceed \$1,000..." ORS 244.350(2).
4. Civil penalty is a **personal liability of each member of the governing body** on whom the penalty is imposed; May not be paid for or indemnified by the governing body or the public body. ORS 244.040, ORS 244.350(6)(a).

Intent of the Public Meetings Law

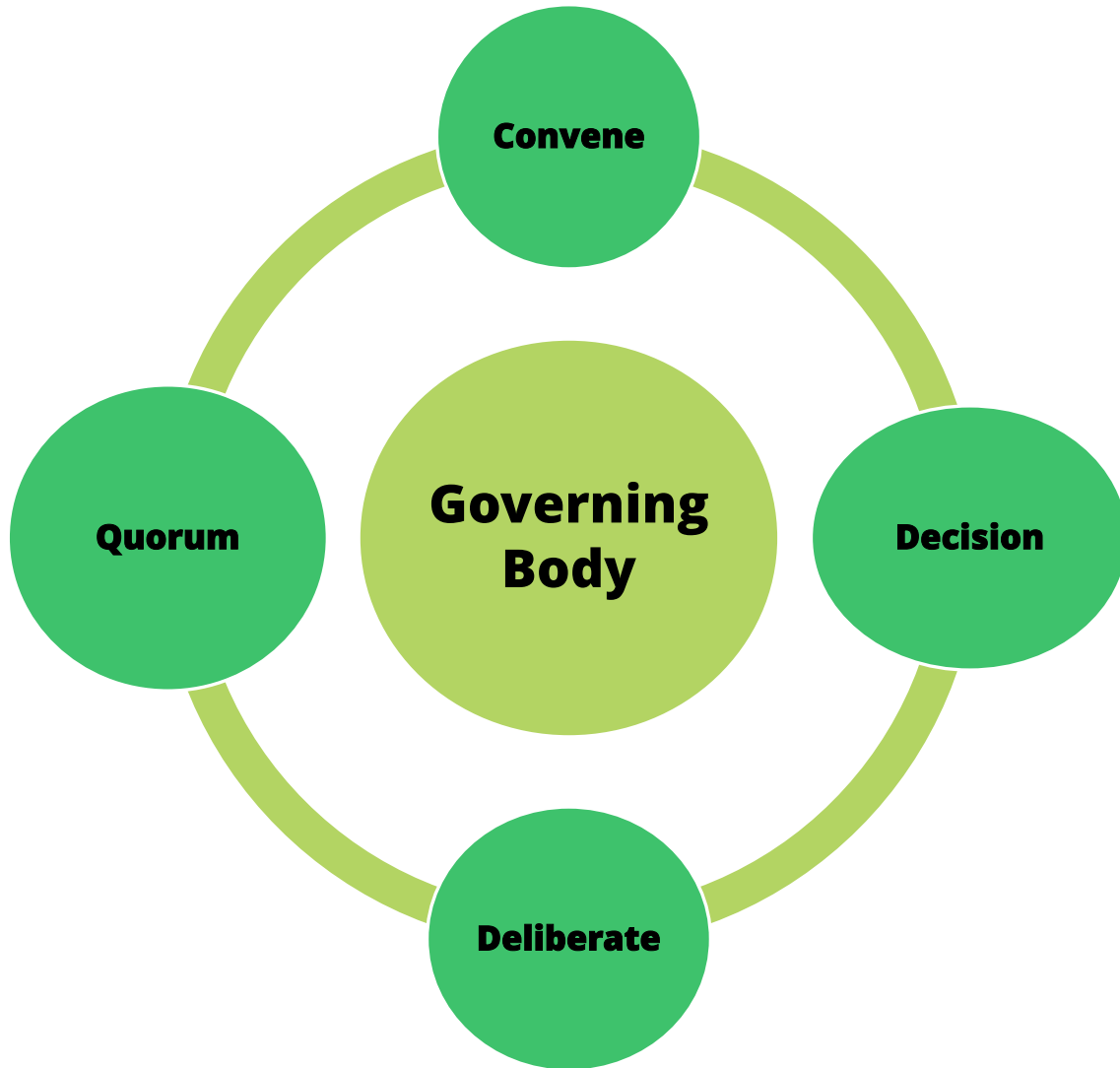
“The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of [public meetings law] that decisions of governing bodies be arrived at openly.”

ORS 192.620



Definitions

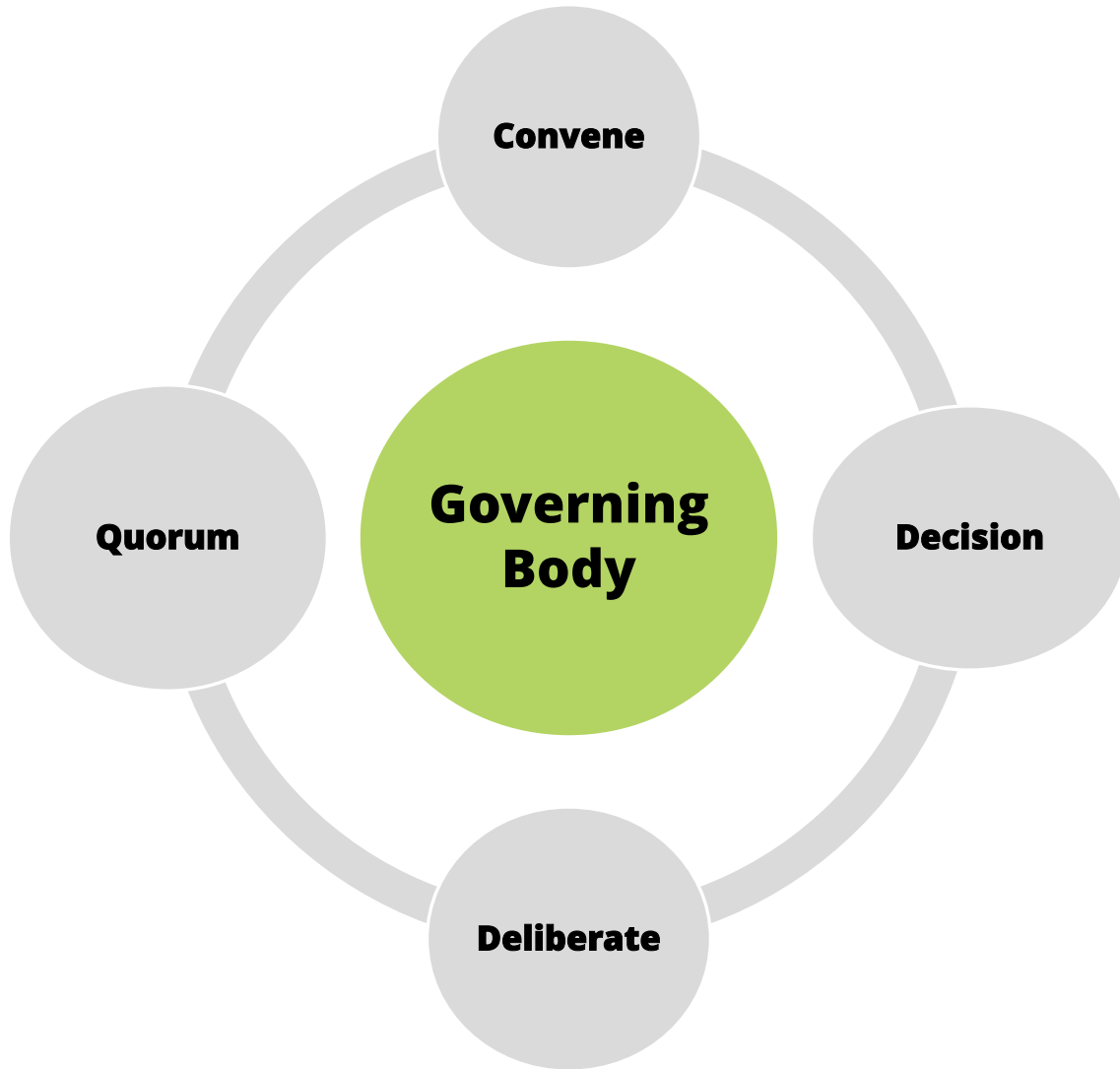
What is a Public Meeting?



“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.

ORS 192.610(7)(a)

“Governing Body”



“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(5)

“Public Body”

The state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

ORS 192.610(6)

Types of Bodies Subject



Decision-Making Bodies OAR 199-050-0010(1)(a).



Advisory Bodies OAR 199-050-0010(1)(b).

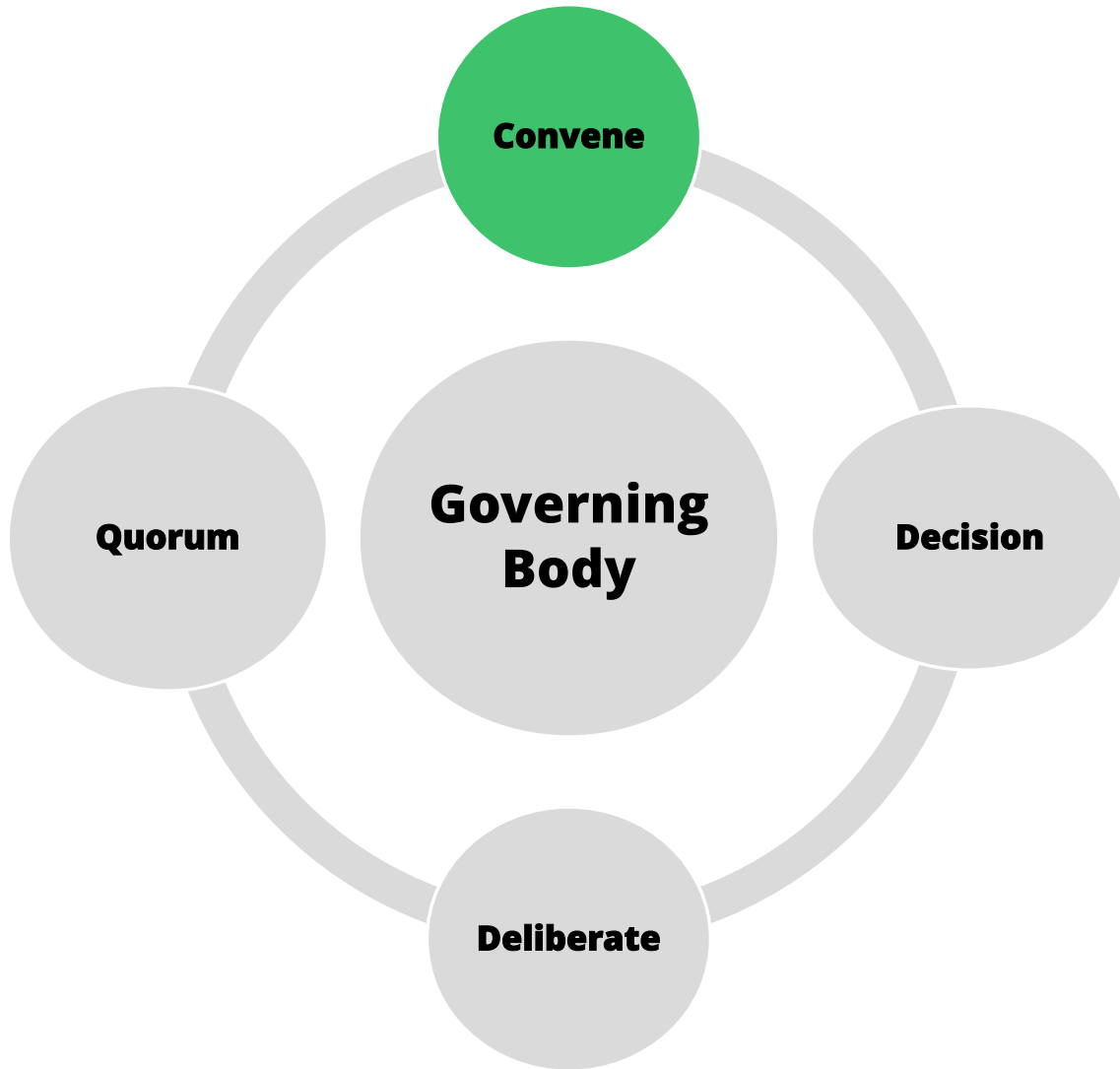


Fact Gathering Bodies OAR 199-050-0010(2)(a).



Bodies Advising Individual Public Officials OAR 199-050-0010(2)(b).

“Convening”



- Gathering in a physical location;
- Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants;
- Using serial electronic written communication among participants; or
- Using an intermediary to communicate among participants.

ORS 192.610(1)

“Communication”

“The expression or transmission of information from one person to another through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.”

OAR 199-050-0005(1),(2)

“Serial Electronic Written Communication”

“A series of successive or sequential communications among members of a governing body using written electronic means, including emails, texts, social media, and other electronic applications that communicate the written word.”

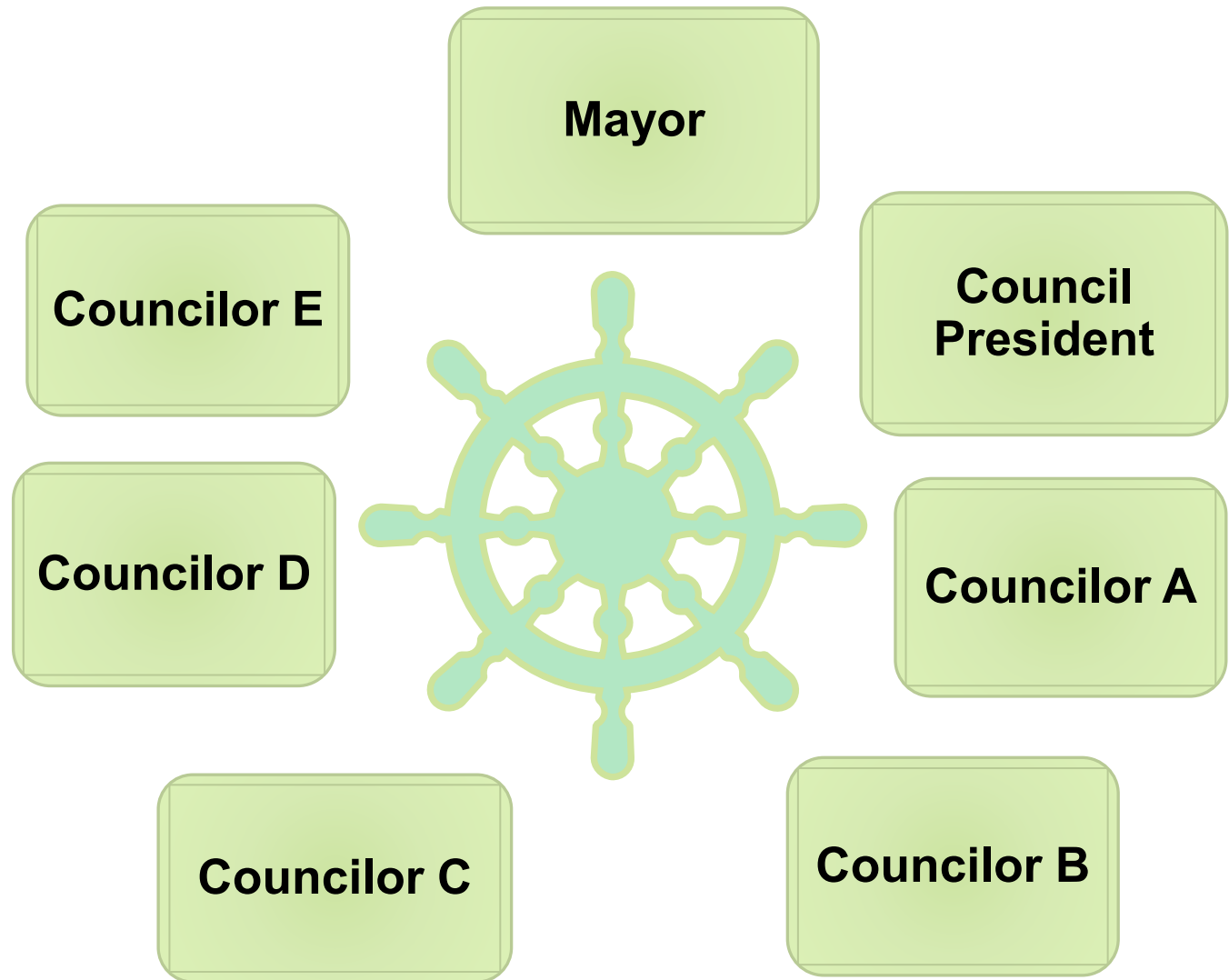
OAR 199-050-0005(10)

“Intermediary”

“A person who is used to facilitate communications among members of a governing body about a matter subject to deliberation or decision by the governing body, by sharing information received from a member or members of the governing body with other members of the governing body. The term ‘intermediary’ can include a member of the governing body.”

OAR 199-050-0005(7).

Serial Communications



Serial Communication Types

Serial communications could be:

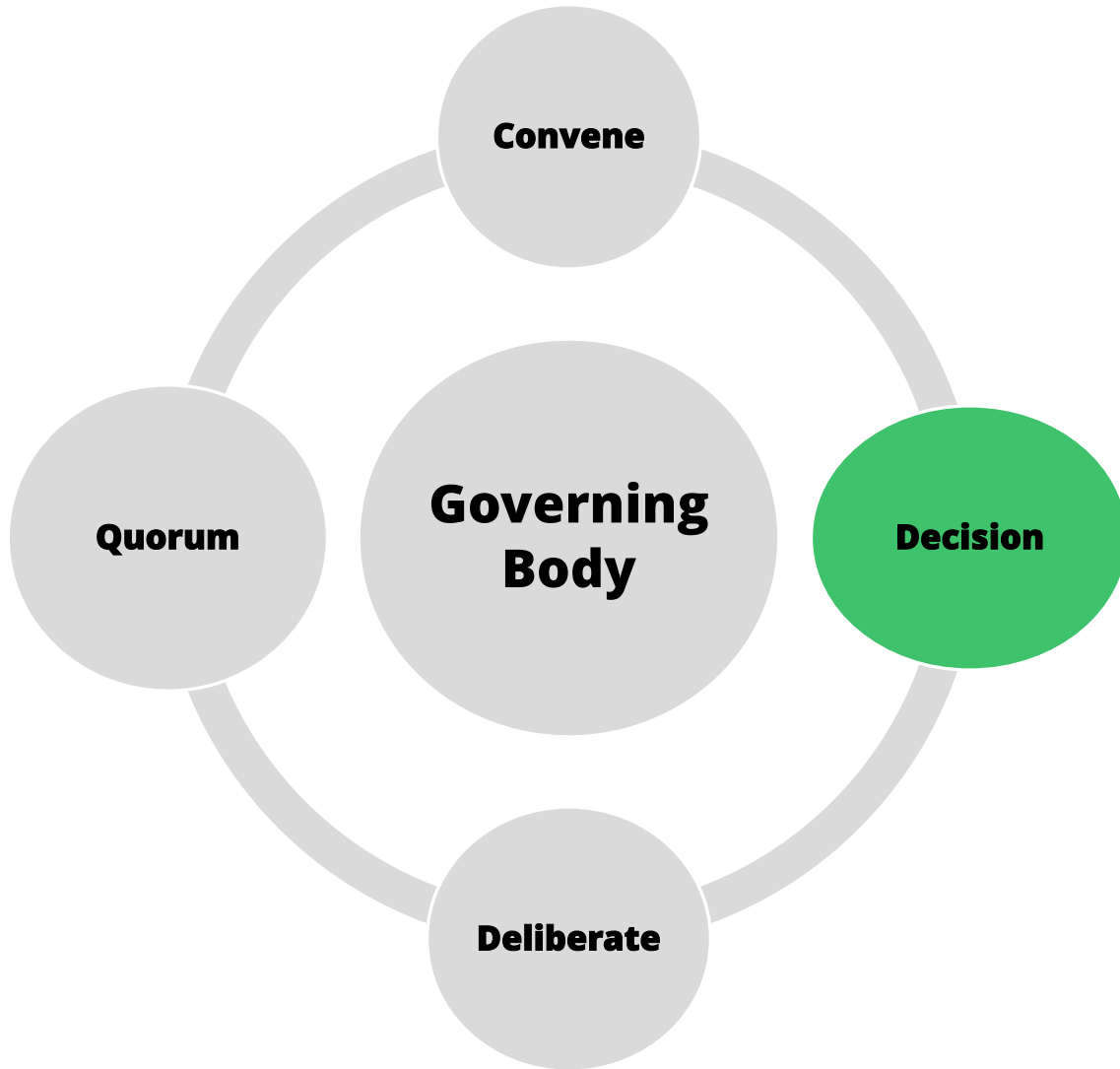
- Written communications, including electronic written communications, such as email, texts, and other electronic applications;
- Use of one or more intermediaries to convey information among members;

But can also be:

- In-person;
- Telephone calls;
- Videos, videoconferencing, or electronic video applications; and
- Any other means of conveying information.

OAR 199-050-0020(2)

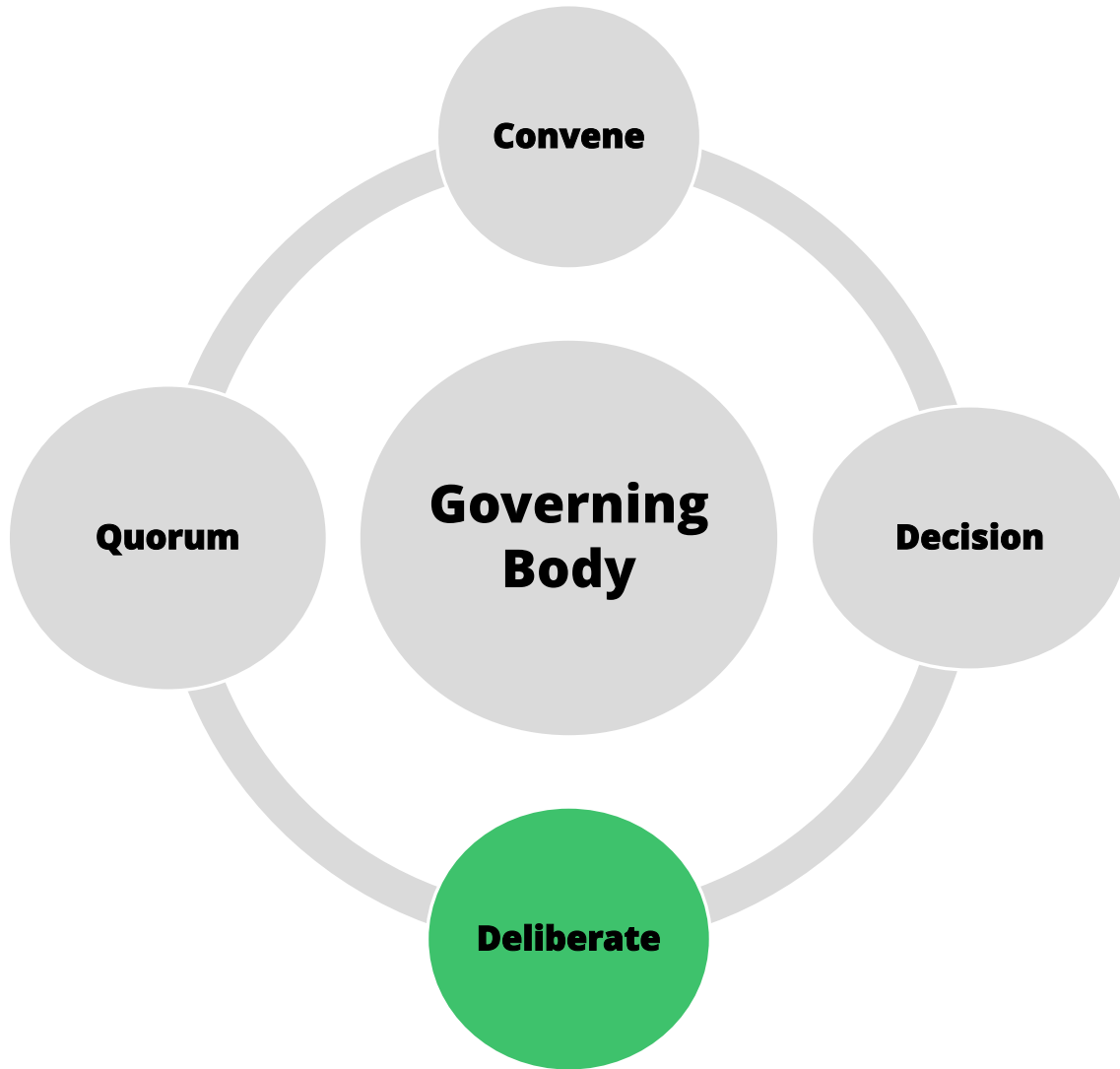
“Decision”



“Any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.”

ORS 192.610(2)

“Deliberation”



Discussion or communication that is part of a decision-making process.

ORS 192.610(3).

Deliberate means to engage in deliberations.

OAR 199-050-0005(5).

“Discussion”

“The consideration or debate of a matter.”

OAR 199-050-0005(6).

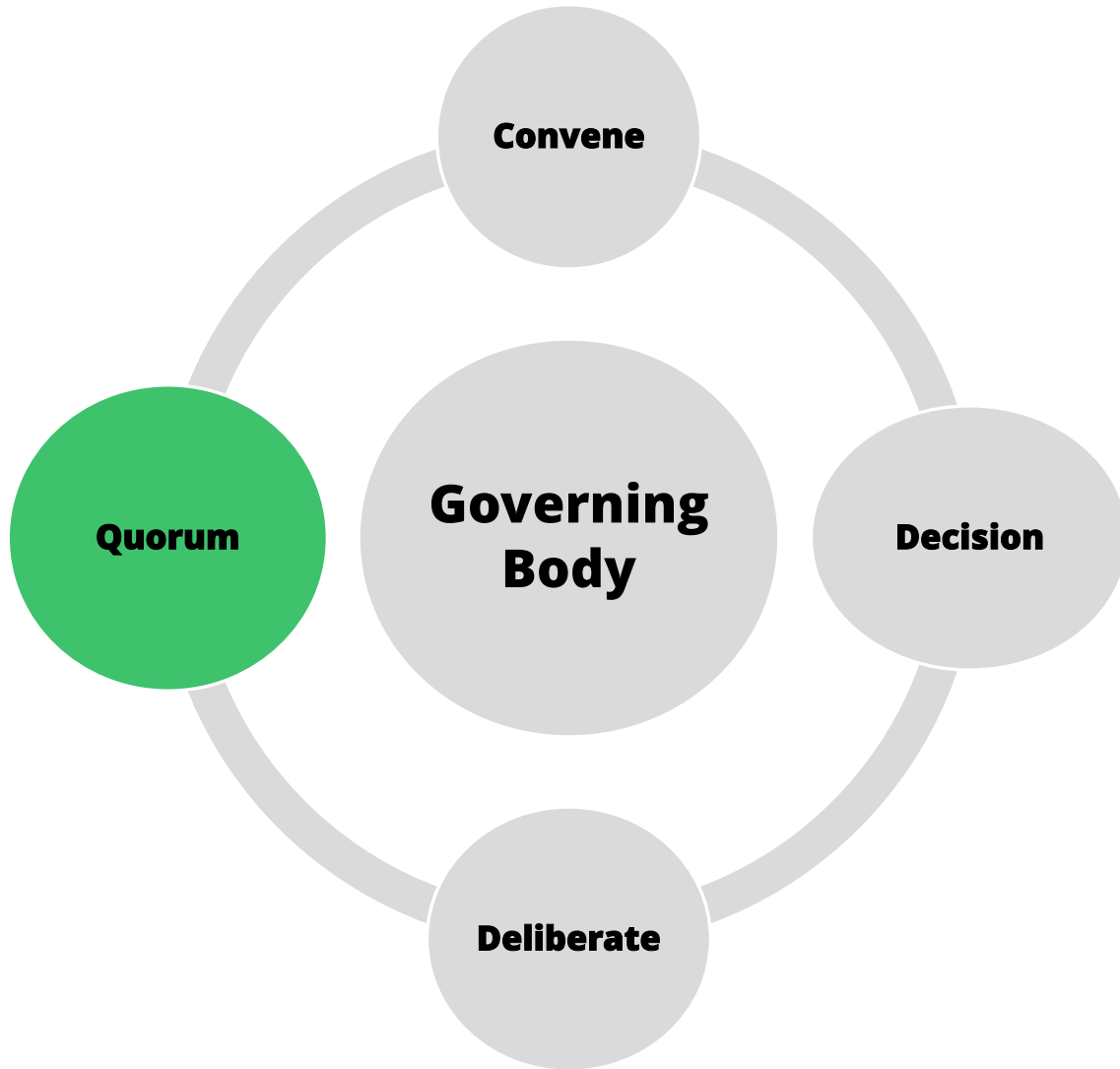
“Decision-Making-Process”

The process a governing body engages in to make a decision, such as:

- Identifying or selecting the nature of the decision to be made;
- Gathering information related to a decision to be made;
- Identifying and assessing alternatives;
- Weighing information; and
- Making a decision.

OAR 199-050-0005(4)

“Quorum”



“The minimum number of members of a governing body required to legally transact business.”

OAR 199-050-0005(9)

Types of Public Meetings

- ✓ Regular Meetings
- ✓ Special Meetings
- ✓ Emergency Meetings
- ✓ Executive Sessions
- ✓ Work Sessions and Workshops

Includes committees and subcommittees if they make decisions or make recommendations.

What are NOT Public Meetings



On-site inspections of projects or programs, provided the members of the governing body do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.








The attendance of members of a governing body at any national, regional or state association to which the public body or the members belong, provided the members of the governing body do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.



Social Gatherings

What are NOT Public Meetings

-  Communications between or among members of a governing body, including communications of a quorum of members, that are:
 -  (A) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the governing body;
 -  (B) Not related to any matter that, at any time, could reasonably be foreseen to come before the governing body for deliberation and decision; or
 -  (C) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.
-  Any matters listed in ORS 192.690.



Public Meeting Legal Requirements

**Open to
the Public**

Location

Notice

Accessible

Minutes

Open to the Public

- All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided in ORS 192.610 to 192.705. ORS 192.630(1).
- A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.705. ORS 192.630(2).

Location

- Meetings of the governing body of a public body must be held:
- Within the geographic boundaries of the area over which the public body has jurisdiction;
- At the public body's administrative headquarters;
- At "the nearest practical location;
- Within Indian county of a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state."
- In a location accessible to persons with disabilities.

ORS 192.630(4)

Location Exceptions

- Training sessions in which no deliberations towards a decision are involved;
- Joint meetings of governing bodies or a governing body and Oregon Indian tribal officials; and
- Actual emergency necessitating immediate action.

ORS 192.630(4)

No Discrimination

- A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, gender identity, national origin, age or disability is practiced.
- It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.
- Cannot “meet in a place inaccessible to persons with disabilities;” or
- Cannot “fail to make a good faith effort to have an interpreter... provided at a regularly scheduled meeting” when requested at least 48 hours in advance.

ORS 192.630 (3)&(5)

Remote Access

To extent reasonably possible, public bodies must make all meetings (excluding executive session) accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony if in-person oral and written testimony is allowed.

ORS 192.670(3) / OAR 199-050-0050(3),(5)

Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.705.

Must “make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs.

A place provided may be a place where no member of the governing body of the public body is present.

Meetings can be held entirely virtually (board members attend remotely and no physical location for members of the public to attend).

ORS 192.670(1),(2) / OAR 199-050-0050(2)

Virtual Meetings



Notice Requirements

OAR 199-050-0040(3) requires a notice for meetings which are open to all members of the public to contain, at a minimum, the following information:

- Time, date and location of the meeting;
- The electronic link or telephone access information;
- A list of the principal subjects anticipated to be considered at the meeting (i.e., agenda). This requirements does not limit the ability to consider additional subjects;
- The name, telephone number, and email address of a person to contact to request an interpreter or other communication aids, or a notice that a sign language interpreter or other communication aids will be provided.

Your local rules may provide additional requirements.

Method of Notice to Interested Persons

- Interested person lists, mailing lists, or other lists of person or groups maintained by the governing body to provide notice or communications;
- Social media platforms normally utilized by the governing body for communications; or
- Any other means reasonably calculated to provide actual notice to interested persons known to the governing body.

OAR 199-050-0040(2)(b)

Method of Notice to the Media

A governing body satisfies the media notice requirement by providing notice to those media representatives who have requested notice, either in the method requested by the media representatives or by any other means reasonably calculated to provide actual notice to the media representatives.

OAR 199-050-0040(2)(c)

Timing of Notice

- Regular Meeting – as much notice as reasonably possible, but no less than 48 hours advance notice
- Special Meeting – at least 24 hours in advance
- Emergency Meeting – such notice as is appropriate to the circumstances (ORS 192.640(3)). Attempt to contact media and other interested persons. Minutes must describe the emergency justifying less than 24 hours' notice and the reason why the meeting could not be delayed for 24 hours. An actual emergency must exist.

OAR 199-050-0040(4) / ORS 192.640(1)

Minutes

Must include “a true reflection of the matters discussed at the meeting and the views of the participants” and the following:

- All members of the governing body present;
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- The results of all votes and the vote of each member by name (if 25 or fewer members);
- The substance of any discussion on any matter; and
- A reference to any document discussed at the meeting.

ORS 192.650(1)

Minutes

The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings.

Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants.

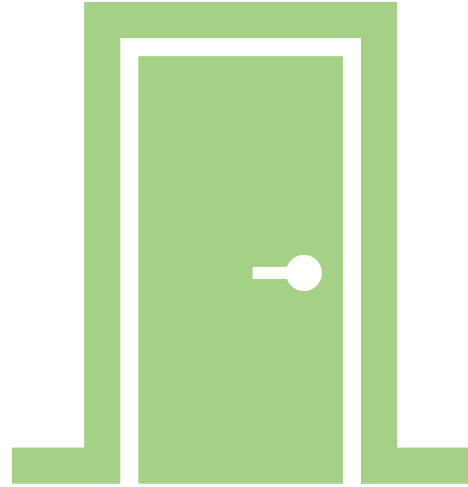
All minutes or recordings must be available to the public “within reasonable time after the meeting.

ORS 192.650(1) / OAR 199-050-0060(1),(3)

Voting Requirements

- All official actions by public vote;
- Vote by name recorded;
- Secret ballots prohibited;
- If written ballot, must include name and vote, and be announced during the meeting at which the vote occurred.

OAR 199-050-0055



Executive Sessions

What is an Executive Session?

Any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

ORS 192.610(4)

ORS 192.660(1)

ORS 192.660(6)

OAR 199-040-0020(1)

OAR 199-040-0060

-  Must be Statutorily Authorized
-  Notice Must List Statutory Authority for the Meeting
-  The News Media Has the Right to be Present
-  Final Decisions are Prohibited
-  All the Legal Requirements Applicable to a Regular Meeting Still Apply

Method of Notice for Executive Session

Same as regular meetings, plus:

- Must “identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization.
- If part of a regular, special or emergency meeting, “the presiding officer shall identify in open session the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization.”

OAR 199-050-0040(3)(d)

Minutes of Executive Sessions

- Same content requirements of regular meeting minutes: sound, video tape, digital, written;
- Not required to disclose “if the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held.”
- Excluded materials may be examined privately by court in legal action; may be admissible evidence.

Virtual Attendance at Executive Sessions

- For executive sessions where the media are statutorily authorized to be present, if any person, including any member of the governing body, is attending the executive session by telephone, video, or other electronic means, the governing body shall provide members of the media the same attendance option.
- Nothing in this subsection prevents the governing body from establishing reasonable security measures to ensure the media's attendance by telephone or other electronic means is conducted through a secure connection or method.

ORS 192.660(4),(5) / OAR 199-050-0050(4)

Who is Media?

“... we conclude that ‘representatives of the news media’ for purposes of ORS 192.660(4) includes news-gathering representatives who have a formal affiliation with an institutional news medium. A news media entity is institutional if it is formally organized for the purpose of gathering and disseminating news. As discussed below, however, the proliferation of technologies for disseminating information can make it difficult to identify which entities are institutional news media.”

Attorney General Opinion 8291 (2016), page 14.

How to Begin and End an Executive Session

Prior to beginning, must announce the statutory authorization to hold the executive session.

Stand Alone Session: Announcement must be made in a properly issued meeting notice

Combined Meeting: Announcement must be made during the portion of the meeting that is open to the public

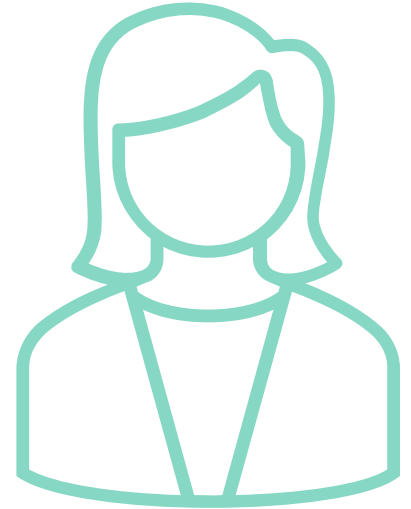
After the Executive Session concludes, must use a reasonable means to give notice that the meeting is again a public meeting.

Reasons to Hold Executive Sessions

To consider the employment of a public officer, employee, staff member.

CANNOT USE:

- To fill a vacancy of elected office or for public committees, commissions or advisory groups.
- To consider general employment policies.
- Discuss salary and benefits.



4 STEPS FOR CONSIDERING EMPLOYMENT IN EXECUTIVE SESSION

When you can hold an executive session for hiring?

A governing body of a public body can meet in executive session to talk about hiring a public officer, employee, staff member or individual agent. Statutes can be found in ORS 192.660(2)(a) and ORS 192.660(7)(d)(A-D).

BEFORE you can discussing hiring in executive session, the governing body must take the following steps:

- | | | |
|---|--|---|
|  | <p>Advertise the Vacancy The public body must advertise the vacancy.</p> | 1 |
|  | <p>Adopt Hiring Procedures The public body must adopt regular hiring procedures.</p> | 2 |
|  | <p>For Chief Executive Officer Governing body adopts the following at a public meeting where public has opportunity to comment: a. Hiring standards (example: DAS hiring practices) b. Criteria (example: position description) c. Policy directives (example: agency/position goals)</p> | 3 |
|  | <p>For an Officer Public has opportunity to comment on the employment of the individual officer. (Examples: Stakeholder meetings, candidate meet and greets)</p> | 4 |
|  | <p>In executive session you cannot discuss: a. Filling an elected position when it becomes empty. b. Filling a vacancy on any public committee, commission or other advisory group. c. Discussing general employment policies. d. Discussing an officer's salary when hiring them. e. Making a final decision. A governing body must return to a public meeting before taking a final action.</p> | |

Governing bodies are responsible for complying with notice requirements for any public meetings and executive sessions. Oregon Government Ethics Commission 2023



Governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

*Applies to initial employment only.

Reasons to Hold Executive Sessions

To conduct employee evaluations only if the employee does not request an open hearing.

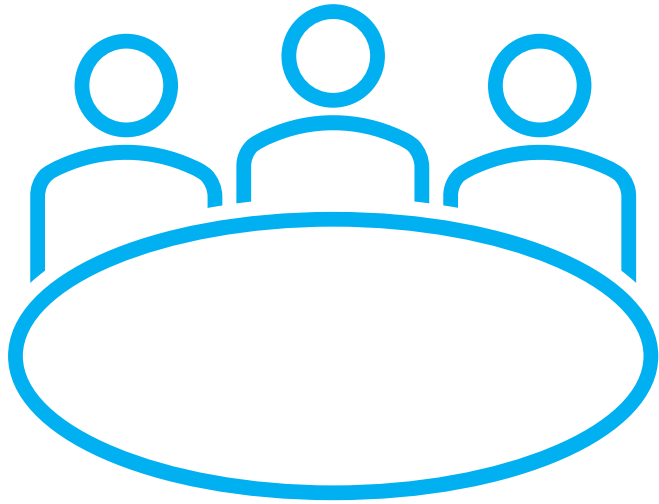
- ◆ A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.
- ◆ Compensation, including salaries and benefits, must not be discussed or negotiated during an executive session.
- ◆ In order to afford to the chief executive officer of any public body, a public officer, employee, staff member or individual agent the opportunity to request an open hearing, the public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting.
- ◆ At a minimum, the written notice shall include:
 - Identification of the governing body before which the matter will be considered;
 - The time, date and location of the meeting;
 - The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice;
 - Information on how the public official may make a request for an open hearing.

Reasons to Hold an Executive Session

To consider dismissal or discipline of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, unless the person requests an open hearing.

- Compensation, including salaries and benefits, must not be discussed or negotiated during an executive session.
- In order to afford to the chief executive officer of any public body, a public officer, employee, staff member or individual agent the opportunity to request an open hearing, the public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting.
- Same written notice requirements as executive sessions to conduct employee evaluations apply.

Reasons to Hold Executive Sessions



To conduct labor negotiations or discuss labor negotiations with a negotiator.

ORS 192.660(2)(d).

Note: Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640. ORS.192.660(3).

To discuss real estate transactions with a negotiator.

ORS 192.660(2)(e).

Reasons to Hold Executive Sessions



- To review or approve of programs relating to **security** of telecommunications, data transmissions, power storage, hazardous material transport. ORS 192.660(2)(n)
- To consider matters relating to the **safety** of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. ORS 192.660(2)(o)
- To consider matters relating to **cyber** security infrastructure and responses to cyber security threats. ORS 192.660(2)(p)

Reasons to Hold Executive Sessions



To consider information or records that are exempt by law from public inspection. ORS 192.660(2)(f).



To consult with your attorney regarding “current litigation or litigation likely to be filed.” ORS 192.660(2)(h). Attorney must be present. OAR 199-040-0050.



To conduct trade negotiations where the city is competing with governing bodies in other states. ORS 192.660(2)(g).



Public Participation

Can the Public Participate in Meetings?



OPML only requires public attendance

- Not public participation
- **Exceptions:** land use and budget hearings



City's governing documents may require both public attendance and public participation

- Check your charter, ordinances, rules of procedure



Allow oral testimony by electronic or virtual means.



Allow written testimony, including electronically.



Violations

Two Complaint Methods

Public Body Grievance & OGEC Complaint Process

Grievance to the public
body followed by
complaint to OGEC.

ORS 192.685

Court Action

Lawsuit to compel
compliance with public
meetings law.

ORS 192.680

Grievance Process

1. Grievance filed, in writing, with public body within 30 days of alleged violation.

- Grievance is against the governing body..
- Grievance must forth the specific facts and circumstances that the person asserts amounted to a violation of ORS 192.610 to 192.705. The grievance must state the date of the grievance, identity (name and contact information) of the person filing the grievance and) The governing body that allegedly violated the Public Meetings Law; the date of the meeting where the alleged violation occurred; the specific facts and circumstances that the person asserts amount to a violation of the Public Meetings Law.

2. Acknowledge and respond to both person and OGEC via email within 21 calendar days:

- Deny allegations
- Admit allegations/deny violation, or
- Admit allegations, admit violation, and cure violation.

3. File copy of grievance and response to OGEC.

Grievance Process

The city must accept grievances filed by:

1. In-person delivery during regular business hours;
2. First-class mail; and
3. Email.

The city may accept grievances by other means.

Information on Website

- Person and contact information to whom a grievance may be submitted; and
- Hours during which in-person grievances will be accepted.

Absent these, a grievance can be filed with the chief administrative officer or to the mayor.

If no website, must publish notice in the same manner as meeting notices.

OAR 199-050-0070(3)

Complaint Process

After a grievance is filed, an individual must then file a complaint with OGEC.

- A complainant may not file a complaint with the commission unless the complainant has complied with the written grievance procedures described in ORS 192.705 and:
 - Has received a response from the public body that denies that a violation of ORS 192.610 to 192.705 occurred;
 - Has received a response from the public body that admits that a violation of ORS 192.610 to 192.705 occurred that the public body has failed to take adequate steps to cure; or
 - Has not received a response from the public body within the time prescribed for a response under ORS 192.705.
- OGEC will dismiss complaint if above requirements not satisfied.

Complaint Process

A complainant is required to submit to OGEC:

- Documentation of complainant's actions taken under ORS 192.705;
- The city's response.

OGEC will dismiss any complaint filed that does not satisfy the requirements in ORS 192.685(2).

Procedural Dismissal

A complaint that is dismissed for failing to comply with requirements is a procedural dismissal only. The dismissal does not prevent OGEC from taking up the matter on its own motion if it has authority to do so, or considering a new complaint based upon the same conduct (if all rules are met).

OAR 199-050-0075(4)

OGEC's Own Action

“If at any time [OGEC] has reason to believe that there has been a violation of ORS 192.660, [OGEC] may proceed ...on its own motion as if the commission had received a complaint.”

ORS 192.685(1)(b)

Who is Liable?

- A complaint alleging violations of Public Meetings Law that is filed with the Commission under ORS 192.685 will be construed as a complaint against all members of the governing body and cases will be opened for each member of the governing body.
- When a complaint involves the members of a governing body, OGEC will consolidate at the **preliminary review phase** and investigative phase unless a governing body member objects.
- Individual determinations will be made for each member.

OAR 199-050-0075(2)(3)

Penalties

- Civil penalty of up to \$1,000 for each council member for violation of public meetings law. ORS 244.350(2)(a)
- No civil penalty if acting at the advice of public body's legal counsel, but letter of education is possible. ORS 244.350(2)(b)

Lawsuit

- Any person affected by a decision of a governing body may commence a suit in circuit court in which the governing body ordinarily meets. Must be commenced within 60 days following the date that the decision becomes public record.
- A decision made during an improperly held public meeting is voidable by the court if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available.
- If court finds the violation is due to willful misconduct, the members shall be jointly and severally liable.
- Court may order such equitable relief it deems appropriate. - Includes reasonable attorney fees.

Oregon Government Ethics Commission (OGEC)

- <https://www.oregon.gov/ogec/pages/default.aspx>
- (503) 378-5105
- mail@ogec.oregon.gov