

PUBLIC MEETINGS LAW

Oregon Department of Justice

Q & A

Q. May a governing body meet with staff in carrying out its administrative functions, without complying with all the notice and other requirements of the Public Meetings Law?

A. If the governing body is meeting in order to obtain information on which it later will deliberate, or to deliberate or decide on substantive regulatory matters, it must comply with the notice, public attendance and recordkeeping requirements of the Public Meetings Law.

Q. As a governing body, must we notify the press and public each time we meet?

A. Yes, if you discuss the business of the governing body. The law requires that the public have access to any meeting of a quorum of a governing body of a public body when the governing body meets to gather information on which it will later deliberate, or to deliberate or make a decision on any matter of policy or administration.

Q. Is a "retreat" of a governing body subject to the Public Meetings Law?

A. The answer depends on the matters discussed at the retreat. If the retreat is confined, for instance, to general principles of decision-making or personal interaction, the Public Meetings Law would not apply. However, if at the retreat the governing body deliberates toward or makes a decision on official business, or gathers information on which it later will deliberate, the meetings law applies. In addition, any retreat or training session that includes deliberations must be held inside the governing body's jurisdiction.

Q. May a quorum of members of a governing body participate in a "community retreat" sponsored by a membership association?

A. Yes, so long as they avoid getting together as a group for any deliberations.

Q. Is an administrative hearing subject to the Public Meetings Law?

A. The deliberations of state agencies conducting contested cases in accordance with the Administrative Procedure Act, and of several specifically named agencies, are exempt from the meetings law. Contested cases conducted by an individual hearings officer are not subject to the law, because a hearings officer is not a governing body

Q. How far in advance must a public body give notice of its regular meetings?

A. Far enough in advance to reasonably give interested persons actual notice and an opportunity to attend. Because the notice must specify the principal subjects to be covered, it must be given separately for each meeting even though the public and news media know that the body meets every Wednesday evening.

Q. Is a notice posted solely on a bulletin board sufficient?

A. It is not. However, such a notice may be used with news releases and mailing lists to meet the notice requirements.

Q. May a governing body issue a single notice for a “continuous session” that may last for several days?

A. Probably yes, if the body can identify the approximate times that principal subjects will be discussed.

Q. Must a notice be provided for a meeting that is exclusively an executive session?

A. Yes. The notice requirements are the same and must include statutory authority for the executive session.

Q. May a governing body reach a decision in an executive session?

A. It may not reach a final decision, but it may informally decide or reach consensus. This is proper so long as the body goes into public session to act formally on the matter.

Q. May a public body refuse to use a microphone during its public meetings?

A. The meetings law does not specifically address what steps public bodies must take to ensure that the general public can sufficiently monitor public meetings.

Q. Does the Public Meetings Law grant me the right to testify before a public body?

A. No, the Public Meetings Law only guarantees the public a right to monitor the meetings of public bodies; it does not grant members of the public the right to interact with public bodies during those meetings.

Q. Are written minutes required?

A. Written minutes are required except for executive sessions, which may be audio taped.

Q. How can a suit be filed for a meetings violation?

A. A suit should be filed in circuit court. The timing of the suit depends on the relief sought, but no action under the meetings law may be commenced more than 60 days after the decision challenged became public record. A complaint for violation of the executive session provisions of the Public Meetings Law may be filed with the Oregon Government Standards and Practices Commission.