



# Orientation Handbook for Advisory Board Members

*Updated Feb 2020*



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# Welcome Marion County Advisory Board Member

You join many people who serve as volunteer members of Marion County advisory boards. Thank you for your volunteer service! Advisory boards provide guidance to decision makers and bring public participation into the process of government.

Advisory, committee and commissioner members are appointed by the Board of Commissioners to serve a term. Terms vary in length depending on the board.



Although each board, council, committee or commission has a different mission, volunteers who serve as advisory board members for Marion County usually perform this service in a group. Each group functions a little differently as directed by the statute or charter for that particular board. The information in this handbook is intended to assist new advisory board members become acquainted with the functions and decision-making processes of the group to which they have been appointed. We hope you will find it helpful. In addition to this handbook, volunteers have access to e-learning videos that explain the county's policies and practices related to Ethics, Workplace Violence Prevention, and Discrimination & Harassment Free Workplace. An overview video of our New Volunteer Orientation is available as well. All training videos can be found at <https://www.co.marion.or.us/BS/VOL/Pages/New-Volunteer-Orientation.aspx>. Departments provide additional on-site orientation and training for their advisory board, committee and commission volunteers.

## Legal Obligations of Advisory Boards

As an advisory board member, it is important to remember that you have legal responsibilities.

**Public Bodies:** Advisory boards are considered “public bodies” under Oregon law. As a result, you must ensure that your board operates in compliance with the open meetings laws (ORS 192.610 et seq.).

**Oregon’s open meetings laws essentially require three things:**

- 1. Notice must be provided for all meetings,**
- 2. Meetings must be open to the public, and**
- 3. Minutes must be created for each meeting.**



A “meeting” is defined as including not only formal gatherings of the board but also any occasion where a “quorum” (usually majority) of the board members come together and deliberate on board issues. This definition also applies where board subcommittees are concerned. Therefore, if three members of a five-member board subcommittee come together and begin to discuss board matters, the open meetings laws must be complied with. This is true whether you are in a social setting or in a formal meeting. It is important to be aware of this fact when you find yourself with other board members, whatever the situation.

### **Public Officials**

Advisory board members are considered “public” officials and must act consistently with Oregon’s ethics laws (ORS 244.010 et seq.)

#### **Oregon’s ethics laws prohibit:**

- 1. Any public official from gaining financially as a result of his or her position regardless if it is salaried or not, and**
- 2. Public officials must declare any conflicts of interest at a public meeting.**

A conflict exists if a decision or recommendation potentially could affect the finances of the board member, or the finances of a family member. If a conflict exists, the board member must declare this fact at a meeting where the issue is discussed and may need to refrain from discussing or voting on the matter. The laws surrounding conflicts of interest are confusing but also contain exemptions that may apply. If you are unsure whether a conflict exists, you should contact the staff person assisting your advisory board or call Marion County Legal Counsel at (503) 588-5220 to discuss the matter.

### **Claims of Meetings Law Violation**

Most claims that the open meetings laws have been violated will be made against the public body itself. However, claims may be brought against the individual public officials (in this case volunteer board members); public officials may be sued personally for public meetings violations and complaints may also be registered with the Government Standards and Practices Commission (GSPC) and investigated. In most of these circumstances, the county should be able to represent or act in defense of a public official who has acted in good faith. However, if it appears that a public official has intentionally acted outside the law, the county will not assist with defense.



## **Resources for Information**

The open meetings laws and the ethics laws assure that Oregon’s system of government operates properly. Fortunately, it is not difficult to comply with these laws. The first step is knowing what is required. You will receive more detailed information from staff supporting the advisory board.

For now, knowing that these laws exist should identify potential issues. If you ever have any questions, please contact the county volunteer services coordinator, your board’s staff person or Marion County Legal Counsel. Any of these contacts can assist you with information and answers to your questions while you focus on the important service you are providing to the county. The “Quick Reference” Guide to Oregon Public Meeting Laws is included at the end of this handbook.

***Marion County numbers  
to remember:***

**Volunteer Services**

(503) 588-7990

**Board of Commissioners**

(503) 588-5212

**Legal Counsel**

(503) 588-5220

## **Oregon Government Ethics - Marion County Ethics Policy**

**Public Official:** Any person serving the State of Oregon or any local government or public body as an elected official, appointed official, employee, agent, volunteer or otherwise, whether or not the person is paid for the services.

### **EIGHT GENERAL RULES FOR GOVERNMENT CODE OF ETHICS:**

**1. No Favoritism**

- ◆ Treat all customers and clients equally, no special favors for friends or family

**2. No Special Privileges Because of Your Official Position**

- ◆ Follow the same rules that apply to everyone, no preferential treatment
- ◆ Cannot use position to obtain an extra financial gain or avoid a loss

**3. Follow Confidentiality Rules and Laws**

- ◆ Know which information you handle is confidential by law
- ◆ Do not disclose confidential information without an authorization
- ◆ Do not “tip off” anyone with confidential information

**4. No Profiting from County Business Either Directly or on the Side**

- ◆ Applies to you, your relatives, members of household or your businesses
- ◆ No directing county business to where you have a financial interest
- ◆ No soliciting private clients or work through your county position

## **5. No Outside Work that Conflicts or Interferes with Your Job**

- ◆ Avoid conflicts of interest with county position and duties
- ◆ Includes interference with attendance and ability to do county job



## **6. State Law Limits on Accepting Gifts**

- ◆ Applies only if you have a recommendation or decision-making authority over the source
- ◆ Gift limit is \$50 per person per year from source with a county interest
- ◆ Limits on gifts of entertainment of \$50 per person per year from one source
- ◆ Some exceptions for food, beverages, small awards; check before accepting

## **7. No Personal Use of County Property**

- ◆ Do not borrow or take property or supplies for personal or non-county use
- ◆ Exception: Marion County's Computer Policy allows limited personal use
- ◆ Do not use county property for personal gain or outside business

## **8. Report Violations to Supervisor, Department Head or County Management**

- ◆ Violations include improper use or theft of county property
- ◆ Duty to report false claims, Medicaid fraud and abuse per federal law

## **Legal Protection for Volunteers**

Marion County is a local public body and is subject to legal action and suit for the torts of its officers, employees and agents, including volunteers (Oregon Tort Claims Act, Oregon Revised Statutes 30.260 - 30.302). A tort is any breach of a legal duty which results in injury to a specific person or persons for which the law provides a remedy. "Injury" can include such things as financial loss, damage to reputation or emotional injury as well as physical injury.

According to the Act, the action or suit is brought only against the county, not against the individual volunteer. The volunteer, upon written request, is entitled to indemnification (protection from the cost of any judgment) and legal defense for any tort committed while in the performance of the volunteer's duties. This is true unless the act or omission complained of amounted to malfeasance in office, willful or wanton neglect of duty, or criminal activity.

## **Being an Effective Board Member**

Members are appointed to Marion County boards to represent the public at large. Many times appointments are made to reflect a geographic interest, an area of expertise, or to represent a



professional association. Keep this in mind as you become acquainted with your fellow board members. Remember each member brings an important point of view. Listening to differing points of view produces good policies and procedures, and fair solutions to problems. If you are unsure of the board's mission or the item under discussion, you may ask questions and seek information until you have a clear answer and good understanding of the expectations.

It is vital that all members attend meetings regularly and come to meetings prepared. It is important that you read all reports, proposals and other documents prepared or distributed by staff or board officers prior to meetings.

## **Staff Support for Advisory Boards**

Most Marion County advisory boards are managed by county staff within a department. The primary role of staff is to carry out the rules, policies and programs developed by the board. Staff also brings to the board's attention issues of importance, assists the chair with agenda development, and compiles background information for the board to study.

Visit <https://www.co.marion.or.us/> to find out more about each of Marion County's fifteen Departments.

Visit <https://www.co.marion.or.us/SocialMedia/> to find out more about how Marion County and specific departments and programs are connecting on social media.

In addition, staff responsibilities include: meeting arrangements, preparation of minutes, processing complaints, communication with members, and other administrative duties. Staff is available to provide information for, and assistance to, advisory board, committee and commission members.

## **Meetings and Ground Rules**

Members of a group have a responsibility for the content and product of meetings they attend. They should come prepared to take ownership for their contribution and the end result of the meeting.

Meetings do matter.

**Attendance:** Regular meeting attendance is important. Members should be aware of specific attendance requirements of their board, and always notify staff or the board chair if unable to attend.

**Robert's Rule of Order:** Most County advisory boards use Robert's Rules of Order to conduct their business. If you would like resources on how to apply these rules to the discussion prior to a decision, contact the county volunteer coordinator for a handout on using parliamentary procedures for meetings.



Every group should establish ground rules on how meetings will run, how members will interact and what kind of behavior is acceptable. Because each group member is an individual, each has a different way of accomplishing tasks. At times these different ways can cause friction between members and slow down the process of the group as a whole.

Each member is expected to respect these rules, which usually prevents mis-understandings and disagreements. Three to five ground rules are sufficient for most groups. Some examples of ground rules include:

- **Attendance:** Groups should place a high priority on meetings, talk about what would be legitimate reasons for missing a meeting, and establish a procedure for informing the group leader of a member's absence from a scheduled meeting.
- **Promptness:** Meetings should start and end on time.
- **Meeting place and time:** Specify a regular meeting time and place, and establish a procedure for notifying members of meetings.
- **Participation:** Everyone's viewpoint is valuable. Every team member can make a unique contribution; therefore, emphasize the importance of both speaking freely and listening attentively.
- **Basic conversational courtesies:** Listen attentively and respectfully to others, do not interrupt, one conversation at a time, and so forth.
- **Interruptions:** Decide when interruptions will be tolerated and when they will not.
- **Other norms or ground rules** that can be decided ahead of time by the group such as acceptable language, humor, jargon, etc.

### **Meeting management tips:**

- **All participants arrive prepared**
- **There are clear ground rules that all agree to honor**
- **Agenda is written and shared**
- **Physical environment is comfortable**
- **Start and end at the times agreed on by the group**
- **All participants contribute**
- **Process is moved and focused**
- **Outcome is clear to all**
- **Work to be accomplished is defined and assigned**
- **Laughter and fun are encouraged**



## **Group Roles**

By participating as a member of a group, each person makes a unique contribution through his or her presence alone, but some members may assume additional roles within the group. Each role that people select within a group has guidelines that help ensure success. The following are general guidelines that may vary with the requirements or needs of each group.

### ***Chair***

- Suggests group direction and options for setting goals.
- Provides a supportive environment for process, content, and group members.
- Coordinates activities of subcommittees.
- Sees that agendas are set.
- Sets the tone and pace for the group.
- May share the role of meeting preparation with a staff person.
- Represents the group in the community.
- If there is no appointed facilitator, the chair serves as facilitator and while in that role, remains neutral on content and focuses on process.

### ***Group Member***

- Arranges adequate time to carry out responsibility as a group member.
- Comes to meetings prepared.
- Listens to other group members and follows the ground rules of the group.
- Participates in group discussion and decision-making.
- Serves on appropriate sub-committees.

### ***Facilitator***

- Guides the group through the agenda.
- Remains neutral in regard to content of the meeting.
- Encourages each member to participate fully.
- Keeps group energy positive and focused.
- Suggests methods to enable group to clearly solve the problem so that everyone agrees with the outcome.
- Works with the chair and staff in meeting logistics.

### **Your group needs a facilitator if:**

- There is a difference in opinion on the direction of the group
- Productivity is lacking and goals are not being accomplished.
- No one seems to care about anything
- Goals are not clearly defined
- The group is newly formed or has changed in membership
- The organization experiences a lack of direction
- The group is involved in strategic planning
- The leader is not delegating
- The group is dominated by one or two individuals
- Group members are not participating in discussions

## **Group Decision Making**

Just as the functions of Marion County's advisory boards are different, so are the ways in which each board reaches a decision. After a discussion, some groups may vote; others may prioritize and select the decision which emerged as a priority; and still others may use consensus as a way to reach a decision.

It is important for volunteer advisory board members to be aware of the type of decision-making process their board uses and to become familiar with it. Consensus as a decision-making process is explained in this information because fewer people are familiar with it than with the other processes used by boards. For information on other decision-making methods, contact the county volunteer services coordinator.

## **What is consensus?**

*The Team Handbook*, Joiner Associates, Inc., 1988.

In many cases a group's goal should be to reach decisions that best reflect the thinking of all group members. This is called "reaching consensus". It is easy to be confused about what consensus is and is not:

### **Consensus is...**

- Finding a proposal acceptable enough that all members can support it; no member opposes it.

### **Consensus is not...**

- A unanimous vote - consensus may not represent everyone's first priorities.
- A majority vote - in a majority vote, only the majority gets something they are happy with; people in the minority may get something they do not want at all, which is not what consensus is all about.
- Everyone has unhappily agreed to go along with the decision

### **Consensus requires...**

- Time
- Active participation of all group members
- Skills in communication: listening, conflict resolution, discussion facilitation.
- Creative thinking and open-mindedness.

To reach consensus, the team must let each member participate fully in the decision. This may mean going through several rounds of the outlined process for the group. And when the decision is reached, probably no one will be completely satisfied with the decision, but everyone can live with it.

## **Steps in the consensus decision-making process:**

- Describe and define the problem, situation or issue that needs a decision. If complicated, hand out in written form beforehand.
- Brainstorm a list of alternatives without judging, discussing or rejecting any ideas. To encourage participation, take only one idea from each person.
- Review, change, consolidate, rewrite and set priorities through group discussion.
- Make a consensus decision. When a solution is reached, make sure it is written on a flip chart or chalkboard so everyone can see.
- Implement the decision: who will do what, when, and how.
- Group will evaluate and revise the results later if necessary.

# Marion County Boards, Commissions, Councils and Committees

For information about any of the following boards, commissions, councils or committees please contact the county's volunteer services coordinator at (503) 588-7990 or email to [volunteer@co.marion.or.us](mailto:volunteer@co.marion.or.us).



O R E G O N

**Ambulance Service Area Committee** - Eleven members review and make recommendations to the Board of Commissioners regarding the selection criteria for determining a franchise to provide emergency ambulance service and to periodically review the Ambulance Service Area plan. (ORS 682.205)

**Board of Property Tax Appeals** - Three members consider the appeals received on the real market value or assessed value of all properties within Marion County. (ORS 309.020)

**Budget Committee** - Three commissioners and three appointed citizens prepare an operating budget for Marion County considering all expenses. (ORS 294.336)

**Children and Families Commission** - Members are appointed by the Board of Commissioners with the mission to bring together community efforts and resources to ensure an equal opportunity for all children and families in Marion County to attain their full potential. The Commission is committed to breaking barriers, building capacity, and responding to community needs to maximize the life success of every child in Marion County.

**Compensation Board** - Three to five members who are knowledgeable in personnel management and compensation determine the compensation schedule for county elected officials. (ORS 204.005)

**Council of Economic Advisors**— Fourteen members of business, finance and government who are knowledgeable in revenue forecasting and predicting trends meet semi-annually to review Marion County's major revenue sources, predict trends, develop preliminary revenue forecasts in January and a final forecast in April for integration into the county's annual budget process.

**Fair Board** - Seven citizen members plan, organize and implement the Marion County Fair. (ORS 565.210)

**Health Advisory Board** - Twelve to twenty members advise the Board of Commissioners and Health Department of all issues relating to the public and mental health services offered by Marion County. (ORS 431.412-431.416)

**Intellectual and Developmental Disabilities Advisory Committee** - Comprised of individuals that receive IDDAC services, families, advocates, and community partners to advise the Health Advisory Board, the Marion County Developmental Disabilities Program, and the Health Department Administrator on all matters related to Intellectual and Developmental Disabilities. (OAR 411-320-0039, ORS 430.631)

**Local Alcohol and Drug Planning Committee** - Twelve members meet monthly to identify needs and establish priorities for substance abuse treatment and prevention in coordination with existing community mental health planning bodies.



**Mid-Willamette Valley Cable Regulatory Commission Budget Commission** -Two public members are appointed to the budget commission. One member lives in Comcast's service area within the City of Salem and the other member lives outside the city limits of Salem, but within Comcast's service area. Once a year members of the budget commission attend one meeting to review the CRC's operating budget and CCTV contract. (Special service government established by the City of Salem and Marion County)

**Mid-Willamette Valley Community Development Partnership Board** - Twenty-seven members, fourteen elected officials and thirteen from the private sector serve on the board to help local governments and small businesses access federal and state economic development finance programs, provide regional economic development planning, and to provide a political forum on regional economic development issues. (Intergovernmental agreement pursuant to ORS Chapter 190)

**North Santiam Watershed Council** - Commissioners recommend one Marion County representative with consideration of recommendations from the Watershed Forum. The council provides opportunities for stakeholders in Marion and Linn counties to cooperate in promoting and sustaining the health of the watershed and its communities. (Voluntary council consistent with provisions of ORS 541.388)

**Oregon Garden Foundation** - Five member board with three members appointed by Marion County.

**Parks Commission** - Seven members advise the Board of Commissioners on matters pertaining to the county parks and recreation facilities.

**Planning Commission** - Nine members provide citizen review of conditional uses, zone changes, and overall planning for the county. (ORS 215.020)

**Public Safety Coordinating Council** - Four citizen representatives serve with members of local judiciary officers and law enforcement to facilitate cooperation and coordination in local criminal justice policy. (ORS 423.560)

**Solid Waste Management Advisory Council** - Twenty-two members representing various organizations in the community and lay persons develop and recommend policies addressing solid waste issues to the Board of Commissioners.

**Water Quality Advisory Committee** - Provides direction to Marion County staff, and recommendations to the Marion County Board of Commissioners with regard to storm water and water quality education, regulation, and county programs. The eleven member committee is comprised of six members-at-large and five community stakeholders.

# Oregon's Public Meetings Law

Protecting the public's right to know

## A QUICK REFERENCE GUIDE TO OREGON'S PUBLIC MEETINGS LAW

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For local and state officials, members of Oregon boards and commissions, citizens, and non-profit groups

This guide is published as a public service by Open Oregon: a Freedom of information Coalition and the Oregon Attorney General's office.



## A Time Saving Reference

This guide is brought to you free of charge as a joint project between Open Oregon: A Freedom of Information Coalition and Oregon Attorney General Hardy Myers. Funding for this booklet came from the National Freedom of Information Coalition through a grant from the John S. and James L. Knight Foundation.

## How to Use This Guide

This summary is intended as a quick reference to the Oregon Public Meetings Law. The entire law may be found in Oregon Revised Statutes 192.610 to 192.690. Additional information may be obtained by sending an e-mail request to [info@openoregon.com](mailto:info@openoregon.com) or visiting [www.open-oregon.com](http://www.open-oregon.com)

For a comprehensive analysis of the law, refer to the latest edition of the Attorney General's Public Records and Meetings Manual, available for a nominal fee by calling (503) 378-2992 or writing to Department of Justice, Administrative Services, 1162 Court Street NE, Salem, Oregon 97301-4096.

## What is Open Oregon?

Open Oregon: A Freedom of Information Coalition is a non-profit educational and charitable organization with a single purpose: to assist and educate the general public, students, educators, public officials, media and legal professional to understand and exercise:

- Their rights to open government.
- Their rights and responsibilities under the Oregon public meetings and records laws.
- Their rights under the federal Freedom of Information Act.

**Open Oregon** is a 501(c)(3) non-profit corporation.

# The Spirit of Oregon's Public Meetings Law

## The Value of Openness

Understanding the letter of the Public Meetings Law is critical. Equally important is understanding and committing to the spirit of that law. Public bodies should approach the law with openness in mind. Open meetings help citizens understand decisions and build trust in government. It is better to comply with the spirit of the law and keep deliberations open.

*“Government accountability depends on an open and accessible process.”*

**Hardy Myers**  
Oregon Attorney General



# Oregon's Public Meetings Law

“Open government” or “sunshine” laws originally were enacted nationwide in the early 1970s because of growing public unhappiness with government secrecy. As a result, every state and the District of Columbia enacted laws requiring government to conduct its business openly, rather than behind closed doors.



Open government laws benefit both government and the public. Citizens gain by having access to the process of deliberation – enabling them to view their government at work and to influence its deliberations. Government officials gain credibility by permitting citizens to observe their information-gathering and decision-making processes. Such understanding leads to greater trust in government by its citizens. Conversely, officials who attempt to keep their deliberations hidden from public scrutiny create cynicism, erode public trust and discourage involvement.

## Policy

Oregon's Public Meetings Law was enacted in 1973 to make sure that all meetings of governing bodies covered by the law are open to the public. This includes meetings called just to gather information for subsequent decisions or recommendations.

The law also requires that the public be given notice of the time and place of meetings and that meetings be accessible to everyone, including persons with disabilities.

The Public Meetings Law guarantees the public the right to view government meetings, but not necessarily to speak at them. Governing bodies set their own rules for citizen participation and public comment.

## Who is covered?

Because questions often arise about what groups must comply with the public-meetings law, it is useful to look at the definitions in the law. The law says that any “governing body” of a “public body” is required to comply.

“Public bodies must conduct business in public - it's really that simple.”

**Bill Bradbury**

Oregon Secretary of State  
Honorary Co-Chair, Open Oregon

It offers these definitions:

A “**public body**” is any state, regional, or local governmental board, department, commission, council, bureau, committee, subcommittee, or advisory group created by the state constitution, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.

A **“governing body”** is two or more members of a public body who have the authority to make decisions for or recommendations to a public body on policy or administration. A group without power of decision is a governing body when authorized to make recommendations to a public body, but not when the recommendations go to individual public officials.



**Example**

- *A school board must meet in public.*
- *So must most advisory committees that the school board creates, such as a budget committee.*
- *But if the school board chair asks several business leaders to meet with him to discuss future building needs, that meeting may be held in private.*

Private bodies, such as non-profit corporations, do not have to comply with the public-meetings law, even if they receive public funds, contract with governmental bodies or perform public services.

**Example**

- *A school district contracts with Regence BlueCross BlueShield of Oregon to provide health insurance for district employees. The BlueCross BlueShield board of directors is not required to meet in public.*

Public agencies contracting with private bodies may require a private body to comply with the law for pertinent meetings. Federal agencies are not subject to Oregon’s Public Meetings Law.

**What is a Public Meeting?**

A public meeting is the convening of any governing body for which a quorum is required to make or deliberate toward a decision on any matter, or to gather information. Decisions must be made in public, and secret ballots are prohibited. Quorum requirements may vary among governing bodies.

**Example**

- *A county commission’s goal-setting retreat is a public meeting if a quorum is present and they discuss official business.*
- *A training session for the commissioners is not a public meeting, unless a quorum is present and the commissioners discuss official business.*
- *A staff meeting absent a quorum of commissioners, whether called by a single commissioner or a non-elected official, is not a public meeting.*



Meetings **accomplished by telephone conference** calls or other electronic means are public meetings. The governing body must provide public notice, as well as a location where the public may listen to or observe the meeting.

Governing bodies must hold their meetings within the geographic boundaries of their jurisdiction. However, a governing body may meet elsewhere if there is an actual emergency requiring immediate action or to hold a training session, when no deliberation toward a decision is involved.

**Example**

- *A library board is free to rotate meetings at different libraries in its district, but it may not meet outside its district.*

Federal and state law requires that meetings be held in places accessible to individuals with mobility and other impairments.

**What is Exempt from the Law?**

On-site inspections, staff meetings and gatherings of associations to which a public body or its members belong are not considered public meetings. Chance social gatherings are not considered meetings as long as no official business is discussed.

**Example**

- *Three out of five city councilors inspect a new landfill site. Their inspection does not constitute a public meeting, unless they deliberate toward a decision on a city matter.*
- *Later, the three city councilors attend a League of Oregon Cities conference. Again, this is not a public meeting, unless the councilors discuss official city business.*
- *That evening, the three councilors chat during a concert intermission. As long as they talk about the music, this is not a public meeting. But if they stray into discussion of official city business, then it is.*

Also exempt from the Public Meetings Law are:

- Meetings of state or local lawyers assistance committees.
- Meetings of medical peer review committees.
- Meetings of multidisciplinary teams reviewing child abuse and neglect fatalities.
- Judicial proceedings. However, see Oregon Constitution, Section 10.
- Review by the Workers' Compensation Board and the Employment Appeals Board of hearings on contested cases.
- Meetings of the Energy Facility Siting Council when it reviews and approves security programs.
- The Oregon Health and Science University regarding presidential selection process, sensitive business matters, or meetings of faculty or staff committees.
- Mediation by the agricultural mediation service program.



For some entities, the deliberation process alone is exempt, although information-gathering and decision-making must be public. This applies to the State Board of Parole, the Psychiatric Security Review Board, and state agencies conducting hearings on contested cases under the Administrative Procedures Act.

“Oregon needs to protect its tradition of openness.”

Dave Frohnmayer  
President, University of Oregon  
Honorary Co-Chair, Open Oregon

## Notice of Meetings

Governing bodies must give notice of the time, place and agenda for any regular, special or emergency meeting.

Public notice must be reasonably calculated to give actual notice to interested persons and media who have asked in writing to be notified of meetings and general notice to the public at large.

Governing bodies wishing to provide adequate notice should strive to provide as much notice as possible to ensure that those wishing to attend have ample opportunity — a week to 10 days for example.

At least 24-hour notice to members of the governing body, the public and media is required for any special meeting, unless the meeting is considered an emergency meeting. Appropriate notice is required for emergency meetings and should include phone calls to media and other interested parties. Notice for emergency meetings must also cite the emergency.

A meeting notice must include a list of the principal subjects to be considered at the meeting. This list should be specific enough to permit citizens to recognize matters of interest. However, discussion of subjects not on the agenda is allowed at the meeting.

### Example

- *The State Board of Higher Education plans to discuss building new college campus in Burns. An agenda item that says “Discussion of public works” would be too general. Instead, the agenda should say something like “Discussion of proposed Burns campus.”*

## Executive Sessions

Governing bodies are allowed to exclude the public – but generally not the media – from the discussion of certain subjects. These meetings are called executive sessions.

Executive sessions may be called during any regular, special or emergency meeting. A governing body may set a meeting solely to hold an executive session as long as it gives appropriate public notice. Notice requirements for executive sessions are the same as for regular, special or emergency meetings. However,





labor negotiations conducted in executive sessions are not subject to public notice requirements. Notice of an executive session must cite the specific law that authorizes the executive session. This authorization also must be announced before going into the executive session.

Governing bodies may formally specify that the media not disclose information that is the subject of the executive session. Governing bodies should not discuss topics apart from those legally justifying the executive session. Media representatives may report discussions that stray from legitimate executive session topics and are not required to inform the governing body when they intend to do so.

No final action may be taken in executive session. Decisions must be made in public session. If a governing body expects to meet publicly to make a final decision immediately after an executive session, it should try to announce the time of that open session to the public before the executive session begins.

#### **Example**

- *City councilors meet in executive session to discuss the city manager's performance. A local reporter attends. During the meeting, the councilors discuss whether the city should put a bond measure on the next ballot. The reporter may write a story on the council's bond-measure discussion, because that discussion was not allowed under the executive session rules. The reporter may not write about the city manager's performance.*

## **Executive Sessions Criteria**

Executive sessions are allowed only for very limited purposes. Those include:

1. To consider the initial employment of a public officer, employee or staff member, but not to fill a vacancy in an elected office, or on public committees, commissions or advisory groups. These sessions are allowed only if the position has been advertised, standardized procedures for hiring have been publicly adopted, and the public has had an opportunity for input on the process. Executive sessions are not allowed to consider general employment policies.
2. To consider dismissal, discipline, complaints or charges against a public official, employee, official, staff or individual agent, unless that person requests a public hearing.
3. To review and evaluate the job performance of a chief executive officer, or other officer or staff member, unless that person requests an open hearing. Such evaluation must be pursuant to standards, criteria and policy directives publicly adopted by the governing body following an opportunity for public comment. The executive session may not be used

for the general evaluation of agency goals, objectives, programs or operations, or to issue any directive to personnel on the same.

4. To deliberate with persons designated to conduct labor negotiations. The media may be excluded from these sessions.
5. To conduct labor negotiations if both sides request that negotiations be in executive session. Public notice is not required for such meetings.
6. To consider records that are exempt by law from public disclosure.
7. To consult with counsel concerning litigation filed or likely to be filed against the public body. Members of the media that are a party to that litigation, or represent a media entity that is a party, may be excluded.
8. To consult with persons designated to negotiate real property transactions.
9. To discuss matters of trade when the governing body is in competition with other states or nations.
10. To negotiate with a private person or business regarding public investments.
11. To discuss matters of medical competency and other matters pertaining to licensed hospitals.
12. To consider information obtained by a health professional regulatory board or State Landscape Architect Board as part of an investigation of licensee or applicant conduct.
13. To discuss information relating to the security of: a nuclear power plant; transportation of radioactive materials; generation, storage or conveyance of electricity, gas hazardous substances, petroleum, sewage or water; and telecommunications and data transmission.

## Media at Executive Sessions

Media representatives must be allowed to attend executive sessions, with three exceptions.

Media may be excluded from:

- **Strategy discussions with labor negotiators.**
- **Meetings to consider expulsion of a student or to discuss students' confidential medical records.**
- **Meetings to consult with counsel concerning litigation to which the media or media representative is a party.**

A governing body may require that specific information not be reported by the media. This should be done by declaration of the presiding officer or vote. In the absence of this directive, the executive session may be reported. Any discussion of topics apart from those legally justifying the executive session may be reported by the media.



The media also is free to report on information gathered independently from executive session, even though the information may be the subject of an executive session.

#### **Example**

- *A reporter attends the executive session on the city council’s discussion of the city manager’s performance. Afterwards the reporter asks a councilor what she thinks of the city manager’s performance. She shares her criticism. The reporter may use that interview to develop a story, even though the reporter first heard the information at the executive session.*

## **Minutes**

Written, sound, video or digital recording of minutes are required for all meetings. The meetings law says minutes must be made available within a “reasonable time” after each meeting, but does not specify the time. Generally, this time frame should not exceed three weeks. Minutes must be preserved for a “reasonable time.” This is generally interpreted to be at least one year. Minutes of many governing bodies are subject to records retention rules and schedules established by the State Archivist.

### **Minutes must indicate:**

- **Members present.**
- **All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.**
- **The result of all votes by name of each member (except for public bodies consisting of more than 25 members). No secret ballots are allowed.**
- **The substance of discussion on any matter.**
- **A reference to any document discussed at the meeting.**



Minutes are not required to be a verbatim transcript and the meeting does not have to be tape recorded unless so specified by law. Minutes are public record and may not be withheld from the public merely because they will not be approved until the next meeting. Minutes of executive sessions are exempt from disclosure under the Oregon Public Records Law. Governing bodies are allowed to charge fees to recover their actual cost for duplicating minutes, tapes and records. A person with a disability may not be charged additional costs for providing records in larger print.

## **Enforcement**

County district attorneys or the Oregon Attorney General's Office may be able to answer questions about possible public meetings law violations, although neither has any formal enforcement role and both are statutorily prohibited from providing legal advice to private citizens.

Any person affected by a governing body's decision may file a lawsuit in circuit court to require compliance with or prevent violations of the Public Meetings Law. The lawsuit must be filed within 60 days following the date the decision becomes public record.

The court may void a governing body's decision if the governing body intentionally or willfully violated the Public Meetings Law, even if the governing body has reinstated the decision in a public vote. The court also may award reasonable legal fees to a plaintiff who brings suit under the Public Meetings Law.

Complaints of executive session violations may be directed to the Oregon Government Ethics Commission, 3218 Pringle Road SE, Suite 220, Salem OR, 97302-1544; 503-378-5105, for review, investigation and possible imposition of civil penalties.

Members of a governing body may be liable for attorney and court costs both as individuals or as members of a group if found in willful violation of the Public Meetings Law.

**For additional copies of this guide or information about Open Oregon contact:**

**Open Oregon: A Freedom of information Coalition**  
**PO Box 172, Portland, Oregon 97207-0172**  
**info@open-oregon.com**  
**www.open-oregon.com**

### **Additional resources:**

- Oregon Attorney General's Public Records and Meetings Manual, available by calling 503-378-2992 or writing to Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096; [www.doj.state.or.us/oregonians/pubs.shtml](http://www.doj.state.or.us/oregonians/pubs.shtml)
- Oregon Revised Statutes 192.610 to 162.690, the Oregon Public Meetings Law, available in most libraries and on the internet at [www.leg.state.or.us](http://www.leg.state.or.us).
- Oregon Newspaper Publishers Association, 503-624-6397. Offers legal advice to member newspapers and general information about public records and meetings requirements; [www.orenews.com](http://www.orenews.com)
- League of Oregon Cities, 1201 Court St. NE, Salem, OR 97301. 503-588-6550; [www.orcities.org](http://www.orcities.org)
- Association of Oregon Counties, 1201 Court St. NE, Salem, OR 97301. 503-585-8351; [www.aocweb.org](http://www.aocweb.org)
- Oregon School Boards Association, 1201 Court St. NE, Salem, OR 97301. 503-588-2800; [www.osba.org](http://www.osba.org)
- Special Districts Association of Oregon, PO Box 12613, Salem, OR 97301-0613, 503-371-8667; [www.sdao.com](http://www.sdao.com)



**Thank you for your volunteer service  
to the citizens of Marion County!**



*Marion County Volunteer Services*  
*(503) 588-7990*  
*[volunteer@co.marion.or.us](mailto:volunteer@co.marion.or.us)*

*Physical location:*  
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*Salem, Oregon 97301*  
*Mailing Address:*  
*PO Box 14500*  
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