

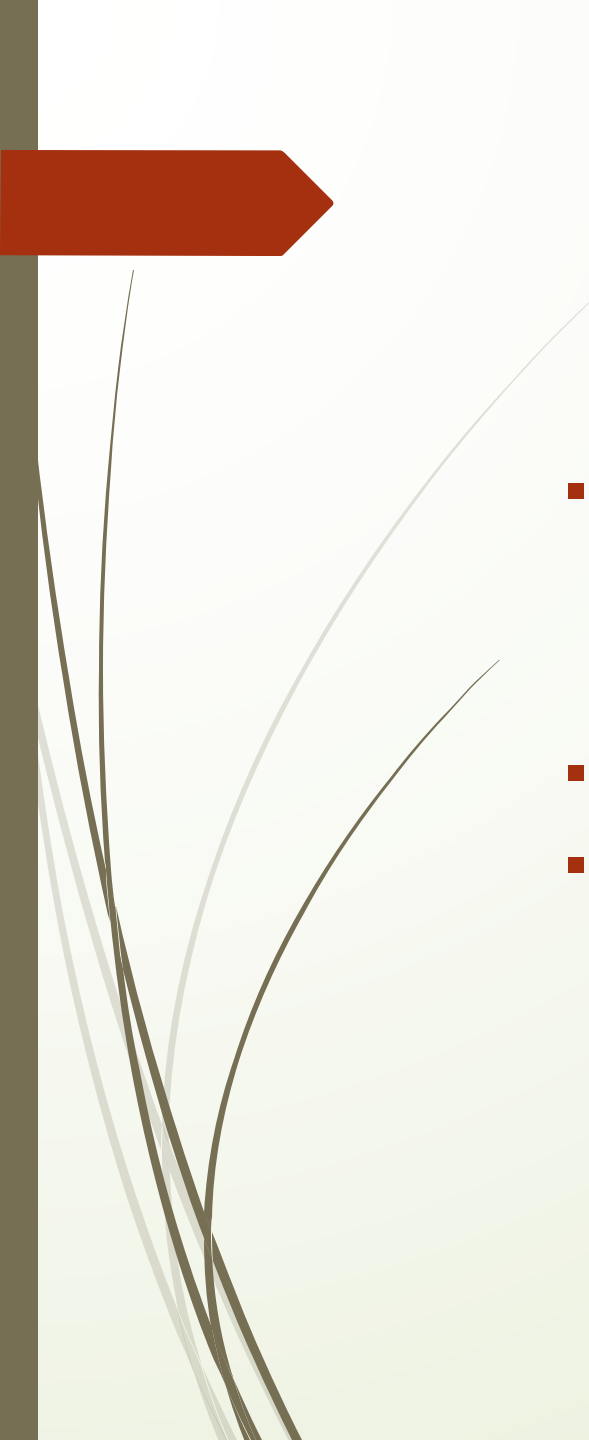


Public Meetings Law



Overview

- The Public Meetings Law is based on the idea that the public should be aware of the deliberations and decisions of governing bodies and the information upon which these decisions are made.
 - The law requires that governing body meetings and deliberations are open to the public and that the public has notice of the time and place of these meetings.
 - The meetings must be accessible to persons wishing to attend. This may include participation by video, phone, or other virtual means.
 - The law applies to the governing body of a public body.
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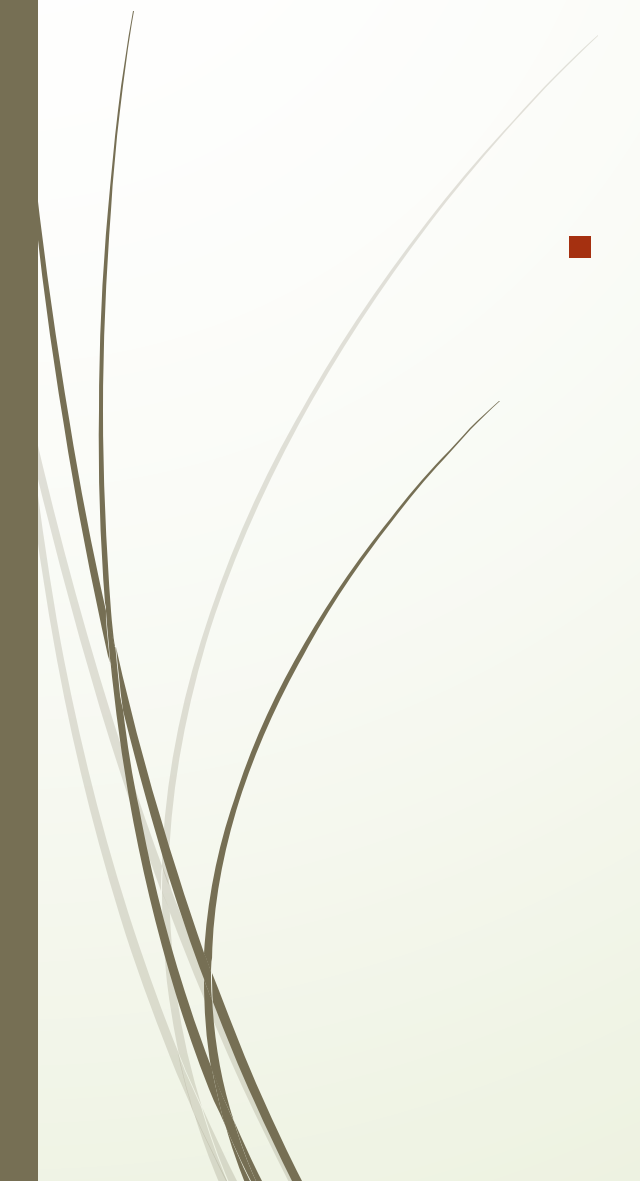


What is a Governing Body of a Public Body?

- Two or more members of any public body who have “the authority to make decisions for or recommendations to a public body on policy or administration” are a governing body. Individual officials are not.
- The School Board is a governing Body. The Superintendent is not.
- Committees that are authorized to make decisions for or to advise the School Board are governing bodies. Committees tasked with information gathering or who make recommendations to an individual District official, such as the Superintendent or the head of a District department, are not.
 - If the individual District official lacks the authority to act on the recommendations and must get final approval from the School Board, then the committee becomes a governing body.



Members of Governing Body Committees

- All members of a governing body committee are subject to the Public Meetings Law. This means that community members and other non-PPS employees are subject to this law.
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PPS Governing Bodies Subject to the Public Meetings Laws

Audit Committee

Student Success Committee

Facilities & Operations Committee

Policy Committee

Bond Advisory Committee (BAC)

Community Budget Review Committee (CBRC)

RESJ Advisory Committee

Climate Change Response Committee

Jefferson Design Committee



Public Meetings

- All meetings of a governing body must be open to the public, with certain exceptions (e.g., executive sessions)
- A meeting is convened when a quorum of members are present. This includes in person meetings and when members of committee engage in phone or email conversations.
 - A quorum is the minimum number of members needed for the committee to make decisions or vote on a matter. This number is typically defined by charter, bylaws, or in some instances by statute.
 - Although a gathering of less than a quorum of a governing body does not constitute a meeting, be aware of the appearance of impropriety.
- Meetings, to the extent reasonably possible, must be accessible remotely through technological means and to provide opportunities for members of the public to remotely submit oral and written testimony.
- Social gatherings and meetings to discuss matters outside the governing body's jurisdiction are not “meetings” under the law.



Cannot meet in private to deliberate

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) 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 by ORS 192.610 to 192.690.

(2) 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 192.690.

- This means that a quorum may not meet in private to deliberate toward making a decision.
- TEST - three board members of a five-member board exchange emails discussing the upcoming high school boundary changes that the full board will soon vote on. Violation?



Bend La Pine SD Board gathering sparks complaints

This is significant because shortly after the official and public meeting, the entire BLS Board, Dr. Cook and several others attended an unannounced, private, and illegal meeting that not only broke their oath to office, but they also violated state statutes regarding Board Meetings ([ORS 332.045](#)), Quorum ([ORS 332.055](#)), Duties to be performed at meetings ([ORS 332.057](#)), as well as several questionable and ethical violations. “Most gatherings of the board of education are defined as public meetings under the law, and bringing together members of the board to discuss district business is subject to the Public Meetings Law ([ORS 192.610-192.990](#)).

https://www.deschutesrepublicans.org/lapine_school_board_gathering



“Purely social”

If a gathering of board members is completely social and no district business is discussed it is not a meeting and does not need to be noticed.

BE VERY CAREFUL not to discuss district business!

**** Three members of a five-member board attend a district athletics event together. No school district business is discussed. OK?**

Four members of a seven member board gather at a local watering hole to celebrate the school district's successful bond campaign. Late in the evening, the members begin discussing their priorities for the bond funds. OK?

During that same evening, the four members agree that in upcoming full board discussions, they will vote as a block and prioritize athletic funding. OK?



Electronic Communications Included

Public meetings laws apply to electronic communications - including text and instant messaging.

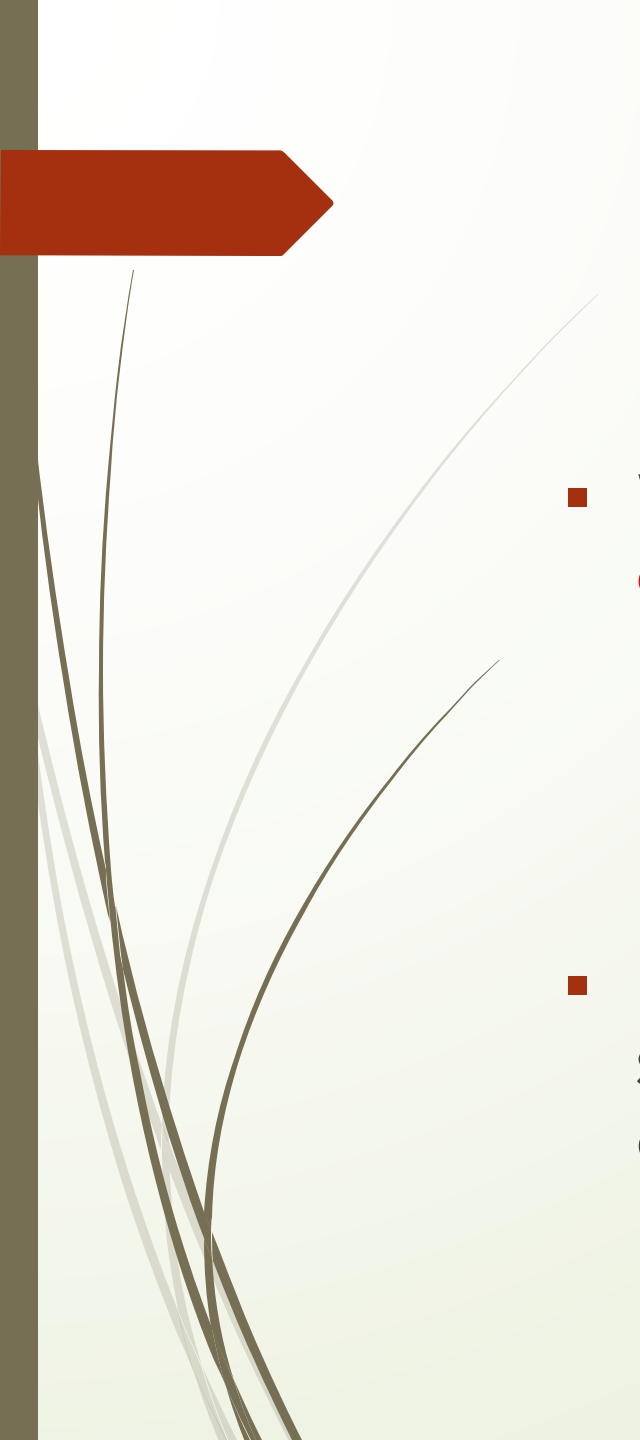
****SAME RULES APPLY**

In August, Eugene School District 4J's board of directors was accused of violating public meetings law by holding meetings via text and other messages — aka discussing school business without other members of the board or the public present or even notified of the meeting.



Serial Communications, including texts, emails, etc.

- A governing body risks violating the Public Meetings Law through a series of private communication with members of the committee deliberating on an issue before the governing body.
- A serial communication has been defined by the court to be communications between members for the purpose of deciding or deliberating toward a decision—in this case, the decision whether to publicly release the attorney's letter.
- Handy v. Lane County
- <https://cases.justia.com/oregon/supreme-court/2016-s063725.pdf?ts=1480090268>

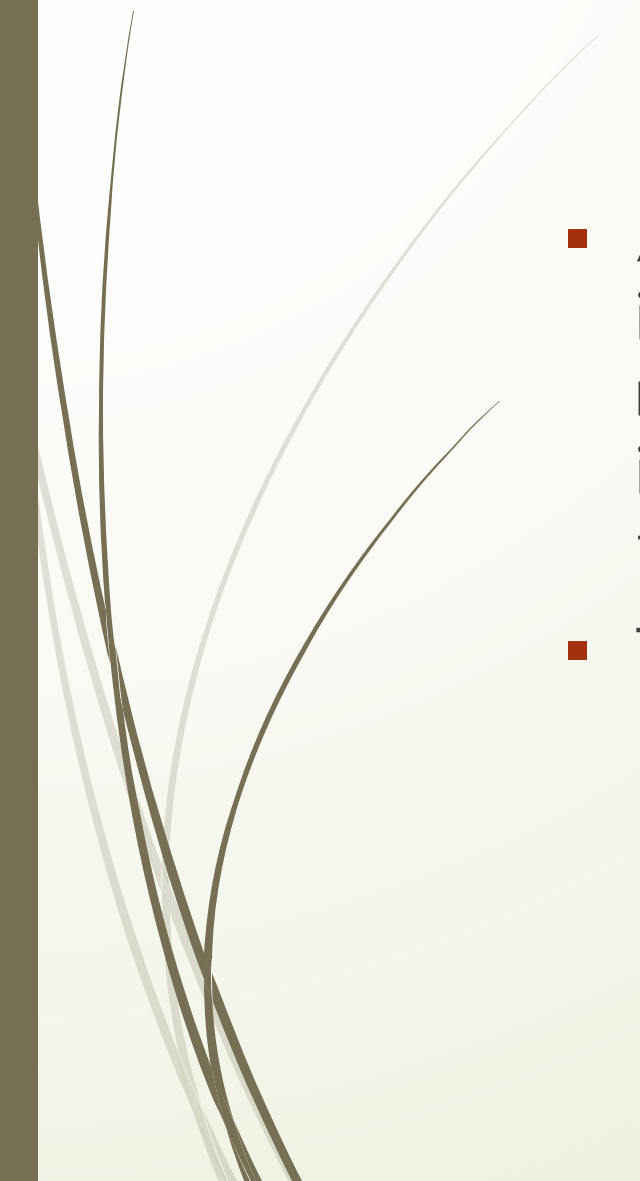


Small group or Individual recommendation Work

- Work done individually or within a small group (but not a quorum) for purposes of bringing to the government body for review is not considered a meeting for purposes of the law.
 - A quorum is determined by the size of the committee, not the full Board.
- For example, a member of the committee working with staff or students to refine a policy that is being developed or amended by the Policy Committee.



Informational Meetings

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- A meeting in which the governing body is receiving information but is making no substantive decision or recommendation is still within the Public Meetings law as it is information the public should be aware of as part of the governing body's decision making process.
 - There are some exceptions for on-site inspections.



Requirements for Public Meetings

Notice

Time and place and type of the meeting.

Provided at least 24 hours in advance of the meeting.

Provide the name and phone number of someone who can address communication requests.

The main subjects to be considered at the meeting.

Space and Location

Meetings must be held in locations that are accessible to individuals with disabilities and that can accommodate the likely public attendance. Virtual attendance options are allowed.

Public Attendance

The public has a right to attend public meetings but the law does not guarantee a right to participate. Public testimony or comment provisions may be in other statutes or provided in the governing body's charter or bylaws.



REMINDER...

The court of public opinion is frequently as important as a court of law. If the public assumes that this was a way to avoid posting a public meeting, or there is suspicion about how the board conducts business, or the topic of the meeting is a particularly hot one that the board will soon be addressing and voting on at a board meeting, it should be posted.

**** When in doubt, post it.**



Resources



https://www.doj.state.or.us/wp-content/uploads/2017/06/appendix_k_4.pdf

(Executive session checklist)

[https://www.oregon.gov/oda/programs/NaturalResources/Documents/SWCD Sessions/PublicRecordsAndMeetingsManual.pdf](https://www.oregon.gov/oda/programs/NaturalResources/Documents/SWCD%20Sessions/PublicRecordsAndMeetingsManual.pdf)

https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/21621/reference_guide_-_public_meetings_law.pdf

https://oregon.public.law/statutes/ors_192.640