

# PUBLIC MEETINGS CHECKLIST

The PUBLIC MEETINGS LAW applies to all meetings of a quorum of a governing body of a public body for which a quorum is required to make a decision or to deliberate toward a decision on any matter. Consult the appropriate section(s) of the State of Oregon Department of Justice *Attorney General's Public Records and Meetings Manual* for a complete description of the law's requirements.

- **OPEN TO THE PUBLIC.** Unless an executive session is authorized by statute (*see opposite side*), the meeting must be open to the public.
- **NOTICE.** The governing body must notify the public of the time and place of the meeting, as well as the principal subject to be discussed. Notice should be sent to ALL of the following:

- News media
- Mailing lists
- Other interested persons

The notice for a regular meeting must be reasonably calculated to give “actual” notice of the meeting’s time and place. Special meetings require at least 24-hours’ notice. Emergency meetings may be called on less than 24-hours’ notice, but the minutes must describe the emergency justifying less than 24-hours’ notice.

- **SPACE AND LOCATION**

- Space. The governing body should consider the probable public attendance and should meet where there is sufficient room for that expected attendance.
- Geographic location. Meetings must be held within the geographic boundaries over which the public body has jurisdiction, at its administrative headquarters or at “the other nearest practical location.”
- Nondiscriminatory site. The governing body may not meet at a place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced.
- Smoking is prohibited.

- **ACCESSIBILITY TO PERSONS WITH DISABILITIES**

- Accessibility. Meetings must be held in places accessible to individuals with mobility and other impairments.
- Interpreters. The governing body must make a good faith effort to provide an interpreter for hearing-impaired persons.
- Americans with Disabilities Act (ADA). The governing body should familiarize itself with the ADA, which may impose requirements beyond state law.

- **VOTING.** All official actions by governing bodies must be taken by public vote. Secret ballots are prohibited. A majority of all members must concur in order to make a decision.

- **MINUTES and RECORDKEEPING.** Written minutes or a sound, video or digital recording must be taken at all meetings, including executive sessions. Minutes or another recording must include at least the following:

- Members present;
- Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- Results of all votes and, except for bodies with more than 25 members unless requested by a member, the vote of each member by names;
- The substance of any discussion on any matter; and
- A reference to any document discussed at the meeting. (Reference to a document exempt from disclosure under the Public Records Law does not affect its exempt status.)

The minutes or alternative recording must be available to the public within a “reasonable time after the meeting.”

# EXECUTIVE SESSION CHECKLIST

- Provide notice of an executive session in the same manner you give notice of a public meeting. The notice must cite to the specific statutory provision(s) authorizing the executive session. Permissible grounds for going into an executive session are available in the *Attorney General's Public Records and Meetings Manual* and online at [www.doj.state.or.us](http://www.doj.state.or.us).
- Announce that you are going into executive session pursuant to ORS 192.660 and cite the specific reason(s) and statute(s) that authorize the executive session for *each* subject to be discussed. (You may hold a public session even if an executive session is authorized.)
- If you intend to come out of executive session to take final action, announce when the open session will begin again.
- Specify if any individuals, other than the news media, may remain.
- Tell the media what may *not* be disclosed from the executive session. If you fail to do this, the media may report everything. If you discuss matters other than what you announce you are going to discuss in the executive session, the media may report those additional matters. A member of the news media must be excluded from executive sessions held to discuss litigation with legal counsel if he or she is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party.
- Come back into open session to take final action. If you did not specify at the time you went into executive session when you would return to open session, and the executive session has been very short, you may open the door and announce that you are back in open session. If you unexpectedly come back into open session after previously announcing you would not be doing so, you must use reasonable measures to give actual notice to interested persons that you are back in open session. This may require postponing final action until another meeting.
- Keep minutes or a sound, video, or digital recording of executive sessions.

This partial list (below) includes the grounds for executive session most commonly cited by SDAO members. For a complete listing of permissible grounds for going into an executive session, consult the *Attorney General's Public Records and Meetings Manual*, or visit the State of Oregon Department of Justice website at [www.doj.state.or.us](http://www.doj.state.or.us).

- (a) To consider the employment of an officer, employee, staff member or agent...(if the prerequisites listed in the *Attorney General's Public Records and Meetings Manual* have been satisfied). ORS 192.660(2)(a) and 192.660(7)
- (b) To consider dismissal or discipline of, or to hear charges or complaints against an officer, employee, staff member or agent, if the individual does not request an open hearing. ORS 192.660(2)(b)
- (d) To conduct deliberations with persons you have designated to carry on labor negotiations. ORS 192.660(2)(d)
- (e) To conduct deliberations with persons you have designated to negotiate real property transactions. ORS 192.660(2)(e)
- (f) To consider information or records that are exempt from disclosure by law, including written advice from your attorney. ORS 192.660(2)(f)
- (g) To consider preliminary negotiations regarding trade or commerce in which you are in competition with other states or nations. ORS 192.660(2)(g)
- (h) To consult with your attorney regarding your legal rights and duties in regard to current litigation or litigation that is more likely than not to be filed. ORS 192.660(2)(h)
- (i) To review and evaluate the performance of an officer, employee or staff member if the person does not request an open meeting. This reason for executive session may *not* be used to do a general evaluation of an agency goal, objective or operation or any directive to personnel concerning these subjects. ORS 192.660(2)(i) and 192.660(8)
- (n) To conduct labor negotiations if requested by negotiators for both sides. ORS 192.660(3)