



Public Meetings and Ethics

January 2023



Policy 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 [the public meetings Law] that decisions of governing bodies be arrived at as openly.” ORS 192.620



Who is required to hold public meetings?

- Governing Body of any:
 - State agency
 - Regional government
 - County
 - City
 - Special District
 - Municipal corporation
- Any agency of these entities including
 - Boards
 - Commissions
 - Subcommittees
 - Advisory Groups

AND...



What is a public meeting?

- A public meeting is any meeting conducted by a state, regional or local governing body to decide or consider any manner
- For the meeting to subject to the open meeting law, a quorum of the governing body must be present



Serial Meetings



- *Handy v. Lane County* (2015)
- Serial Communications = meeting?

Notice – What is required



- “reasonably calculated to inform the public and all interested parties”
- Contents of Notice
 - Date and Time
 - Place
 - Contact for help
 - Agenda
- Method of Notice

Control and Recordkeeping

- Control of Public Meetings
 - Rules of Conduct
- Minutes and Record Keeping



**MEETING
MINUTES**

Executive Sessions

- Must be noticed and otherwise comply with Public Meetings Law
- Not authorized for advisory bodies

CONFIDENTIAL



Is this a public meeting?

- Telephone discussion between two members of the board?
- Email conversation in which all five members of a governing board are copied?
- Discussion between four members of the board at a holiday party?
- Meeting that includes only an executive session?

Oregon Ethics Laws

- Am I a public official?
- What does that mean?
- Oregon Ethics Commission



Relatives of Public Official

- **Spouse** of a public official or candidate
- **Children** of a public official or candidate
- **Children of the spouse** of a public official or candidate
- **Siblings** of a public official or candidate
- **Siblings of the spouse** of a public official or candidate
- **Spouse of siblings** of a public official or candidate
- **Spouse of siblings of the spouse** of a public official or candidate
- **Parents** of the of public official or candidate
- **Parents of the spouse** of a public official or candidate
- **Person** for whom the public official or candidate has a **legal support obligation**
- **Person benefiting from a public official** when benefits are from the public official's public employment
- **Person who provides benefits to a public official** or candidate when benefits are from the person's employment



Conflicts of Interest

Actual Conflicts

ORS 244.020(1) “Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **would be** to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (13) of this section”

Potential Conflicts

ORS 244.020(13) “Potential conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **could be** to the private pecuniary benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, “

EXCEPT.....



Exceptions – Conflicts that do not have to be announced

- An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.
- Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.



What to do if you have an conflict

- Public officials must publicly announce the nature of the conflict of interest before participating in any official action on the issue giving rise to the conflict of interest.
- Actual conflict: Following the public announcement, the public official must refrain or may from further participation in official action on the issue that gave rise to the conflict of interest.
- Potential conflict: Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest.



Questions?

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