

Garbage & Recycling Advisory Committee (GRAC)

Oregon Public Officials:
Need-to-Know Facts About
Public Meetings, Public
Records, and Ethics Laws

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County Counsel

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Today's Discussion

1. Oregon Public Meetings
2. Oregon Public Records
3. Oregon Ethics

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→ 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 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



Key Definitions

ORS 192.630(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 \(Definitions for ORS 192.610 to 192.690\)](#) to [192.690 \(Exceptions to ORS 192.610 to 192.690\)](#).

ORS 192.610(7)(a) “Meeting” means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. “Meeting” does not include any on-site inspection of any project or program. “Meeting” also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

In 2023, HB 2805 added the following to ORS 192.610(1):

(1) “Convening” means:

- (a) Gathering in a physical location;
- (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants;
- (c) Using **serial** electronic written communication among participants; or
- (d) Using an intermediary to communicate among participants.



MEETING MINUTES

- MEETING MINUTES – A body must either take a sound, video, or digital recording of the public meeting OR keep written minutes of its meetings AND executive sessions. Written Minutes must include:
 - Members present
 - Motions, proposal, resolutions, ordinances, and measures and their disposition
 - Results of all votes and who voted which way – except if the board has over 25 members
 - Substance of any discussion on any matter that provides a true reflection of the matters discussed and view of board members
 - Reference to all documents received or discussed unless exempt under the Public records Law



Is this a public meeting?

- Telephone discussion between two council members?
- Email conversation in which all council members are copied?
- Discussion between quorum of council members at a holiday party?
- Training sessions?



Oregon Public Records Law

A public record is:

“any writing that contains information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics”

A writing includes:

- Emails, including deleted emails that are still on the County server
- Text messages
- Chat messages
- Audio recordings but voicemails are specifically excluded
- Handwritten notes
- Calendar entries
- To-do and/or task lists
- Audio or video recordings
- Photos, drawings

→ Public Records Law

Anything in the possession of the County is a public record and typically subject to disclosure.

Anything produced or used by a County employee or official in the course of their duties is a public record *unless exempt*.

→ Oregon Ethics Law

- Congratulations! You are a public official (and so am I)!
 - A public official is “an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.”
ORS 244.020(15).
- Subject to the Oregon Ethics Law
- Great Resource: [Oregon Government Ethics Law: A Guide for Public Officials.](#)





Relatives of Public Officials

General Rule:

A public official cannot use the official's position to benefit the official, a relative, household member or business with which the official is associated.

Who are Relatives?

- Spouse
- Children (includes stepchildren)
- Children of the Spouse
- Siblings
- Siblings of Spouse
- Spouse of siblings
- Spouse of siblings of the Spouse
- Parents
- Parents of Spouse
- Person for whom the public official has a legal support obligation
- Person who receives from or provides benefits to the Public Official

→ Business

- A “business” is a self-employed individual and any legal entity that has been formed for the purpose of producing economic gain.
- A “business” is not a non-profit formed under 501(c) if the official is only a member, a member of the Board of Directors or in another unpaid position.

→ Associated with a Business

A person is “associated” with a business if:

- The person is a director, officer, owner, employee or agent of a **private business** or a **closely held** corporation.
- The person currently holds, or held during the preceding calendar year, stock, stock options, an equity interest or debt instrument worth \$1,000 or more in a **private business** or **closely held corporation**.
- The person currently owns, or has owned during the preceding calendar year, stock, stock options, an equity interest, or debt instruments of \$100,000 or more in a **publicly held corporation**.
- The person is an officer or director of a **publicly held corporation**.

→ Conflicts of Interest

A public official has a conflict of interest when participating in official action which would or could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.

- Would = actual conflict of interest (must not participate)
- Could = potential conflict of interest (may participate after disclosure)
 - The official must announce the nature of the conflict at a public meeting

→ Not prohibited

- Official Compensation
- Reimbursement of Expenses
- Honoraria
 - Less than \$50
 - Performed in relation to the official's private profession, avocation or expertise.
- Awards for Professional Achievement (e.g. Oregon Teacher of the Year)

→ Gifts

If the source of a gift to a public official has a **legislative or administrative interest** in the decisions or votes of the official, the official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year.

- A gift is something of economic value
 - without valuable consideration of equivalent value
 - or with valuable consideration but less than that required of the public
- Legislative or economic interest is an economic interest distinct from that of the general public

These same prohibitions apply to staff



Outside employment is allowed, but:

- Officials must not use their public position to create the opportunity for additional personal income.
- Officials may not use a government agency's supplies, facilities, equipment, employees, records or any other public resources to engage in their private employment or business interests.
- Officials are not to engage in private business interests or other employment activities on their government agency's time.
- Confidential information gained as an official is not to be used to obtain a financial benefit for the public official, a relative or member of the official's household or a business with which any are associated.



Subsequent Employment

- An official cannot use the official's position to create a new employment opportunity.
- An official cannot use confidential information for personal gain.
- After an official ceases serving a public body, the official may not have a direct beneficial financial interest in a public contract for two years after the date the contract was **authorized** by the person acting in their capacity as a public official.



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