

HB 3638 -2 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 4/2, 6/11

WHAT THE MEASURE DOES:

The measure allows a person to file a written grievance with a public body within one year instead of 30 days if the person believes that its governing body has violated certain provisions of public meetings law that relate to the rules and requirements of executive sessions.

ISSUES DISCUSSED:

- Local government adjustment request
- Applicability of the measure
- Remedies for a decision made in violation not being Oregon Government Ethics Commission

EFFECT OF AMENDMENT:

-2 The amendment changes the deadline to file a written grievance to within 90 days of a record of the alleged violation becoming available to the public. It also adds a definition of "record" to mean any information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: No revenue impact

BACKGROUND:

Oregon's public meetings law provides that governing bodies of a public body must make meetings open to the public when a quorum of the body meets to discuss or deliberate on issues under the public body's purview. The law also requires meetings to be held at accessible locations and for public bodies to give appropriate notice of the time, place, and subjects anticipated to be considered.

Under some circumstances, a governing body of a public body may meet in executive session, in which the general public is not allowed to attend, though typically the media is permitted to cover the proceedings. An executive session may be called during most types of meetings, and still requires providing proper and adequate public notice, which is the same as for regular meetings of the public body. Under executive session, the governing body may deliberate solely on matters for which the executive session was called, and no final action may be taken during an executive session.

Circumstances under which a governing body may meet in executive session include employment, dismissal, discipline, or job performance of public officers, employees or staff; labor negotiations; records exempt from public disclosure; consultation with counsel; negotiation of real property transactions, trade, or public investments; matters of medical competency; or relating to security of sensitive sites.

In 2023, the Legislative Assembly passed House Bill 2805 giving the Oregon Government Ethics Commission (OGEC) the authority to enforce the public meetings law (ORS 192.610 to 192.705). However, a person may not file a complaint with the OGEC until after filing a written grievance with the public body whose governing body is alleged to have violated the law and having either received a response from the public body denying the violation or admitting the violation but failing to take steps to cure the violation or having not received a response within 21 days.