

House Bill 3887

Sponsored by Representative WALLAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act defines "work sessions" and makes public bodies provide for public comment at meetings where they will take a vote. (Flesch Readability Score: 68.6).

Defines a "work session" for purposes of public meetings. Requires a governing body of a public body to include a time for public comment and requires notice of the public comment period if the body votes.

A BILL FOR AN ACT

1
2 Relating to public meetings; amending ORS 192.610, 192.630 and 192.640.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 192.610 is amended to read:

5 192.610. As used in ORS 192.610 to 192.705:

6 (1) "Convening" means:

7 (a) Gathering in a physical location;

8 (b) Using electronic, video or telephonic technology to be able to communicate
9 contemporaneously among participants;

10 (c) Using serial electronic written communication among participants; or

11 (d) Using an intermediary to communicate among participants.

12 (2) "Decision" means any determination, action, vote or final disposition upon a motion, pro-
13 posal, resolution, order, ordinance or measure on which a vote of a governing body is required, at
14 any meeting at which a quorum is present.

15 (3) "Deliberation" means discussion or communication that is part of a decision-making process.

16 (4) "Executive session" means any meeting or part of a meeting of a governing body which is
17 closed to certain persons for deliberation on certain matters.

18 (5) "Governing body" means the members of any public body which consists of two or more
19 members, with the authority to make decisions for or recommendations to a public body on policy
20 or administration.

21 (6) "Public body" means the state, any regional council, county, city or district, or any municipal
22 or public corporation, or any board, department, commission, council, bureau, committee or sub-
23 committee or advisory group or any other agency thereof.

24 (7)(a) "Meeting" means the convening of a governing body of a public body for which a quorum
25 is required in order to make a decision or to deliberate toward a decision on any matter.

26 (b) "Meeting" does not include any on-site inspection of any project or program or the attend-
27 ance of members of a governing body at any national, regional or state association to which the
28 public body or the members belong.

29 (8) **"Work session" means a meeting held for the purpose of either presenting informa-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **tion to a governing body to prepare the governing body for a regular or special meeting, or**
 2 **to allow the governing body to engage in preliminary discussions or deliberations.**

3 **SECTION 2.** ORS 192.630 is amended to read:

4 192.630. (1) All meetings, **including work sessions**, of the governing body of a public body shall
 5 be open to the public and all persons shall be permitted to attend any meeting except as otherwise
 6 provided by ORS 192.610 to 192.705.

7 (2) A quorum of a governing body may not meet in private for the purpose of deciding on or
 8 deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to
 9 192.705.

10 (3) A governing body may not hold a meeting at any place where discrimination on the basis
 11 of race, color, creed, sex, sexual orientation, gender identity, national origin, age or disability is
 12 practiced. However, the fact that organizations with restricted membership hold meetings at the
 13 place does not restrict its use by a public body if use of the place by a restricted membership or-
 14 ganization is not the primary purpose of the place or its predominant use.

15 (4)(a) Meetings of the governing body of a public body shall be held:

16 (A) Within the geographic boundaries over which the public body has jurisdiction;

17 (B) At the administrative headquarters of the public body;

18 (C) At the nearest practical location; or

19 (D) If the public body is a state, county, city or special district entity, within Indian country of
 20 a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state.
 21 For purposes of this subparagraph, "Indian country" has the meaning given that term in 18 U.S.C.
 22 1151.

23 (b) Training sessions may be held outside the jurisdiction as long as no deliberations toward a
 24 decision are involved.

25 (c) A joint meeting of two or more governing bodies or of one or more governing bodies and the
 26 elected officials of one or more federally recognized Oregon Indian tribes shall be held within the
 27 geographic boundaries over which one of the participating public bodies or one of the Oregon Indian
 28 tribes has jurisdiction or at the nearest practical location.

29 (d) Meetings may be held in locations other than those described in this subsection in the event
 30 of an actual emergency necessitating immediate action.

31 (5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet
 32 in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard
 33 of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or
 34 hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on
 35 the basis of disability shall be as provided in ORS 192.680.

36 (b) The person requesting the interpreter shall give the governing body at least 48 hours' notice
 37 of the request for an interpreter, shall provide the name of the requester, sign language preference
 38 and any other relevant information the governing body may request.

39 (c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have
 40 an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

41 (d) If certification of interpreters occurs under state or federal law, the Oregon Health Author-
 42 ity or other state or local agency shall try to refer only certified interpreters to governing bodies
 43 for purposes of this subsection.

44 (e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the
 45 department or other state or local agency that maintains a list of qualified interpreters and ar-

1 ranging for the referral of one or more qualified interpreters to provide interpreter services.

2 **(6) Meetings of a governing body must provide for a public comment period of reasonable**
3 **duration at every public meeting, except for work sessions as defined in ORS 192.610 or**
4 **meetings as described in ORS 192.660.**

5 **SECTION 3.** ORS 192.640 is amended to read:

6 192.640. (1) The governing body of a public body shall provide for and give public notice, rea-
7 sonably calculated to give actual notice to interested persons including news media which have re-
8 quested notice, of the time and place for holding regular meetings. The notice shall also include a
9 list of the principal subjects anticipated to be considered at the meeting, but this requirement shall
10 not limit the ability of a governing body to consider additional subjects. **A governing body may**
11 **not vote on any matter before the body unless the notice includes a public comment period.**

12 (2) If an executive session only will be held, the notice shall be given to the members of the
13 governing body, to the general public and to news media which have requested notice, stating the
14 specific provision of law authorizing the executive session.

15 (3) No special meeting shall be held without at least 24 hours' notice to the members of the
16 governing body, the news media which have requested notice and the general public. In case of an
17 actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances,
18 but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' no-
19 tice.

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