

Public Meetings Notice 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, and to any deliberations between a quorum of the governing body. This checklist is intended to assist governing bodies in complying with the provisions ORS 192.610 -.705 and applicable administrative rules in OAR Chapter 199, divisions 40 and 50. Please check the statutes and administrative rules for specific requirements.

- ☐ **OPEN TO THE PUBLIC.** Unless an executive session is authorized by statute, the meeting must be open to the public.
- ☐ **NOTICE.** The governing body must notify the public, interested persons, and the news media of the time and place of the meeting, as well as the principal subjects to be discussed. The Notice must comply with the following:
 - ☐ **Content of the Notice.** The public notice must identify:
 - The time, date, location of the meeting.
 - To the extent reasonably possible, the electronic link or telephone access information to allow members of the public to attend the meeting by telephone or electronic means.
 - The agenda or list of the principal subjects anticipated to be considered at the meeting. Must be specific enough to permit members of the public to recognize the matters in which they are interested.
 - The name, telephone number, and email address of a person to contact to request an interpreter or other communication aids. As an alternative, the notice may indicate that the governing body will provide a sign language interpreter or other communication aids at the meeting.
 - ☐ **Public Posting of Notice.** Must meet one or more of the following:
 - Published conspicuously on the public body's or governing body's website
 - Published on a publicly accessible website hosted by a third-party and linked to the public body's or governing body's website.
 - If the governing body does not maintain a publicly accessible website, the governing body shall satisfy the public notice requirements through other means such as posting on the Oregon Transparency Website, community postings, bulletin boards, newspaper notice, or any other means reasonably calculated to provide actual notice to the general public.
 - ☐ **Post to Oregon Transparency Website.** All State Agencies must also post meeting notices to the [Oregon Transparency Website](#). Other public bodies may also voluntarily post notices to the Oregon Transparency Website.
 - ☐ **Notice to Interested Persons.** Must notify interested persons, mailing lists, or other lists of persons or groups maintained by the governing body through one or more of the following:

- Email interested persons lists, mailing lists, or other lists of persons or groups maintained by the governing body to provide notice or communications;
 - Social media platforms normally utilized by the governing body for communications with interested persons; or
 - Any other means reasonably calculated to provide actual notice to interested persons known to the governing body. News media;
- **Notice to Media.** Must notify media representatives who have requested notice, either in the method requested by the media representatives or by any other means reasonably calculated to provide actual notice to the media representatives.
- **TIMING OF NOTICE.** The Notice must be provided in accordance with the following minimum timelines:
 - **Regular Meetings.** As much advance notice as reasonably possible, but no less than 48 hours advance notice. (Providing notice of less than 48 hours is allowed if the meeting is held as a special meeting).
 - **Special Meeting:** At least 24 hours advance notice.
 - **Emergency Meeting:** As much advance notice as reasonably possible given the emergency circumstances. (An “actual emergency” must exist. The meeting minutes must document the actual emergency and the reason why the meeting could not be delayed to allow at least 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, at the nearest practical location, or—for state, county, or city entities—within Indian county of a federally recognized Oregon Indian tribe that is within the boundaries of the state.
 - **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.
 - **Nonsmoking.** 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.

- **MEETING VIA TELEPHONE OR ELECTRONIC MEANS**
 - **Notice.** Comply with the general Notice requirements, including providing instructions on how to attend by phone or electronic means.
 - **Public Participation.** The public must be allowed to attend by:
 - Make available a place or an electronic means by which the public can listen to or view the meetings in real time.
 - To the extent reasonably possible, provide members of the general public an opportunity to access and attend meetings, excluding executive sessions, by telephone, video or other electronic or virtual means.
 - **Public Testimony.** When public testimony is permitted, must allow:
 - Oral testimony by telephone, video, or other electronic or virtual means if in-person oral testimony is allowed; and
 - Allow written testimony, including that submitted by electronic mail or other electronic means. The governing body may require the written testimony be submitted sufficiently in advance of the meeting so that the governing body is able to consider the submitted testimony in a timely manner.
 - **Recordings of State Board and Commission Meetings.** State boards or commissions within the executive department and whose members are subject to Senate confirmation and who conduct meetings virtually must record the meeting and except for executive sessions, the recording must be published promptly for viewing or listening.
- **VOTING.** All official actions by governing bodies must be taken by public vote. Secret ballots are prohibited. If written ballots are used, the written ballot must identify the individual governing body member by name and each governing body member's vote must be announced during the meeting at which the vote occurred.
- **MEETING MINUTES AND RECORDKEEPING.** Written minutes, or a sound, video, or digital recording must be taken at all meetings, including executive sessions. The minutes or recording must be available to the public within a "reasonable time after the meeting." The minutes or recording must include at least the following information:
 - Members present;
 - Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - Results of all votes and the vote of each member by name. For bodies with more than 25 members, the individual votes do not need to be recorded by name unless one member makes such a request.
 - 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.)

- **EXECUTIVE SESSIONS.** An executive session may be called a part of a regular, special, or emergency meeting or as a separate stand-alone meeting. Executive Sessions, regardless of how called, must comply with the following:
 - **Notice Must Include Specific Statute.** Notice of Executive Session meetings must comply with the general Notice requirements applicable to all public meetings. In addition, the Executive Session Notice must identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization.
 - **Public Announcement of Specific Statute.** If an executive session is to be part of a regular, special, or emergency meeting, the notice must comply with the above and the presiding officer must identify the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. The public announcement must be made during the portion of the meeting that is open to the public and before entering into executive session.
 - **News Media.** For executive sessions where the media are statutorily authorized to be present, if any person, including any member of the governing body, is attending the executive session by telephone, video, or other electronic means, the governing body must provide members of the media the same attendance option.
 - **Conflicts of Interest Considerations.** Conflicts of Interest must be disclosed in open session. As a result, for meetings where only an Executive Session is noticed, governing bodies may also wish to include in the Notice for that meeting an Open Session portion of the meeting to occur immediately preceding the Executive Session for the purpose of allowing members the opportunity to declare conflicts of interest in the Open Session before entering into an Executive Session.