



Personnel and Administrative Policy and Procedure

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| SUBJECT: Public Meeting Requirements | EFFECTIVE DATE: July 1, 2003 REVIEWED: May 2011 REVISED: |
| CATEGORY: 100 POLICY NUMBER: 100.5 | CROSS REFERENCE: |

Purpose: To ensure all City of Milwaukie governing bodies meet in accordance with Oregon's Public Meetings Law (Oregon Revised Statutes 192.610).

Definitions

Public Body: A council, board, commission, committee, subcommittee, neighborhood association, or any other group created by an official act for the purpose of being advisory to the City Council. The law applies only if the body has the authority to make decisions for or make recommendations to a public body.

Governing Body: Two or more members of a public body who have the authority to make decisions for or recommendations to a public body on policy or administration. A group without power of decision is a governing body when authorized to make recommendations to a public body but not when the recommendations go to individual public officials.

Public Business: Discussion by a public body of any policy or administrative matters pertaining to the city.

Objective: State statutes require that governing bodies deliberate and arrive at their decisions openly. Open meetings help citizens understand decisions and build trust in their government.

Scope: This policy is intended to outline state and local requirements for the City Council, all appointed advisory boards and commissions, neighborhood district associations, and city staff assisting these groups in carrying out their public business.

Policy: The public meetings law applies to all governing body meetings for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. This includes meetings held for the sole purpose of gathering information to be used for a future decision or recommendation.

The key requirements are to hold meetings that are open to the public unless an executive session is authorized, to give adequate notice of the meeting, and to take minutes. There are also requirements regarding meeting location, voting, translation, and accessibility for disabled persons.

The law does not cover purely social gatherings of members of a governing body. Participants must avoid discussion of any matters of official policy or administration during such a gathering, or they will be in violation of the Public Meetings Law.

Retreats and goal setting sessions are nearly always subject to the Public Meetings Law. Training sessions may or may not be subject depending on whether any substantive issues are discussed.

Electronic communication by a governing body in lieu of face-to-face contact is a public meeting. The public must be given notice as well as a location where it may listen to or otherwise observe the meeting.

Notice of governing body meetings, including executive sessions, must be given informing the public and media of the date, time, location, and topic(s) to be discussed. To meet accessibility requirements, notice must include a TTY number and a contact person to make a request for an interpreter for the hearing impaired or for other communication aids.

Notice of regular meetings must be "reasonably calculated" so interested persons can attend or request information on agenda items. Special meetings require at least twenty-four (24) hours notice along with a reasonable attempt to notify the press and interested persons. Emergency meetings can be held on less than twenty-four (24) hours notice but must be justified and the actual emergency situation fully-described in the meeting minutes.

The size and location of a public meeting must be considered and be sufficient for the expected attendance.

- ◆ The meetings must be held within the geographic boundaries of that area over which that governing body has jurisdiction and in its administrative headquarters or "nearest practical location."
- ◆ Joint meetings of one or more governing bodies must be held in the geographic boundaries of one of the entities and notice must be provided to the media and all interested persons.
- ◆ Emergency meetings requiring immediate action are not subject to this requirement.
- ◆ Sessions, purely for training, can be held outside the governing body's jurisdiction as long as they do not involve deliberations.
- ◆ Public meetings can be held at a private facility as long as notice is provided and people can attend conveniently.
- ◆ Public bodies are restricted from meeting in facilities practicing discrimination based on race, creed, color, sex, age, national origin, or disability.

Public meetings are not allowed in a place that is inaccessible to individuals with mobility and other impairments. If requested by or on behalf of a hearing impaired person, the City must make a good faith effort to provide an interpreter. The governing body can expect a requestor to provide at least forty-eight (48) hours' notice in order to comply. Requirements for an interpreter do not apply to emergency meetings. The Americans with Disabilities Act (ADA) goes beyond state law and requires additional provisions for providing those with hearing and sight disabilities material in a usable form including assistive listening devices, large print, and Braille. A public body cannot charge a person with a disability to cover the cost of providing these additional aids and services.

The public meetings law is a public attendance law -- not a public participation law. It does not guarantee the right to participate by public testimony or comment unless governed by other statutes, rules, ordinances, and bylaws outside the Public Meetings Law.

The presiding officer has the authority to maintain order and impose reasonable restrictions such as limiting the amount of time for public testimony. This authority does not extend to someone unobtrusively recording a public meeting.

Smoking is banned at public meetings by state statute. This applies to facilities rented by the governing body for the meeting with the exception of a hotel meeting room, for example, for which there was no additional charge.

All official actions must be done in public and votes recorded as part of the minutes. Secret ballots are prohibited.

Written minutes are required for every public meeting and must include, minimally:

- ◆ Names of the members present;
- ◆ Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- ◆ Results of all votes and vote of each member by name;
- ◆ Substance of any discussion on any matter; and
- ◆ Reference to any document discussed at the meeting.

Minutes do not need to be verbatim, and it is a good practice to record meetings although it is not required. Minutes must be prepared in a reasonable amount of time and approved at the next available session. If the public requests minutes prior to their approval, they should be marked as a "draft."

On-site inspections, staff meetings, and gatherings of associations to which a public body or its members belong (Clackamas Cities and League of Oregon Cities) are not considered public meetings.

Chance social gatherings are not considered meetings as long as no official business is discussed.