



Frequently Asked Questions: Changes to Oregon’s Public Meetings Law

What are the major changes to Oregon’s Public Meetings Law (PML) in recent legislation?

[House Bill 2805](#) (2023): This bill, effective January 1, 2024, introduced several changes that expanded the definition of a “meeting,” clarifying procedures, and gave additional oversight to OGE:

- **Expanded what counts as a meeting:** The definition of “convening” in ORS 192.610 was broadened to include more communications between public body members.
- **Formal Grievance Process:** HB 2805 established a mandatory grievance process for anyone who believes a governing body violated the PML. The process requires a person to file a written grievance with the public body within 30 days of the alleged violation. The public body must **respond in writing within 21 days** and must send a copy of both the grievance and written response to OGE.
- **Expanded OGE Oversight:** OGE’s authority to review and investigate complaints was expanded to cover **any provision** of ORS 192.610 to 192.690, not just executive sessions.
- **Mandatory Training:** Members of governing bodies with total expenditures of \$1 million or more are now required to attend training on the PML at least once per term of office.

[Senate Bill 1502](#) (2024): This bill specifically requires governing bodies of certain educational institutions to publish video recordings of their public meetings:

- **Applies To:** School districts with ADM of more than 50 students, education service districts, and community colleges
- **Recording Requirements:** Public bodies at these institutions must make a video recording of all their meetings and post the recordings online within seven days. An audio recording is allowed if broadband internet access is unavailable.
- **Exceptions:** The law does not apply to executive session meetings.

How has the definition of a “meeting” changed? HB 2805 significantly changed the definition of “meeting” by broadening what constitutes “convening.” Previously, the law focused on physical gatherings of public body members or the use of technology for contemporaneous communication. Now, the following are also considered forms of “convening” and could trigger the requirements of the PML:

- **Serial Electronic Written Communication:** A series of communications among members of a governing body, such as emails, texts, or social media messages, even if they are not communicating at the same time, can constitute a public meeting if it occurs among a quorum of the public body members.
- **Use of an intermediary:** Using a third party to relay information or facilitate communication among members of a governing body can also be considered a meeting if it occurs among a quorum of the public body members.

When are communications among a quorum of public body members NOT considered a public meeting?

Some types of communications among public body members are excluded from the definition of a “meeting.” These are generally considered “nonsubstantive” and include:

- Purely factual or educational communications which don’t involve deliberation or decision- making.
- Communications that are not related to any matter that could reasonably be foreseen to come before the governing body for deliberation or decision.
- Communications related to scheduling, leaves of absence, or other similar administrative matters.

- Attendance at professional conferences or on-site inspections, if the members do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.

Which groups/committees must follow the PML requirements? Oregon’s Public Meetings Law applies to all governing bodies of a public body. A governing body is two or more members with the authority to make decisions for, or recommendations to, a public body on matters of policy or administration. There are two main categories of governing bodies: (1) decision-making bodies, which have the power to make binding decisions for a public body and act on its behalf; (2) advisory bodies, which provide recommendations to another governing body on policy or administration. The following are examples of bodies which are NOT subject to PML:

- **Fact-Gathering Bodies:** If a body’s sole purpose is to gather factual information for a governing body and it lacks decision-making or recommendation authority, it is not subject to the PML. However, if it determines facts or looks at competing factual information to make a recommendation, it is a body subject to the PML.
- **Bodies Advising Individual Public Officials:** These are bodies appointed by a single public official to provide recommendations solely to that official. The PML does not apply if the official has authority to act on the recommendations without passing them on to another governing body.

What are the training requirements for public officials under the revised law? HB 2805 mandates training on Oregon’s Public Meetings Law for all members of governing bodies that have total expenditures of \$1 million or more in a fiscal year. This training must be completed at least once during each term of office. Each public body member is responsible for maintaining a record of attendance at the required training. The training can be provided by OGEC or an organization approved by OGEC (OSBA has requested approval of its public meetings law training).

What are the penalties for violating the Public Meetings Law? OGEC has the authority to impose civil penalties on public officials for violations of the Public Meetings Law. According to ORS 244.350, the penalties can be up to:

- **\$1,000 per violation** for most violations of the public meetings law, depending on various factors such as the number of violations, whether there was intentional disregard for the law, and actions taken to prevent future violations.
- **No penalty:** If the governing body acted on the advice of its legal counsel, a penalty may not be imposed.

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