

PUBLIC NOTICE



FAQ on Notice Requirements for Public Meetings

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FREQUENTLY ASKED QUESTIONS: Public Meeting Notice Requirements

While public officials in Oregon are typically well-versed in the purpose and need for the state's public meetings law, the LOC often receives inquiries from members about the rules for public notices. Questions range from the content the public notice is required to cover, to where and how the notices are to be posted.

This *Frequently Asked Questions (FAQ)* is meant to answer the questions most often posed to the LOC about the notice requirements associated with public meetings. It is not intended to provide an exhaustive legal analysis of the state's public meetings law, nor is it intended to be a substitute for legal advice. It is meant to serve as a baseline for understanding the notice requirements for public meetings in Oregon.

Each city in Oregon is subject to its own individual charter, municipal code, and rules of procedures. In many instances, individual Oregon cities have established notice requirements in addition to the requirements under the state's public meetings law. Any person reading this *FAQ* is strongly encouraged to conduct a thorough review of applicable charter provisions, municipal code sections, and their respective city's rules and procedures to ensure that those provisions do not provide additional requirements to be followed when creating and posting a public notice.

1. When Must the Government Give Public Notice of One of its Meetings?

ORS 192.640(1) requires public notice to be given *any time* the governing body of a public body holds a public meeting under the law. Notice is required for regular, special, emergency meetings, work sessions/workshops, and executive sessions.¹ A public body includes each Oregon city and any board, department, commission, committee, subcommittee, or advisory group thereof.² The governing body of a public body means “the members of any public body which consists of *two or more members*, with the authority to make *decisions or recommendations* to a public body on policy or administration.”³

2. What Information Must a Public Notice Contain for a Meeting Open to All Members of the Public?

ORS 192.640(1) requires a notice for meetings to contain, at a minimum, the following information:

- Time of the meeting;

¹ ORS 192.630, ORS 192.690, ORS 192.610, ORS 192.685, and OAR 199-050-0015.

² ORS 192.610(4).

³ ORS 192.610(3).

- Location of the meeting; and
- A list of the principal subjects anticipated to be discussed/considered at the meeting.

3. How Detailed of a Description of the Principal Subjects Anticipated for Consideration is Required in the Public Notice?

The Oregon Attorney General advised that the list of principal subjects “should be specific enough to permit members of the public to recognize the matters in which they are interested ... it should be sufficiently descriptive so that interested persons will get an accurate picture of the agenda topics.”⁴ Additionally, OAR 199-050-0040 prescribes that the public notice must be reasonably calculated to give actual notice of the meeting and details and subjects to the public at large, interested persons, and media representatives that have requested notice.

The LOC recommends that instead of using a generic description like “consideration of a public contract,” the notice states “consideration of contract with X company to provide Y services.”

4. What Information Must a Public Notice Contain for a Meeting Being Held in Executive Session?

ORS 192.640(1) and (2) require a notice for meetings held in executive session to contain, at a minimum, the following information:

- Time of the meeting;
- Place of the meeting; and
- The specific Oregon Revised Statute provision authorizing the executive session.⁵

Further, OAR 199-050-0040(3)(d) sets forth additional notice requirements.

5. Does the Oregon Attorney General Recommend Public Notices Contain Information Not Specifically Required by Statute?

Yes, the Oregon Attorney General recommends that cities can best satisfy the requirements of ORS 192.630(5) (accommodations for persons with disabilities) and the federal Americans with Disabilities Act by including the following additional information:

⁴ Attorney General’s Public Records and Meetings Manual (2019), Public Meetings Chapter at 151.

⁵ The LOC’s Guide to Executive Sessions contains sample notices for types of executive sessions most likely to be held by cities: https://www.orcities.org/download_file/505/1852

- The name of a city employee who can help a person in need of accommodation in facilitating that accommodation; and
- The telephone number of the relevant city employee.

6. Does the Public Meetings Law Require Notices of Public Meetings to be Published in Newspapers or Online?

No, the Oregon public meetings law does not require notices of public meetings to be published in newspapers or online. However, ORS 192.640(1) requires cities to provide notice which is “reasonably calculated to give actual notice to interested persons including news media which have requested notice.”

7. Who is Required to Receive a Copy of the Meeting Notice Under the Oregon Public Meetings Law?

The public meetings law requires cities to give a general notice to the public at large and then also provide actual notice to identified interested persons of their public meetings. Public officials representing the body holding the meeting should also receive notice of the meeting.

8. How Should Notice of a Public Meeting be Given?

ORS 192.640 and OAR 199-050-0040 set forth public meeting notice requirements, including method of notice.

Methods of Notice include⁶:

- Providing notice of its meetings to be displayed conspicuously on the public body’s or governing body’s website or 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.

⁶ OAR 199-050-0040(2)

Regarding Interested Persons Notice Requirement, methods of notice include⁷:

- Interested person 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;
- Any other means reasonably calculated to provide actual notice to interested persons known to the governing body.

The Oregon Attorney General recommends cities give notice in the following manner:

- Press releases containing the meeting notice should be given to news organizations and members of the media.
 - For most local matters, it is recommended that local newspapers, radio stations, or television stations are notified.
- Cities should create mailing lists, or email lists, of parties who are regularly and consistently interested in receiving copies of public meeting notices. Examples may include:
 - Local media or news organizations;
 - Neighborhood associations;
 - Community organizations; and/or
 - Chambers of Commerce.
- If cities are aware of persons who are or could reasonably be expected to be interested in a public meeting, cities should provide notice of the meeting to these interested persons. For example, if the public meeting is a land-use hearing that will impact particular properties, the owners of these properties should receive notice of the public meeting.
- Some cities, particularly those with smaller populations, use a designated bulletin board in either city hall or another public place, perhaps a local library, to post notices of public meetings.⁸

9. How Far in Advance of a Scheduled Meeting does the Oregon Public Meetings Law Require a Notice of the Meeting to be Given?

⁷ OAR 199-050-0040(2)(b)

⁸ Attorney General's Public Records and Meetings Manual (2019), Public Meetings Chapter, at 153.

The number of days in advance a city must give notice of a public meeting depends on the type of meeting to be conducted.

- ORS 192.640(1) requires that notice of a **regular meeting** be *reasonably calculated* to give actual notice of the time and place of the meeting to any interested person and the media. A typical rule is to provide no less than 48 hours' notice.⁹ The LOC, as a public body itself, typically prefers to provide notice of its regularly meetings at least seven to ten days in advance of the meeting.
- ORS 192.640(3) requires at least 24 hours' notice for any **special meeting**.¹⁰ Again, the public, news media, and interested parties are to be provided notice of a special meeting.
- **Emergency meetings** can be called with less than 24 hours' notice.¹¹ However, the city is required to identify why the meeting could not be delayed with the reasons articulated in the minutes of the meeting.¹² Even if an emergency meeting must be called, cities are still required to attempt to contact interested persons and the media.

The Oregon Attorney General provides guidance on what constitutes an emergency meeting in the Public Meetings Chapter of its Public Records and Meetings Manual.¹³

“The governing body must be able to point to some reason why the meeting could not be delayed allowing at least 24 hours' notice... The Oregon Court of Appeals has indicated that it will scrutinize closely any claim of an ‘actual emergency.’ Any claimed ‘actual emergency’ must relate to the matter to be discussed at the emergency meeting. An actual emergency on one matter does not ‘justify a public body’s emergency treatment of all business coming before it at approximately the same time.’ Nor do the work schedules of board members provide justification for an emergency meeting. The court noted: ‘An actual emergency, within the contemplation of the statute, must be dictated by events and cannot be predicated solely on the convenience or inconvenience of members of the governing body.’”¹⁴

⁹ OAR 199-050-0040 (4)(a).

¹⁰ OAR 199-050-0040(4)(b).

¹¹ OAR 199-050-0040(4)(c).

¹² ORS 192.640(3).

¹³ P. 150-151.

¹⁴ *Or. Assoc. of Classified Emp. v. Salem-Keizer*, 95 Or App 28, 32-34 (1989).