

# House Bill 3513

Sponsored by Representative HOYLE

## 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**.

Provides that matters for which quorum of governing body may not meet in private for purpose of deciding or deliberating are limited to budget, fiscal or policy matters. Provides that certain communication, fact gathering activities or on-site inspections of property or facilities do not constitute governing body deciding on or deliberating toward decision. Extends period during which suit may be brought asserting violation of public meetings law from 60 to 90 days after date decision becomes public record.

## A BILL FOR AN ACT

1  
2 Relating to public meetings; amending ORS 192.630 and 192.680.

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

4 **SECTION 1.** ORS 192.630 is amended to read:

5 192.630. (1) All meetings of the governing body of a public body shall be open to the public and  
6 all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610  
7 to 192.690.

8 (2)(a) A quorum of a governing body may not meet in private for the purpose of deciding on or  
9 deliberating toward a decision on any **budget, fiscal or policy** matter except as otherwise provided  
10 by ORS 192.610 to 192.690.

11 **(b) For purposes of this subsection, "deciding on or deliberating toward a decision" means**  
12 **the organized acts of a quorum of a governing body to discuss, work toward or achieve a**  
13 **final decision on a budget, fiscal or policy matter, but does not include:**

14 **(A) Communication that is wholly unrelated to the conduct of the public's business;**

15 **(B) Fact gathering activities; or**

16 **(C) On-site inspections of property or facilities at a location other than the regularly**  
17 **scheduled meeting room of the governing body.**

18 (3) A governing body may not hold a meeting at any place where discrimination on the basis  
19 of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However,  
20 the fact that organizations with restricted membership hold meetings at the place does not restrict  
21 its use by a public body if use of the place by a restricted membership organization is not the pri-  
22 mary purpose of the place or its predominate use.

23 (4) Meetings of the governing body of a public body shall be held within the geographic bound-  
24 aries over which the public body has jurisdiction, or at the administrative headquarters of the public  
25 body or at the other nearest practical location. Training sessions may be held outside the jurisdic-  
26 tion as long as no deliberations toward a decision are involved. A joint meeting of two or more  
27 governing bodies or of one or more governing bodies and the elected officials of one or more feder-  
28 ally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one  
29 of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the

**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 nearest practical location. Meetings may be held in locations other than those described in this  
 2 subsection in the event of an actual emergency necessitating immediate action.

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

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

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

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

16 (e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the  
 17 department or other state or local agency that maintains a list of qualified interpreters and ar-  
 18 ranging for the referral of one or more qualified interpreters to provide interpreter services.

19 **SECTION 2.** ORS 192.680 is amended to read:

20 192.680. (1) A decision made by a governing body of a public body in violation of ORS 192.610  
 21 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public  
 22 body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is  
 23 reinstated is effective from the date of its initial adoption.

24 (2) Any person affected by a decision of a governing body of a public body may commence a suit  
 25 in the circuit court for the county in which the governing body ordinarily meets, for the purpose  
 26 of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members  
 27 of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or  
 28 decisions of the governing body.

29 (3) Notwithstanding subsection (1) of this section, if the court finds that the public body made  
 30 a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the  
 31 governing body if the court finds that the violation was the result of intentional disregard of the law  
 32 or willful misconduct by a quorum of the members of the governing body, unless other equitable  
 33 relief is available. The court may order such equitable relief as it deems appropriate in the cir-  
 34 cumstances. The court may order payment to a successful plaintiff in a suit brought under this  
 35 section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of  
 36 which it is a part or to which it reports.

37 (4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under  
 38 subsection (2) of this section and that the violation is the result of willful misconduct by any member  
 39 or members of the governing body, that member or members shall be jointly and severally liable to  
 40 the governing body or the public body of which it is a part for the amount paid by the body under  
 41 subsection (3) of this section.

42 (5) Any suit brought under subsection (2) of this section must be commenced within [60] 90 days  
 43 following the date that the decision becomes public record.

44 (6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS  
 45 192.610 to 192.690.

