

## Legislative Fiscal Office

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## Joint Committee on Ways and Means

Senator Elizabeth Steiner, Senate Co-Chair  
Representative Tawna Sanchez, House Co-Chair

Senator Fred Girod, Senate Co-Vice Chair  
Representative David Gomberg, House Co-Vice Chair  
Representative Greg Smith, House Co-Vice Chair

**To:** General Government Subcommittee  
**From:** Michael Graham, Legislative Fiscal Office  
**Date:** May 24, 2023  
**Subject:** HB 2805 – Relating to public meetings  
Work Session Recommendations

House Bill 2805 specifies that, for purposes of the Oregon Public Meetings Law (OPML), the use of serial written communication or the use of intermediaries to communicate may constitute a quorum of a governing body under certain circumstances. However, the OPML would not apply to certain communications among members of a governing body, including factual or educational matters that convey no decision or deliberation on matters that may come before the body; communication not related to any matter that could be reasonably foreseen to come before the governing body for deliberation; or matters that are non-substantive in nature.

The measure directs the Oregon Government Ethics Commission (OGEC) to provide or arrange for annual trainings and best practices on the OPML. Members of governing bodies (excluding governing bodies of state government) with total expenditures for a fiscal year of \$1 million or more must attend or view the training at least once during the member's term of office and verify their attendance. The measure expands OGEC's authority under the OPML to include receiving reports of alleged OPML violations and investigating those reported violations. The measure takes effect 91 days after adjournment *sine die*.

To implement the measure, OGEC anticipates needing five additional positions (3.75 FTE), including one Administrative Specialist 2 position to assist with processing the increasing number of complaints and public records requests; two Compliance Specialists 2 positions (1.50 FTE) to investigate complaints and assist with advice and guidance; and two Program Analyst 1 positions (1.50 FTE) to assist with the increased volume of training and requests for advice and guidance. OGEC will also need additional office space to accommodate these new positions, either by remodeling its current office or moving to a new location.

The fiscal impact of this measure is not factored into OGEC's current assessment rate, so the rate charged to state agencies and local jurisdictions will need to be increased, presumably in the end-of-session assessment adjustments included in the omnibus budget

bill. The charged assessment rate is anticipated to increase from approximately \$25 per FTE to approximately \$35 per FTE for state agencies each biennium.

### **Recommended Changes**

The Legislative Fiscal Office (LFO) recommends adoption of the –1 amendment, which increases the expenditure limitation in OGEC's budget bill (Enrolled House Bill 5021) by \$1,365,307 Other Funds in the 2023-25 biennium. This increase in limitation will enable OGEC to hire additional staff, conduct more trainings, and either move to a new office or remodel its current office space.

MOTION: I move adoption of the –1 amendment to HB 2805. (VOTE)

### **Final Subcommittee Action**

LFO recommends that HB 2805, as amended by the –1 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move HB 2805, as amended, to the Full Committee with a do pass recommendation. (VOTE)

### **Carriers**

Full Committee: \_\_\_\_\_

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_