

HB 4177 -2 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/17, 2/19

WHAT THE MEASURE DOES:

The measure changes the meaning of meetings, convening, and deliberation to restate the prohibition on serial communications while adding types of communications that are allowed and not considered public meetings. It limits the types of governing bodies required to attend training and changes the timeframe for taking training. It changes the deadline for submitting a grievance to 90 days, changes the process for a public body to respond to and cure a grievance, and prohibits the Oregon Government Ethics Commission (OGE) from opening an investigation if grievance process is not satisfied. The measure also allows OGE to investigate and impose a penalty on a public body for administrative errors. The measure takes effect on the 91st day following adjournment sine die.

Detailed Summary

Serial Communications

- Changes the definition of convening and deliberation.
- Prohibits a quorum of a governing body from using a series of any communications, including directly or through intermediaries, to decide or deliberate on any matter or to meet in private.
- Changes allowed communications to include those that:
 - are related to procedural matters with no deliberation or decision on substance,
 - share the views of outside parties, published articles, or constituent letters,
 - are with the media, constituents, or the public, unless those parties are being used as an intermediary to engage in deliberation, or
 - are for gathering information related to a deliberation or decision of the governing body.

Training

- Changes the required training to members of governing bodies that have decision-making authority over policy or administration for the public body, and exempts members of governing bodies that only have authority to make recommendations.
- Allows training to count if the member attends or views the training at any time between three months before assuming office and 12 months after taking office.

Enforcement

- Extends the deadline for filing a written grievance from 30 days to 90 days of the alleged violation.
- Changes the grievance process to require a public body to provide an initial response within 21 days without specifying that the response deny or admit the facts or circumstances of the grievance or admit the conduct amounted to a violation.
- Changes the requirements for a governing body to cure a violation by
 - rescinding the decision;
 - acknowledging in a public meeting within 90 days of receipt of the grievance that the decision was in violation but will not be rescinded and practices will be modified to avoid future violations; or
 - describing some other action to be taken
- Allows a public body or governing body to cure a violation by correcting procedures to ensure those do not occur again and defines “procedural error.”

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- Allows OGEC to not consider a complaint if the complainant has not satisfied the grievance process, instead of requiring OGEC to dismiss the complaint.
- Makes complaints related to members of the OGEC subject to a court process.
- Allows OGEC to proceed with an investigation into, and impose a penalty on, the public body instead of any public official if the violation alleges an administrative error, which is defined to include a typographic error, error of internet-linked documents, or notice error.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 The amendment revises the “administrative errors” provisions of the measure. It specifies that the public body is responsible for certain meeting locations, meeting notice, and meeting minutes and recordings requirements of the public meetings law, while other types of violations remain the responsibility of the governing body members. It adds public body, in addition to a governing body, person, or official, when the public body is the one that takes the action, is required to be notified, or is involved in the complaint related to its responsibilities. The amendment makes other conforming and consistency changes.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: No revenue impact

BACKGROUND:

Oregon’s public meetings law has generally required that meetings of governing bodies, or when a majority of its members are gathered in person or electronically and are discussing matters that are or may be before them, must be open to the public at accessible locations with appropriate notice of the time, place, and topics to be considered. Governing bodies must provide a sound, video, or digital recording or written minutes for all meetings within a reasonable time. Executive sessions, where the public is not allowed to participate, are permitted on certain matters defined in statute. No decisions can be made in executive session.

House Bill 2805 (2023) changed the law to specify when the use of serial electronic written communication or the use of another person to communicate by and between members is considered a meeting subject to the public meetings law requirements. The measure required annual training for certain public bodies, created a complaint process including filing a grievance with the public body, and gave the OGEC the authority to conduct investigations, make findings, and impose penalties for violations of the entire public meetings law, not just executive session violations.

In October 2025, Rep. Nathan Sosa convened a workgroup to address concerns about recent guidance and opinions from the Oregon Government Ethics Commission (OGEC). Representatives from cities, counties, special districts, education associations, media, and OGEC met with a group of House and Senate members from October 2025 to January 2026. The group identified areas of concerns, discussed proposed language, and developed a set of recommendations around public meetings law enforcement, serial communications, maintaining confidentiality of protected information, training requirements, OGEC membership, and the provision of food and beverages to a public official by their public body.

House Bill 4159 contains the group’s recommendations around OGEC membership and maintaining attorney-client privilege for information provided to OGEC in a complaint investigation. House Bill 4161 contains the recommendations related to the provision of food, beverages, and certain merchandise to a public official from a public body. House Bill 4177 contains the recommendations around public meetings law, including serial communications, training, and enforcement.