



BEND CITIZEN INVOLVEMENT
PROGRAM

Statewide Planning Goal 1

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Bend Citizen Involvement Program

- A. Objective:** The Bend Citizen Involvement Program (CIP) implements the Statewide Planning Goal 1 by providing a means for communication between the citizens of Bend and the city's representatives on a variety of community topics. Foremost, the Bend CIP encourages widespread citizen involvement in all phases of the planning process. Effective communication is essential for guiding wise land use decisions regarding the future development within the Urban Growth Boundary and the Urban Reserve area surrounding the City of Bend.

The Bend CIP will:

1. provide opportunities for citizen to participate in land use decisions, participate in the periodic review of the Bend Area General Plan, and Comprehensive plan updates;
2. provide a means for City representatives to learn about community opinion on issues and choices facing the city;
3. demonstrate the value of informed citizen involvement.

B. Roles and Responsibilities

1. Planning Commission: The Planning Commission makes recommendations to the Council on policy and regulations which guide the future development of Bend. The Planning Commission also makes final decisions on some land use and development applications.

The Bend Area General Plan recognizes the Planning Commission as the "official" Citizen Involvement Committee (CCI). This appointment is confirmed by the City Council through the selection process for Planning Commissioners and in conformance with the Goal 1 process. The duties of the CCI are as follows:

- a. Prepare and adopt a Citizen Involvement Program (CIP) that will provide overall direction for communication with Bend's citizens and promote and enhance citizen involvement in land use planning.
 - b. Provide periodic review of CIP to improve effectiveness and overall implementation.
 - c. Perform other duties as directed by the City Council.
2. Staff:
 - a. Administer public notice procedure established by the Bend Development Code.
 - b. Work with and provide assistance to the CCI to assure appropriate opportunities for public input.
 - c. Act as the "point of contact" for anyone seeking additional information on a specific project.
 - d. Provide technical information in an understandable form.
 - e. Report annually to the CCI.
3. Neighborhood Associations:
 - a. Keep informed of the planning process and land use proposals in specific neighborhood associations.
 - b. Act as a conduit for information between individual citizens and the city.
 - c. Express the views of the neighborhood as a whole.
 - d. Distribute information to Neighborhood Association membership.

4. General Public:

- a. Keep informed of the planning process
- b. Attend public meetings to obtain information and to express opinions.
- c. Participate in citizen committees

C. Procedures and Methods

1. Establish Effective Communication

- a. Provide public notice well in advance to provide reasonable time for review and response.
- b. Hold Public Hearings as required by law
- c. Hold Public Workshops as needed
- d. Solicit and Receive Public Input
- e. Respond to citizen concerns as needed
- f. Utilize technology (ie. website) to encourage and measure public involvement

Following is Oregon Statewide Planning Goal 1, with responses indicating measures the city will take to ensure ongoing compliance with the goal.

OREGON STATEWIDE PLANNING GOAL 1

OAR 660-015-0000(1)

A. CITIZEN INVOLVEMENT

Citizen Involvement – To provide for widespread citizen involvement.

- 1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings)**

City Response: Aside from the statutory requirements for notice, there is no set protocol for using the news media. Large city initiated projects receive more media coverage. The City currently utilizes:

- City website
- Social media: Facebook, Twitter, You Tube
- COTV broadcasts, updated monthly
- Display newspaper ads as needed
- “Our City” Newsletter, published monthly
- “Our City” display ad, published monthly
- “Good Morning Central Oregon” television interviews
- Public “Open House” and Workshop meetings
- Special topic forums (Building a Better Bend)
- Editorial board meetings as needed

- 2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interest in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses inland-use education which provide for a diversity of educational backgrounds in land-use planning.**

City Response: Central Oregon Community College, OSU-Cascades Campus, and schools of the Bend La Pine School District periodically conduct classes relating to various aspects of land use planning. These classes may serve as educational resources regarding local planning issues, as well as providing useful background to assist citizens in a fuller understanding of land use issues affecting Bend, Central Oregon, and the state as a whole. City staff, as well as elected and appointed officials, are available to provide support to these classes in the form of educational materials and occasional presentations as requested.

- 3. In the selection of members for the committee for citizen involvement (CCI), the following selection process should be observed: Citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification on their selection; and committee appointments should be well publicized.**

City Response: The Bend Planning Commission is recognized through the Bend Area General Plan as the “official” Committee for Citizen Involvement (CCI). The City Council appoints members to the Planning Commission through a public selection process consistent with Goal 1. The duties of the Planning Commission include participation as the Committee for Citizen Involvement. It is the role of the Planning Commission in their capacity as the CCI to develop and adopt a program for citizen involvement.

B. COMMUNICATION

Communication – To assure effective two-way communication with citizens.

Establish mechanisms which provide for effective communication between citizens and elected and appointed officials. Newsletters, mailings, posters, mail-back questionnaires and other available media should be used in the citizen involvement program.

City Response: The City has in place procedures for public notice and comment based on the requirements of state statute. These provisions listed below are included as an appendix to the Citizen Involvement Program. Included in the appendix is a citation from Chapter 1 of the Bend Area General Plan naming the Planning Commission as the CCI.

Chapter 4.1.200 – General Provisions

Chapter 4.1.215 - Public Meeting

Chapter 4.1.245 – Notice to Public Agencies

Chapter 4.1.400 – Type II Application Procedures

Chapter 4.1.420 – Mailed Notice of Type II Applications

Chapter 4.1.423 – Mailed Notice of Type III Applications

Chapter 4.1.424 – Contents of Mailed Notice

Chapter 4.1.425 – Posted Notice of Type II or III Applications

Chapter 4.1.500 – Type IV Legislative Procedures

Chapter 4.1.515 - Notice (Legislative Procedures)

Chapter 4.1.1100 - Appeals

Chapter 4.1.1120 – Notice of Appeal

Chapter 4.1.1200 – Proceedings on Remand

Chapter 4.1.1220 – Notice and Hearings Requirements

C. CITIZEN INFLUENCE

Citizen Influence – To provide the opportunity for citizens to be involved in all phases of the planning process.

- 1. Data Collection** – The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.
- 2. Plan Preparation** – The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of

sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

3. **Adoption Process** – The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.
4. **Implementation** – The general public, through the local citizen involvement programs, should have the opportunity to participate in the development , adoption, and application of legislation that is needed to carry out a comprehensive land –use plan.

The general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

5. **Evaluation** - The general public, through the local citizen involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.
6. **Revision** - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formerly consider the proposed changes.

City Response: Projects reviewed by the city are initiated in several ways as outlined below. How citizens participate in these projects may differ based on the type and scope of a project.

Developer Initiated Projects - The city currently requires developers to conduct a public meeting with the affected neighborhood associations prior to submitting an application for certain land uses. Developers have an opportunity to modify the project to address the issues raised by citizens at this meeting. This provision is found in Chapter 4.1.200.

City Initiated Projects – The City has a history of utilizing workshops and facilitated charrettes for gathering public input on city initiated projects like the General Plan and Development Code updates.

Citizen Initiated Projects – Citizens may band together and apply for a project as a developer or go before the City Council and request that the City initiate a project.

D. TECHNICAL INFORMATION

Technical Information – To assure that technical information is available in an understandable form.

1. **Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) should provide assistance to the**

citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

- 2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.**

City Response: The City website has made sharing technical information easier. Interested parties no longer have to come into City Hall to review materials. Project information is available online for review. However, Staff members are available via email to answer specific questions or to meet face-to-face with citizens.

E. FEEDBACK MECHANISM

Feedback Mechanisms – To assure that citizens will receive a response from policy-makers

- 1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.**
- 2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.**

City Response: Other than Planning Commission comments and discussion following a public hearing, the opportunities for feedback include written decisions, meeting minutes, and Staff prepared responses.

F. FINANCIAL SUPPORT

Financial Support – To insure funding for the citizen involvement program.

- 1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.**

City Response: The cost for State mandated procedures described above under B. – Communication are built into the fee structure and supported in the budget for the Community Development Department. In addition, the Neighborhood Association support is budgeted through City Administration.

Bend Area General Plan – Chapter 1

CITIZEN INVOLVEMENT

The city and county use a variety of techniques and forums to gather ideas from the citizens of the community, to explain planning concepts in the General Plan, and to evaluate public comments. The major citizen involvement activities used during the development of this updated Plan are described in the *Preface* to the General Plan.

The Bend Urban Area Planning Commission was established in 1980 by the city and the county. Its role was to carry out a comprehensive planning program, using citizen comments and public hearings when appropriate, for all the lands within the Urban Growth Boundary and Urban Reserve Area established at that time. In 1998 the Bend Urban Area Planning Commission was re-formulated to become the City of Bend Planning Commission, responsible for advising the City Council on planning matters related to the Bend urban area. The Planning Commission is the official Citizens' Involvement Committee for the urban area, and advises the elected bodies on land use planning programs and policy.

In addition to the Planning Commission, there are other citizens' committees that have particular areas of interest that relate to land use and transportation planning. These committees include but are not limited to:

- the *Deschutes County Bicycle and Pedestrian Committee*;
- the *Clean Air Committee*;
- the *Bend Traffic Safety Committee*;
- the Bend 2030 Board
- the Bend Public Transit Advisory Committee
- the Bend Metropolitan Planning Organization.

The interest in community and neighborhood involvement is so strong in Bend that several major private developers have used public forums, workshops, and citizens committees to help them design projects that are consistent with the Bend Area General Plan.

POLICIES

Citizen Involvement

45. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.
46. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

APPENDIX B

Bend Development Code – Chapter 4.1

4.1.200 General Provisions

4.1.215 Public Meeting

- A. The applicant for a Bend Area General Plan Map Amendment, Zoning Map Amendment, Conditional Use Permit, Subdivision or Site Plan Review for new development or an alteration/addition to one or more buildings containing a total of 10,000 square feet or more shall present the proposal at a public meeting prior to submitting the respective application to the City Planning Division. The presentation shall be made at either a regular or special meeting with a neighborhood association recognized by the City of Bend whose boundaries the subject property lies within, or a public meeting arranged and conducted by the applicant. The presentation at the public meeting shall include the following:
1. A map depicting the location of the subject property proposed for development.
 2. A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any structures if applicable.
 3. A description of the nature of the use including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
 4. The expected or anticipated impacts from the development.
 5. Any mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
 6. An opportunity for the public to provide comments. Applicants are encouraged to reconcile as many public concerns as possible prior to submittal of their application.
- B. Public Meeting Notification. If any part of a proposed new development as referenced in subsection 4.1.215(A) is to be constructed within the boundaries of a recognized neighborhood association of the City of Bend, the applicant shall notify the designated representative of such association of the presentation. It shall be the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected neighborhood of the date, time and location of the meeting/presentation. It shall be the applicant's responsibility to provide the information listed in subsection 4.1.215(B) (1) (a - c) below to the designated representative of the neighborhood association. Such meeting shall be held no less than 15 days and no more than 45 days from the date that the applicant notifies the designated representative of the affected neighborhood association. The following provisions shall be applicable to the applicant's obligation to notify the residents of the area affected by the new development application, whether the proposed development is within the boundaries of a recognized neighborhood association or not:
1. The applicant shall send mailed notice of the public meeting to all property owners within 500 feet of the boundaries of the subject property, and, if any part of the subject property is within the boundaries of a neighborhood association recognized by the City of Bend or within 500 feet of any other neighborhood association recognized by the City of Bend, notice shall be sent by Priority Mail with Delivery Confirmation to the designated representative(s) of such neighborhood association(s). The property owner list shall be compiled from the

Deschutes County Tax Assessor's property owner list from the most recent property tax assessment roll. The address for the designated representative(s) of the affected neighborhood association(s) shall be obtained from the City of Bend. The notice shall be sent a minimum of 15 days prior to the public meeting, and shall include at a minimum:

- a. Date, time and location of the public meeting.
- b. A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernable.
- c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessors map) which depicts the subject property.

4.1.245 Notice to Public Agencies.

In addition to any notice required by this ordinance, written notice shall be provided to public agencies as prescribed below.

- A. Division of State Lands. The City shall notify the Oregon Division of State Lands (DSL) of any application that involves lands that are wholly or partially within areas that are identified as a significant wetland on the city's Local Wetland Inventory. Notice shall be in writing using the DSL Wetland Land Use Notification Form, and shall be sent within five working days of acceptance of a complete application. [See ORS 227.350]
- B. Department of Fish and Wildlife. The City shall notify the Oregon Department of Fish and Wildlife (ODFW) in writing of any application for development activities within the riparian corridor. A mitigation recommendation shall be obtained from ODFW. Approval of the proposed development shall include a condition requiring compliance with the ODFW mitigation recommendations. [See OAR 635-415]
- C. Parks and Recreation Department. The City shall notify the Oregon Parks and Recreation Department (OPRD) in writing of any application for a proposed change, improvement, or activity within the ¼ mile boundary of either the Upper Deschutes Scenic Waterway or the Middle Deschutes Scenic Waterway. A landowner proposing a change, improvement, or activity within a State Scenic Waterway shall notify OPRD using the form provided by OPRD. The proposed change, improvement, or activity shall not be approved by the city unless either OPRD has given its written approval, or OPRD has not responded within one year from the date of notification. [See OAR 736-40]
- D. Other agencies. The City shall notify other public agencies, as appropriate, that have statutory or administrative rule authority to review or issue state permits associated with local development applications.

4.1.400 TYPE II AND TYPE III APPLICATIONS

4.1.415 Type II Application Procedures.

- A. Type II decisions are made by the Community Development Director following public notice and an opportunity for parties to comment but without a public hearing unless the Community Development Director elevates the application to the Hearings Body for hearing as a Type III.

- B. The Community Development Director's choice between or among administrative or hearing procedures to apply to a particular application or determination shall not be an appeal-able decision.

4.1.420 Mailed Notice of Type II Applications.

- A. Notice of Type II applications shall be mailed at least fourteen (14) days prior to the issuance of a decision to persons entitled to notice under Section 4.1.423. Such notice shall include all the information specified under Section 4.1.424 except for the information specified in subsections 7 and 10 of Section 4.1.424(A). Written notice shall be sent by mail to the following persons:
 - 1. The applicant.
 - 2. Owners of record of property as shown on the most recent property tax assessment roll of property located:
 - a. Within 250 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary shall increase by 250 feet for every 25-foot increment of structure height above 50 feet.
 - b. The applicant shall bear the cost (i.e. mailing, etc.) of any notice.
 - 3. The designated representative(s) of a neighborhood association recognized by the City of Bend, where any property within the notice area specified in subsection 4.1.420(A)(2) is within the boundaries of a recognized neighborhood association.
 - 4. The notice requirements of this section shall be deemed met when the Planning Division can provide an affidavit or other certification that such notice was given.
 - 5. The Community Development Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection 4.1.420(A)(2)(a) above, at his or her sole discretion.
- B. Any person may comment in writing on a Type II application within fourteen (14) days from the date notice was mailed or a longer period as specified in the notice.
- C. Notice of the Community Development Director's Type II decision and the appeal period shall be mailed to all parties to the record.
- D. Any party can appeal a Type II decision in accordance with Section 4.1.1100, Appeals.

4.1.423 Mailed Notice of Type III Applications.

- A. Except as otherwise provided for herein, notice of a Type III application shall be mailed at least twenty (20) days prior to the evidentiary hearing for those matters set for one evidentiary hearing, or ten (10) days prior to the first evidentiary hearing where two or more evidentiary hearings are held. Written notice shall be sent by mail to the following persons:
 - 1. The applicant.

2. Owners of record of property as shown on the most recent property tax assessment roll of property located:
 - a. Within 250 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary shall increase by 250 feet for every 25-foot increment of structure height above 50 feet.
 - b. The applicant shall bear the cost (i.e. mailing, etc.) of any notice.
 3. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.
 4. The designated representative(s) of a neighborhood association recognized by the City of Bend, where any property within the notice area specified in subsection 4.1.423(A)(2) is within the boundaries of a recognized neighborhood association.
- B. The notice requirements of this section shall be deemed met when the Planning Division can provide an affidavit or other certification that such notice was given.
- C. The Community Development Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection 4.1.423(A)(2)(a) above, at his or her sole discretion.

4.1.424 Contents of Mailed Notices.

- A. All mailed notices shall:
1. Describe the nature of the applicant's request and the nature of the proposed uses that could be authorized.
 2. List the criteria from the Development Code and the general plan applicable to the application at issue.
 3. Set forth the street address or easily understood geographical reference to the subject property.
 4. State the date, time and location of any hearing or date by which written comments must be received.
 5. State that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony, including, but not limited to, a party's right to request a continuance or to have the record held open.
 6. If a hearing is to be held, state that any interested person may appear and provide evidence.
 7. State that failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.
 8. State the name of a city representative to contact and the telephone number where additional information may be obtained.

9. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
 10. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a reasonable cost.
- B. All mailed notices concerning applications necessitating an exception to one of the statewide land use planning goals shall state that a goal exception is proposed and shall summarize the issues in an understandable manner.

4.1.425 Posted Notice of Type II or Type III Applications.

1. Notice of a Type II or III application for which prior notice procedures are required shall be posted on the subject property by the applicant/property owner for at least 10 continuous days prior to any date set for receipt of comments. Such notice shall, where practicable, be visible from any adjacent public way. Failure of applicant/property owner to maintain posting of the sign for 10 continuous days shall not invalidate a land use approval.
2. Posted notice of an application for a utility facility line approval shall be by posting the proposed route at intervals of not less than 500 feet. The notice shall be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.

4.1.500 TYPE IV LEGISLATIVE PROCEDURES

4.1.515 Notice

- A. Published Notice.
1. Notice of a Type IV legislative change shall be published in a newspaper of general circulation in the City at least twenty (20) days prior to each public hearing.
 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.
- B. Posted Notice. Notice shall be posted at the discretion of the Community Development Director.
- C. Individual Notice. For site-specific applications, individual notice to property owners, as defined in Section 4.1.220(A) of this Chapter, shall be provided.
- D. Neighborhood Associations. Notice of Type IV legislative changes shall be mailed to the designated representative of any neighborhood association recognized by the City of Bend, where the legislative change affects any land within the boundary of such neighborhood association.

4.1.1100 APPEALS

4.1.1120 Notice of Appeal.

A. The Notice of Appeal shall contain:

1. A description of the decision which is being appealed, including the date of decision.
2. A statement describing the interest the person who is appealing has in the decision. Only persons who have proper standing as provided by the law, and who have participated in the decision being appealed (if provision for such participation was provided in the previous proceeding) may appeal the decision. The statement of interest must demonstrate the person's standing and participation.
3. A description of the issues sought to be raised by the appeal; and a statement that the issues were raised during the proceeding that produced the decision being appealed. This description must include the specific criteria relied upon as the basis for the appeal, and an explanation of why the decision has not complied with the standards or requirements of the criteria. The issues raised by the appeal must be stated with sufficient specificity to afford the reviewing authority an opportunity to resolve each issue raised.
4. In the case of a discretionary appeal request to the City Council, the Notice of Appeal shall include the following additional information to assist the Council in deciding whether to grant discretionary review of the decision being appealed:
 - a. How the appeal presents issues that have significant public policy or community wide implications for the City, as opposed to more limited issues which primarily involve the directly affected property or persons involved in the land use decision being appealed.
 - b. Why it is necessary or desirable for the City Council to review these issues; and why the issues cannot be adequately and fairly reviewed by the Land Use Board of Appeals.

4.1.1200 PROCEEDINGS ON REMAND

4.1.1220 Notice and Hearings Requirements.

- A. The City shall conduct a review on any remanded decision. The remand procedure shall be in accordance with the applicable provisions of this section, the LUBA or Appellate Court decision, and applicable state law. Unless state law requires otherwise, only those persons who were parties to the proceedings before the City shall be entitled to notice and be entitled to participate in any hearing on remand.
- B. The review procedures shall comply with the minimum requirements of state law and due process for remand and need comply with the requirements of this Code, only to the extent that such procedures are applicable to remand proceedings under state law.

OREGON'S PUBLIC MEETINGS LAW

192.610 Definitions for ORS 192.610 to 192.690. As used in ORS 192.610 to 192.690:

- (1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- (2) "Executive session" means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- (3) "Governing body" means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.
- (4) "Public body" means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
- (5) "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program. "Meeting" also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters.

- (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.
- (2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.
- (3) A governing body may not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

- (4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.
- (5) (a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.
- (b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.
- (c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.
- (d) If certification of interpreters occurs under state or federal law, the Department of Human Services or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.
- (e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52]

Note: The amendments to 192.630 by section 21, chapter 100, Oregon Laws 2007, are the subject of a referendum petition that may be filed with the Secretary of State not later than September 26, 2007. If the referendum petition is filed with the required number of signatures of electors, chapter 100, Oregon Laws 2007, will be submitted to the people for their approval or rejection at the regular general election held on November 4, 2008. If approved by the people at the general election, chapter 100, Oregon Laws 2007, takes effect December 4, 2008. If the referendum petition is not filed with the Secretary of State or does not contain the required number of signatures of electors, the amendments to

192.630 by section 21, chapter 100, Oregon Laws 2007, take effect January 1, 2008. 192.630, as amended by section 21, chapter 100, Oregon Laws 2007, and including amendments by section 52, chapter 70, Oregon Laws 2007, is set forth for the user's convenience.

192.630.

- (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.
- (2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.
- (3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.
- (4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.
- (5)
 - (a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.
 - (b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

- (c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.
- (d) If certification of interpreters occurs under state or federal law, the Department of Human Services or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.
- (e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services.

192.640 Public notice required; special notice for executive sessions, special or emergency meetings.

- (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.
- (2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.
- (3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees.

- (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:
 - (a) All members of the governing body present;

- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
 - (d) The substance of any discussion on any matter; and
 - (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.
- (2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.
- (3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.
- (4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits.

- (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.
- (2) The governing body of a public body may hold an executive session:
- (a) To consider the employment of a public officer, employee, staff member or individual agent.
 - (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
 - (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063, 441.085, 441.087 and 441.990 (3) including, but not limited to, all clinical committees, executive, credentials, utilization review, peer

review committees and all other matters relating to medical competency in the hospital.

- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- (k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.
- (l) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- (m) To discuss information about review or approval of programs relating to the security of any of the following:
 - (A) A nuclear-powered thermal power plant or nuclear installation.
 - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
 - (C) Generation, storage or conveyance of:
 - (i) Electricity;
 - (ii) Gas in liquefied or gaseous form;
 - (iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
 - (iv) Petroleum products;
 - (v) Sewage; or
 - (vi) Water.
 - (D) Telecommunication systems, including cellular, wireless or radio systems.
 - (E) Data transmissions by whatever means provided.

- (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in

executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

- (4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.
- (5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.
- (6) No executive session may be held for the purpose of taking any final action or making any final decision.
- (7) The exception granted by subsection (2)(a) of this section does not apply to:
 - (a) The filling of a vacancy in an elective office.
 - (b) The filling of a vacancy on any public committee, commission or other advisory group.
 - (c) The consideration of general employment policies.
 - (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
 - (A) The public body has advertised the vacancy;
 - (B) The public body has adopted regular hiring procedures;
 - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
 - (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.
- (8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.
- (9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:
 - (a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

- (b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134]

Note: The amendments to 192.660 by section 11, chapter 602, Oregon Laws 2007, take effect January 1, 2009. See section 13, chapter 602, Oregon Laws 2007. The text that is effective on and after January 1, 2009, is set forth for the user's convenience.

192.660.

- (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.
- (2) The governing body of a public body may hold an executive session:
 - (a) To consider the employment of a public officer, employee, staff member or individual agent.
 - (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
 - (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063, 441.085, 441.087 and 441.990 (2) including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
 - (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
 - (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - (f) To consider information or records that are exempt by law from public inspection.
 - (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
 - (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
 - (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
 - (k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.
 - (l) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
 - (m) To discuss information about review or approval of programs relating to the security of any of the following:
 - (A) A nuclear-powered thermal power plant or nuclear installation.
 - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
 - (C) Generation, storage or conveyance of:
 - (i) Electricity;
 - (ii) Gas in liquefied or gaseous form;
 - (iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
 - (iv) Petroleum products;
 - (v) Sewage; or
 - (vi) Water.
 - (D) Telecommunication systems, including cellular, wireless or radio systems.
 - (E) Data transmissions by whatever means provided.
- (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.
- (4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.
- (5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.
- (6) No executive session may be held for the purpose of taking any final action or making any final decision.

- (7) The exception granted by subsection (2)(a) of this section does not apply to:
- (a) The filling of a vacancy in an elective office.
 - (b) The filling of a vacancy on any public committee, commission or other advisory group.
 - (c) The consideration of general employment policies.
 - (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
 - (A) The public body has advertised the vacancy;
 - (B) The public body has adopted regular hiring procedures;
 - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
 - (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.
- (8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.
- (9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:
- (a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.
 - (b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board.

192.670 Meetings by means of telephonic or electronic communication.

- (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.
- (2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members.

- (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.
- (2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.
- (3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.
- (4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.
- (5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.
- (6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660.

- (1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation as

provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

- (2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.
- (3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690.

- (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.
- (2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during

such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23]

Note: The amendments to 192.690 by section 8, chapter 796, Oregon Laws 2007, take effect January 1, 2009. See section 9, chapter 796, Oregon Laws 2007. The text that is effective on and after January 1, 2009, is set forth for the user's convenience.

192.690.

- (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the Health Professionals Program Supervisory Council established under ORS 677.615, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.
- (2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530.