

SERIAL COMMUNICATIONS IN PUBLIC MEETINGS LAW

FROM: OREGON GOVERNMENT ETHICS COMMISSION

To help governing body members identify when serial communications violate Public Meetings Law, we've created an FAQ on prohibited serial communications. You can read it or download on the OGECE website at

www.oregon.gov/ogec/Public-Meetings-Law/Pages/serial-communications.aspx

PURPOSE & DEFINITIONS

Governing bodies are required to deliberate and decide matters in open public meetings. The purpose and intent of the Public Meetings Law is that the decisions of governing bodies be arrived at openly and that the public be informed and aware of the deliberations and decisions of governing bodies and the information upon which such decisions are made (ORS 192.620).

Prohibited serial communications occur when the governing body, outside of a public meeting, uses serial electronic written communications (notes, emails, texts), in-person communications, or an intermediary to communicate among a quorum of the members of the governing body for the purpose of deliberating or deciding on any matter within the governing body's jurisdiction (i.e., a matter for which the governing body has the authority to make a decision or recommendation) (OAR 199-050-005(10) & OAR 199-050-0020).

Deliberating includes any discussions or communications that are part of the governing body's decision-making process. A decision-making process may include:

- Identifying or selecting the nature of the decision to be made;
- Gathering information related to the decision to be made;
- Identifying and assessing alternatives;
- Weighing information; and
- Making a decision (ORS 192.610(3) & OAR 199-050-0005(4)).

An intermediary is a person who is used to facilitate communications among members of a governing body about a matter subject to deliberation or decision by the governing body, by sharing information received from a member or members of the governing body with other members of the governing body. An intermediary may be a member of the governing body, a staff member, or any other person who is used to facilitate communications among members of the governing body (OAR 199-050-0005(7)).