

Community & Civic Life

Promote the common good

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VIII. Open Meetings and Public Records

A. Purpose

Public participation in the civic affairs of local government is a hallmark of democratic societies and of government that responds to the public it serves. Neighborhood Associations and District Coalitions are an integral part of the structures that support timely, meaningful, vigorous, and diverse public participation in the civic affairs of the City of Portland. To foster that public participation, Neighborhood Associations and District Coalitions, with limited exceptions, as noted in this section, shall:

1. Conduct their affairs in meetings open to and with adequate notice to the public, and,
2. Make their records available for public review in accordance with this section.

All Neighborhood Associations and District Coalitions shall comply with this section. Business District Associations are encouraged to comply with this section.

B. Definitions

1. "Committees" includes a subcommittee, task force, or other group organized to conduct business of a Neighborhood Association or District Coalition.
2. "Decisions" includes all decisions and policy recommendations, except routine day-to-day decisions, within the scope of authority of general membership, board, or committees. Examples of routine day-to-day decisions are those of staff carrying out his or her duties; performance of duties required or authorized by bylaws, such as preparation of agendas and notices; and the details of the manner in which decisions are implemented. Decision also excludes elections of board members, officers, delegates or other elected positions of Neighborhood Associations or District Coalitions.
3. "Executive session" means the whole or part of a meeting of the general membership, board, or committee that is closed to certain persons for the period of deliberation on the matters listed below in this section, (VIII, D, 2: Meetings Open to the Public. Page 39.)
4. "General membership", "board", and "committee" mean the general membership, board, or committee of a Neighborhood Association or District Coalition.
5. "Meeting" means the convening of the general membership, board, or a committee for which a quorum is required in order to make a decision on any matter or to deliberate toward such a decision. Subcommittees without executive authority are not subject to quorum requirements or to these open meeting standards.
6. "Quorum" means the minimum number of general membership, board or committee members who must be present at a meeting in order to take a vote that results in a decision. The quorum must either be a fixed number or number that can be calculated from a clear formula in the bylaws or other rules of the Neighborhood Association or District Coalition. Calculation of a clear formula will allow the quorum to vary for reasons such as vacant seats on a board or committee. It is invalid for bylaws or other rules to provide that whatever number of members is present constitutes a quorum.
7. "Records" include any writing, or part thereof, containing information relating to the conduct of the business of a Neighborhood Association or District Coalition that is prepared, owned, used, or retained by the Neighborhood Association or District Coalition; provided however that "records" shall not include calendars, diaries, planners, personal organizers, or similar items of members or employees; nor shall it include electronic mail intended as private communication between two or more people and not related to Neighborhood Association and District Coalition business.

8. "Writing" means any means of recording information, electronic or non-electronic.

9. "Executive Authority" means having authority to make decisions on behalf of a Neighborhood Association or District Coalition as defined by their bylaws.

C. Decisions Shall Be Made At Meetings

Members of a general membership, board, or committee, as established by the governing bylaws, shall make all decisions and conduct all deliberations toward a decision at a meeting open to the public at which a quorum is in attendance. (See D: Meetings Open to Public, below in this section.) Members have one vote each and decisions shall be made by a vote that is at least a majority vote of those members who are voting. Proxy voting is prohibited. Members may gather informally but shall not make or deliberate toward a decision.

D. Meetings Open to Public

1. Except as otherwise provided below, meetings must be open to public attendance, with notice provided and minutes taken as provided in these Standards.

2. Neighborhood Associations and District Coalitions may close meetings or parts of meetings to public attendance when in executive session. An executive session is limited to members of the governing body, others reporting to the body on the subject of the executive session, and the media. The body may include others at their discretion. Any information revealed in an executive session is considered privileged and may not be reported. Executive sessions may be held only to deliberate toward a decision on the following matters:

- a. Personnel matters such as hiring, performance review, firing, discipline, and compensation;
- b. Mediation of personal disputes among members or employees, but not including grievances;
- c. Consultation with legal counsel;
- d. Consideration of records exempt from release by law; and
- e. Preparation for presentation of testimony in appeals of land use review decisions.
- f. Consideration of grievances. However, the findings and documents of a grievance shall be a matter of public record.

3. Voting to render a decision, including a decision on matters considered in executive session, must be done in a meeting open to public attendance.

4. Minutes must be kept during executive sessions but they can be filed in a separate location from regular meeting minutes. (See below in this section VIII, E, 3: Notice regarding content of meeting notices for executive sessions.)

E. Notice

1. Neighborhood Associations and District Coalitions shall provide the following notice for all meetings and elections described above in section VIII, D: Meetings Open to Public:

a. Notice to the general public reasonably calculated to give actual notice:

i. When practicable, notice of a Neighborhood Association meeting shall be published in the respective newsletter of the Neighborhood Association or District Coalition serving that Association. Notice of a District Coalition meeting shall be published in the newsletter of that District Coalition. Such publication constitutes sufficient notice under this section.

ii. In the absence of such publications a Neighborhood Association should attempt to publish notice in a regularly scheduled for-profit community newspaper, many of which do provide community calendars for free.

iii. ONI shall post monthly neighborhood meeting information on the ONI PortlandOnline website. It is the responsibility of Neighborhood

Associations to provide any updated changes to meeting information to their District Coalitions and ONI by their established deadlines. Unaffiliated Neighborhood Associations work with ONI directly. Such online posting constitutes sufficient notice under this section.

iv. ONI shall also notify local media on a monthly basis with meeting information. This is not a guarantee that for-profit publications will provide the listing.

v. Other methods of notice include posting of notices on public bulletin boards, door-to-door distribution of flyers, press releases, phone banks, electronic mail, websites, cable access TV, and faxes. These should be established ongoing outreach methods by a Neighborhood Association in order to be sufficient notice under this section.

vi. Notice under this section (VIII, E, 1, a) must be given seven days before the meeting.

b. Direct notice to members of a board or committee that is meeting, and individuals and news media that have requested notice. Direct notice shall be notice delivered to members by hand, U.S. postal service mail, or private delivery service, or by verified fax or electronic mail. When the above methods are not practicable, notice may be done by telephone. The notice shall be sent by a time that in the regular course of delivery will allow the recipient to receive the notice at least one day before the meeting.

2. Applicants in land use and liquor license reviews should receive direct notice of a meeting when their issue is on the agenda, even if they have not specifically requested it in writing.

3. All notice, written or verbal, shall state the date, time, and place of the meeting, and a brief description of topics on the agenda. Other topics that arise after notice is given may be added to the agenda at the meeting. Notices to the public of meetings conducted by telephonic communication shall include the location where the public may listen to or read the communication during the meeting. Notices of meetings held in executive session shall state the meeting will be held in executive session.

F. Notice for emergency meetings

Emergency meetings may be held with less than seven days notice but not less than 24 hours notice. Direct notice as timely as practicable under the circumstances shall be provided to members of a board or committee that is meeting, and to individuals and news media that have requested notice. Notice to the general public shall be provided as set forth above in this section E, 1, a: Notice. Parties who are known to have a direct interest in the topic of a meeting should receive direct notice, even if they have not specifically requested so in writing. Minutes of the emergency meeting shall state the nature of the emergency and state why the meeting could not be delayed to allow at least seven days notice. Members conducting business at the meeting may make decisions or deliberate toward decisions only on the agenda topic or topics for which the emergency meeting was called.

G. Meeting location

1. Except as set forth below in this section VIII, G, 5: Meeting Location, meetings shall be conducted at a single location so that all members of the Neighborhood Association or District Coalition and the public in attendance physically convene in one place. Whenever practicable, meetings shall be held within the boundaries of their Neighborhood Association or District Coalition. Meetings not held within the boundaries shall be held as near as practicable to the Neighborhood Association's or District Coalition's boundary.

2. Meetings shall not be held in locations where any person attending the meetings would face discrimination on the basis of race, religion, color, sexual orientation, gender identity, age, disability, legal citizenship, national origin, income, or political affiliation.

3. Meetings shall be held in locations accessible to people with disabilities.

4. Neighborhood Associations and District Coalitions shall make a good faith effort to provide an interpreter for hearing-impaired people and for individuals who do not speak English as their primary language. In order to provide sufficient time to try to locate the necessary assistance meeting notices should indicate that any special needs must be made known to the Neighborhood Association or District Coalition a reasonable period of time before the meeting.

5. Meetings held in a single location may include the participation of members who are in telephonic communication. But meetings conducted solely or primarily by telephonic communication shall be held only in extraordinary circumstances when a meeting at a single location is not practicable. If the meeting is not an executive session, there shall be a location where the public can listen to the communication and

participate to the extent public participation is allowed.

H. Public participation

The chair of the meeting controls the extent of public participation subject to any controlling bylaws or other rules of the Neighborhood Association or District Coalition. Neighborhood Associations and District Coalitions are not required to allow public participation in board or committee meetings, although the public is entitled to be present.

I. Disruptions

Subject to any controlling bylaws or other rules of the Neighborhood Association or District Coalition, the chair of a meeting may have anyone removed who disrupts a meeting after receiving at least one verbal warning during the same meeting.

J. Voting

1. Subject to any controlling bylaws or other rules of the Neighborhood Association or District Coalition, voting at meetings may be done orally, by a show of hands, or by a written ballot that contains the name of the member voting and the vote of that member. For election of officers, board members, and other representative and delegates, voting may be done by secret ballot. Upon the request of any voting member, a show of hands shall follow an oral vote. Anyone wishing to see written ballots may do so at the meeting or anytime thereafter before the ballots are discarded. Written ballots must be retained for a period of 60 days after the vote and then may be discarded.

2. Proxy voting and voting by mail are prohibited. Voting in elections need not be held during meetings but may be kept open for up to 24 hours.

K. No Smoking At Meetings

Smoking is prohibited at meetings.

L. Minutes

1. Minutes shall be taken at all meetings. Minutes do not have to be a verbatim transcript of the meeting but shall at least summarize discussion and actions. Minutes shall also include the following:

- a) Members in attendance,
- b) All actions, including motions, proposals, and resolutions stated in full and their dispositions; and,
- c) Results of all votes taken, and a summary of minority opinions on all topics on which a vote is taken.

2. Minutes shall be put in writing and made available to the public, except for minutes from executive sessions, within a reasonable time after the meeting. Neighborhood Associations are required to forward copies of their meeting minutes to their District Coalitions. Neighborhood Associations unaffiliated with a District Coalition are required to forward copies of their meeting minutes to the Office of Neighborhood Involvement.

3. See above in this section VIII, D, 4: Meetings Open to Public regarding minutes for executive sessions. See above in this section VIII, F: Notice for Emergency Meetings regarding minutes for emergency meetings.

M. Inspection of Records by Public; Exemptions

Any person may inspect the records of a Neighborhood Association or District Coalition, except the following records:

- 1. Records pertaining to personnel matters such as hiring, performance review, firing, discipline, and compensation;
- 2. Records pertaining to mediation of personal disputes among members or employees, but not including grievances;

- 3. Records pertaining to consultation with legal counsel;
- 4. Records exempt from release by law.
- 5. Records pertaining to the personal affairs of members or employees.
- 6. To protect records, maintain District Coalition efficiency and order, and exclude exempt records from inspection, the Neighborhood Association or District Coalition may control the time and manner of inspection of records.
- 7. No District Coalition or Neighborhood Association is required to compile a record that is not already in existence.

N. Reasonable Fees

Neighborhood Associations and District Coalitions may charge reasonable fees for making records available, including fees for reproduction of records and for employee time.

O. Retention of Records

- 1. Neighborhood Associations shall promptly deliver copies of their minutes, bylaws, articles of incorporation, records of tax-exempt status, and records of grievances to the District Coalitions with which they are affiliated. Unaffiliated Neighborhood Associations shall promptly deliver these documents to the Office of Neighborhood Involvement.
- 2. Neighborhood Associations and their affiliated District Coalitions shall retain specific types of records for a specific period, depending on the type of record:
 - a. Minutes of board, committee, and general membership meetings should be retained permanently.
 - b. Articles of incorporation, records of tax-exempt status, and records of grievances should be retained permanently, and bylaws and other operating rules should be retained while they are current.
 - c. Business records should be retained for seven years.
 - d. Records, such as correspondence, pertaining to any issue a neighborhood votes on should be retained permanently.
 - e. Neighborhood Associations shall retain records as required by any state, federal, or other laws.
- 3. District Coalitions:
 - a. Shall permanently retain records received from Neighborhood Associations pursuant to above section, VIII, O, 2: Retention of Records
 - b. Shall retain records as required by their contracts with the Office of Neighborhood Involvement and by any state, federal, or other laws.
