

METRO 2026 LEGISLATIVE ISSUE IDENTIFICATION

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Date: November 13, 2025

ISSUE: Serial communications

BACKGROUND:

Oregon's Public Meetings Law requires governing bodies to deliberate and decide matters in open public meetings. A quorum is prohibited from discussing or deciding on official matters outside of a public meeting. This includes using private communications such as notes, emails, texts, in-person conversations, or an intermediary among a quorum of its members.

In 2021, a lawsuit alleged that school board members engaged in prohibited serial communications. In response, the legislature passed HB 2805 in 2023 to modernize serial communications and gave the Oregon Government Ethics Commission (OGEC) authority to enforce the entirety of the Public Meetings Law.

In 2024, OGEC adopted administrative rules which led to a misalignment between the interpretation of the law and the legislative intent of HB 2805. This misalignment caused confusion for elected officials and hesitancy to communicate with each other. A bill to address this issue failed in 2025.

RECOMMENDATION:

Support changes to the public meetings law to clarify prohibited serial communications and serial meetings. Reduce confusion for elected officials regarding compliance while ensuring transparency in decision making by governing bodies.

LEGISLATIVE HISTORY:

In 2021, HB 2560 laid the groundwork for virtual public meetings in response to the COVID-19 pandemic. The law required mandatory remote access, remote testimony, and additional requirements to ensure that the public could participate in a virtual environment.

In the 2023 legislative session, HB 2805 expanded the authority of the Oregon Government Ethics Commission to encompass all aspects of the state's Public Meetings Law. Previously, the OGEC only had jurisdiction over executive sessions. Additionally, the law broadened the definition of convening to include serial electronic communications.

After passage of HB 2805, alleged violations of serial communications and meetings were addressed by OGEC through a formal complaint process further shaping the definition of serial communications and meetings. However, a few decisions by the commission and statements made at mandatory training sessions caused confusion for elected officials.

OTHER INTERESTED PARTIES:

Key parties with a high level of interest include local governments both individually and through the League of Oregon Cities (LOC) and the Association of Oregon Counties (AOC); Society of Professional Journalists, Metropolitan Mayors Consortium, school boards, and other special districts.

IMPACT IF PROPOSED ACTION OCCURS:

- Operational clarity for Councilors and Council Office regarding compliance with Public Meetings Laws.

RACIAL EQUITY IMPACTS

None

CLIMATE IMPACTS

None