



# Oregon Government Ethics Commission

## Executive Session ORS 192.660(2) Provisions

### Confidential Records/Litigation

#### ORS 192.660(2)(f): to consider information/records exempt by law

- see **ORS 192.345** and **192.355** for statutes on specific exemptions
- information/records **MUST** be exempt by law from public disclosure
- may include attorney-client privileged documents

#### ORS 192.660(2)(h): to consult with counsel on current or upcoming litigation

- attorney must be present in person or by phone/video (see **OAR 199-040-0050**)
- see **ORS 192.660(5)** if litigation involves news media

### Hiring/Employment

#### ORS 192.660(2)(a): to consider employment of public officer, employee, staff member, or individual agent

- must satisfy mandatory prerequisites in **ORS 192.660(7)**
- only hiring, no other action
- no discussion of compensation

#### ORS 192.660(2)(b): to consider the dismissal or disciplining of, or hear complaints or charges

- written notice must satisfy all the requirements in **OAR 199-040-0030**
- affected individual can elect to have an open hearing
- must provide written notice to affected individual 24 hours before executive session

#### ORS 192.660(2)(i): to review & evaluate employment-related performance

- written notice must satisfy all the requirements in **OAR 199-040-0030**
- affected individual can elect to have an open hearing
- must provide written notice to affected individual 24 hours before executive session
- cannot discuss compensation

### Negotiations

#### ORS 192.660(2)(d): to conduct deliberations on labor negotiations

- to deliberate with the body's labor negotiator, not just among governing body members
- negotiations must be conducted in open meetings unless negotiators on both sides request executive session – see **ORS 192.660(3)**

#### ORS 192.660(2)(e): to conduct deliberations with designee on real property transaction negotiations

- must be for deliberations with designee who is negotiating a real property transaction
- not to discuss space needs or general policies

#### ORS 192.660(2)(g): to consider preliminary negotiations on trade & commerce matters in competition with other states

- governing body holding executive session must be party to trade & commerce negotiations
- must be competing with governing bodies in other states or nations - **NOT** within OR

## Security/Safety

### ORS 192.660(2)(n): to discuss information about review or approval of programs relating to security of infrastructure

- permits discussion of security programs for specified infrastructure
- including: (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; (iv) petroleum products; (v) sewage; or (vi) water; (D) Telecommunication systems, including cellular, wireless or radio systems; or (E) Data transmissions by whatever means provided.

### ORS 192.660(2)(p): to consider matters relating to cyber security infrastructure and responses to cyber security threats

- limited to discussions of cyber security infrastructure and threats (see HB 2806 from 2023)

### ORS 192.660(2)(k): to consider matters relating to school safety or a plan that responds to safety threats made toward a school

- limited to discussions of school safety and school safety plans

### ORS 192.660(2)(o): to consider matters relating to the safety of the governing body and the security of public body facilities and meeting spaces

- limited to discussions of safety of governing body, its staff and volunteers, and the security of public body facilities and meeting spaces (see HB 2806 from 2023)

## Less Frequently Used Provisions

### ORS 192.660(2)(c): to consider matters pertaining to function of medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.087

- limited to discussions concerning medical staff of public hospitals
- includes, 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

### ORS 192.660(2)(j): to carry on negotiations under ORS 293 regarding proposed acquisition, exchange, or liquidation of public investments

- limited to investment negotiations
- counterpart to exemption in **ORS 192.355(13)** for records of or submitted to State Treasurer, Oregon Investment Council, etc.

### ORS 192.660(2)(l)&(m): to consider information obtained as part of an investigation of a licensee/registrant or applicant conduct, if:

- the governing body is a **health professional regulatory board (l)**, or is the **State Landscape Architect Board (m)**, or an advisory committee to that board
- discussions limited to the information obtained in investigations

\*ORS 192.660 and this list of matters permitted for discussion in executive session are not exclusive. There may be other statutes authorizing a governing body to hold an executive session.