

Annual Board Ethics and Public Meetings Training
Tuesday, August 5, 2025 5:00 PM

Dr. Matthew Prophet Education Center -
Windows Cafeteria / Conference Room (Floor
2)
501 N. Dixon St.
Portland, OR 97227

Agenda

1. Annual Board Ethics and Public Meetings Training

Public Meetings, Records, and Ethics Laws for Public Officials: Best Practices

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Portland Public Schools
August 5, 2025

Overview

- Board Policy 5.10.066-P, Section 8, requires annual training
- ORS 192.700 – Required public meetings training by Oregon Government Ethics Commission
- Today's topics:
 - Public meetings
 - Public records
 - Oregon ethics rules

Oregon Public Meetings Law

Policy expressed through ORS 192. 620.

"The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which decisions were made. It is the intent of the [public meetings law] that decisions of governing bodies be arrived at openly."

Oregon Public Meetings Law

Oregon Attorney
General's Public Records
and Meetings Manual

- **Bodies Subject to Law**
- **What Is a “Meeting”?**
- **Executive Sessions**

Bodies Subject to the Law

- “Public Body”
 - Authority to Make Decisions for a Public Body or
 - Authority to Make Recommendations to a Public Body
 - Evaluate Advisory Committee Structures and Purposes

Convening, Deliberating, and Meeting

- Definition of “Meeting”:
 - “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”

Convening, Deliberating, and Meeting

- “Convening”:
 - (1) “Convening” means:
 - (a) Gathering in a physical location;
 - (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants;
 - (c) Using serial electronic written communication among participants; or
 - (d) Using an intermediary to communicate among participants.

Convening, Deliberating, and Meeting

- “Deliberation”:
 - (3) “Deliberation” means discussion or communication that is part of a decision-making process.

Convening, Deliberating, and Meeting

- Not a meeting:
 - Purely factual or educational – no deliberation
 - Not related to a Board matter
 - Nonsubstantive, i.e. absences from meeting

Convening, Deliberating, and Meeting

- Practical Implications
 - Avoid “reply to all”
 - Group editing can be a meeting
 - Assess what might become a Board decision



Oregon Public Meetings Law

Common Executive Session Challenges

- Permitted Executive Sessions
 - Twelve “plus” executive session purposes
- Scope
 - Must stay within constraints of purpose

Enforcement Example: OEC Case No. 22-054XSM

Public body held an executive session “to review and evaluate the performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing”



Board member discussed salary and benefits as part of the executive session



Commission found a violation—a regulation describes that compensation and benefits may not be discussed or negotiated under the pertinent exemption

Oregon Public Records Law

“Every person has the right to inspect any public record of a public body in this state, except as otherwise expressly [exempted].”

ORS 192.314



Practical Issues

- Personal Devices
- Mixed Business/Personal
- Confidential Information



Oregon Ethics Law

Policy of Oregon Ethics laws:

“The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.” ORS 244.010(1)

“The Legislative Assembly recognizes that public officials should uphold the principles described in [the Oregon ethics laws], ever conscious of the public's trust.” ORS 244.010(8)

Overview

[Oregon Government
Ethics Commission
Oregon.gov/OGEC](https://www.oregon.gov/OGEC)

[Oregon Ethics
Commission Guide for
Public Officials](#)

- **Use of Office**
- **Gifts**
- **Conflicts of Interest**

Use of Office

- General rule: a public official may not use or attempt to use official position or office to obtain financial gain or avoid financial detriment
 - This rule applies to:
 - Any person serving a public body as an officer, employee, or agent, irrespective of whether the person is compensated
 - Relative: spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of official and the spouse's relatives
 - Business with which the official or relative is associated
 - Director, officer, employee, or agent
 - Publicly held corporation, officer or director, or stock (\$1,000 for private/closely held, \$100,000 publicly held)

Enforcement Example: Conflict of Interest OEC Case No. 23-032EMW



A grant review committee met and voted to award \$5,590 in grant funding to a limited liability corporation (LLC)



A committee member was subject to Oregon Ethics Law because the committee was a public body. The committee member was also an administrative assistant for the LLC



The committee member abstained from voting but participated in the discussion about the LLC's benefits



The public official violated the conflict of interest and use of office for personal gain provisions of the Oregon Ethics Code

Use of Office

Common exceptions to general rule:

- Official compensation
- Some “honorariums”
 - Certificate, plaque, commemorative token or other item with a value of \$50 or less
 - In relation to private business, profession, avocation, or expertise
- Reimbursement of expenses
- Exception to gift prohibition

Use of Office

Common issues:

- Frequent flier/credit card benefits
- Volume discounts
- Compensation/“official salary”
- Benefits - same terms and conditions as private sector

Gift Prohibition

General rule:

Public official may not accept, directly or indirectly, gift or gifts worth over \$50 in calendar year from a single source which could have an “administrative or legislative interest”

Gifts

- Campaign contributions
- Relatives or member of household
- Unsolicited token/award <\$25
- Subscription related to performance of official duties
- Admission/food for official or member of household when representing public body
- Convention, fact finding, or other meeting
- Entertainment incidental to main purpose
- Expenses for public school employee accompanying students on educational trip

Common Exemptions



Enforcement Example: Gifts, OEC Case No. 23-024EHM



School board member posted Venmo information on a Facebook page and asked for donations for support given alleged attacks from public



Donations were solicited from anyone, and some sources reasonably should have been known to have a legislative or administrative interest in the board member's status as a board member



As a result, the school board member violated the gift prohibition

Conflicts of Interest

- Potential action decision or “could be” to the private pecuniary benefit, to person, relative, associated business
 - Limited exceptions
- Actual conflict: would result in private pecuniary benefit
- Declaration required
- Participation
 - May participate if potential
 - May not participate if actual (unless necessity)

Procedures & Penalties

- Official opinions
- Staff opinion
- \$5,000/2x financial benefit



Thank You

**Mike Porter
Miller Nash LLP**