



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.**