

Amy, Emily, and Melissa,

Here are my follow up notes from our meeting on Friday. In addition to this information, we hope to have training materials for all city Board, Committee, and Commission members available soon. Please let me know if there is anything that I've missed, or if I can provide more information.

Kristina

What's allowed for subcommittees to do that's not a public meeting? Deliberate on process and application process and if any decisions that needed to be made, would be taken to the rest of the commission?

- A subcommittee that makes recommendations to, or decisions for, the SAC, is considered a 'governing body of a public body' that is required to meet in a public meeting. Any decision-making by a 'quorum' of the sub-committee must be in a noticed public meeting.
- All "Meetings" have to be public – meet means to deliberate or discuss and includes discussions in writing such as by email or within a shared Google document, by phone, or in person conversations (except for limited exceptions for "executive session" meetings, which doesn't apply to the SAC).
- Public meetings have to be recorded, or minutes taken. The requirements for minutes are in the public meetings statutes and I can provide more info if helpful. With online meetings, it is usually easier just to record the meeting.
- Public meetings must be held inside the City of Springfield city limits and someplace open to the public to attend. It does not have to be at City Hall as long as it's a place to which the general public has access to attend.
- "Serial meetings" in which sub-committee members talk to each other in a series of individual discussions outside a public meeting, can be a public meetings violation if they eventually include a quorum of the subcommittee or full committee. City staff also cannot be a conduit for sharing information with multiple subcommittee/committee members in a way that is a serial meeting.
- The Oregon AG's Public Meetings and Public Records manual is a great resource for understanding the requirements of public meetings law:
<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

Can sub-committee meet on short notice if needed?

- Yes, under public meeting rules, 24-hour notice is required for special meetings. The meeting must have an agenda that identifies general topics of discussion, but can raise other topics if they come up during the meeting. In non-Covid times, public needs to have a space, but does not necessarily need to have opportunity to speak/comment. During COVID, public needs to have a link to join the online meeting or phone number

to call into the meeting, but no physical place for public to view/listen to the meeting is required.

- I recommend that a City staff member be present at subcommittee meetings. This helps ensure consistency with public meeting rules (i.e. that meeting is open to the public and held in Springfield with notice, that minutes are kept, etc.) as well as consistency with public records requirements and ethics rules. This isn't a legal requirement, but a recommended practice. If a staff member isn't going to be present, then the committee members need to be very well trained on meeting requirements and what they can and can't do during the meeting.

Things that can happen outside a public meeting include:

- A sub-committee member can answer questions for applicants, one on one, if answering questions about things that have already been decided by the subcommittee or that don't need to be decided by the subcommittee. One sub-committee member should be designated for this role to avoid creating serial meetings issues with more than one sub-committee member talking to multiple subcommittee members on the same topic.
- City staff can answer questions for subcommittee members, on a one-on-one basis
- Subcommittee members may discuss whether/when to hold a meeting and what items to include on the agenda, as long as there is no discussion on the contents of the meeting
- Committee members can do purely information gathering that does not include any discussion or deliberation on the outcome (i.e. collecting information/research only, to be presented to the full commission for discussion at a public meeting). I recommend caution in this area, however, because it can be difficult to self-police staying within information gathering only and not discussing or deliberating on the final outcome.

Post-COVID, can the subcommittee provide a remote login way for public to attend?

- The current statutes that apply outside of the COVID emergency require a physical location for the public to listen in or view any public meeting, even one held online/by phone. To have a purely online meeting without a physical location for the public to attend, post-COVID, would require a change to statute. During COVID, no physical location for the public is required if the public have a phone number (toll-free) or video conference link that they can join (do not need to provide both for SAC meetings and subcommittee meetings).

Can the SAC members/HAG subcommittee members post comments on the application on the same Google document?

- SAC/HAG members can send comments on the applications to City staff (Amy) to compile and present at a public meeting (can be included in the public agenda packet). Commissioner's comments should not be reviewed/shared with the commission or subcommittee outside of the public meeting structure because that creates a public meeting violation, because it is deliberating toward a decision (whether to approve the application) outside of a meeting.

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