

county in which the governing body ordinarily meets. *Id.*<sup>360</sup> It is necessary to engage a private attorney, or to appear *pro se* (for oneself).

An action under the Public Meetings Law is not moot solely because a governing body has ceased its improper meeting practices. The governing body's past illegal actions remain in violation of the law.<sup>361</sup> Under ORS 192.680(5), any suit brought under the Public Meetings Law must be commenced within 60 days following the date that the decision becomes public record.

In the case of unintentional or nonwillful violations of the Public Meetings Law, voiding a decision is a permissible but not mandatory remedy. ORS 192.680(1). However, ORS 192.680(1) permits a governing body that makes a decision in violation of the Public Meetings Law to reinstate the decision while in compliance with the law. This rule is consistent with court decisions in other states holding that a later meeting in compliance with an open meetings law can cure earlier open meetings law violations.<sup>362</sup> If the governing body reinstates an earlier decision in that manner, the decision shall not be voided. A decision that is reinstated is effective from the date of its initial adoption. ORS 192.680(1). We construe the reinstatement provision to require the governing body not merely to conduct a perfunctory rerun, but to substantially reconsider the issues.

If a subcommittee holds a meeting in violation of the Public Meetings Law at which it decides on a recommendation to a public body, that violation by itself does not render the public body's subsequent decision on the recommendation void. By making its decision in full compliance with the Public Meetings Law, the public body would cure the subcommittee's prior meetings law violation (although the body's rules or bylaws might preclude such action).

However, reinstatement will not prevent a court from voiding a governing body's decision "if the court finds that the violation was the

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<sup>360</sup> *Barker*, 94 Or App at 766 (1989) (see App M).

<sup>361</sup> *Id.* at 765.

<sup>362</sup> *Board of Educ. School District No. 67 v. Sikorski*, 574 NE2d 736 (III App Ct 1991); *Kleinberg v. Albuquerque Public Schools*, 751 P2d 722 (NM Ct App 1987) (citing *Board of Educ. Santa Fe Public Schools v. Sullivan*, 740 P2d 119 (NM 1987)).