

Members

Robert Harris
Susan Mandiberg
Jennifer Parrish Taylor
Adrian Smith
Jasmine Wright, Nonvoting



Executive Director

Jessica Kampfe

**Oregon Public Defense Commission
Subcommittee on Governance**

Meeting will occur virtually.
Thursday February 1, 2024
9:00 AM – approx. 11:00 AM PST
Via Zoom*

This is a public meeting, subject to public meeting law and it will be digitally recorded. Remember to state your full name for the record, as it is required for making a record of the meeting. For action items requiring commission approval, a roll call vote will occur, unless the chair directs otherwise. The chair shall read any motion requiring commission approval into the record before a vote is taken. We are mindful of everyone’s busy schedule, particularly public defense providers, and we will adhere to the agenda of business unless the chair directs otherwise.

MEETING AGENDA

Approx. Time	Item	Lead(s)
5 min.	Welcome	Eric Deitrick
15 min.	General Discussion on Commission Governance	All
60 min.	Commission Bylaws	Eric Deitrick
20 min.	Commission Subcommittees	Eric Deitrick
5 min.	Possible Action Item: Recommendation on Subcommittees	Eric Deitrick
10 min.	Action Item: Election of Subcommittee Chair	Eric Deitrick
5 min.	Future Business	Subcommittee Chair Eric Deitrick

*To join the Zoom meeting, click this link. <https://zoom.us/j/96890097884>

Please make requests for an interpreter 48 hours in advance for the hearing impaired, or other accommodation to opds.info@opds.state.or.us.

Next meeting: **To Be Determined**

Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: <https://www.oregon.gov/opds/commission/Pages/meetings.aspx>.



Oregon

Oregon Public Defense Commission

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To: Members, OPDC Bylaws Subcommittee

From: Eric Deitrick, General Counsel

Re: OPDC Bylaws

Date: January 26, 2024

On January 5, 2024, the Commission adopted provisional bylaws, which were nearly identical to bylaws of the previous Commission, with the expectation that this subcommittee would make recommendations to the full Commission on bylaws going forward.

Enclosed in these materials are examples of bylaws from other agencies, which are included to provide context on how other government boards and commissions organize themselves. I am hoping we can have a high-level discussion of potential bylaws at the February 1 meeting. The discussion is not limited to ideas in the attached materials; any ideas on bylaws are welcome.

In terms of a timeline, the goal is for this subcommittee to make recommendations to the full Commission at its meeting on March 20, 2024. There is a second meeting scheduled for February 29, 2024, and we can set an additional meeting if needed.

Below is a non-exhaustive list of topics that often arise in bylaws, which includes topics the Commission may want to address:

Name/Mission/State of Purpose

Membership

- Appointment
- Removal
- Resignation
- Onboarding
- Term length
- Chair
- Vice-Chair
- Non-Voting

Authority

- Commission
- Agency

- Executive director
- Chair
- Vice-Chair

Meetings

- Quorum
- Frequency
- Public Notice
- Agendas
- Materials and Distribution
- Attendance
- Motions
- Deliberation
- Conflicts of Interest
- Voting
- Public Comment
- Minutes/Transcripts

Subcommittees/Advisory Committees/Workgroups

- Creation
- Authority
- Minutes

Communication

- Method/Means
- Staff
- Public Defense Providers
- Media
- Legislature
- Advocacy

Amendments

- Periodic Review
- Process
- Voting

PROVISIONAL BYLAWS OF THE OREGON PUBLIC DEFENSE COMMISSION

January 5, 2024

Article 1 AGENCY NAME AND MISSION

The Oregon Public Defense Commission (“OPDC”), established by ORS 151.213, is an independent agency in the judicial branch. The agency is governed by a commission and its mission is to establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution, Oregon and national standards of justice, and Oregon statute.

Article 2 COMMISSION AND MEMBERSHIP

Membership: Membership is defined by ORS 151.213.

Appointments: Appointments are made by the Chief Justice of the Oregon Supreme Court as outlined by ORS 151.213.

Termination and Resignation: A member may be removed by order of the Chief Justice pursuant to ORS 151.213. If a member of the OPDC seeks to resign, written notice shall be provided to the Chief Justice, the Chair of the OPDC, and the executive director.

Article 3 ROLES AND GOVERNANCE

Commission: The commission is responsible for oversight of the OPDC, pursuant to the requirements of ORS 151.216. The primary responsibilities of the commission are (1) appointing an executive director and evaluating that director’s performance and (2) approving agency policies, procedures, plans, standards, guidelines, and budget as required by ORS 151.216.

Chair, Commission: The Chair is the public liaison of the commission. The Chair shall lead and manage commission meetings and shall coordinate the planning of commission meeting agendas with the Executive Director.

Vice Chair, Commission: The Vice Chair shall lead and manage commission meetings when the Chair is unavailable and support the Chair in furtherance of their responsibilities as requested.

OPDC Staff: OPDC staff is responsible for agency administration and operations, and it performs its actions through the authority of its executive director, as defined by ORS 151.219.

Executive Director, OPDC: The Executive Director is the chief executive officer for the OPDC, the public liaison for OPDC, and the primary liaison between commission and OPDC staff. In the absence of an executive director, the deputy director shall perform this function, unless the commission names a separate acting director. No member of the commission may serve as the acting director.

Article 4 MEETINGS

Public Meeting Law: All meetings shall comply with ORS Chapter 192.

Agendas and Planning: The commission shall meet at least quarterly. Commission meeting agendas will be finalized by the Executive Director and the Chair of the commission. OPDC staff shall publish the agenda and meeting materials at least 48 hours in advance of a meeting, with a goal of publishing those materials one week in advance of each meeting. Meeting times and dates will be scheduled on a yearly basis and can be changed at the discretion of the Chair.

Conducting Meetings: A quorum of voting members of the commission is required to conduct a meeting. The chair shall lead and manage the meeting, or the vice-chair in the Chair's absence. Public comment may be allowed and shall be posted on the agenda when authorized. Deliberation of issues will only be conducted by commission members, but the commission may authorize OPDC staff or members of the public to provide information on any topic.

Action Items: All action items shall be identified as such on the agenda, and no commission action can be taken unless the proposed topic is published on the agenda. All action items shall include time for discussion before a vote occurs. A majority of voting members of the commission is required to endorse an action item, unless these bylaws provide otherwise.

Motions: Any voting member of the commission may make a motion regarding a posted action item, and that motion must receive the endorsement of a second voting member of the commission before a vote can occur. Once a motion has been made and received an endorsement from a second commission member, there shall be a period for discussion. Following the discussion, the motion must be voted upon unless (1) the member who

made the motion withdraws the motion, or (2) the member who provided the second endorsement withdraws that endorsement and the motion fails to get another second endorsement.

Voting: Commission members must be present to vote. The Chair shall ask if any of the present members of the commission members object to the motion. If no objections are made, the motion will pass, and it will be recorded as endorsed by all commission members present. If any member of the PDSC objects to the motion, a roll call vote will be held.

Conflicts of Interest: Members of the commission shall comply with the government ethics provisions of ORS Chapter 244. Conflicts of interest occur when a commission member has competing interests or loyalties in a matter being presented for discussion or vote.

If a member has an actual financial or personal interest in any matter coming before the commission, the affected member shall disclose the nature of the interest and withdraw from any discussion or voting on the matter.

If a member has a potential or perceived conflict of interest in any coming before the commission, the affected member shall disclose the nature of the interest and may continue to participate in discussion or voting upon declaring their ability to remain unbiased. The minutes of meetings at which such votes are taken shall record such disclosure, abstention, and rationale for participation.

Article 5

SUBCOMMITTEES, ADVISORY COMMITTEES, AND WORKGROUPS

The commission chair, in consultation with OPDC staff and members of the commission, may create subcommittees to advise the commission. A subcommittee must have at least three members and meetings of subcommittees must comply with ORS Chapter 192.

Additionally, the Executive Director may create advisory committees and workgroups as needed.

Article 6

AMENDMENTS

These bylaws may be amended by a majority vote of the commission at any meeting provided the topic is posted as an action item and the proposed language is provided to all members of the commission one week prior to the meeting.



BYLAWS OF THE IDAHO STATE PUBLIC DEFENSE COMMISSION

ARTICLE I – NAME, AUTHORITY AND PURPOSE

Section 1 Name.

The Name of this Commission shall be the Idaho State Public Defense Commission.

Section 2 Authority.

The Idaho State Public Defense Commission (hereinafter Commission) was created pursuant to Idaho Code § 19-849, effective July 1, 2014. The Commission is a self-governing agency and derives its authority from I.C. §§ 19-850 et seq.

Section 3 Purpose.

The Commission's primary purpose is to improve the delivery of trial-level indigent defense services by providing funding to counties as appropriated and creating standards with which counties must comply. To that end, the Commission:

A. Shall promulgate rules establishing the following:

- (1) Training and continuing legal education requirements for defending attorneys, which shall promote competency and consistency in case types including, but not limited to, criminal, juvenile, capital, abuse and neglect, post-conviction, civil commitment and criminal contempt;
- (2) Uniform data reporting requirements and model forms for annual reports;
- (3) Model contracts and core requirements for contracts between counties and private attorneys for the provision of indigent defense services, which shall include, but not be limited to, compliance with indigent defense standards;
- (4) Procedures and forms by which counties may apply to the commission for funds to be used to bring their delivery of indigent defense services into compliance with applicable indigent defense standards;
- (5) Procedures for administrative review and fair hearings in accordance with the Idaho administrative procedure act, which shall include, but not be limited to, providing for a neutral hearing officer in such hearings;
- (6) Procedures for the oversight, implementation, enforcement and modification of indigent defense standards so that the right to counsel of indigent persons is constitutionally delivered to all indigent persons in this state; and

(7) Standards for defending attorneys that utilize, to the extent reasonably practicable taking into consideration factors such as case complexity, support services and travel, *Idaho's Principles of an Indigent Defense Delivery System (IPIDDS)*.

B. Shall make recommendations to the legislature for legislation on public defense issues;

C. Shall review indigent defense providers and defending attorneys to evaluate compliance with indigent defense standards and the terms of state indigent defense grants;

D. May remedy specific deficiencies at the expense of the county to the extent necessary to comply with indigent defense standards;

E. May provide training and continuing legal education for defending attorneys and use moneys received and appropriated to provide such training and continuing legal education.

F. May establish procedures by which indigent defense providers and Boards of County Commissioners may apply to the Commission for funds to be used for extraordinary litigation costs including, but not limited to, expert witnesses, evidence testing and investigation, but not including expenses associated with capital crimes.

ARTICLE II – OFFICES

Section 1 Principal Office.

The principal office of the Idaho State Public Defense Commission, an Idaho statutory Commission, shall be located at 816 West Bannock Street, Suite 201, Boise, Idaho 83702. The Commission may have other such offices as the Commissioners may designate or as the Commission may require from time to time.

Section 2 Registered Office.

The registered office of the Commission shall be located at 816 West Bannock Street, Suite 201, Boise, Idaho 83702, and may be changed from time to time by the Commission.

ARTICLE III – MEETINGS

Section 1 Annual Meeting.

The Annual Meeting of the Commission shall be held on such date and at such time as the Commission shall fix each year for the purpose of transacting business as may come before the Commission.

Section 2 Regular Meetings.

Regular meetings of the Commission shall be held at least quarterly, but may be held more frequently as required and as set by the Chairman and or Commissioners.

Section 3 Special Meetings.

The Chairman of the Commission may call special meetings of the Commission for any purpose or purposes.

Section 4 Place of Meeting.

Meetings of the Commission shall be held at the Principal Office of the Commission; provided, however, that the Chairman or the Commissioners may designate any other place or location for any annual, regular, or special meeting.

Section 5 Notice of Meetings – Agendas.

- A. Regular meetings. No less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice shall be given unless otherwise provided by statute. Provided however, that the Commission holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule. The notice requirement for meetings and agendas shall be satisfied by posting such notices and agendas in a prominent place at the principal office. The notice for meetings and agendas shall also be posted electronically on the Commission's website.
- B. Special meetings. No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. An emergency is a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage or loss, when the notice requirements of this section would make such notice impracticable or increase the likelihood or severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting. The notice required under this section shall include at a minimum the meeting date, time, place and name of the public agency calling for the meeting. The secretary or other designee shall maintain a list of the news media requesting notification of meetings and shall make a good faith effort to provide advance notification to them of the time and place of each meeting.
- C. Executive sessions. If only an executive session will be held, a twenty-four (24) hour meeting and agenda notice shall be given according to the notice provisions stated in subsection (B) of this section and shall state the reason and the specific provision of law authorizing the executive session.
- D. An agenda shall be required for each meeting. The agenda shall be posted in the same manner as the notice of the meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion. An agenda item that requires a vote shall be identified on the agenda as an "action item" to provide notice that action may be taken on that item. Identifying an item as an action item on the agenda does not require a vote to be taken on that item.
 - 1. If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.
 - 2. If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior

to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body votes to amend the agenda.

3. An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting. Final action may not be taken on an agenda item added after the start of a meeting unless an emergency is declared necessitating action at that meeting. The declaration and justification shall be reflected in the minutes.

Section 6 Waiver of Notice.

Whenever any notice is required to be given to any Commissioner under the provisions of the Idaho Public Defense Act or under the provisions of the Open Meeting Act (I.C. §§ 74-201 through 74-208) or these Bylaws, a waiver thereof in writing signed by the Commissioner entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 7 Proxies.

Authorization of Proxies shall not be allowed.

Section 8 Presence or Participation Constitutes Waiver of Notice.

The attendance at or participation of a Commissioner or committee member in any meeting shall constitute a waiver of notice of such meeting, except where a Commissioner or committee member attends or participates for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

Section 9 Meeting Laws.

All meetings of the Commission shall adhere to I.C. §§ 74-201 through 74-208 which prescribes the conduct of all meetings, including Executive Sessions, by governmental agencies.

ARTICLE IV – COMMISSIONERS

Section 1.1 Commissioners.

The Commission shall be comprised of nine (9) members as follows: Two (2) representatives from the Idaho Legislature: one (1) member each from the Senate and the House of Representatives; one (1) representative appointed by the chief justice of the Idaho Supreme Court; six (6) representatives appointed by the Governor and confirmed by the Senate: two (2) representatives from the Idaho Association of Counties; two (2) representatives having experience as a defending attorney; one (1) representative from the Office of State Appellate Public Defender; and one (1) representative from the Juvenile Justice Commission.

Section 1.2 Term of Office.

The term of office of the commissioners as in I.C. § 19-849 shall be three (3) years for all gubernatorial appointees, two (2) year for the Idaho Supreme Court representative, and two (2) years for the legislative representatives. Vacancies shall be filled in the same manner as the original appointment.

Section 2 Formal Committees.

The Commission, with approval of the majority of the full Commission, may designate formal committees, and its members, for a specific purpose. Committees shall not make decisions of the Commission or engage in deliberations as a quorum of the Commission. Such committees shall perform specific tasks, and then, after making recommendations to the Commission, be dissolved. Each such committee shall consist of two (2) or more Commissioners, but not more than one less than the majority of Commissioners then duly-appointed and serving on the Commission. Committees may include invited experts and other stakeholders or participants.

Section 3 Committee Meetings.

Meetings of any formal committee designated shall be held within the State of Idaho. Unless otherwise specified in this section or in the notice for such meeting, all meetings shall be held at the Principal Office of the Commission.

Section 4 Attendance.

Commission members are expected to attend every meeting. In the event a Commission member cannot attend, the member shall notify the Commission's Administrative Assistant in a timely manner. Members of the Commission or any formal committee designated thereby may participate in a meeting of the Commission or such committee by telephone conference, video conferencing or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time, and the participation by such means shall constitute presence in person at a meeting.

Section 5 Rules of Order.

The rules contained in the most current edition of Robert's Rules of Order shall govern the meetings of the Commission and committees where not inconsistent with these Bylaws or with rules adopted by the Commission. The chairman of the Commission shall have voting rights on all issues before the Commission.

Section 5.1 Quorum.

A majority of appointed Commission members shall constitute a quorum for all actions. Members may be present at a meeting either in person or by telephone, in accordance with Idaho Code § 74-203(5). If a quorum is not present at the scheduled time of the meeting, business may be provisionally transacted. Ratification of provisionally transacted business shall occur at such time as a quorum is present, or at the next regular meeting. If following the declaration of a quorum, Commission members leave, no longer establishing a present majority, the quorum is lost.

Section 5.2 Action by Vote.

The vote on any action required or permitted to be taken, shall be taken and recorded in open meeting as dictated by the Idaho Open Meeting Law. Each member shall have one (1) vote. When a quorum is present, a majority of the votes properly cast by members present shall decide any question, unless otherwise provided by law or these bylaws. The presiding officer shall abstain from voting until the quorum has cast their votes. If a tie should result with the presiding officer's vote, he or she shall not vote unless his or her vote is in the negative, in which case the measure is lost.

Section 6 Conflict of Interest.

Any Commissioner who has a conflict of interest on any matter brought before the Commission shall disclose that conflict to the Commission at the time the issue is before the Commission. If the Commissioner is to receive any benefit, real or perceived, the Commissioner shall not vote on the issue.

ARTICLE V – OFFICERS

Section 1 Number.

The officers of the Commission shall consist of a Chairman and a Vice Chairman, each of whom shall be elected by the Commission. Any other officers or assistant officers as may be deemed necessary may be elected or appointed by the Commission.

Section 2 Election of Officers.

Officers of the Commission shall be elected at the Annual Meeting of the Commission. Any Commissioner may nominate any other Commissioner for any officer position.

Section 3 Duties of Officers.

A. Chairman.

The Chairman, as the senior officer of the Commission, shall have general charge and supervision of the affairs of the Commission with the consent of the members. The Chairman shall preside over all Commission meetings, coordinate preparation of Commission meeting agendas, manage and evaluate the performance of the Executive Director; and conduct such other duties as are reasonable and customary to fulfill the responsibilities of the Commission.

B. Vice Chairman.

The Vice-Chairman shall exercise the functions of the Chairman in his or her absence or in the event of his or her inability to act. At the Chairman's direction, the Vice-Chairman shall conduct such other duties as are reasonable and customary to fulfill the responsibilities of the Commission

Section 4 Term of Office.

The term of office for the Commission officers shall be for a period of one (1) year. Vacancies shall be filled by election by the Commissioners.

Section 5 Compensation.

Members of the Commission shall be compensated as provided in I.C. § 59-509 (b) (No honorarium, expenses only as set by the Board of Examiners).

Section 6 Officers of the Commission's Meetings.

The presiding officer at Commission meetings shall be the Chairman of the Commission or, in the absence of the Chairman, the Vice-Chairman or, in the absence of both the Chairman and Vice-Chairman, a Chairman elected by the Commissioners present at the meeting. The Executive Director or his or her designee shall act as the secretary for meetings of the Commission.

Section 7 Resignation or Removal.

Commission members desiring to resign shall do so in writing giving a minimum of thirty (30) days' notice. Gubernatorial appointees serve at the pleasure of the Governor and may be removed by him. The legislative and Supreme Court appointees serve at the pleasure of their respective appointing officials.

Section 8 Spokesman.

It shall be the responsibility of the Chairman or other person as directed by the Chairman to speak on behalf of the Commission for official information concerning the Commission.

ARTICLE VI – MISCELLANEOUS

Section 1 Indemnification.

Indemnification of Commissioners, officers, employees and agents of the Commission will be in the manner provided in I.C. § 6-903.

Section 2. Books and Records.

At its registered office or principal place of business, the Commission shall keep: (1) correct and complete books and records of account; (2) minutes of Commission meetings as detailed in the I.C. § 74-205; and (3) a record of the names and addresses of all Commissioners. Any books, records and minutes may be in written form or in any other form capable of being converted into written form within a reasonable time. All books and records of the Commission may be inspected for any proper purpose at any reasonable time as permitted by Idaho Code, including the Idaho Public Records Act, I.C. §§ 74-101 through 74-126.

Section 3 Checks, Drafts, etc.

All checks, drafts, or other orders for payment of money, note or other evidences of indebtedness issued in the name of the Commission, shall be approved by the Executive Director of the Commission or in his or her absence, the Deputy Director of the Commission or in his or her absence, the Chairman of the Commission. All payments and supporting information should be made available to the Commission upon request or during the following Commission meeting.

Section 4 Deposits.

All funds of the Commission shall be deposited promptly, normally within forty-eight (48) hours of receipt.

Section 5 Annual Financial Statements.

The Commission shall cause a balance sheet as of the closing date of the last fiscal year, together with a statement of income and expenditures for the year ending on that date, to be prepared and presented to the Commission at the regular Annual Meeting of the Commission.

Section 6 Fiscal Year.

The fiscal year of the Commission shall begin on the first day of July and end on the last day of June in each year.

Section 7 Amendments.

Any amendments to these Bylaws to be adopted must be approved by a two-thirds majority of the Commissioners at any meeting of the Commission, provided that at least thirty (30) days' notice of said amendments has been given.

We, the undersigned, being members of the Idaho Public Defense Commission, and the duly appointed Executive Director, do hereby certify that the foregoing Bylaws were duly amended as the official By-Laws of the Idaho Public Defense Commission on this 26th day of September, 2018.

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Commissioner _____ Date: _____

Executive Director  _____ Date: 9/27/18

ORGANIZATION AND BY-LAWS OF THE STATE HOUSING COUNCIL

Foreword and Explanation

The following sets forth information concerning the State Housing Council, State of Oregon, and includes certain rules and regulations governing its membership. The State Housing Council was established by Chapter 505, Oregon Laws 1971. Its duties and responsibilities have been modified by laws in subsequent Regular Legislative Sessions.

ARTICLE 1. NAME

The State Housing Council (hereafter referred to as Council) was established in 1971 and has been appointed by the Governor in conformance with ORS 456.567 through 456.571. ORS 456.567 makes the Governor's State Housing Council appointments subject to confirmation by the Oregon State Senate.

ARTICLE 2. FUNCTIONS OF COUNCIL

Section 1. The Council shall cooperate with the Director of the Housing and Community Services Department, State of Oregon, in stimulating and increasing the supply of housing for persons and families of lower income.

Section 2. The Council shall review each loan or grant in excess of \$100,000, except for single family loans which will be reviewed if in excess of amounts established in statute or by Administrative Rule, as appropriate, proposed to be made by the Director under the Department's programs. The Council's review of such loan or grant proposals, and any decision to approve or disapprove a proposal, shall occur at a public hearing, notice of which shall be provided to the applicant not less than five days before the review hearing.

Section 3. The Council shall make special effort to respond to both private and public actions which may raise the cost of the housing supply in the open market, as the open market is the source of housing for the preponderance of lower income households.

Section 4. The Council shall be responsible for studying and commenting upon, and advising the Governor, Legislative Assembly and other state agencies and local governments concerning local, state and federal legislation or rules that affect the cost and supply of housing, both before and after they are enacted. Such legislation or rules include but are not limited to those which would:

- (a) Provide financing for the construction or rehabilitation of housing;

- (b) Subsidize new or existing housing costs for lower income households by income support, tax credit, or support service methods;
- (c) Regulate the division of land;
- (d) Regulate the use of land;
- (e) Regulate building construction standards;
- (f) Regulate fees for inspection services, permits, or professional services related to housing;
- (g) Encourage alternatives that increase housing choices;
- (h) Create or avert overlapping jurisdictional functions and their concomitant increased costs which are reflected in housing prices;
- (I) Create or avoid conflicting state and federal regulations which deprive lower income households of assistance; and
- (j) Help or hinder compliance with the housing goals established by the Land Conservation and Development Commission under ORS 197.240.

Section 5. The Council, with the advice of the Director, shall set policy and approve or disapprove rules and standards for the administration and enforcement of the Department's housing programs, as well as the establishment of criteria for granting housing benefits conferred by ORS 456.515 - 456.725; 458.210 - 458.365; 458.505 - 458.650; and 317.097.

Section 6. The Council shall approve or disapprove noninterest bearing advances proposed by the Director to be made in accordance with ORS 456.710 and the policies of the Department.

Section 7. The Council, together with the Director, shall carry out ORS 456.615 to 456.720 (Financing of Low Income Housing) as they:

- (a) Approve and adopt standards for the planning, development and management of housing projects and for audits and inspections to determine compliance with such standards;
- (b) Approve and adopt criteria for the approval of qualified housing sponsors;
- (c) Approve and establish maximum income limits; and

- (d) Approve and insure that financing is provided for manufactured housing in the Department's programs.

Section 8. Prior to making any loans under ORS 456.690 (Loan Authority of the Department), the Council (and the Director, respectively,) shall approve and adopt rules governing the making of such loans, including but not limited to:

- (a) Procedures for the submission, review and approval of requests for loans under this section;
- (b) Standards and requirements for the allocation of loan moneys available among eligible borrowers and the determination of the terms, conditions, and interest rates for such loans;
- (c) Limitations, if any, on the number and type of housing units or projects and any other characteristics for the eligibility of housing units or projects for such financing;
- (d) Restrictions, if any, on the interest rates to be charged by lending institutions on loans made from such loan proceeds and the return to be realized by the lending institution therefrom;
- (e) Commitment requirements applied to residential mortgage financing by lending institutions from the proceeds of such loans; and
- (f) Schedules of fees and other charges to be made by the Department in accepting, reviewing and acting upon applications for loans under this section.

Section 9. In carrying out Article XI-1 of the Oregon Constitution (Multifamily Housing for Elderly), the Council, together with the Director, shall approve and adopt criteria for approval of projects proposed by qualified borrowers of funds;

Section 10. The Council, together with the Director, shall establish statewide priorities for housing programs.

Section 11. The Council may, with the approval of the Governor, initiate legal proceedings in its own name to further its purposes under this article.

Section 12. The Council shall exercise its responsibilities and powers in a manner which expedites the acquisition, construction, improvement or rehabilitation of housing.

Section 13. The Council may submit proposed legislation to the Legislative Assembly on matters it considers necessary to address housing programs.

ARTICLE 3. MEMBERSHIP AND VOTING

Section 1. The Council shall consist of seven members appointed by the Governor and confirmed by the Senate.

Section 2. Members shall be appointed for four-year terms and shall serve at the pleasure of the Governor.

Section 3. Each member of the Council shall be entitled to vote at all meetings of the Council, except that a member shall not vote when he/she has an actual conflict of interest. However, if their vote is necessary to meet a requirement of a minimum number of votes to take official action, he/she will be eligible to vote, but not to participate in any discussion or debate on the issue out of which the actual conflict arises. Abstentions shall be recorded in the minutes.

Section 4. A majority vote allowing for passage of a motion before the Council shall consist of a majority vote of the appointed members.

Section 5. Council members must declare an actual or potential conflict of interest before discussion of a matter at hand before the Council by announcing publicly the nature of the actual or potential conflict.

Section 6. Seconds to a motion are not required to put an issue to a vote.

ARTICLE 4. EX PARTE CONTACTS

Section 1. The Council will be subject to compliance with the State Ethics Laws.

Section 2. Persons aggrieved by actions or inaction by the Department should be informed of appropriate means of redress:

- (a) If the complaint is a consequence of Council policy, a letter should be addressed to the Chair of the Council requesting the complaint to be placed on the Council's meeting agenda;
- (b) If the complaint relates to administrative practices of the Department that are not the result of Council directions, the persons should address a letter to the Director of Housing and Community Services.

Section 3. If a Council member is approached by an aggrieved person who does not know which course of action to follow under Section 2, the member should direct the person to write to the Chair for information concerning the correct course of action to be pursued.

Section 4. All communications covered by Sections 2 and 3 shall be in writing. A member who is approached by word of mouth shall so inform the aggrieved persons and shall send a memorandum to the Chair identifying the aggrieved persons and indicating the time of the conversation and the instructions conveyed by the member to the aggrieved person.

ARTICLE 5. MEETINGS OF COUNCIL

Section 1. Regular meetings of the Council shall be held on Fridays at intervals to be determined by the Council. Unscheduled meetings may be called by the Chair or at the request of any three members of the Council, with one week notice in advance.

Section 2. Executive sessions of the Council will be held only when they meet the provisions of ORS 192.660 (Open Meeting Law), as amended.

Section 3. Four members shall constitute a quorum. (See Article 3, Section 4, for voting requirements.)

Section 4. If a member of the Council is unable to attend a meeting, the member is expected to notify the Chair and the Director.

Section 5. Council review of loan or grant proposals shall be held at a public hearing of the Council. Notice of a loan or grant review shall be provided the loan or grant applicant not less than five working days before the review hearing.

Section 6. Written minutes shall be kept of all meetings and these shall be open to public examination.

Section 7. Meetings of the Council will be conducted using the Sturgis Standard Code of Parliamentary Procedure, unless waived by a majority of the quorum. Meetings of the Council will conform to the principles outlined in the State of Oregon Attorney General's Public Records and Meetings Manual.

ARTICLE 6. OFFICERS' DUTIES

Section 1. The officers of the Council shall be a Chair, appointed by the Governor, Vice Chair and Executive Secretary (Director).

Section 2. The Vice Chair shall be elected by the Council for a term of two (2) years at the meeting immediately preceding July 1 and shall serve from that date.

Section 3. The Director shall act as Executive Secretary to the Council. The Executive Secretary shall be responsible for keeping the records of the Council, arranging for meetings, preparing agendas and performing such other services for the Council as are customary in this role. The Director may, with the concurrence of the Council Chair, delegate some of these tasks to Department staff supporting the Council.

Section 4. The Chair will preside at all meetings and is eligible to vote on all matters except as provided in Article 3 or otherwise by law. The Chair will represent the Council on issues related to the Council's role, in accordance with the policies adopted by the Council.

Section 5. The Vice Chair shall perform all duties of the Chair in the Chair's absence.

ARTICLE 7. SUBCOMMITTEES

Section 1. The Chair shall appoint subcommittees as needed.

Section 2. The Chair is an ex officio member of all subcommittees.

ARTICLE 8. ADVISORY COMMITTEES

Advisory committees to the Council may be appointed by the Chair with the concurrence of the Council members on the initiative of the Chair or at the request of Council members.

ARTICLE 9. POLICIES

The Director shall maintain a current list of policies adopted by the Council relative to the operation of the revolving loan fund or other similar items of concern. Such a list shall be available for consideration by any member or the public.

ARTICLE 10. AMENDMENTS TO THE BY-LAWS

These by-laws may be amended by an affirmative vote of at least four members at any regular meeting, provided notice of such amendment is given at the preceding regular meeting or at least one week before the meeting where the vote is to be taken.

Council Mission Statement:

"To provide leadership in, and review and set policy for,
the development and financing of affordable housing
throughout the State of Oregon."

September 1995
Revisions Adopted 8/27/04

Oregon State Bar House of Delegates Rules of Procedure

(As amended October 29, 2010)

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Rule 1-Meetings of the House

1.1 The House of Delegates shall meet at least annually at a time and place set by the Board of Governors. The President of the Oregon State Bar may call special meetings of the House and shall call a special meeting of the House if requested to do so in writing by twenty five (25) or more delegates. See ORS 9.142(1) and (2).

1.2 Notice of meetings of the House shall be given as required in the Bar Act and in the bylaws and policies of the State Bar.

Rule 2-Presiding Officer

2.1. The President of the Oregon State Bar shall preside over meetings of the House of Delegates. In the President's absence or inability to act, the President shall designate another officer to preside. See ORS 9.070(1).

2.2 The presiding officer shall preserve order, require observance of the rules of procedure and decide all questions of order and procedure.

2.3. Proceedings of the House of Delegates shall be governed by the Bar Act, the bylaws and policies of the State Bar, these rules and the current edition of Robert's Rules of Order Newly Revised.

Rule 3-Delegates and Delegations

3.1. Delegates shall be selected as provided in the Bar Act and the bylaws and policies of the State Bar. There shall be no alternate delegates, except that a section or local bar association may designate an alternate delegate, provided the alternate delegate is a person duly authorized in the organization's bylaws or otherwise to act in the section chair's or bar president's stead.

3.2 Delegates must register in person at House meetings. Delegates will be provided with special identification for voting.

Rule 4-Record of Proceedings

4.1 Proceedings of the House of Delegates shall be recorded stenographically. Meeting transcripts shall be maintained at the OSB Center.

4.2 As soon as practicable after each meeting of the House of Delegates, the Executive Director shall prepare and publish to the Oregon State Bar membership a summary of the actions of the House.

Rule 5-Agenda and Order of Business

5.1 Members of the Oregon State Bar, members of the House of Delegates, and the Board of Governors may submit questions or measures for placement on the agenda of House meetings as set forth in Rules 5.2 through 5.4.

5.2 At meetings of the House of Delegates the Board of Governors shall submit to the House reports of the proceedings by the Board since the last meeting of the House, reports of the officers and committees of the State Bar, and recommendations of the Board. See ORS 9.142(2).

5.3 Any active member of the Oregon State Bar, by petition signed by at least two percent (2%) of all active members of the State Bar, may submit a question or measure for the agenda of any House of Delegates meeting as provided in the Bar Act. See ORS 9.148(3). The petition must be filed with the Executive Director at least forty-five (45) days before the meeting at which it is to be presented.

5.4 A member of the House of Delegates may submit a question or measure for the agenda of any House of Delegates meeting by delivering a copy of the full text of the item to be presented, including a description of any financial impact, to the Executive Director at least forty-five (45) days in advance of the meeting at which it is to be presented.

5.5 In advance of any meeting of the House of Delegates, the Board of Governors of the Oregon State Bar shall review proposed agenda items for conformity with applicable law and bar policy and propose a preliminary agenda for the meeting. The preliminary agenda, along with notice of the questions or measures the Board determined should not be placed on the agenda, shall be published, with notice thereof, to the membership of the Oregon State Bar at least twenty (20) days prior to the meeting.

5.6 An agenda shall be adopted by the House of Delegates at the commencement of each meeting. Upon motion of a delegate, the House may add to the agenda, prior to its final adoption, any question or measure submitted pursuant to Rules 5.2 to 5.4 above and excluded from the agenda by the Board. The order of business at meetings of the House shall be as set forth in the agenda adopted by the House.

5.7 If the presenter of an agenda item is not available when the meeting has reached that point on the agenda, the item will be moved to the end of the agenda. If the presenter is unavailable when the item is subsequently called, it will be considered withdrawn.

Rule 6-Quorum

6.1 A majority of the total number of delegates shall constitute a quorum for the transaction of business by the House of Delegates. See ORS 9.142(1).

Rule 7-Debate

7.1 All active members of the State Bar may participate in the discussion of matters before the House. See ORS 9.148(1). Only delegates may invoke the House rules and parliamentary procedure during meetings of the House.

7.2 The presenter of an item on the agenda shall have five (5) minutes to open and one (1) minute to close. All other speakers shall have a maximum of three (3) minutes for their presentations. The presiding officer may, with the consent of the House, lengthen the time for a speaker's presentation.

7.3 The presiding officer will recognize "pro" and "con" speakers alternately. Those persons wishing to speak to "other" aspects of an issue will be recognized alternately with the "pro" and "con" speakers.

7.4 All speakers from the floor must state their full names and indicate whether they are delegates, and must state whether they are speaking "pro," "con," to a privileged motion or inquiry, or otherwise.

7.5 No person who has spoken "pro" or "con" on an issue will be recognized again until all other persons who wish to speak on that issue have been given the opportunity.

Rule 8-Voting

8.1 Only delegates may vote. Each delegate has only one vote. Cumulative voting and voting by proxy are not permitted. A delegate's vote will be counted only if the delegate is within the delegate voting area.

8.2 Votes shall be taken as determined by the presiding officer.

8.3 The presiding officer shall not vote except in the event of a tie.

Rule 9-Attendance

9.1 Meetings of the House of Delegates are open to all members of the Oregon State Bar, the media and the public, except as provided otherwise by the Public Meetings Law (ORS 192.610 et seq.).

Rule 10-Amendment of Rules

10.1 These rules may be amended by a vote of a majority of the delegates present and voting. Only delegates may propose amendments to these rules. Proposals for amending the rules must be submitted to the Executive director at least forty-five (45) days in advance of the meeting of the House at which the amendment is to be considered.

Bylaws of the Board on Public Safety Standards and Training

Article I NAME, PURPOSE, and POWERS

The Board on Public Safety Standards and Training (Board), established by Oregon Revised Statute (ORS) 181A.360, is charged with developing talented individuals into public safety providers who are culturally competent; ethically, physically and emotionally fit; and well training, highly skilled and responsive to the needs of their communities. The Board will promote the safety, efficiency, effectiveness, self-sufficiency and competence of public safety agencies and professionals. The Board will support collaboration among public and private security, law enforcement, fire service, telecommunications and corrections organizations, the related organizations with whom they work and the interests of the communities they serve. The Board adopts or approves all policies, standards and minimum requirements for public safety certification and training.

Article II MEMBERSHIP, APPOINTMENTS, RESIGNATION and TERMINATION

Membership. Membership is defined in ORS 181A.360.

Appointments. The Governor will appoint Board members. The appointment of members is subject to confirmation by the Senate.

The term of an appointed member is three years. An appointed member may be appointed to a second term. Except for members who serve by virtue of office, no member will serve more than two terms.

Board vacancies will be handled in the same manner as making an initial appointment.

Resignation and Termination. If it is necessary to resign, the board member must submit a written notice to the Governor's Office of Executive Appointments with the effective date of the resignation and provide DPSST staff with a copy of the written notice.

A Board member may be removed by the Governor's Office for just cause or for two successive unexcused absences pursuant to ORS 182.010.

Article III MEETINGS and QUORUM REQUIREMENTS

Meetings. Meetings will be held in accordance with Oregon Public Meetings Law (ORS 192.610-192.690). The Board will meet at least once every three months at such times and places as determined by the Board in coordination with DPSST. Meeting times and

dates will be scheduled on a yearly basis and can be changed at the discretion of the chairperson.

Meeting Agendas. An agenda will be prepared by DPSST staff, in consultation with the Board chairperson. Discussions and actions of the Board will not be limited to agenda items. Discussions and actions may include any business consistent with the duties and responsibilities of the Board.

Participation. Deliberation of issues will only be conducted by Board members. Individuals other than Board members wishing to address the Board must submit a written request to DPSST at least two weeks prior to any meeting. In special circumstances, the chairperson of the Board may allow non-members to address the Board at a meeting, provided they adhere to the subject and limit their presentation as requested by the chairperson.

Quorum. A quorum of the Board is a majority of the appointed, voting members.

Voting. Board members are appointed to adopt or approve policies and standards that govern public and private safety disciplines. To abstain from a vote is to fail to perform a most important function given to a Board member. Absent compelling circumstances or conflicts of interest Board members should not abstain from voting.

Board votes must be recorded by conducting a verbal roll call.

Only officially appointed, voting members may vote. The Chair is a voting member.

When considering a recommendation submitted to the Board by a Policy Committee, the Board may approve the recommendation with a majority of the quorum; the Board may defer a decision on the recommendation with a majority of the quorum and refer the matter back to the Policy Committee; or the Board may disapprove the recommendation with two-thirds of the members of the Board.

All other issues to be voted on shall be decided by a simple majority of the quorum at the meeting in which the vote takes place.

Conflicts of Interest. Conflicts of interest occur when a Board member has competing interests or loyalties in a matter being presented for discussion, recommendation or vote. Whenever a Board member has an actual financial or personal interest in any matter coming before the committee, the affected member should disclose the nature of the interest and withdraw from any discussion or voting on the matter.

Any discussion or vote involving a potential or perceived conflict of interest should be disclosed. Members experiencing a potential or perceived conflict of interest will be allowed to participate in discussions, recommendations or votes upon declaring their ability to remain unbiased. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for participation.

Recommendations. Past Board decisions will not dictate precedence for future Board decisions.

Subcommittees/Advisory Committees/Workgroups. The Board chairperson, in consultation with Board members and the Department, may create subcommittees, advisory committees and workgroups if needed.

Records. The transactions of every public meeting of the Board will be recorded in the form of minutes and will be made available to the public. Minutes will reflect the subject and outcome of each vote. Records will be retained in accordance with the Secretary of State Archives Division Records Retention Schedule for DPSST/BPSST.

Article IV ELECTION of OFFICERS, RESPONSIBILITIES

Chairperson. The chairperson will convene and preside over meetings of the Board and sign on behalf of the Board as required by law. The chairperson will represent the Board before all public bodies and will serve as a member of the Executive Committee to the Board. The chairperson will perform other duties as assigned by the Board. Only voting members of the Board are eligible to serve as chairperson.

Vice Chairperson. The vice chairperson will perform the duties of the chairperson in the chairperson's absence and, when acting in this capacity, will have all the powers and authority of the chairperson. In addition, the vice-chairperson may chair committees on special subjects as designated by the chairperson. Only voting members of the Board are eligible to serve as vice chairperson.

Election. Elections will be held when a vacancy of the chair or vice chair occurs. The chairperson and vice chairperson will be selected by the voting members of the Board.

Board Members. Board members will act as conduits for the exchange of information between the constituency, the associations they represent and the Board. Board members will follow statutes and administrative rules or work to change such rules and statutes if inappropriate. Board members will take into consideration the statewide impact on agencies, other disciplines and the public when making decisions.

Article V AMENDMENTS TO BYLAWS

These bylaws may be amended by a majority vote of members of the Board at any regular meeting provided the proposed amendment or amendments have been sent to each Board member five working days prior to the meeting.

These bylaws were approved at a meeting of the Board on Public Safety Standards and Training on April 25, 2019.