

Bylaws of the Oregon Statewide Database Licensing Advisory Committee

Approved, August 11, 2005

Revised, April 2006 (for new membership structure)

Revisions approved, May 11, 2006

Article 1. Organization

The name of this organization shall be the Oregon Statewide Database Licensing Advisory Committee (SDLAC). The SDLAC is a committee of the LSTA Advisory Council, which advises the Oregon State Library Board of Trustees.

Article 2. Charge

The Oregon Statewide Database Licensing Program (OAR 543-060-0000) authorizes the Oregon State Library (OSL) to negotiate and contract with commercial database providers on behalf of public, school and academic libraries to provide access to full text periodicals databases and a newspaper database that includes *The Oregonian*. A statewide database subsidy is established under this provision to assist eligible libraries to participate in the program.

SDLAC will advise the LSTA Advisory Council and the Oregon State Library in the drafting of requests for proposal, the review of proposals, the recommendation to license database(s), and the allocation of costs to participating libraries.

SDLAC may advise the Oregon State Library to negotiate for additional databases as needed, but will not assume a subsidy from the State Library.

SDLAC may advise the Oregon State Library on the need for and the content of changes to the OAR and ORS that have a potential effect on the Statewide Database Licensing Program.

Article 3. Membership

Section 1. Number, Qualification, and Tenure

- a. The Committee shall consist of not more than thirteen (13) persons, the exact number of which shall be fixed and reviewed from time to time by resolution of the Committee.

- b. Ten (10) voting members representing the constituencies outlined in OAR 543-060-0030 and listed in Article 3, Section 2 of these bylaws shall be appointed by the LSTA Advisory Council for three (3) year terms.
- c. One (1) position, which shall be held by a representative of Orbis Cascade Alliance, shall be designated as a non-voting position on the Committee.
- d. One (1) position, which shall be held by a representative of OETC, shall be designated as a non-voting position on the Committee.
- e. One (1) position, which shall be held by a delegate of the LSTA Advisory Council, shall be designated as a non-voting position on the Committee. This position will act as a liaison between the bodies, and shall have served on the LSTA Advisory Council for one year before being qualified.

Section 2. Appointments

- a. The LSTA Advisory Council will appoint members annually in the spring, with positions staggered to allow for consistency. The ~~nine (9)~~ *ten (10)* positions are:
 1. Position #1 – Public library serving 25,000 or less;
 2. Position #2 – Academic library from the Oregon University System;
 3. Position #3 – School library, to be drawn from OEMA membership;
 4. Position #4 – Public library serving 25,000 to 100,000;
 5. Position #5 – Academic library from an Oregon community college;
 6. Position #6 – School library, to be drawn from OEMA membership;
 7. Position #7 – Public library serving over 100,000;
 8. Position #8 – Academic library from a private academic institution;
 9. Position #9 – Resource sharing system;
 10. Position #10 – Tribal library representative.
- b. Appointments for positions one, two, and three shall be made in, 2008, 2011, and every three years thereafter.
- c. Appointments for positions four, five, and six shall be made in 2006, 2009, and every three years thereafter.
- d. Appointments for positions seven, eight, and nine shall be made in 2007, 2010, and every three years thereafter.
- e. Appointments for position ten shall be made in 2006, 2009, and every three years thereafter.

- f. The newly appointed members of the Committee shall assume their duties at the first regular meeting of the first state fiscal year which begins after the date of their appointment.

Section 3. Vacancies

The Committee will request that the LSTA Advisory Council fill any vacancies on the Committee as quickly as practicable.

Section 4. Staff Committee Members

Up to four (4) staff of the Oregon State Library may be assigned to support the Committee in its duties. These staff serve as non-voting advisors to the Committee, and may be asked to perform duties, such as preparing and distributing minutes, at the direction of either the Committee chair or by approval of a full-committee vote. All State Library staff assigned to the Committee remain solely in the employ of the State Library and are directed and managed thusly.

Section 5. Appointment, Term of Office, and Duties of the Chair

- a. The duties of the Chair include facilitating meetings, helping set agendas, serving as a liaison between the Committee and OSL staff, and conferring with and keeping Committee members informed.
- b. The Committee chair shall be elected annually by the SDLAC Committee at its last meeting of the state fiscal year. The new chair shall serve a one-year term, effective July 1.
- c. A vacancy in the chair may be filled by the SDLAC committee for the unexpired portion of the term for the vacant office.

Section 6. Resignation and Removal

- a. A chair may resign at any time by delivering written notice to the Committee. A resignation shall be effective when received or at a subsequent effective date which is stated in the resignation and acceptable to the Committee. Once delivered, a notice of resignation is irrevocable unless revocation is permitted by the Committee.
- b. A chair may be removed from office, with or without cause, by a two-thirds majority vote of the members then serving on the Committee. .

- c. Any member of the Committee may resign at any time by giving written notice of such resignation to the Committee chair and the State Librarian, provided however, that no member may resign if doing so will result in leaving the Committee without any members who have agreed to serve. A resignation shall be effective when received or at a subsequent effective date stated in the resignation which is acceptable to the Committee. Once delivered, a notice of resignation is irrevocable unless revocation is permitted by the Committee.
- d. Any member may be removed from the Committee, with or without cause, by a two-thirds majority vote of the members then serving on the Committee.

Section 7. Compensation.

No member of the Committee shall receive any compensation or reimbursement from the State Library for his or her services to the Committee.

Section 8. Conflict of Interest

A conflict of interest may exist when a Committee member or his/her organization may benefit directly or indirectly from activities or decisions of the Committee. Any conflict of interest on the part of Committee members shall be disclosed to the SDLAC, and made a matter of record in the minutes when the interest becomes a matter of Committee action. Any Committee member having a conflict of interest shall not participate in any discussion of the interest and shall not vote or otherwise use his/her personal influence on the matter.

Article 4. Meetings and procedures

Section 1. Notice of meetings

The SDLAC will comply with ORS 192.610-710 with respect to the open meeting requirements, definition thereof, and notice thereof.

Section 2. Frequency

The SDLAC membership will meet a minimum of twice each calendar year in non-procurement years. The SDLAC membership has the authority to convene more meetings as needed, especially in procurement years, provided the meetings follow ORS 192.610-.710

Section 3. Location, Electronic and Telephonic Means

The SDLAC meetings shall be held within the state of Oregon.

If a member of the SDLAC is not able to meet at the specified geographic location, it is acceptable to participate in the meeting by any appropriate electronic medium, provided in ORS 192.670.

The Committee may permit any or all members to participate in any meeting by, or conduct the meeting through, use of any means of communication by which all members participating may hear each other or otherwise communicate with each other during the meeting, e.g., electronic mail (e-mail), synchronous chat, or telephone conference calls are permissible, at the discretion of the Committee. A member participating in a meeting by this means is deemed to be present in person at the meeting.

Section 4. Quorum and Manner of Acting.

- a. The presence of fifty percent (50%) of current Committee members shall be required as a quorum for the conduct of any business.
- b. An act of more than fifty percent (50%) of the Committee members present at a meeting at which a quorum is present shall be the act of the Committee.

Section 5. Minutes

The SDLAC will prepare and distribute minutes according to ORS 192.650.

Section 6. Ad hoc committees

The SDLAC has the authority by a majority vote to establish and abolish ad hoc committees as deemed necessary and appropriate. The ad hoc committee is established for a specific length of time with a specific charge as outlined by the SDLAC.

When the ad hoc committee has completed its charge to the satisfaction of the SDLAC and a report provided to the SDLAC within 30 days of the completion of the charge, the SDLAC shall then, by a majority vote at its regularly scheduled meeting, abolish the ad hoc committee.

The SDLAC has the authority to appoint members to the ad hoc committee(s). The number of members of the ad hoc committee shall depend on that committee's charge. The membership need not be limited to members of the SDLAC.

Section 7. Amending bylaws

The SDLAC has the authority to review periodically the SDLAC bylaws and to make any changes deemed appropriate.

The proposed changes shall be submitted to the SDLAC membership in writing at least 30 days prior to the next regularly scheduled SDLAC meeting.

At the regularly scheduled meeting, the SDLAC has the authority to change the bylaws with a majority vote.

Article 5. Procurement Process and Responsibilities

The Oregon State Library follows state procurement rules as determined under ORS 279 Public Contracts and Purchasing <http://www.leg.state.or.us/ors/279.html> Procurement is administered and regulated by the Oregon Department of Administrative Services (DAS).

In procurement years the Oregon State Library, in collaboration with the SDLAC and the Oregon library community, will initiate the purchasing process. The competitive procurement process required for the Statewide Database Licensing program includes announcing the intent to procure databases, working with DAS and state attorneys to develop a request for proposal (RFP), soliciting and evaluating proposals, and making a recommendation to DAS to enter into a license agreement with one or more database providers. The procurement process may take more than 12 months to complete. Guidance on the procurement calendar is available in OAR 543-060-0000 < http://arcweb.sos.state.or.us/rules/OARS_500/OAR_543/543_060.html >.

Responsibilities of the SDLAC during the procurement process are to assist the State Library in developing criteria for the RFP, including definitions, mandatory and desirable components and scoring for each. The SDLAC, in closed session, reviews and scores each proposal using criteria set out in the RFP. In addition, the SDLAC may solicit input from the library community through a professional review process. The SDLAC, with the State Library, makes a recommendation to DAS on the competitive range of proposals. The State Library advises the Library Services and Technology Act (LSTA) Advisory Council of the anticipated costs, and then, through a recommendation from the SDLAC, seeks the approval of the State Library Board of Trustees as part of the overall LSTA expenditure plan. After this point, the work of the SDLAC in the procurement process is complete. DAS notifies the State Library when a negotiated and signed license agreement is secured. The contract and price agreement typically is multi-year. The signed license agreement with option to renew annually may not exceed five years, as determined by DAS purchasing rules.

Article 6. Dissolution of SDLAC

- a. SDLAC may be dissolved upon a recommendation of the SDLAC or the LSTA Advisory Council to the OSL Board of Trustees. If the Committee were to be dissolved, the Oregon State Library would initiate a corresponding revision of the OAR in accordance with the Permanent Rule Change process. <http://arcweb.sos.state.or.us/banners/rules.htm>