

OREGON PUBLIC DEFENSE COMMISSION BYLAWS

I. AGENCY NAME, AUTHORITY, MISSION, AND BASIC DEFINITIONS

- A. The name of this agency is the Oregon Public Defense Commission (“OPDC”).
- B. The OPDC was established pursuant to ORS 151.213, as amended by SB 337 (2023), effective January 1, 2024 and by 2025 Oregon Laws Ch. 569 (H.B. 2614).
- C. The OPDC is governed by a 13-member Board, which includes nine voting commissioners and four non-voting commissioners. The OPDC is housed in the executive branch of government and is subject to the administrative authority and supervision of the Governor.
- D. Mission.
 1. The OPDC’s mission is to establish and maintain a public defense system that ensures the provision of public defense services consistent with the requirements of the Oregon and United States Constitutions and Oregon statutes.
 2. To achieve this mission, the commissioners, the Executive Director, and the staff shall ensure furtherance of the goals articulated in ORS 151.216 by adopting policies, procedures, standards, and guidelines regarding those mandates.
 3. The Commission adopts the principles outlined in the [Oregon DEI Action Plan](#) in all areas under its jurisdiction and strives to ensure systems that recognize diversity and afford justice equitably and inclusively to all persons.
 4. To further achieve OPDC’s mission, commissioners, Executive Director, and staff shall consider the perspectives of public defense providers, persons with lived experience in, or from communities impacted by the programs in areas under OPDC’s jurisdiction, and other members of the public with an interest in the provision of services provided by those programs.
- E. The Following Definitions Govern Usage in These Bylaws:
 1. “Action item” means an item on the agenda regarding whether the Commission should formally undertake a course of conduct or adopt a policy.
 2. “Agency” means the publicly employed staff working for the Commission.
 3. “Board” means the appointed volunteer members of the Commission.
 4. “Commission” refers to the Oregon Public Defense Commission consisting of the volunteer Board and the State agency.

5. “Commissioners” means voting and non-voting Board members acting in their oversight capacity.
6. “Executive Director” means the person selected under ORS 151.213 to carry out the duties set forth in ORS 151.219 and in these Bylaws.
7. “Oversight” means exercising governance, supervision, direction, and guidance to the Oregon Public Defense Commission pursuant to ORS Chapter 151; it does not include interactions between the Executive Director and staff or between Executive Director, staff, and non-voting Members in their individual, contract, or legislative capacities.
8. “Quorum” is a majority of voting members of the Board or of any subcommittee of the Board.
9. “Staff” and “OPDC Staff” mean OPDC employees other than the Executive Director.
10. “Writing” includes letters, memoranda, emails, and text messages but does not include audio messages.

II: OPDC BOARD OF COMMISSIONERS.

A. Membership

1. Membership is defined by ORS 151.213.
2. Terms of office are four years, except for the initial terms created by SB 337 (2023) to stagger appointments. Terms begin on January 1 in the first year and expire on December 31 in the final year. Positions that become vacant during a term shall be filled pursuant to ORS 151.213(3).
3. Appointments are made pursuant to ORS 151.213.
4. A commissioner may be removed pursuant to ORS 151.213(3) and ORS 182.010.
5. A commissioner who seeks to resign shall provide written notice to the appointing authority, the Chair of the OPDC, and the Executive Director.
6. New appointees shall attend an onboarding session as determined by the Executive Director. Commissioners shall timely complete all trainings as required by Oregon law.

B. Roles and Responsibilities of Commissioners

1. Commissioners are responsible for governing and providing oversight to the OPDC, pursuant to the requirement of ORS 151.213 and 151.216.
2. Commissioners Shall:
 - a. Review and provide input prior to an approval vote, the policies, procedures, standards, and guidelines required by ORS 151.216.

- b. Review the agency request budget of the Commission and provide input before any approval vote;
 - c. Review the Commission's annual report prior to the vote by voting commissioners;
 - d. Meet as needed to carry out their responsibilities.
 - e. Inform the Executive Director and the Chair as soon as practicable of an inability to attend a scheduled, special, or emergency meeting. The Chair shall maintain a record of absences and any stated reasons for such absences and may communicate the information to the appointing authority.
 - f. Consult with the Governor regarding appointment of an Executive Director as set out in ORS 151.213(9).
3. Voting Commissioners Shall:
- a. Approve by majority vote the policies, procedures, standards, and guidelines required by ORS 151.216 before they take effect;
 - b. Approve by majority vote the agency request budget of the Commission before submission to the Oregon Department of Administrative Services.
 - c. Set biennial performance expectations for the Executive Director and require a performance review at least as required by the Department of Administrative Services.
 - d. Approve by majority vote the Commission's annual report prior to its submission pursuant to ORS 151.219.
4. Commissioners shall not make any decision regarding the handling of any individual case; have access to any case file or interfere with the Executive Director or OPDC staff in carrying out professional duties involving the legal representation of public defense clients.
- C. Chair and Vice Chair
1. Voting commissioners shall elect, by majority vote every two years, a Chair and Vice Chair of the Board, with such functions as the Board may determine. A commissioner is eligible for reelection as Chair or Vice Chair.
 2. The Chair shall lead and manage Board meetings, shall coordinate the planning of Board meeting agendas with the Executive Director, and shall join with the Executive Director to present the OPDC's annual budget to the Legislative Assembly.
 3. The Vice Chair shall assume the Chair's duties in the Chair's absence.
- D. Ethics and Conflicts of Interest.
1. Commissioners shall comply with the government ethics provisions of ORS Chapter 244.

2. A commissioner has an actual financial conflict of interest if the proposed action would provide a financial benefit or detriment to the commissioner, the commissioner's relative, or any business with which the commissioner or their relative is associated.
 - a. When met with an actual conflict of interest, the commissioner must announce publicly the nature of the conflict and refrain from discussion on the issue.
 - b. The commissioner may not vote on the issue from which the conflict arises unless the commissioner's vote is necessary.
3. A commissioner has a potential conflict of interest if the proposed action could provide a financial benefit or detriment to the commissioner the commissioner s relative, or any business with which the commissioner or their relative is associated.
 - a. When met with a potential conflict of interest, the commissioner must announce publicly the nature of the conflict but may continue to discuss and vote on the issue from which the potential conflict arises.

E. Compensation and Expenses

1. Voting and non-voting commissioners are entitled to compensation and expenses as provided in ORS 151.213(8) and ORS 292.495.
2. Commissioners entitled to compensation shall submit the information required by standards and procedures adopted by the Executive Director.
3. OPDC commissioners, officers, staff, and agents shall be indemnified in the manner provided by ORS 30.285.

III: OPDC EXECUTIVE DIRECTOR AND STAFF

A. Executive Director.

1. The Executive Director is the chief executive officer for the Commission and the primary liaison between the commissioners (voting and non-voting) and OPDC staff. The Executive Director shall ensure the agency carries out the policy directives established by the Commission.
2. The Executive Director is appointed and retained as provided by ORS 151.213.
3. The Executive Director shall carry out the duties set out in ORS 151.219.
4. The Executive Director shall prepare an annual report covering the topics listed in Art. 3(1)(a)(i) and (ii) and submit it by December 31 of the calendar year as required by ORS 151.219 .

- B. The Executive Director shall ensure that OPDC staff present an internal audit report to the Board at least yearly.

C. OPDC Staff.

1. OPDC staff is responsible for agency administration and operations as set out in ORS 151.216.
2. The Board has no direct responsibility for OPDC staff, which performs its actions through the authority of its Executive Director, as defined by ORS 151.219.

IV: MEETINGS

A. Meetings Generally

1. The provisions in this section apply to all meetings unless specifically provided otherwise.
2. Definition & Types of Meetings
 - a. The bylaws adopt the definition of “meeting” found in ORS 192.610.
 - b. The Board may hold regular meetings, work sessions, emergency meetings, executive sessions, and subcommittee meetings.
3. All meetings shall comply with public meeting laws pursuant to ORS Chapter 192 and Oregon Administrative Rules Chapter 199 Division 50.
4. Scheduling and Notice
 - a. At or before the first meeting of each calendar year, commissioners shall establish a schedule of meetings.
 - b. The Chair of the Board, in consultation with the Executive Director and in accordance with these bylaws, may adjust meeting schedules as necessary throughout the year, including the addition of new meeting dates.
 - c. Meeting notices and agendas shall be provided to commissioners and posted on the OPDC website as early as practicable.
5. Agendas
 - a. Agendas shall be prepared by the Executive Director in consultation with the Chair or Vice Chair except as set out in subsections below.
 - b. Agendas shall be determined with a focus on furthering the Commission’s mission as set out in Art. I of these Bylaws.
 - c. Any voting or non-voting commissioner may request the Chair to include an item on the agenda of an upcoming meeting no later than 10 business days prior to the meeting. If the item does not appear on the agenda, a majority of voting commissioners may place the item on the agenda for the subsequent meeting. Commissioners may request items for future agendas.
 - d. Items requiring a vote shall be identified as action items and include discussion time.

- e. Agendas shall be published to commissioners and the public one week prior to each meeting unless good cause is jointly determined by the Executive Director and Chair (or Vice Chair).
- f. Action items should ordinarily be posted one week in advance but can be posted later if in the Chair's sound discretion the situation requires this.

6. Materials

- a. OPDC staff shall publish materials to commissioners and the public one-week in advance of the meeting in which they are to be considered unless good cause is shown, as jointly determined by the Executive Director and the Chair.
- b. OPDC staff shall prepare meeting materials in plain English. Technical language shall be defined and clarified for ease of access to non-technical readers. All acronyms shall be explained in full the first time they are used in a document.
- c. The final meeting agenda and all meeting materials, minutes, transcripts, and public comment shall be stored by OPDC and placed on the OPDC website for public access as soon as practicable. A link to the meeting video shall be published on the website within five days after the meeting.

7. Conduct of Meetings

- a. The Board may conduct meetings in-person, virtually, or through a combination of in-person and virtual attendance. All meetings shall afford the public the opportunity to access and attend the meeting virtually.
- b. The Chair shall conduct regular meetings, work sessions, emergency meetings, and executive sessions; the subcommittee chair shall conduct subcommittee meetings.
- c. The Board will not use Robert's Rules of Order in conducting a meeting but will follow the procedural rules set out in these bylaws.
- d. Deliberation of issues will be conducted only by commissioners, but the Board may authorize OPDC staff or members of the public to provide information and to engage in discussion on any topic.
- e. A quorum is not required to receive testimony and similar input from staff or stakeholders, to ask questions of the person presenting, or to discuss items on the meeting agenda; a quorum is required to decide an item designated on the agenda as an action item.
- f. To ensure accurate assessment of a quorum during virtual meetings, commissioners shall have their names posted and, to the extent practicable, their cameras on. All voting commissioners should attempt to have cameras on during a vote. Commission staff shall have names posted but may turn cameras off.

8. Action Items and Voting.

- a. Any voting commissioner may make a motion regarding a posted action item, and that motion must receive the endorsement of a second voting commissioner before a vote can occur.
 - b. Once a motion has been made and received an endorsement from a second voting commissioner, there shall be a period for discussion.
 - c. Following the discussion, the motion must be voted upon unless (1) the commissioner who made the motion withdraws the motion, or (2) the commissioner who provided the second endorsement withdraws that endorsement and the motion fails to get another second endorsement.
 - d. Commissioners must be present to vote.
 - e. Commissioners must vote yea or nay or may abstain. A commissioner who abstains shall state on the record the reason for the abstention.
 - f. At a virtual meeting, or if any commissioner is attending virtually, the Chair shall conduct a roll-call vote. If all commissioners who are attending are in person, the Chair shall inquire whether there are any objections to adopting the motion under consideration. If no objections are made, the motion will pass, and it will be recorded as endorsed by all voting commissioners present. If any commissioner of the OPDC objects to the motion, a roll call vote will be held.
9. OPDC staff shall provide and publish one or more mechanisms whereby persons requiring reasonable accommodations to fully participate in a meeting may request such accommodations no later than the close of business 48 hours prior to the meeting. OPDC staff shall take all reasonable steps to ensure that such accommodations are provided.

B. Regular Meetings

1. The provisions of IV.A. apply to regular meetings except as provided in this section.
2. A majority of voting commissioners constitutes a quorum of the Board for the adoption or rejection of action items at regular commission meetings.
3. Public Comment.
 - a. Public comment may be allowed and shall be posted on the agenda when authorized. Rules and guidelines for public comment shall be posted or linked on the OPDC website and on the published meeting agenda. The Chair of the Board may modify posted or linked time limits to accommodate time constraints or other considerations.
 - b. Oral. Members of the public may apply to the Board for the opportunity to comment at Board meetings. Such applications must be received by the Commission by the close of business two business days prior to the date scheduled for the meeting. The Chair shall allow all reasonable requests for public comment.

Oral public comment shall be limited to 3 minutes unless, in the Chair's sole discretion, more or less time is allowed.

- c. Written. Members of the public may submit written comments regarding items on the agenda of upcoming meetings.
- d. Comment regarding action items shall be submitted no later than two (2) business days prior to the meeting at which the item is to be considered.
 - i. Submissions received by the close of business two (2) business days in advance of the meeting in which they are to be considered shall be submitted to voting and non-voting commissioners and posted to the public on the OPDC website prior to the meeting.
 - ii. Submissions received after a meeting and within 48 2 business days hours from the posted meeting time. shall be submitted to voting and non-voting commissioners and posted to the public on the OPDC website as soon as practicable; in addition, such comments shall be posted to the public on the OPDC website prior to the meeting.

C. Work Sessions

1. The provisions of IV.A. apply to regular meetings except as provided in this section.
2. A majority of voting commissioners constitutes a quorum of the Board for the adoption or rejection of action items at commission work sessions.
3. Public comment will not be taken at work sessions.
4. The Chair of the Board, in consultation with the Executive Director, may invite staff or members of the public to provide information at a work session.
5. If necessary, the Chair of the Board may refer a matter discussed at a work session to the consideration of the Board at a meeting in which the notice and quorum requirements for voting have been observed.

D. Emergency Meetings

1. The provisions of IV.A. apply to regular meetings except as provided in this section.
2. Scheduling and Notice
 - a. The Chair may call an emergency meeting in a situation in which adhering to notice requirements for other types of meetings increases the likelihood or severity of injury or damage to persons or property, immediate financial loss, or disruptions to the provision of public defense services that require an immediate response.
 - b. Notice of the meeting, the agenda, and any meeting materials shall be provided to all commissioners and posted to the public on the OPDC website as early as practicable prior to the meeting.

- c. The emergency meeting notice shall state the nature of the emergency and provide, at a minimum, the meeting date, time, place, and (in the event of a virtual meeting) access information. Notice of the meeting shall be posted on the OPDC website as quickly as possible.

3. Agendas.

- a. Emergency meeting agendas will be finalized by the Executive Director and the Chair of the Board. OPDC staff shall publish the agenda to commissioners and the public in conjunction with the notice of the emergency meeting unless good cause is shown, as jointly determined by the Executive Director and the Chair.
- b. The reason for the emergency meeting shall be stated at the outset of the meeting.
- c. Members of the public may apply to the Board for the opportunity to comment in person at an emergency meeting. Such applications must be received by the Board by two (2) hours prior to the emergency meeting. Members of the public may submit written comments regarding matters discussed at the emergency prior to the meeting or up to 2 business days from the posted meeting time.

E. Subcommittee Meetings.

1. The provisions of IV.A. apply to regular meetings except as provided in this section.
2. Organization of Subcommittees.
 - a. The Board Chair, in consultation with OPDC staff and voting and non-voting commissioners, may create standing or ad hoc subcommittees to advise the Board. The Chair shall appoint subcommittee members and a subcommittee chair and may ask for volunteers from among voting and non-voting commissioners. The Chair shall put on the record the members of the subcommittee and the nature of the subcommittee's charge.
 - b. The subcommittee chair may invite voting and non-voting commissioners, OPDC staff, legislators, staff of Oregon executive, judicial and legislative agencies, and members of the public to attend subcommittee meetings in an advisory capacity.
3. Scheduling.
 - a. At or before the first meeting of each calendar year, subcommittee members shall establish a schedule of meetings.
 - b. The Chair of the Subcommittee, in consultation with the Executive Director and in accordance with these bylaws, may adjust meeting schedules as necessary throughout the year, including the addition of new meeting dates.
4. Agendas.
 - a. Subcommittee meeting agendas will be finalized by the subcommittee chair with a focus on furthering the Commission's mission as set out in Art. I of these Bylaws.

- b. Any voting or non-voting commissioner on the subcommittee may request the subcommittee chair to include an item on the agenda of an upcoming meeting.
- c. OPDC staff shall publish the agenda to commissioners and the public three business days in advance of the meeting unless good cause is shown, as determined by the Subcommittee Chair.
- d. The Subcommittee Chair may amend the agenda up until the start of the meeting. No action items may be added within one week of the meeting.

V. OTHER BOARD-RELATED ACTIVITIES

A. On-site Inspections. The Chair, in consultation with the Executive Director, may schedule on-site inspections of projects or programs.

B. Audit Committee.

- 1. OPDC may approve an audit committee charter and audit committee to advise the Board and to assist OPDC auditors in their audit function.
- 2. An audit committee is not a subcommittee of the Board, but one voting commissioner shall serve on the audit committee.
- 3. The Audit Committee meetings are subject to public meeting laws.

C. Advisory Committees and Workgroups.

- 1. The Executive Director may, after consultation with the Chair, create and staff advisory committees and workgroups as needed. The Executive Director should communicate creation of such groups to the Board.
- 2. Advisory committees and workgroups may include voting and non-voting commissioners, OPDC staff, legislators, staff of Oregon executive, judicial and legislative agencies, and members of the public. Consideration should ordinarily be given to gathering input from OPDC providers and persons with lived experience in, or communities impacted by, programs under OPDC's jurisdiction.

VI. COMMUNICATIONS WITH GOVERNMENT ENTITIES AND THE PUBLIC

A. Except as noted below, commissioners' oral and written communications will follow the requirements and guidelines in ORS Chapter 192 and Oregon Administrative Rules Chapter 199 Division 50.

B. Official Communications

- 1. The Chair and the Executive Director are the public liaisons of the Commission. It shall be the responsibility of the Chair and the Executive Director, in coordination with one another, to speak on behalf of OPDC.
- 2. An individual commissioner may not act as spokesperson for the Board in any venue unless authorized to do so in writing by the Chair.

3. An individual Staff member may not act as spokesperson for OPDC in any venue unless authorized to do so by the Executive Director.
4. Individual commissioners, in their personal capacities, may advocate for or against legislation before the Legislative Assembly; when doing so commissioners shall make it clear that they do not speak for the Commission.
5. Individual commissioners, in their personal capacities, may communicate with the press, members of the public, or both; when doing so commissioners shall make it clear that they do not speak for the Commission.

C. Commissioners' Communications with OPDC staff.

1. Commissioners may communicate orally or in writing with OPDC staff on non-substantive issues, such as scheduling and IT support.
2. Commissioners' oral and written communications with OPDC staff members regarding agency oversight or other substantive commission business shall adhere to the guidelines and procedures set out in writing by the Executive Director.
3. Individual commissioners, in their personal capacities, may communicate orally or in writing with OPDC staff members; when doing so they shall make it clear that they do not speak for the Board.
4. Nothing in this section is meant to prohibit OPDC staff members from disclosing to commissioners information the staff member reasonably believes to be evidence of a violation of any federal, state, or local law, rule, or regulation or mismanagement, gross waste of funds, or abuse of authority, or substantial and specific danger to public health and safety resulting from OPDC action.

D. Complaint Procedure.

1. OPDC staff shall make the following information available on the OPDC website.
 - a. Persons with a complaint regarding OPDC policy should address a letter to the Chair of the Board requesting the complaint to be placed on the Board's meeting agenda; subject to the provisions of section IV.A.5., the Chair shall have the sole discretion either to place the item on the agenda of an upcoming meeting or to refer the matter to the Executive Director for investigation.
 - b. Persons with a complaint related to administrative practices of the OPDC should address a letter to the Executive Director of the OPDC; a complainant who is unsatisfied with how the complaint is handled may address a letter to the Chair of the Board requesting the complaint to be placed on the Board's meeting agenda; the Chair shall have the sole discretion either to place the item on the agenda of an upcoming meeting or to refer the matter to the Executive Director to report to the Chair on resolution of the complaint.

Adopted by the Board on February 18, 2026

2. If a voting or non-voting commissioner is approached by a person with a complaint, the commissioner should direct the person to the correct course of action to be pursued; the commissioner shall not discuss the complaint with the complainant.

VII. PROCESS FOR BYLAW AMENDMENT

These bylaws may be amended by a two-thirds vote of the voting commissioners at any meeting provided the topic is posted as an action item and the proposed language is provided to all voting and non-voting commissioners one week prior to the meeting.