

BYLAWS OF THE PUBLIC DEFENSE SERVICES COMMISSION

Adopted February 23, 2023

Article 1 AGENCY NAME AND MISSION

The Public Defense Services Commission (“PDSC”), 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 PDSC seeks to resign, written notice shall be provided to the Chief Justice, the Chair of the PDSC, and the executive director of the Office of Public Defense Services (“OPDS”).

Article 3 ROLES AND GOVERNANCE

Public Defense Services Commission: The PDSC is responsible for oversight of the OPDS, pursuant to the requirements of ORS 151.216. The primary responsibilities of the PDSC are (1) appointing an executive director and evaluating that director’s performance, (2) approving agency policies, procedures, plans, standards, guidelines, and budget as required by ORS 151.216, and (3) approving proposed contracts for public defense services.

Chair, Public Defense Services Commission: The Chair is the public liaison of the PDSC. The Chair shall lead and manage PDSC meetings and shall coordinate the planning of PDSC meeting agendas with the Executive Director of OPDS.

Vice Chair, Public Defense Services Commission: The Vice Chair shall lead and manage

PDSC meetings when the Chair is unavailable and support the Chair in furtherance of their responsibilities as requested.

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

Article 4 MEETINGS

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

Agendas and Planning: The PDSC shall meet at least quarterly. PDSC meeting agendas will be finalized by the OPDS Executive Director and the Chair of the PDSC. OPDS 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 PDSC 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 PDSC members, but the PDSC may authorize OPDS 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 PDSC 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 PDSC is required to endorse an action item, unless these bylaws provide otherwise.

Motions: Any voting member of the PDSC may make a motion regarding a posted action item, and that motion must receive the endorsement of a second voting member of the PDSC before a vote can occur. Once a motion has been made and received an endorsement from a second PDSC 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: PDSC members must be present to vote. The Chair shall ask if any of the present members of the PDSC object to the motion. If no objections are made, the motion will pass, and it will be recorded as endorsed by all PDSC 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 PDSC shall comply with the government ethics provisions of ORS Chapter 244. Conflicts of interest occur when a PDSC 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 PDSC, 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 PDSC, 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 PDSC Chair, in consultation with OPDS and members of the PDSC, may create subcommittees to advise the PDSC. 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 two-thirds vote of the PDSC at any meeting provided the topic is posted as an action item and the proposed language is provided to all members of the PDSC one week prior to the meeting.