

**Members:**

Robert Harris, Chair  
 Susan Mandiberg, Vice Chair  
 Stephanie Engelsman  
 Alton Harvey, Jr.  
 Leslie Kay  
 Philippe Knab  
 Tom Lininger  
 Angel Lopez

**Nonvoting Members:**

Rep. Paul Evans  
 Haley Olson  
 Caitlin Plummer  
 Sen. Floyd Prozanski

**Executive Director:**

Kenneth Sanchagrin

**Oregon Public Defense Commission**

*Meeting will occur virtually via Zoom.\**

*Wednesday, August 19, 2026*

*9:00 AM – approx. 12:00 PM PST*

**Administrative Announcement**

*This is a public meeting, subject to the public meeting law and it will be recorded. Deliberation of issues will only be conducted by Commission members unless permitted by the Chair. Individuals who engage in disruptive behavior that impedes official business will be asked to stop being disruptive or leave the meeting. Additional measures may be taken to have disruptive individuals removed if their continued presence poses a safety risk to the other persons in the room or makes it impossible to continue the meeting.*

# AGENDA

| Approx. Time | Item                                                                                                                                                                                                                                               | Lead(s)         |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 9:00-9:05    | <b>Welcome – Call to Order</b>                                                                                                                                                                                                                     | Chair Harris    |
| 9:05-9:20    | <b>Public Comment</b>                                                                                                                                                                                                                              |                 |
| 9:20-9:45    | <b>Update:</b> Director's Update <ul style="list-style-type: none"> <li>• <a href="#">Unrepresented Persons in Oregon Courts</a></li> <li>• Upcoming Meeting Dates</li> <li>• Financial Case Management System</li> <li>• Other Updates</li> </ul> | Ken Sanchagrin  |
| 9:45-10:15   | <b>Action Item:</b> <a href="#">OPDC Key Performance Measures: 2026 Board Best Practices Survey Briefing and Updates to Standard Questions</a>                                                                                                     | Susan Mandiberg |

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 10:15-12:00              | <p><b>**Executive Session**</b></p> <p><b>The Commission will meet in Executive Session pursuant to:</b></p> <ul style="list-style-type: none"> <li>• ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection; <ul style="list-style-type: none"> <li>○ Under ORS 192.355(1), communication within a public body that is advisory in nature and preliminary to any final agency determination is exempt from public records disclosure</li> </ul> </li> <li>• ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.</li> </ul> <p>At the beginning of the agenda item, Chair Harris will introduce the Executive Session. After the introduction, the Commission will meet privately in Executive Session. At the conclusion of the Executive Session, Commissioners will re-join the public Zoom meeting to adjourn.</p> <p>Representatives of the news media and designated staff shall be allowed to attend the Executive Session. All other participants may not attend. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the Executive Session, except to state the general subject of the session as previously announced. No decision may be made in Executive Session.</p> | Chair Harris |
| 12:00<br>(Approximately) | <b>Adjourn</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |              |

*\*To join the Zoom meeting, click this link: <https://zoom.us/j/99819614665>. This meeting is accessible to persons with disabilities or with additional language service needs. Our Zoom virtual meeting platform is also equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of meetings.*

*Requests for interpreters for the hearing impaired, for other accommodations for persons with disabilities, or for additional interpreter services should be made to [info@opdc.state.or.us](mailto:info@opdc.state.or.us). Please make requests as far in advance as possible, and at least 48 hours in advance of the meeting, to allow us to best meet your needs.*

*Listed times are an estimate, and the Chair may take agenda items out of order and/or adjust times for agenda items as needed.*

*The Commission welcomes public comment. Please [click here](#) to review the guidelines for providing public comment on our website, and [click here](#) to sign up to provide public comment.*

*Next meeting: **September 16, 2026, 9am – 2pm via Zoom**. Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: <https://www.oregon.gov/opdc/commission/Pages/meetings.aspx>.*

Unrepresented Numbers

Statewide, there were 1,070 unrepresented individuals as of July 31, 2026, including adults and juveniles in and out of custody, post-disposition, and non-criminal cases. This is a decrease of 68, or 6.0%, since June 30, 2026. In-custody individuals decreased by 13 in July compared to June.

| Category        | 7/31/25 | 6/30/26 | 7/31/26 |
|-----------------|---------|---------|---------|
| Out-of-Custody  | 2,999   | 940     | 872     |
| In-Custody      | 134     | 97      | 84      |
| Probation Viol. | 194     | 46      | 38      |
| Non-Criminal    | 76      | 55      | 76      |
| Total           | 3,403   | 1,138   | 1,070   |

Caseload Capacity

2025-27 provider contracts started on October 1, 2025. Case counts and MAC utilization for contractors reset as of that date. As the Oregon Trial Division is not on a contract cycle, its data is reported for the full 25-27 biennium. OPDC's real-time OTD data is current as of July 31, while contractors' data is current as of June 30.

| Provider Type               | Total Cases | Monthly Cases | MAC Utilization |
|-----------------------------|-------------|---------------|-----------------|
| Contractors <sup>1</sup>    | 66,897      | 7,761         | 94.4%           |
| Consortia                   | 29,630      | 3,395         | 94.8%           |
| Individuals/Firms           | 11,897      | 1,550         | 100.2%          |
| Non-Profits                 | 25,370      | 2,816         | 91.7%           |
| OPDC Trial Div <sup>2</sup> | 2,596       | 261           | 92.2%           |
| Central Valley              | 970         | 132           | 87.2%           |
| Northwest                   | 557         | 44            | 86.6%           |
| Southern                    | 1069        | 85            | 103.8%          |

<sup>1</sup>OPDC Criminal Contract Data, June 2026

<sup>2</sup>Oregon Trial Division, MAC excludes Chiefs, July 2025-July 2026

Case Assignments

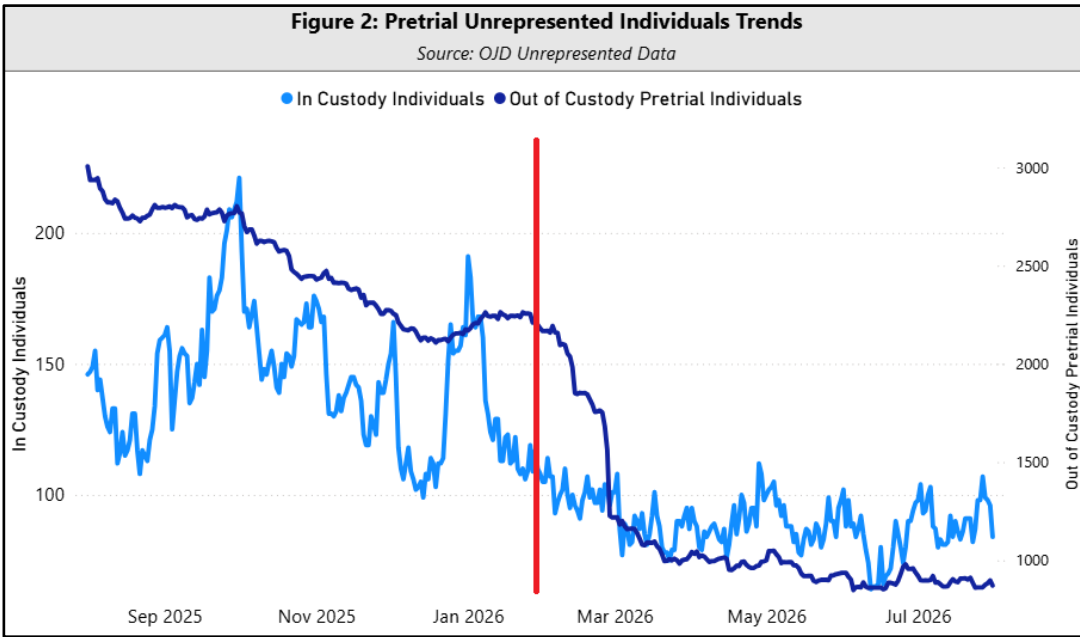
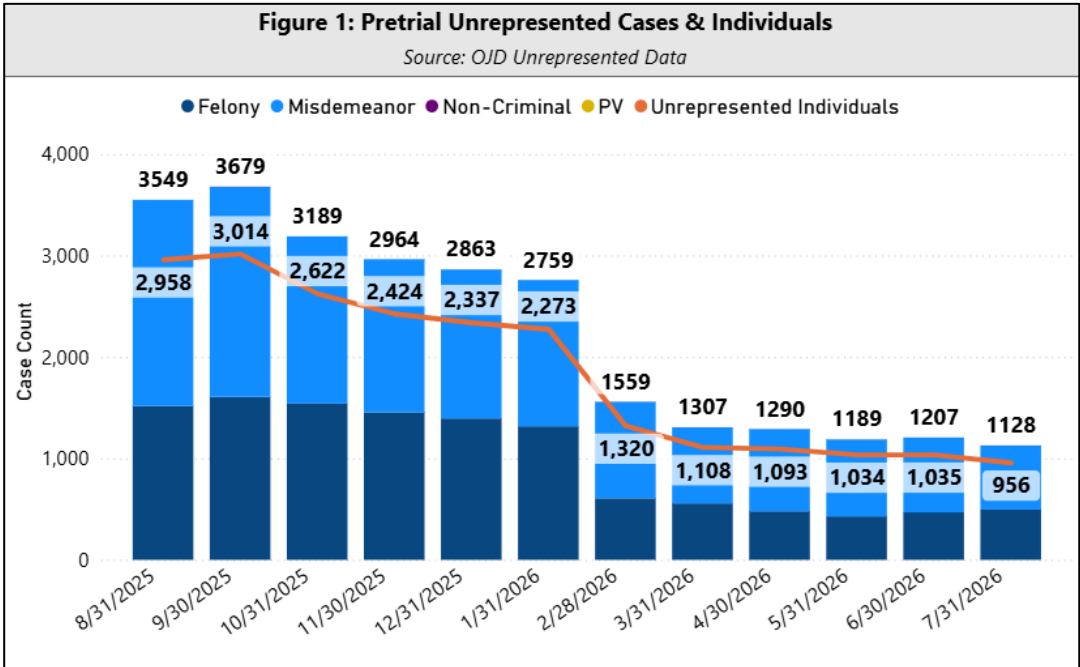
OPDC assignment coordinators identified counsel for 580 unrepresented cases statewide, including 179 cases subject to *Betschart*, in July. Below are case assignments made by OPDC staff for unrepresented cases in July 2026.

| Provider   | June | July | Total Since 7/1/25 |
|------------|------|------|--------------------|
| Contractor | 86   | 149  | 1,403              |
| Hourly     | 374  | 403  | 6,436              |
| OTD        | 55   | 32   | 788                |
| Total      | 513  | 580  | 8,515              |



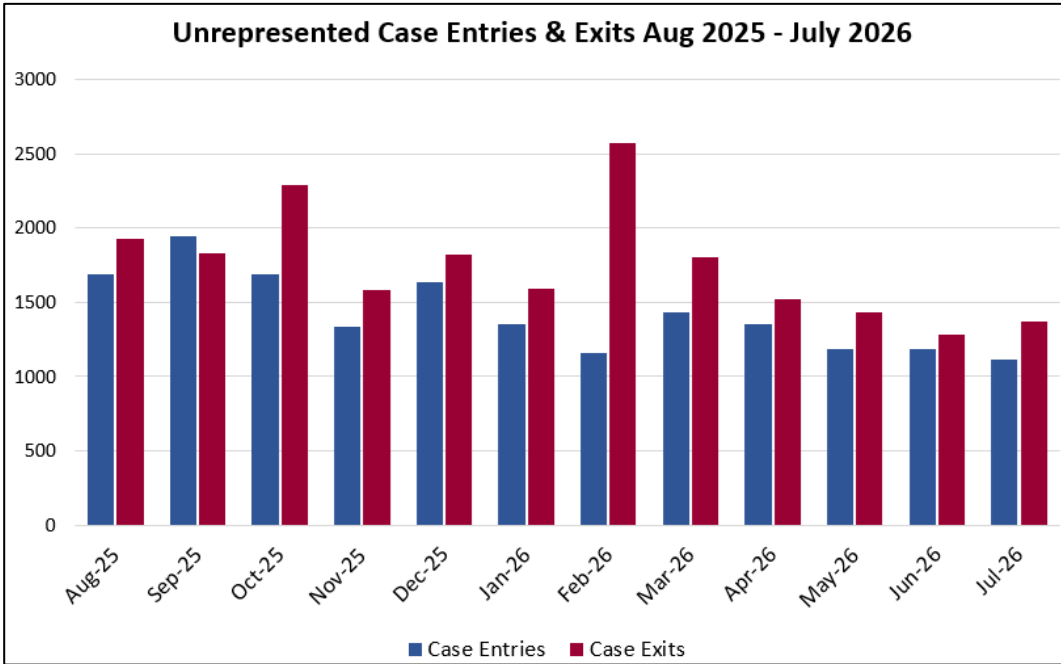
Unrepresented Trends

**Figure 1** shows the number of unrepresented individuals in custody and out of custody over the past 12 months, broken into case categories. **Figure 2** shows the trend line for both in-custody and out-of-custody pretrial individuals over the past 12 months. The red line indicates when the *Roberts* decision was released.



Entries and Exits

In the past 12 months 17,084 cases entered unrepresented status and 21,016 cases exited unrepresented status. Cases can enter and exit unrepresented status multiple times. There have been more exits than entries in 11 of the past 12 months.



# ROBERTS IMPACT

On February 5, 2026, the Oregon Supreme Court ruled in [State v. Roberts](#) that trial courts must dismiss – without prejudice – criminal cases against defendants who have been unrepresented for more than 60 consecutive days in a misdemeanor case and 90 consecutive days in a felony case. Through the end of July, 2,165 unrepresented cases were dismissed statewide due to *Roberts*. Initially, there was a large number of *Roberts* dismissals in February, culminating during the week of February 23. Since the initial wave of *Roberts* dismissals, the number of dismissals has declined and appears to be stabilizing (see Table 1 below).

### Impact on Unrepresented Cases

*Roberts* dismissal data is reported at the case level, not the individual level. As there is no 1:1 relationship between *Roberts* case dismissals and unrepresented individuals, we measure *Roberts* dismissals against case exits for other reasons, such as identifying counsel or other dismissals not related to *Roberts*.

Figure 1 reports cases entering and exiting the unrepresented list between February and July 2026, along with the proportions of those exits attributable to *Roberts*. As shown in Table 1, during that timeframe, 9,979 unrepresented cases exited the unrepresented list, 2,165 of which were due to *Roberts* dismissals, or approximately 22%. Crisis counties saw higher proportions of *Roberts* exits than non-crisis counties, with the highest concentration of *Roberts* dismissals being found in Multnomah County.

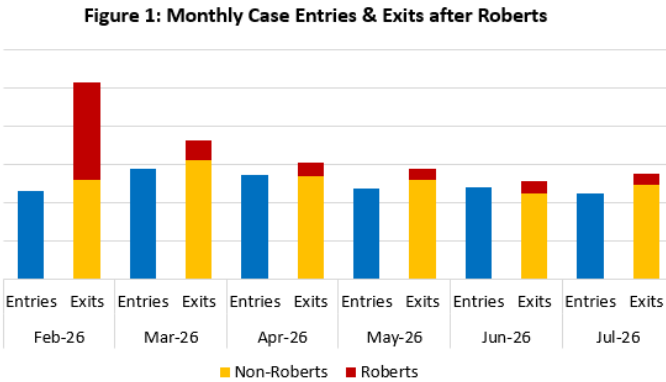


Table 1. Cases Exiting the Unrepresented List between 2/1/26 - 7/31/26

| County     | Total Exits<br>Since 2/01/26 | Monthly Roberts Dismissals |       |       |     |      |      | Total<br>Roberts<br>Dismissals | % of Exits<br>Due to<br>Roberts |
|------------|------------------------------|----------------------------|-------|-------|-----|------|------|--------------------------------|---------------------------------|
|            |                              | Feb                        | March | April | May | June | July |                                |                                 |
| Multnomah  | 2,975                        | 736                        | 128   | 91    | 64  | 115  | 71   | 1,199                          | 40%                             |
| Washington | 2,061                        | 232                        | 81    | 68    | 33  | 10   | 7    | 431                            | 21%                             |
| Jackson    | 1,748                        | 215                        | 36    | 21    | 19  | 16   | 16   | 322                            | 18%                             |
| Douglas    | 1,467                        | 78                         | 17    | 9     | 23  | 26   | 43   | 196                            | 13%                             |
| All others | 1,728                        | 15                         | 0     | 1     | 1   | 0    | 0    | 17                             | 1%                              |
| Total      | 9,979                        | 1,276                      | 262   | 190   | 140 | 167  | 137  | 2,165                          | 22%                             |

Of the dismissed cases, 45% were Misdemeanors, 37% were C Felonies, 10% were probation violations, and 8% were B Felonies. Less than 1% were A Felonies, Unclassified Felonies, or Contempt charges.

### Case Refiles

*Roberts* cases are dismissed without prejudice. Monitoring the number and rate of *Roberts* refiles is important for understanding both the impact of *Roberts* on case outcomes, as well as the impact on public defense workloads going forward. Table 2 reports *Roberts* refiles by case type and the percentage of those refiles that return to the unrepresented list for each crisis county as well as statewide. Of the 2,165 Roberts dismissals, 451 have since been refiled as of the end of July. Of the 451 cases refiled statewide, 15% percent are on the unrepresented list as of July 31, 2026.

Table 2. Roberts Dismissals and Refiles by Case Type

| County     | Total<br>Roberts<br>Dismissals | Total<br>Roberts<br>Refiles | Roberts Refiles by Case Type |       |         |       | % of Roberts<br>Dismissals<br>Refiled | Refiles<br>Unrep. on<br>7/31/26 | % of Refiles<br>Unrep. on<br>7/31/26 |
|------------|--------------------------------|-----------------------------|------------------------------|-------|---------|-------|---------------------------------------|---------------------------------|--------------------------------------|
|            |                                |                             | Misdo                        | C Fel | A/B Fel | Other |                                       |                                 |                                      |
| Multnomah  | 1,199                          | 178                         | 7                            | 126   | 45      | -     | 15%                                   | 23                              | 13%                                  |
| Washington | 431                            | 89                          | 14                           | 61    | 14      | -     | 21%                                   | 0                               | 0%                                   |
| Jackson    | 322                            | 60                          | 44                           | 8     | 5       | 3     | 19%                                   | 8                               | 13%                                  |
| Douglas    | 196                            | 122                         | 91                           | 22    | 4       | 5     | 62%                                   | 35                              | 29%                                  |
| All Others | 17                             | 2                           | 1                            | 1     | -       | -     | 12%                                   | 0                               | 0%                                   |
| Total      | 2,165                          | 451                         | 157                          | 218   | 68      | 8     | 21%                                   | 66                              | 15%                                  |

### Unrepresented Numbers

Between June and July, the number of in-custody individuals decreased by 2, and out-of-custody pretrial individuals decreased by 10, or 6.2%.

| Category        | 7/31/25    | 6/30/26    | 7/31/26    |
|-----------------|------------|------------|------------|
| Out-of-Custody  | 238        | 162        | 152        |
| In-Custody      | 3          | 6          | 4          |
| Probation Viol. | 4          | 9          | 1          |
| Non-Criminal    | 4          | 1          | 0          |
| <b>Total</b>    | <b>249</b> | <b>178</b> | <b>157</b> |

### Providers

Douglas county has four attorneys participating in the Exceed MAC Program. Contractors took 191 cases in June and are currently at 96.6% MAC utilization.

| Provider Type     | MAC Utilization |
|-------------------|-----------------|
| Consortia         | 94.7%           |
| Firms/Individuals | 78.0%           |
| PD                | 103.1%          |
| <b>All</b>        | <b>96.6%</b>    |

### OPDC Actions

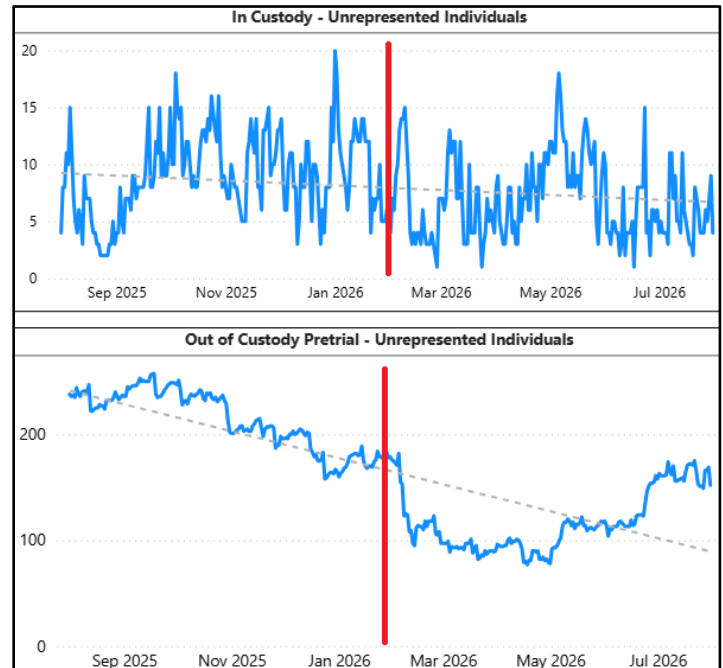
Since July 1, 2025, OTD has taken 54 cases in Douglas County. In July, OPDC assignment coordinators identified counsel for 49 unrepresented cases, including 15 cases subject to *Betschart*.

### Roberts Impact

Douglas County has refiled 62% of the cases dismissed under *Roberts*, which is above the 12-21% refile rate in the other crisis counties. Of the 196 *Roberts* dismissals, 122 have been refiled. 29% of *Roberts* refilings have gone on the unrepresented list as of the end of July, compared to 0-13% in other counties. This is a significant improvement from June 30, when 45% of refiled *Roberts* cases were unrepresented.

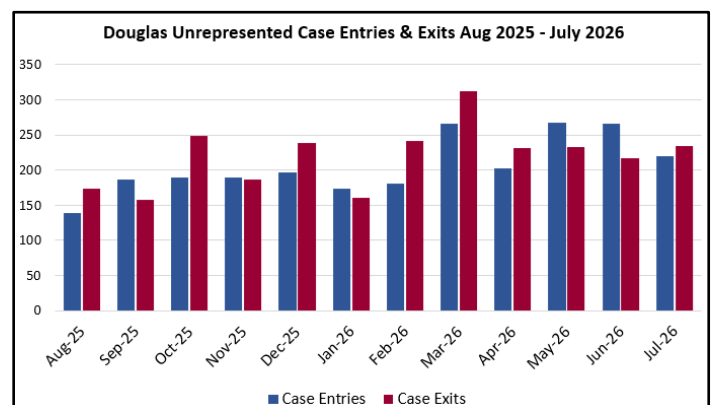
### Unrepresented Trend Lines

The total number of unrepresented individuals is down by 36.9% compared to July 31, 2025. The red line indicates the date the *Roberts* decision was released.



### Entries and Exits

In the past 12 months in Douglas County, 2,476 cases entered unrepresented status, and 2,632 cases exited unrepresented status. The county has seen more exits than entries in 7 of the past 12 months.



### Unrepresented Numbers

Between June and July, the number of in-custody individuals decreased by 1, and out-of-custody pretrial individuals increased by 21, or 13.8%.

| Category        | 7/31/25    | 6/30/26    | 7/31/26    |
|-----------------|------------|------------|------------|
| Out-of-Custody  | 488        | 152        | 173        |
| In-Custody      | 13         | 11         | 10         |
| Probation Viol. | 61         | 24         | 21         |
| Non-Criminal    | 8          | 14         | 9          |
| <b>Total</b>    | <b>570</b> | <b>201</b> | <b>213</b> |

### Providers

Jackson County has nine attorneys participating in the Exceed MAC Program. Contractors took 296 cases in June and are at 99.4% MAC utilization.

| Provider Type     | MAC Utilization |
|-------------------|-----------------|
| Consortia         | 100.9%          |
| Firms/Individuals | 104.6%          |
| PD                | 96.6%           |
| <b>All</b>        | <b>99.4%</b>    |

### Oregon Trial Division

Since July 1, 2025, OTD has taken 949 cases in Jackson County. For the month of July 2026, the OTD Southern regional office took 68 cases in the county.

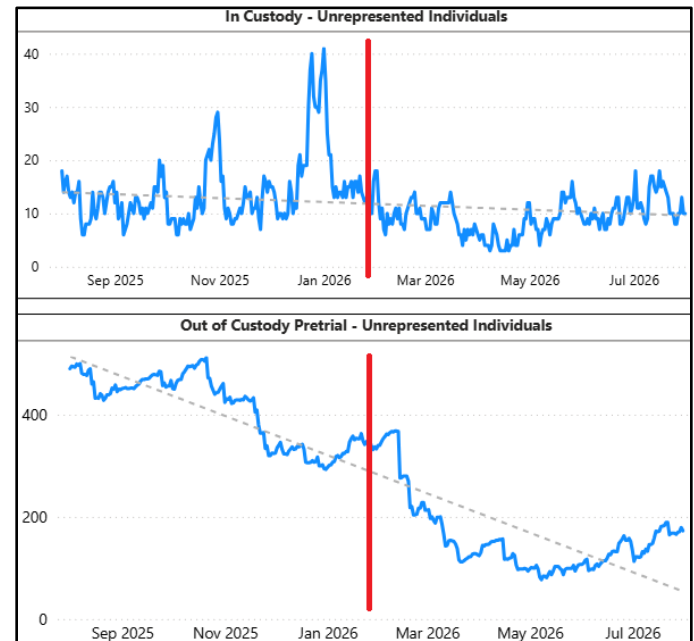
### Case Assignments

In July, OPDC assignment coordinators identified counsel for 34 unrepresented cases, including 11 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC.

| Provider Type | June      | July      | Total Since 7/1/25 |
|---------------|-----------|-----------|--------------------|
| Contractor    | 5         | 10        | 139                |
| Hourly        | 12        | 12        | 287                |
| OTD           | 3         | 12        | 90                 |
| <b>Total</b>  | <b>20</b> | <b>34</b> | <b>509</b>         |

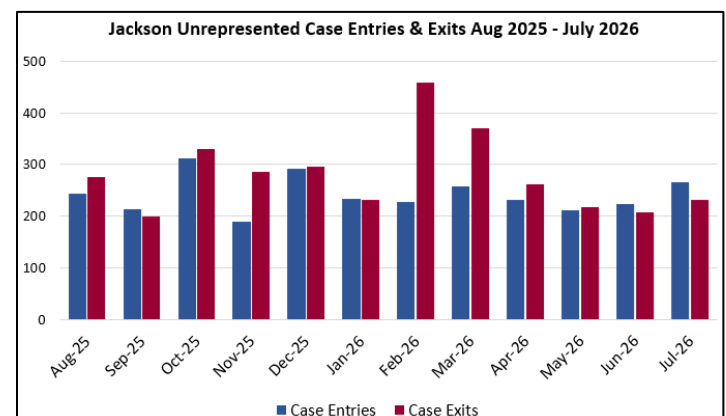
### Unrepresented Trend Lines

The total number of unrepresented individuals is down by 63% compared to July 31, 2025. The red line indicates the date the *Roberts* decision was released.



### Entries and Exits

In the past 12 months in Jackson County, 2,901 cases entered unrepresented status, and 3,365 cases exited unrepresented status. The county has seen more exits than entries in 8 of the past 12 months.





Unrepresented Numbers

Between June and July, the number of in-custody individuals increased by 3, and out-of-custody pretrial individuals decreased by 67, or 14.9%.

| Category        | 7/31/25 | 6/30/26 | 7/31/26 |
|-----------------|---------|---------|---------|
| Out-of-Custody  | 1,199   | 451     | 384     |
| In-Custody      | 56      | 52      | 55      |
| Probation Viol. | 18      | 11      | 11      |
| Non-Criminal    | 2       | -       | -       |
| Total           | 1,275   | 514     | 450     |

Providers

Multnomah County has two attorneys participating in the Exceed MAC Program. Contractors took 936 cases in June and are at 90.5% MAC utilization.

| Provider Type | MAC Utilization |
|---------------|-----------------|
| Consortia     | 85.5%           |
| DRO           | 72.6%           |
| MPD           | 95.3%           |
| MDI           | 88.4%           |
| All           | 90.5%           |

Oregon Trial Division

Since July 1, 2025, OTD has taken 729 cases in Multnomah County.

| Region    | June | July | Total Since 7/1/25 |
|-----------|------|------|--------------------|
| Central   | 51   | 76   | 304                |
| Northwest | 49   | 39   | 425                |
| Total     | 100  | 115  | 729                |

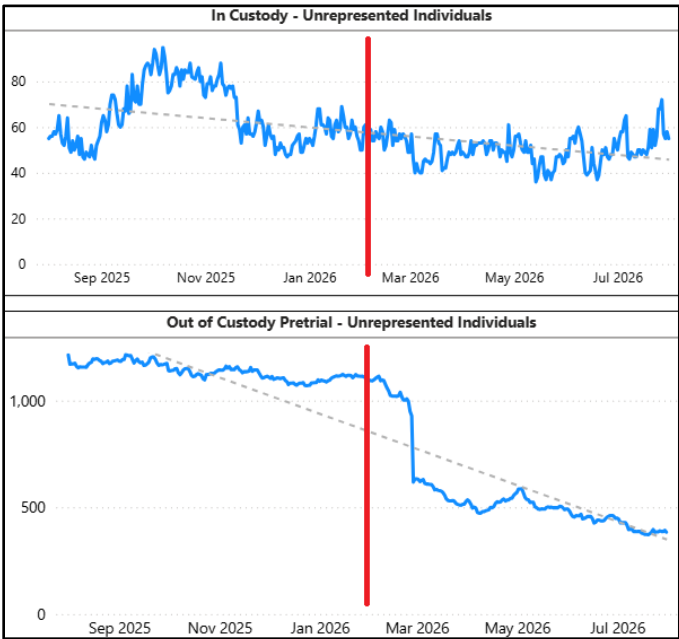
Case Assignments

In July, OPDC assignment coordinators identified counsel for 216 unrepresented cases, including 94 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in July.

| Provider Type | June | July | Total Since 7/1/25 |
|---------------|------|------|--------------------|
| Contractor    | 5    | 15   | 127                |
| Hourly        | 141  | 194  | 1,401              |
| OTD           | 16   | 7    | 242                |
| Total         | 162  | 216  | 1,754              |

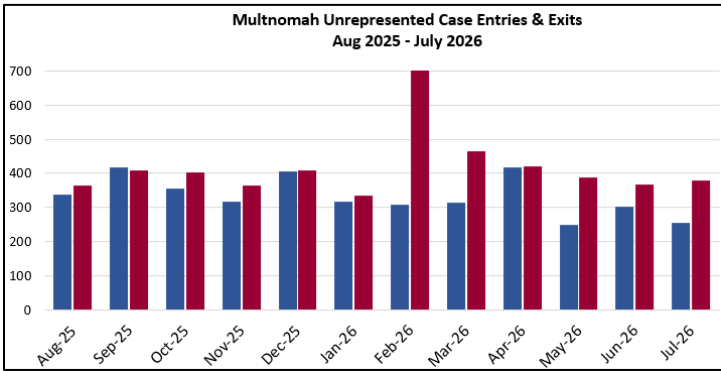
Unrepresented Trend Lines

The total number of unrepresented individuals is down 64.7% compared to July 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Multnomah County, 3,994 cases entered unrepresented status, and 5,258 cases exited unrepresented status. The county has seen more exits than entries in 11 of the past 12 months.



Unrepresented Numbers

Between June and July, the number of in-custody individuals decreased by 7, and out-of-custody pretrial individuals decreased by 4, or 2.6%.

| Category        | 7/31/25 | 6/30/26 | 7/31/26 |
|-----------------|---------|---------|---------|
| Out-of-Custody  | 547     | 155     | 151     |
| In-Custody      | 25      | 18      | 11      |
| Probation Viol. | 22      | 2       | 4       |
| Non-Criminal    | 2       | 1       | 0       |
| Total           | 596     | 176     | 166     |

Providers

Washington County has seven attorneys participating in the Exceed MAC Program. Contractors took 1,299 cases in June and are at 104.5% MAC utilization.

| Provider Type     | MAC Utilization |
|-------------------|-----------------|
| Consortia         | 113.5%          |
| Firms/Individuals | 108.8%          |
| PD                | 99.0%           |
| All               | 104.5%          |

Oregon Trial Division

Since July 1, 2025, OTD has taken 152 cases in Washington County.

| Region    | June | July | Total Since 7/1/25 |
|-----------|------|------|--------------------|
| Central   | 10   | 3    | 54                 |
| Northwest | 5    | 5    | 98                 |
| Total     | 15   | 8    | 152                |

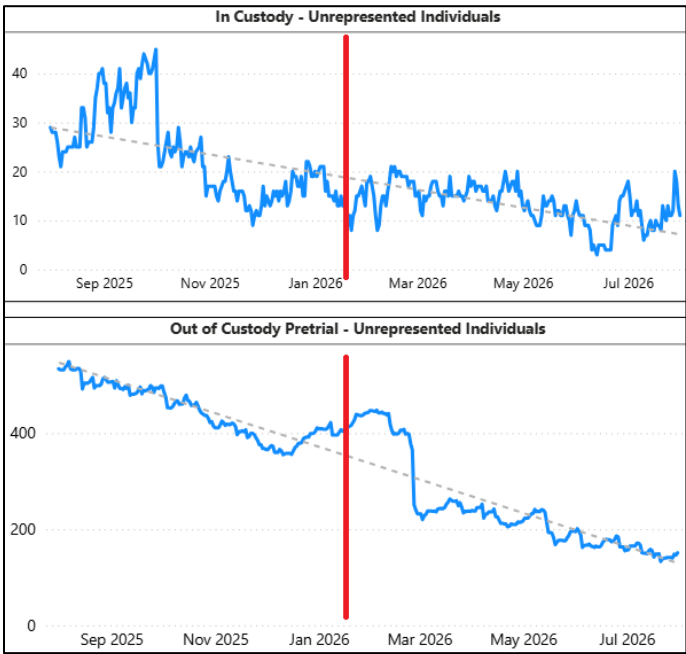
Case Assignments

In July, OPDC assignment coordinators identified counsel for 143 unrepresented cases, including 40 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in July.

| Provider Type | June | July | Total Since 7/1/25 |
|---------------|------|------|--------------------|
| Contractor    | 15   | 37   | 193                |
| Hourly        | 105  | 106  | 1,224              |
| OTD           | 17   | 0    | 123                |
| Total         | 137  | 143  | 1,527              |

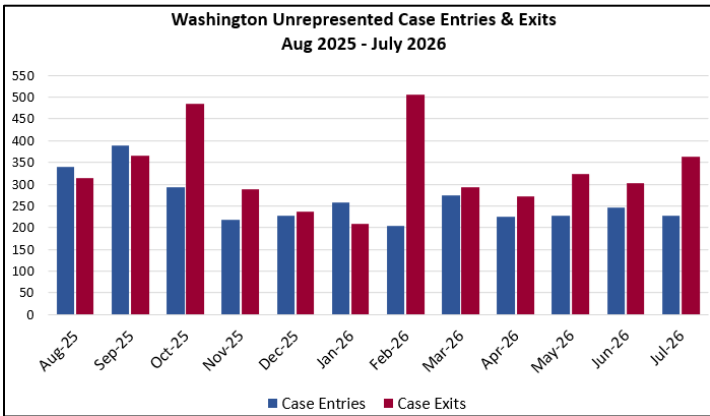
Unrepresented Trend Lines

The total number of unrepresented individuals is down 72.1% compared to July 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Washington County, 3,127 cases entered unrepresented status, and 3,960 cases exited unrepresented status. The county has seen more exits than entries in 9 of the past 12 months.







**Date:** August 19, 2026

**To:** Rob Harris, Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Susan Mandiberg, Chair of the OPDC Governance, Policy, and Standards Subcommittee  
Mara Hoaglin, Executive Assistant to the Commission

**Re:** OPDC Key Performance Measures: 2026 Board Best Practices Survey Briefing and Updates to Standard Questions

**Nature of Presentation:** Briefing and Action Item

**Background:**

The Oregon Public Defense Commission (OPDC) is required to submit a report on our progress in meeting Key Performance Measures (KPMs) to the Department of Administrative Services (DAS) and the Legislative Fiscal Office (LFO) each year by October 1 as part of our budget process (ORS 291.110(1)(g)).

One of OPDC's required KPMs is the completion of an annual Board Best Practices Survey. This requirement originated during the 2005-07 biennium, when DAS and the LFO were given a joint budget note asking them to develop best management practices performance measures to be applied to governance boards and commissions. A recommendation was submitted to and approved by the Joint Legislative Audit Committee (JLAC) in July, 2006. In 2007-09 the Legislature added it to all governing Boards and Commissions.

The approved measure is "percent of total best practices met by the board." The measure is calculated as the percent of "yes" responses provided in a self-assessment of best practices. The 15 best practices that are used to create the self-assessment are listed below. Applicable boards/commissions are directed to conduct annual self-evaluations to gather information to report on the measure.

For OPDC, the annual Board Best Practices Survey fulfills this requirement while also providing Commissioners an opportunity to reflect on the Board's accomplishments and progress toward goals as an oversight body. The survey also gives Commissioners an open forum to provide constructive feedback on Board governance, processes, and agency operations to support continuous improvement.

We have recently learned that we can make changes internally to the default 15 performance measures as needed to better align with our agency's operations and priorities. At this time, we propose updating two measures to better reflect how OPDC operates. We anticipate being able to discuss other possible changes at more leisure prior to next year's survey.

The two proposed language updates are listed below, along with the rest of the standard questions that will be sent out on a survey for Commissioners to complete. Based on a review of statutes, past OPDC Commission meetings, and other public records we have added contextual information to each question to hopefully make the process of filling out the questionnaire straightforward.

### **Board Best Practices Standard Survey Questions (with context and examples)**

#### **1. Executive Director's performance expectations are current.**

- **Suggested language update:**

**Executive Director's statutory performance expectations are current.**

- The Executive Director's performance expectations are set forth in statute ORS 151.219, made effective on July 1, 2025.

#### **2. Executive Director receives annual performance feedback.**

- **Suggested language update:**

**Executive Director receives a biennial performance review.**

- The Department of Enterprise Services (DAS) completes the Executive Director performance review biennially. Director Sanchagrin will receive his next review in Spring 2027. During this review process, DAS will send survey questionnaires to each Commissioner so they will have the opportunity to provide feedback on the Executive Director's performance.

#### **3. The agency's mission and high-level goals are current and applicable.**

- The Board approved the OPDC 2025-2031 Strategic Plan in February 2025 that established the current agency mission statement:

*Our mission is to continually enhance the statewide public defense system to deliver highly skilled, independent, timely, and client-focused representation to eligible persons.*

- The agency is in the process of updating its Key Performance Measures with the Legislature to align them with current agency and state priorities.

#### **4. The board reviews the Annual Performance Progress Report.**

- This is the formal name for the Agency Key Performance Measure (KPM) report. The Board reviews the report every year after results have been finalized and compiled. The Board reviewed the 2025 KPM results at its September 17<sup>th</sup> meeting.

**5. The board is appropriately involved in review of agency's key communications.**

- The Board has reviewed and approved key agency documents – the agency's biennial budget proposal, Emergency Board submissions, requests for proposals, rule and policy changes.
- Most recently, in June 2026 the Board reviewed and approved three draft rules, including one to open the official OPDC Rulemaking process. In July 2026 the Board reviewed the OPDC Status Report II.

**6. The board is appropriately involved in policy-making activities.**

- The Board is the policy making body for the agency. [ORS 151.216](#) outlines the specific policies the Board is directed to adopt and maintain.
- The strategic plan establishes the goals and strategies the agency follows in pursuing its mission. The Board updated and approved this document in February 2025.

**7. The agency's policy option packages are aligned with their mission and goals.**

- OPDC's mission is to continually enhance the statewide public defense system to deliver highly skilled, independent, timely, and client-focused representation to eligible persons. All of the agency's policy option packages have been directed at achieving that mission.
- After being briefed, the Board discussed current Policy Option Packages for 2026 at the March 5<sup>th</sup> Workgroup meeting, the March 18<sup>th</sup> Commission meeting, the April 2<sup>nd</sup> Workgroup meeting, and the April 15<sup>th</sup> Commission meeting.
- An overview of the Policy Option Packages that were discussed at length can be found in the [April 15<sup>th</sup>, 2026 Commission Meeting Materials](#) starting on page 26.

**8. The board reviews all proposed budgets (likely occurs every other year).**

- Commissioners reviewed and approved the [OPDC Agency Request Budget for 2025-2027](#) on August 21, 2024. They will review the next budget request for 2027-2029 in summer 2026.
- A summary memo of the OPDC Budget Process can be found in the meeting materials for [the March 5<sup>th</sup>, 2026 Workgroup Meeting](#) starting on page 3.
- On October 15, 2025, Commissioners were briefed on the requirement for OPDC (and all other state agencies) to submit a 5% budget reduction proposal to Joint Ways & Means for the 2025-27 Legislatively Adopted Budget.

**9. The board periodically reviews key financial information and audit findings.**

- Throughout the course of the year the Board receives periodic updates on budget developments and the agency's expenditure of funds during Commission meetings.

- All audit findings are presented to Commissioners upon completion. Most recently, a Pre-Authorized Expense and Accounts Payable Audit Report was shared with Commissioners on January 5, 2026.

**10. The board is appropriately accounting for resources.**

- The Board approves a budget proposal for the agency that is then presented to and adopted by the Legislative Assembly.
- Funds are expended in accordance with budget requirements and in some biennia, interim reports are prepared for the Emergency Board and the Interim Ways and Means Committee. Copies of these documents are provided to Commissioners.
- During the course of the biennium, OPDC management periodically reports to the Board regarding use of budgeted funds.

**11. The agency adheres to accounting rules and other relevant financial controls.**

- The agency has been awarded the State Controller's Gold Star Certificate for achieving statewide accounting goals and excellence in financial reporting for each fiscal year since the agency was created. The agency is currently engaging in the yearly Secretary of State Audit that occurs as part of this consideration process.

**12. Board members act in accordance with their roles as public representatives.**

- The Board meets every month for both a formal meeting and an informal workgroup. There are also two subcommittees, one that currently meets monthly and one for which a meeting cadence is still being established.
- The consistent attendance and involvement in Board business demonstrated by Commissioners shows their strong commitment to public service.
- Both virtual and in-person meetings provide the public with opportunities to view and voice their opinions, suggestions, and concerns directly to Commissioners. At least once a year the Board also welcomes feedback and open dialogue with contractors during a Commission meeting.
- Commissioners are careful in distinguishing their roles within the Board and keeping them separate from their external roles.

**13. The board coordinates with others where responsibilities and interests overlap.**

- The Board receives input from members of the judicial branch by inviting trial court judges to report to the Board and discuss the situations in their counties.
- The Board also receives reports, discusses, and provides suggestions concerning Agency coordination with the Oregon Judicial Department, the Department of Justice, Oregon Legislature, and prosecutors.

**14. Board members identify and attend appropriate training sessions.**

- Commissioners are required to complete annual online training courses through Workday.

- In November 2025, Commissioners attended two live trainings during their monthly meeting:
  - i. Annual Information Security Training from the Department of Enterprise Services - Enterprise Information Services Division
  - ii. Commission Governance Structure, Roles and Responsibilities Training from the Department of Justice
- In December 2025 during the annual in-person meeting in Portland, Commissioners attended a live training regarding Public Meetings Law from the Department of Justice.

**15. The board reviews its management practices to ensure best practices are utilized.**

- This annual self-assessment is completed by Commissioners each year and the survey results are reviewed and discussed during a subsequent Commission meeting. Commissioners take this opportunity to suggest improvements in Board governance and operations.

**Next Steps**

If the proposed language updates to questions 1 and 2 are approved by the Board, OPDC staff will prepare and send out the Board Annual Best Practices Survey to all Commissioners within a few business days after the August Commission meeting. Commissioners will be asked to complete the survey within a timely manner so a report of results can be compiled and submitted to OPDC staff that are preparing the full agency KPM report for DAS and the LFO. The results will also be shared with the Board at the September Commission meeting.

**Governance Subcommittee Recommendation:**

The Governance Subcommittee members were unanimously in favor of changing questions 1 and 2 above and so bring them to the Board for adoption.

**Fiscal Impact:**

None.

**Governance Subcommittee Proposed Motion:**

The Governance Subcommittee recommends the Board approve the proposed language updates listed above, effective immediately, to be used on the upcoming Board Annual Self-Assessment Survey.