



BYLAWS

Renewable Fuel Standard Technical Advisory Committee

I. Body created on July 31, 2023, by Council Ordinance 191100

A. Purpose

The Renewable Fuel Standard Technical Advisory Committee (RFS TAC) was established on July 31, 2023, to advise on technical and economic issues related to the renewable fuel supply as well as meeting fuel requirements. It will meet quarterly, or as needed, through 2030. The RFS TAC will issue a report to the BPS Director regarding renewable fuel market conditions, including an assessment of supply availability and costs by:

- October 15, 2025, seven months in advance of the May 15, 2026, effective date for the 50% blending requirement.
- October 15, 2029, seven months in advance of the May 15, 2030, effective date for the 99% blending requirement.

Sponsor Bureau – Bureau of Planning and Sustainability

B. Staff/Bureau liaison- Pam Neild, RFS Program Manager, BPS Climate Team

C. Advise to Bureau Director

II. City Role

The Bureau will provide a staff person to assist with technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the Body. The Bureau will also provide public notice of all meetings, post materials to a webpage, and prepare meeting summaries that outline the issues discussed, the areas in which there is agreement, and any remaining issues on which agreement was not reached.

III. Frequency of Meetings

The Body shall meet at least four times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with the operating procedures specified herein.

IV. Membership and Term

Members of advisory bodies are public officials. They must become familiar with rules and responsibilities described at the [“Oregon Government Ethics Law - A Guide for Public Officials”](#) (Oregon Government Ethics

Commission). Must be a specific number. Must be a specific number.

A. Total membership seven seats

First term is 7 seats from July 31, 2023 – December 31, 2025.

Second term is 7 seats from January 1, 2026 – December 31, 2029.

B. Terms All terms begin/end at the same time.

C. Term Limits

- Members may serve any number of terms not to exceed **eight years of total consecutive service**. Completion of an unexpired term does not apply toward the eight-year cumulative.

- At the completion of each term, regardless of term length, incumbents are required to complete notice of intent to continue to serve and discuss mutual benefits of continuing on the Body with the designated bureau staff liaison.

Members may not have alternates and all serving members are selected and appointed to full terms. Whether a seat is filled for the remainder of the vacated term or anew will be determined by the appointing entity. If there are vacancies, including if a position becomes vacated during a term, normal recruitment processes should follow. The process includes recruitment applications, vetting and selecting members, and appointment by the Elected-in-Charge (for bodies advising Council) or bureau director (for bodies advising a bureau program or bureau director).

D. Quorum

- Simple majority: 50% plus 1 or greater number of seats.

Advisory bodies advising an individual rather than Council are not required to have a quorum to deliberate. These bodies may use alternative means to arrive at recommendations.

E. Voting

- Majority of seats per ORS 174.130

A quorum shall be necessary of voting members to make decisions that represent the position of the Body and to fulfill any other responsibilities. Proxy/absentee voting is not allowed.

Advisory bodies advising an individual rather than Council are not required to administer a formal vote to make recommendations.

V. General Operating Procedures

A. Disclosure of Conflicts of Interest [or other connection]

- Conflicts of Interest. Members of the Renewable Fuel Standard Technical Advisory Committee may be met with conflicts of interest when participating in the Committee's creation and submission of recommendations to the BPS Director. Since the BPS Director is not obligated to accept or enact the recommendations through any subsequent action, the members of the

Committee could be met with potential conflicts of interest but not actual conflicts of interest. An actual conflict of interest would not occur because there would be no certain or specific financial impact from a non-binding recommendation. When any member of the Committee is met with a potential conflict of interest, ORS 244.120(2)(a) requires that the nature of the potential conflict of interest be publicly disclosed. Once the disclosure has been entered into the public record, the Committee member may participate in any subsequent discussion and vote on the issue giving rise to the conflict of interest. Each time a Committee member is met with a conflict of interest this disclosure must be made, but only one time on each occasion.

- Use of Office. Committee members may not use their membership to gain personal financial benefits or financial benefits for a relative or a business with which either are associated. ORS 244.040(1) prohibits such use of office and applies regardless of a Committee member's compliance with the conflict of interest statute.
- Prior to each meeting, the staff liaison shall read the following statement: "Members of the Renewable Fuel Standard Technical Advisory Committee include representatives of fuel producers and suppliers who may have a potential conflict of interest when participating in the Committee's creation and submission of recommendations to the BPS Director. If you have a potential conflict of interest, please state your name and the business with which you are associated. After disclosure, Committee members with a potential conflict of interest may participate in any subsequent discussion and vote on the issue giving rise to the potential conflict of interest."
- **Meetings will be conducted to foster collaborative decision-making using either:**
- Robert's Rules of Order culminating in a majority vote;
- Consensus Decision Making (including Modified Consensus Decision Making). This option still requires a quorum and a final vote. For example, if there are no vetoes, all voting members' names are listed as "yay", and abstentions are also noted.

B. Anti-Trust. The committee and its members are not to engage in any anti-competitive behavior. To avoid even the appearance of anti-competitive conduct, the committee and its members shall not discuss or agree upon the following topics:

- Past, present, or future prices specific to any one producer, distributor or retailer of diesel fuel
- Terms of sale, including credit terms, allowances, discounts, and rebates.
- Revenue, costs, pricing methods, profits, margins, market share or other information regarding competitive performance.
- Allocating markets, customers, territories, or products with competitors.
- Business, sales, advertising, marketing or promotional plans or strategies.
- Expansion or retraction plans.
- Limiting production or output levels.
- Whether or not to do business with another company.
- Concerns about the market behavior or business activities of a competitor.
- Allocate or fix forthcoming bids or RFPs.
- Agreements not to compete in any fashion, including in the hiring or poaching of employees.
- Any other competitively sensitive information concerning your own company or a competitor company.

C. Scope.

Per City of Portland Ordinance No.189820, the RFS TAC is set up to advise the Bureau Director on implementation of Portland City Code Chapter 16.60.

VI. Removal of Members and Resignations

- A. All members serve at the pleasure Bureau Director and may be asked to resign or be removed at the Director’s discretion at any time unless authority (for instance, Code, statute, etc.) exists requiring a different process.

- B. Any member who does not give notice that they intend to be absent from a scheduled meeting for more than 25 percent of the meetings in any 12 months of the service will be removed by the Bureau Director.

- C. Process for removal
 - For unexcused absences: Bureau liaison keeps attendance and informs Bureau Director of absences, who in turn informs the member in writing that they have been removed as a member of the Body.

 - By Elected-in-Charge: Elected informs the member in writing that they have been removed as a member of the Body.

D. Resignation process

Members are expected to make a good faith effort to complete their term. In cases where this is not possible, members are expected to provide notice to the City staff liaison in writing (preferred) or verbally. Members are encouraged to complete the Resignation Form and submit to City staff liaison.

VII. Officers and Subcommittees

The presiding officers of the Body may consist of positions in sequential presiding order.

- Chairperson (Chair)
- Vice-chairperson(s) (Vice-Chair)

and will act as designated leadership appointed by:

- Bureau Director.

The designated leadership shall be responsible for conducting the meetings and will be voting members of the advisory body. A presiding officer will be designated at all times. The designated leadership may look to staff liaison to facilitate meetings.

The designated leadership will encourage full and safe participation by representatives in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Body’s operating procedures. The Chair and the Bureau staff liaison will also serve as liaison between the members of the Body and the City. In consultation with the facilitator (if there is one) and staff liaison, the designated leadership will develop meeting agendas, establish subcommittees if needed, and ensure an efficient advisory process.

The Body may divide its members into subcommittees authorized to act on behalf of the full Body for an assigned purpose.

While subcommittees may engage non-members, only members may vote to approve reports and recommendations to be forwarded to the full Body. When voting, the quorum for subcommittee members is the simple majority of the subcommittee (50% plus 1 or greater number of seats).

VIII. Facilitator Role (optional)

The City may contract with an independent and neutral third party whose role is to facilitate meetings, help develop recommendations, and produce approved reports. The Facilitator will not act as an advocate on any issue, any interest group, or any member of the Body.

Specific facilitators' responsibilities are determined by the needs of the Bureau and advisory board, but may include:

- Ensure a welcoming meeting environment where all members can participate.
- Ensure a safe environment for minority opinions.
- Conduct meetings in a manner to foster collaborative decision-making and consensus building.

IX. Communications

A. Members agree that transparency is essential to all deliberations. In that regard:

Advisory body members are required to notify City staff liaison of verbal communications with interest groups and all communications with media that pertains to the business of the RFS TAC. Members are required to copy the City staff liaison and, when appropriate, the Facilitator on all written communications from/to interest groups (other than a group specifically represented by a member) commenting on the Body's deliberations. These communications will be included in the public record as detailed below and copied to the Chair and/or full Body as appropriate.

B. On rare occasions, some advisory bodies may ask or be asked to write position letters to external groups or governments in support or opposition of policy issues that are relevant to the purpose and scope of the Body. This is accomplished by first proposing the position to the Staff Liaison to the advisory body. The Staff Liaison, in partnership with bureau leadership must approve the position before the letter has been drafted. The Staff Liaison and/or bureau leadership must work with the Office of Government Relations if the external communication is with a state, federal or tribal government. This process is required in accordance with Administrative Rule 3.01, which establishes the Office of Government Relations as the central coordinating body for this external intergovernmental outreach.

X. Public Meetings and Records

Meetings of the full body and subcommittee meetings are open to the public. The Bureau liaison will provide notice to the public regarding the dates, times, and locations of all meetings:

- Regular meetings:
 - Best practices: at least one week,
 - Minimum requirement: at least 48 hours,
- Special meetings: at least 24 hours.

Per ORS 192.670(1), advisory body members can participate through telephonic conference calls. Requests for

any other electronic communication means require approval from the Bureau liaison with City Attorney consultation. All records of the Body, including formal documents, discussion drafts, meeting summaries, and exhibits are public records. Communications among members related to the subject matter of this Body should not be treated as confidential and may be subject to public records requests. "Communications" refers to all statements and votes made during meetings, memoranda, work projects, records, documents, text messages, pictures, or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal notes of individual members taken at public meetings might be considered to be public record to the extent they "relate to the conduct of the public's business," (ORS 192.410(4)). Members are not allowed to deliberate towards a decision over e-mail, as public participation needs to be guaranteed through that process.

XI. Amendment of Bylaws

The Body may vote to recommend to the Elected-in-Charge (or the Bureau Director, in the case of Type III advisory bodies) amendment or repeal of these Bylaws. The Bureau may also recommend changes to the Elected-in-Charge (or the Bureau Director). The Elected-in-Charge (or the Bureau Director) must sign off on original bylaws and any amendments to the bylaws. Members have no authority to amend bylaws without approval.

Original Bylaws Created by: Pam Neal, Program Coordinator II, on 11/9/23.
(name/title) (date)

Approved by: [Signature], on 11/14/2023.
(Bureau Director) (date approved)

Amended: _____, on _____.
(name, title) (date amended)

Approved by: _____, on _____.
(Elected/Bureau Director) (date approved)

Amended: _____, on _____.
(name, title) (date amended)

Approved by: _____, on _____.
(Elected/Bureau Director) (date approved)