



## BYLAWS FOR CITY ADVISORY BODY

### Open and Accountable Elections Commission ("Body")

#### I. Body created on December 16, 2016 by

- ☒ Portland City Code: 2.16 Open and Accountable Elections Program
- ☐ Council Resolution \_\_\_\_\_
- ☐ Council Ordinance \_\_\_\_\_
- ☐ Bureau \_\_\_\_\_; by whom \_\_\_\_\_
- ☐ Other \_\_\_\_\_

#### A. Purpose

The Open and Accountable Elections Commission is a perpetual body that exists to assist the Director of Open and Accountable Elections in the implementation and review of the Open and Accountable Elections program, report to the Council on solvency of the Open and Accountable Elections Fund after each election cycle, and make recommendations to the City Council on amendments to the Open and Accountable Elections code to improve the program.

#### B. Sponsor at the time of adoption: Commissioner Fritz

#### C. Sponsor liaison/title: Susan Mottet, Director, Open and Accountable Elections ("Director")

#### II. City Role

The Director will provide a staff person to assist with technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the Commission. The Director 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

#### A. Total membership: 9 seats

First terms: 4 seats from January 30, 2019 to April 30, 2021; 5 seats from January 30, 2019 to April 30, 2023.

After first terms: 9 seats for 4 years starting at end of initial appointees' terms.

#### B. Terms

☒ Staggered

☐ All terms begin/end at the same time

#### C. Term Limits

1. Members may serve any number of terms not to exceed 8 years of total consecutive service. Completion of an unexpired term does not apply toward the eight-year cumulative, nor does the initial two-year term of four Commissioners.

2. Members must reapply to continue services upon the completion of 2 terms, if two terms total less than eight years.

3. At the completion of each term, regardless of term length, incumbents are required to discuss the mutual benefits of continuing on the body with the Commissioner-in-Charge.

4. Members interested in continuing service beyond eight years must sit out for 2 years before applying and potentially returning to a seat on the same advisory body.

#### D. Quorum

☐ 50% of seats plus 1

☒ Five, per the authority of 2.16 Open and Accountable Elections law

#### E. Voting

☒ Majority of seats per ORS 174.130

☐ Majority of quorum present per the authority of \_\_\_\_\_[other law]

A quorum shall be necessary of voting members to make decisions that represent the position of the Body and to fulfill any other responsibilities.

Members may not have alternates. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Director of Open and Accountable Elections and Elected-in-Charge subject to Council approval.

## **V. General Operating Procedures**

### **A. Disclosure of Conflicts of Interest or other connection**

- A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
- The announcement needs to be made on each occasion when the public official is met with the conflict of interest. Each time a public official is met with a conflict of interest the nature must be disclosed.
- For example, an appointed member of the Commission would have to make the public announcement one time when met with the conflict of interest, but only one time in each meeting of the Commission. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.

### **B. Meetings will be conducted to foster collaborative decision-making using Robert's Rules of Order culminating in a majority vote.**

## **VI. Removal of Members**

- A. All members serve at the discretion of the Elected-in-Charge<sup>1</sup> of the program and may be asked to resign or be removed at the Elected-in-Charge's discretion at any time unless authority exists requiring a different process.
- B. Any member who is absent from a scheduled meeting three times or for more than 50 percent of the meetings in any year (counted from beginning of term) may be removed by the Director.

## **VII. Officers and Committees**

The officers of the Body may consist of a Chairperson (Chair) and a Vice-chairperson (Vice-Chair) appointed by:

☐ Elected-in-Charge   ☐ Bureau Director   ☒ Majority vote of members

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<sup>1</sup> For Category III advisory boards, members may be asked to resign or be removed by the Director.

The Chair shall be responsible for conducting the meetings of the Body. The Vice-Chair shall act as Chair when the Chair is not available. The Chair and Vice-Chair will be active and voting members. Director's liaison may serve as Chair in the absence of the Chair and Vice-Chair, but shall not have a vote on any matters.

The Chair 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 will also serve as liaison between the members of the Body and the City. In consultation with the Facilitator (if there is one) and Director's liaison, the Chair will develop meeting agendas, establish committees if needed, and ensure an efficient advisory process.

The Body may divide its members into committees authorized to act on behalf of the full Body for an assigned purpose. Committee membership will be determined by the Chair. Committee meetings are also subject to Oregon Public Meetings Law and must abide by quorum requirements when voting. While Committees may engage non-members, only members may vote to approve reports and recommendations to be forwarded to the full Body.

#### **VIII. Facilitator Role**

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

Specific facilitators' responsibilities are determined by the needs of the Director 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**

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

- Members are requested to copy the City staff liaison on all 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 full Body as appropriate.

- While not precluded from communicating with the media, members agree to generally defer to the Director's liaison to field and route all media communications related to the Body's processes and recommendations.
- Members agree to not negotiate through the media, or to use the media to undermine the work of the Body.
- Members agree to raise all their concerns, especially those being raised for the first time, at a meeting and not in or through the media.

## **X. Public Meetings and Records**

Meetings of the full body and committee meetings are open to the public and will be conducted under the provisions of Oregon Public Meetings Law (ORS 192.610-690). The Director's liaison will provide notice to the public regarding the dates, times and locations of all meetings.

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 or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal, private notes of individual members taken at public meetings might be considered to be public to the extent they "relate to the conduct of the public's business," (ORS 192.410(4)).

## **XI. Amendment of Bylaws**

The Body may vote to recommend to the Elected-in-Charge<sup>2</sup> amendment or repeal of these Bylaws. The Director may also recommend changes to the Elected-in-Charge. The Elected-in-Charge 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:

S. Mottet, on 4/15/2019  
(Susan Mottet, Director of Open and Accountable Elections) (date)

Approved by: Amanda Fritz, on 4/15/19  
(Commissioner Amanda Fritz) (date approved)

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<sup>2</sup> In the case of a Category III Body, the Director or designee may approve the amendment of the bylaws.

Amended: \_\_\_\_\_, on \_\_\_\_\_  
(Susan Mottet, Director) (4/15/2019)

Approved by: \_\_\_\_\_, on \_\_\_\_\_  
(Elected/ Director) (date approved)

Amended: \_\_\_\_\_, on \_\_\_\_\_  
(name, title) (date amended)

Approved by: \_\_\_\_\_, on \_\_\_\_\_  
(Elected/ Director) (date approved)