

W. a. b.

## MEMORANDUM

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Date: January, 2004  
To: Board of County Commissioners  
Presented By: Malinda Dodson  
Department: Lane County Administration  
Agenda Item Title: IN THE MATTER OF APPROVING BYLAWS FOR THE LANE COUNTY  
PUBLIC SAFETY COORDINATING COUNCIL

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### PROPOSED MOTION

IN THE MATTER OF APPROVING BYLAWS FOR THE LANE COUNTY PUBLIC  
SAFETY COORDINATING COUNCIL

### ISSUE OR PROBLEM

*Attachment A:* Lane Manual 3.506 requires all advisory committees and commissions to adopt bylaws, approve any subsequent revisions to the bylaws, and to submit revisions to the Board for approval.

### DISCUSSION

#### A. Background/Analysis

State funding reductions for local criminal justice programs, driven by legislative special sessions 1-4, failure of Measure 28, and legislative action in response to the December State revenue forecast for 2002/03, resulted in reductions in service by all grant-in-aid funding recipients. It is anticipated that the 2003/05 State biennial budget will contain further reductions in grant-in-aid funding, once again necessitating reductions in criminal justice direct services.

Downsizing of corrections programs and services encouraged a discussion regarding the cost and effectiveness of the Lane County Public Safety Coordinating Council structure and support staffing. The result was a recommendation from the Council to restructure itself feeling that it is in the best interest of Lane County and it's communities to have a representative, cost effective and appropriately sized Public Safety Coordinating Council to carry out the mandates of ORS 423.560 and ORS 423.565.

*Attachment B:* In April 2003, PSCC members were asked for their resignation per Board Order No. 03-4-29 in order to reduce membership by up to twenty members as mandated by ORS 423.560. *Attachment C:* The Board and other appointing authorities then appointed new members to positions in the reconstituted council.

On December 11, 2003, the PSCC met, reviewed and made changes to the bylaws. *Attachments D & E:* Recommended changes were to Article II – Responsibilities. Authorization of PSCC was updated to reflect the 2004 Intergovernmental Agreement and items 6, 7, & 8 were removed, as they were redundant of item 5 or no longer applied to the new structure of the PSCC.

The second change in Article III – Membership, to reflect new membership to the restructured PSCC as mandated by ORS 423.565.

The third change in Article IV – Vacancies, updated to reflect a nominating committee, appointed by the chair of the PSCC, to seek applications by way of Board of County Commissioner's advisory committee vacancy process.

*Attachment F:* The fourth change in Article VI – Meetings, Voting, And Committees, updates were made to reflect a quorum of nine voting members in relationship to the newly reconstituted PSCC. Additionally, paragraph six was changed to reflect only two standing committees: The Community Safety Committee and the Juvenile Committee.

The fifth change in Article VIII – Bylaw Enactment and Amendment, paragraph one was changed to include the Board of County Commissioners as approving and amending authority of the PSCC bylaws.

There is an issue with respect to the voting requirements conflicting with Lane Manual provisions, as explained in *Attachment F*, memorandum from County Counsel.

**B. Alternatives/Options**

1. Adopt the order approving the bylaws of PSCC.
2. Reject the Order and return the bylaws to the PSCC with directions that they conform them to the Lane Manual rules on Advisory Committees.

**C. Recommendation**

Option 1: Adopt the Order and approve the revisions to the Public Safety Coordinating Council.

**D. Implementation/Timing**

Upon approval of the Order, the Bylaws will go into effect immediately. Copies of the revised bylaws will be distributed to PSCC members.

**E.     Attachments**

- A.     Lane Manual 3.506
- B.     Order No. 03-4-29
- C.     ORS 423.560
- D.     Old Bylaws
- E.     Revised Bylaws
- F.     Memorandum from County Counsel

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 03 - 4 - 29 -

) IN THE MATTER OF REQUESTING  
) RESIGNATIONS FROM ALL PUBLIC  
) SAFETY COORDINATING COUNCIL  
) MEMBERS, AND APPOINTING  
) CITIZENS AND OFFICIALS TO THE  
) COUNCIL TO FILL VACATED  
) POSITIONS

WHEREAS, The Board of County Commissioners have adopted the Public Safety Coordinating Council Task Force report reducing the membership from 32 to 17; and

WHEREAS, it is in the best interest of Lane County and it's communities that the Board of Commissioners are afforded the greatest degree of flexibility in appointing members to the Public Safety Coordinating Council; and

WHEREAS, having all seats vacated prior to completed implementation of the Public Safety Coordinating Council Task Force report provides the desired degree of flexibility; it is now hereby

ORDERED, that the County Administrator shall immediately request the resignation of all members of the Public Safety Coordinating Council effective July 1, 2003.

DATED this \_\_\_\_\_ day of April, 2003.

\_\_\_\_\_  
Chair, Board of County Commissioners

APPROVED AS TO FORM  
Date 4/17/03 Lane County  
Teresa Smith  
OFFICE OF LEGAL COUNSEL

3.522

## Lane Manual

Commissioners, one from a rural and one from a metropolitan district; two (2) youth representatives (between the ages of 15 and 20 at the time of appointment) with a preference that one youth represent a rural area and one youth position represent a metropolitan area; two (2) rural representatives; and eleven (11) at large members. The Board shall appoint the chair.

**TERM:** 4 years, ending June 30. (Revised by Order No. 00-8-16-1; Effective 8.17.00)

**3.522 Public Safety Coordinating Council.**

Under ORS 423.560, develops and recommends to the Board a plan for use of 1) state resources to serve the local offender population, and 2) state and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies; and coordinates local criminal justice policy among affected criminal justice entities.

In addition to the duties assigned to it under ORS 423.560, the Council develops and recommends to the Board the plan for use of state resources to serve the local youth offender population; coordinates local juvenile justice policy among affected juvenile justice entities; and in consultation with the Commission on Children and Families, develops and recommends to the Board a plan designed to prevent criminal involvement by youth, which provides for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention.

**STAFFING:** County Administration

**MEETS:** Quarterly

**MANDATED:** ORS 423.560

**MEMBERSHIP:** Up to 20, selected by the Board (unless noted otherwise) as follows:

- (1) Police chief, selected by the police chiefs in the county
- (1) Sheriff;
- (1) District Attorney;
- (1) State Court Judge, appointed by Presiding Judge;
- (1) Public Defender or Defense Attorney, appointed by Presiding Judge;
- (1) Community Corrections Manager;
- (2) County Commissioners (1 Rural, 1 Metro);
- (1) Youth Services Department Director;
- (1) Public Health Official recommended by the Health and Human Services Department Director;
- (1) Mental Health Official recommended by the Health and Human Services Department Director;
- (3) Up to three lay Citizens;
- (1) City Councilor or Mayor, selected by the City of Eugene;
- (1) City Councilor or Mayor, selected by the City of Springfield;
- (1) City Manager or other City Representative, selected by the cities other than Eugene or Springfield;
- (1) County Administrator (non-voting);

- (1) Representative of the Oregon State Police (non-voting), selected by the Superintendent of Oregon State Police;
  - (1) Oregon Youth Authority Representative (non-voting), selected by the Director of Oregon Youth Authority
- 4 years, ending December 31 (*Revised by Order No. 01-5-9-1;*

TERM:  
*Effective 5.9.01)*

**423.560 Local public safety coordinating council; duties.** (1) The board or boards of county commissioners of a county shall convene a local public safety coordinating council. The council shall include, but need not be limited to:

- (a) A police chief selected by the police chiefs in the county;
  - (b) The sheriff of the county or, if two or more counties have joined together to provide community corrections services, a sheriff selected by the sheriffs in the counties;
  - (c) The district attorney of the county or, if two or more counties have joined together to provide community corrections services, a district attorney selected by the district attorneys of the counties;
  - (d) A state court judge, and a public defender or defense attorney, both appointed by the presiding judge of the judicial district in which the county is located;
  - (e) A director of community corrections, a county commissioner, a juvenile department director, a health or mental health director and at least one lay citizen, all appointed by the county commissioners;
  - (f) A city councilor or mayor and a city manager or other city representative, both selected by the cities in the county;
  - (g) A representative of the Oregon State Police, who is a nonvoting member of the council, selected by the Superintendent of State Police; and
  - (h) A representative of the Oregon Youth Authority, who is a nonvoting member of the council, selected by the Director of the Oregon Youth Authority.
- (2) The boards of county commissioners of two or more counties may jointly convene a single, regional local public safety coordinating council by means of an intergovernmental agreement. Local officials may combine the council with existing local criminal justice advisory councils established under ORS 1.851.
- (3) The local public safety coordinating council shall, at a minimum:
- (a) Develop and recommend to the county board of commissioners a plan for use of:
    - (A) State resources to serve the local offender population; and
    - (B) State and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies; and
  - (b) Coordinate local criminal justice policy among affected criminal justice entities.

**(4) Nonvoting members of a local public safety coordinating council may not be counted in determining whether a quorum exists. [1977 c.412 §12; 1995 c.423 §11; 1997 c.249 §136; 1997 c.698 §1]**

**423.565 Additional duties of public safety coordinating council. In addition to the duties assigned to it under ORS 423.560, the local public safety coordinating council convened by the board of commissioners shall, at a minimum:**

**(1) Develop and recommend to the county board of commissioners the plan for use of state resources to serve the local youth offender population;**

**(2) Coordinate local juvenile justice policy among affected juvenile justice entities; and**

**(3) In consultation with the local commission on children and families, develop and recommend to the county board of commissioners a plan designed to prevent criminal involvement by youth. The plan must provide for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention. [1995 c.422 §75; 1995 c.423 §11a]**



**PUBLIC SAFETY COORDINATING COUNCIL**  
**BYLAWS**

**ARTICLE I - NAME**

This advisory council shall be known as the Public Safety Coordinating Council hereinafter referred to as the PSCC.

**ARTICLE II - RESPONSIBILITIES**

This Council mandated under ORS 423.560 to:

1. Develop and recommend to the Board of Commissioners a comprehensive plan for the use of:
  - a) state resources to serve the local offender population;
  - b) state and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources, and intervention strategies; and
  - c) state and local resources to serve the local youth offender population.
2. Coordinate local criminal justice policy among affected criminal justice entities.
3. Coordinate local juvenile justice policy among juvenile justice entities.
4. In consultation with the Commission on Children and Families, develop and recommend to the Board a comprehensive plan designed to prevent criminal involvement by youth which provides for coordination of community-wide services involving treatment, education, employment, and intervention strategies aimed at crime prevention.

Further, this Council has expanded its responsibilities by intergovernmental agreement to include, at a minimum:

5. Identify opportunities and priority investments to more efficiently and cost-effectively manage and operate the community safety and justice system without adversely affecting the individual components of the system.
6. Develop policy choices and recommendations to the governing bodies of Eugene, Springfield, and Lane County for enhancing and improving the community justice and safety system, including options for effective sanctions and appropriate intervention strategies.

7. Develop policy options and make recommendations on future community safety and justice ballot measures proposed by Eugene, Springfield, or Lane County.
8. Review and formally comment annually on proposal community safety and justice system operating budgets of Eugene, Springfield, and Lane County prior to their adoptions by the City Councils or Board of Commissioners.

### **ARTICLE III – MEMBERSHIP**

The PSCC shall consist of thirty-one members appointed by the Lane County Board of Commissioners:

- Community Corrections Manager;
- Two County Commissioners;
- Youth Services Department Director;
- Health and Human Services Director;
- Children and Families Department Director;
- Two Elected Officials who are a City Councilor or Mayor from Eugene;
- Two Elected Officials who are a City Councilor or Mayor from Springfield;
- Metropolitan City Manager or City Representative;
- Seven Lay Citizens, at least one shall be appointed to serve as representative of crime victims or restorative justice;
- Two Metropolitan Police Chiefs
- School Superintendent or designee;
- Public Defender or Defense Attorney recommended by the Presiding Judge;
- Two persons who are a non-metropolitan City Councilor or Mayor, City Manager, or City representative recommended by cities;
- Police Chief recommended by the Police Chiefs;
- District Attorney;
- Sheriff;
- Representative recommended by the Superintendent of State Police;
- Representative recommended by the State Office of Services to Children and Families;
- Representative recommended by the Oregon Youth Authority; and
- State Court Judge recommended by the Presiding Judge;

The initial appointees shall hold terms staggered so as to achieve a balance among one-, two-, three-, and four-year terms. Succeeding appointments shall be for terms of four years unless the appointment is to fill the unexpired term of another committee member.

### **ARTICLE IV - VACANCIES**

In case of vacancies, the PSCC shall notify and make a recommendation for replacement to the County Administrator's Office, who will forward it to the Board of Commissioners for action. The Board of Commissioners will serve to ratify appointments made due to position and

agency recommendation.

Members have the responsibility of contacting the PSCC Chair or staff if they are unable to attend a meeting. The fifth consecutive unexcused absence, or absence without assignment of proxy, shall be considered a voluntary resignation. With exception to lay persons, an excused absence is defined as a telephone call or message stating a reason of: illness, vacation, professional commitment, or other personal reason.

## **ARTICLE V - OFFICERS**

The officers of the PSCC shall be elected to serve for two years or until their successors are elected with the beginning of each calendar year. They shall consist of a chair and a vice chair. The Vice Chair becomes the chair when the Chair's term is expired. The Chair shall preside at all meetings of the PSCC, maintain contact with designated member agencies as appropriate, work with staff in responding to correspondence, and present PSCC reports and recommendations to the Board of Commissioners. The Vice Chair shall work with committees and assume all responsibilities of the Chair in her/his absence.

## **ARTICLE VI - MEETINGS, VOTING, AND COMMITTEES**

The PSCC shall meet at a frequency designated by the chair, but not less than quarterly.

The Chair or the majority of the PSCC, by written request to the Chair, may call a meeting of the PSCC.

Each member of the PSCC shall have one vote. Decisions shall be made at meetings where there is a quorum. A quorum shall consist of 50% plus one of the appointed membership of the PSCC. All PSCC decisions shall be made by simple majority vote at a meeting where a quorum is present.

A written proxy may be given to the Chair to be read at the time of voting. Another person, other than a current PSCC member, may be sent with a letter of designation to act in his or her absence.

The PSCC may have both standing and ad hoc committees organized and appointed by the Chair. In order to conduct business, a committee must have a simple majority of the appointed members in attendance. Once a quorum of the committee is present, a majority of those members in attendance, who are not excused from participating due to a conflict of interest, may act to cause a recommendation of the committee to be forwarded to the PSCC. In addition to regular voting committee members, any PSCC member, who is not a member of the committee, is encouraged to attend any committee meeting without voting privileges. There shall be no voting by proxy at committee meetings.

There shall be four standing committees of PSCC: the Policy Committee, the Operations Committee, the Community Involvement Committee, and the Executive Committee.

Membership shall consist of appointed PSCC members and other people with expertise or interest in the topic area.

The **Policy Committee** shall consist of the PSCC Chair, County Commissioners, Eugene and Springfield City Councilors, the City Managers, County Administrator, the Sheriff, the District Attorney, the PSCC School Superintendent or their designee, and the Presiding Judge. The function of the Policy Committee is to provide recommendations on all new issues coming before the PSCC requiring the PSCC to adopt a final policy or position including the Regional Community Safety and Justice Plan. The Policy Committee may initiate a proposal for consideration by the PSCC and member agencies.

The **Operations Committee** shall consist of PSCC members involved with agency operations. The function of the Operations Committee is to provide recommendations to the PSCC regarding analyses of new programs that might enhance efficiencies and effectiveness within the community safety and justice system.

The **Community Involvement Committee** shall consist of PSCC members involved with community outreach and education. The function of the Community Involvement Committee is to provide leadership in creating and sustaining a direct relationship with the community, businesses, and the media that advocates partnerships and collaboration in addressing community safety and justice issues.

The **Executive Committee** shall consist of the Chair, Vice Chair, Past Chair, and a representative from the Policy, Operations, and Community Involvement Committee. The function of the Executive Committee is to provide oversight to PSCC staff operations and agenda setting for PSCC meetings. The Executive Committee also serves as the nominating committee for PSCC Officers and council membership vacancies.

There shall be ad hoc committees and task teams organized and appointed by the Chair. Police Service Task Team and the Information Systems Technical Team serve in this capacity.

The **Police Services Task Team** shall consist of PSCC members or their representatives involved with addressing all law enforcement issues. The function of the Police Services Task Team is to coordinate activities and make recommendations for action within the police services area.

The **Information Systems Technical Team** shall consist of PSCC members or their representatives involved in or interested in coordinated management information systems. The function of the Information Systems Technical Team is to coordinate planning efforts and make recommendations for action within this area.

All meetings of the PSCC and its committees are public meetings and shall be open to the public and held in conformance with the Oregon Open Meetings Law, and shall be conducted in accordance with Roberts Rules of Order, as far as is reasonable and practical. PSCC members will be notified in advance with regard to meetings of the PSCC and its

subcommittees.

#### **ARTICLE VII - CONFLICT OF INTEREST**

Members shall be required to vote on all matters which require a decision except, in accordance with ORS Chapter 244, no PSCC member shall participate in a decision in which that member has a private pecuniary interest. When such apparent or potential conflict of interest arises, the affected member shall disclose such conflict of interest and disqualify herself/himself from voting on the matter. Such members shall not be considered as being present for the purpose of determining whether a majority vote has been cast. Declared conflicts shall be formally represented in the minutes of the meeting where such declaration is made. Furthermore, the affected members shall notify the Board of County Commissioners as required under ORS 244.120.

#### **ARTICLE VIII - BYLAW ENACTMENT AND AMENDMENT**

The initial Bylaws of the PSCC shall become effective upon approval by a simple majority of the PSCC where a quorum is present.

Once adopted, the Bylaws may be amended upon a vote of a majority of PSCC members: 1) where a quorum is present, 2) at a PSCC meeting whose notice includes reference to the fact that Bylaw amendments are to be voted on at that meeting, and 3) where notice is accompanied by a copy or summary of the proposed amendments.

**BYLAWS  
OF THE LANE COUNTY  
PUBLIC SAFETY COORDINATING COUNCIL**

**ARTICLE I      NAME**

This advisory council shall be known as the Public Safety Coordinating Council hereinafter referred to as the PSCC.

**ARTICLE II      RESPONSIBILITIES**

PSCC is mandated under ORS 423.560 and ORS 423.565 to:

1. Develop and recommend to the Lane County Board of Commissioners, hereinafter referred to as Board of Commissioners, a comprehensive plan for the use of:
  - a) state resources to serve the local offender population;
  - b) state and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources, and intervention strategies; and
  - c) state and local resources to serve the local youth offender population.
2. Coordinate local criminal justice policy among affected criminal justice entities.
3. Coordinate local juvenile justice policy among juvenile justice entities.
4. In consultation with the Commission on Children and Families, develop and recommend to the Board of Commissioners a comprehensive plan designed to prevent criminal involvement by youth, which provides for coordination of community-wide services involving treatment, education, employment, and intervention strategies aimed at crime prevention.

PSCC is authorized under the 2004 Intergovernmental Agreement for Criminal Justice Services to:

5. Ensure intergovernmental coordination, and ongoing systems analysis of our public safety system.

### **ARTICLE III     MEMBERSHIP**

The PSCC shall consist of the following twenty members:

Members:

- Police Chief
- Sheriff of the County
- District Attorney
- State Court Judge
- Public Defender or Defense Attorney
- Director of Community Corrections
- Juvenile Department Director
- City Councilor or Mayor from Springfield
- City Councilor or Mayor from Eugene
- City Manager or other city representative
- Lane County Commissioner –Rural
- Lane County Commissioner – Metro
- Health or Mental Health Director
- Public Health Manager
- Up to three Lay Citizens –
- Representative of Oregon State Police (*non-voting*)
- Representative of Oregon Youth Authority (*non-voting*)
- Lane County Administrator (*non-voting*)

Appointed By: (Based on ORS Statute)

Police Chiefs in county  
Sheriffs in the county  
District Attorneys of the county  
Presiding Judge of county judicial district  
Presiding Judge of county judicial district  
BCC  
BCC  
City of Springfield  
City of Eugene  
Cities in the county  
BCC  
BCC  
BCC  
Legislative Mandate  
BCC  
Sup. of State Police  
Director of OYA  
BCC

Appointees who are not statutorily assigned to the PSCC shall serve two-year terms unless the appointment is to fill the unexpired term of another committee member.

### **ARTICLE IV     VACANCIES**

In case of a vacancy in the PSCC lay citizen position; the nominating committee shall seek applications by way of the Board of County Commissioner's advisory committee vacancy process. A nominating committee appointed by the chair of the PSCC shall then review applications. The committee's recommendation shall be presented to the PSCC for a recommendation to the BCC. The County Administrator will then present the recommendation to the BCC. With regard to PSCC positions, which represent government entity or entities, the County Administrator shall request a nominee from the entities and upon receipt of the name will forward it to the BCC for action.

PSCC members have the responsibility of contacting the PSCC Chair or staff if they are unable to attend a meeting. The third consecutive absence, or absence without assignment of proxy, shall be considered a voluntary resignation for any member who is not statutorily assigned to the PSCC. A member can request an exception from the PSCC Chair if there are mitigating circumstances that prevented them from attending.

The PSCC Chair, within 30 days of appointment, shall designate a Nominating Committee

consisting of three members of the PSCC Committee The Nominating Committee will review applications and make recommendations of reappointment of officers or filling vacancies to the PSCC. The PSCC recommendations will be submitted to the Board of County Commissioners for final approval.

## **ARTICLE V      OFFICERS**

The **officers of the PSCC** shall be elected by a majority of a quorum of the PSCC to serve for two years or until their successors are elected with the beginning of each calendar year. They shall consist of a Chair and a Vice Chair. The Vice Chair becomes the Chair when the Chair's term is expired or the Chair resigns. The Chair shall preside at all meetings of the PSCC, maintain contact with designated member agencies as appropriate, work with staff in responding to correspondence, and present PSCC reports and recommendations to the Board of Commissioners. The Vice Chair shall work with committees and assume all responsibilities of the Chair in her/his absence.

## **ARTICLE VI      MEETINGS, VOTING, AND COMMITTEES**

The PSCC shall meet at a frequency designated by the Chair, but not less than quarterly.

The Chair or the majority of the PSCC, by written request to the Chair, may call a meeting of the PSCC.

Each voting member of the PSCC shall have one vote. ORS 423.560 stipulates the State Police and Oregon Youth Authority representatives may not vote on matters arising from PSCC duties mandated by ORS 423.560. All members may vote on matters arising from PSCC duties mandated by intergovernmental agreements not linked to ORS 423.560. Decisions shall be made at meetings where there is a quorum. A quorum shall consist of nine voting members of the PSCC. Per ORS 423.560, non-voting members of the PSCC may not be counted in determining whether a quorum exists. The current membership consists of twenty, with three members non-voting. All PSCC decisions shall be made by simple majority vote of voting members at a meeting where a quorum is present. A written proxy may be given to the Chair to be read at the time of voting. Another person, other than a current PSCC member, may be sent with authorization to act in his or her absence.

The PSCC may have both standing and ad hoc committees. Adhoc committees can be organized and appointed by the Chair. In order to conduct business, a committee must have a simple majority of the appointed members in attendance. Once a quorum of the committee is present, a majority of those members in attendance, who are not excused from participating due to a conflict of interest, may act to cause a recommendation of the committee to be forwarded to the PSCC. In addition to regular voting committee members, any PSCC member, who is not a member of the committee, is encouraged to attend any committee meeting without voting privileges.



There shall be two standing committees of PSCC: The Community Safety Committee, and the Juvenile Committee. Membership shall consist of appointed PSCC members and other people with expertise or interest in the topic area.

The charge of the **PSCC** is to provide recommendations on all new issues coming before the PSCC and to adopt a final policy or position including the Regional Community Safety and Justice Plan and to oversee any work generated through the Intergovernmental Agreement. The PSCC may initiate a proposal for consideration by member agencies.

The **Community Safety Committee**, and the **Juvenile Committee**, shall provide to the PSCC recommendations regarding policies, practices, and programs that might enhance efficiency and effectiveness in the community safety and justice system. The PSCC Chair will appoint committee Chairs.

The **Community Safety Committee** shall consist of PSCC members and other people who represent or are interested in the adult corrections system.

The **Juvenile Committee** shall consist of PSCC members and other people who represent or are interested in prevention and juvenile justice.

There shall be ad hoc committees and task teams organized and appointed by the PSCC Chair. The PSCC shall appoint all members of the standing, ad hoc, and task teams.

All meetings of the PSCC and its committees are public meetings and shall be open to the public and held in conformance with the Oregon Open Meetings Law, and shall be conducted in accordance with Roberts Rules of Order Newly Revised, as far as is reasonable and practical. PSCC members will be notified in advance with regard to meetings of the PSCC and its committees.

## **ARTICLE VII    CONFLICT OF INTEREST**

Members shall be required to vote on all matters which require a decision except, in accordance with ORS Chapter 244, no PSCC member shall participate in a decision in which that member has a private pecuniary interest. When such apparent or potential conflict of interest arises, the affected member shall disclose such conflict of interest and disqualify herself/himself from voting on the matter. Such members shall not be considered as being present for the purpose of determining whether a majority vote has been cast. Declared conflicts shall be formally represented in the minutes of the meeting where such declaration is made. Furthermore, the affected members shall notify the Board of Commissioners as required under ORS 244.120.

## **ARTICLE VIII BYLAW ENACTMENT AND AMENDMENT**

The initial Bylaws of the PSCC shall become effective upon:

1. approval by a simple majority of the PSCC where a quorum is present and
2. approval by the Board of Commissioners.

Once adopted, the Bylaws may be amended upon:

1. a vote of a majority of PSCC members:
  - a) where a quorum is present,
  - b) at a PSCC meeting whose notice includes reference to the fact that Bylaw amendments are to be voted on at that meeting,
  - c) where notice is accompanied by a copy or summary of the proposed amendments, and
2. approval by the Board of Commissioners.

*Lane County Administration: H:\PSCC\BYLAWS\BYLAWSRevised.DOC  
Last Saved: December 8, 2003*

## MEMORANDUM

Date: December 19, 2003  
 To: Bill Van Vactor, County Administrator  
 From: Teresa J. Wilson, County Counsel  
 Subject: Public Safety Coordinating Council (PSCC) Bylaws



Question: Are the proposed PSCC bylaws legally acceptable?

Answer: Yes, assuming that the Board is comfortable with the ways in which they deviate from the general rules applicable to Lane County advisory committees.

Discussion: There is one area where the proposed bylaws deviate from the rules that normally apply to Lane County advisory committees -- and it has to do with the number of votes required for action. In the third paragraph of Article VI, the third sentence from the end, the PSCC has proposed: "All decisions shall be made by simple majority vote of the voting members at a meeting where a quorum is present", i.e., a "majority of members present" approach. Lane Manual, Section 3.506 provides the general Lane County Advisory Committee Policy. Subsection (1)(c) states: "All actions of the Committee require the affirmative vote of the majority of the designated number of members, regardless of any vacancies", i.e. a "majority of total membership" approach. The Lane Manual language was written based on ORS 174.130, which provides that "[a]ny authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by law" and based on the Board's desire to get clear messages from their advisory committees.

The Lane Manual rule applied to the PSCC decisions would mean that on ORS 423.560 matters, it would take 9 votes to take action; on non-ORS 423.560, it would take 11 votes. The proposed PSCC bylaw would mean that on ORS 423.560 matters, 5 could take action; on non-ORS 423.560, 6 could take action. The Lane Manual language was written based on ORS 174.130, which provides that "[a]ny authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by law" and based on the Board's desire to get clear messages from their advisory committees.

Type of Matter	# for quorum Lane Manual	# votes to act Lane Manual	# for quorum PSCC	# votes to act PSCC
ORS 423.560	9	9	9	5
Non-423.560	11	11	11	6

I do not believe the difference between the PSCC's Bylaws and the Lane Manual language is fatal to the Bylaws; however, it will need to be called out for the Board at the time they approve the Bylaws, so that they can make the choice of waiving the Lane Manual requirement (which would then need to be reflected in the Order.)

I also noted that the PSCC Bylaws permit a proxy vote. I am not aware of any other advisory committees using proxies (but that may simply be lack of knowledge on my part!). It is not something that is addressed in the Lane Manual.

**IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY OREGON**

**ORDER NO.**                    )  
                                      )  
                                      )     **IN THE MATTER OF APPROVING THE  
BYLAWS FOR THE LANE COUNTY  
PUBLIC SAFETY COORDINATING COUNCIL**

**WHEREAS**, each advisory committee and commission is required to adopt Bylaws and submit them to the Board of Commissioners for approval, and

**WHEREAS**, the Board has reconstituted the Public Safety Coordinating Council (PSCC) making its appointments on August 27<sup>th</sup>, 2003 via Board Order No. 03-8-27-4, and

**WHEREAS**, the reconstituted PSCC adopted Bylaws in December of 2003, and

**WHEREAS**, the PSCC recommends to approve Bylaw revisions, and

**NOW THEREFORE IT IS HEREBY ORDERED** that the Bylaws for the Public Safety Coordinating Council be approved, and to the extent that there is a conflict with LM 3.506, the manual provision is waived with respect to the PSCC Bylaws only.

**DATED** this \_\_\_\_ day of January 2004.

\_\_\_\_\_  
Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 12/24/03 lane county  
*Jess Spahr*  
OFFICE OF LEGAL COUNSEL

**IN THE MATTER OF APPROVING BYLAWS FOR THE LANE COUNTY PUBLIC  
SAFETY COORDINATING COUNCIL (PSCC)**