



Bureau of Planning and Sustainability

Portland Clean Energy Community Benefits Fund Committee Bylaws

- I. In 2018, Portland voters passed the Portland Clean Energy Community Benefits initiative to provide a consistent long-term funding source and oversight structure to ensure that the city's Climate Action Plan is implemented in a manner that supports social, economic and environmental benefits for all Portlanders. (Measure 26-201). After the initiative passed, it was codified in Portland City Code (PCC) Chapter 7.07, including the requirement to establish a Portland Clean Energy Community Benefits Fund Committee (Committee).

A. Purpose

The Committee solicits applications for funding, makes program and grant funding recommendations to the Mayor and City Council, and evaluates and reports on the effectiveness of the fund in achieving its intended purpose. In making grant funding recommendations, the Committee will consider:

- whether a project prioritizes greenhouse gas reduction outcomes in a manner that promotes economic, social and environmental justice outcomes;
- geographic diversity inclusive of neighborhoods east of 82nd Avenue;
- organizational representation to ensure that funded work is inclusive and effective, at least 20 percent (20%) of recommended funds shall be to non-profits with a stated mission and track-record of programs that benefit economically disadvantaged community members, including people of color, women, people with disabilities and the chronically unemployed;
- allocation of resources to funding areas to meet funding targets for renewables and efficiency, clean energy job training, regenerative agriculture and green infrastructure and innovation; and
- leveraging additional funding regardless of source.

The Committee is committed to public engagement and community leadership in its deliberations and decision making.

B. **Sponsor Bureau** Bureau of Planning and Sustainability (BPS)

C. **Staff Liaison Title** PCEF Program Manager

D. **Advise** City Council

II. City Role

BPS will provide a staff person to assist with technical support, substantive expertise, logistical assistance, administrative assistance and advice to the Committee. BPS 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 Committee shall meet at least ten (10) times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with the operating procedures specified herein and shall be scheduled in consultation with Committee members to facilitate broad attendance.

IV. Membership and Term

Members of the Committee are public officials and must become familiar with how to comply with the ethical statutes and rules that are the individual responsibility of each Committee member.

A. Total membership of inaugural Committee is nine (9) seats:

Five (5) seats for four (4) years

Four (4) seats for two (2) years

Total membership of Committee thereafter is nine (9) seats:

Nine (9) seats for four (4) years

B. Terms Staggered

C. Term Limits

1. Committee members may serve any number of terms not to exceed two (2) complete consecutive terms of service. Completion of an unexpired term does not apply toward the two (2) term cumulative. For the inaugural terms that are two (2) years, Committee members shall not exceed six (6) years of total consecutive service.
2. At the completion of each term, regardless of term length, incumbents are required to:
a) complete a notice of intent to continue to serve; and b) discuss with the staff liaison the benefits to the city if the Committee member continues to serve.
3. Committee members interested in continuing service beyond eight (8) years must sit out for two (2) years before reapplying to serve on the Committee.

D. Vacancies

If there are vacancies, including if a position becomes vacant during a term, a recruitment process that complies with PCC 7.050.050D will be followed. This process will include the creation, solicitation and review of recruitment applications, the vetting of applicants and the nomination – for appointment by the Mayor – of new Committee members by the Committee.

E. Alternates No alternates permitted

F. Quorum Six (6) Committee members

G. Decision-making

1. Decision-making shall take place using the modified consensus decision making process outlined in Section V(B).
2. The following minimum number of affirmative decisions is required for a decision to represent the position of the Committee:
 - When six (6) or seven (7) decision-making Committee members are present: Five (5) Affirmative decisions
 - When eight (8) or nine (9) decision-making Committee members are present: Six (6) Affirmative decisions
3. Committee members that recuse themselves do not count towards the total number of decision-making committee members, only for that decision or set of decisions for which they recuse themselves.
4. Decisions cast as “Affirmative” or “Stand Aside” will count towards the number of Affirmative decisions. Decisions cast as “No” will not be counted towards the number of Affirmative decisions.
5. Proxy decision-making is not allowed.
6. Real time decision-making using telephonic devices or other electronic means is permitted.

V. General Operating Procedures

A. Disclosure of Conflicts of Interest

- Committee members are required to comply with Chapter 244 of the Oregon Revised Statutes on Government Ethics.
- Committee members are also required to comply with PCC Chapter 1.03, Code of Ethics.
- A Committee member 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 Committee member is met with the conflict of interest.
 - For example, an elected member of the City Council 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 City Council. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- BPS staff are obligated to record all conflicts of interest that are announced during each meeting.
- If it is found that a Committee member did not disclose a conflict of interest, BPS staff must alert the BPS Director as soon as the non-disclosure is known.
- Any potential or actual conflict of interest noted by BPS staff will be included in funding recommendation reports provided to City Council.

B. Meeting Procedures

- A modified consensus decision making process that fosters collaborative decision making – whereby all viewpoints are honored, respected and have appropriate time for consideration – will be followed, in accordance with the Committee’s Working Agreement (**Attachment A**). The Committee may modify the Working Agreement any time. During a public meeting, any Committee member shall be able to bring a proposal for consideration by the Committee. After discussion and exploration of viewpoints, Committee members will choose one (1) of the three (3) following options to decide whether to move forward with the proposal under consideration:
 - **Affirmative:** The Committee member agrees with the proposal.
 - **Stand Aside:** Affirmative, but with stated and unresolved concerns. The Committee member has personal concerns with the proposal, but is willing to implement it if the proposal moves forward.
 - **No:** The Committee member does not agree with the proposal and has serious concerns. The Committee member will have an opportunity to share their concerns.

VI. Removal of Members and Resignations

- A.** All Committee members serve at the pleasure of the Mayor and may be removed or asked to resign at any time using the process in Subsection B.

B. Removal Process

- By BPS Director: The staff liaison will keep attendance at meetings and inform the BPS Director of absences. If any Committee member does not give the staff liaison advance, written notice of the member’s intent to be absent from a scheduled Committee meeting (excluding subcommittee meetings) for more than thirty percent (30%) of the meetings in any consecutive twelve (12) months of the Committee member’s service, the BPS Director will inform the Committee member in writing that they have been removed from the Committee. A leave of absence for personal or medical reasons is permitted for up to six (6) months in a year, upon notification to the Committee.
- By Committee: Committee members are expected to engage in the Committee’s work in a manner that is consistent with the Working Agreement. If any Committee member acts in a manner that is in gross violation of the Working Agreement, they may be subject to removal. Committee members can decide to remove another member through a process consistent with the decision-making process set forth in Section IV(G); however, all currently appointed Committee members must be present.

C. Resignation Process

Committee members are expected to make a good-faith effort to complete their term. In cases where this is not possible, members shall submit a resignation letter to the staff liaison. The staff liaison will notify the Committee of the member’s resignation.

A Committee member who chooses to resign may continue serving their term until a replacement has been appointed and may participate in the nomination process of that appointee.

VII. Officers and Subcommittees

A. Officers

The Committee's presiding officers shall consist of two (2) Co-Chairs. The Committee will use the modified consensus decision-making process defined in Section IV(B) to nominate and appoint the Co-Chairs. Terms of the Co-Chairs shall be one (1) year. Limits of a maximum of three (3) years of service shall apply to Co-Chairs and Co-Chairs' appointment shall be reviewed with the Committee once per calendar year.

The Co-Chairs shall convene and conduct both regular and special meetings and will be voting members of the Committee. Co-Chairs will be designated at all times. The Co-Chairs may request that staff or an independent and neutral third party facilitate meetings.

The Co-Chairs will encourage full and safe participation by Committee members, assist in the process of building consensus, and ensure all participants abide by the Committee's Working Agreement. In consultation with the facilitator (if there is one) and staff liaison, the Co-Chairs will develop meeting agendas. Additional roles associated with the Co-Chairs will be defined in the Working Agreement.

B. Subcommittees

The Committee may divide its members into subcommittees authorized to act on behalf of the full Committee for an assigned purpose. No more than four (4) Committee members may be assigned to a single subcommittee.

Subcommittee meetings are subject to the Oregon Public Meetings Law and must abide by quorum requirements when voting. While subcommittees may engage non-Committee members, only Committee members of the subcommittee may vote to forward reports and recommendations to the full Committee. When voting, the quorum for subcommittee members is the simple majority of the subcommittee (fifty percent (50%) plus one (1) or greater number of seats).

C. Staff Liaison Responsibilities

The staff liaison's role shall include, but is not limited to, working in collaboration with the Committee to:

- Serve as a liaison between the Committee and the City;
- Support the Committee as it makes PCEF funding recommendations to the Mayor and City Council;
- Support the Committee's evaluation of the effectiveness of PCEF in achieving the goals in PCC Chapter 7.07;
- Assure accessibility of Committee meetings to members of historically disadvantaged groups, including communities of color, women and persons with disabilities;
- Assure meetings comply with public meetings law;
- Conduct outreach to disadvantaged and marginalized groups;
- Provide background and context on agenda items;
- Interpret codes, ordinances, policies and other regulations relevant to the Committee's work;
- Liaise with the City Attorney's Office;
- Ensure that meeting minutes reflect the intent of the Committee; and

- Educate new Committee members about their role and responsibilities.

VIII. Communications

Committee members agree that transparency is essential to all information gathering, deliberations and decision making.

- Committee members shall notify the staff liaison or designated staff person of verbal communications with interest groups. An interest group is any association of individuals or organizations that seeks to influence the Committee in favor of the interest group's legislative or administrative interest (i.e., an economic interest distinct from that of the general public). Committee members are required to copy the staff liaison or designated staff person on all written communications from or to interest groups commenting on the Committee's work.
- Media inquiries to the Committee must first be directed to the Co-Chairs, who may then delegate the media response to another Committee member or to the staff liaison.
- Committee members shall notify the staff liaison of all verbal or written communications with media.
- On rare occasions, the Committee may write statements in support or opposition of policy issues that are relevant to the purpose and scope of the Committee. To create such a statement, the Committee shall propose a position to the staff liaison who shall then work in partnership with BPS leadership and the Office of Government Relations (OGR) to approve the position. Once the position has been approved, the Committee may draft its statement. City of Portland Administrative Rule 3.01 establishes OGR as the central coordinating body for state, federal and tribal outreach.
- These communications will be included in the public record as detailed below and copied to the Committee Co-Chairs or the full Committee, as appropriate.

IX. Public Meetings and Public Records

Meetings of the Committee and its subcommittees are open to the public and will be conducted under the provisions of Oregon Public Meetings Law (ORS 192.610-690). The staff liaison will provide notice to the public regarding the dates, times and locations of all meetings:

- Regular meetings:
 - Best practices: at least one (1) week
 - Minimum requirement: at least forty-eight (48) hours
- Special meetings: at least twenty-four (24) hours

Per ORS 192.670(1), Committee members can attend a meeting through telephonic or other electronic means. All records of the Committee, including formal documents, discussion drafts, meeting summaries and exhibits are public records. Communications among Committee members related to the Portland Clean Energy Fund should not be treated as confidential and may be subject to public records requests. "Communications" refers to all statements and decisions made during meetings, memoranda, work projects, records, documents, text messages, pictures or materials, including electronic mail correspondence by and among the Committee members. The personal notes of Committee members taken at public meetings might be public record to the extent they "relate to the conduct of the public's business." (ORS 192.410(4)). Committee members are not allowed to deliberate towards a decision over e-mail.

X. Working Agreement

The Working Agreement serves as a guiding document for the norms of Committee leadership, behavior,

communications and engagement with each other and with the staff liaison. The Working Agreement can be amended at any time using the process outlined in Section V(B), independent of amendment to these bylaws. The Working Agreement shall be reviewed by the Committee within ninety (90) calendar days of a new Committee member's appointment, or at minimum once per calendar year, with opportunity for amendment and modification.

XI. Amendment of Bylaws

The Committee may decide to recommend the amendment or repeal of these Bylaws to the BPS Director. BPS staff may also recommend changes to the Committee. The BPS Director must sign off on the original bylaws and any amendments to the bylaws. Committee members have no authority to amend bylaws without approval.

Original Bylaws Created by: PCEF Committee, on 9/23/2020.
(name/title) (date)

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