From: Anil Karia
To: LESC; [redacted]
Cc: LESC
Subject: Re: LESC - Meeting Materials - January 30, 2025
Date: Wednesday, January 29, 2025 8:28:13 AM
Attachments: Draft of LESC By-Laws 2024.11.20 tracked[42].docx

Good Morning -

I am unable to attend the LESC meeting tomorrow, but want to provide follow-up comments on the draft Bylaws that were just circulated (attached):

1. Section 2.B. Staggered terms. The Bylaws cannot shorten the term for Commissioners. ORS 243.812(9) provides: "The term of a member appointed under subsection (2)(e) of this section shall be two years. If there is a vacancy on the commission for any reason, the Attorney General shall appoint a person to the unexpired term." If this proposed Bylaws section for staggered terms would result in terms of less than 2 years, such a Bylaws provision would appear to violate the above-quoted statute.

2. Section 4.A. I had voiced at a prior meeting a concern that the following Bylaws provision is confusing to the degree that it would limit Commissioners from communicating with one another between meetings about Commission business. I understood from Chair Slauson that that wasn't the intent of the language. Rather, the intent was to ensure that there were no efforts by Commissioners to evade public meetings requirements by using a "series of private communications." As such, I'd offer something along these lines for clarification: "Commissioners should also avoid a series of private communications, even if a quorum isn't involved in any single communication, where such series of private communications could be reasonably construed as avoiding public meetings requirements."

3. Section 5.A. ORS 243.812(7) states: "A majority of the voting members of the commission constitutes a quorum for the transaction of business." ORS 243.812(8) states: "Official action by the commission requires the approval of a majority of the voting members of the commission." For statutory compliance, I suggest that the Bylaws reflect that statutory language without deviation as follows: "~~A quorum for any meeting of the Commission must consist of a majority of currently serving voting members. Official action by the commission requires the approval of a majority of the commission.~~ A majority of the voting members of the Commission constitutes a quorum for the transaction of business. Official action by the Commission requires the approval of a majority of the voting members of the commission."

4. Section 9.E, fourth paragraph. Many Commissioners receive inquiries about LESC rules and what they mean separate from their roles as Commissioners.

For example, as an attorney in private practice, I receive inquires about the application of LESC rules from a variety of labor organizations. I don't believe the Bylaws provision is intended to interfere with such activities when individual commissioners are not acting in their official commissioner capacity, but would ask that the Bylaws make that clear, such as: "If, in their official capacity as commissioners, individual commissioners receive inquiries or requests from the media, legislators, the governor's office, or other organizations or agencies seeking statements, actions or information regarding the Commission or its work, they shall notify the Executive Director as soon as reasonably possible, and prior to responding to the request, if possible."

Thanks,
Anil Karia

From: Kemple Toni C [redacted] on behalf of LESC <LESC@doj.oregon.gov>
Date: Wednesday, January 29, 2025 at 6:40 AM
To: Anil Karia [redacted]
Cc: LESC <LESC@doj.oregon.gov>
Subject: LESC - Meeting Materials - January 30, 2025

Good Evening Commissioners,

Attached please a copy of the Public Meeting Notice/Agenda for the January 30, 2025, meeting and the following meeting materials:

- Draft By-Laws
- Interagency Agreement

If you have any problems opening the attachments, please let me know.

Toni Kemple
Paralegal
Oregon Department of Justice

Note: New email address is [redacted].