

**AGENDA  
ITEM  
VII.B.**

**STATE OF OREGON**

**MEMORANDUM**

**BUILDING CODES DIVISION**

**SEPTEMBER 12, 2006**

**To:** Board of Boiler Rules

**From:** Andrea Simmons  
Policy and Technical Services Manager

**Subject:** Board Administration Rules and Bylaws

**Action requested:**

Approve proposed board administration rules, repeal existing rules, and agreement with proposed Board Bylaws.

**Background:**

Over the last several months the Board Chair/Vice-chair group discussed processes for conducting board meetings. The group developed proposed rules and bylaws that provide a consistent process for the administration of all board meetings. The group recommends these rules and bylaws.

**Discussion:**

Proposed OAR Chapter 918 Division 40 rules address the board agenda development process, public comment protocol and adopted code of parliamentary procedure. In order to gain consistency among all program areas, some rules found in the various programs are proposed for repeal and replaced by a similar rule in division 40.

The proposed bylaws outline each board's statutory membership and meeting requirements, the process for taking action, public participation at board meetings and the conduct of executive sessions.

These proposed rules and bylaws will be circulated to all seven advisory boards before adoption. A rulemaking hearing is scheduled for November 21, 2006, with an anticipated effective date of January 1, 2007.

**Recommendation:**

The Board Chair/Vice-chair group recommends approval of proposed board administration rules, repealing existing rules, and agreement with proposed Board Bylaws.

DIVISION 40

BOARD MEETINGS AND ADMINISTRATION

Draft 1  
September 12, 2006

**918-040-0000**

**Purpose and Scope**

**The rules in OAR chapter 918 division 040 establish consistent protocols for the administration of activities carried out by the boards covered by these rules. These rules apply to the Electrical and Elevator Board, the Building Codes Structures Board, the Mechanical Board, the Residential Structures Board, the Board of Boiler Rules, the Oregon State Plumbing Board and the Manufactured Structures and Parks Advisory Board.**

**918-040-0020**

**Board Agendas**

**(1) Board meeting agendas shall be made available approximately two weeks prior to scheduled meetings.**

**(2) Any person requesting an item be placed on the agenda shall make the request to the division at least 30 days before the scheduled meeting. The request shall include:**

**(a) A written statement explaining the subject matter of the item;**

**(b) The action or result requested, if applicable;**

**(c) The amount of time requested; and,**

**(d) Any other documents relevant to the item.**

**(3) The appropriate board chairperson may exclude a requested item from the agenda if the request does not include the information required in Section (2) of this rule, or is not relevant to, or appropriate for, the board in question.**

**(4) The board may restrict presentation time on any agenda item. Persons appearing are encouraged to submit written statements.**

**918-040-0030**

**Rules of Order**

**Sturgis Standard Code of Parliamentary Procedure, Fourth Edition, is adopted for Board and board-committee proceedings.**

**918-040-0040**

**Public Comment**

**(1) Board meeting agendas provide for public comment. No prior arrangements are necessary to make public comment.**

**(2) Time for comment may be restricted by the presiding officer.**

**(3) The board may decide to refer an item from public comment to the next meeting agenda.**

**REPEALED RULES**

**918-225-0230**

**Board of Boiler Rules**

(1) Regular meetings of the Board shall be held at Building Codes Division offices in Salem, Oregon on the first Tuesday of March, June, September and December unless changed by the Board Chair. If the regular meeting date falls on a state holiday, the meeting shall be on the following Tuesday.

(2) ~~Sturgis Standard Code of Parliamentary Procedure, Third Edition is adopted for Board proceedings.~~

~~Stat. Auth.: ORS 480.535 & ORS 480.545~~

~~Stats. Implemented: ORS 480.535 & ORS 480.545~~

~~Hist.: DC 24-1982, f. & ef. 11-16-82; DC 33-1984, f. & ef. 10-19-84; DC 7-1987, f. & ef. 4-10-87; Renumbered from 814-025-0011; BCA 36-1993, f. 12-30-93, cert. ef. 1-1-94; Renumbered from 918-225-0025; BCD 26-1998, f. 12-30-98, cert. ef. 1-1-99~~

**918-251-0070**

**Electrical and Elevator Board Agendas**

~~(1) The Electrical and Elevator Board meeting agenda is prepared approximately three weeks before the scheduled meeting.~~

~~(2) The agenda has a section allowing public comment. No prior arrangements are necessary to make public comment, although time for comment may be restricted by the board chairman. Items requiring board action shall be placed on the next agenda.~~

~~(3) Any person requesting to be placed on the agenda shall make the request at least 30 days before the scheduled meeting. The request shall include:~~

~~(a) The subject to be covered and result requested, if any;~~

~~(b) Amount of time requested; and~~

~~(c) Relevant documents and materials to be considered including a written statement explaining the matter to be covered.~~

~~(4) The board may restrict presentation time on any agenda item. Persons appearing are encouraged to submit written statements.~~

~~Stat. Auth.: ORS 479.730~~

~~Stats. Implemented: ORS 479.730~~

~~Hist.: BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96~~

**918-400-0260**

### **Electrical and Elevator Board Agendas**

~~(1) Electrical and Elevator Board meeting agendas are usually completed two weeks before the scheduled meeting.~~

~~(2) The agenda has a section allowing public comment. No prior arrangements are necessary to make public comment, although time for comment may be restricted by the board chairman.~~

~~(3) Requests to be placed on the agenda are required 30 days before the scheduled meeting. The request shall include:~~

~~(a) The subject to be covered and result requested, if any;~~

~~(b) Amount of time requested; and~~

~~(c) Relevant documents and materials to be considered including a written statement explaining the matter to be covered.~~

~~(4) The board may restrict length of presentation time on any agenda item. Persons appearing are encouraged to prepare and file written statements.~~

~~(5) The board reserves the right to amend the agenda on the meeting date.~~

~~Stat. Auth.: ORS 455.144~~

~~Stats. Implemented: ORS 455.144~~

~~Hist.: BCD 18-1995, f. & cert. ef. 12-15-95~~

## **918-690-0400**

### **Plumbing Board Agendas**

~~(1) The Plumbing Board meeting agenda is prepared approximately three weeks before the scheduled meeting.~~

~~(2) The agenda has a section allowing public comment. No prior arrangements are necessary to make public comment, although time for comment may be restricted by the board chairman.~~

~~(3) Any person requesting to be placed on the agenda shall make the request at least 30 days before the scheduled meeting. The request shall include:~~

~~(a) The subject to be covered and result requested, if any;~~

~~(b) Amount of time requested; and~~

~~(c) Relevant documents and materials to be considered including a written statement explaining the matter to be covered.~~

~~(4) The board may restrict presentation time on any agenda item. Persons appearing are encouraged to submit written statements.~~

~~Stat. Auth.: ORS 693.125~~

~~Stats. Implemented: ORS 693.125~~

~~Hist.: BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98~~

# Board Bylaws

Draft 1

September 12, 2006

## Article I

### Section 1: Purpose and Scope

The purpose of these bylaws is to assist advisory boards in carrying out their functions and responsibilities assigned by statute. These bylaws apply to: the Manufactured Structures and Parks Advisory Board, the Building Codes Structures Board, the Residential Structures Board, the Electrical and Elevator Board, the Mechanical Board, the Board of Boiler Rules, and the State Plumbing Board.

## Article II

### Section 1: Membership

Membership of the boards listed in Article I of these bylaws is governed by statute:

- |                                                       |             |
|-------------------------------------------------------|-------------|
| (a) Manufactured Structures and Parks Advisory Board: | ORS 446.280 |
| (b) Building Codes Structures Board:                  | ORS 455.132 |
| (c) Residential Structures Board:                     | ORS 455.135 |
| (d) Electrical and Elevator Board:                    | ORS 455.138 |
| (e) Mechanical Board:                                 | ORS 455.140 |
| (f) Board of Boiler Rules:                            | ORS 480.535 |
| (g) State Plumbing Board:                             | ORS 693.115 |

### Section 2: Terms of Office

Terms of office of the boards listed in Article I of these bylaws are governed by statute, and are as follows:

- (a) The term of office for a member is four years;
- (b) No member is eligible for appointment to more than two full terms of office; and,
- (c) Members whose terms have expired continue to serve until successors are appointed.

### Section 3: Officers

Each board selects members to serve as chairperson and vice-chairperson. Chairperson and vice-chairperson elections take place annually. The chairperson and vice-chairperson have all the rights, duties, and responsibilities of any other members of the board. The chairperson presides at the board meetings. In the absence of the chairperson, the vice-chairperson presides. In the absence of both the chairperson and the vice-chairperson, the longest serving member of the board who is present presides, or the board secretary may facilitate the meeting.

## **Article III**

### **Section 1: Regular Meetings**

(a) The boards meet as required by statute:

- |                                                       |             |
|-------------------------------------------------------|-------------|
| (1) Manufactured Structures and Parks Advisory Board: | ORS 446.280 |
| (Two times per year)                                  |             |
| (2) Building Codes Structures Board:                  | ORS 455.132 |
| (Every three months)                                  |             |
| (3) Residential Structures Board:                     | ORS 455.135 |
| (Every three months)                                  |             |
| (4) Electrical and Elevator Board:                    | ORS 455.138 |
| (Every three months)                                  |             |
| (5) Mechanical Board:                                 | ORS 455.140 |
| (Every three months)                                  |             |
| (6) Board of Boiler Rules:                            | ORS 480.540 |
| (Four times per year)                                 |             |
| (7) State Plumbing Board:                             | ORS 693.125 |
| (Every two months)                                    |             |

(b) The board may meet more frequently, if needed, upon the agreement of the board, or upon direction of the chairperson or the division.

(c) Board meetings are held at the Building Codes Division Conference Room A, unless the chairperson or the division designates an alternate location.

(d) Regular and on-time attendance at meetings is expected of each board member.

- (1) Members may attend meetings and vote via telecommunication if necessary.

- (2) Members who are unable to attend a meeting must notify the division, as soon as possible, prior to the meeting.
- (e) The division publishes a calendar of meetings. Any scheduled meeting may be rescheduled or cancelled, if needed, upon the agreement of the board, or upon direction of the chairperson or the division.

### Section 2: Requirements for Meetings

- (a) A quorum is required for the transaction of business.
- (b) A “quorum” is defined as a majority of the total number of board members.  
“Quorum” refers to the number of members present, not the number of members voting. Members who are present, but abstaining from a vote, are still considered part of the quorum.
- (c) If a quorum is not present, the presiding officer may call a meeting to order, but the board may take no action.
- (d) All board meetings must be open to the public, except when the board meets in executive session.

### Section 3: Taking action at meetings

- (a) Provided there is a quorum present, a board may take official action.
- (b) All official actions of the board must be taken by public vote.
  - (1) In order for a vote to allow action, the vote must have a concurrence of a majority of:
    - (A) The members voting; and,
    - (B) The total number of members present.
  - (2) The vote of each member must be recorded for each action taken.
  - (3) Members who abstain from voting shall:
    - (A) State a reason for abstention; and,
    - (B) Be recorded as not voting.
  - (4) Written ballots are allowed, but the ballot must record the name of the board member and the member’s vote.

(5) Secret ballots, proxy ballots, and ballots by mail are prohibited, per ORS 192.650(c).

(c) Any member may propose a motion for action by the board. A second is not required.

(d) The presiding officer may call for discussion on the motion; after discussion of the motion, or if no member wishes to speak on the motion, the presiding officer shall call for a vote.

#### Section 4: Preparation of Meeting Agendas

(a) Agendas are prepared and distributed approximately two weeks prior to scheduled board meetings. Board packets are posted on the Building Codes Division Web site approximately two weeks prior to a meeting.

(b) In order for an individual to place an item on the board agenda, the individual must make a request to the division at least 30 days prior to the date of the scheduled meeting. Requests to place an item on the board agenda must be made in writing and must include the following information:

- (1) A written statement explaining the subject matter of the item;
- (2) The action or result requested, if applicable;
- (3) The amount of time requested; and,
- (4) Any other documents relevant to the item.

(c) The division contacts the chairperson to discuss the proposed agenda. The chairperson may exclude a requested agenda item if the request does not include the information required in subsection (b), or is not relevant to, or appropriate for, the board.

(d) A board may amend an agenda at a meeting during the approval of agenda and order of business. Boards shall not amend an agenda to add any action item during a meeting. Appropriate amendments to the agenda include changing the order of business or adding issues for discussion by the board.

(e) Any board member may add an item, including an action item, to an agenda by contacting the division prior to the date of the meeting.

#### Section 5: Control of Meetings

The presiding officer is responsible for administering the efficient and orderly conduct of board meetings. The presiding officer has inherent authority to impose reasonable restrictions such as limiting the length of testimony and limiting testimony to issues relevant to the point under discussion.

#### Section 6: Public Participation at Board Meetings

- (a) The Oregon Public Meetings Law opens all public meetings to public attendance, but it does not guarantee or provide for public participation in the meeting. The presiding officer is responsible for administering the efficient and orderly conduct of board meetings and has the ability to impose restrictions on public participation to ensure order at meetings.
- (b) Private individuals, and representatives of organizations, may appear before the board, consistent with the following procedures. The chairperson may approve a departure from these procedures:
  - (1) Testimony in general: Anyone testifying before the board should begin their comments by stating their name and address; and affiliation, if representing a group, business, or other organization.
  - (2) Testimony time limit: Testimony is limited to five minutes maximum, unless the presiding officer allows a departure from this maximum.
  - (3) Testimony on agenda items: Guests must register at the sign-in table prior to discussion of the agenda item in order to offer testimony. Testimony on agenda items must be relevant to the specific agenda item under discussion. It is appropriate for the presiding officer to interrupt irrelevant testimony and request the testifiers to focus their comments on the point under discussion. When several individuals wish to offer repetitive testimony on the same item, the presiding officer may limit testimony. When doing so, the presiding officer may request that the record show that the individuals were present to testify and the manner in which they would testify. Testimony is appropriate only for items requiring board action. These items include:
    - (A) Approval of agenda and order of business,
    - (B) Approval of prior meeting minutes,

- (C) Enforcement cases,
- (D) Appeals,
- (E) Unfinished Business, and,
- (F) New Business.

- (4) Testimony during public comment period: Guests wishing to address the board during the public comment period must register at the sign-in table prior to commencement of the meeting. The presiding officer may call on those who have registered at the appropriate time.
- (5) Guest conduct: Guests in the public seating area may raise their hand in order to address the board on a topic under discussion. The presiding officer may recognize the guest and allow comment. Guests should only speak if called upon by the presiding officer. If called, guests shall identify themselves and their affiliation (if any) for the record, and should speak loudly enough to be heard by the recording device.
- (6) Display materials: Individuals may display materials using the corkboard strips and tacks provided on the back wall of the public seating area. If the meeting is held in an alternate location, the presiding officer or division shall designate appropriate display areas as necessary. Individuals desiring to display materials by other means or in other areas of the room must have approval from the presiding officer prior to commencement of the meeting. The presiding officer may request that disruptive or obtrusive display materials be taken down.
- (7) Distributing materials to the board: Guests may provide written testimony, informational documents, or other materials to the board. Guests shall provide an adequate number of copies of written testimony or informational documents, as indicated on the board agenda. All materials should be handed to appropriate division staff, who will distribute them to the board. It is inappropriate for guests to distribute food or drink items to the board.
- (8) Video recording: Video recording of meetings is allowed in the area just adjacent to the restroom door. If the meeting is held in an alternate location, the presiding officer or division shall designate appropriate video recording

areas as necessary. No video recording may take place in any other area of the room without prior approval of the presiding officer.

- (9) Audio recording: Individuals may place unobtrusive audio recording devices on the testimony table. Attending to the recording device is only appropriate during periods when the testimony table is not in use. No audio recording may take place in any other area of the room without prior approval of the presiding officer.
- (10) Guest areas: Once the meeting has begun, guests are requested to restrict movement to within the room to the public seating area, the restroom, and the area immediately adjacent to the coffee bar. If the meeting is held in an alternate location, the presiding officer shall designate appropriate public areas as necessary. The board member seating area is reserved for the exclusive use of board members and division staff, once a meeting has begun.
- (11) Cell phones, pagers, etc.: Cell phones, pagers and similar devices should be turned off or made silent. If guests or members must use such devices during a meeting, they shall step outside the meeting room.

#### Section 7: Executive Session

- (a) A board may hold an executive session during any meeting, after the presiding officer has identified the authority under ORS 192.660(2) for holding an executive session. Appropriate reasons for holding an executive session include consultation with legal counsel concerning legal rights and duties, and consideration of information or records that are exempt from public inspection.
- (b) An executive session is closed to the general public, but representatives of the news media must be allowed to attend.
  - (1) A board may specify that certain information is not to be disclosed or is not for publication by the media.
  - (2) The Attorney General has interpreted “representatives of the news media” to include newsgathering representatives (reporters) of news media that ordinarily report activities of the body.

(c) No action requiring a vote may be taken during an executive session. The vote must be made in public session.

Section 8: Rules of order and Parliamentary Procedure

**Sturgis Standard Code of Parliamentary Procedure**, Fourth Edition, is adopted for Board proceedings.

**Article IV**

Section 1: Committees and Subcommittees

The board, chairperson, or division may designate committees and subcommittees, including work groups, task forces, and other panels, as needed, to assist the board in carrying out board duties.

**Article V**

Section 1: Amendment of Bylaws

Only a majority of the chairpersons and vice-chairpersons of the advisory boards listed in Article I may amend these bylaws.