

Oregon State Board of Geologist Examiners

Operational Guidelines for Board Members

2013 Edition

Version II

OSBGE Operational Guidelines for Board Members

I. Name

Section I.1: The state regulatory board is called the *Oregon State Board of Geologist Examiners (OSBGE)*. The word “Board” wherever used shall mean the *Oregon State Board of Geologist Examiners* unless otherwise specifically identified.

II. Mission

Section II.1: As adopted December 7, 2000, the mission of the Board of Geologist Examiners (OSBGE) is to help assure the safety, health, and welfare of Oregonians with regard to the public practice of geology through:

- 1) Licensing of those engaged in the public practice of geology;
- 2) Response to complaints from the public and members of the profession;
- 3) Public education directed at appropriate regulatory communities;
- 4) Cooperation with closely related Boards and Commissions;
- 5) Attention to ethics; and
- 6) Systematic outreach to counties, cities, and registrants.

III. Authority and Responsibility

Section III.1: The Board is authorized under Oregon Revised Statute (ORS) 672.515, and operates in accordance with Oregon Administrative Rules (OAR) Division 809 and Board-adopted policies.

Section III.2: The Board’s responsibility is to govern the practice of geology and to insure that ORS 672.505 to ORS 672.705 and ORS 672.991 and Oregon Administrative Rules (OAR) Division 809 are administered fairly and effectively throughout the state.

Section III.3: The Board is a semi-independent state agency subject to ORS 182.454 to ORS 182.472.

IV. Membership

As established in ORS 672.615:

Section IV.1: The Board consists of six members. Four shall be Registered Geologists of which one must also be a Certified Engineering Geologist, one shall be a member of the general public, and the State Geologist serves as an ex-officio non-voting member.

Section IV.2: The term of office is three years. A Board member can apply to the Governor’s Office for reappointment after the first three-year term. No member may serve for more than two, consecutive three-year terms. A member shall remain on the Board until the expiration of the term and until a successor has been appointed by the Governor and qualified.

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Section IV.3: Additional eligibility requirements for Board membership are outlined in ORS 672.615(2) and OAR 809-060-0003.

Section IV.4: Notwithstanding Sections IV.2 and IV.3, the Governor may remove a member of the Board as provided in 672.615(5).

Board Protocols:

Section IV.5: Historically, the Board composition has included two Engineering Geologists from industry or government, two Registered Geologists from industry or government, and one registrant from academia. The Board strives to maintain this composition as membership changes yet recognizes that the limited number of registrants in academia may not allow for this composition to be perpetually maintained.

Section IV.6: Board members are eligible for reimbursement of certain, actual expenses (e.g., mileage and meals; overnight lodging if needed) as specified in Board policy. Any Board member who is not a public employee will also receive a stipend for meetings attended.

Section IV.7: Expectations for Board members include: regular attendance at and preparation for Board and Committee meetings, generally following state ethics law and disclosing to the Board potential or actual conflicts of interest, and being diligent about clarifying when speaking on behalf of the Board or self.

V. Officers and Duties

Section V.1: Nominations and Elections: Per OAR 809-001-0010, the Board may elect a Board Chairman and Vice Chairman from the membership once a year at the first Board meeting held after July 1. If this election timeline is not feasible in any given year due to extenuating circumstances, the Board may vote to delay elections to a later Board meeting.

Section V.2: Terms of Office: Board officers will serve one-year terms but can be re-elected. There is no limit on the number of terms a member may serve during tenure on the Board. An officer will begin serving at the close of the meeting in which the officer is elected.

Section V.3: Vacancies of Office: An election will be held at the first quarterly meeting following the vacancy. If the vacancy is the Chair, the Vice Chair will serve in the interim.

Section V.4: Duties of Office:

Section V.4.1: The Chair:

Section V.4.1.1 The Chair shall preside at all meetings. The Chair and the Administrator will collaborate in preparing meeting agendas. The Administrator will confer with the Chair in carrying out the work of the Board between meetings.

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Section V.4.1.2 The Chair serves as the Board representative for oversight of and guidance to the Board Administrator. The Chair will approve payroll and timesheets of the Administrator and annually complete a written performance review of the Administrator. The Chair is the primary board contact for the Administrator.

Section V.4.1.3. The Chair serves as the Board representative for financial matters and shall: review, initial, and date the monthly bank statement and the monthly bank reconciliation report of the Board, serve as a secondary check signatory, review any investment documents of the Board and report the status to the Board at the quarterly meeting.

Section V.4.1.4. The Chair will appoint Committee Chairs. Committee Chairs may ask for the Chair's assistance with the appointment of other members to committees.

Section V.4.2 The Vice Chair:

V.4.2.1. The Vice-Chair assists the Chair and Administrator and shall perform such duties as the Board may assign to that office. In the absence of the Chair, the Vice-Chair, will exercise the duties of the Chair.

VI. Committees

The Board determines needs for and scope of assignment for all standing committees or other committees. The Board can vote to establish or abolish said committees at any Board meeting. All committees report findings and ideas to the Board, and the Board makes all final recommendations and decisions.

Section VI.1: Standing Committees of the Board:

Section VI.1.1: Rules Advisory Committee: The Rules Advisory Committee (RAC) is chaired by a member of the Board. The RAC is comprised of registrant volunteers that are solicited from the registrant pool. The RAC Chair and Administrator work together to draft and revise Administrative Rules. Draft rules are reviewed by the RAC to determine if additional clarification, simplification or elimination is needed. The RAC Chair presents proposed revisions at quarterly meetings so that the Board can determine need for action

Section VI.1.2: Joint Compliance Committee (JCC): The JCC is comprised of representatives from both OSBGE and the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) and operates under a Memorandum of Understanding (MOU) dated December 2001. The JCC reviews complaints in the overlap practice area of engineers and geologists and makes recommendations for Board action to OSBGE and OSBEELS. The Chair appoints CEGs to serve on the JCC in accordance with the MOU and associated procedures.

Section VI.1.3: Engineering Geology Examination Committee: The Chair appoints CEG members to serve on this committee. Members work with appointees from the Washington

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Geology Board to oversee exam development and work on post exam scoring practice. The Committee may engage CEG registrant volunteers to assist in the exam development and task analysis process.

Section VI.1.4: Outreach Committee: The Outreach Committee is chaired by a member of the Board and facilitates public relations opportunities. Outreach efforts may be conducted in a variety of ways and targeted at audiences including state agencies, municipalities, counties, professional organizations, and universities. The Committee Chair may present ideas to the Board about inviting such bodies to participate in a work session or to otherwise collaborate on outreach efforts.

Section VI.1.5: Legislative Committee: The Legislative Committee is chaired by a member of the Board. The Committee Chair monitors activities of the Legislature as they relate to the work of the Board and reports those activities to the Board. The Legislative Committee also facilitates drafting of revised statutes and guidance through the Legislative process. Registrants may be solicited to assist with Legislation as needed.

Section VI.1.7: Budget Committee: See Section XI of these policies.

Section VI.2. Participation by Non-Board Members: Registrants of the Board may serve on committees at the pleasure of the Board, as per ORS 672.615(8).

Section VI.3: Coordinators

Section VI.2.1: Compliance Coordinator: The Compliance Coordinator is the Board's Public Member, and the Board Administrator provides staffing support to the Coordinator. The Coordinator may solicit assistance from the Board Chair and other Members as needed. The Compliance Coordinator may engage Technical Reviewers from the registrant pool to assist in evaluating complaints. The Coordinator, with assistance from the Administrator, investigates alleged infractions, prepares case reports, and presents investigative information to the Board.

Section VI.2.2: Application Review Coordinator: The Application Review Coordinator assists with the review of applications for examination and registration. The Coordinator is a registrant member of the Board. The Coordinator and Board rely on staff to complete initial application reviews and highlight areas of potential concern with respect to incomplete information or applications not meeting Board standards. Staff completes these application reviews for both examination and registration applications, using the OARs as review standards and following applicable Board policies and procedures. The Applicant Review Coordinator is asked to provide an oversight review to confirm the initial findings of staff. Established procedures address how disagreements between the staff and coordinator are handled as well as when applications must go to the Board for consideration of proposed denial.

VII. Staff of the Board

Section VII.1: The Board appoints an Administrator as outlined in ORS 672.615(7) and delegates authority to the Administrator as necessary to ensure efficient and effective operation of the Board Office, thereby contributing to the accomplishment of the Board's duties and mission. The Administrator manages the daily operations of the office and is responsible for the administration of Board affairs but carries out this role in direct consultation with the Board Chair. Duties shall be specified in an official position description. The Administrator will follow applicable statutes, rules, policies, procedures, and desk manuals in carrying out duties.

Section VII.2: In consultation with the Board Chair, the Administrator will hire and manage classified staff as allowed by the budget and as needed to carry out the work of the Board.

Section VII.3: The Board collectively serves as the appointing authority for staff. The Board operates from established personnel policies, set benefit and class/compensation packages, and generally oversees all staffing operations in accordance with applicable state and federal guidelines.

VIII. Meetings of the Board

Section VIII.1: The Board meets quarterly and sets an annual meeting calendar which is finalized at the last meeting of the year for the upcoming year. The Board Chair may convene special meetings, either in person or via teleconference, as needed to carry out the work of the Board.

Section VIII.2: Board meeting notices and agendas will be issued to anyone on the meeting notices distribution list and will also be posted on the Board's website. This will occur approximately two weeks before the quarterly meeting date, except for emergency meetings that may require less advanced notice.

Section VIII.3: Board meetings are generally held at the Board Offices in Salem, Oregon. However, special meetings may be held by teleconference as necessary to carry out Board business in a timely manner. As budgets allow, the Board may also hold one meeting per year offsite as part of outreach efforts.

Section VIII.4: Board members are asked to submit new agenda items to the Board Administrator three weeks preceding the meeting date. The Chair and the Administrator will develop the agenda. The Chair will track the meeting agenda and assure that unfinished business items are included on a future agenda.

Section VIII.5: The Board follows the Oregon Public Meeting laws (ORS 192.610 to 192.690). In between meetings, the Board Administrator generally facilitates communication between members and serves as the primary point of contact.

Section VIII.6: The Board Chair may convene an Executive Session for any purpose authorized under ORS 192.660. The Board will not make decisions in Executive Session, however the

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Board may meet in public session to make a decision under ORS 183.482(6) on a subject discussed in Executive Session.

Section VIII.7: Meetings will be conducted according to the most recent revision of the Robert's Rules of Order in all cases in which they are not inconsistent with these policies and any special rules of order the Board may adopt.

Section VIII.8: Staff will prepare meeting minutes. The minutes, with the exception of those from Executive Session, will be posted on the website after they have been approved by the Board in public session.

IX. Voting and Quorum

Section IX.1. Each member of the Board shall have one vote, excluding the ex officio State Geologist. The majority of the members (i.e., 3) of the Board constitute a quorum for the transaction of business. All voting and decisions of the Board must occur in public session.

X. Partnerships

X.1. Association of State Board of Geology (ASBOG): The Board has designated the ASBOG exams as the standard for Oregon. The Board pays an annual membership fee to ASBOG. ASBOG is responsible for preparing and scoring the standardized examinations for registration.

Section X.1.1. ASBOG Annual Meeting Participation: ASBOG meets annually at a rotating location to make decisions about the work of the organization. As budgets allow, one member of the Board is appointed to serve as the delegate to the annual meeting. Participation is rotated. In the absence of a Board delegate, a proxy delegate may be appointed. If a meeting of Administrators is scheduled, the Board Administrator may participate.

Section X.1.2. ASBOG Examination Development: A Council of Examiners (COE) is convened following each administration of the ASBOG examination to score the completed exam and select questions for the subsequent administration. The COE is comprised of volunteer representatives of Boards from member states. The COE convenes in two sections, one covering the fundamental geology (FG) exam and the other the Practice Geology (PG). The COE generally convenes twice per year, one of which coincides with the ASBOG Annual Meeting. Within budget limits, one board member may participate in the Spring and the Fall COE meetings. One COE participant typically remains to serve as delegate for the annual meeting.

X.2. Semi-Independent Board Association (SIBA): The SIBA is a group comprised of the Administrators from each state agency that operates as semi-independent under ORS 182.454 to ORS 182.472. The Board Administrator participates on the Board's behalf in bi-monthly SIBA meetings. The purpose of these meetings is to collaborate and support one another in addressing issues of mutual concern to semi-independent agencies.

XI. Budget

Budget Development and Updates:

Section XI.1. The Budget: The budget is established by the Board on a biennial basis and is in effect from July 1 of fiscal year one through June 30 of fiscal year two. The Board must determine if any fee changes are associated with the budget. The budget and any fee increases must be presented in a Public Rule Making Hearing where all registrants have an opportunity to provide input. The Board will consider public comments received before adoption of the final budget and any associated fee increases in OAR Division 809.

Section XI.2: The Budget Committee: The Board Chair, the State Geologist, and the Administrator will serve as the Budget Committee. The Administrator will draft a budget which will be reviewed by the committee. The final draft budget will be presented to the entire Board for review and approval each February or March of odd numbered years.

Section XI.3: Increase to Approved Budget: During the biennium, should the Board decide to increase expenses beyond the approved budget amount, the Board must notify all registrants and go back through the Public Rulemaking Hearing process to approve an increased budget. Line item expenses within the approved budget can be revised without requiring a hearing if the total expenditures remain within the approved budget as adopted by rule.

Budget Monitoring:

Section XI.4 Revenues: Anticipated revenues are itemized in the biennial budget. Revenue of the Board is received primarily from annual registration fees. The Board does not receive any general fund from the State of Oregon.

Section XI.5 Expenses: Anticipated expenses associated with Board meetings and operation of the Board office are itemized in the biennial budget. Unbudgeted expenses or expenses over the budgeted line item amount must be presented by the Administrator and Board Chair to the Board. Both unbudgeted expenses and expenses over the budgeted line item amount may be absorbed within the approved budget.

Section XI.6 Fees: The Board periodically assesses whether adjustments need to be made to its fee structure. Any changes to fees must be approved by the Board and then carried forward through the formal rulemaking process. Since fee changes are subject to the Public Rulemaking Hearing Process and relate to the Board budget, the Board will generally schedule fee changes to correspond with the biennial budgeting process and associated rulemaking.

Section XI.6 Board Reviews of Budget Status:

Section XI.6.1: At each quarterly meeting, the following items will be presented to the Board for review: Quarterly Report on Budget vs. Actuals; Revenue & Expense Report for Biennium to Date; Balance Sheet, Status of Investments, Registration Trends, and a check log.

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Section XI.6.2: The Board will receive a copy of the annual revenues and expense report submitted to Department of Administrative Services (DAS) by September 30 of each year as per ORS 182.462(4).

Section XI.6.3: A biennial financial review or audit will be conducted per ORS 182.464. The report resulting from the financial review or audit will be directed to the Board and Administrator and shall be discussed during a board meeting. The report will be used to develop the Board's biennial report to the Legislature, which is due not later than April 1 of even numbered years. The Board will be provided an opportunity to review the biennial report no later than the meeting preceding April 1.

XIV. Amendments

Section XIV.1. The Board may adopt new policies or amend, suspend, or repeal existing policies at any meeting of the Board. Unless otherwise specified, new policies or changes impacting existing policies will be effective when acted on by a quorum of the Board.