



Oregon

State Board of Examiners for
Engineering & Land Surveying
670 Hawthorne Ave. SE, Suite 220
Salem, OR 97301
(503) 362-2666
Fax (503) 362-5454
E-mail: osbeels@osbeels.org

SPECIAL BOARD MEETING
Minutes of Meeting
December 13, 2013

CALL TO ORDER

Vice President Newstetter called the Special Board Meeting to order at 2:37 p.m. via teleconference from the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue, SE Suite 220, Salem, Oregon 97301. President Tappert asked Vice President Newstetter to run the meeting, as she was on premises with Staff and AAG Lozano.

ROLL CALL

Members Present:

Shelly Duquette
Anne Hillyer
Ken Hoffine (via telephone)
Sue Newstetter
Ron Singh (via telephone)
Carl Tappert (via telephone)

Members Excused:

William Boyd
Steven Burger
James Doane

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jenn Gilbert, OSBEELS Executive Assistant
Katharine Lozano, Assistant Attorney General
Joy Pariante, OSBEELS Social and Communications Media Specialist

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

Propose permanent rulemaking for rules originally adopted between January 1, 2012 and December 13, 2013

AAG Lozano explained that this rulemaking was to ensure OSBEELS can provide complete and rapid documentation of proper rulemaking procedures in the case of appellate rule challenges. Rules can be more easily challenged within two years of adoption, so the readoption will provide strong procedural documentation for the rules subject to challenge. AAG Lozano explained that

all rules will be the same as when adopted and will be made retroactive to the date of initial adoption. It was moved and seconded (Hillyer/Duquette) to readopt all rules in Divisions 1, 10, 20, 15 and 50 initially adopted in 2012 and 2013; retroactive to respective adoption dates. There was no additional discussion. The motion passed unanimously.

The second issue to address was changing the contracting and purchasing rule, OAR 820-001-0025, as discussed during the December 13, 2013 Rules and Regulations Committee meeting. AAG Lozano explained to the full Board that adopting the Model Contract Rules also adopted policies and procedures from outside agencies which made the services and good procurement process difficult for a small, semi-independent agency such as OSBEELS. AAG Lozano said she would draft a rule to present to PPC at the February 2014 meeting that would outline the new contracting and purchasing rules for OSBEELS. The Board discussed discontinuing the adoption of the Model Contract Rules and changes to procedures for entering into personal services contracts with registrants. Members discussed the benefits of acquiring Requests for Qualifications as a means for determining the most qualified engineer, land surveyor or photogrammetrist to provide services. It was moved and seconded (Newstetter/Duquette) to discontinue the adoption of the Model Contract Rules, adopt a temporary rule requiring that personal services contracts with OSBEELS registrants be qualifications-based and begin the rulemaking process for OAR 820-001-0025. There was no additional discussion. The motion passed unanimously.

Finally, the Board reviewed an added definition to OAR 820-020-0010. Subsection (21) would define professional services as requiring a high degree of expertise, even if it doesn't result in a commodity – such as providing testimony in court. Specifically, “‘Professional service’ and ‘professional services’ as used in ORS 672.005 means labor that requires a high level of training and proficiency, whether or not a tangible commodity is produced.” It was moved and seconded (Newstetter/Duquette) to add the definition of “professional service” and “professional services” to OAR 820-020-0010. There was no additional discussion. The motion passed unanimously.

The meeting adjourned at 2:51 p.m.