

BOARD MEMBER HANDBOOK



Image description: The Oregon state seal, which shows a shield supported by 33 stars. The words "The Union" are on the banner in the middle. Above the banner are mountains, an elk with branching antlers, a wagon, the Pacific Ocean on which a British man-of-war ship is departing, and an American steamer ship is arriving. Below the banner is a sheaf, a plough, and a pickaxe. Above the shield is an American eagle. The legend surrounding the seal reads "State of Oregon" and "1859."

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TINA KOTEK
GOVERNOR

Dear Board or Commission Member,

Congratulations on your appointment! By serving on a State of Oregon board or commission, you are making an important contribution to your community and to our entire state. Government works best when community members are actively engaged, and I appreciate your willingness to lend your time and talents to serve Oregon.

Oregon's board and commission system increases transparency in government, provides important protections for the public, brings new and diverse ideas to the table, and ensures that people across our state have a voice in the policies and programs that impact their lives. It is important to me that the voices of all Oregonians are represented on state boards and commissions. By leaning into all kinds of expertise – whether gained through education, professional pursuits, or lived experience – we can support better decision making and better government. By having a welcoming and inclusive board and commission system, we will ensure that members can bring their whole selves and meaningfully contribute to the work.

It is my hope that your public service will be a positive and rewarding experience. To support you in your new role, my team has created this handbook to serve as a guide. It contains information about your new role, as well as information about where to get additional help when needed.

On behalf of all Oregonians, I want to thank you for your service and for your commitment to helping our state continue to be a fantastic place to work, learn, and live.

Sincerely,

Governor Tina Kotek

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INTRODUCTION

Welcome to board service! The Governor’s Executive Appointments Team has created this handbook to share information that will help you be successful in your new role.

In this guide, you will find information about Oregon’s board system, the activities of boards and commissions, and your role as a board member. There is also information about where to learn more and how to get support when you need it. The information in this manual is provided only as general guidance. For more specific information, please refer to your board’s governing statutes, policies, and rules. Nothing in this manual should be considered legal advice.

If you need something that isn’t in this handbook, please reach out for help. You can contact your board administrator or executive director, your board chairperson, or a member of the Executive Appointments Team. We are all here to support you and want to help make your board service a positive experience. Once again, welcome, and thank you for your willingness to serve.

THE BOARD SYSTEM

Many state agencies and departments are led by policy-making boards or commissions appointed by the Governor. In addition to decision-making boards and commissions, other Governor-appointed committees, councils, and task forces serve in advisory roles. Throughout the rest of the handbook, the term “board” will be used to refer to all of these groups.

The board system is critical to the success of Oregon state government. Boards, commissions, task forces, and similar groups bring diverse community-centered perspectives, a wide range of voices and experiences, and local talent to the state level. This helps keep our government effective and responsive, while improving state performance for all Oregonians.

By serving as a board member, dedicated people like you can participate in decision-making and help develop a variety of policies on issues like natural resources, education, racial justice and equity, economic development, health and human services, and more. Contributions by board members can make government more inclusive, efficient, and transparent.

Each board has a designated board administrator or executive director who is often an employee of the agency where the board is housed. This person—sometimes with other staff—serves as a liaison between the board and other agencies, including the Governor’s Office, and supports the board with administrative work and other tasks. Throughout the rest of the handbook, the term “board administrator” will be used to refer to the main point of contact, executive director, or administrative staff person for boards.

TYPES OF BOARDS

Each board’s purpose and scope is determined by the state law (also called a “statute”) or executive order that created it. There are five main types of boards, each created to meet a specific need.

Oregon boards are generally small (three to ten members), although some can be much larger depending on the need. Often, boards have a carefully balanced membership and must include people from various backgrounds, professions, political parties, or geographic areas.

Policy Making Boards are given authority by the legislature to make policy decisions and enforce regulations. Policy is developed by interpreting the board’s governing statutes or related Oregon Administrative Rules and by implementing procedures to carry out those statutes or rules. Members of policy making boards are generally final decision makers, accountable directly through the Governor to the public.

Some policy making boards are also **Governing Boards**, responsible for directing a state agency and/or appointing the agency director.

Advisory Boards may be created by the Governor, the legislature, state agencies, or existing boards. They serve as policy advisors to their appointing authority who is responsible for the management and administration of the policy. These boards study existing policy and make recommendations for change or implementation. Although they do not have final authority to make or enforce rules, their research, experience, and advice to decision-makers contribute to effective state

government.

Some boards share responsibility for policy making with their appointing authority or another state agency, even though they are called advisory boards.

Licensing Boards fall into either of the above types, depending on the statute or executive order that established them. These boards examine and issue licenses for members of a profession or occupation to practice in Oregon. Some can also discipline members of the regulated profession or occupation and suspend or revoke licenses.

Judgment Boards are created by the legislature as review and appeals boards which hear and rule on individual cases.

THE APPOINTMENT PROCESS

You've been appointed to serve on one of Oregon's boards because of your professional and/or lived experience, your knowledge and insight, and your interest in serving. Many boards have specific membership requirements set in law. These are often related to occupation or lived experience, the number of years licensed in a field, place of residence, or experience with the board's focus and purpose. Most boards require one or more public members.

In selecting members, the Governor considers the balance of the membership among geographic, gender, age, LGBTQIA2S+, racial and ethnic diversity, and disability communities, and seeks to ensure that all Oregonians feel represented on state boards.

The Governor receives candidate recommendations from many sources including community organizations, legislators, agency directors, and board administrators, as well as her policy advisors and Executive Appointments team.

Once nominated by the Governor, some candidates are required by law to be approved by the Oregon Senate before becoming official board members. This process is called "Senate confirmation." These nominees appear before the Senate

Committee on Rules to give brief testimony about their qualifications and why they would like to be appointed. Their names are then forwarded to the full Senate for a vote. The appointment only becomes official after the Senate votes to confirm the list of nominees and the appointee receives their appointment letter from the Governor's Office.

Terms

Terms of membership are generally established by law and vary from one to four years. In some cases, members serve "at the pleasure" of the appointing authority and do not have specific terms of office. Under the Oregon Constitution, a single term of office cannot exceed four years.

Statutes governing some boards prohibit members from serving more than two or three consecutive terms of office. To include as many people in the process as possible, a member will not generally be appointed to serve more than a total of eight years on the same board. However, a board member might serve beyond eight years under certain circumstances, such as when the board is in the middle of a special project or decision.

If you are currently serving and are interested in being reappointed, let your board administrator know. You will need to reapply for your position.

If a member needs to resign, they should inform their board administrator and the Governor's Office of Executive Appointments and include the date when their resignation is effective.

A member may be removed from the board at any time for neglecting the duties outlined for board members, for missing two board meetings in a row without cause, for incompetence, or for unprofessional or dishonorable conduct, among other reasons. The governing statutes of some boards provide standards for the removal of members.

BOARDS WITHIN THE EXECUTIVE BRANCH

In Oregon, most state agencies are relatively independent within their areas of responsibility. Overall policy guidance and direction are provided by the Governor, who is the state's chief executive officer, and by the legislature, which writes laws

and appropriates operating funds. To provide an overall management structure, the Governor uses the Department of Administrative Services, also referred to as “DAS”.

The executive and legislative branches reflect the separation of government powers that provides a system of checks and balances. The legislature creates state agencies, defines their functions, and appropriates funds. The Senate confirms the Governor’s appointments to certain offices. To ensure legislative intent is followed, the Legislative Counsel Committee reviews state agencies’ administrative rules.

The Governor coordinates the activities of state agencies; actively participates in the design, development, and approval of agency budgets; appoints many agency directors, board members and other officials; and approves or disapproves all legislation affecting state agencies.

Board activities are subject to both legislative and executive oversight. Actions by the Governor and the legislature may result in revision of a board’s authority or changes in appropriations.

To learn more about Oregon’s state government, visit <https://www.oregon.gov/pages/government.aspx>.

OREGON STATE LEGISLATURE

You may have some level of involvement with the state legislature during your time as a board member. Oregon’s legislature consists of the House of Representatives, which has 60 members who are elected for two-year terms, and the Senate, whose 30 members are elected to serve four-year terms.

The Oregon Constitution requires the legislature to meet annually. It convenes on the second Monday in January and stays in session for approximately six months in odd-numbered years. This is referred to as “long session” or a “regular session.” In even-numbered years, the legislature meets for no longer than 35 days. This is referred to as a “short session.” A majority of the members of the legislature or the Governor may call a Special Session if there is a need to meet during the interim.

The Speaker of the House and President of the Senate, the two most significant leadership positions in the legislature, are elected by the majority of their respective chambers to preside over daily sessions, appoint legislators to legislative committees, and perform other duties prescribed by rule, custom, and law. They are referred to as the Presiding Officers.

Both chambers—the House and the Senate—operate under an open committee system that allows public testimony during any public hearing. The committees are comprised of legislators appointed by the Presiding Officers. Typically, some 2,000 bills are introduced each long session, and about one-third of them become law. Most of the work in considering and revising bills during the session is done in legislative committees. Committees also conduct interim studies between legislative sessions.

General information regarding the current organization of the legislature, including committee assignments, office locations and telephone numbers, can be found on the Oregon Legislative Information System, often called “OLIS.”

<https://www.oregonlegislature.gov/>.

YOUR ROLE AS A BOARD MEMBER

Representation

There are many reasons you may have chosen to serve on a board or commission. Maybe you are interested in learning more about state government and how it operates. You may wish to serve the public and “give back” to others. You may see serving on a board to impact an issue that is important to you, or to ensure the quality of a particular product or service. There are as many reasons to serve as there are board members, and it is likely you have chosen to serve for a combination of reasons. Whatever your motivation, it is important to remember that you have been appointed to the board to serve all Oregonians. Board members should seek input from all interested parties and carefully consider their concerns and different points of view. However, your primary responsibility as a board member is always to protect the health, safety, and welfare of the public.

If you were recommended by a professional association or special interest group, you will be expected to provide the board with your technical or lived expertise

and bring the point of view of the group to the board. However, you were not appointed to serve only as the representative of a specific group. If the interest of the group that recommended you conflicts with that of the public, your first responsibility is to the public. All board members must work for the benefit of the public first.

Public and special interest members working together can complement one another and enhance the work of the board. Listening to all viewpoints and working together can help boards develop good policies and find fair and equitable solutions to problems.

Being an Effective Board Member

Serving as a board member can be an interesting and rewarding experience. Below are some tips that may help you be more effective in your role and get the most out of your service:

- Stay engaged in the board's work and actively contribute your knowledge and ideas in the way that works best for you. You were selected to serve because of the unique knowledge, experiences, and perspectives you will bring to the role. Your voice is important!
- Regular meeting attendance is a good way to stay engaged. If you're unable to make a meeting, please let your board administrator, executive director, or board chair know as soon as possible. Absences can't always be avoided, but please do your best to attend regularly. According to state law, a board member who has two unexcused absences in a row may forfeit their office unless they were prevented from attending for reasonable cause.
- It's important to prepare for meetings by reviewing agendas, reports, and other documents sent to you ahead of time. If you have questions or need more information, reach out to your board administrator for support. This will help you fully participate in meetings and make more informed decisions or recommendations.
- Familiarize yourself with your board's type, purpose, authority, and assigned tasks. Review your board's charter, bylaws, or other applicable governing documents. It's important that you are familiar with and operate within the

board's governing statutes and bylaws and other state and federal laws.

- Get to know your fellow board members. Positive relationships between members can support collaboration and good decision-making.
- Be the inclusive voice – before deciding, ask, “Whose voice isn’t represented here? Who else should have a chance to weigh in on this?”
- Learn about issues affecting your board and the people or communities impacted by your decisions.
- Think about any support you might need to fully participate in your board’s activities. This might include disability accommodations, translated written materials, access to materials in alternative formats, or language interpretation. Your board administrator or support person will work with you to make sure you have what you need to engage in your duties. For more details about disability accommodations, see the section on the Americans with Disabilities Act later in this handbook.
- There may be times when you feel intimidated by another member’s expertise or worry that you won’t be able to provide meaningful input. Many board members have this experience from time to time. This can be especially true for people who are serving for the first time, are new to state government, are a member of a historically excluded or marginalized group, or are serving as a “public member.” Every member’s perspective is critical to the board’s success and your contributions are important. Public members, consumers, and people with lived experience can bring ideas and insights that others on the board may not have.
- Keep in mind that the board must operate in an open and public matter. Familiarize yourself with public meeting law and strive to conduct business in a way that engages the public to the maximum extent possible. As a board, share information with the public and be open to feedback from the people you serve and represent.
- Remember that authority to act is given to the board as a whole and not to individual members. No board member should make decisions or act on

their own without the consent of the board.

- Remember that as a board member, you will be seen as a representative of the board if you appear at industry or professional gatherings. Take care not to appear to be speaking for the board unless you are specifically authorized by the board to do so.
- Do not share details of board investigations or matters dealt with in executive session unless they are part of the public record.

Ethics

As a board member, your primary mission is to serve the public. You should not use your board membership to create a personal platform. State law forbids public officials, including board members, from using their office for any personal gain. You will receive special training on these laws, and your board administrator can help you get answers to any questions you have.

You can find more information in the Oregon Government Ethics Commission's Guide for Public Officials, located here:

<https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>.

Public Records/Public Meetings

Oregon is known for an open form of government that allows for public participation. Two illustrations of this are the public records and open meetings laws.

These laws are sometimes called "sunshine laws." They are designed to protect public interest and make sure the public's business is conducted in an open and transparent way. As a board member, it's important for you to be familiar with these laws and how they apply to you and the board on which you serve. You will receive special training on public records and public meetings and are encouraged to reach out to your board administrator or board staff with any questions.

You can find more information in the Attorney General's Public Records and

Meetings Manual, located here:

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

Americans with Disabilities Act

The Americans with Disabilities Act, or “ADA,” is a federal law that protects the rights of people with disabilities in many areas of public life. To learn more about the ADA, you can visit ADA.gov website at <https://www.ada.gov>.

Everyone has the right to participate in the activities of boards. This is true for appointed members of boards and members of the public. We can all play a role in making meetings accessible and welcoming to everyone.

The ADA sets requirements for accessibility and accommodation. As a board member, you can request disability accommodations to help you participate in board activities. These accommodations might include (but are not limited to):

- Closed captioning
- Breaks during meetings
- Sign language interpretation
- Large-print or Braille documents
- Extra time to read documents and prepare for a meeting
- Other changes to the board’s processes or procedures that help you participate more fully

If you experience a disability and need accommodation to fully participate in your board, please ask your board administrator for support.

All board members have a role in making sure their meetings and activities are accessible to all. Here are some steps your board can take to make sure people with disabilities can effectively participate:

- Notify the public of their right to disability accommodations. Include a statement on each meeting notice that invites people to request disability accommodations. Include the name and contact information of the person they should send their request to.
- Make sure board documents follow accessibility standards and are easy to read. Use 14-point font or larger and limit the use of boldface, italics, and underlining. Use fonts that are easier to read, like Tahoma, Calibri, Helvetica, Arial, Verdana, or Times New Roman.
- Always hold meetings and other board-sponsored activities in places that are accessible to people who use wheelchairs or have limited physical mobility.
- When requested, provide qualified sign language interpreters, materials in accessible formats such as Braille, large print and audio recording, and other communication aids.
- Make reasonable modifications to policies or procedures if they create a barrier to the full and equal participation of people with disabilities.

GENERAL BOARD ACTIVITIES

Bylaws, Charters, and Other Guiding Documents

Each board should have at least one guiding document which records and explains the group's structure, processes, and scope of work. Types of guiding documents can include:

- Charter
- Bylaws
- Committee handbooks
- Committee policy documents
- Workplans

- Other process & procedure documents

A board's guiding documents are a good source of information about the board and its work, and reviewing these documents is one good way to become familiar with your new role. These documents usually have information about:

- The purpose of the board, including information about any related rules or statutes and the group's authority and responsibilities.
- The board's values and principles.
- Membership, required number of seats, designation of voting and non-voting members, and any requirements for board composition.
- Expectations of board members and officers, including attendance, behavior, and participation.
- Information about board process and procedures, including meetings, quorum requirements, voting procedures, leadership structure, and subcommittees.
- Process for updating or changing the document.

Formal bylaws aren't needed or appropriate for every group, and the level of formality required will vary for each board. There are multiple ways for a board to record its group agreements and processes. In some cases, a committee handbook can serve the same purpose as bylaws in a more welcoming and accessible way. Depending on the work being done, some groups will benefit from a flexible framework while others will require more structure.

The Budget Process

Every board whose costs are paid wholly or in part from funds held in the State Treasury must submit a proposed budget to the Department of Administrative Services (DAS) every two years. This document, called an "agency request budget," is due before September 1 of each even-numbered year and applies to the biennium beginning July 1 of the following year.

The proposed budget identifies expected revenues and the expenditures needed to maintain the current level of services. It may also include expenditure requests, which add or delete programs or activities. Expenditure requests should be listed in priority order. The proposed budget also includes any requests for fee increases. Preparing and monitoring the budget is a process that involves many participants. As a board member, you may assist in creating or reviewing your board's budget, or you may participate in studying the budgets of other agencies.

The budget process includes several steps. First, the board or its staff prepares an agency budget request and submits it to DAS for review. A DAS budget analyst reviews the board's request and submits recommendations to the Governor. The Governor may approve, reject, or amend all or part of these recommendations. The approved budget becomes part of the "Governor's Recommended Budget," which is presented to the Legislature.

Approval of the budget is one of the principal issues in every legislative session. Because the Oregon Constitution provides that the state may not spend more than its revenues, legislators go through a delicate budget balancing act each session.

Bills that give government agencies spending authority are called "appropriations bills." These bills must follow a procedure like other bills. The Joint Committee on Ways and Means conducts hearings and receives testimony on the Governor's Recommended Budget. The budget is then reviewed and approved by both chambers of the legislature (House and Senate) and signed by the Governor. Upon signature or effective date, the appropriation bill becomes law.

You can learn more about Oregon's budget process here:

<https://www.oregon.gov/das/financial/pages/budgetprocess.aspx>

Funding Sources for State Boards

Money for state boards comes primarily from three sources. These are:

General Funds: This comes primarily from personal income taxes, corporate excise and income taxes, cigarette taxes, liquor apportionment and insurance taxes. Other sources of General Fund money include interest earnings, state court fees and fines and other fees. General Fund money is usually used for programs that

support health, education, public welfare, correctional institutions, legislative and judicial functions, general governmental administrative functions, and public transportation.

Budget approval for a General Fund board means the board is authorized to spend up to a certain amount of tax money for its operation. This authorization is called an appropriation.

Federal Funds: Some state boards are funded in whole or in part by federal funds. Such boards must get permission from the legislature to apply for this money from federal grants or entitlement programs. A federal grant may be a gift to the state or may require that the state provide matching funds.

Other Funds: Most boards get their operating money from other sources. These are usually established by the Legislature specifically to support the board or its programs. These funding sources can include:

- License and permit fees
- Trust fund contributions and earnings such as unemployment funds
- Sales and user taxes like gasoline tax or cigarette tax
- Sale of services, such as college tuition
- Sales of commodities, for example, timber from state lands

Budget approval for a board financed with Federal or Other Funds establishes the maximum amount of money the board can spend from its income source. This is called an expenditure limitation.

Other Funds money is used for most transportation-oriented programs (highways, motor vehicles, marine); most employee protection programs (employment, retirement, workers' compensation); many regulatory activities (public utilities, banking, building codes); most licensing bodies (professional licenses); and some natural resource functions (forestry, wildlife).

Requests for Additional Funding

Regardless of revenue source, authority for all state agency spending rests with the Oregon Legislature. During a biennium, if a board finds it needs authority to spend

more than the available funds due to an emergency, it may ask for a limitation increase or additional funding from the Emergency Board. The Emergency Board is a committee made up of state legislators who usually serve on the Joint Committee on Ways and Means. The Emergency Board meets regularly between legislative sessions and considers only state agency requests (including boards). Such requests go to the Emergency Board only if they are approved in advance by the Governor.

A board submits its request to the Department of Administrative Services (DAS), which reviews the request with the Governor, and if the Governor approves, makes a recommendation to the Emergency Board. Next, a budget analyst from the Legislative Fiscal Office (LFO) evaluates the Governor-approved requests and sends a recommendation to the Emergency Board. The request is then considered by a subcommittee of the Emergency Board which makes a recommendation to the full board, which makes the final decision.

Recommending Legislation

Some state boards work with the Governor's Office and the Legislature in developing and changing state law. Your board may propose legislation and/or track bills relating to the work and focus of your board.

Legislation proposed by your board should be reviewed by and submitted to your board administrator. They will be able to help your board submit your legislative proposals through the proper channels. This can mean including your recommended legislation in the agency's overall policy recommendations, working directly with the Governor's Office, or working through other processes that may be in place specifically for your board.

As a board member, you may be asked to testify before legislative committees and advise legislators on issues that concern your board. The knowledge and expertise provided by state boards can be very helpful to the Legislature. It's important to know that there are some restrictions on the ways that board members can engage with the legislative process. Your board administrator will provide guidance on interacting with Legislators. If you are contacted regarding a policy issue or board-related matter, be sure to consult with your board administrator before responding to the Legislator or their staff member.

Rulemaking

To carry out its duties, your board may need to create or adopt administrative directives. There are four types of directives that your board may be involved with. These are:

- Rules
- Policies
- Procedural statements
- Administrative memoranda

It is important to understand the differences between these types of directives and what authority your board has to adopt them.

Rules: A rule implements, interprets, or prescribes law. Rules can be general or specific. A rule is adopted when the subject matter affects the public or another government agency, or when a law directs that a rule be adopted. Once established, a rule has the force of law and all persons or entities to whom the rule applies must adhere to it.

Boards may engage in rulemaking *only* if the Legislature has specifically authorized them to do so in the board's enabling statute. Most boards have the authority to pass rules and regulations needed to implement the powers given to them by law. The board cannot pass rules which go beyond the scope of its statute.

Because rules affect the public, they must be adopted in compliance with the requirements of the Administrative Procedures Act (also called the "APA") unless specifically exempted by statute.

The APA is a state law that imposes requirements for several types of board procedures. These are: rulemaking, issuing declaratory rulings, holding contested case hearings, ensuring readability of public writings, and legislative review of state agency rules.

According to the APA, any person or group can ask a board to adopt, amend or repeal a rule. The board itself may also create or make changes to rules in response to a pattern of problems. The following is a common procedure for writing administrative rules:

- Board staff, working with the board, draft the proposed rules, keeping these guidelines in mind:
 - The board must have legal authority to adopt the rule.
 - The board must consider the economic impact of the proposed rule on consumers and affected businesses, industries and occupations.
 - The board must consider how the rule will affect racial equity in the state.
 - The board may not adopt a rule which violates the law or the constitution.
 - The board must follow statutory requirements for rulemaking procedures.
 - Throughout the rulemaking process, the board should engage the public to the maximum extent possible.
- The board reviews and approves the proposed rules.
- The board's legal counsel from the Department of Justice may be asked to review the proposed rules.
- Public notice is given of the intent to adopt the proposed rules. This notice must include information about how members of the public can submit comments or suggestions about the proposed rules.
- Public comments are solicited. A public hearing may be held to hear testimony on the proposed rules. Once the public comment period has ended, the board must review the input provided. For each public comment, the board must either edit the proposed rule to include the suggested change(s) or document the reason for not doing so.

- The board formally adopts the rules.
- The rules are filed with the Secretary of State and the public is notified that the rules have been adopted by the board.
- Legislative Counsel reviews the proposed rules.

Policy: A policy establishes standards and directives related to internal management of a board. Policies should only be created for matters which do not substantially affect the interests of the public. Policies are generally issued by the board administrator or appointing authority. Within the board, they have the same status as a rule, and all persons to whom a policy applies must adhere to it.

Policy development and adoption are not subject to the requirements of the APA. However, it is wise to have a defined process for policy making. This helps protect the interests of the board members, staff and others affected by the proposed policies. Staff and other affected persons should always be given an opportunity to make suggestions or ask questions before a policy is changed or adopted.

Procedural statements give the specific details of the day-to-day processes that carry out policies and rules. They are issued by the board administrative officer, govern all persons affected, and have the same status within the board or agency as rules.

Administrative memoranda are the notes used internally to communicate temporary data, one-time announcements or requests, and page revisions of existing policies and procedure statements. There is no specific format prescribed for administrative memoranda.

ADDITIONAL REGULATORY BOARD ACTIVITIES

Many boards engage in regulatory activities. Government regulation is needed when the public would suffer physical, emotional, or financial injury if the state did not exercise some oversight or control. Occupational and professional regulation is intended to protect the public's health, safety, or welfare, by ensuring that Oregonians are provided with honest and competent service. The regulation

system provides a means for the public to seek amends through a fair, equitable, and objective process.

Members of regulatory boards help to set policy and give guidance to the regulated industry or profession under governing statutes. Their responsibilities may include preparing and conducting examinations, evaluating applications, issuing or denying licenses, regulating by inspection, conducting investigations of alleged violations of the law, taking disciplinary action, issuing citations, holding hearings, and imposing penalties. These responsibilities must be prudently exercised on behalf of both the public and the occupations and professions being regulated.

Key activities of regulatory boards:

Testing

Appropriate, standardized, and effective tests are an important component of licensure. Licensing tests should be designed to ensure an applicant's education and experience have adequately prepared them to assume an occupational or professional role that impacts the public's health, safety, and welfare. Some boards will administer a state-based test, while others rely on national examinations for licensure.

Discipline

A main responsibility of licensing boards is to determine whether a person should obtain or hold a license. Those licensing boards with regulatory authority not only establish the standards and set the qualifications required for a license to practice, but they also enforce ongoing compliance with those standards.

Most licensing boards have the authority to revoke, suspend, limit, or refuse to issue any license, registration, or certificate that they issue. Some licensing boards are also authorized to issue probationary conditions. They may issue a letter of warning, reprimand, or censure. Most boards may issue a fine for noncompliance with certain laws or rules.

Complaints

Boards must review complaints about programs or licensees under their regulatory authority. Complaints are usually received from consumers of licensee services, other licensees or professionals, other regulatory agencies, or as a result of inspections or investigations.

Each complaint must be reviewed in a fair and unbiased manner. At a minimum, board members must comply with all ethical requirements, including requirements regarding conflicts of interest. For more information about those requirements, board members should refer to the Oregon Government Ethics Commission's Guide for Public Officials, located here:

<https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>.

If there is a question as to whether a complaint falls within the board's jurisdiction, the board administrator should consult with the board's assigned Assistant Attorney General. If a complaint is not within the board's jurisdiction, the board should send the complaint, together with any evidence or information, to the proper entity. The person or entity that submitted the complaint should then be notified.

Hearings

In some cases, an administrative hearing will need to be held to resolve a complaint. The Administrative Procedures Act (APA) establishes specific procedures that must be followed to take disciplinary actions against programs or licensees (e.g., suspending or revoking a license or assessing a fine). If the board conducts a hearing required by the APA, board members should not participate in the investigative or pre-hearing complaint handling functions. They must be impartial parties to the hearing.

Individual board members should disqualify themselves if bias or significant interest prevents fair and impartial participation in the hearing. Bias, or prejudice, include issues of fact in a case as well as bias for or against a party in the case. Interest means the board member personally stands to gain or lose from the outcome of the hearing.

If members have any conflicts of interest or have received any communication on a fact or issue made outside the hearing during review of a case, they must place on the record a statement on the nature of the conflict or substance of the communication.

Hearing decisions made by boards may be appealed to the Court of Appeals.

Administrative details of hearings are generally handled by board staff. Your board administrator can give you more information about procedures for any hearings your board conducts.

LOCAL & FEDERAL GOVERNMENT

As a board member, you may represent state government in its relations with other governmental bodies. State government has a significant responsibility in the federal system of planning, funding, and operating programs. About 70 percent of all federal grant dollars are funneled to state government or through state government to local governments. The other 30 percent goes directly to local programs.

State-Local Relations: Many state boards make policy decisions or recommendations and conduct studies that directly affect the budget, programs, and daily operations of cities, counties, and other local government districts in Oregon.

Boards can work directly with local community members and public officials or through established associations to support local government in creating healthy communities. Boards help accomplish this goal by serving as a link between local communities and state government.

State-Federal Relations: Under the direction and leadership of the Governor, state government can affect the development and operation of federal regulations, funding, and programs to ensure the state's priorities are considered. Each federal agency must publish significant regulations scheduled for review in the Federal Register. Comments from state governments are included in the review process.

The review and comment procedures determine if existing regulations should be rewritten or eliminated.

WHERE TO GET INFORMATION & HELP

Board Administrators & Staff

Most state boards work within a state agency or have access to assistance and advice from the agencies. Typically, if a board works within an agency, some support services are provided to manage internal business. Some boards have their own staff to perform their day-to-day administrative functions. The Governor's Office refers to the main board staff contact as the board administrator.

Most often, the primary role of board staff is to carry out the rules, policies and programs developed by the board. Board administrators or staff also notify the board about issues of importance, prepare meeting agendas in consultation with the board chair, and compile background information for board study.

Other responsibilities of board staff can include:

- Making meeting arrangements
- Supporting accommodation requests
- Preparing minutes
- Processing complaints
- Administering board programs
- Designing forms to conduct board business
- Preparing budget requests and Emergency Board requests
- Monitoring income and expenditures to comply with legislatively approved budgets
- Working with the board to develop proposed rules
- Providing information to the board about proposed legislation
- Tracking bills during a legislative session
- Coordinating testimony before legislative committees
- Representing the board before legislative committees and other groups
- Coordinating member compensation as needed
- Monitoring, reviewing, and recommending candidates who have applied for

- board positions
- Supervising board staff

You can find the list of Board Administrators and their email addresses here:

<https://www.oregon.gov/das/HR/Documents/bap.pdf>.

Governor's Office

The Governor manages the operations of state government in coordination with her staff. The Governor's Office includes advisors on policy and other issue areas, executive assistants, and operations analysts.

Most state agencies report to the Governor through the Department of Administrative Services. Areas that staff in the Governor's Office are responsible for include human services, behavioral health and health care, housing and homelessness, education, natural resources, emergency management, public safety, transportation and infrastructure, workforce and economic development, legislative relations, executive appointments, constituent services, racial justice and equity work, special projects, and communications.

- Governor's Office Website: <https://www.oregon.gov/gov/Pages/index.aspx>
- Governor's Office Main Desk: 503-378-3111

Other State Agencies & Contacts

You may have occasion to request advice from legal experts, someone with financial management experience, or others with special expertise. Below are descriptions of the specific functions of state agencies that may affect board members and whose support services are available to all state boards.

Department of Administrative Services (DAS)

The Director of Administrative Services is appointed by the Governor. The Department was established to administer the Governor's programs and to provide policy direction and support services to state agencies. Most state agencies report to the Governor through the Administrative Services Director.

- DAS Website: <https://www.oregon.gov/das/Pages/index.aspx>
- General Email: oregon.info@das.oregon.gov
- Phone: 503-378-3104

The Budget & Management Division reviews all state agency proposed budgets to assure resources are allocated effectively and prepares the Governor's biennial budget package for approval by the Governor and presentation to the legislature.

All state agencies, including state boards, submit their proposed budgets to this Division for review and assistance. Additionally, the Division oversees expenditures to assure consistency with the Governor's policy and legislative intent. Board members participate in preparing, reviewing, and presenting the budget to the Governor and legislature.

- Webpage: <https://www.oregon.gov/das/financial/pages/BAM.aspx>.

The Chief Human Resources Office (CHRO) provides direction and services to the workforce in Oregon state government. They oversee state agencies' human resources (HR) functions: Classification and Compensation, HR Policy, Executive Recruitments, Labor Relations, and Workforce Development. They also provide services to state agencies for a variety of HR needs including operations and systems through service level agreement.

- Webpage: <https://www.oregon.gov/das/hr/Pages/Index.aspx>

Oregon Department of Justice

The Department of Justice (DOJ) is the state's law firm, led by the Attorney General. The DOJ provides services similar to private law firms, with a few important differences.

By law, the Attorney General and lawyers within DOJ are the sole providers of legal advice and representation to state agencies and officials.

The Department provides oral and written legal advice to all state agencies and state officials, acts as a legal adviser at meetings, and is an advocate for the state in hearings, trials and appeals. The General Counsel Division of the Oregon Department of Justice serves state officials, agencies, boards, and commissions. The Division's legal services include giving legal advice and opinions and representing agencies in administrative hearings.

Each state agency, and its governing board, is assigned at least one assistant attorney general who specializes in law affecting the agency. These lawyers are assigned to identify any legal problems that may be posed by existing or proposed agency policies or actions. Your attorney is there to facilitate your policy choices by pointing out potential problems and evaluating the legal effect of other policy options that may accomplish the desired goal more easily. Requests for legal advice regarding the board must be directed to the Department of Justice.

If you act on the advice of counsel, the Department will defend you in court and any liability will be assumed by the state. Acting without consulting your lawyer, or acting contrary to their advice, may result in personal liability.

Getting legal advice from the Department can be as simple as a phone call. However, some issues require a more formal and comprehensive review through the opinion process. Most agencies and boards have an internal procedure for requesting legal assistance. If you feel you or your board needs to seek legal advice, contact your board administrator for support.

The Department also uses conferences, such as the biennial Administrative Law Conference, and publications, such as the Public Records and Meetings Manual, the Agency Administrator's Guide, and the Administrative Law Manual, to help inform agency staff and board members of their legal rights and responsibilities.

The Attorney General encourages board members to work through their agency staff to arrange personal meetings with their contact attorney and to review the laws or rules related to their board. Reviewing the [Public Records and Meetings Manual](#) and the [Administrative Procedures Act](#) is also a worthwhile task for board members.

- Webpage: <https://www.doj.state.or.us/>

- DOJ General Counsel Phone: (503) 947-4540

Secretary of State

Oregon's Secretary of State (SOS) is Oregon's chief elections officer, chief auditor, and oversees the State Archives and the Oregon Corporation Division. Two divisions of the SOS Office that might be helpful for you and your board are the Audits and Archives Division:

The Audits Division performs fiscal and compliance audits of all state agencies and boards as well as establishing and monitoring standards for municipal audits. Be certain you are provided reports on regular or special audits or any examination of your board.

- Webpage: <https://sos.oregon.gov/audits/Pages/default.aspx>

The Archives Division preserves permanent government records and establishes retention schedules for public records of state agencies and boards. State boards must follow the guidelines established by the division on the care, accessibility, storage and destruction of its papers and records. No official records may be destroyed without the approval of the division.

Administrative Rules

The SOS also receives and processes administrative rules adopted by all state agencies. This section edits, codifies and publishes Oregon Administrative Rules.

- Webpage: <https://sos.oregon.gov/archives/Pages/default.aspx>

Oregon Government Ethics Commission

The Ethics Commission enforces Oregon's government ethics and lobby registration laws. These laws require public officials to disclose potential conflicts of interest, prohibit the use of office for personal gain, and require certain officials to file statements of economic interest, among other requirements.

Lobby regulation laws require lobbyists to register and to file expenditure reports. Certain lobbying is prohibited. For more information about lobbying in Oregon, please consult the [Guide to Lobbying in Oregon](#) published by the Ethics Commission.

The Commission has authority to conduct investigations and hearings, to issue advisory opinions on these matters, and to levy fines for infractions. We highly recommend all Governor-appointed board members review the [Oregon Government Ethics Law – Guide for Public Officials](#) published by the Ethics Commission.

- Webpage: <https://www.oregon.gov/ogec/pages/default.aspx>
- General Email Address: mail@ogec.oregon.gov
- Phone: (503) 378-5105

SUMMARY OF RELEVANT LAWS

The laws and policies listed below are relevant to board members and board service. They may be helpful to reference during your time on the board and we recommend reviewing and familiarizing yourself with them as you start your term. Please see next page.

Topic	Description	Reference
Senate Confirmation	Process for Executive Appointments to go through confirmation by the Senate.	Oregon Constitution, Article III Section 4
Scope of Liability	Scope of liability of public body, officers, employees, and agents.	ORS 30.260 to ORS 30.300
Lobby Disclosure Act	Definitions and guidance related to lobbying, gifts, compensation, etc.	ORS 171.725 to 171.785
Non-Attendance of Board Members	Cause for removal for non-attendance.	ORS 182.010
Administrative Procedures Act	Chapter of Oregon law regarding administrative procedures, review of rules, and civil penalties.	ORS Chapter 183
Alternative Dispute Resolution	Process for agencies to use alternative methods for resolving conflicts related to decision-making	ORS 183.502
Public Records & Meetings Laws	Defines and outlines requirements for public meetings.	ORS 192.001 to 192.695
Vacancies & Eligibility	Outlines considerations and requirements for filling vacant positions and offices, as well as eligibility criteria.	ORS 236.010-263.030
Diversity in Appointments	Outlines demographic/diversity considerations that must be taken when making appointing board members.	ORS 236.115

Term Length, Removal, Prohibition from Accepting Certain Positions	Outlines maximum length terms can be, removal from appointment by the appointing authority, and employment prohibitions in certain scenarios.	ORS 236.140-236.147
Government Ethics Law	Chapter of Oregon law related to government ethics, including gift limits, conflicts of interest, statements of economic interest, and the duties of the Oregon Government Ethics Commission.	ORS Chapter 244
Expenses, Compensation & Parking	Outlines compensation and reimbursement eligibility and process for board members.	ORS 292.495
Oregon Documents Depository Program	Provides definitions and guidance for the Oregon Documents Depository Program , which shares state publications throughout Oregon.	ORS 357.004 & 357.090
Unlawful Trade Practices Act	Outlines unlawful trade practices, which include deceptive sales or business practices.	ORS 646.608
Licensing Boards Administration	Outlines licensing board requirements, authority, processes, and related definitions.	ORS Chapter 670
Policy on a Discrimination and Harassment Free Workplace	Outlines state policy and definitions regarding discrimination and harassment in the workplace.	DAS Policy 50.010.01

Policy on a Violence Free Workplace	Outlines state policy and definitions regarding violence in the workplace.	DAS Policy 50.010.02
Policy on Maintaining a Professional Workplace	Outlines professional workplace state policy and expectations.	DAS Policy 50.010.03