



Oregon

Tina Kotek, Governor

State Board of Towing
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OREGON STATE BOARD OF TOWING Board Work Session Agenda March 19, 2024

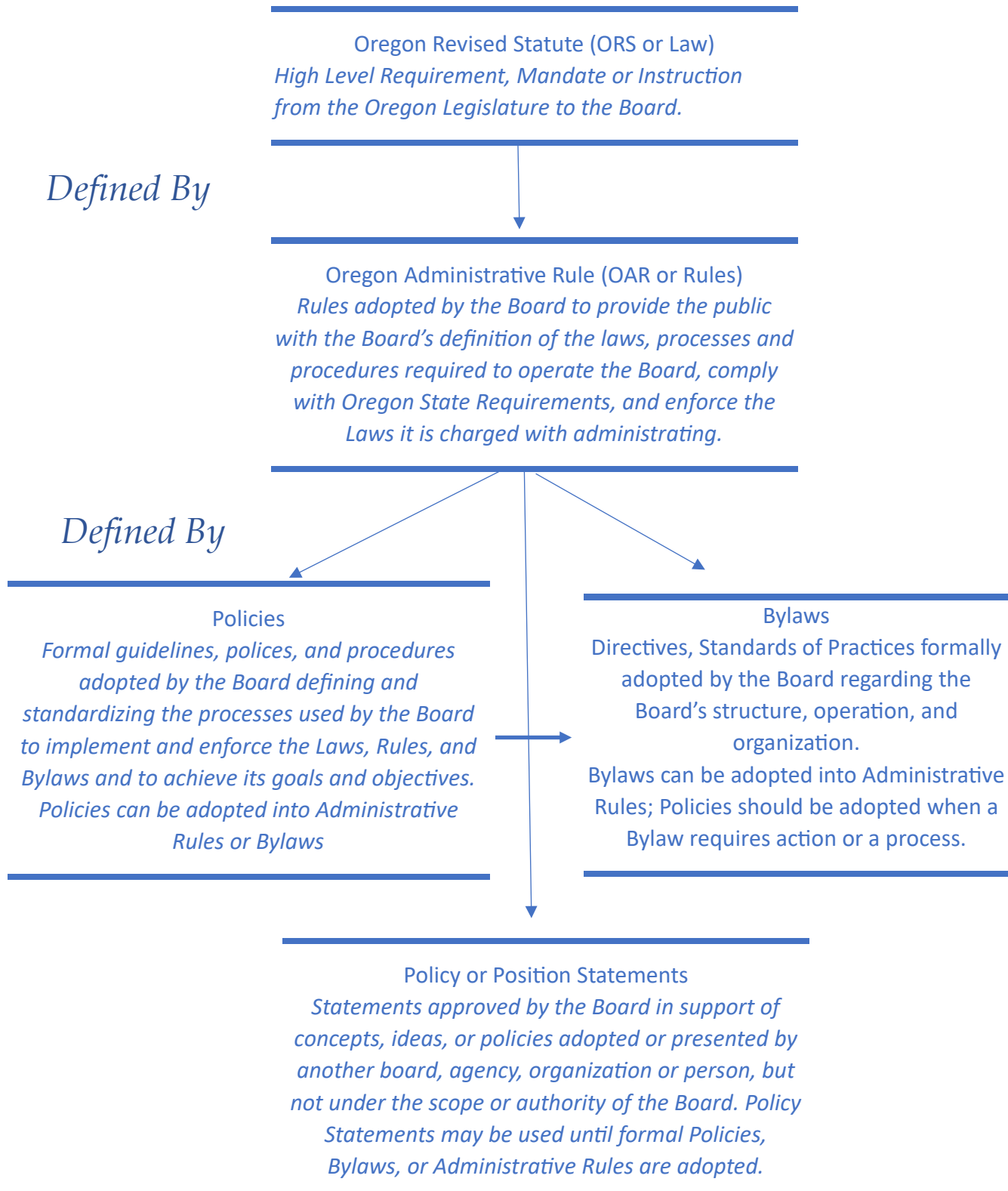
AGENDA ITEM	PRESENTER	TIME
1. Call Meeting to Order	Chair	1:00
2. Welcome & Introductions <i>(Board Member, Staff, and the Public)</i>	All	
3. Approve Agenda	Board	
<i>Board Vote*: Anderson ___ Baker ___ Coughlin ___ Iwai ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley</i>		
4. Work Session		
• Board Bylaws		
<i>Board Vote to approve Bylaws as amended.* ___ Anderson ___ Baker ___ Coughlin ___ Iwai ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley The Board may defer vote until after the amendments are made and a final document is reviewed by the Board. Public comment will be taken prior to a Board vote to adopt the Bylaws.</i>		
• Board Committees		
5. Public Comments <i>(2-3 minutes on topics related to work session discussions or board business).</i>	Public	2:45
6. Next Steps	Board	
a. Review Work Assignments and Direction to Staff		
b. Announcements		
c. Next Board Meeting		
7. Adjourn Board Meeting***	Chair	3:00
<i>Board Vote*: ___ Anderson ___ Baker ___ Coughlin ___ Iwai ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley</i>		

*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision. ORS 822.255 (4) voting protocol: Baker, Shaner/ Anderson, McClellan

**The Board meeting will be adjourned at the conclusion of Board business.

The Oregon State Board of Towing is responsible for protection of the safety and well-being of the public through the regulation of the towing industry by administering and enforcing the laws and rules of the State of Oregon, setting professional standards and expectations of the towing industry, and ensuring fairness and continuity of towing services provided by Oregon's towing industry.

Differences and Relationships between Laws, Rules, Policies, Bylaws, and Policy Statements





State Board of Towing
March 19, 2024
Board Work Session Materials

The following Work Session Materials
are documents drafted
for discussion purposes
only and do not represent
any final decisions or actions by the Board.



STATE BOARD OF TOWING

DRAFT Bylaws

03/19/2024 – Version 1

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OREGON STATE BOARD OF TOWING BYLAWS

Article 1: Governance

The Oregon State Board of Towing (“the Board”) was established by the 2021 Legislature with the authority to

- Adopt Administrative Rules to implement the laws regulating the towing industry under ORS 98.853 to 98.862 and administer additional statutes under the Board's jurisdiction,
- Carry out the provisions of ORS 822.250 to 822.290 and 822.995,
- Investigate allegations of violation of the laws and rules assigned to the Board, and
- If violations are found, assess civil penalties; or issue an Order to suspend, revoke, or deny a tow certificate issued by Oregon DMV (“DMV”) or a letter of appointment issued by Oregon State Police (“OSP”).

Article 2: Mission Statement

The Oregon State Board of Towing is responsible for the protection of the safety and well-being of the public through the regulation of the towing industry by administering and enforcing the laws and rules of the State of Oregon, setting professional standards and expectations of the towing industry, and ensuring fairness and continuity of towing services provided by Oregon’s towing industry.

Article 3: Bylaws

Section 1: Bylaws Generally

1. The Board adopts these Bylaws establishing a governance structure for the conduct of Board business.
2. The Bylaws define the duties, authority limits and principal operating procedures for the Board.
3. Board policies supplement the Bylaws and guide Board operations.
4. If the Bylaws conflict with an Oregon Revised Statutes (“ORS”), or an Oregon Administrative Rules (“OAR”) of the Board, the statutes and then the rules will take preference.

Section 2: Bylaws – Amendments

1. The Board may adopt new, or amend or repeal existing, Bylaws at any regular meeting of the Board by a majority vote of the members present.
2. Unless otherwise specified, amendments or suspension of the Bylaws will become effective when approved by the Board.
3. The written text of any proposed adoption, amendment, or repeal of a Bylaw is to be submitted in writing to the Chair and the Board Administrator at least sixty (60)

days prior to the regular scheduled Board meeting when the proposal is to be considered.

4. Upon receipt of a proposal to adopt, amend, or repeal a Bylaw the Board Administrator will:
 - a. Prepare and distribute the proposed modification to each Board member at least 10 days prior to the public Board meeting when the Board will review the proposed modification.
 - b. Post the proposed modification with the Board Meeting Materials available to the public, and
 - c. Include the topic "Bylaw Amendment" as part of the Board's agenda for discussion during a public meeting.
5. A new, an amendment to, or repeal of an existing Bylaw may be proposed by the Board, its staff or committee, a Board collaborative partner, a state or local agency, or a member of the public.

Section 3: Bylaw Review

The Board will periodically review the Bylaws to ensure the Bylaws remain in alignment with Oregon's laws and the Board's administrative rules, mission, and objectives.

Article 4: Responsibilities of the Board

The Board:

1. Determines the Board's Mission and ensures the Board's Mission is kept current and aligns with the vision of the Oregon Legislature, the objectives of collaborative partners, the goals and standards of the towing industry, and the protection of the public.
2. Regulates the towing industry in the State of Oregon by exercising and carrying out the powers, rights, and duties expressly conferred upon the Board by the laws of the State of Oregon.
3. Interprets the laws and rules governing the towing industry in Oregon, ensuring that the laws and rules are administered fairly and effectively throughout the state.
4. Reviews Oregon laws, rules, and regulations to identify needs for definition, clarification, enforceability, ethical standards and practices, consistency of services, and protection of the public.
5. Adopts Administrative Rules under the Board's rule making authority as necessary for the Board to fulfill its statutory role and legislative mandate.
6. Ensures the relevance and enforceability of Board rules, policies, procedures, and standards.
7. Periodically assesses the performance of the Board and its members, staff, committees, policies, and practices.

8. Develops policies and procedures ensuring the services rendered to stakeholders, industry members, collaborative partners, consumers, and the public are non-discriminatory, effective, and efficient.
9. Ensures the Board is run in an ethical and fiscally responsible manner.
10. Identifies the interests and needs of consumers and the public, encouraging the creation of services to meet protection, education, and resource needs within the areas of concern of the Board.
11. Assists, co-creates, and supports other state agencies and organizations in meeting the needs of the public, the towing industry, and partners by cooperation and sharing of information that will benefit all.

Article 5: Leadership of the Board – Board Members

Section 1: Appointments

1. The Board consists of nine members appointed by, and serving at the pleasure of, the Governor of the State of Oregon.
 - a. One member holding an Oregon Tow Business Certificate who represents a city in Oregon with a population of 100,000 or more;
 - b. One member holding an Oregon Tow Business Certificate issued by DMV, who represents a city in Oregon with a population of less than 100,000;
 - c. One member holding an Oregon Tow Business Certificate who has specialized knowledge in towing equipment and vehicles with a gross vehicle weight rating of more than 44,000 pounds;
 - d. One member holding an Oregon Tow Business Certificate who has specialized knowledge in towing vehicles with a gross vehicle weight rating of 26,000 pounds or less;
 - e. One member who represents the insurance industry who is a:
 - A. Licensed Property and Casualty Agent, adjuster or underwriter with a working knowledge of insurance as it affects the towing industry (including on-hook coverage.)
 - B. Certified Insurance Counselor, or other accredited or credentialed insurance professional specializing in risk assessment and management, liability, and property-casualty insurance.
 - f. One member from the Oregon State Police Tow Program;
 - g. One member who is the Chief of Police or the County Sheriff;
 - h. One member who is a member of the public who
 - A. Does not meet the requirements of any of the other eight board positions; and
 - B. Can objectively represent the concerns and needs of the general public related to towing operations and regulations within the State of Oregon.
 - i. One member who is a consumer advocate who is consumer resources at the federal, state, and local levels in Oregon and has:
 - A. A minimum ## (five?) years of employment or volunteer experience with an agency or organization with a mission or purpose specific to consumer advocacy.

- B. Experience in consumer education and outreach, and experience developing resources for those purposes.
- C. Knowledge and experience specific to Oregon consumer laws and regulations.
- 2. Any position appointment based on a Board member's employment is automatically revoked if the Board member changes employment and no longer qualifies for the position,
- 3. Candidates seeking appointment for a board member position must:
 - a. Be a resident of the State of Oregon; and
 - b. Meet the requirements of the position applied for; and
 - c. Submit an online application to the Governor's Executive Appointments Team.
- 4. Only current appointed members of this Board may vote or serve as elected officers of the Board.

Section 2: Terms

- 1. The term of each member of the Board is four (4) years from the date of appointment, except for the expiration dates of the initial terms of office under ORS 822.250.
- 2. A member of the Board may serve two consecutive terms of four (4) years each.

Section 3: Resignation of Board Members

If it is necessary to resign, the Board Member will:

- 1. Send a letter of resignation to the Governor's Office of Executive Appointments with the effective date of the resignation.
- 2. Send a copy of the Letter to the Board Administrator.

*Clarification by the Board:
"Should" or "Will"*

Section 4: Removal of Board Members

The Board, by majority consensus, may recommend that the Governor remove a board member from an appointed position, declare the position vacant, and appoint a successor to the vacant board position for just cause, including:

- 1. Three (3) unexcused absences or other neglect of duty as a board member;
- 2. Use of the board appointment for financial gain or to avoid financial detriment;
- 3. Unauthorized use or disclosure of confidential information;
- 4. Conduct in violation of Oregon government standards and practices laws;
- 5. For the protection of the public or integrity of the Board; and
- 6. For other just cause determined reasonable by the Board.

Section 5: Vacancies and Recruitment of Board Members

- 1. When possible, departing Board Members are expected to recruit candidates to apply for their respective board positions.

2. When a known vacancy is to occur, Board staff will contact the professional organizations representing the soon-to-be vacant position.
3. The following information will be posted on the Board's website and available to the public:
 - a. Board positions and term expiration dates
 - b. Position qualifications
 - c. Current or upcoming vacancies
 - d. Link to the Online Application on the Governor's website with basic instructions.
4. Board Members seeking reappointment of a second term will submit an online application to the Governor's Executive Appointments team xx (60? 90?) days of the expiration of the current term.
5. The Board will review the applications to confirm candidates meet the position requirements and may recommend an applicant for appointment; however, the Governor has the final authority of appointment of a board member.
6. A Board member who has reached the end of their term may continue to serve until the Governor has appointed a successor at the discretion of the Board.

Clarification:

The Board may want to limit the number of meetings that a person may continue to act as an appointed board member after expiration of a term (generally no more than 2 – 6 board meetings).

Section 6: Board Member Communications

1. The Board's authority is vested in the Board collectively, and not in any individual Board Member.
2. Members do not speak on behalf of the Board unless authorized to do so by the Board.
3. The Chair and the Board Administrator are the delegated authority to speak on behalf of the Board as directed by the Board and Board policies.

Section 7: Indemnification of Board Members

Board members will have indemnification rights under ORS 30.285.

Article 6: Leadership of the Board - Officers of the Board

Section 1: Officers of the Board

1. The officers of the Board are Chair and Vice Chair.
2. The Board may establish additional officers of the Board as it deems necessary to conduct Board business.
3. Elected Officers of the Board must be voting Board members.
4. The officers have the powers and duties set out in these Bylaws, and as directed by the Board, by Board policies, or by law.

Section 2: Chair

The Chair:

1. Will preside at all Board meetings and has the right to vote on all matters before the Board.
2. Will ensure the officers and members of the Board observe the Bylaws and that the decisions of the Board are carried out.
3. Is the designated representative of the Board as directed by the Board.
4. Will perform such other duties as assigned by the Board.

Section 3: Vice Chair

The Vice Chair will:

1. In the absence of the Chair or in the event of the Chair's inability or failure to act, perform the duties of the Chair, and when so acting, has the powers of and is subject to all the restrictions upon the Chair.
2. Perform a *QUARTERLY/MONTHLY* review of the fiscal transactions of the Board.
3. Perform such other duties as assigned by the Board.

To be determined by the Board:

If the Board finds value in either or both positions, the position(s) can remain in the Bylaws OR a Board policy can be adopted vs. inclusion in the Bylaws for either or both positions.

Section 4: Past Immediate Chair

The Immediate Past Chair will:

1. Perform the duties of the Chair and/or Vice Chair in the absence of the Board Chair and/or Vice Chair, as long as the Immediate Past Chair remains a voting member of the Board.
2. Serve on the Board's Executive Committee.
3. Perform such other duties as assigned by the Board.

Section 5: Member Emeritus

1. In recognition of the leadership and dedication of the Board Members, any voting board member who no longer meets the requirements of an appointed Board position, or who has served two terms as a Board member, may serve the Board as a Member Emeritus.
2. A Member Emeritus is a non-voting member of the Board who may attend and participate in all Board meetings as if an appointed board member, and
3. Will perform such other duties as assigned by the Board.

Article 7: Leadership of the Board –Elections, Terms, Resignation, Vacancies

Section 1: Elections

The Chair and Vice-Chair, and any additional elected board officers, are elected from the appointed members of the Board

- ___ at the last Board meeting of the fiscal year.
- ___ at the first Board meeting of the fiscal year.
- ___ at the last Board meeting of the Calendar year.
- ___ at the first Board meeting of the Calendar year.
- ___ at a regularly scheduled meeting in October of every year.

Section 2: Nominations

Nominations for each officer are conducted in a public board meeting as follows:

1. The Chair asks for nominations from the floor.
2. Board Members may move to nominate a candidate for the position.
3. Board Members may nominate themselves.
4. A nominee may decline a nomination.
5. Nominations are closed after all nominations are taken.
6. The Chair will ask for a close of nominations when it's clear that all members have had an opportunity to nominate their candidates.
7. Nominees, appointed Board Members, Emeritus Members, and Board Advisors designated by the Board may discuss the nominees, position requirements and expectations, and recommendations of a nominee.

Questions for the Board:

- *Does the Board want nominations to be seconded? Not required.*
- *Does the Board want to vote for each proposed nomination to be an official nomination?
Or - carry the nominations forward to Board vote.*

Section 3: Voting

1. Board vote on the Nominees are conducted during public session of a Board.
2. A vote may be conducted by consensus, a show of hands, roll call, or ballot at the discretion of the Chair.
3. If the vote is conducted by ballot, the ballots are tallied by the Board Administrator and verified by the DMV Program Manager or their designee.
4. All appointed members of the Board are eligible to vote on the elective positions of the Board, including the nominees.

Clarification: Elections do not technically qualify as "a matter before the Board" – so no limit. Is this acceptable to the Board?

Section 4: Term of Office

1. The term of office for elected positions of the Board is one year.
2. No person will be elected to the same office for more than two consecutive terms.
3. The term of office will begin with the first board meeting following *Board Elections* and ending with the adjournment of _____.

Section 5: Resignation of Officers

1. An officer of the Board may resign at any time by delivering written notice to the Chair (or, if the resigning officer is the Chair, to the Vice Chair) and the Board Administrator.
2. An officer who resigns from office is not required to resign as a board member.

Section 6: Removal of Officers

Any Board officer may be removed from such office by a two-thirds majority of the Board's vote at a meeting of the Board called expressly for that purpose.

Section 7: Vacancies

1. **Chair.** A vacancy in the office of the Chair will be filled for the remainder of the unexpired term by the Vice-Chair.
2. **Vice Chair.** A vacancy in the office of Vice-Chair will be filled by election of the members of the Board at the Board meeting when the vacancy is announced.
3. **Chair and Vice Chair.** If vacancies occur in the offices of both Chair and Vice-Chair at the same time, the Board will elect a Chair and Vice-Chair to serve the remainder of the unexpired terms at the soonest public Board Meeting.
4. **Immediate Past Chair.** In the event the most recent Immediate Past Chair retires from the Board or is unable to meet the expectations of the position, the next most recent immediate past chair may become the Immediate Past Chair.

Section 8: Eligibility for Consecutive Terms

Appointment or election to the office of Chair or Vice Chair due to vacancy will not prevent election to the same office to two consecutive terms unless the unexpired term of the vacated office is more than six (6) months.

Note:

Board decision –

There is no requirement that appointment to an "unexpired term" be included as a "term".

Article 8: Leadership of the Board – Board Administrator

Section 1: Appointment

The Board Administrator position is appointed pursuant to the requirements of ORS 822.260 and the policies of the Board.

Section 2: Responsibilities

The Board Administrator:

1. Is responsible for the general administration and implementation of the Board's affairs in accordance with the general policies established by the Oregon Statutes, Oregon Administrative Rules, Board Policies, and the Board's Bylaws.
2. Has signature authority for compliance documents, final orders, subpoenas, and other official documents and disciplinary actions as delegated by the Board.
3. Has signature authority of Contested Case Hearing Final Orders and Stipulated Agreements Final Orders upon Board approval of the Final Order.
4. Ensures Board compliance with the requirements of the proposed rules process, notices, and hearings.
5. Has other responsibilities and duties as assigned by the Board.

Section 3: Annual Review

1. The annual performance review of the Board Administrator is coordinated by the Board's Executive Committee.
2. A summary of the performance review is presented by an Executive Committee member during the Board's Annual Meeting.

Section 4: Extended Leave or Vacancy

In the event of extended leave or a vacancy, an interim Board Administrator may be appointed after Board consultation with the Governor's Office of Executive Appointments and the Oregon Dept. of Transportation.

Article 9: Board Meetings

Section 1: General Conduct of Meeting

The Board will use, at its discretion, Robert's Rules of Order for the conduct of business at Board Meetings and committee meetings.

Section 2: Meeting Agendas

1. Meeting Agendas are prepared by the Board Administrator at the direction of the Board and in consultation with the Board Chair.
2. Each Regular Board Meeting Agenda will include:
 - a. Board Administrator and Compliance Reports.
 - b. A report on the expenditures and financial receipts of the Board.
 - c. Committee Reports as applicable.
 - d. Allocated time for public comment.
3. Discussions and actions during Board meetings may include any business consistent with the duties and responsibilities of the Board.

Section 3: Records and Minutes

1. Written notes or minutes are kept of all Board, committee, or subcommittee meetings, including Board Executive Session and Work Sessions.

2. Notes or written minutes are drafted by Board staff and approved by the Board.
3. Notes or written minutes are made available to the public through the Board's website or upon request.
4. The notes or written minutes will show:
 - a. The time and place of the Board meeting.
 - b. The names of the Board members present.
 - c. A statement of each matter brought before the Board.
 - d. A record of the vote of each Board member if a vote, unless a vote by consensus, is taken.
 - e. Materials reviewed or discussed by the Board are made available to the public prior to the Board meeting, and attached to, or made available with, the final minutes.
 - f. Will reflect the subject and outcome of each vote.
5. Minutes of matters discussed in Executive Session exempt from public disclosure are kept separately and clearly labeled confidential.
6. Board records will be in the custody of the Board Administrator at the Board's physical address.

Section 4: Participation in Board Meetings

1. Deliberation of issues on matters before the Board is conducted by appointed Board Members, Member Emeritus, Board partners and advisors, and other persons recognized by the Chair.
2. Every Agenda of a Public Board Meeting or work session will include allocated time reserved for public comments or statements.
3. Individuals other than Board Members wishing to present or introduce topics to the Board outside of the Agenda may submit a written request to the Board Administrator at least one week prior to any meeting.

Section 5: Voting and Quorum

1. A majority of the appointed positions of the Board constitutes a quorum for the transaction of Board business.
2. When the Board is deliberating or voting on a matter before it, four members of the board constitute a quorum.
3. Appointed members will have one vote on all matters before the Board, except as required under ORS 822.255 (4).
4. Matters under consideration by the Board are decided by consensus or a majority vote of a quorum of the Board at the discretion of the Chair.

Section 6: Annual Meeting

The Board will hold an Annual Meeting at least once every calendar year to discuss Board organizational and operational matters, including:

1. Review the accomplishments from the previous year.
2. Review, modify, or create a Board Business Plans.

3. Review Board operations and infrastructure.
4. Identify concerns, goals, and critical tasks for the upcoming year.
5. Strategic planning sessions to create actions plans, identify Board long and short-term goals, identify Legislative Concepts and concerns, and identify other Board objectives or action.
6. Annual Performance Evaluation of the Board Administrator.
7. Conduct other official business of the Board.

Article 10: Board Committees

In full compliance with the legislative intent under ORS 183.33, the Board may appoint committees to solicit insight and recommendations from partners, the towing industry, and the public, subject to the requirements of applicable law.

Section 1: Board Committees - Generally

1. From time to time, committees may be appointed by the Board to complete specific tasks or projects for recommendation of Board action.
2. Special committees may be authorized and appointed by the Chair to meet urgent or emergency needs.
3. All committees will report to the Board.
4. The duties of committees, membership, and reporting requirements of such committees are determined on creation of the committee.
5. Committee members will act as conduits for the exchange of information between the constituency, the agencies and organizations they represent, and the Board.
6. Any committee of the Board and the members of any such committee serve at the pleasure of the Board.
7. The Board will consider Committee recommendations when drafting proposed administrative rules and adopting policies and procedures.
8. Committee members are voluntary positions and will not receive compensation for participation in a Board committee.

Section 2: Board Committees – Authority

1. The Committee's authority is vested in the Committee collectively and not in any individual Committee member.
2. Committee members have the authority to make recommendations for action to the Board.
3. Committee members, individually or collectively, have no authority to make statements or make representations on behalf of the Board.
4. Committee members cannot make decisions for the Board or obligate the Board on a course of action.

Section 3: Board Committees - Appointments/Recruitment

1. Appointments may be made:

- a. Directly by the Board
 - b. Through an application process, or
 - c. Through recruitment by Committee Members and approval of the Board
2. In selection of Committee members, the Board will consider the interests of the Board's state and local partners, the industry, consumer advocates, law enforcement, ODOT and Oregon DMV, other state agencies, and other groups or organizations with an interest in the subject matter assigned to the Committee.
 3. The Board's committee appointment process will represent the State of Oregon's diversity and inclusion objectives and guidelines.

Section 4: Board Committees - Membership

1. The Board will determine the number of committee members of each committee.
2. The Board may, at its discretion or under a request by the Committee, increase or decrease the number of required active committee members of a committee.
3. No more than three appointed Board members may serve on a single Board Committee.

Section 5: Board Committees - Terms

Committee Members are appointed until conclusion of the committee assignment, a member's resignation, or by removal by the Board.

Section 6: Resignation of Committee Members.

If it is necessary to resign, the Committee Member should send a letter of resignation to both the Committee Chair and the Board Administrator with the effective date of the resignation.

Section 7: Removal of Committee Members

The Board may remove a committee member for reasons determined reasonable by the Board, including:

1. Three (3) unexcused absences or other neglect of duty as a committee member.
2. Failure or inability to fulfill the obligations of a Committee Member.
3. Use of the committee appointment for financial gain or to avoid financial detriment;
4. Unauthorized use or disclosure of information obtained or reviewed by the Committee.
5. Conduct in violation of Oregon government standards and practices laws;
6. For the protection of the public or integrity of the Board.

Section 8: Vacancy

In the event of vacancy, the Board may appoint another person to the Committee.

Article 11: Board Committees – Meetings

Section 1: Public Meeting Requirements

Committee meetings must comply with Public Meeting requirements.

Section 2: Participation

1. Committee decisions and recommendations are by consensus of Committee members.
2. Committees are encouraged to allow non-members to make public comments or express opinions to the Committee at Committee Meetings, provided the non-members adhere to the subject and limit their presentation as requested by the Chair.

Article 12: Board Committees – Types of Committees

Section 1: Types of Committees, Generally

1. Standing, special, ad hoc, and sub-committees may be created by the Board and may be suspended or abolished in the same manner.
2. Nothing in this section requires the Board to establish a Committee, nor is the Board's authority limited in the designation or appointment of committees.

Note:

Board to determine if the following Committees should be named in the Bylaws – The Rules Advisory and Rules Review Committee are required by law.

Section 2: Board Member Committee

The Board or Board Chair may appoint a Board Member Committee of no more than three appointed board members to research any topic or subject on behalf of the Board.

Section 3: Executive Committee


1. The Executive Committee will consist of the immediate past Chair, the current Chair, and the current Vice-Chair.
2. The Chair of the Board will also serve as the Chair of the Executive Committee.
3. The Executive Committee is responsible for coordinating:
 - a. The annual performance review of the Board Administrator.
 - b. The recruitment and appointment process of the Board Administrator in the event of a vacancy.
 - c. Delegation or oversight of the Board Administrator duties in the event of a temporary or permanent vacancy.
 - d. Other duties as assigned by the Board.

Section 4: Rules Advisory Committee

1. The Board may appoint Rules Advisory Committees (RAC) as needed to meet the legislative intent of public input in the Board's proposed administrative rules process.
2. In addition to the general reporting requirements, RACs are to provide recommendations to the Board:
 - a. Whether the rule will have a financial impact,
 - b. Who is financially impacted by the rule,
 - c. How individuals or businesses may be impacted,
 - d. The extent of the financial impact of the rule, and
 - e. Whether the rule will have a significant adverse impact on small businesses.
3. If the RAC finds that the rule may have a significant adverse impact on small businesses, the RAC will provide recommendations on compliance with [ORS 183.540 \(Reduction of economic impact on small business\)](#).

Section 5: Rules Review Committee

Beginning in 2028, the Board will appoint a Rules Review Committee consisting of the Board Administrator, the Board Chair, other appointed Board Members or Emeritus Members, representatives from state and local agencies, the towing industry, consumer advocates, and other partners and public members to review Administrative Rules adopted by the Board in the previous five years in compliance with ORS 183.405.

	<h2>State Board of Towing Public Policy (DRAFT)</h2>	Number:	Supersedes:
		Initial Date:	Review Date:
		Board Approved:	Effective Date:
	Subject:		<h2>Board Committees</h2>

POLICY PURPOSE

This Policy supports the Board’s vision and objectives of public engagement and involvement in

1. Identification of the needs of consumers, industry, and partners,
2. Drafting the Board’s operational practices and procedures,
3. Development of public policy and best practices, and
4. Drafting proposed administrative rules.

OVERVIEW

The State Board of Towing was established by the 2021 Oregon Legislature under Senate Bill 300 to implement ORS 98.853 to 98.962, and to administer other laws assigned to the Board.

The Board has identified appointing Board Committees as a resource to

1. Continue the work of the Board and
2. Encourage public participation in development of Board administrative rules and policies.

AUTHORITY

ORS 183.333 Policy Statement

(1) The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee or use any other means of obtaining public views that will assist the agency in drafting the rule. The membership of an advisory committee appointed under this subsection must represent the interests of persons and communities likely to be affected by the rule.

(2) Any agency in its discretion may develop a list of interested parties and inform those parties of any issue that may be the subject of rulemaking and invite the parties to make comments on the issue.

(3) If an agency appoints an advisory committee for consideration of a rule under subsection (1) of this section, the agency shall seek the committee’s recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses. If the committee indicates that the rule will have a significant adverse impact on small businesses, the agency shall seek the committee’s recommendations on compliance with ORS 183.540 (Reduction of economic impact on small business).

OAR 750-010-0060 - Committees and Subcommittees.

(1) *Special Committees and Subcommittees may be created by the State Board of Towing to research, study, or evaluate various aspects of policy, programs, or projects for the purpose of recommendation of courses of action to the Board.*

(2) *A Committee created by the Board may exist as long as there remains concern or interest for the assigned area of interest, until the conclusion of the committee assignment, or until disbanded by the Board.*

(3) *Committees will consist of three (3) or more members, including one (1) Board member or Board staff assigned as the Board's representative and liaison, except as required by ORS 183.333 (8).*

Authorization under the Board's Bylaws – pending.

BEST PRACTICES - ESTABLISHING COMMITTEES

1. Identify the need for a committee. The Board will establish, during public session of a public meeting or work session, the Board's need and purpose of a committee, and identify expected achievements and measurable, strategic outcomes.

2. Name of committees. Committee names will demonstrate the purpose of a committee and differentiate Committees from each another. Committee will be referred to by name in recruitments, during meetings, in meeting notes, etc.

3. Identified purpose and goals of a committee. A "Charter", "Mission" or other statement of purpose will be created for each Board Committee:

- Clearly states the Board's expectations of the Committee's focus and outcome,
- States the authority of the Committee to:
 1. Make decisions (and if so, the scope)
 2. Prepare a recommendation.
 3. Gather information and share it, or to conduct research on a topic identified by the Board.
- Identify subject matter experts or other resources who/that should be consulted or considered by the Committee.
- Identify the skills and knowledge sets the Board deems as necessary for a successful outcome.
- Define the expected final work product that the Committee.

It is not the Board's intent to micro-manage committees, but to ensure that the efforts and scope of the Committee's work address the needs and vision of the Board.

Committees should be encouraged to recommend additional needs or issues to the Board as discovered in the research and work of the Committee; however, Committee work is to focus on the identified purpose of the Committee unless directed to do so by the Board.

4. Established timelines.

- The Board and its partners have several deadlines dictated by several external factors, including:
 - a. State reporting requirements
 - b. Fiscal year
 - c. Legislative sessions

- d. Notice and hearing requirements, and
- e. Other parameters.
- Each Committee will have a timeline for reports, key performance measures, and expected final deadline established by the Board.
- Deadlines may be extended or shortened at the Board's discretion.

5. Committee Member recruitment and appointment.

The industry, state and local partners, law enforcement, ODOT, DMV, and other state agencies will be consulted as appropriate when the Board identifies the need for a committee to ensure representation and diversity.

The Board may appoint committee members by

- Direct appointment by the Board.
- Recommendation of an organization or agency.
- Recruitment through an application process.
- Direct Recruitment by Committee members.

6. Initial meeting.

The Board will name a lead person responsible for convening *at least the first meeting* of the committee.

- The person may or may not have the ongoing position of chair or a role in the Committee.
- The lead person is responsible for establishing a meeting date, time, and agenda for the first committee meeting, confirming the Committee Roster and contact information, and disbursement of the initial meeting materials.

The Board may, at its discretion, schedule the time and location of the first meeting of the Committee.

BEST PRACTICES - COMMITTEE MEMBERSHIP

Committee Membership:

- Committee membership will reflect Oregon towing industry and consumer demographics, state and local agencies, and the interests of the Committee's purpose.
- Each committee member will bring value to the Committee's purpose and goals through experience, background, knowledge, and interest.
- Committee members will be recruited and appointed from different areas of the state, from different professions, from different agencies and organizations, from the public, and from within the towing industry.
- Representatives from within the towing industry may include tow company owners, tow operators, administrative and dispatch staff, management, retired owners or operators, educators, close family members, and other towing industry professionals.
- Tow company owners must hold at least one Tow Business Certificate issued by Oregon DMV.
- Public Members of a committee cannot be, or have close relative who are, members of the towing industry.

Committee Advisors:

- The Board or the Committee may identify committee members who may be subject experts or act as advisors, but do not act as a voting member of the Committee.
- Advisors can help address legal, technical, or administrative questions quickly in addition to providing more diversity of thought to the committee.
- Board advisors are not required to be Oregon residents.

Reimbursement and Expenses:

- Board Committee Membership is voluntary; there is no reimbursement of a committee member's time or mileage.
- Any expenses or costs of the Committee must be pre-approved by the Board.

Committee Member Conduct:

Committee members will:

- Comply with the Conflict-of-Interest requirements of the state.
- Always treat Committee Members, the public, and partners with respect.
- Encourage participation and engagement by all Committee Members and public attendees in discussion; value the opinions and insights of others.
- Refrain from pursuing personal agenda topics that are outside the scope and purpose of the Committee.

Training and Orientation:

Board staff will provide training and orientation materials at the first meeting of a committee, including:

- Public meeting requirements
- Conflict of Interest
- General expectations of the Committee

BEST PRACTICES - COMMITTEE ROLES

Committee Chair

The Committee Chair, at the discretion of the Board, can be appointed by the Board or can be selected by the members of the Committee.

Responsibilities:

- Coordinate committee meetings and prepare Agendas*
- Maintain Committee Member involvement and engagement.
- Assist in, or coordinate, the recruitment of additional committee members as necessary*
- Prepare Committee Reports and present the reports to the Board during public board meetings.

- Ensure the work performed by the Committee is in alignment with the purpose and expectations of the Board, and that the interest of the public, industry, and others are well represented and heard.
- Identify resource needs of the Committee, coordinate resources with the Board, Board Staff, and partners.

Skills and Characteristics:

- Experience in the subject matter that is the purpose of the Committee.
- Ability to manage meetings effectively and help the group reach closure or consensus on issues,
- Skill in oral and written communications.
- Experience as a committee member
- Ability to delegate responsibility as well as willingness to accept responsibility for the committee's actions.
- Keep group efforts focused and all members involved in tasks.
- Represent the committee at Board meetings, serving as a conduit between the Committee and the Board.
- Follow-up on Board direction, committee recommendations or other actions.

Recording Secretary

The Recording Secretary is the primary liaison amongst the Committee Members, and is responsible for taking minutes and notes, and may assist the Committee in drafting presentation materials, research, or providing other technical assistance.

The Recording Secretary may be appointed by the Board, the Committee Chair, or can be selected by the members of the Committee.

Responsibilities:

- Keep a record of member attendance at meetings
- Keep a record of discussion and recommendations
- Maintain a permanent record file of Committee activities; the file is a part of the public record and transferred to the Board upon disbandment of the Committee, or at the request of the Board or Board staff.
- Distribute minutes of committee meetings and copies of other committee documents to committee members, advisors, and Board staff.
- Send copies of minutes and meeting schedules to the Board Chair and Board Administrator.
- Arrange for meeting space and prepare meeting Notices; coordinate with Board staff for inclusion on the Board's calendar, notify members and guests of meeting time/location.

Committee Vice-Chair

The Committee Vice Chair, at the discretion of the Board, can be appointed by the Board or can be selected by the members of the Committee.

Responsibilities:

- Works closely with the Chair on Committee tasks and projects
- Serve as the Chair in the event of the Chair's absence.
- Acts as the parliamentarian during Committee Meetings
- May assume traditional responsibilities of both the Chair and Recording Secretary to ensure the needs of the Committee are met.

**The responsibility for membership recruitment and meeting logistics (location, agenda, and distribution of materials to the Committee Members) falls to the Committee. These tasks should be the responsibility of the Committee Chair, Vice Chair, or Recording Secretary as agreed by the three committee officials.*

Board Liaison

- Except when prohibited by law, each Committee will be assigned a Board member, a Member Emeritus, or a member of Board staff to serve as a Board liaison.
- A Board member may or may not be a voting Committee member as determined by the Board.
- Unless otherwise designated by the Board, the Board liaison or staff will provide logistical or technical assistance; Board staff should not be expected to take minutes, distribute materials, or prepare presentations, documents, or reports.

BEST PRACTICES - COMMITTEE MEETINGS

- The Chair* will prepare a meeting Agenda; each Agenda will have opportunities for public comment, time permitting.
- Committee Meetings will be open to the public to the full extent possible, unless otherwise approved by the Board or required by law.
- Committee Meeting notices will be provided to Board staff and posted at least 10 days before a committee meeting.
- The meeting minutes or notes and meeting materials will be posted on the Board's website to provide:
 1. Compliance with Oregon's public meeting laws and transparency of the Board's processes.
 2. Historical reference.
 3. Documentation of the process behind Committee decisions and recommendations, and
 4. Document Committee concerns and discussions about how and when a decision was made, and comments offered both in support and in opposition of discussions or decisions.

**The responsibility for membership recruitment and meeting logistics (location, agenda, and distribution of materials to the Committee Members) falls to the Committee. These tasks should be the responsibility of the Committee Chair, Vice Chair, or Recording Secretary as agreed by the three committee officials.*

EVALUATION

The Board will conduct periodic reviews of its committees to determine:

- The extent to which the Committees are accomplishing goals and objectives.
- The extent to which the recommendations and actions have assisted in the Board's work.
- Future direction and activities for the committee.

Committee members may be requested to complete a survey upon disbandment of a Committee to identify process and implementation improvements.

PUBLIC INPUT AND COMMENT

- The need and purpose for a committee will be discussed in public board meetings.
- Members of the public, industry, and partners will have an opportunity to provide input and feedback regarding the need for, and purpose of, committees during meetings and at any time by submitting written comments to the Board.
- The Board may, from time to time, conduct surveys or have discussions with partners, the public, and the industry to identify the need for committees.
- The Board strives to identify and recruit committee members representing diverse backgrounds, interests, knowledge, professions, and experiences, from across the state of Oregon.
- The type or nature of Committees formed by the Board, an Application Form, committee member requirements, and other information will be posted on the Board's public website.
- The Board will provide notice to the Oregon Tow Truck Association, other partners, and agencies, and through its subscription list, the creation of committees and committee member opportunities.
- In selection of Committee members, the Board will consider the interests of the following:
 - The Oregon Governor and the Governor's Executive Appointment Division and the current vision and mission for the State of Oregon.
 - The Oregon Legislature which implements and creates the laws governing the Board's authority, directives, and purpose.
 - Professional industry organizations, companies, businesses, and professionals with interest, either direct or indirectly, in the towing industry and the vision of the Board.
 - Oregon state and local agencies with an interest in the regulation of the towing industry and consumer protection, especially where there are areas that overlap and correspond with the Board's jurisdiction.
 - Members of the public, including, but not limited to, individuals with experience with receiving towing services.
 - Consumer advocacy groups.

- Individuals with specialized knowledge or experience with the specific topics or areas of interest assigned to a committee.
- Committee meetings will be posted on the Board’s website, Oregon’s transparency website, and distributed to the Board’s email subscription list.

Work Product for Discussion Purposes Only

Oregon State Board of Towing Committee Purpose Statement



Name of Committee:

Members:

List of Members

Committee Chair:

Contact Email:

Board Member Liaison for Committee:

Advisors/Resources:

Purpose and Expectation:

The Committee is appointed by the Board to *xxxxxxx.*

Authorization:

List Applicable ORS And OARs here:

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