

DIVISION 11

COUNCIL MEETINGS AND COMMUNICATION

345-011-0000

Authority and Purpose

The purpose of the rules in this division is to provide procedures for the orderly conduct of meetings of the Council.

Stat. Authority: ORS 183, ORS 469.470

Stat. Implemented: ORS 192, ORS 469.460

345-011-0005

Quorum and Rules of Order

(1) Five members of the Council constitute a quorum. The Council may meet to discuss any matter in the absence of a quorum but shall take no formal action on any matter unless a quorum is present.

(2) A majority of the Council members present at a meeting must concur for the Council to act on any matter before it; however, in accordance with ORS 469.370(7), a Council decision to approve or reject an application for a site certificate requires the affirmative vote of at least four members.

(3) The Council shall not vote on any proposed Council action unless a Council member has moved, and another Council member has seconded, the proposed action.

(4) For all Council actions that result in a written order or administrative rule, the Council's action authorizes the Department of Energy to make scrivener's corrections in the written order or administrative rule.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 174.130, ORS 469.370, ORS 469.460

345-011-0010

Officers

(1) The Council shall annually elect a chair and a vice-chair. The chair and vice-chair shall serve for one year or until their successors are elected. A member may serve successive full terms as chair or vice-chair. The chair or vice-chair may be removed by a unanimous vote of the other Council members.

(2) The chair shall preside over all Council meetings, shall determine, in cooperation with the Council Secretary, the location of the Council meetings, and shall execute all written documents that must be executed in the name of the Council.

(3) The chair may take action on behalf of the Council in emergencies that arise between meetings, subject to ratification by the Council. When practicable, the chair shall advise all members by telephone of any action proposed to be taken in an emergency.

(4) The vice-chair shall act in lieu of the chair when the chair is unable to perform any of his or her responsibilities.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 469.450

345-011-0015

Meetings

(1) The Council shall meet periodically, as determined by the Council. The Council may vary the locations of its meetings in order to give persons throughout the state an opportunity to observe and participate in its activities. The Council Secretary, consistent with the requirements of ORS Chapter 192.610 to 192.690, shall give notice of each meeting of the Council.

(2) The Governor or the chair may call a special Council meeting to be held at any place in this state. The person calling the meeting shall designate the time and place of the meeting and shall give at least 24 hours' notice of the meeting to each Council member and the public. In the event of an emergency, the Council may hold a meeting upon such notice as is appropriate to the circumstances, and in the minutes for such a meeting, the Council shall describe the emergency justifying less than 24 hours' notice.

(3) The Council may hold meetings by telephone or other electronic communication. If the Council holds a meeting by telephone or other electronic means, the Council shall conduct the meeting in accordance with ORS 192.610 to 192.690.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 192.640, ORS 192.670, ORS 469.460, ORS 469.470

345-011-0020

Agendas for Regular Meetings

(1) The Council Secretary shall prepare an agenda for each regular Council meeting after consulting with the chair. On the agenda, the Secretary shall specify all matters scheduled to come before the Council at the meeting and shall identify the proponent of agenda items scheduled at the request of a member of the public as described in OAR 345-011-0035.

(2) On the agenda, the Secretary may include a consent calendar, identifying items that the Secretary considers to be routine, such as minutes of previous meetings and personnel recognitions, which will be acted upon without public discussion. However, if a Council member objects to an item on the consent calendar, it will be removed from the consent calendar and placed on the regular agenda for discussion.

(3) The Secretary shall include on each agenda a designated time period reserved for the presentation of concerns by interested citizens who wish to address the Council regarding any item within the Council's jurisdiction. The chair shall establish the duration of this period and may lengthen or shorten it at the Council meeting as the length of the meeting and timing and duration of other Council business dictate.

(4) The Secretary shall mail the agenda, together with minutes of all previous meetings that the Council has not approved, to Council members at least one week before a regular meeting. The Secretary shall send the agenda to each person or organization on the Council's general mailing list. The "general

mailing list” is the list of persons who have requested all Council meeting and facility siting mailings.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 192.640, ORS 469.460, ORS 469.470

345-011-0025

Consideration of Matters Not on Agenda

A Council member or the Council Secretary may, with the approval of a majority of Council members, raise matters at a meeting that the Council Secretary did not place on the agenda. The Council shall not act on a matter not on the agenda unless a majority of the members present agree that the matter is so substantial and of such immediate concern that the Council should not defer action until the next regular Council meeting.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 469.460

345-011-0030

Order of Business

(1) The order of business of Council meetings is as follows:

(a) Introduction of new Council members, resolutions for retiring Council members, and other personnel recognition.

(b) Announcements.

(c) Minutes of previous Council meetings including corrections, additions and approval. If minutes have been mailed to Council members before the meeting, the Council may waive the reading of the minutes.

(d) Reports of standing and special committees.

(e) Consideration of agenda items.

(2) The chair, unless a majority of the Council disagrees, may revise the order of business and may limit debate on any item as necessary to conduct the meeting fairly and efficiently.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 192.650, ORS 469.460

345-011-0035

Requests to Place Items on the Agenda

(1) Any person may request formal Council action on a particular subject (an "action item") by submitting a written request to the Department of Energy.

With the concurrence of the chair, the Council Secretary shall place the requested matter on the agenda for discussion at the next meeting occurring at least 14 days after the request is received by the Department. The Council shall treat the matter as an information item at that meeting and may take final action on the matter if a majority of the members present agree that the request is so substantial and of such immediate concern that the Council should not defer action until a future meeting. Normally, however, the Council will defer action on the matter until a future meeting.

(2) Any person may request Council discussion of an information item by submitting a written request to the Department. With the concurrence of the chair, the Council Secretary shall place the requested matter on the agenda for discussion at the next meeting occurring at least 14 days after the request is received by the Department.

(3) The provisions of section (1) do not apply to petitions requesting the Council to initiate a rulemaking proceeding, as described in OAR 137-001-0070, or petitions requesting the Council to issue a declaratory ruling, as described in OAR 137-002-0010.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 192.640, ORS 469.460

345-011-0045

Committees and Subcommittees

(1) The chair may appoint Council members to committees and subcommittees, alter the number of members of such committees and subcommittees, and abolish committees and subcommittees at any time unless disapproved by a majority of the Council. The individuals on such committees and subcommittees need not act as a group nor reach a consensus but may report to the Council individually.

(2) The Council Secretary shall record the membership of the committees and subcommittees appointed by the chair in the minutes of the Council.

(3) The Secretary, consistent with the requirements of ORS Chapter 192.610 to 192.690, shall give notice of each meeting of Council committees and subcommittees.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 469.460

345-011-0050

Council Files

The Council Secretary shall maintain minutes of all Council meetings, Council committee meetings and other records of the Council at the Department of Energy for at least five years and thereafter shall transfer them to the State Archives. The Council Secretary shall keep a record of the location of all files.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 192.640, ORS 469.460

345-011-0055

Council Communications

(1) Majority approval by the Council is required before the Council or the Council Secretary issues any correspondence that might materially affect policies or procedures of the Council. Members of the Council shall not communicate in the name of the Council unless authorized by a majority of the Council. In an emergency, when delay may impair the Council's ability to carry out its responsibilities, the chair may take immediate action and report such action at the next meeting of the Council. The Council Secretary shall prepare

any letter issued on behalf of the Council and send a copy to each Council member.

(2) The mailing address of the Council is Department of Energy, 625 Marion Street, NE, Salem OR, 97301-3742.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 469.470

345-011-0060

Waiver and Suspension

Inadvertent failure by the Council to comply with the rules of this division does not invalidate any action taken by the Council. The Council may, by a majority vote of the quorum present, temporarily suspend application of the rules of this division.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 469.470

345-011-0070

Council Requests for Information

The Council may at any time request that any person subject to the Council's jurisdiction submit information to the Council about any matter within the Council's jurisdiction.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 469.470

345-011-0080

Unacceptable Conduct

The chair may expel any person who engages in conduct that disrupts any Council proceeding. In any proceeding of a Council committee, the chairman or chairwoman of the committee may expel any person who engages in conduct that disrupts the proceeding.

Stat. Authority: ORS 469.470

Stat. Implemented: ORS 469.460