

# **CROSS CONNECTION ADVISORY BOARD**

## **BY-LAWS**

### **ARTICLE I - NAME**

**(1.1) The name of this advisory board shall be the Cross Connection Advisory Board.**

### **ARTICLE II - OBJECTIVES**

#### **(2.1) Establish the Cross Connection Advisory Board**

The Cross Connection Advisory Board is established in accord with OAR 333-061-0070(16). The advisory board shall provide advice to the department on rules, policies, procedures and other issues related to cross connection control and backflow prevention.

#### **(2.2) Mission**

The mission of the advisory board is to improve the Cross Connection Program by providing advice and technical guidance on existing rules, policies, procedures and encouraging improvements in all areas that will result in consistency, clarity and increased education with the overall goal to protect public health and safety. To accomplish this mission the advisory board shall:

- (a) Improve the format of annual summary reports to receive meaningful data for analysis on such items as backflow incidents, failures and other cross connection control activities.
- (b) Suggest on-going improvements to Oregon Administrative Rules for the Program.
- (c) Provide guidance to water systems and program participants through education, consultation, compiling best-accepted practices and dissemination of information.
- (d) Increase the effectiveness, uniformity and overall quality of the Cross Connection/Backflow Prevention Program in their efforts to protect public health and safety.
- (e) Recommend legislative concepts when appropriate, review and provide input on pending legislation.

## **ARTICLE III – MEMBERS**

### **(3.1) Composition of the Advisory Board**

The Cross Connection Advisory Board shall have not more than nine members that are appointed by the Department and shall include representation from the following:

- (a) Oregon-licensed Plumbers;
- (b) Department-certified Backflow Assembly Testers;
- (c) Department-certified Cross Connection Specialists;
- (d) Water Suppliers;
- (e) The general public;
- (f) Department-certified Instructors of Backflow Assembly Testers or Cross Connection Specialists;
- (g) Backflow assembly manufacturers or authorized representatives;
- (h) Engineers experienced in water systems, cross connection control and/or backflow prevention; and
- (i) Oregon-certified Plumbing Inspectors.

The Department will have an ex-officio member on the advisory board and the person or persons representing the Department may participate in discussions, deliberations and non-voting activities of the advisory board.

### **(3.2) Selection of Advisory Board Members**

The Department shall solicit and consider recommendations from various interest groups, organizations and agencies as well as individual nominations for board member positions. Selection of board members shall reflect geographic representation, population representation and range of related interests and expertise. The Department shall give consideration to individuals with multiple category backgrounds. Appointments to the advisory board are not limited to individuals submitted for consideration. The Department shall mail a notice seeking candidates to all persons and organizations that have filed with the Department a written request to be included on the mailing list maintained for the Cross Connection Advisory Board.

### **(3.3) Qualifications for Advisory Board Members**

Advisory board members shall be current with all requirements of their representative position as listed under Section III Article 1. Advisory board members shall be residents of Oregon.

### **(3.4) Non-Discrimination in Appointment of Members**

No person shall be excluded from serving as a member of the advisory board due to affiliation with any organization or institution, or on the basis of race, ethnic origin, religious affiliation, sex, age, or disability.

### **(3.5) Term of Office**

Each member's term on the advisory board is three years. When a vacancy occurs before the expiration of a term, the vacancy shall be filled by appointment of a member by the Department for the remainder of the unexpired term only. A board member may not serve more than two consecutive terms. The initial board members will have staggered terms of one, two and three years, as determined by a lottery.

### **(3.6) Officers of the Advisory Board**

The advisory board shall select one of its members as Chair and another as Vice-Chair. The maximum term of officers shall be for a term of one year for each position. Officers shall be eligible for no more than two terms in the same office. If a vacancy occurs before the expiration of a term, the office can be filled by a currently seated board member by a majority vote at any regular meeting of the advisory board. Duties and responsibilities shall include:

- (a) Officers shall have all rights, duties and responsibilities of regular board members, including the right to introduce motions and proposals, speak, and vote on issues while presiding.
- (b) The Chair will work closely with department staff to give advice and assistance with problems or functions of the board.
- (c) The Chair will review Department agenda and redraft as necessary.
- (d) The Chair will preside over advisory board meetings with assistance from the Department. The Vice-Chair shall act as Chair in the Chair's absence. In the case of a scheduled

absence of both the Chair and the Vice-Chair, the Chair will select another member to preside over that upcoming meeting.

- (e) The Vice-Chair will succeed the Chair.

### **(3.7) Duties and Responsibilities of Members**

- (a) Each advisory board member is expected to attend all regularly scheduled and time-sensitive/emergency meetings. A board member unable to attend a meeting shall contact the board officer(s) or department staff to be excused and also make arrangements to understand the work addressed at the meeting. An excused absence includes, but is not limited to, emergencies or pre-planned vacations. An advisory board member with two successive unexcused absences shall forfeit their office unless prevented from attending for reasonable cause, in accordance with ORS 182.010.
- (b) A non-voting representative may attend the meeting for an absent board member.
- (c) In the course of conducting advisory board business, a member is expected to work on behalf of public health and safety rather than the interest of any profession, organization or individual.
- (d) Advisory board members are expected to prepare in advance for all meetings, including reading of all agenda packet materials.
- (e) Advisory board members are expected to fully participate in all meetings and to complete board assignments.
- (f) Advisory board members are expected to respond in a timely manner to board officers and the Department on issues that arise between meetings.

### **(3.8) Resignation of a Board Member**

Resignation from the advisory board must be in writing and received by the Department.

### **(3.8) Removal of a Board Member**

The advisory board may remove a member only for violation of one or more of the duties or responsibilities of a member, including but not limited

to those listed in Article III Section 7, with concurrence by the Department. Removal of a member may occur only after he or she is given notice in writing and the member is given an opportunity to address the advisory board in person or in writing. If the member does not request to address the board within 10 days after receipt of the notice, the member is deemed to have waived this right prior to the board vote on removal. Removal of a member shall require a two-thirds vote of the entire advisory board.

## **IV – MEETINGS**

### **(4.1) Frequency and Place of Meetings**

The advisory board shall meet quarterly for approximately 2-hour sessions at locations selected by the Department. At least one meeting per year will be held outside the Portland metropolitan area.

### **(4.2) Notice of Meetings**

Notice of the time and place of every meeting of the advisory board shall be mailed not less than 10 nor more than 20 days before the meeting, to each member at his or her address as set forth in the records of the Department. Notice of meetings shall also be provided on the Department's website.

### **(4.3) Additional Meetings**

The Department or the advisory board Chair may call the advisory board to meet for the purpose of considering time-sensitive or emergency issues. Board members shall be notified not less than 7 days in advance of time-sensitive or emergency issues meetings. This notification shall include the date, time, location and purpose of the meeting. If the additional meeting is a public meeting, all public meeting laws will apply.

### **(4.4) Quorum**

Final decisions made by the advisory board must be made by a quorum of members, based on consensus when possible. If consensus is not possible, decisions will be made by majority vote with a quorum present. A majority of advisory board members shall constitute a quorum. The advisory board shall not make a recommendation on a plan or other document reviewed without a majority of its members present. If a duly

scheduled and noticed meeting does not have a majority of the members present, those present will be considered to be a subcommittee of the advisory board. This subcommittee will report to the next scheduled board meeting when a majority is present, and formal action may be taken at that time.

#### **(4.5) Public Meeting and Public Records**

The board is advisory to the Department and is not a governing body of a public body under ORS 192.610. Meetings of the advisory board will be treated as public meetings and will generally follow notification and other procedures under ORS 192. While not required, the Department will send notice of upcoming meetings to an established mailing list of interested parties, using electronic methods, where practical. The Department will also provide information regarding meetings on the Department's website. Meeting schedules, agenda's and minutes will be available on the Department's website or by request.

#### **(4.6) Public Comment**

The advisory board shall provide a place on the meeting agenda for public comment. The board will acknowledge any public comment and include it in the meeting minutes. Any person wishing to be heard shall provide their name and affiliation to the presiding officer of the advisory board.

#### **(4.7) Facilitator or Consultant**

If necessary, the Department may obtain a facilitator or expert consultation to assist the advisory board.

#### **(4.8) Agenda**

The agenda or order of business for each regular meeting shall include the following:

- (a) Call to order
- (b) Introductions
- (c) Approval of Minutes
- (d) Department Reports
- (e) Old Business
- (f) New Business

- (g) Correspondence
- (h) Public Comment
- (i) Adjournment

#### **(4.9) Attendance by Tele-Conference Equipment**

Any one or more members of the advisory board may participate in a meeting of the board, with the consent of all the members present in person at the meeting, by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at the meeting.

### **V – Parliamentary Authority**

#### **(5.1) Conduct of Meetings**

Except as otherwise provided in these bylaws, by applicable Oregon law or by resolution of the advisory board, all meetings of the board or of any committee designated by the board shall be conducted in conformity with Robert's Rules of Order, Revised, as amended from time to time.

### **VI – Compensation and Expenses**

#### **(6.1) Compensation, Travel and Expenses of Board Members**

The advisory board members shall serve without compensation from the Department for travel, per diem or other expenses.

### **VII – Ethical Conduct, Conflict of Interest**

#### **(7.1) Advisory Board Members as Public Officials**

While acting as board members of the Cross Connection Advisory Board, members understand that they are public officials. Members will adhere to the highest standards of ethical conduct and shall be responsible for understanding and acting in accord with the provisions of ORS 244, including the code of ethics.

### **VIII – Bylaws**

#### **(8.1) Adoption and Amendment of Bylaws**

These bylaws may be adopted, amended or repealed in whole or in part by the affirmative vote of a majority in number of the entire advisory board, provided that at least 14 days before the meeting at which any amendment shall be voted upon, written notice of the proposed amendment shall be mailed to each member of the board, together with a brief statement of the changes proposed to be made.