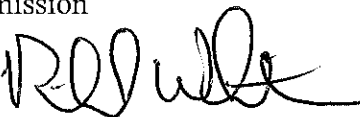


State of Oregon
Department of Environmental Quality

Memorandum

Date: Jan. 8, 2018

To: Environmental Quality Commission

From: Richard Whitman, Director 

Subject: Agenda item C, Action item: Delegating authority to sign advisory committee member appointment letters
Jan. 18-19, 2018, EQC meeting

Purpose of item DEQ will ask EQC to delegate to DEQ the authority to appoint people to DEQ advisory committees. DEQ will also ask the commission to authorize the DEQ Director to further delegate this appointing authority to other positions within DEQ where appropriate.

Background DEQ has, on average, about 18 rulemakings every year. Almost all of these rulemakings use a rules advisory committee to consider the components of the proposed rules. These committees are comprised of representatives of organizations and individual interests, who either represent particular interests that may be affected by the rule, or that have subject matter, technical or other expertise about the subject of the rule. People are appointed to these committees in writing.

As the agency's rulemaking body, the commission holds the appointing authority for these committees unless delegated. During a recent review of signature authority logs, staff were unable to find a specific delegation on file from the commission to the DEQ Director for these appointments.

If the commission chooses not to delegate the appointing authority, it will need to include review and approval of the committee members as part of its meeting business, and appoint a commissioner to be the signatory on behalf of the full commission.

If approved, this proposed delegation would be effective immediately and be retained to fulfill public recordkeeping requirements.

DEQ recommendation and EQC motion DEQ requests that the commission:

1. Affirm the five findings as outlined in Section 1 of Attachment A to this report
2. Approve the resolution in Section 2 of Attachment A to this report

Attachment

- A. Resolution delegating authority to sign advisory committee member appointment letters

Report prepared by Meyer Goldstein
Agency Rules Coordinator

**Resolution delegating authority to sign advisory
committee member appointment letters**

Section 1. Findings. The Environmental Quality Commission of the State of Oregon finds:

- A. ORS 183.333 states that it is the policy of the State of Oregon that the public should be involved in developing administrative rules whenever possible.
- B. ORS 183.333 further states agencies may support the above policy by appointing advisory committees to represent the interests of people proposed rules are likely to affect.
- C. The Commission wishes to encourage the greatest possible public participation in the rulemaking process of the Department of Environmental Quality (the Department).
- D. Appointing advisory committees to assist in rulemaking enhances public participation in the Department's rulemaking process.
- E. The Commission holds the authority to appoint advisory committee members.

Section 2. Resolution. The Environmental Quality Commission of the State of Oregon hereby resolves:

The Environmental Quality Commission, through this document, delegates to the Director of the Department, the authority to appoint members to advisory committees. The Director may further delegate this authority the Deputy Director or to an Administrator within the Department. At the meeting following the formation of a rules advisory committee, the Director will report to the commission on the members of the advisory committee.