

OPERATING PROCEDURES OF THE
RESIDENTIAL CONSTRUCTION ADVISORY COMMITTEE
OHIO DEPARTMENT OF COMMERCE

PREAMBLE

The Residential Construction Advisory Committee within the Ohio Department of Commerce is created pursuant to Ohio Revised Code § 4740.14 to perform the duties set forth in R.C. 4740.14 pertaining to residential building construction within the State of Ohio. To provide for the orderly exercise of these duties, the Residential Construction Advisory Committee hereby adopts the Procedures set forth herein.

SECTION 1 DEFINITIONS

- (A) “BBS” means the Ohio Board of Building Standards established pursuant to Ohio Revised Code § 3781.07
- (B) “Director” means the Director of the Ohio Department of Commerce.
- (B) “Executive Secretary” means the Executive Secretary of the Ohio Board of Building Standards appointed pursuant to Ohio Revised Code § 3781.07 or designee.
- (C) “Residential Construction Advisory Committee,” alternatively referred to as “the Committee” or “RCAC,” means the nine member advisory committee appointed by the Director of the Ohio Department of Commerce pursuant to Ohio Revised Code § 4740.14.

SECTION 2 OFFICERS

2.1 Powers and Duties

The Residential Construction Advisory Committee shall elect from its members the following officers:

A Chairperson who shall preside at all meetings of the Committee; ensure proper order by Committee Members and the public during all Committee proceedings as provided herein; appoint members of RCAC subcommittees as provided herein; represent the Committee before other public bodies only upon approval of the Committee; and provide other and further duties as may be required by the Committee or as provided for herein. The Chairperson is entitled to participate and vote on all matters.

A Vice-Chairperson who shall perform all the duties of the Chairperson in the event of the Chairperson’s absence or disability and other duties as may be required or requested by the Committee. The Vice-Chairperson is entitled to participate and vote on all matters.

2.2 Election of Officers

The election of officers shall be held at the Committee's organizational meeting to be held in January of each year. Terms shall be for one year. No Member may be elected to the same office for more than two successive terms. Officers shall hold office until a successor is elected and qualified. If any officer is not able to perform his or her duties by reason of death, disability, resignation, disqualification or for any other cause, the Committee shall elect at its next regular meeting one of its members to replace that officer and complete that officer's term. The replacement shall serve until a successor is elected and qualified.

Elections shall be held as follows: Any Member may place any Member's name in nomination. No second is necessary. If only one Member's name is placed into nomination for an office, that Member may be elected by acclamation. If more than one Member's name is placed into nomination for an office, each Member present shall write one person's name on a ballot. The ballots shall then be collected by the Executive Secretary, read aloud and recorded by the Executive Secretary. A majority of votes cast shall be required to elect. In the event that no Member receives a majority, the procedure of nomination and balloting shall be repeated.

2.3 The Parliamentarian shall be an elected officer.

2.4 Removal

An officer may be removed only for good cause shown in the following manner: Any RCAC Member may appeal to the Committee for the officer's removal at a Regular meeting of Committee and shall provide evidence that such removal is for good cause. Upon an appeal for an officer's removal, the officer shall have the opportunity to address the Committee prior to a vote on the removal. The Executive Secretary shall preside over the vote for the officer's removal which shall be by roll call. Removal of the officer may only be effective upon the affirmative vote of seven (7) Members of the Committee. In the event of an officer's removal, an election for the officer's replacement shall take place at the next Regular meeting of the Committee. The Member who had been removed and the Member who appealed to the Committee for the removal shall not be eligible for nomination for the office.

SECTION 3 ASSISTANTS

The Director may assign such assistants to the Committee as the Director determines necessary for the efficient performance of the Committee's duties, including:

The Executive Secretary shall assist the Committee as follows:

- (1) Provide assistance to the Committee Members in the performance of its duties;
- (2) Attend meetings of the RCAC and its subcommittees, determine quorums, record proceedings and votes of each Member and keep complete and accurate minutes of proceedings;
- (3) Assist the Chairperson in the preparation of meeting agendas consistent with Section 5 of these Procedures;
- (4) Distribute the agenda and attachments via electronic mail or fax to all Members at least seven (7) days prior to the Committee meeting;
- (5) Prepare and distribute packets to each Committee Member at each meeting that includes all information, data, research, documentation pertaining to the agenda items;
- (6) Forward all recommendations, interpretations and other formal actions of the Committee to BBS or the appropriate BBS Committee for consideration;
- (7) Provide other such administrative assistance to the Committee as provided for by these Procedures or as determined by the Director or BBS.

The Division of Industrial Compliance Legal Counsel shall assist the Committee as follows:

- (1) Attend meetings of the RCAC and its subcommittees;
- (2) Assist the Committee in all parliamentary matters;
- (3) Provide other such legal or administrative assistance to the Committee as determined by the Director.

SECTION 4 QUORUM

- 4.1 A quorum of the Committee shall consist of five (5) Members and shall constitute the number of Members competent to transact business in the absence of other Members.
- 4.2 The Executive Secretary shall determine the presence of a quorum, which shall be computed with the number of Members present at roll call, and shall record the Members present.

SECTION 5 MEETINGS AND AGENDAS

- 5.1 No later than December 31st of each year, the Committee shall establish a schedule of dates, times, and locations of all Regular meetings of the Committee for the following calendar year including an organizational meeting.
- 5.2 All Regular meetings of the Committee shall be held at the offices of the Division of Industrial Compliance, 6606 Tussing Rd, Reynoldsburg, Ohio 43068.
- 5.3 Each Regular meeting agenda shall reflect the statutory duties of the Committee as set forth in R.C. § 4740.14(C) and shall include the following items under new and old business:
 - (1) Recommendations on the Residential Code of Ohio
 - (a) Consideration of the impact on health, safety, and welfare of the public
 - (b) Consideration of the Economic reasonableness
 - (c) Consideration of the Technical feasibility
 - (d) Consideration of the Financial impact on public's ability to purchase affordable housing
 - (2) Advice on Certification Standards for Building Officials who enforce the Residential Code of Ohio
 - (3) Assistance with Information and Guidance to residential contractors and building officials who enforce the Residential Code of Ohio
 - (4) Advice on the Interpretation of the Residential Code of Ohio
- 5.4 Any time prior to seven (7) days before a regularly scheduled Committee meeting, a Member may contact the Chairperson and request an addition to the agenda.
- 5.5 Upon a motion by any Member, a Regular meeting agenda may be amended to add or delete items by an affirmative vote of five (5) Members.
- 5.6 Special meetings of the Committee may be called by written request of the Chairperson or three Members of the Committee to the Executive Secretary.
- 5.7 Notice of any special meetings of the Committee shall be given to all Members by the Executive Secretary no less than twenty-four (24) hours before the meeting. Such notice shall include the date, time, location, and purpose of the special meeting. Special meetings shall be held solely for consideration of matters set forth in the notice of the meeting.

SECTION 6 ORDER OF BUSINESS

Business of the Committee shall be conducted in the following order:

- (1) Roll Call
- (2) Reading and approval of minutes, with or without corrections

- (3) Business Items
 - a. Old Business
 - b. New Business
- (4) Reports of permanent subcommittees
- (5) Report of temporary/special subcommittees
- (6) Reports from of the Chairperson
- (7) Reports from the Executive Secretary
- (8) Comments from public
- (9) Comments from Committee Members
- (10) Adjournment

SECTION 7 COMMITTEE RECOMMENDATIONS

All approved Committee actions related to recommendations on the adoption or amendment of the Residential Code of Ohio shall be in written form and shall include:

- (1) The exact text of the recommended language to be adopted or amended;
- (2) A summary of the purpose and effect of the recommended language;
- (3) A statement that in making the recommendation that the Committee complied with Ohio Revised Code § 4740.14;
- (4) The signature of the Committee Chair;
- (5) A recordation of the voice vote on the recommendation including yes votes, no votes, abstentions, and a listing of those Members absent from the vote.

SECTION 8 PARLIAMENTARY MOTIONS

- (A) A parliamentary motion may not be entertained or debated until announced by the Chairperson. The Chairperson shall place the motion before the Committee for consideration if appropriate and recognize the movant for further remarks. Motions are classified as follows: Main Motion, Subsidiary Motions, Privileged Motions, Incidental Motions, and Renewal of Motions. The Main Motion, the seven subsidiary motions and the five privileged motions fall into a definite order of precedence, which gives a particular rank to each of these thirteen motions. The main motion is ranked lowest. Each of the other twelve motions has its proper position in the order, taking precedence over the motions that rank below it and yielding to those that rank above it:

- (1) Privileged Motions – Do not relate to the pending business, but have to do with special matters of immediate and overriding importance, which should be allowed to interrupt the consideration of anything else:
 - (a) Adjourn to a time certain – to set the time for another meeting to continue business of the session
 - (b) Adjourn – to close the meeting
 - (c) Recess – a short intermission
 - (d) Raise of Question of Privilege – a request that relates to the rights of the assembly or its Members

- (e) Call for Orders of the Day – one Member can require the assembly to conform to its agenda, program or order of business
- (2) Subsidiary Motions – aids in the handling or disposing of a main motion
 - (a) First rank: To Lay on the Table – to set aside business temporarily when something else of immediate urgency has arisen
 - (b) Second rank: Previous question – to close debate and vote immediately
 - (c) Third rank:
 - (i) Limit or extend debate – to exercise special control over debate
 - (ii) To postpone to a day certain – to put off action on the pending questions, within limits, to a definite day, meeting or hour, or until after a certain event
 - (iii) To commit or refer – to assign to a Committee to investigate or study the main motion and any amendments
 - (iv) To postpone indefinitely – cancels the main motion and avoids a direct vote on the question
 - (d) Fourth rank: To amend – to modify the motion before it is voted on.
- (3) Incidental Motions – Deal with questions of procedure, which must be decided before business can proceed. Incidental motions have no rank. The following incidental motions may take priority over a privileged or subsidiary motion, depending on the circumstances under which they are moved and the application to the main motion:
 - (a) Points of order – when the rules of assembly are being violated
 - (b) Suspension of the rules – to do something that cannot be done without violating one or more of the regular rules, providing the proposal is not in conflict with these Procedures, the laws of the State of Ohio, or fundamental principles of parliamentary law.
 - (c) Withdraw a motion
 - (d) Division of a question – allows a motion with several parts that are capable of standing as a complete proposition to be divided and considered separately
- (B) A Main Motion to bring an item for consideration before the Committee thereof is not in order when any other question is before the Committee and yields to all Privileged, Incidental, and Subsidiary Motions.
- (C) Effect of postponement
A motion to postpone to a day certain, to refer or recommend, or to postpone indefinitely, once decided, may not again be allowed on the same day and at the same stage of the proceedings.
- (D) Renewal of Motions
 - (1) Motions that failed to be adopted may be renewed at another meeting, but may not be reintroduced at the same meeting. No assembly is obliged to repeat consideration of business a second time on the same day except by use of such motions as Reconsider or Rescind.

- (2) Motions that Bring a Question Again Before the Assembly
 - (a) Take from the Table – to bring back as the pending question a motion that has been previously laid on the table
 - (b) Rescind or Amend Something Previously Adopted – to strike out an entire main motion or to change an action previously taken or ordered
 - (c) Reconsider – to bring back for further consideration a motion which has already been voted on. A motion to reconsider must be made within thirty (30) days of the original vote on the motion.

SECTION 9 VOTING AND ABSTENTION

- 9.1 Voting upon all matters shall be by voice vote, except that a roll call vote may be held upon the request of any Member of the Committee. The Executive Secretary shall record the votes of each Member. Members shall announce any abstention from a vote.
- 9.2 A majority of votes of all Members present and voting is necessary to approve any motion before the Committee. In the event of a tie vote, the motion fails.
- 9.3 If one or more Members abstain from a vote in any Committee meeting, the abstention(s) shall not be counted as negative or affirmative vote and shall not be used to break tie votes or create a tie vote.

SECTION 10 SUBCOMMITTEES

- 10.1 The Committee may create permanent or temporary subcommittee upon the recommendation of the Chairperson or three Members of the Committee and approval by the Committee. Recommendations for a permanent or temporary subcommittee shall contain details of the purpose and scope of the proposed subcommittee.
- 10.2 Upon creation of a subcommittee, the Committee Chairperson shall appoint RCAC Members to the subcommittee and provide the Executive Secretary with a list of the membership.
- 10.3 Following the Committee's organizational meeting each year, the Chairperson shall appoint RCAC Members to each of the permanent and standing subcommittees and provide a list of the membership to the Executive Secretary.
- 10.4 All permanent and temporary subcommittee meetings shall be conducted in accordance with these Procedures unless otherwise provided herein.

SECTION 11 TAPE RECORDINGS, MINUTES, RECORDS

- 11.1 All meetings of the Committee shall be digitally sound recorded. Recordings shall be maintained by the Department of Commerce for at least five (5) years.
- 11.2 The Executive Secretary shall ensure that minutes are taken of meetings of the Committee that accurately reflect the actions taken by the Committee and summarize any pertinent discussion leading to an action. The minutes shall be the official record of the RCAC.
- 11.3 At each meeting, the Committee shall review the typed minutes from the previous meeting, may amend those minutes, if necessary, to correct any typographical or clerical errors, and thereafter shall ratify the minutes. The Executive Secretary and Committee Chairperson shall sign the minutes, certifying that they have been reviewed and ratified by the Committee. The Executive Secretary shall ensure that they are maintained as a permanent record of the Committee.

SECTION 12 CONDUCT OF PERSONS APPEARING BEFORE THE COMMITTEE AND REQUESTS TO ADDRESS THE COMMITTEE

- 12.1 During all meetings of the Committee, members of the public shall be given a reasonable opportunity to speak subject to the provisions of this Section.
- 12.2 Any person who wishes to address the Committee on any agenda item at a meeting of the Committee shall deliver a Request to Address the Committee in writing to the Executive Secretary at least five (5) minutes prior to the start of a meeting. The Request shall include the name of the requesting party and the topic or agenda item on which the party wishes to speak. If a person submits a Request to the Executive Secretary after the start of a Committee meeting, such person may address the Committee at the discretion of the Chairperson.
- 12.3 Any address or presentation to the Committee by any person(s) shall not commence until the person(s) is called upon by the Chairperson and such address or presentation shall be limited to three (3) minutes, although such time may be extended at the discretion of the Chairperson.
- 12.4 The Chairperson may control the length of time an individual may address the Committee, and may rule out of order and stop public comments that are abusive, inflammatory, or irrelevant to the business of the Committee.

SECTION 13 ADOPTION, AMENDMENTS AND ROBERT'S RULES OF ORDER

- 13.1 A majority vote of the Committee is necessary to adopt and/or amend these Procedures.

- 13.2 Upon their adoption, these Procedures shall be posted on the Internet and a copy shall be provided to any person upon request at a cost not to exceed the actual cost of reproduction.
- 13.3 Except as provided by these Procedures, questions of parliamentary procedure shall be governed by the most current version of *Robert's Rules of Order Newly Revised*.



Chairperson
Residential Construction Advisory Committee

Adopted January 14, 2009.