



Ohio Administrative Code Rule 4911-1-01 Governing board bylaws.

Effective: November 17, 2007

(A) Governing board composition.

- (1) The governing board shall be comprised of nine members. Three governing board members shall represent labor; three shall represent residential consumers; and three shall represent family farmers.
- (2) No more than five members of the governing board may be members of the same political party.
- (3) A majority of the governing board members constitutes a quorum. No action shall be taken without the concurrence of a majority of the full membership of the governing board.

(B) Governing board appointment/term.

- (1) Governing board members shall be appointed by the attorney general with the advice and consent of the senate.
- (2) The terms of office for governing board members shall be for three years. Three terms of office, one each from labor, residential consumers, and family farmers, shall end on September first every year.
- (3) Each governing board member shall hold office from the date of his/her appointment until the end of the term for which he/she was appointed, unless the member is, for any reason unable to serve until the completion of his/her term.
- (4) Any governing board member appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall hold office for the remainder of such term.
- (5) Any governing board member shall continue in office subsequent to the expiration date of the members term until his/her successor takes office.



(6) A governing board member who fails to attend at least three-fifths of the regular and special meetings held by the governing board, as defined in paragraph (H) of this rule, during any two-year period shall forfeit his/her position on the governing board, pursuant to section 3.17 of the Revised Code.

(7) If a governing board member fails to attend at least three-fifths of the regular and special meetings held by the governing board, as defined in paragraph (H) of this rule, during any fourteen-month period, the governing board shall vote at its next regularly scheduled meeting whether to recommend to the attorney general that the member should be removed from or not reappointed to his/her position.

(C) Governing board responsibilities.

(1) The governing board shall appoint the consumers counsel. The governing board shall determine the salary of the consumers counsel in accordance with section 4911.07 of the Revised Code.

(2) If the governing board determines that the appointment of a deputy consumers counsel is necessary to ensure the full and proper performance of the powers and duties of the consumers counsel, the governing board may appoint a deputy consumers counsel, and the deputy shall perform the assigned duties and powers. The deputy consumers counsel shall report to the governing board on all matters assigned to him/her by the governing board, and shall serve at the pleasure of the governing board. The consumers counsel may assign duties to the deputy consumers counsel, unless such duties would be inconsistent with any duties assigned by the governing board. The governing board may appoint an employee of the office of the Ohio consumers counsel as deputy consumers counsel. The governing board shall determine the salary of the deputy consumers counsel.

If a deputy consumers counsel is appointed, the consumers counsel shall not perform the duties and powers that are assigned by the governing board to the deputy.

(3) The governing board shall submit to the general assembly no later than the first day of April, annually, a report outlining the expenditures of the office of the Ohio consumers counsel, a full



record of participation in any and all proceedings, and an outline of other relevant activities of the office.

(4) Each governing board member shall submit a completed financial disclosure statement to the Ohio ethics commission on or before April fifteenth every year.

(D) Governing board chairperson/vice-chairperson selection.

(1) The governing board shall annually select from among its membership a chairperson and a vice-chairperson.

(2) The selection of chairperson and vice-chairperson shall be made at the first governing board meeting of each calendar year.

(3) Unless removed from office or replaced as a member of the governing board, the term of office for the chairperson and vice-chairperson shall be until the first meeting of the governing board held the following calendar year.

(4) If the chairperson or vice-chairperson is removed from office, replaced as a member of the governing board, or otherwise relinquishes his/her position as chairperson or vice-chairperson, the governing board shall select from among its membership a new chairperson or vice-chairperson at the next regular governing board meeting.

The term of office for the new chairperson or vice-chairperson shall be until the first meeting of the governing board held the following calendar year.

(E) Governing board chairperson/vice-chairperson responsibilities.

(1) The chairperson of the governing board shall preside over the meetings of the governing board, schedule meetings of the governing board, cause notice of the meetings to be sent to members of the governing board and to those members of the public and news media who have requested notice, and perform such other duties as required to enable the members of the governing board to perform their duties.



(2) If the chairperson is not present at a meeting, the vice-chairperson shall assume the duties of the chairperson. The vice-chairperson may appoint another member of the governing board to assume temporarily the duties of the vice-chairperson.

(3) The chairperson of the governing board shall sit on the public utilities commission nominating council.

(F) Governing board meetings.

For the purpose of these bylaws, the term meeting shall mean any prearranged discussion of the public business of the governing board by a majority of its members.

(1) The governing board shall conduct regular meetings at least every third month. The governing board shall set the dates of the regular meetings for the following calendar year at the last regular meeting of each calendar year.

(2) Special meetings may be held at the request of a majority of the full membership of the governing board or upon the call of the chairperson.

(3) All meetings of the governing board shall be open to the public at all times, unless the subject matter is specifically excepted by law. Governing board members shall conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically excepted by law.

(4) All resolutions, rules, or formal action of any kind shall be adopted in an open meeting of the governing board. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized under division (G) of section 121.22 of the Revised Code and conducted at an executive session held in compliance with that section.

(5) A governing board member must be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is



present at the meeting.

(6) The minutes of a regular or special meeting of the governing board shall be promptly prepared, filed and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) of section 121.22 of the Revised Code.

(7) The governing board may hold an executive session for the sole purpose of the consideration of a matter contained in division (G) of section 121.22 of the Revised Code. Such executive session may be held only at a regular or special meeting for which notice has been given in accordance with these bylaws and only after a majority of a quorum of the governing board determines, by roll call vote, to hold such a session.

Pursuant to division (G) of section 121.22 of the Revised Code, the governing board may hold an executive session for the following matters:

(a) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. If the governing board holds an executive session pursuant to division (G)(1) of section 121.22 of the Revised Code, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting;

(b) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of the governing board shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.



If the minutes of the governing board show that all meetings and deliberations of the governing board have been conducted in compliance with this section, any instrument executed by the governing board purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned;

(c) Conferences with an attorney for the governing board concerning disputes involving the governing board that are the subject of pending or imminent court action;

(d) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(e) Matters required to be kept confidential by federal law or rules or state statutes; and

(f) Details of security arrangements or emergency response protocols for a public body or public office where disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.

If the governing board holds an executive session to consider any of the matters listed in divisions (G)(2) to (G)(6) of section 121.22 of the Revised Code, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

(G) Public comment.

The governing board may allot a portion of any regular or special meeting to public comment.

(H) Types of meetings.

(1) A regular meeting is one that is held at prescheduled intervals.



(2) A special meeting is any meeting other than a regular meeting.

(3) An emergency meeting is a special meeting that requires immediate official action of the governing board.

(I) Notice of meetings.

(1) Any person may inquire as to the time and place of all regular meetings and the time, place, and purpose of all special meetings of the governing board by telephoning (614) 466-8574 or (877) 742-5622 for a response by the office of the Ohio consumers counsel, or by accessing the website of the office of the Ohio consumers counsel.

(2) Any person may receive notice of the time and place of all regular meetings and the time, place, and purpose of all special meetings of the governing board by submitting a written request to: Governing Board, Office of the Ohio Consumers Counsel, 10 West Broad Street, Suite 1800, Columbus, Ohio 43215-3485. Requests shall include the name, address, and telephone number of the person making the request. Any person who requests to receive meeting notices by facsimile shall include his/her facsimile telephone number. Any person who requests to receive meeting notices by electronic mail shall include his/her e-mail address.

(3) Notices of regularly scheduled meetings shall be mailed, faxed and/or e-mailed, according to whichever method of delivery the recipient chooses, not less than five calendar days prior to the date of the start of the meeting to those persons who have requested to receive notice.

(4) If a special meeting of the governing board is scheduled, notice of the meeting shall be mailed, faxed and/or e-mailed, according to whichever method of delivery the recipient chooses, not less than five calendar days prior to the date of the start of the meeting or will be made by telephone no later than twenty-four hours prior to the start of the special meeting to those persons who have requested to receive notice. Calls will be made during the normal business hours of the office of the Ohio consumers counsel. Such notice shall be complete if a message has been left with a representative of the person to whom notice is being provided or if a message is left on the persons voice messaging system.



(5) Members of the news media who wish to be notified if an emergency meeting of the governing board is scheduled should indicate on their request that they are a member of the news media, the news agency that they represent, and a request to be notified when an emergency meeting is scheduled. Notice of emergency meetings will only be given to one representative of any particular news agency. Notification will include the time, place and purpose of the emergency meeting.

(6) If an emergency meeting of the governing board is scheduled, immediate notice of the meeting will be made by telephone, fax and/or e-mail, according to whichever method of delivery the recipient chooses, to members of the news media who have requested notification. Calls will be made during the normal business hours of the office of the Ohio consumers counsel. Such notice shall be complete if a message has been left with a representative of the person to whom notice is being provided or if a message is left on the persons voice messaging system.

(7) The chairperson of the governing board may request that persons and members of the news media verify in writing that they wish to remain on the list of persons notified of regular or special meetings of the governing board. The governing board shall not make such a request more than once per year.

(J) Committees.

From time to time, the board may establish and disband such sub-committees, as it deems necessary to carry out its work in an efficient and appropriate manner. The meetings of such sub-committees shall be conducted in accordance with these bylaws and the open meetings requirements set forth in section 121.22 of the Revised Code.

(K) Governing board compensation.

Members of the board shall be compensated pursuant to section 4911.17 of the Revised Code.