

MINUTES

SOCIETY RULES COMMITTEE MEETING

Monday, October 25, 2021 2:00PM – 3:30PM

Note: These minutes are the official record of minutes voted on and approved by SRC at the December 9, 2021 meeting.

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PRINCIPAL MOTIONS

Society Rules Committee Meeting October 25, 2021

AL	T				
No. – Pg.	Motion				
1-1 2-4	The Society Rules Committee minutes from the August 24, 2021 meeting as presented be approved. (2) ROB Section 2.433 Ethics Review Board be revised as follows				
2-4	(2) NOD Section 2.433 Ethics Neview Board be revised as follows				
	2.433 Ethics Review Board (18-06-24-09)				
	2.433.001 SCOPE AND PURPOSE				
	This Ethics Review Board (ERB) is responsible for investigating complaints about violations of the ASHRAE Code of Ethics, deciding whether the complaints are valid, and, when appropriate, recommending enforcement or disciplinary actions in response to confirmed violations of the ASHRAE Code Ethics to the Board of Directors (BOD) commensurate with the violation(s) encountered, in accordance with the requirements of ROB 3.980. The ERB shall establish an Investigative Panel (IP), consisting of a subset of ERB members to investigate and adjudicate each individual complaint or alleged violation. If the IP determines that a violation has occurred, the ERB shall establish a Tribunal to recommend actions to be taken.				
	2.433.002 MEMBERSHIP				
	2.433.002.1 Composition				
	Members of the ERB shall be as follows:				
	A. There shall be two (2) Ethics Review Board members and one (1) alternate selected from each region of the Society, elected annually by the Chapters Regional Committee (Delegates, Alternate Delegates and Regional Leaders (less the Director and Regional Chair) in the Executive Session) from each region.				
	B.				
	C. ERB members shall be a pool from which Investigative Panel and Tribunal members are selected.				
	D. No current Member of the Board of Directors shall be eligible to serve on the ERB.				
	E. Members of each Investigative Panel and of each Tribunal shall be selected randomly from the ERB, as a group of three (3) members, to conduct their investigation (Panel) or to render judgment in cases of confirmed violations (Tribunal). Each Panel or Tribunal shall elect a chair from among their membership.				
	F. The size of the Investigative Panel may be increased in size based upon a request of the Chair of the Panel.				
	2.433.02.2 Qualifications				
	A. All members of the Ethics Review Board shall be current members of ASHRAE in good standing with a minimum of ten (10) years of continuous membership.				
	B. Members shall have had no previous ethics disciplinary actions rendered against them and have no current open ethics investigations against them.				
	2.433.02.3 Term of Service				
	A. Members and Alternates shall be elected annually for a single year of service and can be re-elected annually up to no more than eight (8) years of continuous service as a member or as an alternate.				
	B. An alternate who has participated in processing a complaint (i.e., served on an Investigative Panel or on a Tribunal) is considered to have served one full year as a member of the Ethics Review Board.				
	C. Interruption in service of two (2) or more years would allow a qualified individual to return to duty as an Ethics Review Board member or alternate for another eight (8) years of continuous service.				

2.433.003 Operation

- A. If travel is required for an investigation by an Investigative Panel or for a Tribunal to deliberate or to report its findings and recommendations to the BOD, then travel expenses will be reimbursed to Panel or Tribunal members upon request in accordance with the current ASHRAE travel reimbursement policy. It is not anticipated that Ethics Review Board members and alternates will need to travel to participate in Ethics Review Board activities other than those associated with an investigation and subsequent activity by a Tribunal.
- B. Investigative Panel or Tribunal members should generally not be from the region in which the alleged ethics violator is from and shall not have any conflict of interest with the case to be investigated or in which punishment is to be recommended.
- C. The ERB shall report directly to the BOD and shall communicate to the BOD as required. The Society's Executive Vice President shall present the findings of the Ethics Review Board to the BOD in executive session at the Winter and Annual meetings on Ethics Review Board activity since the last meeting where a report was made. Interim reports may be made when requested by the Board or when circumstances dictate a more frequent need to report to the BOD.

3-5 ROB Section 3.300.002, C Technology and Publishing and Education Council Elections be revised as follows

C. Election

YEAR OF FLECTION

- 1. The Board of Directors shall, no later than December 15:
 - a. Consider the qualifications of candidates on the preferred list prepared by the subcommittee;
 - b. Call for nominations from the floor. Nominations from the floor require an oral recitation of biographical data, qualifications, or other relevant data about the nominee from the proposer, who shall specifically stipulate the council position the individual is being nominated for.
 Biographical data and other information in hardcopy or electronic form may be provided if time allows. (09-01-28-23)
 - c. Conduct a single secret ballot for all council vacancies with each BOD member voting for the number of candidates necessary to replace outgoing members of the councils. The candidate receiving the largest number of votes for each position shall be elected to council membership. In case of a tie vote, the election will be decided by the priority rank order of candidates as determined by the BOD nominating subcommittee.
- The Board of Directors shall, at its Winter Meeting and after receipt of the report from the Nominating Committee, revise its previously elected roster of members and alternates to councils to account for vacancies and conflicts caused by those nominated to the Board of Directors.
- 3. Staff shall notify newly elected council members of their election.

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 Council members shall be elected each year in accordance with the following schedule for a term of three (3) years commencing with the next Annual Meeting of the Society.

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Publishing and Educat 1 Past Voting Membe			х	
1 Past Voting Membe				X
	1 Past Voting Member - Handbook	Х		
	1 Past Voting Member – Training & Education		Х	
	1 Past Voting Member - Publications	Х		
	<u>Technology</u>			
	1 Past Voting Member - Research Administration	X		
	1 Past Voting Member - Standards		Χ	
	1 Past Voting Member - Technical Activities			Χ

1 Past DRC X
1 Member at Large (1) X
1 Member at Large (2) X
1 Member at Large (3) X

D. Filling of vacancies

The Board subcommittee for council nominations shall recommend to the Board a maximum of 3 qualified candidates within 30 days after notification of vacancy. The vote shall be taken within 45 days of the date the Board receives the list of recommendations. (08-06-25-27)

4-6 (4) ROB Section 3.400, 10.3 be revised as follows:

10.3 RULES OF THE BOARD

10.3.1 Rules of the ASHRAE Board of Directors, authorized by Bylaws Section 4.4, are compiled annually by the staff of the Society from actions of the Board.

10.3.2 Rules of the Board are contained in the following four volumes:

Volume 1 – Principles and Policies

Volume 2 – Standing Rules

Volume 3 – Manuals and Procedures

Volume 4 – Operation and Administration

Changes to Rules of the Board - Proposed changes (additions and deletions) to Rules of the Board (ROBs) shall be submitted by committees, councils, and Board members. Changes proposed by a committee shall be submitted through the body to which it reports; councils and Board members may submit proposed changes directly to the Board of Directors. A proposed change, addition or deletion, as a minimum, shall include the complete ROB number (e.g., 2.106.001.2), the proposed change(s) marked as indicated above, and the reason(s) for the change(s).

10.3.3.1 To propose a change to an existing ROB, present the current ROB with changes marked by double underlining to designate words proposed to be added and strikethrough to designate words proposed to be deleted. A proposed change, as a minimum, shall include the complete ROB number (e.g., 2.106.001.2), the proposed change(s) marked as indicated above, and the reason(s) for the change(s).

10.3.3.2 To propose a new ROB, present the wording for the new rule and include a statement indicating a recommended placement of the new rule within the ROB organization. Examples:

It is recommended that this rule be placed in ROB Volume 1, Principles and Policies It is recommended that this rule be placed in ROB Volume 2, Standing Rules

10.3.3.3 To propose rescinding an existing ROB, include in the recommendation the ROB volume in which the rule is located, the rule number or other identification code, and the wording of the rule to be rescinded.

10.4 GUIDELINES FOR REVISIONS OR AMENDMENTS TO SOCIETY DOCUMENTS

10.4.1 Certificate of Consolidation - By application to the Secretary of the State of New York.

10.4.2 Bylaws - By vote of the Society membership.

10.4.3 Rules of the Board of Directors - By motions passed by the Board of Directors.

10.4.4 Model Constitutions and Bylaws - By motions passed by Members Council.

10.4.5 In case of a conflict, the Society documents are valid in the following order:

- a. Certificate of Consolidation
- b. Bylaws
- c. Rules of the Board

ACTION ITEMS

Society Rules Committee Meeting October 25, 2021

No. – Pg.	Responsibility	Summary
1-1	Mr. Cooper	Review ROB Volume 4 recommended deletions and provide a new ROB location for these items if applicable.
2-1	Mr. Gagnon/Ms. Thomle/ Mr. Cooper	Work with Mr. Cooper to review the draft BOD MOP and Reference Manual and provide recommendations for items that should be included
3-1	Mr. Fick/Staff	Formulate supporting text for the motion regarding edits to ROB Volume 4.2.9, a to be sent to the BOD.
4-1	Mr. Fick	Assign members to review the proposed two-page Parliamentary Rules instructional cheat sheet for consistency with the main ASHRAE Rules of Order document after it has been approved by SRC.
5-2	Staff	Forward the original and Mr. Coopers version of the draft ASHRAE Rules of Order document along with the two -page cheat sheet for review.
6-6	Mr. Cooper	Review the proposed draft BOD MOP and note any changes in red strike-though and underline. Comments should also be provided regarding the relocation of items.

MINUTES

Society Rules Committee Meeting
October 25, 2021
2:00PM -3:30PM

MEMBERS PRESENT:

Doug Fick, Chair
Ken Cooper, Vice Chair
Bert Phillips
Ron Gagnon
Adrienne Thomle
Don Brandt, Coordinating Officer

STAFF PRESENT:

Candace Devaughn, Manager of Board Services Chandrias Jolly, Coordinator of Board Services

CALL TO ORDER

Mr. Fick called the meeting to order at 2:03pm on Monday, October 25, 2021.

CODE OF ETHICS

Mr. Fick read the ASHRAE Code of Ethics commitment.

ROLL CALL

Members and staff were in attendance as listed above. A quorum was present.

APPROVAL OF MINUTES

Mr. Phillips moved, and Mr. Cooper seconded that

(1) The Society Rules Committee minutes from the August 24, 2021 meeting as presented be approved.

MOTION 1 APPROVED (4:0:0 CNV)

ACTION ITEM REVIEW

Action Item 2 was reported as complete. Action items 1,3,4 and 5 were reported as ongoing.

DRAFT ASHRAE SIMPLIFIED RULES OF ORDER

Mr. Fick reminded the committee of the original request that was sent to ExCom several months back to review the draft rules of order created by SRC. He noted that since then, all feedback has been received and added to the original draft rules of order document. ExCom has also requested that a two-page cheat sheet be added for the rules of order that ASHRAE committees/groups could place in their agendas.

Mr. Cooper shared that he believes the document as currently written has a lot of information about rules and meeting guidelines intertwined. Felt it was confusing. He shared that while conducting his original review of the draft rules of order, he reordered everything in the document separating rules from meeting fundamentals. Also updated the preface and formatting in some areas for ease of reading.

He shared that he also reviewed the two-page cheat sheet that was provided by ExCom to be sent to ASHRAE groups and committees in conjunction with the main rules of order document. No substantial changes were made to this document other than updating the motion table.

Mr. Fick asked if anyone else had comments on the draft rules of order document or the two-page cheat sheet. He suggested that the name of the document be changed to ASHRAE Rules to reflect that the guidelines represent recommendations for how meetings should be conducted by ASHRAE committees/groups.

Mr. Gagnon asked if any additional steps needed to be taken as it appears the draft rules of order reference Roberts Rules of Order.

Mr. Cooper notified Mr. Gagnon that Roberts Rules of Order was not the starting document for the draft ASHRAE Rules of Order. The origin of the document used for the draft ASHRAE Rules of Order is unknown. As a result, believes there are no copyright issues to address.

Mr. Fick addressed Mr. Coopers suggestion to reorder the draft ASHRAE Rules of Order document.

He shared that the way the document is originally arranged is how Roberts Rules approaches meeting guidance. Feels that as the rules will be used by the Society, we should arrange them in a way the Society is most comfortable with being that Roberts Rules is what has been used. Preferred leaving the document as is and presenting this to the committee for approval.

Mr. Cooper shared that he is open to however the group would like to move forward. Shared that in all his years of committee involvement, he has never read Roberts Rules of Order.

Mr. Phillips noted that he would like to have a chance to review Mr. Coopers version of the draft ASHRAE Rules of Order as he believes rules regarding quorum may need to be in their own section. Shared it would be beneficial if these items were separated out and Mr. Coopers version may have already done this.

Mr. Fick shared that rules regarding quorum in the draft ASHRAE Rules of Order document are listed on the 1st page of the document that the full Committee has reviewed. Quorum rules are somewhat buried in Mr. Coopers version of the document.

Ms. Thomle suggested that Mr. Coopers version of the draft ASHRAE Rules of Order document be sent for committee review against the original draft rules of order document. She asked if the original document had been viewed by the BOD.

Staff notified the committee that review of the draft ASHRAE Rules of Order document was requested via the June 2021 SRC report to the BOD at the 2021 Annual Conference.

Mr. Cooper advised the committee that the focus should be on which document to consider. This would also be a good time to look at the two-page document being proposed by ExCom.

ACTION ITEM - Staff will forward the original and Mr. Coopers version of the draft ASHRAE Rules of Order document along with the two -page cheat sheet for review.

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ROB EDITS FOR REVIEW/ APPROVAL

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Mr. Cooper moved, and Ms. Thomle seconded that

(2) ROB Section 2.433 Ethics Review Board be revised as follows

2.433 Ethics Review Board (18-06-24-09)

2.433.001 SCOPE AND PURPOSE

This Ethics Review Board (ERB) is responsible for investigating complaints about violations of the ASHRAE Code of Ethics, deciding whether the complaints are valid, and, when appropriate, recommending enforcement or disciplinary actions in response to confirmed violations of the ASHRAE Code Ethics to the Board of Directors (BOD) commensurate with the violation(s) encountered, in accordance with the requirements of ROB 3.980. The ERB shall establish an Investigative Panel (IP), consisting of a subset of ERB members to investigate and adjudicate each individual complaint or alleged violation. If the IP determines that a violation has occurred, the ERB shall establish a Tribunal to recommend actions to be taken.

2.433.002 MEMBERSHIP

2.433.002.1 Composition

Members of the ERB shall be as follows:

A. There shall be two (2) Ethics Review Board members and one (1) alternate selected from each region of the Society, elected annually by the Chapters Regional Committee (Delegates, Alternate Delegates and Regional Leaders (less the Director and Regional Chair) in the Executive Session) from each region.

В.

- C. ERB members shall be a pool from which Investigative Panel and Tribunal members are selected.
- D. No current Member of the Board of Directors shall be eligible to serve on the ERB.
- E. Members of each Investigative Panel and of each Tribunal shall be selected randomly from the ERB, as a group of three (3) members, to conduct their investigation (Panel) or to render judgment in cases of confirmed violations (Tribunal). Each Panel or Tribunal shall elect a chair from among their membership.
- F. The size of the Investigative Panel may be increased in size based upon a request of the Chair of the Panel.

2.433.02.4 Qualifications

- A. All members of the Ethics Review Board shall be current members of ASHRAE in good standing with a minimum of ten (10) years of continuous membership.
- B. Members shall have had no previous ethics disciplinary actions rendered against them and have no current open ethics investigations against them.

2.433.02.5 Term of Service

- A. Members and Alternates shall be elected annually for a single year of service and can be re-elected annually up to no more than eight (8) years of continuous service as a member or as an alternate.
- B. An alternate who has participated in processing a complaint (i.e., served on an Investigative Panel or on a Tribunal) is considered to have served one full year as a member of the Ethics Review Board.
- C. Interruption in service of two (2) or more years would allow a qualified individual to return to duty as an Ethics Review Board member or alternate for another eight (8) years of continuous service.

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2.433.003 Operation

A. If travel is required for an investigation by an Investigative Panel or for a Tribunal to deliberate or to report its findings and recommendations to the BOD, then travel expenses will be reimbursed to Panel or Tribunal members upon request in accordance with the current ASHRAE travel reimbursement policy. It is not anticipated that Ethics Review Board members and alternates will need to travel to participate in Ethics Review Board activities other than those associated with an investigation and subsequent activity by a Tribunal.

- B. Investigative Panel or Tribunal members should generally not be from the region in which the alleged ethics violator is from and shall not have any conflict of interest with the case to be investigated or in which punishment is to be recommended.
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MOTION 2 APPROVED (4:0:0 CNV)

ROB 3.300.002 Tech and Pub & Ed Council Elections

Mr. Fick deferred to Staff to explain the recommended ROB revisions.

Staff shared that the revisions as presented were due to a change approved several years back for the Communications Committee to report to Members Council instead of Tech Council. As the Communications Committee no longer reports to Tech Council, the Past Communications position is no longer an elected position for the Council.

Mr. Gagnon moved, and Mr. Cooper seconded that

(3) ROB Section 3.300.002, C Technology and Publishing and Education Council Elections be revised as follows

C. Election

- 1. The Board of Directors shall, no later than December 15:
 - Consider the qualifications of candidates on the preferred list prepared by the subcommittee;
 - Call for nominations from the floor. Nominations from the floor require an oral recitation
 of biographical data, qualifications, or other relevant data about the nominee from the
 proposer, who shall specifically stipulate the council position the individual is being
 nominated for. Biographical data and other information in hardcopy or electronic form
 may be provided if time allows. (09-01-28-23)

- c. Conduct a single secret ballot for all council vacancies with each BOD member voting for the number of candidates necessary to replace outgoing members of the councils. The candidate receiving the largest number of votes for each position shall be elected to council membership. In case of a tie vote, the election will be decided by the priority rank order of candidates as determined by the BOD nominating subcommittee.
- The Board of Directors shall, at its Winter Meeting and after receipt of the report from the Nominating Committee, revise its previously elected roster of members and alternates to councils to account for vacancies and conflicts caused by those nominated to the Board of Directors.
 - 3. Staff shall notify newly elected council members of their election.
 - 4. Council members shall be elected each year in accordance with the following schedule for a term of three (3) years commencing with the next Annual Meeting of the Society.

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D. Filling of vacancies

The Board subcommittee for council nominations shall recommend to the Board a maximum of 3 qualified candidates within 30 days after notification of vacancy. The vote shall be taken within 45 days of the date the Board receives the list of recommendations. (08-06-25-27)

MOTION 3 APPROVED (4:0:0 CNV)

OLD BUSINESS

ROB Section 3.400, 10.3 – Previously Approved Reference Manual Change

Mr. Fick deferred to Staff to explain the recommended ROB revisions.

Staff shared that the revisions as presented were requested to be tabled at the last SRC meeting. Reminded committee that the changes were previously approved in the SRC Reference Manual. As it was discovered that the changes also appear in the ROB, the ROB will need to be changed before the Reference Manual can be updated.

Ms. Thomle moved, and Mr. Gagnon seconded that

(4) ROB Section 3.400, 10.3 be revised as follows:

10.3 RULES OF THE BOARD

10.3.1 Rules of the ASHRAE Board of Directors, authorized by Bylaws Section 4.4, are compiled annually by the staff of the Society from actions of the Board.

10.3.2 Rules of the Board are contained in the following four volumes:

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Changes to Rules of the Board - Proposed changes (additions and deletions) to Rules of the Board (ROBs) shall be submitted by committees, councils, and Board members. Changes proposed by a committee shall be submitted through the body to which it reports; councils and Board members may submit proposed changes directly to the Board of Directors. A proposed change, addition or deletion, as a minimum, shall include the complete ROB number (e.g., 2.106.001.2), the proposed change(s) marked as indicated above, and the reason(s) for the change(s).

10.3.3.1 To propose a change to an existing ROB, present the current ROB with changes marked by double underlining to designate words proposed to be added and strikethrough to designate words proposed to be deleted. A proposed change, as a minimum, shall include the complete ROB number (e.g., 2.106.001.2), the proposed change(s) marked as indicated above, and the reason(s) for the change(s).

10.3.3.2 To propose a new ROB, present the wording for the new rule and include a statement indicating a recommended placement of the new rule within the ROB organization. Examples:

It is recommended that this rule be placed in ROB Volume 1, Principles and Policies It is recommended that this rule be placed in ROB Volume 2, Standing Rules

10.3.3.3 To propose rescinding an existing ROB, include in the recommendation the ROB volume in which the rule is located, the rule number or other identification code, and the wording of the rule to be rescinded.

10.4 GUIDELINES FOR REVISIONS OR AMENDMENTS TO SOCIETY DOCUMENTS

10.4.1 Certificate of Consolidation - By application to the Secretary of the State of New York.

10.4.2 Bylaws - By vote of the Society membership.

10.4.3 Rules of the Board of Directors - By motions passed by the Board of Directors.

10.4.4 Model Constitutions and Bylaws - By motions passed by Members Council.

10.4.5 In case of a conflict, the Society documents are valid in the following order:

- a. Certificate of Consolidation
- b. Bylaws
- c. Rules of the Board

MOTION 4 APPROVED (4:0:0 CNV)

DRAFT BOD MOP AND REFERENCE MANUAL NEXT STEPS & ROB VOLUME 4 UPDATE

Mr. Fick updated the committee on recommended next steps in the draft BOD MOP and draft BOD Reference Manual process.

He shared that Mr. Cooper completed an extensive overview of the O&D MOP currently in ROB Volume 3 and has generated two different draft documents: the draft BOD MOP and the draft BOD Reference Manual. Though this overview was done, it is unclear what items may have been removed and if removed, where they now reside. Noted that the BOD will want to see how items were moved and relocated via strike-through and underline.

ACTION ITEM - Mr. Fick recommended that Mr. Cooper review the proposed draft BOD MOP and note any changes in red strike-though and underline. Comments should also be provided regarding the relocation of items.

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Mr. Cooper advised the committee that the overview he created was done with the understanding that the BOD is responsible for their MOP and Reference Manual. Revisions to the BOD MOP were made based on the recently approved MOP and Reference Manual guidance created by SRC several months back. The documents were structured so that they could stand alone separately and not be a part of the ROB.

Mr. Fick notified the committee that in ROB Volume 4, there is only one section left that has not been recommended for removal. All other sections have been recommended for either relocation throughout the ROB, to be placed in the BOD MOP, or removed altogether. The goal now is to determine if Volume 4 should go away entirely or be used to house the updated BOD MOP and Reference Manual.

He expressed that the committee should also be looking at the remaining contents of Volume 3 after moving the O&D MOP to Volume 4 if that is what is decided. Believes that when looking at contents in Volume 3 after removing O&D MOP, remaining items are standing rules for membership.

He shared that in June 2021, the committee agreed that ROB Volume 4 would be the place to house the BOD MOP and Reference Manual. It was discussed that though the documents are different, both would be located in the same Volume. Advised the committee that a better plan needs to be created for the proposed revisions so that it can be communicated to the BOD clearly. Suggested that the committee deal with the last remaining item in ROB Volume 4 first.

The committee agreed.

Mr. Brandt asked if ROB Volume 4 should be renamed to BOD MOP and Reference Manual. Maybe eliminate Volume 4 altogether.

Mr. Fick agreed that Volume 4 should be eliminated and recommended that the BOD MOP be a separate document not included in the ROB. Also suggested that a Reference Manual may not be needed at this time and the committees focus should be the BOD MOP.

Mr. Gagnon agreed with Mr. Fick and noted that the ideas discussed support the BODs streamlining efforts.

FUTURE MEETINGS

The next SRC meeting will be on Thursday, December 9, 2021 from 11:30am – 1:00pm EST.

ADJOURNMENT

The meeting was adjourned at 3:30PM.

Respectfully Submitted,

Doug Fick, Chair