

CHAPTER 2
ORGANIZATION AND OPERATION
[Prior to 8/18/93, Product Development Corporation, Iowa[636] Ch 2]
[Prior to 4/9/97, Product Development Corporation, Iowa[271] Ch 2]

727—2.1(15E) Organization. The corporation is a private, nonprofit instrumentality and has perpetual succession as a corporate body.

727—2.2(15E) Board of directors. The corporation is governed by a board of seven directors appointed by the governor and confirmed by the senate to serve four-year terms. At the first board meeting following July 1 in each fiscal year the board elects one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary.

727—2.3(15E) Administration of the corporation. The board shall employ a president who shall be the chief administrative and operational officer of the corporation responsible for the day-to-day administration of the corporation's activities.

727—2.4(15E) Location and method of obtaining information. The official mailing address for the corporation is 200 East Grand Avenue, Des Moines, Iowa 50309-1827; telephone (515)242-4860. Requests for assistance or information may be made personally, by telephone, mail or any other medium available, between the hours of 8 a.m. and 4:30 p.m. daily, excluding Saturdays, Sundays and legal holidays. Special arrangements for accessibility to the corporation at other times may be provided as needed.

727—2.5(15E) Meetings. The corporation meets at the call of the chairperson. Notice of a meeting shall be given not less than 48 hours prior to the meeting. The notice shall contain the specific date, time and place of the meeting and a tentative agenda. The notice shall be posted at the corporation's office and shall be mailed to interested persons who have filed a request for notice with the president of the corporation. All meetings shall be open to the public, unless a closed session is voted by two-thirds of the entire board of directors or by all board members present pursuant to Iowa Code section 21.5. The operation of the corporation meetings shall be governed by the following rules of procedure:

2.5(1) Four members of the board constitute a quorum.

2.5(2) An affirmative vote of at least four of the members present at a meeting is necessary before an action may be taken by the board.

2.5(3) An action taken by the board shall be authorized by resolution at a regular or special meeting and takes effect immediately unless the resolution specifies otherwise.

2.5(4) Members of the public who wish to appear before the board shall contact the president. Requests must be received by the president not less than seven days prior to the meeting and shall outline the subject to be addressed. The president shall notify the requester by telephone call or other appropriate means as to the requester's approximate placement on the agenda. Presentations may be made at the discretion of the presiding officer. The board may take up matters not appearing on the agenda.

2.5(5) At the discretion of the chairperson, a public forum may be scheduled on the agenda of a regularly scheduled meeting.

2.5(6) Members of the public who wish to submit written material shall do so at least seven days prior to the scheduled meeting to ensure that the board has adequate time to receive and evaluate the material.

2.5(7) At the conclusion of each meeting, the board shall set the time, date and place of the next meeting.

2.5(8) Special or electronic meetings may be called by the chairperson upon a finding of good cause and shall be held in accordance with Iowa Code section 21.4 or 21.8.

2.5(9) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use when

it is obstructing the meeting. If the person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

2.5(10) The presiding officer may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

2.5(11) Cases not covered by these rules shall be governed by Robert's Rules of Order, Revised.

727—2.6(15E) Minutes. Minutes of board meetings are prepared and are available at the corporation's office for inspection during normal business hours. Copies may be obtained without charge by contacting the president.

727—2.7(15E) Rule making. The corporation shall promulgate rules and provide the opportunity for public participation under the provisions of Iowa Code chapter 17A. Any interested person or legal entity may petition the corporation requesting promulgation, amendment or repeal of a rule.

2.7(1) *Petition to promulgate, amend or repeal a rule.* The petition shall be in writing signed by or on behalf of the petitioner and filed with the president. The petition shall include:

a. A statement of the rule proposed to be promulgated, amended or repealed. A rule proposed to be amended shall be stated in full with proposed deletions enclosed in brackets and proposed additions underlined.

b. A statement of why the rule is being proposed, amended or repealed.

c. The name and address of the petitioner.

2.7(2) *Action on petition.* The petition shall be deemed filed when received by the president. Upon receipt of the petition the president shall:

a. Within seven days, acknowledge receipt of the petition to the petitioner.

b. Submit the petition to the board at the next scheduled meeting with a recommendation for action. However, if the petition is received less than seven days prior to the next scheduled meeting, the president may delay the submission to the following meeting. If delayed, the president shall provide a copy of the petition and recommendation to the board members prior to the following meeting.

c. Within 60 days after the receipt of the petition, the board shall either deny the petition or initiate rule-making proceedings in accordance with Iowa Code chapter 17A. In the event of a denial of a petition, the board shall issue an order setting forth the reasons in detail for denial of the petition. The decision of the board shall be mailed to the petitioner within 7 days of its issuance.

727—2.8(15E) Declaratory rulings. Upon petition by an interested person, the board may issue a declaratory ruling as to the applicability of any statutory provision, rule or other written statement of law or policy, decision or order of the corporation.

2.8(1) *Filing of petition.* Requests for declaratory ruling shall be submitted in writing to the president of the corporation and shall include:

a. The name and address of the person requesting the declaratory ruling. If the request is at the behest or order of a corporation, association, governmental subdivision, public or private organization or state agency, it shall be noted in the request.

b. A detailed statement of the question presented for declaratory ruling including references to specific sections of law or administrative rule. If multiple issues are presented for declaratory ruling, they should be so numbered.

2.8(2) *Action on petition.* The petition shall be deemed filed when received by the president. Upon receipt of the petition the president shall:

a. Within seven days, acknowledge receipt of the petition to the petitioner.

b. Within 60 days of receipt, the board shall consider the petition. If, upon consideration of the petition, the board determines additional facts and information are required, it shall, within 7 days, make a written request of the person or organization to supply the needed information. The board shall make a declaratory ruling within 60 days of receiving such additional information. The declaratory ruling shall be in writing and shall be mailed to the person or organization requesting it within 7 days of its issuance. Rulings shall be available for public inspection.

c. The board may decline to rule in whole or in part when, in the judgment of the board, the ruling would be beyond the statutory jurisdiction of the corporation, when no clear answer is determinable, when a ruling is not in the best public interest, or when the issue presented is pending resolution by a court or an opinion of the attorney general. In the event the board declines to make a ruling, the petitioner shall be notified in writing that the request for a declaratory ruling has been declined in whole or in part and the reasons therefor.

2.8(3) *Effect of declaratory ruling.* A declaratory ruling by the board shall have a binding effect upon subsequent corporation decisions and orders which pertain to the party requesting the ruling and in which the factual situation and applicable law are indistinguishable from that presented in the petition for declaratory ruling. To all other parties and in factual situations which are distinguishable from that presented in the petition, a declaratory ruling shall serve merely as precedent.

727—2.9(15E) Informal settlements in contested cases. Unless precluded by statute, informal settlement of disputes over rules of the corporation that may result in contested case proceedings, as prescribed in Iowa Code section 17A.12, shall be encouraged. All such informal settlements shall be made by the president, subject to ratification by the board, and by the parties contesting the rule in question. The settlement shall be expressed in written stipulation representing an informed mutual consent. If the stipulation provides for the amendment or repeal of a rule, rule-making procedures, under Iowa Code section 17A.4, shall be followed.

These rules are intended to implement Iowa Code sections 15E.81 to 15E.94.

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