

WCMAC Operations Recommendations

Discussion Guide - Bylaws

Issue:

According to the statute establishing the Washington Coastal Marine Advisory Council, the council is required to adopt bylaws. The goal is for the Council to adopt a process for reviewing and revising the current draft bylaws that would be presented for adoption at a subsequent meeting.

Background:

- While the previous council had draft bylaws, the new law changes several elements about the operation of the Council, including:
 - Sets membership representation by statute.
 - Adds agencies as members of the Council.
 - Requires developing recommendations by consensus.
- The draft bylaws adapt the old bylaws with changes required by the new law and other issues that are required of Governor's board and councils by other laws such as public notice, open public meetings, ethics and public disclosure.

Staff recommendation:

Convene the Operations Subcommittee, consisting of the Chair, Vice Chair and Council staff, to review and revise the draft bylaws with a goal of presenting bylaws for adoption at a subsequent Council meeting. In addition, a conference call with any interested Council members could be convened to identify any outstanding questions and issues.

Framework for discussion: Concur with or modify staff recommendation

Considerations for WCMAC:

- Does the process allow for efficient review and revision of the draft bylaws?
- Does the process allow Council member's key questions and concerns to be identified and, where possible, addressed?

WCMAC Operations Recommendations

Discussion Guide – Chair/Vice Chair

Issue:

The goal is for the Council to adopt a process for nomination and election of a Chair and Vice Chair from its membership. According to the statute establishing the WCMAC, the chair must be nominated and elected by a majority of the council, with a term of one year.

Background:

- The previous Council had chair and vice chair positions which assisted with various duties and operation of the Council.
- The current draft bylaws identify the primary roles of the chair and vice chair, including:
 - Communicate with members between meetings.
 - Serve on the Agenda and Operations Subcommittees.
 - Serve as Council’s formal spokesperson, with Vice Chair as the alternate spokesperson.
 - Chair also serves on the Washington Marine Resources Advisory Council, which advises the Governor’s office on ocean acidification implementation.

Staff recommendation:

Conduct a process that will allow for nomination and election of a Chair and Vice Chair by no later than November 22, 2013. The nominations and votes can be conducted in sequence (chair, then vice chair) to accommodate geographic diversity in representation between these positions. The following are suggested steps for this process:

1. Seek nominations by email for members to serve as Chair or as Vice Chair, including self nominations. Suggested criteria for nominees for Chair and Vice Chair include:
 - Articulate.
 - Good listener, sympathetic.
 - Dependable and committed (attends every meeting).
 - Open-minded with no preconceived agenda or outcome to push.
 - Ability to be impartial.
 - Able to speak for the whole.
 - Consensus-builder.
 - Has stature in the community and is respected.
 - Represent different geographic areas of the coast (between the two positions).
2. Council staff confirms interest of those members that were nominated in serving.
3. Council staff conducts an email vote by members for those nominated for Chair and Vice Chair positions. Whichever nominee receives the majority of votes will determine outcome.

Framework for discussion: Concur with or modify staff recommendation

Considerations for WCMAC:

- Is the process efficient, fair and inclusive?
- Does the process help maximize the Council’s focus on providing substantive advice?

WCMAC MSP Funding Recommendation Discussion Guide

Issue:

The state has funding to advance marine spatial planning on Washington's coast. Law requires funding to be spent consistent with recommendations of Washington Coastal Marine Advisory Council to the maximum extent practicable (RCW 43.372.070).

The goal is for the Council to identify areas with broad consensus for required and high priority funding that can be started now. In addition, the Council should identify areas that will require additional information to support further discussion and recommendations at the next meeting.

Background:

- The Department of Natural Resources has authority to spend \$3.7M in the marine stewardship account to support marine spatial planning on Washington's Coast for Fiscal Year 14-15 (July 1, 2013-June 30, 2015), including mapping activities, ecological assessment, data tools, stakeholder engagement, and other work identified by the Council.
- Initial funding provided last year (July 1, 2012-June 30, 2013) completed many pre-planning projects.
- The Marine Stewardship Account (RCW 43.372.070) was established to support marine spatial planning, research, monitoring and implementation of the plan. Until July 1, 2016, funding may only be spent on:
 - (a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW [43.372.040](#)(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;
 - (b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW [43.143.020](#); and
 - (c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, and other regional planning efforts consistent with RCW [43.372.030](#).

WCMAC Considerations:

1. Does the data or project satisfy a required part of the plan?
2. Is the data necessary for identifying and analyzing a conflict or compatibility between uses now and in the future?
3. Is the data necessary for identifying and analyzing a conflict or compatibility between uses and the marine environment now and in the future?

Framework for discussion: Concur with or modify staff recommendation

Staff recommendations:

1. Recommend funding the required elements in the marine spatial planning law

The following MSP elements are remaining gaps that are required by law:

- Developing the Ecosystem Assessment and Indicators
- Supporting the planning process (e.g. outreach, technical tools, plan development)
- Identifying Important Ecological Areas - sensitive/unique species or biological communities.

Funding for these essential activities will reduce the remainder of funds available for data gaps and other important analyses.

2. Identify and recommend funding high priority information needs

Information that is essential to identify and analyze conflicts and compatibilities with resources or existing uses. Staff recommends including:

- Sector analyses
- Coastal economic analysis
- Seabirds and marine mammals
- Habitat: seafloor maps
- *Insert other high priorities (see table and potential needs list)...*

3. Identify potential priorities or additional needs that require further information before proceeding

These may include funding needs or data gaps that, while they may be important, require additional information on the specific need and/or refining the specific outcomes or methods required.

- Aesthetics: Visual Resource Characterization
- Shipping data
- *Identify other data gaps for further discussion at next meeting...*

4. Identify funding needs with strong mixed opinions and considerations for proceeding

A mixed opinion would allow the Council to provide no recommendation on whether or not to proceed, but identify concerns and considerations.

- If state decides to proceed, key concerns include...
- If state decides not to proceed, key concerns include...

5. Provide additional advice on funding.

After satisfying the needs required by law and the initial high priority areas (#1 and #2, above), the Council may want to recommend that a certain amount of funding be reserved (i.e. not obligated or put into a contract). This would enable further discussion and recommendations on additional data gaps and funding needs at subsequent meetings and as the planning process progresses.

WCMAC Discussion Guide: Selection of a Neutral Convener

Issue:

The state has funding to advance marine spatial planning on Washington's coast. Law requires funding to be spent consistent with recommendations of Washington Coastal Marine Advisory Council to the maximum extent practicable (RCW 43.372.070). According to the statute, the Council may select a neutral convener. The goal for this discussion is to agree on the selection of the neutral convener.

Background:

- The Department of Natural Resources (DNR) has authority to spend \$3.7M in the marine resource stewardship trust account to support marine spatial planning on Washington's coast for Fiscal Year 14-15 (July 1, 2013 - June 30, 2015).
- RCW 43.143.050 (7) permits the Council to select a neutral convener.
Consistent with available resources, the Washington coastal marine advisory council may hire a neutral convener to assist in the performance of the council's duties, including but not limited to the dissemination of information to all parties, facilitating selected tasks as requested by the councilmembers, and facilitation of setting meeting agendas.
- The state contract with the Ruckelshaus Center ended on June 30, 2013.
- At the direction of the Governor, DNR, as the funding agency, put out a public request for proposals (RFP) to select a neutral convener. This decision allowed for the selection of a successful bidder prior to first Council meeting and for the neutral convener to be available to facilitate the first Council meeting.
 - The RFP sought to find a highly skilled and neutral convener with relevant experience including:
 - Dealing with executive level, multi-interest, large, and contentious work groups
 - Structuring negotiations and managing meetings
 - Facilitating consensus-based discussions and outcomes
 - Developing, structuring, and managing effective and efficient processes for newly forming groups to achieve successful outcomes
 - The proposals were assessed using the following evaluation criteria:
 - Technical: proposed project approach, methodology, and adequacy of work plan; description of deliverables; and feasibility of schedule
 - Management: consultant's relevant experience; staff qualifications and team structure; letters of reference
 - Cost proposal
 - The consultants who submitted the highest ranking proposals were interviewed by staff from DNR, Ecology, and the Governor's office. Interview questions aimed to assess the consultant's ability to:
 - Lead and manage meetings of this Council while maintaining neutrality
 - Handle difficult situations
 - Help the Council reach consensus
- Susan Gulick with Sound Resolutions is on board as the neutral convener for just the October 23rd meeting, but available and interested in assisting in future meetings of the WCMAC.

Staff Recommendation:

Staff recommends the Council affirm the selection of Susan Gulick of Sound Resolutions as the neutral convener for the Washington Coast Marine Advisory Council. Susan is well qualified and has conducted background research and meeting preparation necessary for this Council. She is interested and able to assist the WCMAC.

Framework for Discussion:

Two options available (see table below):

1. Concur with staff recommendation.
2. DNR develops a new RFP.

The Council may also opt for interviewing Susan Gulick and before choosing from the two options.

<i>Option</i>	<i>Process</i>	<i>Who is eligible</i>	<i>Timing</i>	<i>Cost</i>	<i>Terms & Conditions</i>	<i>RFP management</i>
Option 1: Staff rec.	Council approves current neutral convener	Susan Gulick, Sound Resolutions	Immediately; Susan is qualified and has conducted background research and meeting preparation necessary for this Council	\$60,000	Negotiated with the neutral convener	DNR/ECY
Option 2	Re-open DNR RFP	All qualified consultants who submit proposals	3 months+	Can specify not-to-exceed-cost	Some components are negotiable	DNR/ECY; could have Council member representative on review committee

WCMAC Considerations:

1. Does the option allow for the selection of a qualified and experienced neutral convener?
2. Does the option allow for the neutral convener to adequately prepare for and facilitate the next meeting of the Council?
3. Does the option provide a streamlined and efficient neutral convener selection process?