

**DRAFT: BYLAWS OF THE
Washington Coastal Marine Advisory Council**

Note: Sections 1 and 2 of ESB 5603 which establish the Washington Coastal Marine Advisory Council will be amended into RCW 43.143 by the code revisers office sometime soon. Therefore, the statute is referenced as 43.143.xxx as a placeholder. All instances of this RCW reference can be assumed to refer back to the applicable bill language from ESB 5603.

I. Purpose

- A. The Washington Coastal Marine Advisory Council (the Council) shall serve as the Governor's advisory body on coastal resource management issues for Washington's Pacific Coast and shall perform such duties as enumerated in RCW 43.143.xxx.

II. Membership

- A. The Council is established in the Office of the Governor. Voting members of the Council shall be appointed by the Governor or the Governor's designee.
- B. The council consists of the following voting members:
- a) The Governor or the Governor's designee;
 - b) The director or commissioner, or the director's or commissioner's designee, of the following agencies:
 - i. The Department of Ecology;
 - ii. The Department of Natural Resources;
 - iii. The Department of Fish and Wildlife;
 - iv. The State Parks and Recreation Commission;
 - v. The Department of Commerce; and
 - vi. Washington Sea Grant;
 - c) The following members of the Council established by the department of ecology and as existing on January 15, 2013:
 - i. One citizen from a coastal community;
 - ii. Two persons representing coastal commercial fishing;
 - iii. One representative from a coastal conservation group;
 - iv. One representative from a coastal economic development group;
 - v. One representative from an educational institution;
 - vi. Two representatives from energy industries or organizations, one of which must be from the coast;
 - vii. One person representing coastal recreation;
 - viii. One person representing coastal recreational fishing;
 - ix. One person representing coastal shellfish aquaculture;
 - x. One representative from the coastal shipping industry;
 - xi. One representative from a science organization;
 - xii. One representative from the coastal Washington sustainable salmon partnership;
 - xiii. One representative from a coastal port; and
 - xiv. One representative from each outer coast marine resources committee, to be selected by the marine resources committee.

C. Terms: The term of office of each member appointed by the Governor is four years and the chair's term shall be one year, in accordance with [RCW 43.143.xxx].

D. Liaisons: The Council may invite state, tribal, local governments, federal agencies, scientific experts, other states or Canadian provinces, and others with responsibility for the study and management of coastal and ocean resources or regulation of coastal and ocean activities to designate a nonvoting liaison to the council pursuant to [RCW 43.143.xxx]. The Council may provide these invitations in a letter as a standing invitation. The Council may delegate the responsibility for sending letters of invitation to specific entities to Council staff (Ecology) or the Governor's representative, as appropriate.

E. Resignation: If a member, prior to his/her term expiring, is no longer willing or able to serve on the Council, the member will notify the Governor's office and Council staff.

F. Removal: Members may be removed from the Council by the Governor for just cause. Just cause includes, but is not limited to, inability of Council members to regularly attend Council meetings.

G. Reimbursement: Members are not eligible for travel or per diem reimbursement [RCW 43.03.220]. If funding is available, food and refreshments may be provided to maximize time and efficiency of the meeting.

III. Committees:

A. Committees will report to and advise the Council. At least two committees shall be created: the Agenda Committee and the Operations Committee:

a) Agenda Committee

i) The agenda committee will be comprised of the Chair of the Council, Ecology, the Governor's office, and vice chair?.

ii) The agenda committee shall seek input from members on meeting agenda topics at every Council meeting. Additional topics must be consistent with duties of the Council enumerated in [RCW 43.143.xxx]. In particular, agenda topics should have a coast-wide marine policy implication, advance the charge from the Governor and fit with the Council's annual schedule and work plan.

iii) An annual schedule with a list of topics shall be maintained and updated by the Agenda Committee.

iv) If a Council member other than the Governor's office is requesting the Council provide a recommendation on a topic, the Council member will 1) request the topic be added to the agenda via the agenda committee; and 2) provide the Council an overview of the issue at the selected meeting,

b) Operations Committee

i) The operations committee will be comprised of the Chair, Vice Chair and Ecology.

ii) The Committee will be responsible for the development of amendments to the bylaws and other operational documents, recommendation documents for the Council's review and approval, and other documents related to the operations of the Council.

c) Other Committees

When necessary and as resources allow, the Governor's office may authorize the creation of committees to carry out specific assignments between meetings. Council's the proposed role of the committee and how it relates to the Governor's charge and Council's work plan, the proposed membership, and the proposed duration.

IV. Roles and Responsibilities

A. Council Members: Council members will have the following responsibilities:

- a) Place a high priority on preparing for, attending and actively participating in meetings, including being familiar with and operating within the governing statutes, state and federal laws, and Council bylaws at all times.
- b) Represent the points of view of their interest area in Council discussions. However, members are also asked to focus on the overall good of the Coast, not just the perspectives of individual interest areas. Additionally, members are to be aware and make the Council aware of situations where the Council's advice present a conflict of interest.
- c) Keep constituents informed on what is happening at meetings, solicit input on issues discussed, and share this input with the Council for discussion, even if those opinions differ from the member's own personal views.
- d) Work cooperatively with each other, the neutral convener, Council staff, and liaisons to accomplish the purposes of this process and acknowledge that all participants bring with them legitimate purposes, goals, concerns and interests, whether or not they are in agreement with them.
- e) Use discretion to avoid the appearance of speaking for the Council, unless specifically authorized to do so. Council members should not represent matters pertaining to the Council without the consent of the Council as a whole.
- f) Interact in a respectful manner, including respecting the diversity of opinions and refraining from personal attacks either at meetings or away from the meeting in other venues.
- g) Listen to all points of view and perspectives on issues and alternatives and seek to identify areas of agreement as well as reasons for different points of view.
- h) Act in "good faith," try to express concerns and interests clearly, listen carefully to and assume the best in others, and ask genuine questions (to learn or clarify) not rhetorical ones (to persuade or argue).
- i) Focus on the subject at hand, share discussion time, avoid interrupting, respect time constraints, keep reactions and responses from being personal, and avoid side conversations.
- j) Inform Ecology, the Chair and neutral convener as far in advance as is possible if unable to attend a scheduled meeting.
- k) Abide by the discussion ground rules listed in Appendix A.

B. Chair and Vice Chair

a) The Council may nominate and elect a chair and vice chair from its membership. The term of the chair is one year and the position is eligible for reelection. Chairs may not serve more than two consecutive terms. The Council shall consider geographically diverse representation in selecting these two positions. If elected, the chair and vice chair shall perform the following functions:

- i. The Chair, and the Vice Chair when so directed, will communicate with members between meetings when needed to discuss issues, opportunities, concerns, strategies and alternatives that need to be discussed for meeting the Council's goals and

purposes. The Chair and Vice Chair shall also serve on the Agenda and Operations sub-committees.

- ii. When appropriate, the Chair and/or the Vice Chair, will assist in keeping communication open between the Council, Ecology, Governor's representative, Senators and Legislators.
- iii. The Chair will act as the Council's formal spokesperson. If an alternate spokesperson is needed, the Vice Chair will assume this role if appropriate, otherwise the Council can designate a particular spokesperson for that specific issues as needed. Public statements by the chair, vice chair or designated spokesperson should reflect the Council's recommendations and positions. If the Chair is asked about a matter that the Council has not discussed, then that should be the response.
- iv. In the absence of a chair or vice chair, these functions may be performed by the neutral convener.

C. Ecology

- a) Ecology will act as the administrative and primary staff support for the Council in accordance with **RCW 43.143.xxx**. In this role, Ecology will:
 - i. Assist the Governor's office, Council's Chair, Vice Chair, and neutral convener in administrative and operational functions such as meeting materials, meeting logistics, list management, agenda development, etc.
 - ii. Assist in the relay of appropriate information from the Council to various agencies and forums for ocean policy activities.
 - iii. Ensure appropriate and relevant information is provided to facilitate Council discussions and tasks, including presentations by subject matter experts, background reports and materials, etc.
 - iv. Abide by the discussion ground rules listed in Appendix A.
 - v. Absent a neutral convener, work with Governor's office to ensure the roles and responsibilities of the neutral convener are met by either the Governor's office or Ecology.

D. Liaisons - Liaisons invited to participate under section II D. will be considered non-voting liaisons to the Council and may participate in meetings upon the request of the Council [**RCW 43.143.xxx**].

E. Neutral Convener - Consistent with available resources, the Council may approve of hiring 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 Council members, and facilitation of setting meeting agendas.

a) The responsibility of the neutral convener is to help keep the Council focused on tasks and may suggest process ideas, strategies, approaches, alternative methods and procedures to promote the work of the Council. The neutral convener will keep discussions moving forward, encourage participation by all members, document decisions and action items, and enforce the Council's ground rules.

b) Specific tasks of the neutral convener may include:

- i.

- ii. Facilitate meetings of the Council. Maintain a neutral stance in facilitating discussions to achieve the Council's purposes and goals. Ensure that meeting business is conducted in a timely and efficient manner, and that all members have the opportunity to contribute.
- iii. Communicate with members between meetings when needed to discuss issues, opportunities, concerns, strategies and alternatives regarding the Council's goals and purposes.
- iv. Work with the Governor's office, Ecology, and Agenda Committee to prepare meeting agendas so that meetings are productive and accomplish the goals of the Council.
 - v. Assist in keeping communication open among members.
 - vi. Prepare meeting summaries and/or action item lists, and distribute them to members.
 - vii. Assure that relevant information is provided to the Council in a timely and effective manner relative to the advice the Council is asked to provide.
- viii. Abide by and enforce the discussion ground rules listed in Appendix A.

F. Observers - Meetings of the Council are open to the public. At each meeting, a brief public comment period will allow observers to offer comments related to issues at hand, subject to time limits stated on the agenda.

V. Meetings

A. Meetings are held at least twice per year and will typically be held on Washington's Pacific Coast or in Olympia. The Governor's office will determine the need for and schedule any additional meetings of the Council.

- a) According to the Open Public Meetings Act (RCW 42.30.030), Council meetings will be open to the public. The schedule of regular meetings will be published in the state register per RCW 42.30.075. Meeting times and locations will also be publicized on Ecology's website in advance and open to the public. Agendas will include time for public comment.
- b) Member communications may be subject to disclosure pursuant to existing state law.
- c) Meetings will begin and end on time and will adhere to the topics on the agenda.
- d) Meetings will be task-oriented with an agenda and materials prepared and distributed in advance, to support informed discussion.
- e) Members will provide questions or issues for inclusion on the agenda to the Agenda Committee. The agenda committee, working with the neutral convener, will work to incorporate these items as appropriate to the Council's charter, scope of work, and time available. Time will also be set aside at the conclusion of each meeting for members to identify agenda items for consideration by the Agenda Committee.
- f) Non-council members are welcome to observe meetings. At the end of the meeting, or as part of an agenda item, where necessary, there will be opportunity for public comment.
- g) The Council may approve of hiring a neutral convener to facilitate and manage Council meetings and perform other functions. [RCW 43.143.xxx]. The Governor's office will arrange for facilitation of the initial meeting of the Council.

B. Quorum. A simple majority (51%) of the Council's voting members is necessary to constitute a quorum. (RCW 43.143.xxx). A quorum is necessary for the Council to make decisions or recommendations. If a quorum is not present, the meeting may continue with no actions being taken.

- C. Meeting Summaries.** A draft written summary of discussion from each meeting will be prepared by the neutral convener and reviewed by the Council before being considered final. The final summary will provide Council members and members of the interested public with a concise and clear summary of the meeting, including overview of each agenda item, discussions and decisions, and reference to related materials. It will not attempt to capture each statement or comment, such as would be found in a meeting transcript.
- a) The meeting summary will report the Council’s advice, decisions, action items, assignments from each meeting, and seek to state points of view fairly and clearly.
 - b) Meeting summaries will be sent to Council members, electronically where possible. Summaries will also be posted on the Council’s website and available to the public.
 - c) In absence of a neutral convener, meeting summaries will be prepared by a member of the Department of Ecology in attendance.

VI. Advice and Recommendations

A. Because the Council is charged with providing advice to the Governor’s office, it is important that there is a clear and effective process for determining the content of that advice, as well as on other Council business. Guidance and recommendations shall be provided in writing using an established template that includes background information on the issue and rationale for the recommendation. The agenda committee will develop and carry out a work plan and meeting schedule that allow the Council to provide timely and relevant advice to the Governor.

B. In making recommendations, the Council shall consider:

- a) The principles and policies articulated in *Washington’s Ocean Action Plan* [RCW43.143.xxx].
- b) The protection and preservation of existing sustainable uses for current and future generations, including economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy. [RCW 43.143.xxx]
- c) The charge or other direction from the Governor
- d) Existing state laws and regulations.

C. The Council shall normally operate by consensus pursuant to RCW 43.143.xxx. The neutral convener will facilitate balanced and thorough discussions on issues requiring consensus and identify areas of consensus as appropriate. The neutral convener will ask Council members to indicate (by a show of hands and/or thumbs up/down/middle) whether they are in consensus (in full agreement; not in full agreement, but can “live with” the position of the Council; or cannot live with the position). If there is consensus, this will be reported as the position of the Council. The Council reaches consensus when each member can say:

- a) I believe that others understand my point of view.
- b) I believe I understand others’ point of view.
- c) Whether or not I prefer this recommendation, I support it because it was arrived at openly and fairly and is the best solution for us at this time.

D. The Council will attempt to reach consensus with thorough, substantive discussion of the issue, including the presentation of differing perspectives and consideration of various options.

E. When consensus on an issue cannot be achieved, the neutral convener will conduct a vote on the issue. If two-thirds of the Council vote for or against the motion, that position will be reported as the position of the Council. However, in summarizing the decision, the minority position(s) will also be captured.

F. The Council will not revisit topics upon which it has already held a discussion and made a decision unless there is new information that warrants a new discussion.

VII. Communication

A. Representing Council Views. Council members may speak or advocate for themselves or their organization but may not represent the views of the Council unless specifically authorized to do so.

B. Communication Among Council Members. Meeting materials and other Council information will be provided to Council members by email listserv established for the Council. Council members may contact Council staff (Ecology), the neutral convener or chair to discuss issues or questions that arise between meetings. Substantive deliberations and development of recommendations amongst members should occur at regular Council or Committee meetings. Member communications may be subject to public disclosure pursuant to existing state law.

VIII. Funding:

A. Ecology and the Governor's office are responsible for proposing any state funding requests for the Council's operations through the established state budget process.

VIX. Amendments

A. These bylaws may be adopted and amended at any regular meeting upon a two-thirds vote of the Council, provided that the amendment has been submitted in writing two weeks before the meeting.

Appendix A – DISCUSSION GROUND RULES

In order to ensure that the Council's discussions and deliberations are efficient, productive and civil, the Council, Council staff, neutral convener, and liaisons all agree to abide by the following discussion ground rules. The Council grants the neutral convener the permission to remind the Council of these ground rules when needed.

Neutral Convener

The neutral convener is an impartial individual who guides the process and facilitates meetings. The neutral convener's job is to keep the Council focused on the agreed-upon agenda, suggest alternative methods and procedures to move forward when necessary, encourage participation by all Council members, and halt or redirect dialogue that is disrespectful, off-topic, or dominating the conversation so that others are not able to effectively participate.

Council Members

Council Members agree to:

1. Be Respectful

- Listen when others are speaking. Do not interrupt and do not participate in side conversations. One person speaks at a time.
- Recognize the legitimacy of the concerns and interests of others, whether or not you agree with them.
- Cooperate with the facilitator to ensure that everyone is given equitable time to state their views. Present your views succinctly and try not to repeat or rephrase what others have already said.
- Silence cell phones and refrain for using laptops during the meeting, except to take notes.

2. Be Constructive

- Participate in the spirit of giving the same priority to solving the problems of others as you do to solving your own problems.
- Share comments that are solution focused. Avoid repeating past discussions.
- Do not engage in personal attacks or make slanderous statements. Do not give ultimatums.
- Ask for clarification if you are uncertain of what another person is saying. Ask questions rather than make assumptions.
- Work towards consensus. Identify areas of common ground and be willing to compromise.
- Minimize the use of jargon and acronyms. Attempt to use language observers and laypersons will understand.

3. Be Productive

- Arrive on time and stay until the meeting is adjourned.
- Adhere to the agenda. Respect time constraints and focus on the topic being discussed.
- Volunteer for tasks between meetings.

4. Bring a Sense of Humor and Have Fun.

Observers

Meetings of the Council are open to the public. At each meeting, a brief public comment period will allow observers to offer comments related to issues at hand, subject to time limits stated on the agenda.