

**CHARTER/PROCEDURES  
OF THE**

***Washington -Coastal Marine Advisory Council***  
***(WCMAC)***

**PREAMBLE**

*In recognition of the want and need of a local, coastal perspective to inform state coastal and ocean policy, the Director of the Department of Ecology (Ecology), in conjunction with the Washington's State Ocean Caucus agreed to adopt the citizen recommendation to form a coastal advisory body. The State Ocean Caucus is an interagency team comprised of representatives from the Governor's office and agencies with a management role or interest in ocean and coastal resources. This charter is to be the guiding document to the Coastal Marine Advisory Council (Council) in its deliberations, interactions and work products.*

*In addition to the charter identifying the primary purposes of the Council, it also provides information that clarifies roles and responsibilities, identifies approaches for discussion, decision-making, resolving differences and development of advice and recommendations. It is intended to develop trust by setting guidelines that are fair, equitable and respectful. The charter may be amended through the mutual agreement of the Council and Ecology. Further, recognizing the importance of Washington's Pacific Coast and its associated tribal and non-tribal communities, the Governor has also agreed to designate a member of their staff to participate in this effort.*

**I. Purpose and Role**

The purpose of the Council is to:

- A. Provide information, recommendations, and (analysis) to the Governor, State Legislature, or other entities *(when requested.)*<sup>1</sup>
- B. Provide the State, via the State Ocean Caucus, input on ocean policy issues and activities, such as the State Ocean Action Plan.
- C. Participate in the state's development and implementation of coast-wide goals and strategies, such as coastal and marine spatial planning (CMSP).
- D. Bring sustainable, local-based solutions and approaches to coastal issues, debates, and conflicts.

<sup>1</sup> Further research is required on the issue of DOE advisory board interacting with legislative at an information, or advocacy, basis needs clarification as to whether the group can initiate that or needs to respond to a request standing or otherwise. Put another way, is this group covered by the same rules associated with the Governor's advisory board/body?

- E. Promote the integration of economic, social and environmental objectives while preserving and protecting existing sustainable uses of coastal resources.
- F. Identify data gaps and opportunities for scientific research addressing coastal needs or concerns.
- G. Provide a coastal perspective regarding cross-boundary marine issues.

## II. Membership

- A. Composition: The Council consists of no more than 25 members and includes one representative for each of the following categories, except commercial fishing which will have 2 representatives:

- Local Citizen
- Commercial Fishing (2)
- Recreational Fishing
- Shellfish Aquaculture
- Conservation NGO
- Economic Development
- Tourism
- Recreation
- Energy
- Shipping
- Ports
- Education
- Science/Research
- Coastal Marine Resource Committees (1 per MRC)

- B. Terms: Council members will serve three year terms. Members are eligible for reappointment. Members may recommend to Ecology that either they appoint members to a second term or select new members/alternates. If the member is a MRC representative, Ecology will request a replacement from the MRC. If the member/seat was originally appointed by Ecology's Director, then the Council, on behalf of and in cooperation with the Director, will broadly announce a call for nominations and seek input from the Council on an individual to fill the seat based on the recommendation of the specific sector represented for that seat. Recommendations will go to Ecology's director for the final appointment. Recommendations carrying the consensus of the group are highly encouraged and will carry more weight.

**Comment [A1]:** The charter/operating procedures should reflect the current body -- as agreed to last fall by the nomination selection committee (MRC representatives and state agencies) and announced by Ecology (initial nomination & appointments). If the group feels the need for additional representation, this can be brought up under the procedures for adding seats.

- C. Alternates: Members shall designate a person to serve as an alternate, and shall request the Council to review that proposed alternate. The Council will take an action to either accept or reject the designated alternate during a meeting of the Council. The member and alternate are responsible for ensuring that each is fully briefed on the business before the Council and delivers a consistent message to the Council. Unless otherwise stated, members may assume that an alternate is speaking and acting on behalf of the member. Alternates are expected to adhere to the same rules and responsibilities as members. Alternates are welcome to attend and participate in meetings along with the member to which they are an alternate with the understanding that in a vote, consensus or otherwise, it will be the attending member's vote that will be counted.
- D. New Members and Alternates: The Council may recommend adding seats to fill a needed area of expertise. The Council, on behalf of and in cooperation with the Director, will broadly announce a call for nominations and seek input from the Council on an individual to fill the newly identified seat. Recommendations carrying the consensus of the group regarding the individual to be appointed to that newly identified seat are highly encouraged and will carry significant weight. In recommending additional seats, the Council will seek to achieve the following criteria for member composition:
- 1) Broad-based;
  - 2) Balanced across stakeholders;
  - 3) Diverse across the coast (geographic balance); and
  - 4) Representative of the coast's communities and interests.
  - 5) Members [must-should] live within the geographical boundaries of the Coastal Marine Resource Committees unless there are no members available from that geographical area that can effectively represent the relevant stakeholder group.
- E. Resignation: If a member, prior to his/her term expiring, is no longer willing or able to serve on the Council, he/she will notify the Chair of the Council. The Council can make recommendations on how to fill the vacant seat.
- F. Removal: If a member misses three consecutive meetings without compelling reason and/or prior notification to the Chair, the Chair of the Council may recommend to remove the member in favor of a new appointment.

**Comment [A2]:** So far we've allowed individuals to choose their own representatives as long as they agreed to the same ground-rules.

**Comment [A3]:** RF - My notes don't have a replacement letter here but rather a reference to "the Council will seek to achieve the following criteria..."

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### III. Organizational Structure

#### A. Leadership:

1) The Council may designate one or more of its members as a chair and/or vice chair(s). If the Council selects a chair and any vice chairs, it will look for individuals who meet the following criteria:

- 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.

Ecology, as coordinator of the State Ocean Caucus, will act as the coordinating agency, providing administrative and staff support.

The Council's membership is encouraged to consider geographical representation within the selection process for these two positions.

2) Terms of office for Chair and Vice Chair. Each individual selected by the Council as either the Chair or the Vice Chair shall serve a two-year term.

B. Committees: At least two committees shall be created at the start of every year, and will be called the Agenda Committee and the Drafting Operations Committee :

1) Agenda Committee

- a) The Chair of the Council shall also chair this committee. It will include the Coordinating Agency, *ex officio*, as well as two others appointed on annual basis.
- b) The Committee will be empowered to establish the annual calendar as well as the meeting agenda for the scheduled meetings.
- c) Further, at a request of the Chair or 1/3<sup>rd</sup> of the Council's members, the Agenda Committee will meet to determine if any special meeting is warranted of the Council.

2) Operations Committee

- a) The Vice Chair of the Council shall chair this committee. It will include the Coordinating Agency, *ex officio*, as well as two others appointed on annual basis.

b) The Committee will be empowered to draft amendments to the Charter, operational documents, as well as position documents established by the Council in which case the Chair of the Council will be included in such undertakings. *Any recommended amendments to the charter and operational documents must be approved by the Ecology Director to take effect.<sup>2</sup> The Director will respond within a reasonable period of time to the recommendation forwarded to them for approval. If there is no response within thirty days, the recommendation will take effect.*

C. Other Committees: When necessary and as resources allow, the Council may create committees to carry out specific assignments between meetings. The Chair shall seek volunteers, and appoint a member of the Council to chair any such created committee. Committees will present reports or presentations of their discussions, findings, and recommendations, if any, at subsequent meetings.

## IV. Procedural Rules

### A. Roles and Responsibilities of Council Members

As specified in this charter, the Council will provide on-going guidance to the Governor, Legislature (when requested), State Ocean Caucus, and the Agency. The Council will work with Ecology, the chair and a neutral convener to develop and carry out a work plan and meeting schedule that allow it to provide advice to the State Ocean Caucus. Council members will have the following responsibilities:

- 1) Place a high priority on preparing for, attending and actively participating in meetings. Members will arrive on time and avoid leaving early.
- 2) Represent the points of view of their interest area. 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 could affect their own interest.
- 3) 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.
- 4) Work cooperatively with each other, the neutral convener, Ecology, and government liaisons to accomplish the purposes of this process and

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<sup>2</sup> There is lack of consensus within the operating committee regarding the need for this language. Further inquiry will be made to the AG to confirm that this step is required.

acknowledge that all participants bring with them legitimate purposes, goals, concerns and interests, whether or not they are in agreement with them.

- 5) Work cooperatively and creatively seek areas of agreement.
- 6) Interact in a respectful manner, including respecting the diversity of opinions and agreeing to not carry out personal attacks either at meetings or away from the meeting in other venues.
- 7) 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.
- 8) Act in “good faith,” seek to state 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).
- 9) 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.
- 10) Inform the chair (if used) and neutral convener as far in advance as is possible if you (or your alternates) are unable to attend a scheduled meeting. The neutral and chair (if used) will review and discuss the agenda with a member who has indicated in advance that he or she will be not be represented at a meeting.
- 11) Abide by the discussion ground rules listed in Appendix A.

#### **B. Roles and Responsibilities of the Chair and Vice Chair**

The Council may, if it desires, appoint a chair and vice chair from its membership, either at the first meeting or early in the process (see section III.A for criteria). If appointed, the chair and vice chair shall perform the following functions:

- 1) The Chair shall be responsible for lead meetings, and in their absence the Vice Chair shall form this function. The Chair may take on those responsibilities necessary to aid and assist the Council in reaching a decision. If the Chair has position, or interest in the topic of discussion requiring policy recommendation or position, the Chair may ask that either the Vice Chair or the Neutral Convener ~~—~~ to assume the role of chair, while consideration or action is taken on that item of the agenda.
- 2) 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.

- 3) When appropriate, the Chair and/or the Vice Chair, will assist in keeping communication open between the Council, Ecology, the State Ocean Caucus, Governor's representative, Senators and Legislators.
- 4) The Chair and Vice Chair will ensure that meeting business is conducted in a timely and efficient manner, and that all members have the opportunity to contribute.
- 5) 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 issue as needed. Public statements by the chair, vice chair or designated spokesperson should reflect the Council's recommendations and positions.
- 6) Assist in keeping communication open between the Council, Governor's Office, Ecology and the State Ocean Caucus.

In the absence of a chair or vice chair, these functions will be performed by the neutral convener and/or the Coordinating Agency.

### C. Role and Responsibilities of the Coordinating Agency

Ecology as coordinator of the State Ocean Caucus, will act as the coordinating agency. Within this document the use of Coordinating Agency or Ecology are used interchangeably to refer to the same entity. In this role, Ecology will:

- 1) Act as the Council's liaison with state agencies via the State Ocean Caucus.
- 2) Assist in the relay of appropriate information from the Council to various agencies and forums for ocean policy activities.
- 3) Bring subject matter experts to provide information to the Council when asked by the Council to do so.
- 4) Respond to the Council's requests for information, including coordinating a timely written response to all guidance or written advice of the Council to include the action taken by the Agency. If no action was taken by the Agency on the guidance or advice of the Council, the Agency will provide a written explanation to the members of the Council as part of the following meeting where such guidance or advice was given
- 5) ~~Where legally appropriate and fiscally feasible, possible, a~~ advocate or act upon the Council's recommendations for ocean policy and planning within various forums. If no action was taken by the Agency on the guidance or advice of the Council, the Agency will provide a written explanation to the members of the Council as part of the following meeting where such guidance or advice was given

**Comment [A4]:** The governor's representative is part of the State Ocean Caucus, but fine to call it out, if you like.

**Comment [A5]:** I'm not sure the neutral convener views this as their role.

**Comment [A6]:** We're committed to follow up. However, it seems like some issues might be able to be handled verbally. The meeting summaries will provide written documentation of the recommendations and responses.

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**Comment [A7]:** We're committed to follow up. However, it seems like some issues might be able to be handled verbally. The meeting summaries will provide written documentation of the recommendations and responses.

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5)

- 6) Assist the Council's Chair, Vice Chair, and neutral convener in administrative and operational functions as appropriate and needed.
- 7) Abide by the discussion ground rules listed in Appendix A.

**D. Role and Responsibilities of Government Liaisons**

- 1) Government liaisons include representatives from federal, tribal, state and local governmental agencies with responsibility for the study and management of ocean resources or regulation of ocean activities and will be designated by and serve at the pleasure of their respective organizations. They will be considered ex-officio liaisons to the Council. In this role, they will:
  - A. Attend meetings when requested by the Council to provide guidance, information, and input to the Council.
  - B. Carry forward the Council's questions and concerns to their respective organizations. Provide feedback on input under consideration or adopted by the Council and provide timely responses to input.
  - C. Coordinate with relevant staff and programs within their organization, as necessary.
  - D. Abide by the discussion ground rules listed in Appendix A.
- 2) At a minimum, the Council will be joined by the following government liaisons:
  - A. Governor's Office;
  - B. Department of Ecology
  - ~~C.~~

In addition, the following agencies will be invited and encouraged to attend the meetings of the Council:

- A. Coastal Tribes;
- B. Department of Fish and Wildlife
- C. Department of Natural Resources,;
- D. State Parks
- E. U.S. Army of Corps of Engineers
- F. National Oceanic and Atmospheric Administration;
- G. U.S. Fish and Wildlife Service;

**Comment [A8]:** The list below looks good as a starter, I suggested an additional phrase to indicate opportunity to bring in additional representatives as needed.

- H. U.S. Coast Guard;
- I. Department of Energy;
- J. U.S. National Park Service;
- K. The advisory body and Ecology will work together to identify additional government liaisons to invite to participate in meetings.

**E. Role and Responsibilities of the Neutral Convener**

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

- 1) Facilitate meetings of the Council and maintain a neutral stance in facilitating discussions to achieve the Council's purposes and goals.
- 2) 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.
- 3) Work with the chair (if used) and Ecology to prepare meeting agendas so that meetings are productive and accomplish the goals of the Council.
- 4) Assist in keeping communication open between the Council, Ecology, and the State Ocean Caucus.
- 5) Prepare meeting summaries and/or action item lists, and distribute them to members.
- 6) Review Council products, including advice papers.
- 7) 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.
- 8) Abide by and enforce the discussion ground rules listed in Appendix A.

**V. Meetings**

- A. Meetings are held at least quarterly and on Washington's Pacific Coast. If desired, meeting can rotate among coastal communities north and south (Western Clallam and Jefferson Counties, Grays Harbor, Pacific, and Wahkiakum Counties).

- 1) Meeting times and locations will be publicized on Ecology's website in advance and open to the public. Agendas will include time for public comment.
  - 2) Members communications may be subject to disclosure pursuant to existing state law.
  - 3) Meetings will begin and end on time.
  - 4) Meetings will be task-oriented with an agenda and materials prepared and distributed in advance, to support informed discussion.
  - 5) Members will provide questions or issues for inclusion on the agenda to the neutral convener and chair (if used). The neutral convener and chair (if used) will work to incorporate these items as appropriate. Time will also be set aside at the conclusion of each meeting for members to identify agenda items for the next meeting.
  - 6) The public will be encouraged and welcomed to attend the meetings. At the end of the meeting, there will be a public comment period during which a brief period of time, as determined by the Chair, will be allocated to each member of the public to provide comment.
- B. *Quorum*. A simple majority (51%) of the Council is necessary to constitute a quorum. A quorum is necessary for the Council to make decisions or recommendations. If a quorum is not present, the meeting will continue with no actions being taken.
- C. A draft written summary of discussion from each meeting will be prepared and reviewed by the Council and Ecology 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 synopses of presentations, 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.
- 1) 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.
  - 2) Meeting summaries will be sent to Council members, electronically where possible. Summaries will also be posted on Ecology's website. Members lacking Internet access may ask to receive summaries by fax or U.S. mail.

## VI. Decision-Making

- A. Because the Council is charged with providing advice to the State Ocean Caucus, it is important that it has a clear and effective process for making decisions on the content of that advice, as well as on other Council business. The Council intends to balance the value of providing advice to the State Ocean Caucus with the need to recognize and respect diversity of opinion and to make decisions and provide advice in a timely and organized fashion.
- B. Therefore, the Council's decision-making process will be as follows:
- 1) The Council will utilize a modified version of Roberts Rules of Order to conduct the meeting with the understanding that the more arcane and technical aspects of said rules should not be utilized by members to undermine the Council's purpose and/or function.
  - 2) When a motion is put forward by a member of the Council recognized by the Chair, the Chair will then call for a second on that motion, and if the motion is seconded, the Chair and the neutral convener will organize a thorough and balanced discussion of the issue(s) at hand at meetings.
  - 3) After discussion of an issue, the chair will check to see if any areas of consensus have emerged on advice and recommendations or other decisions. Council members may state what, if any, areas of consensus they believe may exist.
  - 4) The chair (if used) will then 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). 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 decision, I support it because it was arrived at openly and fairly and is the best solution for us at this time.
  - 5) If there is consensus, this will be reported as the position of the Council.
  - 6) Where consensus on an issue cannot be established in a timely manner, the Chair will request a vote on the motion before the Council, and if 2/3rds 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 will also be captured.

- 7) 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. Financing**

- A. State agencies will support the activities of Council through staff involvement and basic material needs for meetings.
  1. State funds may or may not be available to support the operations of the Council.
  2. State funding may or may not be available for reimbursing travel expenses for Council members.
- B. In general, meetings are to be held at locations that are free of charge. Only if partners are able to cover facility costs shall the meeting be in a location with a cost associated.
- C. The Council, Ecology and government liaisons may seek additional, non- state funds to support projects or services, such as facilitation, for the Council, as appropriate.

### **Appendix A – DISCUSSION GROUND RULES**

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

#### **Be Respectful**

- One person speaks at a time; listen when others are speaking, avoid interrupting and side conversations.
- Keep comments brief so everyone gets a chance to share their thoughts and don't repeat or rephrase what others have already said. Avoid dominating the discussion.
- Hear and respect minority opinions.
- Silence cell phones and refrain for using laptops during the meeting, except to take notes.

#### **Be Constructive**

- Acknowledge that all participants bring with them legitimate purposes, goals, concerns and interests, whether or not you are in agreement with them.
- Act in "good faith," seeking to resolve conflicts and identify solutions. Come with the sense that this is a gathering of bright minds working toward a common goal.

- State concerns and interests clearly, listen carefully to and assume the best in others. Leave negative assumptions and attitudes at the door.
- Share comments that are solution focused, rather than repeating past discussions.
- It is OK to disagree; it is not OK to make personal attacks or slanderous statements.
- Minimize the use of jargon and acronyms, define and explain when used.
- Work towards consensus. Be willing to compromise.
- Ask for clarification when uncertain of what another person is saying. Ask questions rather than make assumptions.

**Be Productive**

- Begin and end meetings on time.
- Respect time constraints.
- Adhere to the agenda as much as possible, focusing on the subject at hand.
- Volunteer for the tasks at hand.
- Bring a sense of humor and have fun.

DRAFT

