

Watershed Restoration and Enhancement Committee

Water Resource Inventory Area (WRIA) 7

Operating Principles

Approved Version March 4, 2019

Effective this 14th day of March, 2019

SECTION 1: PURPOSE

The purpose of the operating principles and charter is to establish the watershed restoration and enhancement committee, as authorized under RCW 90.94.030, for the purpose of developing the watershed restoration and enhancement plan. The document sets forward a process for meeting, participation expectations, procedures for voting, structure of the Committee, communication, and other needs in order to support the Committee in reaching agreement on a final plan.

SECTION 2. AGREEMENT AND AMENDMENTS TO THE OPERATING PRINCIPLES

The formal establishment of an agreement to the operating principles will take place via a member vote, with all members of the watershed restoration and enhancement committee (Committee) approving the operating principles. Committee members include those entities specified by the legislature who have responded, indicating their commitment to participate. Participants will work in good faith to participate productively in the development of the operating principles. By approving the operating principles, members of the Committee agree to uphold the principles as outlined in this document.

The Committee may review the operating principles periodically. Any member of the Committee may bring forward a recommendation for an amendment to the operating principles. Amendments will be brought for discussion when a quorum (2/3 of the membership) is present and take effect only if approved unanimously by the full Committee for inclusion in the operating principles.

Nothing contained herein or in any amendment developed under the Agreement shall prejudice the legal claims of any party hereto, nor shall participation in this planning process abrogate any party's authority or the reserved or other rights of any member, including tribal governments, except where the obligation has been accepted in writing.

SECTION 3. EXPECTATIONS AND GROUND RULES

PARTICIPATION EXPECTATIONS

Each entity invited by Ecology to participate on the Committee, and which has responded indicating their commitment to participate, shall identify a representative and up to two alternate Committee members from their organization or government. Committee members shall provide to the chair, in writing, the designated representative and alternates; and shall inform the chair in writing of any

changes to the main representative or alternates. Committee members will, in good faith and using their best professional judgement:

- Actively participate in Committee meetings;
- Review materials in preparation for the meetings;
- Review materials following the meetings;
- Engage in workgroups (if applicable);
- Come prepared for discussions and to vote (when applicable); and
- Commit to implementing the Committee ground rules (see below).

The chair will consult with the Committee to ensure that adequate time is given for review of materials. Meeting materials will be provided at least 7 days before meetings, with additional time given for longer documents. The chair also understands that Committee members may need to discuss decisions with their organizations prior to voting and will work with Committee members to establish reasonable review time for materials prior to calling for a vote.

Committee meetings will take place on a monthly basis for an initial period, with the interval of meetings being modified as needed to meet the deadlines (either more or less frequently). The chair will hold meetings at a convenient location in the watershed. Meetings are expected to last for approximately 4 hours, with the length modified as needed to meet deadlines.

The chair or facilitator will contact Committee members that miss meetings to brief them on the meeting outcome. The chair or facilitator will strongly encourage participation in Committee meetings.

REMOTE PARTICIPATION

Although it should not be routine, remote participation can be accommodated when necessary to facilitate Committee member participation and when possible given the technology available. It may be difficult for Committee members participating remotely to fully participate in discussion. If there are difficulties with technology, the priority will be to continue the meeting with the in-person participants and not delay the meeting to address technology challenges. Representatives participating remotely may take place in voting. Items requiring a vote will be identified on the agenda, which will be distributed at least a week in advance of the meeting. Representatives are strongly encouraged to attend in-person.

The Committee chair will allow for remote participation (e.g. via phone, web, video conference) if:

- Notice is provided to the chair or facilitator at least 1 week in advance of the meeting (except in the case of emergency), AND
- Representative and alternates are not available to attend in person, AND
- Meeting room accommodates remote participation.

GROUND RULES

Water management is inherently complicated and the Committee is striving for consensus on the watershed restoration and enhancement plan. Therefore, given the range of members' diverse perspectives, the Committee has established the following ground rules to ensure good faith and productive participation amongst its members:

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 from using laptops during the meeting, except to take notes.
- Respect other communication styles and needs.

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.
- It is okay to disagree, but strive to reach common ground.

3. Be Productive

- Adhere to the agenda. Respect time constraints and focus on the topic being discussed.

4. Bring a Sense of Humor and Have Fun.

CONFLICT RESOLUTION

In the event a conflict arises amongst members or established workgroups of the Committee, individuals should take the following steps:

1. Communicate directly with the person or persons whose actions are the cause of the conflict.

2. If the circumstance is such that the person with a conflict is unable or unwilling to communicate directly with the person or persons whose actions are the cause of the conflict, the person shall speak with the Committee chair and facilitator.
3. The conflict should first be brought up verbally. If this does not lead to satisfactory resolution, the conflict should be described in writing to the chair.
4. If such matters are brought to the chair and facilitator, the chair in consultation with the facilitator, will address the conflict as appropriate and may seek outside or independent assistance as needed.

SECTION 4. ALTERNATES, EX-OFFICIO MEMBERS AND NEW MEMBERSHIP

ALTERNATES

Only one representative from the entity shall sit at the table and participate in a vote. Representatives may call on alternates that attend the meeting at any time to speak.

If the primary representative cannot attend a meeting, they should, if possible, send the designated alternate and notify the Committee chair and the facilitator as early as possible. It is the responsibility of the primary representative to brief the alternate on previous meetings and key topics arising for discussion in order for the alternate to participate productively.

If the primary representative and alternates are no longer able to attend (staffing change, ongoing scheduling conflicts), the government or organization shall work with the chair to quickly identify a new representative from the same government or organization. If no alternate representative is available from the government or organization, an alternate entity that can represent the same interest is allowed and shall be brought forward to the chair for approval. Replacement members are subject to latecomer provisions.

LATECOMERS

Ecology has invited all governments and organizations identified in RCW 90.94.030 to participate on the Committee. It is in the best interest of this Committee that all invited entities join the Committee and participate in meetings starting no later than March 14, 2019. Invited entities that choose not to participate in the committee shall provide written acknowledgement that they are forfeiting their seat within thirty days following final notice for participation. In the case that an entity is nonresponsive or an entity is selected to replace another entity after March 14, 2019, the following latecomer conditions shall apply:

1. The entity cannot veto, request a re-vote, or revisit items previously decided on by the Committee;
2. The entity signs an intent to participate, provides a primary and alternate Committee member; and
3. The entity agrees to and abides by the operating principles.

EX-OFFICIO AND AD-HOC MEMBERS

The Committee may decide, by a super majority (2/3), to invite an additional entity to join the Committee as an *ex officio* non-voting member. *Ex Officio* members are invited to sit at the Committee table, participate actively in discussions and review of documents, but shall not vote on any items.¹ *Ex-officio* members are expected to participate as regular members—and adhere to the operating procedures—except that they do not vote.

The Committee may decide, by a super majority (2/3), to invite an individual or organization to participate in select meetings or agenda items where additional expertise or perspective is desired. *Ad hoc* members will be invited by the chair to sit at the Committee table, participate actively in discussions, and review of documents for the specified agenda items. They shall not vote on any items.

WORKGROUPS AND ADVISORY GROUPS

The Committee may establish workgroups or subcommittees as it sees fit. Workgroups may be temporary, established to achieve a specific purpose within a finite period, or a standing workgroup addressing the goals of the Committee. The decision to form a workgroup is a procedural decision, as it is not required by the legislature, and may be developed at the discretion of the Committee or the chair in order to support Committee decision making. All Committee workgroups are workgroups of the whole, meaning their role is to support the efforts of the Committee and all Committee members are welcome to participate in any workgroup formed by the Committee. The chair or Committee may also engage established workgroups in the watershed or invite non-Committee members to participate on the workgroups if they bring capacity or expertise not available on the Committee. No binding decisions will be made by the workgroups; all issues discussed by workgroups shall be communicated to the Committee as either recommendations or findings as appropriate. The Committee may, or may not, act on these workgroup outcomes as it deems appropriate.

SECTION 5. ROLE OF THE CHAIR AND COMMITTEE SUPPORT

RCW 90.94.030 (2b) states, “The department shall chair the watershed restoration and enhancement committee...” Ecology’s Streamflow Restoration Implementation Lead chairs the Committee on behalf of the agency. In the event that the chair is unable to attend a scheduled meeting due to illness or other unanticipated absence, Ecology will designate an interim chair to avoid cancelling the meeting. The interim chair may vote on decisions coming before the Committee.

The chair shall vote on all items coming before the Committee.² The role of the chair is to help the Committee complete the plan with the goal to attain full agreement from the Committee members. If

¹ Ecology leadership has determined that additional voting members will not be invited to join the committees in order to stay true to the legislation and keep the Committee size manageable. However, the Committee may decide to include non-voting members if they choose.

² RCW 90.94 (3) states that “the department shall prepare and adopt a watershed restoration and enhancement plan for each watershed listed under subsection (2) (a) of this section, in collaboration with the watershed restoration and enhancement committee. Except as described in (h) of this subsection, all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.” Based on input from the

full agreement cannot be obtained, the chair shall ensure all opinions inform future decision making for the final plan.

The chair, with assistance from Ecology technical staff, contractors, members of the Committee, and/or workgroups, shall prepare the watershed restoration and enhancement plan for the Committee's review, comment, and approval.

Ecology may provide the Committee a facilitator. The role of the facilitator is to focus on process and support the Committee in productive discussions and decision-making. Ecology will provide administrative support for the Committee as well as technical assistance through Ecology staff and consultants.

Ecology may provide the Committee with technical support in the form of Ecology staff or hired consultants. Ecology will seek input from the Committee on consultant selection prior to entering into contract.

SECTION 6. DECISION MAKING

This planning process, by statutory design, brings a diversity of perspectives to the table. It is therefore important the Committee identify a clear process for how it will make decisions. The Committee shall always strive for consensus, and when consensus cannot be reached, the chair and facilitator will document agreement and dissenting opinions. The reason why the Committee will strive for consensus is that the authorizing legislation requires that final plan itself must be approved by all members of the Committee prior to Ecology's review (RCW 90.94.030[3] "...all members of a watershed restoration and enhancement committee must approve the plan prior to adoption"). Therefore, it follows that consensus during the foundational votes, or decisions, upon which the plan is constructed, will serve as the best indicators of the Committee's progress toward an approved plan.

QUORUM

A quorum of the Committee members – 2/3 of Committee members – must be in attendance to vote. Representatives participating remotely are counted for the purposes of establishing a quorum and may take part in voting. The chair will round up when determining whether a quorum is established. The Committee may not vote unless a quorum is established. Each member of the Committee receives a single vote. Ex Officio members do not influence the determination of a quorum and do not receive a vote.

Attorney General's office, because Ecology is a member of the Committee and must ultimately vote on whether or not to approve the plan, Ecology shall vote on all items coming before the Committee.

VOTING ON ITEMS LEADING UP TO THE FINAL PLAN APPROVAL

The Committee will strive toward consensus.³ The levels of consensus include:

- I can say an unqualified "yes"!
- I can accept the decision.
- I can live with the decision.
- I do not fully agree with the decision; however, I will not block it.

If consensus cannot be reached, facilitator or chair will call for a vote. Committee members shall abstain from voting if they have a personal vested financial interest in a specific decision.

In recognition that consensus can be difficult to achieve and in some cases decisions need to be made quickly to stay on track to meet the plan deadline, decisions leading up to the plan (e.g. growth scenarios, inclusion of individual projects, etc.) may be approved by 2/3 majority of the Committee members in attendance. This is intended to keep the process moving forward, and is put forth with the recognition that by having dissenters to interim decisions, we may encounter a potential challenge when we reach a final plan approval. Ecology staff and facilitators will clearly document where there is agreement and disagreement on components of the plan. A “parking lot” may be used to capture ideas that the group cannot agree on or would like to return to at a later date for further discussion; however, this will not jeopardize meeting deadlines by postponing issues that must be resolved so deliberations can move forward. Committee members will work together to establish schedules and deadlines to ensure that final plans can be completed on time.

Voting:

- Thumbs up – approval
- Thumbs down – disapproval
- Thumbs sideways – ambivalent to approve, but will not disapprove
- Five fingers – abstain

The facilitator will record all votes and, where there are dissenting or ambivalent votes, will record all, if any, Committee members that dissent and the reasons for the dissent or remaining concerns. The chair or facilitator will approve the vote if 2/3 of those voting are either thumbs up or thumbs sideways. Members abstaining will be counted as present for purposes of the quorum, but abstentions will not be included in calculating the 2/3 majority.

³ Definition of Consensus: Consensus is a group process where the input of everyone is carefully considered and an outcome is crafted that best meets the needs of the group as a whole. The root of consensus is the word consent, which means to give permission to. When members consent to a decision, they are giving permission to the group to go ahead with the decision. Some members may disagree with all or part of the decision, but based on listening to everyone else's input, all members agree to let the decision go forward because the decision is the best one the entire group can achieve at the current time.

ELECTRONIC VOTING

In the case a decision is needed prior to the next Committee meeting, the chair can request an electronic vote via email or survey. This approach will only be used for time-critical items or when a quorum was not present to vote. The Department of Ecology will allow a minimum of 3 working days for responses. A non-response is considered an “abstention” vote.⁴

INFORMAL VOTING

From time to time, the chair or the facilitator may ask for an informal vote or straw poll to gather information on group needs. These informal votes do not need to follow the formal voting protocols of this section. Informal votes will be used solely for information gathering and will not result in a decision.

LETTERS OF SUPPORT FOR PROJECTS

The Committee may choose to submit a letter of support for streamflow restoration projects applying for funding through Ecology Streamflow Restoration Funding program or other sources. The decision to submit a letter of support shall follow the voting process as described above (2/3 majority). If the Committee does not approve a letter of support for a project, individual Committee representatives are not prohibited from submitting a letter of support from their organization or government. Requests for letters of support should be brought to the Committee with adequate time for review.

VOTING ON THE FINAL APPROVAL OF THE PLAN

RCW 90.94 (3) states that “... all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.” This means that each committee member gets a vote (quorum is not applicable for final approval) and that all committee members must vote “yes” in support of a plan in order for it to be approved and provided to Ecology for “net ecological benefit”⁵ review and potential adoption.

The vote on the final plan approval will be shown as follows:

Voting:

- Thumbs up – approval
- Thumbs down – disapproval

The facilitator will record all votes.

⁴ If an ‘out of office’ message is received for the primary representative, the alternate representative(s) will be contacted to cast their vote. The chair and facilitator will make at least 3 points of contact with each Committee member before marking their vote as an abstention (e.g. phone, email, text).

⁵ Per RCW 90.94, Ecology shall review the watershed restoration and enhancement plan to ensure it meets net ecological benefit. Ecology shall provide the Committee with a definition and guidance of net ecological benefit.

SECTION 7. PUBLIC COMMENTS AND PUBLIC MEETING NOTICE

The agenda will provide time for public comment at each meeting. The chair and facilitator will determine the time and extent of the public comment period based on the agenda for each meeting, with input from the Committee. Members of the public may provide written comment to the chair at least three business days in advance of each meeting. At each meeting, Committee members may request that the chair or facilitator read one or more written comments received by the chair. While the Committee is not explicitly required to follow the requirements of the Open Public Meetings Act, reasonable efforts will be made to post information and materials on the pertinent website in a timely manner to keep the public informed.

SECTION 8. COMMITTEE AND MEDIA COMMUNICATION

To support clear communication with the Committee, Ecology will:

1. Operate a list serve for Committee members and interested parties;
2. Develop and manage a website for members of the Committee to access documents such as agendas, meeting summaries, technical reports, calendar, and other items as requested by the Committee.

The facilitator and Ecology shall prepare a written meeting summary for each Committee meeting within 10 business days of the last Committee meeting. The chair or facilitator will distribute the meeting summary to the Committee via an email and post the summary on the Committee webpage. The summary, at a minimum, will include a list of attendees, decisions, discussion points, assignments, and action items. If comments are cited in such summaries, each speaker will be identified. Meeting summaries will capture areas of agreement and disagreement within the group. Committee members may provide the chair with recommended amendments to the draft meeting summary. Meeting summaries will be considered draft, and labeled as such, until they are approved by a vote of the Committee. The Committee will approve the meeting summary by a vote at the following meeting.

COMMUNICATION WITH THE MEDIA

When speaking to the media or other venues, the Committee members will clearly identify any opinions expressed as their personal opinions and not necessarily those of the other Committee members or the Committee as a whole. The Committee members will not attempt to speak for other members of the group or to characterize the positions of other members to the media or other venues. Comments to the media will be respectful of other Committee members.

Following significant accomplishments, the Committee may request Ecology to issue formal news releases or other media briefing materials. All releases and information given to the media will accurately represent the work of the Committee. Ecology will make every effort to provide the Committee with materials in advance for input, recognizing that media timelines may not allow for adequate review by the Committee.

SIGNATURES OF AGREEMENT

The Snohomish (WRIA 7) Watershed Restoration Enhancement Committee Operating Principles have been approved this 4th day of March, 2019 by the parties below.

REPRESENTATIVE FOR THE CITY OF ARLINGTON

Name and Title: Michael D. Wolanek, Water Resources Planner

Signature: 

Date: 3/12/2019

REPRESENTATIVE FOR THE CITY OF CARNATION

Name and Title: Tim Nislett, City Planner
Carnation

Signature: T. Nislett

Date: February 27, 2019

REPRESENTATIVE FOR THE CITY OF SNOHOMISH

Name and Title: **Glen Pickus, Director of Planning & Development Services**

Signature:



Date: **Feb. 27, 2019**

REPRESENTATIVE FOR THE CITY OF SNOQUALMIE

Name and Title: Todd Saxberg Operations Manager-Utilities

Signature:

A handwritten signature in black ink, appearing to read 'Todd Saxberg', written over a horizontal line.

Date: 2-28-2019

REPRESENTATIVE FOR THE CITY OF DUVALL

Name and Title: Wm. Michael Remington, *Duvall City Council*
Member

Signature: *Wm Mike Remington*

Date: February 27, 2019

operating Principles

REPRESENTATIVE FOR THE WASHINGTON STATE DEPARTMENT OF ECOLOGY

Name and Title: INGRIA JONES. STREAMFLOW
RESTORATION IMPLEMENTATION LEAD, WRIA 3

Signature: Ingrita Jones

Date: 3/11/19

REPRESENTATIVE FOR THE CITY OF EVERETT

Name and Title:

JAMES W. MILLER

ENGINEERING SUPERINTENDENT

Signature:

James W. Miller

Date:

2/27/19

REPRESENTATIVE FOR THE CITY OF GOLD BAR

Name and Title: Dennis Beest, Office Manager

Signature: 

Date: 2/28/2019

REPRESENTATIVE FOR THE TOWN OF INDEX

Name and Title: Kim Peterson / Town of Index

Signature: Text  Kim Peterson

Date: 2-26 -2019

REPRESENTATIVE FOR THE TOWN OF INDEX

Name and Title: Norman Johnson Mayor

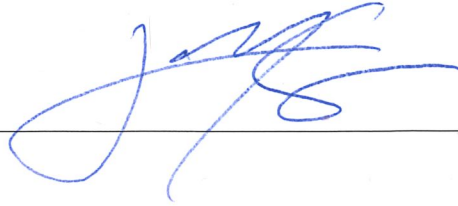
Signature: Norman Johnson

Date: 3.5.19

REPRESENTATIVE FOR KING COUNTY

Name and Title: Janne Kaje, Supervisor, Regional Partnerships
Unit, Water & Land Resources Division, DNRP

Signature:



Date: February 26, 2019

REPRESENTATIVE FOR THE CITY LAKE STEVENS

Name and Title: Leah Everett, Stormwater Coordinator

Signature: 

Date: March 11, 2019

REPRESENTATIVE FOR THE CITY LAKE STEVENS

Name and Title: Joshua Machen, AICP, Planning Manager

Signature:

A handwritten signature in blue ink, appearing to be 'J. Machen', written over a horizontal line.

Date: March 12, 2019

REPRESENTATIVE FOR THE CITY OF MARYSVILLE

Name and Title: Matthew Eyer Storm/Sewer Supervisor

Signature: Matthew Eyer

Date: 3/14/19

REPRESENTATIVE FOR THE MASTER BUILDERS ASSOCIATION OF KING AND SNOHOMISH COUNTIES

Name and Title: Mike Pattison; Snohomish County Manager

Signature: 

Date: 2/27/19

REPRESENTATIVE FOR THE CITY OF MONROE

Name and Title: BEN SWANSON / Community Development Dir.

Signature: _____

A stylized, handwritten signature in black ink, appearing to read 'Ben Swanson', written over a horizontal line.

Date: _____

2/27/19

REPRESENTATIVE FOR THE CITY OF NORTH BEND

Name and Title: Jamie Burrell, Senior Planner

Signature: Jamie Burrell

Date: 2/27/2019

REPRESENTATIVE FOR THE CITY OF SEATTLE, *EX OFFICIO* NON-VOTING MEMBER

Name and Title: Paul Faulds, SPU Water Resources Manager

Signature:



Date: February 28, 2019

Name and Title: Elizabeth Ablow, SCL Strategic Advisor/Fish Biologist

Signature:



Date: 3/4/2019

REPRESENTATIVE FOR THE SNOHOMISH CONSERVATION DISTRICT

Name and Title: Bobbi Lindemulder

Signature: Bobbi Lindemulder

Date: 2/27/19

REPRESENTATIVE FOR SNOHOMISH COUNTY

Name and Title: Terri Strandberg, Principal Planner

Signature: Terri Strandberg

Date: 3/12/19

REPRESENTATIVE FOR THE SNOHOMISH COUNTY PUD

Name and Title: BRANT E. WOOD
AGM WATER UTILITY

Signature: 

Date: 2/27/19

REPRESENTATIVE FOR THE SNOQUALMIE WATERSHED FORUM, EX OFFICIO NON-VOTING MEMBER

Perry Falcone

Name and Title: Snoqualmie Watershed Forum Project
Coordinator

Signature: Perry Falcone

Date: 3-1-19

REPRESENTATIVE FOR THE SNOQUALMIE INDIAN TRIBE

Name and Title: Robert M. delos Angeles chairman

Signature: Robert M delos Angeles

Date: 2/27/19

REPRESENTATIVE FOR THE SNOQUALMIE VALLEY WATERSHED IMPROVEMENT DISTRICT

Name and Title: Cynthia Krass, Exec. Dir

Signature: 

Date: 2-27-19

REPRESENTATIVE FOR THE TULALIP TRIBES

Name and Title: Daryl Williams, Consultant

Signature: 

Date: February 26, 2019

REPRESENTATIVE FOR THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

Name and Title: Kirk A. Lakey –Assistant Regional Habitat Program
Manager, Region 4 – Central District

Signature:



Date: February 27, 2019

REPRESENTATIVE FOR WASHINGTON WATER TRUST

Name and Title: Susan Adams, Executive Director

Signature: 

Date: 3/1/19