

Appendix D – Operating Principles

Operating Principles and Charter

Watershed Restoration Enhancement
Committee Water Resource Inventory Area
(WRIA) 13

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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 a watershed restoration and enhancement plan. The document sets forward a process for meeting, participation expectations, procedures for decision-making, structure of the Committee, communication, and other topics to support the Committee in reaching agreement on a final plan.

SECTION 2: AGREEMENT AND AMENDMENTS TO THE OPERATING PRINCIPLES

The operating principles are established when all members of the watershed restoration and enhancement committee (Committee) approve them. 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. Each entity participating on the Committee will be asked to document their approval of the operating principles in writing by signing a final 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 is present and take effect only if there is consensus by the full Committee for inclusion.

The chair may revise Appendix A (Committee membership) and Appendix B (timeline) without requiring a decision by the Committee. Any new appendices, or changes to other appendices will be approved by the Committee in advance of the changes being made. The chair will notify the Committee of any changes to Appendices A and B.

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 tribal governments, except where the obligation has been accepted in writing.

SECTION 3: PARTICIPATION 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 alternates to participate on the Committee. Committee members will, in good faith and using their best professional judgement:

- Actively participate in Committee meetings throughout the planning process;
- Review materials in preparation for the meetings;
- Review materials following the meetings;
- Engage in workgroups (if applicable);
- Come prepared for discussions and to make decisions (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 a minimum 14 day review period for documents intended for decision-making or that require feedback. The chair also understands that members may need to discuss decisions with their organizations and will work with committee members to establish reasonable review time for materials prior to calling for a decision.

When possible, Committee members will provide the chair reasonable notice if additional review time is needed prior to a decision.

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 attempt to contact Committee members that did not send a representative or alternate to the meeting. If a Committee member does not participate for 3 consecutive meetings (through sending the representative or alternate), the chair or facilitator will contact the Committee member to ask if they will continue to participate or forfeit their seat. Committee members will be asked to provide written acknowledgement when forfeiting their seat.

REMOTE PARTICIPATION

It is the expectation that Committee representatives shall attend all meetings in person. In person participation is essential to efficiency, clarity, and honest communication. Although it should not be routine, remote participation can be accommodated when necessary to facilitate Committee member participation. 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 decision-making. Representatives are strongly encouraged to attend in-person.

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

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

If extraordinary events, such as a pandemic or natural disaster, require the committee to meet remotely, all meetings will be held remotely and the operating procedures will remain in force, except portions that assume in-person versus remote participation.

GROUND RULES

Water management is inherently complicated and the Committee must work together effectively to develop 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:

- 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.
- Respect other communication styles and needs.
- 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.
- Be Productive
- Adhere to the agenda. Respect time constraints and focus on the topic being discussed.
- Bring a Sense of Humor and Have Fun.

CONFLICT RESOLUTION

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

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

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.

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.

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: MEMBERSHIP

ALTERNATES

Committee members shall provide to the chair, in writing, names and contact information for a primary representative and up to two designated alternates from their organization or government. Committee members shall inform the chair in writing of any changes to the primary representative or alternates. If the primary representative cannot attend a meeting, they should, if possible, send a 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. Alternates may participate in decision-making in lieu of the primary representative.

Representatives may call on alternates that attend the meeting at any time to speak. Only one representative from each government or entity shall sit at the table and participate in decision-making at any given meeting.

If the primary representative and alternates are no longer able to attend (staffing change, ongoing scheduling conflicts, etc.), the government or organization shall work with the chair to quickly identify alternative representation from the same government or organization. If no alternative representative is available from the same 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 the following provisions:

- The entity cannot veto, request a new decision, or revisit items previously decided on by the Committee;
- The entity signs an intent to participate and provides primary and alternate Committee members;
- The entity agrees to and abides by the operating principles; and
- The entity joins the Committee and participates in meetings for a minimum of six months leading up to the final decision on the plan.

EX-OFFICIO AND AD-HOC MEMBERS

The Committee may decide 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 and participate actively in discussions and review of documents, but shall not participate in

Committee decision-making.⁷¹ Ex- officio members shall adhere to the operating procedures.

The Committee may decide 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 participate in Committee decision-making.

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 time frame, 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.

LATECOMERS

Ecology has invited all governments and organization identified in 90.94.030 to participate on the Committee. Invited entities who originally decided not to participate on the Committee (per written acknowledgement) are allowed to join the Committee at a later date under the following conditions:

- The entity cannot veto, request a new decision, or revisit items previously decided on by the Committee;
- The entity signs an intent to participate, provides a primary and alternate Committee member;

⁷¹ Ecology leadership has determined that only entities specified in the legislation will participate in Committee decision-making. However, the Committee may decide to include non-decision-making members if they choose.

- The entity agrees to and abides by the operating principles; and
- The entity joins the Committee and participates in meetings starting no later than September 1, 2020.

REMOVAL FROM THE COMMITTEE

Entities must participate in the committee process after September 1, 2020 to retain membership on the committee. If an entity does not attend at least one committee or workgroup meeting over any three-month period it will be assumed they have withdrawn from the committee and will be removed as members, unless the member provides a written explanation and requests to remain on the committee. The Chair, via electronic communication, will inform any committee member who has not been participating for two months with this information to provide a minimum of one-month notice before removal.

RESIGNATION FROM THE COMMITTEE

If an entity no longer wishes to participate in the committee process or the final plan approval, they should send written notice (electronic or mailed notice) to the chair as early as possible prior to their resignation. Advance notice will support the chair and facilitator in managing consensus building and voting procedures.

SECTION 5: ROLE OF THE CHAIR AND COMMITTEE SUPPORT

RCW 90.94.030 (2b) states that “The department shall chair the watershed restoration and enhancement committee...” Ecology’s streamflow restoration implementation lead chairs the Committee on behalf of the agency. The chair shall participate in Committee decision-making.⁷² 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 full agreement cannot be obtained, the chair shall ensure all opinions inform future decision-making for the final plan. 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 participate in Committee decision-making.

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.

⁷² 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 Attorney General’s office, because Ecology is a member of the Committee and must ultimately decide whether or not to approve the plan, Ecology shall participate in decisions on all items coming before the Committee.

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 will seek input from the Committee on consultant selection prior to entering into contract.

SECTION 6: DECISION MAKING

QUORUM

A quorum is constituted when two-thirds of the entities represented on the Committee are present (either in person or on the phone). A quorum of current membership must be present for decision-making to occur. Even if both a primary representative and alternates are present, each entity of the Committee counts only once for purposes of determining a quorum.

CONSENSUS

This planning process, by statutory design, brings a diversity of perspectives to the table. It is therefore important the Committee identifies a clear process for how it will make decisions. The Committee has elected to make decisions by consensus.⁷³ The Committee made this choice in part because the authorizing legislation requires that the final plan 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 decisions upon which the plan is constructed will serve as the best indicators of the Committee's progress toward an approved plan.

Ideally, consensus represents whole-hearted agreement and support by all Committee members; however, it can be achieved with less than this level of enthusiasm. For example, some members might disagree with all or part of a decision, but based on listening to everyone else's input might agree to let the decision go forward because it is the best decision the entire group can achieve at the current time. For purposes of this effort, consensus is defined as an outcome all Committee members can at least "live with" and

⁷³ 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.

agree not to block or oppose during implementation, even if it is not their preferred choice.

The Committee recognizes four levels of consensus:

- 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 or oppose it now or during implementation.

Consensus will be assessed by polling committee members either in person at meetings or electronically by email. Ecology staff and the facilitator will record when consensus is achieved and will document any relevant background or context for the decision, including when a Committee member is consenting to something even though it is not their preferred choice. Abstentions and the reasons for them also will be described. During in person polling the following protocol will be used:

- Thumbs up – consent
- Thumbs sideways – consent with reservation but can live with and will not block or oppose now or during implementation
- Thumbs down – do not consent
- Five fingers – abstain

In recognition that consensus can take time to achieve and in some cases decisions will need to be made quickly to stay on track to meet the plan deadline, the Committee may continue moving forward with deliberations even if it has not reached consensus on all interim decisions leading up to the final plan (e.g. growth scenarios, inclusion of individual projects, etc.). This is intended to keep the process moving, and is put forth with the recognition that these differences will need to be resolved before the end of the process to have a plan all Committee members can approve. Ecology staff and the facilitator will clearly document where there is consensus and where there is not consensus on all interim decisions. Where there is not consensus, care will be taken to describe the different perspectives and reasons for them. Differing parties with Ecology staff, the facilitator, and other Committee members will make a plan to try to resolve differences and reach consensus in time for the final plan approval. 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 which 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.

ELECTRONIC DECISION-MAKING

In the case a decision is needed prior to the next Committee meeting, the chair can request an electronic decision via email or survey. This approach will only be used for time-critical items or when a quorum was not present at the Committee meeting where the issue was to be decided. The Department of Ecology will allow a minimum of 3 working days for responses to requests for an electronic decision. A non-response is considered an “abstention.”⁷⁴

The result of an electronic decision will be reported at the next Committee meeting and the chair or facilitator may request confirmation to reaffirm the electronic decision.

INFORMAL STRAW POLLING

From time to time, the chair or the facilitator may take a straw poll to gather information on Committee needs and perspectives. Straw polling 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. If the Committee decides not to submit a letter of support for a project, individual Committee representatives are not prohibited from submitting letters of support from their entity or government.

FINAL PLAN APPROVAL

RCW 90.94 (3) states that “... all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.” Approval will be achieved if all Committee members consent to the final plan. To ensure no confusion on this issue, each entity participating on the Committee will be asked to document their consent to the final plan in writing (e.g., by responding to an email or signing a final document).

The facilitator will poll for and document consensus. Written and verbal votes will be shared with all Committee members. If consensus is not reached on the plan, the facilitator/note-taker will document which plan elements (if any) there is consensus on and which there is not consensus on and will describe the full range of different perspectives where there is not

⁷⁴ If an ‘out of office’ message is received for the primary representative, the alternate representative(s) will be contacted. The chair and facilitator will make at least 3 points of contact with each Committee member before marking them as an abstention (e.g. phone, email, text).

consensus. To ensure their perspectives are also available in their own words, each entity will have the opportunity to append a letter describing their views.

The final plan approval may also be given verbally in a Committee meeting, or in writing when in-person participation is not possible:

- Approve
- Disapprove

SECTION 7: PUBLIC COMMENTS AND PUBLIC MEETING NOTICE

The agenda will provide time for public comment at each meeting. In general, members of the public may only speak during public comment; although the chair and facilitator may make exceptions on a case-by-case basis. 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. 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:

- Operate a list serve for Committee members and interested parties
- 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 will distribute the meeting summary to the Committee via an email and the facilitator or Ecology will 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. The Committee will review and accept (or revise) meeting summaries 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.