

STAFF REPORT

DATE: January 7, 2015

Division: Resources Policy and Planning

Staff Name: Earl Rowell

Email: earl.rowell@clark.wa.gov

Phone: (360) 397.2121 ext. 4580

TOPIC: Proposed Changes to Bylaws for the Clean Water Commission

EXECUTIVE SUMMARY

The Clean Water Commission is seeking to change their appointment dates to coincide with the Clark County calendar year instead of the appointment date of commissioners in February (i.e. the current approach is March 1 thru February 28). Appointments of commissioners would occur in the last quarter of each year and members would start their term in January and end in December.

The Clean Water Commissioners at their December 3, 2015 meeting made a *Motion (2014-18)* to: "Amend the bylaws to address the periodicity of commissioner appointments and asked Mr. Rylander to draft the modifications and present them at the January meeting."

BACKGROUND

Mr. Rylander opened discussion regarding changing the commissioner appointment dates to a calendar year to coordinate with the Clean Water Program efforts. Currently members are appointed to start March 1 while program assignments start in January; it is disruptive to not know if commissioners will be reappointed to complete the tasks. For example, this would coincide with the county's calendar year and provide an opportunity to submit and discuss with the Board of County Commissioners (Board), the commissions annual report in a more timely fashion. Commissioners discussed if the ordinance requires a February reappointment dates and changing the commission bylaws to make the appointment dates to a calendar year.

In past years the commission presented their annual report to the Board in June/July with the intent of speaking about what going to occur in the *preceding year* (e.g. this becomes awkward explaining to the Board what is occurring the year that is already half complete).

Attached are bylaws for the commission that have the following suggested changes:

1. Change the date of the bylaws
2. Lines 26-33. In Section 4, created new Section B and C "Commissioner Appointments" and "Commissioner Terms"
3. Lines 38-39. Under Chairperson, expand the role of the Chairperson to ensure he or she presents the commission's annual report to the Board
4. Lines 155-158. Removed G from Meeting Structure
5. Line 160-165. New Section: Annual Report - Describes what should be in the annual report
6. Line 167. Section 9 become Section 10
7. Line 173. Section 10 becomes Section 11
8. Lines 184-188. Discussion of when the current terms might change

ISSUE ONE

During the proposed transition to the term schedule, members of the commission could serve 34-months instead of 36-months on the commission. Clark County Code 13.30A.040 states a commissioner has a three-year term on the commission. Alternatively, commissioners who are appointed on March 1, 2015 could

serve 36-month knowing that when a request reappointment or new appointments take place it would be from January 1 thru December 31 (Attachment A).

SUMMARY / RECOMMENDATION

Staff concurs that calendar year appointments for commissioners offers many benefits and recommends amending the bylaws.

ACTION REQUESTED

The commission should determine if they want to implement the recommendation of this staff report.



proud past, promising future

CLARK COUNTY
WASHINGTON

Draft

**BYLAWS FOR
CLEAN WATER COMMISSION**

July 2, 2014 XX/XX/XXXX

[Note: Shaded Area = New Language]

Section 1. Name

The official name of the commission is Clark County Clean Water Commission (Clean Water Commission or commission).

Section 2. Governing Authority

This commission is governed by the following regulations: Clark County Chapter 13.30A, Clean Water Funding. All meetings are expected to follow applicable laws governing public meetings.

Section 3. Vision and Mission of the Commission

The Clean Water Commission will in all our actions and recommendations strive to achieve healthy watersheds throughout Clark County and to ensure the integrity of the water cycle, as defined by commonly accepted best standards. We will do so recognizing the importance of the community's needs, seeking and recommending actions that can be implemented at a rate and with methods that are achievable with our conditions.

Section 4. Commission Organization

The Clean Water Commission consists of nine (9) members appointed by the Board of County Commissioners (Board). The application to serve on the commission and appointment of members to the commission shall follow all county regulations and policies to ensure fairness in the appointment process. The Board reserves the right to remove members who do not comply with conditions of the bylaws.

- A. **Representation** – The nine-member commission may represent the following interests in the community: ranging from large rural owners, small business owners, neighborhood associations, agricultural interest, engineering community, urban land owners and citizens-at-large.
- B. **Commissioner Appointments** – Members of the Commission shall be appointed by the Board to a three year term. A public notice of vacancies will be issued approximately 90 days prior to an expected vacancy. The notice will direct candidates to submit an application to the Board's office for consideration.
- C. **Commissioner Terms** - Except in situations where a member of the Commission resigns or is removed, terms will start in January and end in December. Members of the Commission filling a vacancy mid-term will serve from the time they are appointed to the end of the previously established term (Attachment A).
- D. **Chair Person** – The commission meeting shall be conducted by the Chair Person. The Chair Person shall conduct the meeting using the Roberts Rules of Order or similar structure for

36 the meeting. The Chair Person is responsible to keep the meeting on schedule, ensure that
37 all agenda items are covered and appropriate conduct is maintained by meeting attendees.
38 The Chair Person is responsible for the presentation of the Commission’s annual report to
39 the Board.

- 40 E. **Vice-Chair Person** – When the Chair Person is absent the Vice-Chair Person shall perform
41 the duties of the Chair Person. Should the Chair Person and Vice-Chair Person, both be
42 absent, and provided there is quorum, the members may elect for the meeting a temporary
43 Chair Person, who shall have the full powers of the Chair Person during the absence of the
44 Chair Person and Vice-Chair Person.
- 45 F. **Staff Liaison** – Clean Water Commission shall have a staff liaison, from the Department of
46 Environment Services, to communicate with them. The staff liaison shall coordinate the
47 meeting location, meeting announcement, agenda development, meeting summary and
48 provide communications between the commission, the department and the Board of
49 County Commissioners. The staff liaison shall keep all records for public review and post all
50 meeting agendas and summaries on the department webpage as part of the public record.
- 51 G. **Committee(s)** – The Chair Person may ~~propose to~~ create a committee of no more than four
52 commissioners to ~~within the commission to discuss~~ address a specific topic or issue. ~~The~~
53 ~~committee should have a specific purpose~~ and timeframe for which they will conduct their
54 work. The committee should regularly report to the full commission on the progress of their
55 work. When the topic work is completed, the Chair Person should then dissolve the
56 committee.
- 57 H. **Quorum** – A majority of the appointed members shall constitute a quorum for the
58 transaction of business.
- 59 I. **Special Guests or Representatives** – At the discretion of the commission, they may include a
60 special representative that holds a non-voting position. These positions should represent a
61 unique perspective to the group, such as a youth position (high school level), partner
62 agency, etc.

63 64 **New Section 5. Nominations and Elections of Officers**

- 65 A. **Nominations** – A nomination is a formal proposal to the voting body, in an election to fill an
66 office or position. The usual practice is to have nominations, to narrow the voting down to
67 qualified and willing candidates. The Clean Water Commission has in the past called for
68 nominations “from the floor”.
- 69 B. **Elections** – Elections are commonly conducted by ballot. Ballots are typically used in
70 elections when there is a desire to keep secret how each member votes. An election
71 becomes final when the Chair announces the results of the election.

72 73 **Section 6. Commission Member Expectations**

74 While serving on the Clean Water Commission, the members are to follow the expectations as set
75 forth in these bylaws:

- 76 A. **Representation** – each member is expected to represent the general public opinions,
77 attitudes and needs to the commission.

- 78 B. **Attendance** – each member is expected to attend every regularly scheduled meeting. In the
79 event of special meetings, attendance is expected as available. Attendance shall not fall
80 below 75 percent of all regularly scheduled meetings. All members are expected to have the
81 appropriate time available to read materials, attend meetings and participate in special
82 topics, as needed.
- 83 C. **Common Courtesy Clause** – Member(s) of the commission must notify the Chair and/or
84 staff liaison if they will not be present or are considering resignation.
- 85 D. **Conduct** – each member is expected to participate in the commission with a professional
86 and respectful manner. All issues and conversations shall be conducted with a fair and open
87 perspective. Abusive and offensive language or behaviors are strictly forbidden at all times
88 in the meetings with the commissioners, staff or general public attendees.
- 89 E. **Qualifications** – each member of the commission is expected to provide a level of
90 qualifications to allow them to actively participate in discussions, program review and
91 recommendations. Members shall review all meeting packet information prior to meeting
92 attendance so that they are prepared to participate.
- 93 F. **Length of Service** – each member is expected to serve their full term (Attachment A). If a
94 member is interested in continuing service, they should submit a letter of interest to the
95 Board’s Office prior to the conclusion of their term.
- 96 G. **Training** – Each new member is expected to attend a training with the staff liaison to ensure
97 that they are aware of the various components of the commission, including expectations,
98 topics, and general information. These trainings are meant to assist the member in getting
99 up to speed with all the relevant information that is needed for them to fully participate in
100 the meetings.
- 101 H. **Communications** – Each member is expected to participate in the communications of the
102 group to ensure there is a clear understanding of the topics discussed. Members should
103 contact the Chair Person and/or staff liaison if they need additional information. All
104 Information will be emailed to staff as available, per their request. Other arrangements will
105 be made, as needed, with the staff liaison (such as hard copies of packets, etc.).
- 106 I. **Abstentions and Conflict of Interest** – No member of the commission shall vote on a matter
107 in which they (or a close family member) have a direct financial interest. The member shall
108 reveal to the commission any conflict of interest that they may have on a discussion topic
109 and allow members to object to their participation in the discussion. If the member cannot
110 fairly review or participate in the discussion, they may choose to abstain from the
111 discussion.
- 112 J. **Disciplinary Action** – If any member of the commission is in violation of these bylaws, the
113 Chair Person and Vice-Chair Person may make motion to the commission to recommend
114 removal of the member of the commission. The Chair Person or Vice-Chair Person would
115 send that recommendation to the Board for the removal of a member.

116
117 **Section 7. County and Department Expectations**

- 118 A. The Board should reappoint vacancies to the commission.
119
120
121

122 **Section 8. Meeting Structure**

123 The commission meetings shall be structured to ensure appropriate and fair discussion of the
124 topics on the agenda. The meeting shall ensure that there is adequate time to fully discuss the
125 issues at hand.

- 126 A. **Meeting format** - The meeting should consist of the following topics, at a minimum:
- 127 1) Roll call of members, introduction of staff liaison and special guests
 - 128 2) Review of the meeting packet/agenda
 - 129 3) Approval of the previous meeting summary
 - 130 4) Public Comment (limit to three minutes per person unless approved by Chair Person)
 - 131 5) Staff reports on department business
 - 132 6) Commissioner business (other topics)
 - 133 7) Adjourn
- 134 B. **Meeting location** - The meeting location for this commission shall be at the Clark County
135 Public Service Center, 1300 Franklin Street, 6th Floor, Training Room (Room 679),
136 Vancouver, Washington, unless otherwise directed by the staff liaison. The meeting will be
137 hosted at a location that best serves the members, including available parking, safe access,
138 restroom facilities and associated amenities. No food will be served at the meeting.
- 139 C. **Meeting date/time** – The meeting shall occur six (6) times a year. The date shall be the *first*
140 *Wednesday* of January, March, May, July, September, and November. The Commission may
141 schedule other meetings as necessary. The time for the meeting shall be two hours starting
142 at 6:30 p.m. In the event of a legal holiday, the meeting shall be rescheduled.
- 143 D. **Agenda Development** – The staff liaison shall develop the agenda for each meeting in
144 coordination with the Resource Policy and Planning Manager and Chair Person.
- 145 E. **Commission Meeting Packets** – The staff liaison will ensure that each commission member
146 receives a meeting packet a minimum of one week prior to the meeting. The packets may
147 be mailed or emailed, as appropriate. The packets shall include the meeting agenda, the
148 previous meeting summary, staff updates and staff reports.
- 149 F. **Meeting Summaries** – The staff liaison will take meeting summary notes (or assign to their
150 designee) to ensure that the general discussion points are captured in the meeting
151 summary. The summaries will not capture all comments at the meeting, but capture the
152 general information relayed by the members. These will be available for approval at the
153 following meeting. An audio recording of all meetings is available at:
154 <http://www.clark.wa.gov/environment/stormwater/management/commission.html>.
- 155 ~~G. **Annual Summary to the Board of County Commissioners** – Each year the commission will
156 provide the Board an annual summary of their work and recommendations to enhance the
157 Clean Water Program. The Annual Summary work session should be scheduled during the
158 first quarter of the year.~~

159
160 **Section 9. Annual Report**

161 By December 31 each year the Commission will provide an annual report to the Board. The annual
162 report should summarize discussions, actions, and recommendations from the Commission. The
163 report should also include a work plan for the subsequent year. A work session should be
164 scheduled to present the annual report to the Board during the first quarter of the subsequent
165 year.

166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183

Section 9 10. Compensation and Reimbursement

The service of the members shall be on a voluntary basis and without monetary compensation. If members are required to incur expenses, they shall seek pre-authorization from the staff liaison prior to the expense. Expense reimbursement shall comply with all county policies for reimbursement.

Section 10 11. Amendment

These bylaws shall be reviewed every two years for applicability. Any proposed amendments shall be sent to the staff liaison and Chair Person in writing. The request will be considered at the following regularly scheduled meeting and decided by a quorum of members at the meeting. If there is a need for further discussion, the amendment request can be tabled for further review and consideration at the following meeting.

End of Clark County Clean Water Commission Bylaws

DRAFT

Attachment A

**Term of Each Clark County
Clean Water Commissioner**

CURRENT:

Commissioner	Representing	Start Date	End Date
vacant	vacant	3/1/2014	2/28/2015
Dick Rylander	Citizen at Large	3/1/2014	2/28/2015
Gary Schaeffer	South Clark County	3/1/2014	2/28/201
Jim Carlson	Business Owner	3/1/2011	2/28/2016
Susan Rasmussen	North Clark County/ Agriculture/Forestry	3/1/2011	2/28/2016
Virginia van Breemen	Rural Land Owner/ Forestry	3/1/2011	2/28/2016
Rob McKinney	Central Clark County	3/1/2014	2/28/2017
David Meyer	Stormwater Consultant	3/1/2014	2/28/2017
Melanie Wheeler	East Clark County	3/1/2014	2/28/2017

PROPOSED

Commissioner	Representing	Start Date	End Date
vacant	vacant	3/1/2015	2/28/2018
Dick Rylander	Citizen at Large	3/1/2014	2/28/2018
Gary Schaeffer	South Clark County	3/1/2014	2/28/2018
Jim Carlson	Business Owner	1/1/2016	12/31/2018
Susan Rasmussen	North Clark County/ Agriculture/Forestry	1/1/2016	12/31/2018
Virginia van Breemen	Rural Land Owner/ Forestry	1/1/2016	12/31/2018
Rob McKinney	Central Clark County	1/1/2017	12/31/2019
David Meyer	Stormwater Consultant	1/1/2017	12/31/2019
Melanie Wheeler	East Clark County	1/1/2017	12/31/2019

184 [Note – The Commission with suggestions from staff, we’ll still need to work out how to change the
 185 current terms to align with the calendar year. The 2014-2015 terms should not change since
 186 they’re too close to the end of their respective term. The terms of the 2015 appointees could end
 187 in December of 2018. We would likely change the terms ending in 2016 and 2017 to end in
 188 December of the previous year which would cut the terms short but get things aligned faster.