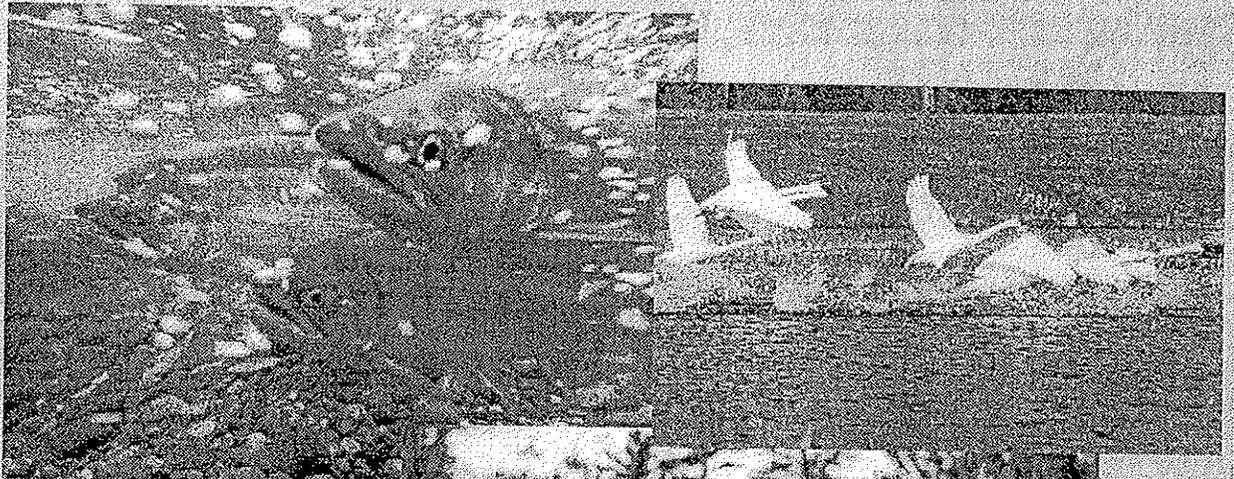


Operating Protocols and Guidelines for WDFW Advisory Bodies



WASHINGTON DEPARTMENT OF
FISH AND WILDLIFE

April 2004

Welcome and thank you for your participation on one of the Washington Department of Fish and Wildlife's (WDFW) advisory groups.

I am hopeful this brochure will help you understand your appointment, responsibilities, and WDFW's processes in communicating with the Department.

Many items **may not** be applicable to your specific group; however, I am hopeful that the information provided will better assist you in understanding the variety of roles and purposes of the various groups and the processes of state government in general.

Specific questions or comments on any of this material should be directed to the lead agency contact for your group.

WDFW's use of groups is fundamental in encouraging the use of citizen talent and interest in the affairs of the state, and in keeping government responsive. We welcome the partnership.

Sincerely,



Jeff Koenings, Ph.D.
Director

April 2004

OPERATING PROTOCOLS AND GUIDELINES FOR ADVISORY GROUPS, COMMITTEES, AND BOARDS

Advisory bodies may be created by the Governor, the Legislature, or individual agencies. The Department of Fish and Wildlife has formally established and has appointed members to a variety of advisory bodies through statutory or agency authority. The primary purpose of these bodies is to advise the Department on current and emerging key policy issues associated with fish and wildlife conservation and management. Members appointed to the Department's advisory bodies assume certain responsibilities described in this document **in addition** to those that may be specific or unique to individual advisory bodies.

Unless specifically authorized, advisory boards **do not** have the authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of state government.

AGENCY ROLE AND RESPONSIBILITIES

- Schedule meetings in consultation with advisors and provide meeting places.
- Provide background and other briefing material.
- Communicate emerging issues.
- Provide timely opportunities for advisors to advise the agency on policy issues.
- Facilitate meetings and conference calls as needed
- Assist in developing meeting agendas.
- Be respectful of the views of others and carefully consider the views of the advisors.
- Communicate the advisors comments, views, and perspectives to agency leadership prior to decision making.
- Provide feedback regarding how the Department used the advisors input.
- Clearly define the body's role.
- Provide WDFW's mission and goals statement.

ADVISORS ROLES AND RESPONSIBILITIES

- Provide advice to the Department on agency proposed regulations, and management measures pertaining to a specie or species, or wildlife areas and department lands, assigned to the advisory panel. Such advice should consider (a) the effect of such management measures on local economies and social structures, (b) the welfare of the constituent group affected, (c) potential conflicts among user groups using a specific fishery or wildlife resource, (d) enforcement problems unique to the fishery or wildlife issue and the expected need for additional enforcement resources.
- Communicate community opinions, attitudes, and needs to the agency.
- Identify areas of concern and recommend change.
- Provide recommendations on policy as requested.
- Body members are responsible to understand their board's roles and responsibilities, and recognize the fundamentals of their roles as determined by how they were created (agency, legislative, etc.).
- Body members need to keep informed and up-to-date on issues and/or statute affecting their role.
- Attend public workshops or forums established by the Department such as the North of Falcon process or regional meetings addressing fish or wildlife issues such as herd management plans, watchable wildlife, or local fishing issues.
- Keep the Department advised of current trends and developments.
- Provide advice regarding enforcement and regulatory compliance issues.
- Assist the Department in developing communication strategies and communicating with members of the public regarding the issues that come before the advisory body.
- Perform other necessary and appropriate duties as may be requested by the Department or in statute.
- Be respectful and carefully consider the views of others.
- Attend advisory body meetings and advise agency of absences.

- By consensus of members, (unless otherwise directed by statute or the Director or designee) the advisory body shall determine if the meetings will be recorded, if minutes will be taken; and by what means advice directed to the Department shall be communicated to the director/designee. Advice shall contain a majority and minority view.

Board members must be familiar with and operate within their board's governing statutes and bylaws, and state and federal laws at all times (as they apply to the particular board). All advisory bodies that regularly meet should develop and adopt operating procedures. Those advisory bodies that are subject to the open public meetings act should follow a more formal process by using Robert's Rules of Order.

COMPOSITION

- Unless provided otherwise by statute or the WDFW Director, advisory panels shall consist of a sufficient number of members, generally less than 20, deemed necessary to carry out the objectives and duties of the advisory body with respect to the specific area of responsibility. The Department shall seek to provide member composition that recognizes differences in management and conservation perspectives and is considerate of the value of diversity and geographical representation.

NOMINATION SOLICITATIONS

- Announcements will be distributed widely and be specific about the duties and responsibilities. Nominations must be accompanied by adequate information on the amount and kinds of experience that qualify the nominee for the particular position. Nominations should be received on or before a deadline published by the Department.

CHAIRPERSON OR PRESIDING OFFICER (WDFW)

- In some cases, as specified by the Department or state statute, an advisory body will elect a chairperson. The chairperson will be elected by majority vote of the advisory body members at a scheduled meeting provided a **quorum**

of more than one half of the appointed members are present. Advisory bodies that establish a chair position will conduct their meetings in accordance with Robert's Rule of Order.

ADVISING THE AGENCY

- Advisory body members are selected to represent a broad range of interests. The Department is seeking the advice from individual members recognizing that members may have different views on key issues of concern and that it is important for the Department to understand and consider different perspectives before making a decision.
- An advisory body may vote on specific recommendations that are made to the Department. In cases where there are dissenting views, minority views shall be represented in recommendations made to the Department.
- Statutory requirements specific to the respective advisory body relative to voting must be met.
- Recommendations on major policy issues to the Department should be in written form.
- All ideas should be expressed in clear, concise language.
- Proposed solutions/recommendations should be viable and cost-effective.

EXTERNAL COMMUNICATION

- An advisory body should not communicate its positions and opinions to entities outside the Department without notifying the Director or his designee.
- A WDFW advisory body should not meet with outside entities unless it has received prior approval by the Director or his designee.
- Nothing herein is intended to prevent an individual advisor from expressing their views as a private citizen.

COMPENSATION

- Advisors are responsible for their own travel and meal expenses unless otherwise expressly provided.

TERMS

- Advisory body members shall be appointed by the Department for a specific term generally not to exceed two years, but not to exceed two terms and may be reappointed at the Department's discretion. In most cases terms will be based on a calendar year.

TERMINATION OF MEMBERS

- An advisory body member may be terminated at the Department's discretion if he/she is absent from two or more meetings in any 12-month period, violates the provisions of the operating protocols, or is unable to fulfill their responsibilities as an advisory body member.
- Advisory body members are expected to conduct themselves in a professional manner and be respectful of others. Abusive language or other types of unprofessional conduct are sufficient grounds for termination.

OTHER USEFUL INFORMATION

(ORDER OF BUSINESS UNDER ROBERT'S RULES OF ORDER)

After the presiding officer (or chair) has called the meeting to order, an advisory body generally follows the order of business specified in its bylaws. If a body has not adopted an order of business, the procedure below is generally followed:

1. Reading and approval of minutes of previous meeting(s).
2. Reports of officers and standing (permanent) committees.
3. Reports of special (select or ad hoc) committees.

4. Special orders (matters previously assigned a special priority).
5. Unfinished business and general orders (matters introduced in previous meetings).
6. Keep attendance sign-in sheets.

OPEN PUBLIC MEETINGS ACT

- State boards, commissions, departments, educational institutions, or other state agencies that are created by statute are subject to the provisions of the Act.
- In 1992, the State Supreme Court ruled in *Salmon For All vs. The Department of Fisheries* that the Columbia River Compact and the North of Falcon negotiations between treaty tribes and the Department do not fall under the provisions of the Act because they are neither meetings of a governing body nor decisions binding on the agency.

LOBBYING

"Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the Legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enhancement of any state agency under the state Administrative Procedure Act. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the Public Disclosure Commission a lobbyist registration statement.

All lobbying must be accomplished within the established channels of the Legislature, e.g., testifying at hearings, contacting legislators and staff, etc.

Role of Advisory Bodies

According to the Public Disclosure Commission (PDC), lobbying does *not* include any of the following activities for public agencies:

- Agency requests for appropriations to the Office of Financial Management (OFM) or requests by OFM to the Legislature for appropriations other than its own agency budget. (Once a budget request is before the Legislature, attempts to influence any portion of it constitutes reportable lobbying.)
- Recommendations or reports to the Legislature in response to a legislative request, whether oral or written, expressly requesting or directing a specific study, recommendation, or report on a particular subject.
- Official reports including recommendations submitted annually or biennially by a state agency as required by law.
- Telephone conversations or preparation of written correspondence; thus, only in-person contact, including testifying at hearings, are considered lobbying.
- Preparation or adoption of policy positions within an agency or groups of agencies; however, once a position is adopted, further action to advocate it may constitute lobbying.
- Attempts to influence federal or local legislation.

PUBLIC DISCLOSURE

The Open Public Meetings Act applies to almost all boards/commissions/advisory bodies. The Assistant Attorney General assigned to WDFW should be consulted to determine **if** the Open Public Meetings Act applies.

The Open Public Meetings Act requires that all meetings of the body, as well as other meetings regarding policies affecting the public be made open to the public.

Minutes of all regular meetings must be recorded and made available for public inspection.

Reasonable accommodation of persons with disabilities (ADA) is required.

For specific details or additional information regarding lobbying, contact the PDC and your Agency contact.

QUORUM

If this applies to your body, and a quorum is not present, any business transaction is null and void.

A quorum is the number of members who must be present in order to conduct official business. The quorum protects against unrepresented actions by a small number of individuals. The bylaws should specify the number of individuals that constitute a quorum and whether a majority of this quorum may take action. In some cases, the governing statutes will establish what the quorum will be.

The minimum number of officers who must be present to conduct business include a presiding officer and a secretary or clerk. If these officers are members of the board (as they usually are), they are counted in determining whether there is a quorum.

At meetings where a quorum is not present, the only actions that may be legally taken are to fix a time for adjournment, adjourn, recess, or take measures to obtain a quorum (such as contacting absent members).

TESTIFYING AT HEARINGS

Board members may sometimes be requested to testify at legislative, local government, or community committee hearings. When providing testimony on behalf of the board, members should refrain from expressing personal opinions. It is helpful if legislative staff members receive copies of written testimony prior to the hearing. Members of any advisory body must coordinate with their agency lead prior to any actions.

Effective Testimony: To provide effective testimony, members should keep the following guidelines in mind:

- All testimony should be brief, concise, and honest.
- Avoid reading lengthy written testimony; instead, orally highlight important points in the written report.
- If others are offering similar testimony, try to coordinate information to avoid repetition.
- Avoid being too technical.
- Be prepared to answer questions and comments by committee members. If you are unable to answer a question, offer to provide a written response later and always follow through.
- Testimony should be coordinated through your agency lead.

THE NEWS MEDIA

- If you do not know the answer to a question or are unsure about an issue, refer the matter to your Department contact in WDFW.
- Keep in mind that the comments you make in public may also have to be made in a court of law. Do not risk your personal integrity or that of another by thoughtless or unwarranted remarks.

MAKING APPLICATION

You may apply for consideration of appointment to one of our many advisory bodies by completing the attached application, attaching a copy of your resume, and mailing them to:

Department of Fish and Wildlife
600 Capital Way North
Olympia, WA 98501-1091

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