

# WASHINGTON FISH AND WILDLIFE COMMISSION

## RULES OF PROCEDURE

Approved August 6, 2021

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### **I. APPOINTMENTS, TERMS, AND QUALIFICATIONS**

The Washington Fish and Wildlife Commission is comprised of nine members serving six-year terms. Members are appointed by the Governor and confirmed by the Senate. Three members must reside east of the summit of the Cascade Mountains, three must reside west of the summit, and three may reside anywhere in the state. No two Commissioners may reside in the same county. (RCW 77.04.030).

Persons eligible for appointment as members of the Commission shall have general knowledge of the habits and distribution of fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. (RCW 77.04.040).

### **II. ELECTION OF CHAIR AND VICE CHAIR**

At a meeting in each odd-numbered year, the Commission shall elect one of its members as chair and another member as vice chair, each of whom shall serve for a term of two years or until a successor is elected and qualified. (RCW 77.04.060).

### **III. QUORUM**

Five members constitute a quorum for the transaction of business and to adopt permanent rules and amendments to or repeals of existing rules. (RCW 77.04.060 & 77.04.090).

### **IV. RESPONSIBILITIES**

#### **A. Fish and Wildlife Commission (RCW 77.04.055)**

The Commission is the policy-setting arm of the Department of Fish and Wildlife and is the official access point of constituents for influencing policy. In addition, the Commission shall:

1. Establish policies to achieve the statutory mandate of the Department and the Commission.
2. Determine goals and objectives for the Department that implement the policies.
3. Review the Department's performance in implementing the policies.
4. Have final approval authority for the Department's budget proposals.
5. Establish time, place, manner and methods for fishing, hunting, and trapping of fish and wildlife in Washington.
6. Appoint the Director for the Department and the Commission Executive Assistant.

7. Meet annually with the Governor to review the performance of the Department in its mandate to preserve, protect, and perpetuate fish, wildlife, and their habitats.
8. Determine what fish, shellfish, and wildlife will be classified.
9. Work with the legislature and Governor's Office to influence legislation necessary for Department business.
10. Have final approval authority for tribal, international, interstate, and any other Department agreements relating to fish and wildlife.
11. Serve as the forum for public involvement on fish and wildlife issues.
12. Approve land acquisitions and sales of surplus property.
13. Adopt rules to implement the state's fish and wildlife laws.
14. Delegate to the Director any of the powers and duties vested in the Commission as the Commission sees fit.

**B. Commission Chair roles**

1. Serve as official spokesperson for the Commission.
2. Conduct official meetings and conference calls of the Commission, unless delegated to the Vice Chair or another Commissioner.
3. Determine the placement of items on agendas and approve final agendas.
4. Supervise Commission staff and review performance.
5. Direct the Commission staff in regard to decisions of the Commission.
6. Have approval authority for out-of-state travel of the Director.
7. Be responsible for the general conduct of Commission meetings.
8. Approve news releases regarding Commission meetings.
9. Ensure that the Executive Assistant provides advance public notice of Commission meetings, including distribution of agendas and meeting materials.

**C. Commission Vice Chair roles**

1. Carry out the responsibilities of the Commission Chair in his/her absence.
2. Function as resident expert in implementing procedures adopted by the Commission (commonly referred to as parliamentarian).

**D. Commission Member roles**

1. Attend and participate in Commission meetings.
  - a. If a member is unable to attend, the member will inform the Executive Assistant as far in advance as possible, who will in turn inform the Chair.

- b. When the Executive Assistant has been notified that three members will be absent from the same meeting, the Executive Assistant will immediately notify all members of the expected absences.
2. Keep up to date on issues, legislative activities, and statutes affecting the Commission.
3. Be familiar with and operate within governing statutes and state and federal laws.
4. Observe state ethics laws and complete ethics training.
5. Select an Acting Commission Chair if Commission Chair and Vice Chair are not available.
6. Inform the Executive Assistant if they will not be attending meetings.
7. Inform the Executive Assistant of any relevant Commissioner activities.
8. Provide Commission members with a summary of any meetings attended as a representative of the Commission.
9. Access their e-mail system regularly and respond to messages expediently. With emails:
  - a. Include the Executive Assistant in the distribution of messages to the Commission.
  - b. Forward copies of Commission business related e-mail messages to the Commission office for recordkeeping purposes.
  - c. Do not send comments regarding policy direction/development to more than three other Commissioners (in keeping with the Open Public Meetings Act).
10. Submit time and expense reimbursement information to the Executive Assistant in a timely manner as required by current administrative protocols (Appendix 1).

## **V. OPERATING PRINCIPLES**

Through principles of operation, the Commission is striving to provide the best possible environment conducive to fulfilling the Department of Fish and Wildlife's mission and goals.

### **A. Commission members shall**

1. Be clear when speaking for the Commission versus as an individual; present only the results of formal decisions (e.g., where five or more Commissioners have agreed) as official Commission positions.
2. Work collaboratively with other Commission members and Department staff on decision-making.
3. Be respectful of other Commission members.
4. Establish sound working relationships with other Commission members.
5. Be a customer using and observing the opportunities the Department affords the public.
6. Be responsible about where work is best done, i.e., issues pertaining to a specific committee shall be given to the committee chair.

7. Maintain confidentiality of sensitive or privileged Commission business.
8. Keep focused on big decisions and issues (big picture) high level policy matters as opposed to minor implementation matters.
9. Represent all citizens of the state (who own the resource), not constituents from a particular area or special interest.
10. Serve actively on Commission committees after accepting an appointment.
11. Keep other Commission members informed on individual activities of Commission business.
12. Not engage in any activity which gives rise to a conflict of interest or appearance of conflict of interest as a Commission member.
13. Expediently respond to requests and messages from Commission members and the Executive Assistant regarding Commission business.
14. Provide the Executive Assistant with comments and suggestions on results of Department presentations, meetings, etc., in a timely manner.

**B. Meeting schedule and agendas**

Before January of each year, the Commission must publish its annual meeting schedule for regular meetings with the Washington State Register. (RCW 42.30.075). Changes to the regular meeting schedule must be published in the Register twenty days in advance of the date. The Executive Assistant shall keep a running draft agenda for each of the regularly scheduled meetings (“Year at a Glance” calendar). The Commission shall include a review the agenda items for their next meeting in the current meeting agenda, as well as a review of future agenda items. The Chair shall endeavor to keep the Commission apprised of changes to an agenda prior to the agenda being published.

**C. During Commission meetings, Commission members shall**

1. Utilize good meeting management techniques.
2. Refrain from using the meeting to further a personal agenda.
3. Work from existing policy to make decisions and provide direction, until such time that the Commission adopts policy revisions.
4. Submit any requests for a Commission action or agenda item to the Executive Assistant at least one month prior to a scheduled meeting, so that it can be discussed during the future meeting planning agenda item.
5. Utilize breaks for conducting other business.
6. Keep business and conversation to the agenda item at hand, including intervening if process gets off track.
7. Speak in turn when acknowledged by the Chair.
8. Refrain from directing questions to individual staff members unless directed by lead staff person.

9. Keep dialog with Department staff cooperative rather than adversarial.

**D. When working with Department staff, Commission members shall**

1. Respect the Director's authority in matters of authority and matters delegated by the Commission.
2. Make requests for individual staff to attend meetings through the Director.
3. Respect workloads of Department staff when making requests for support or assistance for information.
4. Refrain from intervening in the operations of the Department, administrative issues, or internal Department matters except through official Commission action.
5. Encourage staff members to use existing internal channels for decision-making, not individual Commission members.
6. Commission requests for information from Department staff, other than requests to the Director or Program or Regional Directors.
  - a. Simple questions: easy questions (requiring 15 minutes or less of staff time) can be asked and answered by staff.
  - b. Complex questions that require more than 15 minutes of staff time should be requested through a program or regional director.
  - c. Any request requiring substantial reallocation of staff time and resources or that entails program changes and project directions should be submitted on a Commission Request to the Department Form (Appendix 2) and be approved by the full Commission. Consider vetting any such requests through the relevant committee.

**E. When working with constituents and the public, Commission members shall**

1. Promote relationships with all individuals interested in the conservation and use of Washington's fish, wildlife and ecosystems.
2. Be mindful of the signal sent by your presence at an event.
3. Stay connected to community leaders and decision makers.
4. Remain responsive to the public; direct citizens to the right contacts within the Department.

**F. Written correspondence to the Commission**

The Commission's goal is to acknowledge written correspondence received by the Commission. Given the volume of correspondence received, a substantive response to every such contact is rare.

1. Correspondence received by individual Commissioners.

- a. If a Commissioner chooses to respond directly, copy the Executive Assistant.
  - b. If a Commissioner believes a template response or individual response from other department staff is warranted, forward to the Executive Assistant with instructions.
2. Correspondence sent to the Commission.
    - a. The Executive Assistant manages correspondence sent to the Commission Inbox. If other Department staff receive correspondence addressed to the full Commission, staff shall forward to the Executive Assistant.
    - b. The Executive Assistant will forward all correspondence addressed to the Commission to each of the Commissioners. If the Executive Assistant already responded with a template response, include the response.
    - c. The Executive Assistant shall use discretion in deciding whether to use an approved template response (Appendix 3), work with department staff for an individualized response, or refer to the Commission Chair for a full commission response. Individualized responses will be copied to the full Commission.
  3. A Commissioner who believes a formal Commission response to correspondence is warranted should discuss with the Commission Chair. All formal Commission correspondence will be reviewed and approved by the full Commission.

## **VI. PARLIAMENTARY PROCEDURES**

These procedures apply whenever the Commission, as a body, takes formal action. Where these parliamentary procedures are silent, Robert's Rules of Order Revised shall be used as an additional guide. The Vice Chair is the Commission's parliamentarian.

### **A. The purpose of parliamentary procedures**

1. To enable the Commission to conduct business in an organized, efficient, and timely manner.
2. To protect the rights of each Commissioner.
3. To preserve a spirit of harmony within the Commission.

### **B. The six basic principles of parliamentary procedure must be considered to achieve these purposes**

1. Only one subject may claim the attention of the Commission at one time.
2. Each proposition presented for consideration is entitled to full and free debate.
3. Every Commissioner has rights equal to every other Commissioner.
4. The will of the majority must be carried out, and the rights of the minority must be preserved.
5. The personality and desires of each Commissioner should be merged into the larger unit of the organization.

6. Motions of moderate to high complexity shall be displayed in writing at the time the motion is made and prior to the Chair asking if there is a second to the motion. The wording of any amendments to the motion, or an amendment to a motion, shall be displayed prior to a second of the amendment.

**C. All Commissioners are voting members**

**D. Ethics in voting**

A Commissioner shall abstain from any vote or attempt to influence any vote taken by the Commission that would put that Commissioner in violation of the State Ethics Law. The Commissioner shall announce for the record his or her reason for his or her abstention. (WAC 220-101-040).

**E. Progress of a motion to be voted on by the body**

1. A main motion is made; this must be seconded before discussion occurs.
2. A motion to amend the motion can be made; this must be seconded before discussion occurs. A vote is taken on the motion to amend the motion.
3. A motion to amend the amendment can be made; this must be seconded before discussion occurs. A vote is taken on the motion to amend the amendment.
4. Once any motions to amend are concluded by vote, discussion upon the main motion, as amended if applicable, is open. A vote is taken on the main motion.

**F. Discussion of a motion to be voted on by the body**

1. A motion is made and seconded.
2. The Chair will ask the maker of the motion if he/she desires to speak in favor of the motion.
3. All members should be given the opportunity to speak once on a motion before any member is granted a second turn to speak.
4. The Commission discussion should articulate the Commission's reasoning in support of the approved motion, which could include express endorsement of a staff report or other document in the Commission materials.

**G. Order of Voting**

1. When the question (vote) has been called for, the maker of the motion will restate the motion if requested by the Chair.
2. The vote is taken by voice vote (aye/nay/abstain).
3. Roll call voting may be taken at the request of any Commissioner.
4. The Chair will announce the results of the vote.

## **VII. PUBLIC INPUT AT COMMISSION MEETINGS**

The Commission is the primary link between the citizens of Washington and the Department of Fish and Wildlife. The Commission places great value on information received from the public and, therefore, encourages citizens to provide public input. This procedure outlines the process the Commission shall follow in taking public input.

### **A. General public input**

The Commission shall allow open public input at the beginning of each day for full Commission meetings. The open public input agenda item is designed for matters not on the established agenda with specific public comment periods. Those testifying on other agenda items during the open public input agenda item will be requested to hold their testimony until the particular agenda item.

### **B. Public input for specific decisions**

Prior to a Commission decision, public input will be taken and limited to only the proposed action being considered. In some cases, the Commission may take a final vote in a subsequent meeting without allowing additional public input.

### **C. Testimony for rulemaking hearings under the Administrative Procedures Act**

When the Commission adopts rules under the Administrative Procedures Act, public testimony and written comments are accepted during the periods specified in the rulemaking notices. Communications submitted to the Commission after the close of such deadlines will not be considered.

### **D. Registering to speak**

1. For in-person participation at meetings: Only those people who have completed a Public Testimony Form and turned it in at the registration table prior to the start of discussion of that agenda item will be allowed to testify.
2. For participation via webinars: Only those people who pre-register are able to testify, and their testimony may be limited to audio only and not video. Pre-registration for all webinar public comment agenda items must be submitted by 8 am of the day of the agenda item.

### **E. Time limits**

To maintain the agenda schedule, the Chair may impose limits on the length of time allotted to public speakers. Time limits will be announced at the beginning of the agenda item scheduled for public input. The chair may also encourage public speakers to not repeat items that were raised by prior speakers.

## **VIII. COMMISSION COMMITTEES**

The Commission establishes standing committees from time to time as well as ad hoc or special committees when the need arises. Committees are advisory in nature and do not set policy for the full Commission. Standing committees and assignments are listed in Appendix 4.

### **A. Committee assignments and meetings**

The Commission Chair, subject to Commissioner consensus, appoints members of committees. Appointments should be made in January of odd numbered years and otherwise only as necessary. Standing committees typically will include two (2) to four (4) Commission members. Committee members select the committee chair and vice chair, if necessary. Committees should meet as often as necessary, as determined by the committee chair or a majority of the committee members. The Commission or the Commission Chair can also request a committee to meet. The Director shall designate a Department employee to facilitate the committee's work, including scheduling, keeping the committee apprised of relevant issues, coordinating staff or other presentations at committee meetings, and providing notes or verbal reports to the Committee Chair to present to the full Commission.

Within their purview, committees are to address issues brought by Department staff, referred by the Commission or raised at the committee level. Items originating with the committee shall not involve or result in significant staff or committee time and effort until the committee has received Commission approval to proceed.

### **B. Purpose of Committees**

The purpose of established committees is to allow a more detailed analysis of issues and development of options than can be accomplished during regular Commission meetings. Committees are designed to provide a forum that allows for more informal discussion with staff, and at the discretion of the Committee Chair, interested individuals or groups. Committees may evaluate issues to determine if the full Commission should hear and consider them. Committees should explore potential impacts of suggested policies or direction and when appropriate, explore alternatives and make recommendations. Committees cannot make decisions binding on the Commission. Rather, Committee decisions or agreements are merely recommendations for full Commission consideration or action at a noticed open public meeting.

If the committee process is to work effectively, it is absolutely critical that there be a considerable level of trust among and between Commission members. Committee makeup should include, where possible, members with diverse views. Committee members need to be willing to consider various proposed alternatives or directions. The Commission must have faith that the committees will examine details, ramifications and alternatives, and present the committee views fairly and completely to the Commission.

The purpose of the Executive Committee is to facilitate Commission administrative matters and functions and to be available to the Director on urgent matters that require immediate attention. The discussions will be summarized in writing, including any actions taken, and an oral report

listing the items discussed, including any actions, will be given at the next Commission meeting. The Executive Committee does not have noticed and open meetings.

**C. Public attendance at Committees**

The vast majority of Committee meetings should be noticed as open to the public and conducted in accord with the Open Public Meetings Act, subject to the discretion of the Committee Chair. Public testimony at Committee meetings may occur at the discretion of the Committee Chair. Commissioners who are not appointed members of the Committee may attend any open Committee meeting, and may participate in Committee discussions at the discretion of the Committee Chair, but shall not vote on any Committee actions or recommendations.

**D. Committee reports**

Committee Chairs shall provide regular reports at scheduled Commission meetings regarding the Committees' activities. Such reports should include the attendance record of Committee members and other key individuals, topics addressed, staff work assigned, policy direction considered, alternatives explored, and committee recommendations. The Commission Chair shall ensure that the full Commission has the opportunity to discuss the progress and content of Committee work and approve or disapprove further Committee work on the issue at hand.

**IX. ADA ADVISORY COMMITTEE (RCW 77.04.150)**

The Americans with Disabilities Act Advisory Committee (ADA Committee) is advisory to the Commission on matters of access and other issues challenging people with disabilities for consideration in policy decisions and other actions. The Commission selects and appoints the ADA Committee members recruited by the Human Resources Department. One member of the Commission serves as liaison to the ADA Committee and works with the ADA Committee chair and assigned Department staff to ensure that matters before the Committee are brought to the full Commission.

**X. COMMISSION STAFF REVIEW**

- A. The Commission will conduct a formal performance evaluation of the Director at least biennially, with annual check-ins.
- B. To enhance performance of the Commission Executive Assistant:
  - 1. The Chair or designee will conduct one performance review each year of the Executive Assistant.
  - 2. The Chair shall contact all Commissioners for input prior to conducting the performance evaluation.
  - 3. The Chair and the Executive Assistant will develop a narrative based on the following criteria:

- a. Accomplishments/contributions made by the employee
  - b. Things employee does especially well
  - c. Improvements needed by the employee and the Commission
  - d. New skills/training desired by the employee
  - e. Actions the Commission/Department can take to ensure the employee receives desired skills/training.
- C. The Chair shall ensure that the final performance evaluation is agreed to by the entire Commission.

Appendices:

1. Reimbursement and Compensation Procedures
2. Commission Request to the Department Form
3. Correspondence Response Template
4. Standing Committee Roster