Spokane River Regional Toxics Task Force Work Group 2 Revised per 9-21-11 meeting

Members (as of Sept 13th meeting): Mike Petersen, Mike Neher, Diana Washington, Dan Redline, Grant Pfeifer, Bruce Howard, Doug Krapas, Dale Arnold, Pat Hallinan

Roles, Responsibilities and Governance

The Concept paper presented at the meeting on September 13th has been broken into the following parts which were identified as relating to Roles, Responsibilities, and Governance. Work Group 2 (WG2) is tasked with developing the verbiage for each section below. The concept paperprovide some initial language. I have identified the page number and section so you can compare to the concept paper provided at the meeting. The language is a starting point and the work group will amend as desired and submit back to the Facilitator for draft document preparation by September 28, 2011. The proposed Task Force language will be discussed at the October 6, 2011 meeting. WG2 will then meet again to revise proposed language and prepare final language for submittal to the Task Force at the November meeting.

Page 3 Section 3 Potential Task Force Member

This section is an initial list of potential members and identified potential Roles and Responsibilities. We will be reviewing and making changes per input from WG2 members.

Roles and Responsibilities

Organization (note 1)	Roles and Responsibilities
Washington NPDES Dischargers: City of Spokane County of Spokane Liberty Lake Inland Empire Paper Kaiser	• Comply with appropriate Taskforce related permit conditions • Provide administrative oversight, coordination and funding for the operations of the Task Force • Participate in the formation and on-going functioning of Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Ensure regulatory agency concurrence/approval of any data collection/analysis work plans.
Idaho NPDES Dischargers: Post Falls Hayden Coeur d'Alene	• Comply with appropriate Taskforce related permit conditions • Provide administrative oversight, coordination and funding for the operations of the Task Force • Participate in the formation and on-going functioning of Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Ensure regulatory agency concurrence/approval of any data collection/analysis work plans.
Ecology	• Participate as an ex-officio, non-voting Task Force member.

	• Participate in the formation and on-going functioning of the Task Force. • Provide regulatory oversight of Task Force actions relative to compliance with Washington permits issued • Provide and coordinate timely technical review and, as appropriate, approval of Task Force technical effort work plans. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Identify and assist in obtaining applicable grant funding for Task Force activities. • Lead consultation with EPA, the Spokane Tribe, IDEQ, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions as appropriate.
EPA	• Participate as an ex-officio, non-voting Task Force member • Participate in the formation and on-going functioning of the Task Force. • Provide regulatory oversight of Task Force actions relative to compliance with permits issued. • Provide and coordinate timely technical review and, as appropriate, approval of Task Force technical effort work plans. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Identify and assist in obtaining applicable grant funding for Task Force activities. • Participate in consultation with Ecology, the Spokane Tribe, IDEQ, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions as appropriate.
IDEQ	• Participate as an ex-officio, non-voting Task Force member. • Participate in the formation and on-going functioning of the Task Force. • Provide regulatory oversight of water quality standards. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Participate in consultation with EPA, Ecology, the Spokane Tribe, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions as appropriate.
Spokane Tribe	• Participate as an ex-officio, non-voting Task Force member. • Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Participate in consultation with EPA, Ecology, IDEQ, and other appropriate agencies with respect to measurable progress and Task

	• Force decisions. • Provide written approval of Task Force decisions as appropriate.
Coeur d'Alene Tribe	• Participate as an ex-officio, non-voting Task Force member. • Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate. • Participate in consultation with EPA, Ecology, IDEQ, and other appropriate agencies with respect to measurable progress and Task Force decisions. • Provide written approval of Task Force decisions as appropriate. •
Spokane Regional Health District	• Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Washington State Department of Health	• Provide public health and technical oversight relating to PCB fish advisories. • Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Stormwater Agencies (note 2)	• Participate in the formation and on-going functioning of the Task Force. • Participate in funding Task Force activities relating to Stormwater. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Conservation/Environmental Interests	• Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Other Appropriate Interest (Note 3)	• Participate in the formation and on-going functioning of the Task Force. • Participate in any technical sub-committees that may be formed by Task Force, as appropriate.
Notes: 1. It is anticipated that SRRTTF will have approximately 15-20 active members. 2. Stormwater agencies include Spokane County Stormwater, City of Spokane Valley, City of Spokane, , City of Millwood, Washington State Department of Transportation, Stevens County and other appropriate agencies. 3. Potential appropriate interests include but not limited to: Avista Corp , Counties, Agencies and others.	

Governance Item for Work Group 2

Structure (to be developed)

The initial working structure for formation of the Task Force will be a Memorandum of Understanding. Selection of the legal structure will be made by the Task Force Members after the formal group begins operations under the Memorandum of Understanding. WG2 will discuss the options below during the October 6 Full-Group Meeting (add to October 6th agenda). Members of WG2 and WG3 have discussed potential structures including perceived pros and cons and will work with the larger group to move forward.

Identify Drivers:
- Stability
- Continuity
- Independence
- Receiving distribution of grant dollars and other funds
- Contracting
- Administration
- Legal responsibility
- Resources

Potential Structural Option to address drivers:
- 501C3
- Memorandum of Agreement
- Charter
- Interagency Agreement
- Commission
- Joint Powers Authority
- Advisory Group

Decision Making

The following outlines the discussed decision making options. They are presented in order of preference by the work group. The WG2 members expressed a desire to have a true consensus decision making process but recognized the potential limitations that could derail the group if they could not reach true consensus. The first option is a composite option that combines "the best of two of the options below, true consensus and "uninimity minus two." If this option is not adopted then the next option recommendation would be "uninimity minus two" instead of true consensus.

Decision Making:

1. 1st attempt to reach consensus

2. If unable to reach consensus, we would select another mechanism such as uninimity minus two

If there is significant consternation over a particular decision, and it is identified that "true" consensus is not possible, we would move to the "uninimity minus two" option as documented in the following:

1. **Consensus/"Uninimity minus two":**

   Goal: to come to a decision that group members can support following a respectful hearing of all concerns.

   The Task Force will use consensus-based decision making to guide the efforts toward studying and reducing toxics in the Spokane River. During the initial set-up phase while the facilitator/administrator search is proceeding, a facilitator, selected by the voting members from the non-voting members present, will be used to facilitate discussion and debate of topics to be voted on by the voting membership present. Once the Facilitor/Administrator is available, the will take over the role of meeting facilitator. The facilitator will endovor to reach true consensus as outlined:

   Consensus on a decision about a project, recommendation or other action the Task Force plans to take will be reached when the voting membership present can make one of the following statements about the decision:

   - I agree with the decision and will publicly support it

   - I agree with the decision but will refrain from publicly supporting it

   - I can live with the decision (and won't disparage it in public)

   If a member cannot support a decision, that member shall present a solution to the full group for discussion and consideration.

   The Facilitator has the authority to cut off discussion, if no further progress is being made toward resolving the concerns of voting members. The Facilitor has the option of moving to the dispute resolution process or moving to a "unanimity minus two" process as described:

   A 'unanimity minus two' decision rule will be used to confirm and finalize consensus-based decisions. Whenever a decision is to be made, it will be an affirmative decision if two or less of the attending members oppose the proposed decision and vote accordingly.

If three, or more, of the attending members oppose the proposed decision and vote accordingly, the decision will not be affirmed. If necessary Task Force decisions are not affirmed through the 'unanimity minus two' process, the topic and decision will move to dispute resolution. A majority of the voting Task Force members shall constitute a quorum. Any decision by the Task Force will be based on a consensus of the voting members in attendance at a meeting where a decision is made. Decisions will not be made on topics that are not included on a meeting agenda. Each Task Force delegate will represent one vote for decisions.

Once a decision is made, and the meeting has ended, a decision will not be revisited unless the members, by consensus, agree to bring the decision back to the table for further consideration and votes.

2. **Uninimity minus two":**

The Task Force will use consensus-based decision making to guide the efforts toward studying and reducing toxics in the Spokane River. The level of agreement necessary to finalize a decision will be based on a 'unanimity minus two' rule, as described below. A facilitator, selected by the voting members from the non-voting members present, will be used to facilitate discussion and debate of topics to be voted on by the voting membership present. The facilitator has the authority to cut off discussion, if no further progress is being made toward resolving the concerns of voting members.

A 'unanimity minus two' decision rule will be used to confirm and finalize consensus-based decisions. Whenever a decision is to be made, it will be an affirmative decision if two or less of the attending members oppose the proposed decision and vote accordingly. If three, or more, of the attending members oppose the proposed decision and vote accordingly, the decision will not be affirmed. If necessary Task Force decisions are not affirmed through the 'unanimity minus two' process, the topic and decision will move to dispute resolution. A majority of the voting Task Force members shall constitute a quorum. Any decision by the Task Force will be based on a consensus of the voting members in attendance at a meeting where a decision is made. Decisions will not be made on topics that are not included on a meeting agenda. Each Task Force delegate will represent one vote for decisions.

Once a decision is made, and the meeting has ended, a decision will not be revisited unless the members, by consensus, agree to bring the decision back to the table for further consideration and votes.

3. **Consensus** (This verbiage is adapted from the document shared by Mike P at the meeting):

The Task Force will use consensus-based decision making to guide the efforts toward studying and reducing toxics in the Spokane River. Consensus on a decision about a project, recommendation or other action the Task Force plans to take will be reached when the voting membership present can make one of the following statements about the decision:

- I agree with the decision and will publicly support it

- I agree with the decision but will refrain from publicly supporting it

- I can live with the decision (and won't disparage it in public)

If a member cannot support a decision, that member shall present a solution to the full group for discussion and consideration. If the group still can't reach consensus then the group will enter into dispute resolution. .

4. **Roberts Rules of Order:**

This is a short version; the full version is available and can be fully implemented if desired by the group. I have taken the short version from the web and adapted to the Task Force.

A facilitator, selected by the voting members from the non-voting members present, will be used to facilitate discussion and debate of topics to be voted on by the voting membership present. The facilitator has the authority to cut off discussion, if no further progress is being made toward resolving the concerns of voting members.

The following provides common rules and procedures for deliberation and debate in order to put the whole voting membership on the same footing and speaking the same language. The conduct of ALL business is controlled by the general will of the whole membership - the right of the deliberate majority to decide. Complementary is the right of at least a strong minority to require the majority to be deliberate - to act according to its considered judgment AFTER a full and fair "working through" of the issues involved. Robert's Rules provides for constructive and democratic meetings, to help, not hinder, the business of the assembly. Under no circumstances should "undue strictness" be allowed to intimidate members or limit full participation. It is the fundamental right of deliberative assemblies to require all questions be thoroughly discussed before taking action. The assembly rules - they have the final say on everything. Silence means consent!

- The Facilitator recognizes a member has signaled via raised hand that they have a motion to present to the group. Once the motion to be voted on is introduced and seconded, the Facilitator begins the discussion by selecting the first person to raise a hand. Facilitator recognizes subsequent

- members by raised had when current speaker has finished speaking. You must be recognized by the Facilitator prior to speaking.
- Debate cannot begin until the Facilitator has stated the motion or resolution and asked the membership if discussion is needed. If no one raises their hand, the Facilitator calls for the vote!
- Before the motion to be voted on is stated by the Facilitator, the voting members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question recognized by the Facilitator. Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor.
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once.
- All remarks must be directed to the Facilitator. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives.

The agenda and all committee reports are merely recommendations. When presented to the assembly and the question is stated, debate begins and changes occur. Once debate on the motion under consideration is finished, the Facilitator calls for the vote.

Dispute Resolution (concept language to be reviewed and amended by WG2)

The Task Force will use a phased dispute resolution process.

Phase 1: A dispute resolution panel consisting of 4 impartial members who would be assigned by the TTF members. If the panel reaches consensus then the Task Force will comply with the decision. If they can't reach consensus, they will move to Phase 2.

Phase 2: If unable to reach a decision, the matter would be resolved by an outside mediator.

Meetings and Notices (concept language to be reviewed and amended by WG2)

The Task Force will meet at least four (4) times (approximately quarterly) per year, but may meet more frequently when appropriate for selection of consultants, for decision making, for review of project work plans, for review of data and results, or other activities. It is expected that the Task Force will meet more frequently during the initial implementation phase of development. The Task Force may adjust the Frequency or Schedule of meetings.

All Task Force members will strive to participate in the Task Force meetings in person. If the primary or alternate member is available to attend in person, and if they provide advance notice to the meeting facilitator, participation through electronic means will be allowable if available.

The Task Force will be as open and transparent as possible. All notices of meeting and distribution of related documents will be provided to Task Force members via email and or website. Additionally, as available, the minutes from meeting will be posted to the website. No member will act as a representative of the Task Force unless assigned as such.

Communications

Operating Protocols

The Task Force will develop, support, and suggest implementation of projects that fulfill the stated vision. The Task Force will also be involved in the activities outlined in the scope of our work. We have developed the following operating protocol regarding how we work together.

1) To promote trust and respect, in our work together we agree to:

- Respect each other in and outside of meetings
- Operate in good faith
- No backroom deals
- Respect the personal integrity and values of participants and organizations
- All participants in the negotiation bring with them the legitimate purposes and goals of their organizations. All parties recognize the legitimacy of the goals of others and assume that their goals will also be respected. These negotiations will try to maximize all the goals of all the parties, as far as possible.
- Honor agreements; commitments will not be made lightly and will be kept
- Regard disagreements as "problems to be solved," rather than as "battles to be won."

2) To enhance open and honest dialogue, we will:

- Participate in discussions and will encourage each other to "explore without committing." This frees up the group to explore potential solutions without viewing those explorations as formal proposals
- State interests, problems, and opportunities, not positions – positive candor is an effective tool
- Air problems, disagreements, and critical information during meetings to avoid surprises
- Commit to search for opportunities and alternatives. Group creativity can often determine the best solution
- Substantiate rumors at the meeting before accepting them as fact

3) To communicate clearly in specific discussions, we agree to:

- Disclose interest
- Listen fully to understand
- Look for ways to address not only your own interests, but those of others as well
- Participate, share the floor, be concise
- Look ahead – acknowledge the past but don't rehash it; and

- Be explicit and factual – ask for clarification if confused

4) To ensure inclusivity and transparency, we acknowledge and expect that:

- Participants represent a broad range of interests, each having concerns about the outcome of the issues
- Participants commit to keeping their colleagues/constituents informed about progress
- Participants will not publicly represent the views of others

Committees (concept language to be reviewed and amended by WG2)

The Task Force has the option to form Committees, provided it is determined by the Task Force that committees will improve the effectiveness and efficiency of work plan implementation. Task Force members and appointed members may participate in committees. The Task Force will designate a chair for each committee formed. Each committee chair will provide regular updates to the Task Force on the efforts and recommendations of the committee.