

# **PROCEDURES of the OREGON OCEAN POLICY ADVISORY COUNCIL**

## **STRUCTURE**

### **Officers**

The Council will elect a Chair from among its membership, pursuant to ORS 196.438(4), and may elect such other officers, including a Vice Chair and an at-large Executive Committee member, as it deems necessary. Council offices will be held for a period of two calendar years. Officers may be re-elected to subsequent terms of office.

### **Committees**

The Council will appoint a Scientific and Technical Advisory Committee (STAC), chaired by the Sea Grant Director or other similarly qualified member, pursuant to ORS 196.451. The Council delegates to the Executive Committee the authority to appoint interim STAC members, pending Council ratification at the next Council meeting. Other standing or *ad hoc* committees and subcommittees may be appointed by the Council as deemed necessary. Committee and subcommittee members may be Council members or members of any sector appropriate to the committee's work; committee members will be appointed by, and serve at the pleasure of, the Council.

## **ROLES**

### **Chair and Vice-Chair Roles**

The Chair of OPAC will work with an Executive Committee, consisting of the Chair, Vice-Chair, Governor or Governor's designee, STAC Chair, and an at-large position filled with a Council voting member, with support of staff and meeting facilitators, when such facilitators are needed, to design agendas that will be both efficient and effective. The Council Chair (or Vice-Chair in his/her absence) will be responsible, in consultation with members and facilitators, for proposing and finalizing meeting agendas. The Council meetings will be chaired by the Chair. When appropriate, the use of a facilitator will enable the Chair to participate directly in the substantive process of building consensus and seeking agreement on recommendations. The Council's staff, STAC, and other councils, panels, and working groups, will assist the Council by providing appropriate information to support decision making and advisory recommendations.

### **Council Member Roles**

OPAC members serve on the Council representing key stakeholder interests, agencies, and the public, as set out in ORS 196.438. All members will directly engage in the consensus-building process, including the identification of issues and development of options informed by technical assistance, and will make consensus decisions on recommendations to the Governor, the State Land Board, state agencies, and local governments. Members of the STAC are encouraged to participate in the Council's consensus building on the development of options, but, with the exception of

STAC members who are also OPAC voting members, will not participate in voting on the Council's reports and decisions on recommendations.

The Council may also invite a state agency that is not an OPAC member to designate a representative to attend a council meeting in which the agenda includes issues or topics the invited state agency has expertise in. The invited state agency is encouraged, but not required, to attend the meeting.

There is an expectation that members will bring the concerns and perspectives of their various constituencies to the Council's table, where appropriate, for discussion and possible consensus building. It is understood that many members participate in other initiatives at local, state, regional, and national levels and may advocate in those forums for solutions on issues related to the Council's work, but will make it clear they are representing only themselves, not OPAC, unless OPAC has taken an official position on the matter, in which case it should be presented verbatim.

To enhance the possibility of constructive discussions and dialogue as members educate themselves on the issues and engage in consensus building, members agree to be candid and respectful of the diversity of views on the topics the Council will address. Members agree to avoid personal attacks both at the table and away from the table.

## **AGENDA DEVELOPMENT**

### **Overall Policy Statement**

The Council will attempt to follow an agenda at each meeting that balances the needs to expeditiously complete a planning work program, provide a forum for discussion and action on issues as needed, allow public notice of actions to be taken, and provide the public with a means to raise issues for consideration by the Council.

### **Agenda Development**

The agenda for each Council meeting will be developed from three major sources:

1. The work program and task schedule agreed to by the Council;
2. Additional items proposed by Council members based on a solicitation of Council members prior to the Executive Committee meeting; and
3. Requests from the Governor, State Land Board, state agencies or local government, or the public approved in advance of the meeting.

All agendas will be prepared by the Executive Committee and approved by the Chair prior to distribution. Draft agendas will be posted on the OPAC web site and mailed to members and to the public at least one week prior to Council meetings. The Executive Committee will invite chairs of Council working groups to Executive Committee meetings as necessary.

## **CONSENSUS AND DECISIONS**

### **Overall Policy Statement**

The Council will endeavor to reach consensus on each policy item or plan decision, including recommendations and resolutions to the Governor, State Land Board, state agencies or local government. A consensus process will enable the Council to more freely discuss issues to arrive at

a decision acceptable to all. In some instances, precise wording of a consensus decision may be developed by staff after review of recordings of the discussion for approval by the Council at a subsequent meeting.

### **Consensus Defined**

Consensus means that each OPAC member can say: (1) I was a respected member of the group that considered the decision; (2) my ideas (opinions, knowledge, concerns, beliefs, hopes) were listened to; (3) I listened to the ideas (opinions, knowledge, concerns, beliefs, hopes) of others; and (4) I can support the decision of the group, even though I might have made a different decision had I acted alone.

OPAC will seek consensus decisions on their advisory recommendations. General consensus is a participatory process whereby, on matters of substance, the members (voting and nonvoting), strive for agreements that they can accept, support, live with, or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on a recommendation, and the Council finds that 100 percent acceptance or support is not achievable, final decisions will require a majority of a quorum of voting members, per OPAC standard voting guidelines. This majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members. The consensus process will preserve the opportunity for minority opinions to be expressed and reflected in the record of the Council's deliberations.

### **The Consensus Building Process**

OPAC will develop its recommendations and reports using consensus-building techniques, normally with the assistance of facilitators. In some cases, OPAC members may act as facilitators, but may step aside periodically to participate as a group member. Techniques such as the use of brainstorming, ranking and prioritizing approaches will be utilized and consensus-building procedures consistent with these guidelines reviewed and adopted by the Council.

### **Quorum/Voting**

In those instances where consensus cannot be reached after debate and discussion, the Chair may initiate or entertain a motion to vote on the issue. All members, voting or *ex officio*, may fully participate in discussion. Voting members may make motions and seconds. All motions must be seconded to be acted upon. The Chair may also elect to suspend debate and set aside the issue to a subsequent meeting. Minority reports, per se, will not be issued, but all products and positions of the Council will reflect minority positions, with minority language to be approved by minority members.

A majority of the voting members of the Council, which may include the Chair, constitutes a quorum for the transaction of business. A council member may attend a meeting, participate and vote by telephone. A quorum is necessary for an official vote of the Council. A majority vote of the quorum present is necessary to take an action. The following table specifies the minimum number of concurring votes necessary to pass or reject a motion:

Number of Voting Members on	Minimum Number	NUMBER OF VOTING MEMBERS VOTING (with a quorum present)
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OPAC	Present to Form Quorum	1	2	3	4	5	6	7	8	9	10	11	12	13	14
14	8	X	X	X	X	5	5	5	5	5	6	6	7	7	8

The Council may meet, hear testimony, receive information, deliberate, discuss and take informal “sense of the Council” votes without a quorum of members, but cannot take official action.

A motion to reconsider a decision may be entertained by the Chair, if a majority of those present votes to reconsider.

**Attendance**

Council members take seriously the responsibilities of membership and will endeavor to attend and participate in all Council meetings. However, members recognize that unavoidable conflicts may prevent attendance at all meetings. This is especially burdensome to the non-state agency Governor’s appointees who have no other option for representation in case of absence.

When a Council member is absent from three successive Council meetings, the Council may request that the Governor remove that member and appoint another to fill the term of that position. When a member is absent four out of five successive Council meetings, the Council shall request that the Governor remove that member and appoint another to fill the term of that position.

**Voting Action**

The Council will endeavor to provide effective notice to the public, groups, agencies and interest parties of official voting actions which the Council may take at a meeting and to provide to both Council members and any interested party written materials related to the proposed action.

Whenever an item placed on the agenda may result in an official vote of the Council, that item shall be so noted on the agenda as an “Action Item” and shall be so indicated in the public notice the meeting at which the item will be discussed.

The Council, through its staff, will attempt to provide written information on any proposed “Action Item” which describes the proposed action, the issues involved, legal or policy implications and other information which will assist the public and the Council to understand the item and conclude discussion prior to a vote. This information will, if at all possible, be made available to the members and the public no less than one week prior to the meeting where action will be taken.

**Meeting Records**

All Council meetings will be videotaped to provide an official record. Written minutes will be prepared, as required by Oregon law (ORS 192.650(1)).

**Council Records**

All public records of the Council, not otherwise exempt from disclosure by law, are available for inspection and copying. The Department of Land Conservation and Development (DLCD) will act as custodian of the public records of the Council. On behalf of the Council, DLCD will respond to

public record requests in a reasonable time, in accordance with the provisions of OAR 660-040-0005 and the Public Records Law, ORS 192.410 to 192.505.

## **ADDENDUM: CITIZEN INVOLVEMENT**

### **Overall Policy Statement**

The Ocean Policy Advisory Council (Council) will provide citizens with meaningful opportunities to participate in the ocean planning process, including issues scoping, policy formulation, plan preparation, plan review and adoption, and implementation. Moreover, the Council will be proactive in seeking out creative and novel ways for the public to be involved in the Council's work.

### **Participation in Council Meetings**

Citizens will be encouraged to participate in Council meetings in three ways:

1. General public comment.

A specific "open mic" time for public comment to the Council will be set aside during each regular Council meeting and noted on the agenda. Members of the public intending to make comment will be asked to sign up, so that time can be equitably shared, and a record of those speaking is provided to assist in generating an accurate meeting summary. Written comments will also be accepted at any time from the public.

2. Topical public testimony, comment or discussion.

The Council may ask for testimony, comment or discussion on certain agenda items prior to Council deliberations; these "Action Items" will be indicated on the agenda. The Council may limit public comment on any agenda item and reserve deliberations for Council members only. At the sole discretion of the Chair, a citizen may be asked to participate during Council discussion.

3. Citizen presentations.

Citizens or groups may request from the Chair time on the Council's agenda to present information or discuss an issue with the Council; requests for time should be made at least 14 days prior to the scheduled meeting and will be subject to time available. To facilitate citizen access to the Council when agenda time is limited or unavailable, the Chair may designate a committee of Council members to meet with citizens to more fully discuss particular issues.

### **Notice of Council Meetings**

It is the policy of the Council to ensure that citizens are informed as to when and where the Council will meet and the topics to be discussed, with special attention to note those items on which the Council may take official action. The Council will maintain a web site upon which agendas and documents will be made available to the public, and a mailing list of interested parties to whom notice of meetings and agendas will be sent.

### **Public Workshops**

The Council intends to conduct workshops and community meetings whenever appropriate or necessary to solicit facts, opinions and ideas. Workshops will be structured to encourage an exchange of information and to facilitate discussion among participants. To ensure that citizens from along the entire Oregon Coast can conveniently participate, the Council will take care to hold workshops along the entire coast as well as inland.

**Meeting Locations**

The Council recognizes the special difficulty of holding meetings on the Oregon Coast and the unavoidable burden placed on both Council members and the public to travel a long distance no matter where Council meetings are held. The Council will endeavor, over time, to meet in all regions of the coast. Actual locations will be determined based on issues to be discussed, availability of appropriate meeting locations and lodging, previous meeting locations and Council wishes.