

**JEFFERSON COUNTY
CONSERVATION FUTURES FUND
CITIZEN OVERSIGHT COMSMITTEE**

BY-LAWS

ARTICLE I: NAME

The name of this organization is the Jefferson County Conservation Futures Fund Citizen Oversight Committee, hereafter referred to as the “Committee.”

ARTICLE II: PURPOSE

The purpose of the Committee is to oversee the application process for Conservation Futures Funds, and make acquisition recommendations to the Jefferson County Board of County Commissioners pursuant to the County’s Conservation Futures Funds Ordinance, hereinafter referred to as “Ordinance.”

ARTICLE III: FUNCTIONS & DUTIES

A. Functions

The Committee will exercise both legislative and quasi-judicial functions:

1. The Committee’s legislative functions consist of:
 - a) establishing the grading and prioritizing principles that will be used to evaluate the worthiness of proposals, these principles must mesh with the six preservation criteria outlined in §4 of the Ordinance, and
 - b) the review and analysis every two years, pursuant to §5.5 of the Ordinance, of the program principles.
2. The Committee’s quasi-judicial function is deciding which applications will be funded. These decisions require the Committee to deal with each application individually, and each application will face a “yea or nay” decision of the Committee.

Procedure for Quasi-Judicial Decisions

Before any hearing where quasi-judicial decisions are to be made by the Committee, County staff should ask the following questions out loud and on the record with respect to each DISTINCT application or proposal then before the Committee:

- “In order to obtain and maintain the appearance of fairness in this decision-making process, the Committee wishes to know if there is anyone in the audience who objects to the participation of any particular Committee member in this decision-making process, and, if so, to state the reasons for that objection.”

If someone objects, then the Committee person whose objectivity is questioned must determine if he or she should excuse him/herself. Votes should not be taken on whether or not the member should excuse himself or herself for fear of bad feelings. The presumption should always be that the Committee member should excuse himself or herself to preserve the legality and fairness of the decision that is finally reached. Ultimately, however, the decision on recusal rests entirely with the Committee member whose objectivity has been questioned. A Committee member who does not excuse himself or herself, but who should have done so, risks having the entire decision invalidated later.

After asking for objections from the audience, then the Committee members should be asked these questions with respect to each DISTINCT application or proposal:

- “Do you, as a member of the Committee, stand to gain or lose any financial benefit as a result of the outcome of this hearing?”

- “Are you, as a Committee member, able to hear and consider this proposal or application in a fair and objective manner, i.e., without bias and without a predisposition to any particular result regarding this proposal or application?”
- “Have you, as a Committee member, engaged in any communication outside this hearing with either a proponent or opponent of this particular proposal or application?”
- “Are you, as a Committee member, able to certify that you have attended the project presentation and either attended the site visit or viewed the official videotape?”

If any Committee member has to answer “yes” to the first of these questions or “no” to the second or fourth of these questions, then they must say so out loud, explain their answer(s), AND MUST IMMEDIATELY RECUSE themselves from any debate or deliberation regarding that proposal. If a Committee member holds what is deemed a ‘remote interest’ by state law found at RCW 42.23.020(2), then that Committee member need not reply “yes” to the first question listed above. A typical “remote interest” is the interest a volunteer at a not-for-profit organization has in seeing that his or her organization obtains CFF funding.

A reply of “yes” to the third question listed above must then lead to the Committee member describing the substance and facts regarding that outside conversation or contact, e.g., what was said by whom.

The occurrence of an outside conversation or contact does not mean that the Committee member must excuse himself or herself. In the context of a land use decision this type of “appearance of fairness” problem can be eradicated if not only the substance of the outside conversation is publicly stated at the meeting, BUT ALSO the person or persons who were disadvantaged by not being present at the outside conversation or contact have the opportunity to rebut what was said or argued during that outside conversation or contact. In other words, “I’ve heard one side in private, so now I must offer the other side the opportunity to present their arguments.”

If this is done and the opportunity to rebut is truly provided, then the Committee member answering “yes” to the third question need NOT excuse himself or herself.

If it appears that the Committee member cannot meet the ideal established by the appearance of fairness doctrine, or that the rebuttal opportunity listed above won’t or can’t be provided, then any Committee member who chooses to excuse himself or herself must also leave the room to prevent his or her non-verbal participation in the deliberation or decision. The Committee member who should have excused himself or herself but does not risks seeing a decision they had hoped for invalidated.

B. Duties :

In compliance with (RCW 71A.14.020) it shall be the duty of Committee to:

1. Oversee the annual process to solicit, review and recommend Conservation Futures Fund projects to the Jefferson County Board of County Commissioners.
2. Use the Rating Scale developed by the Conservation Futures Fund Advisory Committee, together with the six preservation criteria outlined in §4 of the Ordinance, to determine which of the applications are most worthy of recommendation.
3. With staff assistance, prepare recommendations for the Jefferson County Board of County Commissioners (BOCC) to acquire the properties identified in the top-ranked project applications.

4. Conduct all business in compliance with Washington State statutes and regulations, with particular attention to:
 - a. “Code of Ethics for Municipal Officers-Contract Interests,” RCW 42.23.030, which states, in part: “No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein.”
 - b. The Open Public Meetings Act, codified as Ch. 42.30 RCW
 - c. The Public Disclosure Act, codified at Ch. 42.17 RCW is applicable both to the meetings held, and to documents generated by the Committee.
5. The Committee shall review program principles at least once every two years and make recommendation to the Board of County Commissioners for modification to the program.
6. Carry out other duties that the Jefferson County Board of County Commissioners may request, or that the Division Natural Resources may prescribe by rule.
7. Committee members are expected to fully participate in the work and deliberations of the Committee, and to support Committee By-laws.

ARTICLE IV: MEMBERSHIP

- A. Members of the Committee shall be Jefferson County residents who are appointed by the Board of County Commissioners. Appointments of members shall be made from a list of applicants who shall submit a letter of interest to the Board of County Commissioners stating their qualifications for serving on the Committee.
- B. The Committee shall be comprised of no less than nine (9) citizen members, which includes at least two citizens from each Commissioner district, representing a broad spectrum of interests and expertise, according to §5.3 of the Ordinance. No interest group is automatically and permanently entitled to one of the nine seats according to §5.3 of the Ordinance.
- C. Once established, the terms of the members shall be four years, except that at the establishment of the Committee, four (4) members shall serve a two-year term.
- D. The Committee shall adopt rules of conduct and abide by the rules of conduct, to include adherence to applicable statutes on issues such as conflict of interest. These By-Laws shall constitute such rules of conduct
- E. A Chair and Vice-chair shall be elected from among the members.
- F. Members shall not be compensated for the performance of their duties on the Committee.
- G. Committee members are expected to attend all meetings, and to notify the Chair or Staff in advance, if possible, if unable to attend. If a Committee member misses a meeting, it is his/her responsibility to be informed on the issues the next meeting. Attendance at CF Committee meetings by any technology that allows the member not physically present to hear and be heard during the CF Committee meetings shall constitute attendance.
- H. Meetings will start and end on time; all members are expected to be prompt and prepared.
- I. The Committee may recommend to the Board of County Commissioners the removal of a Committee member for inefficiency, neglect of duty or malfeasance in office. The process for addressing this circumstance is outlined in VII. C. of these Bylaws.

ARTICLE V: OFFICERS—ELECTION OF OFFICERS—SUCCESSION

- A. Officers of the Committee shall consist of a Chair and Vice-chair. The Chair and Vice-chair shall be elected annually at the first regular meeting of the new calendar year and shall serve a one-year term. The Chair and Vice-chair may be elected to consecutive terms.
- B. The Chair of the Committee shall: preside at all meetings and execute the agenda of such meetings in an orderly manner; when appropriate and necessary, establish Sub-committees and appoint members to them; and officially represent the Committee before other organizations or groups. The Chair will sign documents of the Committee.
- C. The Vice-chair shall officiate as Chair in the Chair’s absence. In the absence of both Chair and Vice-chair at a meeting, members shall elect a temporary Chair to perform their duties for that meeting.
- D. The Chair and Vice-chair shall be elected by a majority vote from the Committee. Nominees must be active members who have consented to serve.
- E. Nomination of officers is from the floor and, where more than one nomination to an office is received, voting will be a secret ballot.

ARTICLE VI: STAFF ROLES

County staff will avail themselves to the Conservation Futures Committee to record the proceedings of all Committee meetings, to conduct outreach and education as requested by the Committee, and as possible, and reasonable within the legislated budget, to be a link between the Committee and the County, and to insure that the Committee operates in compliance with County and State ordinances, statutes and regulations. County staff shall have full discretion to establish or limit the scope or size of their work or participation on Committee matters.

ARTICLE VII: VACANCIES

- A. Resignations: A member may resign by submitting written notice to the Jefferson County Board of County Commissioners.
- B. Leave of Absence: The Committee may grant a leave of absence for a member not to exceed two consecutive meetings per year.
- C. Removal: Members absent without excuse from more than three meetings a year, shall be asked to resign. A member with two unexcused consecutive absences shall be notified of the policy regarding attendance requirement, and asked to decide whether he/she wishes to continue as a member.

The Committee may, by a majority vote of the total membership, recommend the removal of a member to the Board of County Commissioners, provided that thirty days notice of the pending action has been provided to the member.

- D. Vacancies may be advertised in the paper of record encouraging qualified county residents to apply.

SECTION VIII: MEETINGS

- A. Notification. The Committee shall establish meeting times and notify the public as required by Jefferson County policies.

- B. Venue. Regular meetings shall be held in Jefferson County. The Committee may conduct special meetings and emergency meetings when deemed to be in the best interests of the Committee and the community. Public notice shall be properly given for special meetings, as well as whenever a regular meeting must be rescheduled or relocated.
- C. Meeting materials will be sent to Committee members in advance.
- D. Preparation. It is the responsibility of each Committee member to be prepared for each meeting.
- E. Courtesy. Committee members are expected to be respectful of the person who is speaking, no side conversations.
- F. Minutes: Minutes of all meetings shall be recorded and a copy sent to each Committee member at least three days prior to the next scheduled meeting. A permanent file of minutes of Committee meetings shall be maintained in County offices. Any recommendations to the Board of County Commissioners, or key action items, will be noted in detail in the summary notes.
- G. Voting: Voting shall be limited to regular Committee members. Voting shall be conducted by voice, show of hands or by ballot if any member of the Committee so desires. There will be no voting by proxy on any question before the Committee. The Chair is considered a regular voting member.
- H. Attendance: No member may rate or vote upon any project unless that member has (1) attended the formal project presentation and (2) either attended the site visit conducted by the project sponsor/applicant or viewed the official videotape of that visit.
- I. Quorum. A quorum must exist to conduct a meeting and/or take a vote. A simple majority of the total of the members currently appointed to the Committee constitutes a quorum for the conduct of Committee business. Voting is by voice vote, except where these rules, or the Committee itself, may require a ballot or roll call vote.
- J. Conflict of Interest: Once appointed, a member shall not participate in a discussion or vote upon a matter in which he or she has a direct or indirect financial interest. A conflict would arise when 1) the member, 2) any immediate family member or partner, or 3) an organization which employs, or is about to employ, any of the above has a financial or other interest in a firm or organization selected for award. If a conflict of interest arises, the member shall notify the Chair or staff. Committee members must agree to conduct Committee business in compliance with the guidelines provided by the County's Deputy Prosecuting Attorney in his memo of July 9, 2002.
- K. Rules of Order: All regular and Committee meetings shall be conducted by the Chair or Vice-chair according to Roberts Rules of Order.
- L. Agenda: The agenda shall indicate the order of Committee business. The Committee Chair may approve changes to the agenda. Copies of the agenda and relevant supporting materials shall be mailed to Committee members at least three days prior to the meeting. Time shall be scheduled on the regular meeting agenda for public comment.
- M. Public Meetings. All meetings of the Committee shall be open to the public and all Committee actions shall take place in Committee meetings.
- N. Special meetings may be called by formal action of the Committee, by order of the Chair or by written request to the Chair by a minimum of three members. Notice of such special meeting is to be

provided to all Committee members at a minimum of 10 days prior to the meeting, and public notice will be provided as specified above.

- O. Sub-committee work sessions may be scheduled as needed. At such meetings the public is welcome to attend but shall not ordinarily be allowed to participate unless specifically requested by the sub-committee Chair.
- P. Decisions. Decisions to recommend projects to the BoCC, require an absolute majority, i.e., a majority of the total number of appointed Committee members. Any dissenting opinions will be recorded and included in the meeting summary. Other decisions require a simple majority of those Committee members present, assuming the number of members present constitutes at least a quorum. The Chair will insure that all viewpoints are heard, and if possible, will attempt to achieve consensus among Committee members.
- Q. Order of Business – Meeting Procedure
- Call to order, roll call and determination of quorum.
 - Agenda Items
 1. Minutes of previous meeting
 2. Old business
 3. Sub-Committee Reports
 4. New business
 5. Discussion of next meeting date and agenda
 6. Announcements
 7. Observer comments
 8. Adjournment
 - The Chair may alter the regular order of business in preparing the agenda when special circumstances and the efficient use of time dictate.
- R. Open Meetings. All meetings of the Committee shall be conducted pursuant to the Open Public Meetings Act (RCW 42.30).

ARTICLE IX: AMENDMENT OF BY-LAWS

These bylaws may be amended by a two-thirds majority vote of the Committee insofar as such amendments do not conflict with Jefferson County Policy or Washington State Code. Any regular Committee member may propose an amendment to the bylaws. Such proposed amendments must be voted on when a quorum is present. These By-Laws, in their present form or as amended, may be subject to review by the County Commissioners in the fourth calendar year after their enactment by the Committee, and every fourth year thereafter.