

# Spokane County VSP Charter and Ground Rules

## Background and Purpose

In April, 2011 the Washington State Legislature passed and the governor signed Engrossed Substitute House Bill (ESHB) 1886 to allow counties to opt-in to the Voluntary Stewardship Program as an alternative means to comply with a state supreme court decision that agriculture could not be exempt from the critical area requirements of the Growth Management Act (GMA). Revised Code of Washington (RCW) 36.70A.700-760 is the compilation of all permanent laws now in force under this legislation. ESHB 1886, the RCWs and related resources can be accessed via the Spokane County VSP web site, <http://www.sccd.org/voluntary-stewardship-program>.

Counties opting-in are required to develop a work plan that balances the protection of critical areas with maintaining the viability of agriculture through voluntary, incentive-based programs. The Washington State Conservation Commission is the state agency charged with program implementation.

The Spokane County Board of County Commissioners (BOCC) opted-in to VSP in 2011; designated the Spokane Conservation District (SCD) as the lead entity to assist the watershed work group in developing and submit the VSP work plan in January, 2016; and received funding from the State Conservation Commission to support work plan development on April 22<sup>nd</sup>, 2016. The work plan will address lands within Spokane County where agriculture and critical areas overlap.

SCD held public meetings on June 9<sup>th</sup> and 16<sup>th</sup>, 2016 introducing Spokane County VSP and inviting interested parties to apply for appointment to the Spokane County VSP work group. On August 9<sup>th</sup>, 2016, the BOCC designated work group members (See Exhibit A) and stipulated provisions to their appointment which are fully incorporated into the ground rules for participation.

SCD has until December 8, 2018 to submit to the director of the Washington State Conservation Commission a work plan for approval. The RCWs identify the process the director is to use to determine approval of the plan. Assuming plan approval, the RCWs also anticipate the work group will continue to convene as part of work plan implementation.

This charter and ground rules are to guide Spokane County VSP work group participation, scope of activity and decision-making.

## Work Group Appointment

Spokane County BOCC Resolution 16-0569 stipulates that VSP watershed group (hereinafter referred to as VSP work group) appointment is subject to the following provisions:

- 1) The initial designees shall serve for staggered terms, with one half of the designees serving for two (2) years and one half of the designees serving for four (4) years. The length of the term for each designee of the initial Watershed Group shall be chosen by lot

at the first meeting of the Watershed Group and communicated to the clerk of the Board of the County Commissioners. Thereafter, all members subsequently appointed to the Working Group shall serve four (4) year terms.

- 2) Vacancies occurring for any reason, other than the expiration of the term, shall be filled by appointment in the same fashion as the initial appointment for the unexpired portion of the term. Any appointment to fill a vacancy shall insure that the provisions of RCW 36.70A.715 are satisfied.
- 3) All designees hold their appointment at the pleasure of the Board of County Commissioners. The designated clerk of the Watershed Group shall advise the Board of the County Commissioners when a designee fails to attend three (3) or more consecutive meetings without a valid excuse.
- 4) The Watershed Group shall adopt rules for the transaction of business and shall keep minutes of all meetings.
- 5) The Watershed Group shall be subject to the Open Public Meetings Act.
- 6) Members of the Watershed Group shall serve without compensation and/or per diem.

## **Work Group Responsibilities**

The VSP legislation RCW 36.70A.720 outlines work group responsibilities for both work plan development and implementation. These responsibilities include establishing goals and benchmarks to a) protect critical areas, meaning to prevent the degradation of critical area functions and values as of July 22, 2011, b) enhance critical area functions and values through voluntary, incentive-based programs, and c) protect agricultural viability.

The Conservation Commission provided the following draft framework for what a work group must include in development and implementation of a work plan:

- 1) Review and incorporate applicable:
  - Water Quality Data and Plans,
  - Watershed Management Data and Plans,
  - Farmland Protection Data and Plans, and
  - Species Recovery Data and Plans;
- 2) Seek input from tribes, agencies and stakeholders;
- 3) Develop goals for participation by agricultural operators conducting commercial and noncommercial agricultural activities in the watershed necessary to meet the protection and enhancement benchmarks of the work plan;
- 4) Ensure outreach and technical assistance is provided to agricultural operators in the watershed;
- 5) Create measurable benchmarks that, within ten years after receipt of fund, are designed to result in:
  - i. The Protection of Critical Area Functions and Values, and
  - ii. The Enhancement of Critical Area Functions and Values through Voluntary, Incentive-Based Measures;
- 6) Designate the entity or entities that will provide technical assistance;
- 7) Work with the entity providing technical assistance to ensure that individual stewardship plans contribute to the goals and benchmarks of the Work Plan;

- 8) Incorporate into the Work Plan existing Spokane County development regulations relied on to achieve the goals and benchmarks for protection;
- 9) Establish baseline monitoring for:
  - i. Participation Activities and Implementation of the Voluntary Stewardship Plan and Projects,
  - ii. Stewardship Activities, and
  - iii. The Effects on Critical Areas and Agriculture Relevant to the Protection and Enhancement Benchmarks Developed for the Watershed;
- 10) Conduct periodic evaluation, institute adaptive management, and provide a written report of the status of plans and accomplishments to the County and to the Washington State Conservation Commission within sixty days after the end of each biennium;
- 11) Assist state agencies in their monitoring programs; and
- 12) Satisfy any other reporting requirements of the program.

### **Work Group Decision-Making and Conduct**

Respect of Interests: Members recognize the merit and legitimacy of other work group members and stakeholders. As such, all committee members and viewpoints will be given an opportunity to be heard on VSP issues, and viewpoints will be heard with respect and given fair consideration in work plan development.

Open Dialog and Discussion: Members commit to listen carefully to each other, recognize each person's interests and concerns, ask questions for clarification, and articulate thoughts in an effort to educate and explain. This includes allowing one person to speak at a time and avoiding interruptions caused by side-bar conversations, cell phones, etc. Facilitated discussion will focus on candid discussion, development of knowledge, greater understanding of all perspectives and interests, development of trust based relationships, and supporting consensus-based decision making.

Facilitation and Voting: A facilitator designated by SCD will facilitate work group discussion in accordance with the agenda developed for each meeting. When a decision point is reached, the facilitator will first ask if there is consensus from the group. If consensus is not achieved, a work group member can make a motion that is seconded by another work group member to move an action item or decision forward. "Roberts Rules of Order" shall be used to guide the process for discussion, possible amendment of a motion, and vote. A simple majority of the quorum present is required to approve a motion.

Agenda: SCD is responsible for development of agendas based on work plan development and work group direction. At the beginning of each meeting, a work group member may ask for a revision to the agenda that, by consensus or majority vote, can be made. Each agenda will include consensus to accept or amend minutes from the previous meeting; updates on work completed or in progress; and work plan items for consideration.

Quorum: One more than half of seated work group membership shall constitute a quorum. The designated clerk to the BOCC shall maintain the roster of appointed BOCC members, and inform the group of any changes. The work group can only engage in decision-making when a quorum

is present. A member may be considered present if attending in person or via telephone. If a quorum is not present, attending members can continue to meet and informally discuss topics.

Action Items: Members may request by consensus or vote that items be addressed and further investigated between meetings, and further reviewed at future meetings.

Meeting Notice and Scheduling: By consensus or vote, the work group will set a regular meeting schedule that may be amended or added to as necessary. Notice of meetings will be provided by e-mail and posted on the SCD VSP web site.

Participation, Terms and Attendance: Work group member actions and votes are considered independent of any group, agency or other entity with which they may also be associated; and any action or vote by a member is not to be interpreted as committing any group, agency or other entity to that action or decision. Length of appointment, attendance, and terms for being considered an active, voting member are as set forth by the Spokane County BOCC. All members are expected to participate in as many meeting as possible, clearly articulate their interests and concerns, and participate in all phases of discussions and decisions.

Open Public Meeting Act: All committee meetings are open to the public and subject to the Open Public Meetings Act. Email, other correspondence, or documents that are circulated to a majority of the committee by a work group member or SCD are subject to a public information request.

Public and Media Outreach: No individual member will speak on behalf of the work group without the consent of the group. From their individual perspective, members are encouraged to keep individuals and interested groups informed about VSP activities and progress, including soliciting their input about ongoing deliberations. Based on work group input, SCD will issue public notices, news releases and other outreach materials.

Public Comment Period: Each meeting will allow for an open public comment period with individuals being given 3 minutes to speak.

Ad-Hoc Groups: The work group may request that additional support be provided in the form of ad-hoc groups or teams that may also include representation of work group members. Such groups will provide their input to SCD and the work group, and are not given decision-making authority.

Non-Enforcement Policy: See attached amendment.

## **Spokane Conservation District**

SCD is the lead entity designated by the Spokane County Board of Commissioners in Resolution 16-0295 to convene the work group, develop the work plan, and submit the work plan for approval to the director of the Washington State Conservation Commission.

SCD responsibilities to the work group include:

- Schedule, provide public notice, and convene work group meetings;
- develop work group meeting agendas that assure discussion and review of all work plan elements;
- post and distribute materials via e-mail, the SCD VSP web site and other means to assure work group access to documents, materials, resources and information. Every effort will be made to provide documents to the work group in advance of each meeting, particularly documents that members should review and come prepared to discuss;
- facilitate work group discussion, including assure review of all needed scientific, technical, policy and regulatory guidance in the work plan;
- provide support to address questions and action items between meetings;
- provide meeting minutes;
- provide public outreach and coordinate seeking input from tribes, agencies and stakeholders;
- coordinate outreach and technical assistance to agricultural operators;
- satisfy state reporting requirements;
- provide the SCD Water Resource Manager as the designated clerk to report to the BOCC.

### **Charter Amendments and Member Changes**

The work group may amend this charter as needed following the ground rules established for consensus and voting. Changes to membership (Exhibit A) shall follow the process specified by the BOCC.

Charter amendments and member changes approved by the BOCC are to be recorded by date and include the signature of the Spokane Conservation District Director.

**Adopted by Consensus:** October 19, 2016

**Amended:** March 15, 2017

**Exhibit A**

**Spokane County VSP Membership**

As adopted by Spokane County Board of Commissioners on August 9, 2016

<b>Name</b>	<b>Affiliation</b>
Robyn Meenach	Farm Bureau and Producer
Ty Meyer	Pacific Northwest Direct Seed Association
Judy Crowder	Spokane Cattleman
Crystal Oliver	Cannabis Farmer's Council
David Boleneus	CAPR, Urban Resident, Family wheat farm
Kevin Paulson	CAPR, Ag boards
Brent Burger	Community
Casey Flanagan	Spokane Tribe of Indians
Doug Greenlund	City of Spokane
Amanda Parrish	The Lands Council

Amendment: March 15, 2017

## Spokane County Voluntary Stewardship Program Non-Enforcement Policy

When implementing the Voluntary Stewardship Program Work Plan, it is the expressed intent of this work group to work collaboratively with farmers, stakeholders, and landowners conducting agricultural activities.

If progress toward the goals and benchmarks of this plan is not proceeding in a satisfactory manner, further outreach and education will be designed and implemented to address the shortcomings of this plan.

The workgroup will only work collaboratively with landowners to voluntarily implement the work plan, and will not use enforcement or other regulatory actions to facilitate achieving work plan protection goals and benchmarks.

The workgroup agrees that we will not utilize or rely upon mandatory enforcement as described under RCW 36.70A.720 (3). RCW 36.70A.720 (3) says that: "Following approval of a work plan, a county or watershed group may request a state or federal agency to focus existing enforcement authority in that participating watershed, if the action will facilitate progress toward achieving work plan protection goals and benchmarks"