

Interim Bylaws and Operating Procedures Of the National ECR Advisory Committee

Section I: Purpose:

The purpose of the National ECR Advisory Committee (the Committee) is to provide advice to the director of the U.S. Institute for Environmental Conflict Resolution, as well as the Board of Trustees of the Morris K. Udall Foundation, regarding future program directions, including the Institute's role in connection with implementation of Section 101 of the National Environmental Policy Act.

Section II: Authority

The executive director of the Morris K. Udall Foundation has determined that the establishment of the Committee is in the public interest. The Committee is subject to the Federal Advisory Committee Act (FACA), as outlined in its Charter, filed with the Congress on October 1, 2002.

Section III: Membership Selection and Appointment

Members of the Committee are appointed by the director of the U.S. Institute for Environmental Conflict Resolution (the Institute) for two-year terms. Members will be selected based on specific needs of the Institute to represent a wide range of perspectives on environmental issues, particularly in relation to use of collaborative processes in environmental decision-making and dispute resolution.

Membership includes the responsibility to attend Committee meetings personally.

Section IV: Meeting Procedures

The Committee will meet at least twice a year. Meetings will be called by the designated federal officer (DFO) in consultation with the chair, and will proceed in accordance with the following considerations:

A. Agenda: The DFO will approve the agenda for all meetings, in consultation with the chair. The Institute will distribute the agenda to the members prior to each meeting and will publish a summary of the agenda with the notice of the meeting in the Federal Register. Agenda items may be submitted to the DFO and/or the chair by any member of the Committee. Agenda items may also be suggested by non-members, including members of the public.

B. Minutes and Records: The DFO will prepare minutes of each meeting and distribute copies to each Committee member. The chair shall certify the minutes. Minutes of open meetings will be available to the public upon request. Minutes of closed meetings will also be available to the public upon request, subject to the withholding of matters about which public disclosure would

be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act (FOIA). The minutes will include a record of the persons present (including the names of Committee members, staff, and any members of the public from whom written or oral presentations were received), a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued or approved by the Committee.

All documents, reports, or other materials prepared by or for the Committee constitute official government records and must be maintained according to federal policies and procedures.

C. Open Meetings. Unless otherwise determined in advance, all meetings of the Committee will be open to the public. Once an open meeting has begun, it may not be closed (for the reason that advance notice must be given to the public if any portion of a meeting will be closed). All materials brought before, or presented to, the Committee during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, will be available to the public for review or copying at the time of the scheduled meeting.

Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may, at the determination of the chair, offer oral comment at such meeting. The chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the Committee at any time.

D. Closed Meetings: Meetings of the Committee will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by the Committee Management Officer (CMO) 30 days in advance of the session.

Where the DFO, with approval of the CMO, has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the Federal Government or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act (GISA), will be published in the Federal Register. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, a matter inappropriate for public disclosure arises, the chair will call for such discussion to cease and will schedule the matter for closed session. Notices of closed meetings will be published in the Federal Register at least 15 calendar days in advance.

Section V: Consensus Decision-Making; Voting; Quorum

The Committee will seek to reach consensus on any advice and recommendations that it is asked to provide. If the chair, in consultation with the DFO, determines that a consensus will not be reached, the chair will request a motion for a vote on the issue. Those Committee members present and voting will constitute a quorum. If a vote is taken, the Committee will determine whether to provide majority and minority opinions.

Section VI: Role of Committee Officials

Chair: The Institute director shall appoint a chair and vice-chair from the Committee membership to serve for the first year. The Committee members shall select a chair and vice-chair from among the membership to serve the second year. Thereafter, the membership shall select a chair and vice-chair to serve every two years.

The chair presides at Committee meetings and works with the DFO to establish priorities, identify issues that must be addressed and assist in determining the appropriate level and types of staff and financial support. (The DFO shall have final decision-making authority regarding staffing levels and financial support provided to the Committee by the Institute.) In addition, the chair is responsible for certifying the accuracy of Committee minutes.

The chair may establish subcommittees from among the membership or the public, with the approval of the Designated Federal Officer (DFO). Each subcommittee shall be chaired by a Committee member.

The vice-chair shall carry out the duties of the chair in the chair's absence.

Designated Federal Officer: The DFO serves as the government's agent for all matters related to the Committee's activities. By law, the DFO must: (1) approve or call the meeting of the Committee; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings of the Committee when so directed by the executive director of the Udall Foundation.

In addition, the DFO will provide adequate staff support to the Committee, including staff to perform the following functions: (1) notify members of the time and place for each meeting; (2) maintain records of all meetings, including subcommittee or working group activities, as required by law; (3) maintain the roll; (4) prepare the minutes of all meetings of the Committee's deliberations, including subcommittee and working group activities; (5) attend to official correspondence; (6) maintain official Committee records and file all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups; (7) act as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and, (8) prepare and handling all reports, including the annual report as required by FACA.

Steering Committee: The DFO, in consultation with the chair, may establish a Steering Committee of not more than eight members, including the chair, vice chair, and DFO, to assist with organizational and administrative matters, such as meeting planning. Steering Committee meetings will not be open to the public, and the Steering Committee will not consider substantive matters or provide advice directly to the Institute.

Section VII: Expenses and Reimbursement.

Expenses related to the operation of the Committee will be borne by the Institute. Expenditures of any kind must be approved in advance by the DFO, who will ensure compliance with FACA and other related federal policies and procedures.

The Institute will pay travel and per diem for Committee members at a rate equivalent to that allowable for federal employees.