

Basin Environmental Improvement Project Commission Board Organizational Practices and Procedures

INTRODUCTION/OVERVIEW

The Basin Environmental Improvement Project Commission (Basin Commission) is established by Idaho State law to implement, direct, and/or coordinate environmental remediation, natural resource restoration, and related measures to address water quality and heavy metal contamination in the Coeur d'Alene Basin¹ of Idaho in a manner that is protective of human health and the environment, and consistent with local, state, federal, and tribal participation, resources, and authorities. The Basin Commission works through the direct exercise of certain authorities of the state of Idaho (as described in Section 39-8106 of the enabling legislation) and through its coordination with other entities and government and their exercise of independent authorities.

FUNCTIONS

The primary purpose and foundation of the Basin Commission's work is to implement the 2002 Record of Decision approved pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), implement/coordinate the Lake Coeur d'Alene Management Plan, and implement/coordinate other plans to address heavy metal contamination in the Coeur d'Alene Basin. Future related Records of Decision issued by the USEPA, with concurrence from the Idaho Department of Environmental Quality and the Coeur d'Alene Tribe, as appropriate, may be incorporated into the Basin Commission's work.

Key functions of the Basin Commission Board are to:

1. Annually approve its one- and five-year workplan, including annual priorities and budget;
2. Develop one-and five-year progress/activity reports;
3. Direct the implementation of its workplan;
4. Appoint an Executive Director to assist the Board in administering its workplan;
5. Receive advice from the Technical Leadership Group (TLG) and Citizen Coordinating Council (CCC) on technical and regulatory issues before the Board;
6. Consult with, and represent the interests and concerns of, organizations, entities, and constituencies it represents;
7. Regularly review the membership and functionality of the two groups (TLG and CCC) established to provide advice to the Board on technical, regulatory, and other issues; and
8. Exercise other duties as described in the Idaho legislation in Section 39-8106.

¹The Basin Commission conducts its work in the Coeur d'Alene Basin of Idaho, which includes the watershed of Coeur d'Alene Lake within the counties of Shoshone, Kootenai, and Benewah, as well as the Coeur d'Alene Reservation located within the state of Idaho. Remedial actions, authorities, and duties to be exercised in Washington shall be undertaken independent of the Basin Commission's operational framework.

MEMBERSHIP

Per Idaho Public Law 39-8106(3), the Board shall include one (1) representative of the State of Idaho and one (1) representative for each of the county Commissions of Shoshone, Kootenai, and Benewah counties of the State of Idaho as appointed by the Governor of the State of Idaho. Through agreement or compact, the Board shall also include one (1) representative of the State of Washington appointed by the Governor of Washington, one (1) Tribal Council member of the Coeur d'Alene Tribe appointed by the council of the Coeur d'Alene Tribe, and one (1) representative of the United States of America appointed by the President of the United States of America.

Alternates: The appointing authority of each Commissioner may designate a primary alternate who may attend Board meetings in the event the Commissioner cannot attend.

Proxies: Proxies shall not be used for any purpose.

Filling Vacancies: Board vacancies shall be filled using the same process and criteria used to establish the Board (described above and summarized in Idaho Public Law 39-8106(3)).

ORGANIZATIONAL STRUCTURE

Chairperson: The Board shall elect from its own members a chairperson whose term of office shall be two years and who can be re-elected. The chairperson shall be responsible for convening and managing Board meetings and shall work with the Basin Commission Executive Director (or staff) and the chairs of the TLG and CCC to set meeting agendas. If a vacancy occurs, the Board shall fill such a vacancy for the unexpired term at its next meeting.

Vice-Chairperson: The Board shall elect a vice-chairperson in the same manner as the chairperson. The vice-chairperson shall serve as chairperson in that person's absence.

Secretary-Treasurer: The Board shall elect a secretary-treasurer in the same manner as the chairperson. The secretary-treasurer shall be the primary point of contact between the executive director and the Basin Commission for ensuring preparation by the executive director or other appropriate staff of meeting summaries, records of financial transactions and an annual public accounting for presentation to the Basin Commission.

Staff Support: To the extent resources allow, the Board shall hire and assign staff, including an Executive Director, to provide administrative support to the Basin Commission Board to support its overall deliberations. The staff shall be responsible for making logistical arrangements, distributing agendas and meeting materials up to seven (7) days in advance of a Board meeting, providing for adequate public notice of the meeting, and preparing Board meeting summaries. As well, the Basin Commission staff, through the Executive Director, will help arrange opportunities for the Board to interact with the representatives of the Citizen Coordinating Council and the Technical Leadership Group, and the Public. The Executive Director shall consult with the BEIPC Chair for the Executive Director to represent the BEIPC on special tasks outside normal CDA Basin issues.²

² Addition approved May 23, 2018.

MEETING SCHEDULE/STRUCTURE

Meeting Schedule: The Basin Commission Board shall meet at least four times per year. The Board shall fix a predictable sequence of meeting dates. Board meetings shall occur throughout the area of the Basin Commission's jurisdiction. All meetings shall be announced in area newspapers (e.g., the Coeur d'Alene Press, Shoshone News Press, Spokesman Review [Idaho and Washington], Idaho News Observer, St. Maries Gazette) and shall be posted on the Basin Commission's website. Meeting times and dates shall be arranged to best meet individual Commissioner's schedules. Commissioners can attend meetings by telephone or videoconference, if suitable arrangements can be made.

Agendas: Basin Commission Board meeting agendas shall be developed by the Board chairperson, in consultation with the TLG and CCC chairs and the Basin Commission Executive Director (or staff, if not available). Every effort shall be made to circulate to the Board, the TLG, and the CCC membership and post to the Basin Commission website any agendas and meeting information at least seven (7) days in advance of the meeting. All Commissioners shall make a strong effort to identify and include in the proposed meeting agendas any issue upon which the Board may be asked to vote. The chairperson shall make every effort to notify board members of any meetings that include One-Year or Five-Year workplan final decisions at least twenty (20) days in advance of the meeting.

Meeting Summaries: A designated member of the Basin Commission staff shall develop and circulate to the Board and staff for review the Board meeting draft summaries. In accordance with Idaho Open Meeting Law (at Idaho Code 67-2344), meeting summaries shall include a record of all Commissioners who are present, as well as note of all motions and resolutions proposed and their disposition and the results of all votes. Every effort shall be made to circulate these summaries within ten (10) days of every Board meeting. Final meeting summaries shall be posted on the Basin Commission website and circulated to Commissioners and any other person requesting them. Every effort shall be made to rely on electronic media. All meeting summaries and Commission records shall be archived and made available to the public upon request in a timely manner.

Public Comment: All Basin Commission Board meetings shall be open to all interested parties, in accordance with the Idaho Open Meeting Law (Idaho Code 67-2340 through 67-2347). Opportunity for public comment shall be provided at every official Board meeting. During this time, members of the public shall be allowed to address the board when recognized by the chairperson. The chairperson may ask individuals to limit testimony to five minutes per individual speaker and ten minutes per group. As well, members of the public shall be permitted to file written statements with the Board at any time.

Executive Session: By a two-thirds vote of the Commissioners, the Basin Commission may hold an executive session to continue deliberations, as set forth in Idaho code 67-2345. No executive session may be held for the purpose of taking any final action or making any final decision.

Expenses: All Commissioners serve without compensation by the Basin Commission. Commissioners may be reimbursed for expenses according to their participating governmental entity's rules and regulations.

DECISIONMAKING

Voting: According to Idaho Code 39-8106(4), “the board shall act by majority vote except that the vote of any Commissioner representative of the State of Idaho, the Coeur d’Alene Tribe or the United States of America, or the unanimous vote of all three (3) Commissioners representing Shoshone, Kootenai, and Benewah counties may veto any majority vote.”

Quorum: A quorum shall be required for any meeting of the Commission Board. A minimum of four (4) Commissioners or designated alternates shall be in attendance to constitute a quorum.

An action of the Board requires a majority vote of the Commissioners, not a majority vote of the quorum.

Good Faith: All Commissioners agree to act in good faith with respect for the interests and concerns of other commissioners. The Commissioners agree to establish a free, open, and mutually respectful exchange of views, ideas, and information. Personal attacks and prejudiced statements will not be tolerated.

Parliamentary Procedure: *Robert’s Rules of Order Newly Revised* shall be the authority for all questions of procedure at any Basin Commission Board meeting. The chairperson (or vice-chair) shall be responsible for assuring proper procedures are followed.

Press Inquiries/Contact: In responding to inquiries from or initiating contact with the press or other media representatives, Commissioners agree to refrain from characterizing the views or opinions expressed by other Commissioners and to exercise comity and appropriate restraint in commenting on the Board’s deliberations and processes. Publicly available meeting summaries will identify specific recommendations or decisions made by the Board.

Adoption of Protocols: These Organizational Practices and Procedures become effective when a majority of the Board votes to adopt them.

Amendments: These Organizational Practices and Procedures may be altered, amended, or repealed and new Organization Practices and Procedures may be adopted by a majority of the Board. These Organizational Practices and Procedures shall not be altered, amended, or repealed, nor shall any new protocols be adopted at any regular meeting of the Board unless notice of such is given with twenty (20) days notice.