
Basin Environmental Improvement Project Commission Board

Organizational Practices and Procedures

INTRODUCTION/OVERVIEW

The Basin Environmental Improvement Project Commission (BEIPC) 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 Basin 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 as stated in the Memorandum of Agreement for the Basin Environmental Improvement Project Commission (2002 MOA) (dated August 13, 2002). The BEIPC works through the direct exercise of certain authorities of the State of Idaho (as described in Idaho Code Section 39-8106) and through its coordination with other entities and governments and their exercise of independent authorities.

FUNCTIONS

The primary purpose and foundation of the BEIPC's work is to coordinate the implementation of the Record of Decision (ROD) for Operable Unit 3 and the Upper Basin ROD Amendment (RODA) for Operable Units 2 and 3 approved pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), and implement/coordinate other plans to address heavy metal contamination in the Coeur d'Alene Basin. Future related RODs issued by the United States Environmental Protection Agency (US EPA), with concurrence from the Idaho Department of Environmental Quality and the Coeur d'Alene Tribe, as appropriate, may be incorporated into the BEIPC work along with other assignments agreed to in MOAs among cooperating parties and governments. The BEIPC 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 Tribe Reservation within the State of Idaho. Remedial actions, authorities, and duties to be exercised in Washington shall be undertaken independent of the BEIPC operational framework.

Key functions of the BEIPC Board are to:

1. Develop and approve its one and five-year work plans;
2. Develop and approve Annual Accomplishment Reports;
3. Coordinate the implementation of its work plans;

4. Appoint an Executive Director (ED) to assist the Board in administering its work plans and Basin wide environmental activities. The ED is an employee of the State of Idaho requiring that the ED's performance be evaluated and documented each year in accordance with Idaho Human Resource (HR) policies and procedures. At the last scheduled meeting at the end of each calendar year the BEIPC Board will conduct a performance evaluation of the ED. The BEIPC Board performance review of the ED will be conducted in executive session in accordance with Idaho Code Section 74-206. The Director of the Idaho Department of Environmental Quality (IDEQ) will process the evaluation in accordance with HR requirements;
5. Establish the Technical Leadership Group (TLG) and Citizen Coordinating Council (CCC) to receive advice on technical, regulatory and public involvement issues before the Board;
6. Regularly review the membership and functionality of the TLG and CCC;
7. Consult with, and represent the interests and concerns of, organizations, entities, and constituencies it represents; and
8. Exercise other duties as described in the Idaho Code Section 39-8106.

MEMBERSHIP

Idaho Code Section 39-8106(3) provides that the Board will 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 implementation of the 2002 MOA, 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 to attend and represent the appointing authority at Board meetings in the event the authority's 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 as described herein and in Idaho Code Section 39-8106(3).

ORGANIZATIONAL STRUCTURE

Chairperson: The Board shall elect from its own Commissioner 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 from its Commissioner members or appointed Alternates whose term of office shall be two years and who can be re-elected. The vice-chairperson shall serve as chairperson in that person's absence at meetings.

Secretary-Treasurer: The Board shall elect a secretary-treasurer in the same manner as the vice-chairperson. The secretary-treasurer shall serve as the chairperson in the absence of the vice-chair or chairperson at meetings.

Staff Support: To the extent resources allow, the BEIPC Board may hire and assign staff, including an Executive Director, to provide administrative support to the Board to support its overall deliberations. The staff is responsible for making logistical arrangements, distributing agendas and meeting materials in advance of a Board meeting, providing for public notice of the meeting and preparing Board meeting minutes. As well, the Executive Director will help arrange opportunities for the Board to interact with the representatives of the CCC and the TLG, and the public. The Executive Director shall consult with the Chairperson in the event the Executive Director is requested to work on special tasks outside normal BEIPC issues.

MEETING SCHEDULE/STRUCTURE

Meeting Schedule: Meetings of the BEIPC are public meetings and shall be conducted in accordance with the Idaho Open Meeting Law, Idaho Code Sections 74-201 through 74-208. The BEIPC Board shall meet at least quarterly per year but can meet more often if necessary. Board meetings shall occur throughout the area of the BEIPC jurisdiction. All meetings and agendas shall be announced and posted on the BEIPC website. Commissioners can attend meetings by videoconference if suitable arrangements can be made.

Agendas: BEIPC Board meeting agendas shall be developed by the Chairperson and Executive Director, (or staff, if Executive Director is not available). Every effort shall be made to circulate to the Board, the TLG, and the CCC membership and post to the BEIPC website any agendas and meeting information no less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice in accordance with Idaho Code 74-204. If Commissioners have any item they wish to include in the proposed meeting agenda they shall identify the issue and notify the Chairperson and Executive Director of twenty (20) days prior to a meeting. All meeting actions items requiring a vote must be noted on the meeting agendas as an "action item" posted on the BEIPC website.

Meeting Minutes: In accordance with Idaho Code Section 74-205, the BEIPC Board, acting through the Executive Director, shall provide written minutes of the meetings that will include at least the following: a record of all Commissioners, Alternates and BEIPC staff who are present; all motions and resolutions proposed and their disposition; and the results of all votes. The Executive Director shall develop and circulate to the Board and TLG and CCC Chairs copies for review of the Board written minutes of meetings. Draft meeting minutes shall be included in the next meeting packet for review and approval by the Board. All current meeting minutes and essential Commission records shall be posted on the website, and all BEIPC public records are available to the public upon request.

Public Comment: All Basin Commission Board meetings shall be open to all interested parties. Opportunity for public comment shall be provided at every 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 through the Executive Director at any time.

Executive Session: By two thirds vote of the BEIPC Commission Board, the Board may continue deliberations as set forth in Idaho Code Section 74-206. No executive session may be held for the purpose of taking any final action or making any final decision other than those allowed in Idaho Code.

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

DECISIONMAKING

Voting: In accordance with Idaho Code 39-8106(4), "the board shall act by majority vote except that the vote of any Commissioner representing 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 BEIPC 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 Board of Commissioners or designated Alternates or the majority vote of the quorum attending a meeting.

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.

Parliamentary Procedure: BEIPC Board meetings will be conducted using Roberts Rules of Order when deemed necessary by a majority of Board members. The Chairperson or Chairperson's designee shall be responsible for assuring proper procedures are followed.

Press Inquiries/Contact: Press inquiries may be directed through the Executive Director. In responding to inquiries from or initiating contact with the press or other media representatives, Commissioners and the Executive Director agree to refrain from characterizing the views or opinions expressed by any Commissioner and to exercise comity and appropriate restraint in commenting on the Board's deliberations and processes. Any copies of BEIPC records, including meeting minutes, may be requested through the Public Records Law, Title 74, Chapter 1, Idaho Code.

Effective Date of Practices and Procedures: These Organizational Practices and Procedures, or any amendments or repeals to all or part, to the Organizational Practices and Procedures become effective immediately upon majority vote by the Board, unless otherwise specified by the Board.

Amendments or Repeal: These Organizational Practices and Procedures may be amended or repealed by a majority vote of the Board. Any proposed amendments or repealed to all, or part, of the Organizational Practices and Procedures must follow notice requirements of the Open Meeting Law, Idaho Code 74-204.

Note:

(Amended August 8, 2023)