

## The SSB 5248 Process

# THE COMMITTEE'S GROUND RULES

Adopted by the SSB 5248 Committee on 20 November 2007.

### PURPOSE

The purpose of the SSB 5248 Committee is to reach agreement on recommendations for effective policies and practices that will lead to progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals. The SSB 5248 Committee is also responsible for establishing a coalition to support its recommendations during the 2010 legislative session.

As per the SSB 5248 legislation, the Ruckelshaus Center will\*:

- Work with willing participants...and involve and apprise legislators and legislative staff.
- Conduct fact-finding and discussions with identified stakeholders...
- Identify stakeholder concerns, desired outcomes, opportunities and barriers...
- Identify existing regulatory, management, and scientific information related to critical areas including, but not limited to:
  - critical areas ordinances adopted under 36.70A RCW;
  - acreage enrolled in CREP;
  - acreage protected by conservation easements;
  - requirements of federally approved salmon recovery plans;
  - buffer widths;
  - the impact of agricultural activities on Puget Sound recovery efforts; and
  - compliance with water quality requirements.
- Issue two interim reports...to the governor and appropriate committees of the house and senate by December 1, 2007 and December 1, 2008.
- Facilitate discussions to identify policy and financial options or opportunities to address issues and desired outcomes identified in first phase.
- Examine innovative solutions, including, but not limited to, outcome-based approaches that incorporate to the maximum extent practicable, voluntary programs or approaches.
- Examine ways to modify existing statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.
- Work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 session.

- Issue a final report of findings and legislative recommendations to the governor and appropriate committees of the house and senate by September 1, 2009.

*\* Excerpts paraphrased from SSB 5248 related to the stakeholder process. The legislation is attached.*

## **GROUND RULES**

The following ground rules have been established by agreement of the Committee to arrange a productive and effective venue in which to carry out the stakeholder process described in the legislation.

### **PARTICIPATION:**

1. The SSB 5248 process will involve willing participants, including but not limited to, agricultural, environmental, tribal and local government interests. The Committee consists of representatives of those four groups. It is intended that each group:
  - reflects and represents the diversity of experiences and interests within its community;
  - effectively represents and informs its community; and
  - reaches agreements with the other caucuses with the support of its community.
2. It is intended that each group be mindful of a desire to keep the total number of participants at the table to a manageable size. Based on this interest, the process will be initially established with seven (7) representatives from agriculture, four (4) representatives from the environmental community, four (4) representatives from local government, and up to six (6) representatives from Tribal governments and entities. These four groupings will be referred to as “caucuses.” If a member of a caucus is unable to serve, the members of the caucus may name a replacement and bring them up-to-date on the status of the process. Prior to appointing members, a caucus will consult with the Ruckelshaus Center in order to ensure that the agreed upon numbers and process are followed, but will make the choices based on the needs and credibility within its community.
3. Each caucus may have) alternate representatives, who, like the primary representatives, will be involved on an on-going basis. All caucuses share an interest in ensuring that alternates (or replacements) are “up to speed” so that their participation does not result in the Committee revisiting issues or repeating discussions, and so that no matter who sits at the table representing any of the caucuses, the process continues to move forward. The members of the alternate’s caucus shall be responsible for ensuring that she/he is fully briefed and authorized to reach agreement.

4. To help in building both viable, informed agreements and a coalition of support for the SSB 5248 Committee's recommendations, other parties will be engaged, including a senior representative of the Governor's Office, who will act as a liaison to the Committee. The liaison will:
  - sit "at the table" and participate in the discussions;
  - serve as a contact between the Committee and the Governor's Office and all state agencies, including, but not limited to, the departments of Agriculture, Ecology, Fish and Wildlife, Natural Resources, and Community, Trade and Economic Development, and the Office of Financial Management;
  - ensure access to data, information and other resources from the Governor's Office and state agencies; and
  - actively consult with those he represents about the Committee's deliberations.
5. Legislative staff will attend meetings of the Committee to ensure that legislators are kept abreast of the Committee's progress. These staff members are expected to serve the same roles with the legislature that the Governor's liaison serves with the executive branch. The legislative staff liaisons will be drawn from appropriate committees of the house and the senate, and from the caucuses of the majority and minority parties. The Ruckelshaus Center will continually work with legislative staff to ensure continuity and effective means for involvement.
6. Other organizations or individuals will be invited by the Committee to make presentations and/or participate in and observe the discussions. The Center will manage the process of invitation and participation in consultation with the SSB 5248 Committee.
7. The Committee intends to hold public meetings around the State to seek input or to provide information on its progress.
8. The Center will work in consultation with the Committee, as necessary and appropriate, to ensure appropriate opportunities for the input of those in attendance, whether under the circumstances described in ground rule #6 or those envisioned in ground rule #7.
9. Meetings of the Committee will be open to observers from the general public or who represent interested parties, as well as being open to the media. A sign-in sheet will be provided so that the Center can adequately provide process and Committee information to these observers.

## **ROLES AND RESPONSIBILITIES OF SSB 5248 COMMITTEE MEMBERS AND ALTERNATES:**

10. All 5248 Committee members:

- are full participants in the process with an equal opportunity to voice opinions and contribute ideas in good faith;
- commit to treating other members and others who attend meetings with respect, civility and courtesy;
- recognize the legitimacy of the interests, concerns and goals of others, whether or not we agree with them;
- will make a special effort to listen carefully, ask pertinent questions and educate ourselves and those we represent about the interests and needs that must be addressed in a problem-solving atmosphere;
- commit to fully exploring the issues and searching for creative solutions that best serve the parties' mutual interests in addition to those of the constituents that each caucus represents.
- will be proactive in conveying issues raised by their constituents to the Committee; and
- will be proactive in communicating to their constituents the progress of the Committee, including emerging decisions and agreements of the Committee and the context or rationale for those decisions and agreements.

11. Each of the four caucuses will designate a "coordinator" with primary responsibilities for:

- working with the facilitator to ensure a successful process, including feedback on the facilitator's performance; and
- providing the Ruckelshaus Center with feedback, guidance and other input on key elements of the process;
- ensuring effective communication with team members and constituents; and
- ensuring that alternate members of the caucuses are prepared and able to effectively fill in for caucus members when the latter are not able to attend meetings.

## **THE FACILITATOR'S ROLE AND RESPONSIBILITIES:**

12. The facilitator's role will be to manage the process in a manner that enhances the Committee's ability to perform its work and reach agreement.

13. With no stake in the substantive outcome, the facilitator is obligated to remain neutral on the issues. The facilitator may provide services that the caucuses request or agree to, such as serving as a "sounding board" for any of the parties, facilitating intra-caucus

discussions, acting as a liaison among the caucuses between meetings, and helping the Committee prepare briefings, reports and other public communications.

14. The facilitator is also responsible for: working with the parties and the Ruckelshaus Center to ensure that the work plan and schedule are adhered to and, if revisions are necessary, the parties agree to them; and managing the meetings to ensure that discussions are focused, all points of view are heard, and the spirit and intent of these ground rules are achieved.
15. In coordination with the Ruckelshaus Center, the facilitator will assist in writing drafts of the required reports under SSB 5248 for the Governor's Office and legislature, and in soliciting comments from the Committee. This will be done with full participation, review and approval of Committee members. Once the final version of each report has been reviewed, edited and approved by the members, the facilitator will work with them to determine the most effective ways in which to submit it to the Governor's Office and legislature.

#### **THE RUCKELSHAUS CENTER'S ROLE AND RESPONSIBILITIES:**

16. The role of the Ruckelshaus Center staff will:
  - be responsible for ensuring the process goes forward in accordance with SSB 5248;
  - have responsibility for initially organizing and then supporting the process substantively and administratively through research, analysis, writing, arranging for presentations, meetings, field visits and other needs;
  - put forth other resources for consideration by and approval of the Committee;
  - work with and support the facilitator as part of an integrated team to ensure an effective process;
  - similarly work with the facilitator to support the caucuses to reach agreement on findings and recommendations, including policy and financial options that address the issues and desired outcomes identified by the parties;
  - bring the Center's knowledge and access to information about relevant subjects and conflict resolution in related situations to assist this process;
  - engage community members, opinion leaders and others as needed to make the process effective;
  - It is intended that the Center will actively engage the parties in the process of fact-finding to build the groundwork for agreement. The Center is responsible for conducting and reporting on the fact-finding efforts as required by the legislation. It is intended that the scientific and other expertise of the universities be brought to bear in identifying relevant information. The Center has an affirmative responsibility to manage this process using

these forms of expertise and other input to help ensure the validity of information brought forward, and mindful that the fact-finding is intended as an ingredient to help reach agreement. In doing so, the fact-finding should help to dispel “myths,” narrow disagreements on the facts, and identify common ground on the nature and applicability of information, recognizing that there may be “grey areas” or areas where there may not be agreement. In fulfilling its responsibilities, the Center will work with the Committee to ensure that the scope, validity, acceptability and value of the fact-finding work contributes to policy and financial solutions and, in that vein, is illuminating to the Governor, legislature, participants, and others involved in resolving and affecting these issues.

- work with the facilitator to develop meeting agendas and summaries, and to distribute them to the parties and other interested and affected groups;
- provide general support, logistical and administratively, to the facilitator in service of the committee;
- maintain the Committee website or web page, as needed, and other outreach that is valuable and necessary, beyond the specific communication done by caucus leads and members within their own constituencies;
- work with the parties and facilitator to write and issue the interim and final reports to the Governor and legislature;
- assist the Committee in determining how to build a broad coalition of support for the findings and recommendations; and
- perform other tasks as requested by the Committee and facilitator to support and advance the process called for by the legislation.

#### **THE ROLE AND RESPONSIBILITIES OF WORK GROUPS:**

17. The SSB 5248 Committee may establish working groups to undertake specific tasks. Such groups:

- will have their terms of reference, and tasks and responsibilities, defined by agreement of the Committee;
- are created to provide input to the committee and otherwise support the process in accordance with the terms of reference provided;
- may not act on behalf of the Committee unless specifically authorized by the Committee to do so; and
- and may, with the approval of the committee, include the participation of others not directly represented on the Committee.

## **AGREEMENTS AND RECOMMENDATIONS:**

18. The Committee is expected to identify and define a wide range of interests, perspectives and opinions, and reach agreement on a set of findings and legislative recommendations by September 1, 2009. Agreement is defined as the consent of the willing participants of the 5248 process to the findings and recommendations.
  
19. If an individual Committee member cannot live with an emerging agreement of the entire group, she/he is obligated to make her/his concerns known, and the rest of the group is obligated to listen with an interest in resolving it. All are expected to work towards addressing such concerns, including such actions as requesting that the concerned party clarify the underlying interests, or identifying other dynamics that may be interfering with agreement; or proposing an alternative that not only the caucus and its constituents can support, but that it believes the other parties can support, too.
  
20. If it is not possible to reach agreement on a set of recommendations, the Center, in consultation with the parties and with assistance from the facilitator, will write a report outlining areas of agreement and disagreement. Before being submitted to the Governor and legislature, the report will be submitted to the Committee for approval so that when it is publicly released, it is the Committee's report to the Governor and legislature.

## **MEETING AGENDAS AND SUMMARIES:**

21. Meetings of the Committee will be task-oriented. Draft agendas will be prepared by the facilitator and distributed to the caucus coordinators for review and comment approximately ten days before a meeting. At least five days before a meeting the "final" draft agenda will be distributed to the members. Agendas will describe the matter for discussion and the purpose of discussing it, and be accompanied by information necessary to support informed discussion.
  
22. If Committee members have or come across information that they believe would be valuable to share, they will normally bring this to the attention of the facilitator and Ruckelshaus Center to identify the most appropriate context, timing and method of distribution to the Committee. In suggesting or providing such information, Committee members should be aware of any timing issues so that there is sufficient opportunity to consider the appropriate use of the information. Nothing in this provision seeks to inhibit communication and information sharing among committee members.
  
23. Within 5 days of a meeting's adjournment, a summary of the meeting's key decisions, decisions and agreements will be developed by the facilitator and distributed to each member.

24. Committee members are obligated to review the summaries within 3 working days for accuracy and to alert the facilitator if they find errors or unclear statements, or have questions.
25. If the agenda or facilitation techniques are not working, Committee members agree to inform the facilitator as soon as possible so that changes can be made and the group can proceed.

#### **PUBLIC COMMUNICATIONS:**

26. The Committee intends for this process to be as transparent as possible in order to gain needed input and to lay the foundation for a broad coalition of support for its findings and recommendations. To achieve this interest, the Committee, with the assistance of the Center, intends to communicate to interested and affected parties by a variety of methods, such as sending to them meeting agendas and summaries, posting those items and other relevant materials on a website, hosting public forums, providing briefings, appearing at association meetings, or soliciting input and feedback during or between meetings, including in field trips.
27. The Committee also intends to provide interested and affected parties, including the public-at-large, with opportunities to initiate communications with the Committee. To achieve this interest, the Committee intends to rely upon techniques such as accepting written materials and comments, including postings on the Committee website, and being accessible to hear the concerns, interests and needs of groups and individuals.
28. The Center will take responsibility for coordinating and gaining appropriate consistency in outreach activities.

#### **DEALING WITH THE MEDIA AND OTHER INTERESTED PARTIES:**

29. In order to keep the focus on the established process and avoid misunderstanding and misinterpretation, Committee members agree not to negotiate through the media or in public settings. Normally, and where feasible, the Center or the facilitator will be the designated contact for media comment about the process and its progress.
30. Recognizing that they will be contacted, Committee members agree that in speaking to representatives of the media or to the members of other organizations, they will be mindful and considerate of their responsibilities to maintaining trust and progress in the 5248 process, as well as their obligations to respond on behalf of their organization and otherwise responsive to a free press. Committee members, accordingly, will avoid characterizing the Committee's or other members' positions, other than as adopted by the committee. They may provide their own position or opinion, provided it has been previously communicated to the Committee, and is clearly identified as their own

position. After, and if possible, before, speaking with representatives of the media or to other organizations or groups, members should inform the facilitator or Center in order to minimize the possibility that their appearance or comments will not be misinterpreted by other parties in the 5248 process.

31. When appropriate, a joint statement suitable for discussion with the media or with other organizations will be developed by the Committee. At that time the Committee members will agree on who shall present it on behalf of all Committee members, and how it will be communicated.

#### **INTERIM AND FINAL REPORTS:**

32. Drafts of the two interim reports and of the final report summarizing the Committee's findings and recommendations will be prepared by the Ruckelshaus Center and facilitator and distributed to all members for their review and comment. After review, discussion and Committee approval, the Center will submit the interim or final report to the Governor's Office and legislature in accordance with the requirements of SSB 5248, and will provide it to whomever else the Committee agrees should receive it directly. The report will be publicly available.
33. In addition to seeking agreement and approval of the final report, the Committee members intend to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 legislative session. Steps taken early in the process as well as later to seek input and keep interested parties informed will contribute to this possibility.

#### **AMENDING THE GROUND RULES**

34. These ground rules can be amended by agreement of the SSB 5248 Committee participants.