

LOCAL WATERSHED COUNCIL ORGANIZING DOCUMENT AND POLICIES TEMPLATE

Instructions: *This is a template document that is intended to be customized by each local watershed council. It includes requirements from the Watershed Councils Act as well as suggestions for consideration when developing a local watershed council. Instructions pertaining to each section are included in the footnotes. Delete these instructions and all footnotes when finalizing the Organizing Document for your local watershed council.*

Adopted _____

This Organizing Document and Policies (“Organizing Document”) shall govern the proceedings of the [NAME]¹ Watershed Council (“Council”) and shall be consistent with applicable provisions of Utah Code and the Division of Water Resources’ rules.

I. Role, Authority, and Duties

Section 1. Role.²

The Council serves as a forum to encourage and facilitate discussions and collaboration on the water-related concerns in the [NAME] Watershed (“Watershed”) [Utah Code § 73-10g-307(1)].

The Council also selects a representative (and alternate, if desired) to the Utah Watersheds Council [Utah Code § 73-10g-304(1)] to represent the Watershed and Council interests at the state level.

The Utah Watersheds Council, in turn:

- a. serves as a forum for discussion and collaboration by and among the stakeholders relative to the water-related interests of the state and the state's people and institutions;
- b. facilitates communication and coordination between the Department of Natural Resources, the Department of Agriculture and Food, the Department of Environmental Quality, and other state and federal agencies in the administration and implementation of water-related activities;
- c. consults with and seeks guidance from local watershed councils; and

¹ Replace NAME and brackets with the local watershed name and change color to black.

² Code citations, [Utah Code § ...], throughout the template are included for reference. You may delete these citations if desired.

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- d. provides advice to the governor and Legislature on water issues. [Utah Code § 73-10g-305(1)].

Section 2. Authority.

This Council is organized to engage local stakeholders in accomplishing the goals of the Utah Watershed Councils Act (“Act”) [Utah Code §§ 73-10g-301, et seq]. The Act anticipates that the Council will be adaptive and creative in providing a forum to address the present and future needs of the Watershed and undertaking activities to that end.

The Act limits the activities of the Council in some respects. Specifically, the Act provides that:

- a. the Council does not have separate or inherent adjudicative, regulatory, infrastructure development, infrastructure financing, or enforcement powers;
- b. creation of the Council does not supersede, usurp, or replace any other watershed-oriented organization within the Watershed except by agreement between the Council and another such organization; and
- c. creation of the Council does not create a stakeholder for purposes of compliance with any state or federal law, including the National Environmental Policy Act (NEPA), 42 USC 4321, et seq. [Utah Code § 73-10g-308].

Section 3. Duties.³

The Council will:

- a. conduct Council meetings as a forum that encourages and facilitates discussion of and collaboration on Watershed issues [Utah Code § 73-10g-307(1)(a)(ii)]; and
- b. encourage participation by individual water users, water user groups, other watershed groups, mutual irrigation companies, water distribution system committees, and other stakeholders in the Watershed [Utah Code § 73-10g-306(1)(a)(ii)] by:
 - i. creating Council meeting agendas that clearly state the topics and substance scheduled for discussion at Council meetings;
 - ii. publishing agendas *at least one (1) week prior to meeting*, except in the case of an emergency;
 - iii. emailing the Council meeting agenda, when it is published, to stakeholders and people who have subscribed, using the Division Watershed website, to receive the agenda;
 - iv. allocating time on each agenda for public comment and discussion on Watershed issues;

³ While the duties of local watershed councils are clear, the means by which these duties are fulfilled is flexible. Thus, the list in subsection (b) should be considered suggestions for how a local council may choose to fulfill those responsibilities and meet the objectives of the Act.

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- v. holding Council meetings at a location(s) in the Watershed reasonably accessible to all residing within it;
- vi. providing virtual access to Council meetings;
- vii. allowing opportunity for Council Members (“Members”) and those attending Council meetings to contribute ideas;
- viii. enjoining disrespectful or unprofessional behaviors or comments among Members and the public that polarize opinions and undermine collaborative input;
- ix. utilizing a neutral facilitator(s) at meetings, as needed, to encourage input, lead collaborative and productive discussions, and limit disrespectful and unproductive comments;
- x. identifying topics of interests and issues to stakeholders;
- xi. formulating the mission, vision, and guiding principles of the Council; and
- xii. [other].

Section 4. Supporting Agency.

The Council will seek resources and support for its administration from the Utah Watersheds Council [Utah Code § 73-10g-305(1)(d)].

II. Membership

Section 1. Council Members.⁴

The Council will be composed of and governed by no fewer than nine (9) and no more than twenty-one (21) individual Members.

Section 2. Member Qualifications.⁵

a. Members must:

- i. reside or work within the watershed; or
- ii. own or control the right to divert or use water within the watershed [Utah Code § 73-10g-306(1)(b)].

b. Members shall be representative of one or more of the following interests [Utah Code § 73-10g-306(1)(b)]:

- i. agriculture;

⁴ There is no required number of members for local councils. However, this is the range suggested by the Utah Watersheds Council.

⁵ The Act requires specific interests be represented on local watershed councils. A local council meets the requirement by striving to include members who are representative of those interests. The Council may modify the list to include additional representatives for interests specific to the Watershed.

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- ii. industry;
 - iii. Indian tribes;
 - iv. public water suppliers;
 - v. water planning and research institutions;
 - vi. water quality;
 - vii. fish and wildlife;
 - viii. water dependent habitat and environments;
 - ix. watershed management, such as distribution system committees functioning within the Watershed;
 - x. mutual irrigation companies;
 - xi. local sponsors of reclamation projects;
 - xii. if applicable, a member designated by the Great Salt Lake Watershed Council; and
 - xiii. [others (e.g. land use authorities, counties, municipalities, etc.)].
- c. Members should have a strong history demonstrating ability to:
- i. effectively collaborate with others holding similar and diverse viewpoints;
 - ii. respect and work professionally with others holding opposing points of view;
 - iii. actively listen and engage in effective communication;
 - iv. objectively evaluate proposals and ideas without partisanship;
 - v. reliably prepare for, attend, and participate in group meetings; and
 - vi. other qualifications.

Section 3. Member Selection.⁶

At the conclusion of a Member's term or upon the resignation or removal of a Member, the vacant seat on the Council shall be filled by vote of a majority of the Members from a list of at least two individuals nominated by Members.

In nominating an individual to fill the vacant seat, the Council shall:

- a. solicit nominations for the vacant Council seat from the Members, county commissioners of the counties within the Watershed, and the groups representing the interests identified in Utah Code § 73-10g-306(1)(b);
- b. abide by the requirements and principles contained in Utah Code Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

Each nominee must:

- a. represent the watershed interests associated with that seat;
- b. meet the qualifications of the Act and this Organizational Document; and

⁶ The Act does not prescribe a particular method for selecting members of local councils. However, it is critical that in the process of developing a new watershed council, its members establish procedures for selecting members of the council.

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- c. disclose all affiliations and relationships with the Members which relate to the role, authority, and duties of the Council.

Section 4. Member Rights.

All Members, including the Chair, shall be entitled to one (1) vote on all matters properly brought before the Council for action. Members may not designate proxies to act or vote in their steads.

Section 5. Member Terms.

- a. The following Members will serve for a term of four (4) consecutive years, with each term expiring at the end of the designated calendar year:
 - i. Member name; interest representing; end of term year
 - ii. Member name; interest representing; end of term year
 - iii. [... for every Member]
- b. A Member whose term has expired will continue to serve as a Member of the Council until reappointed or replaced for the ensuing term.
- c. There is no limit to the number of terms a Member may serve.
- d. Initial terms will be staggered, with all subsequent terms being for a period of four (4) years. Initial terms may be one (1), two (2), three (3), or four (4) years to accomplish staggering of subsequent term cycles.

Section 6. Member Responsibilities.

Members are responsible for:

- a. reading and studying the agenda, reports, and all other materials provided in preparation for Council meetings so that they are fully informed prior to the scheduled public meeting;
- b. acting in an honest, courteous and respectful manner at all times with fellow Members, Council staff, and the public;
- c. attending Council meetings and arriving on time; and
- d. complying with all laws and regulations applicable to the Council, as a body, and to the Member, as an individual.

Section 7. Removal.

A Member may be removed from membership in the Council at any time, with or without cause, by two-thirds (2/3) majority vote of the Council Members.

Section 8. Vacancies.

Any vacancy during a Member's term will be filled in the same manner as a regular appointment and the person appointed to replace the Member shall serve the remainder of the Member's unexpired term.

Section 9. Compensation and Reimbursement.

Members will receive no compensation or benefits for their service but may receive per diem and travel expenses in conformance with the Act [Utah Code § 73-10g-308(2)] and applicable state laws. All reimbursements shall be processed through the Division of Water Resources.

III. Officers

Section 1. Officers.⁷

The officers of the Council, as identified and defined in Section 5, shall consist of a Chair, a Vice Chair, a Utah Watersheds Council Representative [Utah Code § 73-10g-307(2)(a)], and a Great Salt Lake Watershed Representative (if applicable) [Utah Code § 73-10g-306(1)(d)]. The Council may create other offices by majority vote.

Section 2. Officer Elections.

Upon certification of the Council under Utah Code § 73-10g-306(1) and filling nine (9) or more of its membership seats, the Council shall select from among its membership a Chair, Vice Chair, Utah Watersheds Council Representative, Great Salt Lake Watershed Council Representative (if applicable), and any other officer position established by the Council. The Council shall select its officers from among its membership by majority vote of the Members.

At the last regular meeting of odd-numbered years, the Council shall hold elections for the offices of Chair, Vice Chair, Utah Watersheds Council Representative, Great Salt Lake Watershed Council Representative (if applicable), and any other officer positions from among the Members by majority vote of the Members. Election practices should follow Robert's Rules of Order.

Section 3. Officer Terms.

Officers shall serve a term of two years. If an election is not held by the two-year mark, officers will continue serving in their positions until new officers are elected.

Section 4. Vacancies.

⁷ The Act does not require that local councils have any particular offices. However, each must select a representative to sit on the Utah Watersheds Council. In addition, if the watershed represented by the local council drains into Great Salt Lake, the local council must select a representative to sit on the Great Salt Lake Watershed Council.

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Should an officer be unable to complete their two-year term, a new Member will be selected at the next meeting to fill the remainder of the officer's term.

Section 5. Officer Duties.

a. The Chair shall:

- i. serve as the presiding officer of the Council;
- ii. follow the principles of Robert's Rules of Order and this Organizing Document in calling and conducting Council meetings;
- iii. arrange for meetings, ensure compliance with the Open and Public Meetings Act [Utah Code Title 52, Chapter 4], prepare and notice an agenda and minutes for each public meeting, and prepare timely reports and other relevant information for the Council;
- iv. execute all official documents and letters of the Council;
- v. identify and bring before the Council such matters as are within the purview of the Council; and
- vi. facilitate the role of the Council as directed in Utah Code § 73-10g-307.

b. The Vice Chair shall:

- i. assist the Chair in all necessary capacities; and
- ii. assume the duties and responsibilities of the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities of the Chair.

c. The Utah Watersheds Council Representative shall:

- i. represent the Council and Watershed on the Utah Watersheds Council;
- ii. relay the Council's communications to the Utah Watersheds Council, as directed by the Council; and
- iii. relay the Utah Watersheds Council's activities and requested communications to the Council.

d. The Great Salt Lake Watershed Council Representative shall:

- i. represent the Council and Watershed on the Great Salt Lake Watershed Council;
- ii. relay the Council's communications to the Great Salt Lake Watershed Council, as directed by the Council; and
- iii. relay the Great Salt Lake Watershed Council's activities and requested communications to the Council.

Section 6. Removal.

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An officer may be removed from office at any time and with or without cause by 2/3 majority vote of the Members of the Council.

Section 7. Chair *pro tempore*.

In the absence or incapacity of both the Chair and the Vice Chair for a Council meeting, the Chair may select a Member to act as the presiding officer *pro tempore* for that meeting, or the Members present at the meeting may elect, by majority vote, a Chair *pro tempore* to serve as presiding officer only for that meeting.

IV. Council Meetings

Section 1. Quorum.

A quorum shall consist of a majority of the Council's Members and shall be necessary to conduct any Council business [Utah Code § 73-10g-306(1)(a)(iii)].

Section 2. Open and Public Meetings Act.

The Council is a public body, as defined in Utah Code § 52-4-103, and shall comply with Title 52, Chapter 4, Open and Public Meetings Act [Utah Code § 73-10g-308(1)(a)].

Section 3. Government Records Access and Management Act.

The Council and its Members shall comply with Title 63G, Chapter 2, Government Records Access and Management Act [Utah Code § 73-10g-308(1)(b)].

Section 4. Organizing Document and Policies Availability.

The Local Council shall make this Organizing Document and any other policies that govern it available to the public:

- a. at each meeting of the Council; and
- b. on a public website maintained by the Division of Water Resources for the business of the Council [Utah Code § 73-10g-307(2)(c)].

Section 5. Regular Meetings.

Meetings shall be held quarterly, or more frequently as determined by the Chair. Meeting dates, times, locations, and agenda shall be posted in accordance with the Open and Public Meetings Act [Utah Code § 73-10g-307(2)(b)].

Section 6. Creation of Agenda.

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The Chair will create an agenda for each meeting of the Council. Any Member or members of the public may request that an item be included on an agenda. It is in the discretion of the Chair to decide the form and content of the agenda. The Chair shall send the agenda to the Council and its Members at least twenty-four (24) hours prior to each meeting.

Section 7. Federal, State, Local Liaisons.

The Council may invite federal, state, and local agencies to name representatives as liaisons to the Council [Utah Code § 73-10g-306(2)].

Section 8. Subcommittees.

The Council may create subcommittees, as deemed necessary or convenient, to assist the Council in its business. The number of Members participating on a subcommittee should be less than a quorum of the Council and other participants of suitable expertise may be invited to participate.

Section 9. Electronic Meetings.⁸

The Council may hold electronic meetings as described in this Section. An electronic meeting is a public meeting convened or conducted by means of a conference using electronic communications where one (1) or more Council Members participate remotely by electronic transmission. The Open and Public Meetings Act authorizes a public body to convene or conduct an electronic meeting provided written procedures are established for such meetings. This Section establishes procedures for conducting a Council meeting by electronic means.

The following provisions govern any meeting, as defined in Utah Code §52-4-103, at which one (1) or more Members appear telephonically or electronically pursuant to Utah Code §52-4-207:

- a. The agenda and public notice of the electronic meeting shall specify:
 - iv. the Members participating in the meeting electronically and how they will be connected to the meeting;
 - v. the anchor location where interested persons and the public may physically attend, monitor, and participate in the open portions of the meeting;
 - vi. the meeting agenda; and
 - vii. the date and time of the meeting.

⁸ Local councils are not required to hold meetings where members of the council may participate electronically. If a local council wishes to allow for electronic meetings under any circumstances, the language in this section should be used. If it is used, the [VENUE] bracket should be replaced with an address that will be the location where the electronic meeting usually originates.

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- b. Written or electronic notice of the meeting and the agenda shall be posted or provided no less than twenty-four (24) hours prior to the meeting:
 - viii. at the anchor location;
 - ix. on the Utah Public Notice website; and
 - x. to at least one newspaper of general circulation within the state or to a local media correspondent.
- d. A request to hold an electronic meeting must be made by a Member and approved by the Chair, or Vice Chair in the Chair's absence.
- e. Notice of the possibility of an electronic meeting shall be given to Members at least twenty-four (24) hours before the meeting, and the notice shall describe how a Member may participate in the meeting electronically or telephonically.
- f. When notice is given of the possibility of a Member appearing electronically or telephonically, any Member may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Council.
- g. At the commencement of the meeting, or at such time as any Member initially appears electronically or telephonically, the Chair shall identify for the record all Members participating telephonically or electronically.
- h. Votes by Members who are not at the physical location of the meeting shall be confirmed by the Chair.
- i. The anchor location, unless otherwise designated in the notice, shall be at [VENUE].
 - i. The anchor location is the physical location from which the electronic meeting originates and from which participants are connected.
 - ii. The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

V. Procedures

Section 1. Order of Business.

The order of business at regularly scheduled Council meetings should follow the noticed agenda. The Chair, with the consent of the Council, or upon recommendation of Division of Water Resources staff, may consider agenda matters out of order.

The Council may take public comment on a subject matter outside the noticed agenda, but it may not vote or otherwise act on the comments until included in an agenda that is properly noticed as provided in the Open and Public Meetings Act [Utah Code § 73-10g-307(2)(b)].

Section 2. Decisions.

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A matter for decision will be placed before the Council by a motion made by any Member at the meeting. The Chair will not make motions before the Council except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion.

Section 3. Majority Vote.

Any action of the Council must be approved by a majority of the Members [Utah Code § 73-10g-306(1)(a)(iii)].

Section 4. Robert's Rule of Order.

Robert's Rules of Order may be used by the Council in conducting its meetings. Any violation or departure from Robert's Rules of Order incidental to a Council action may not be used to retrospectively invalidate, set aside, or reverse that action.

VI. Amendments and Adoption

The Council may amend this Organizing Document by majority vote of its Members, provided the amendment is consistent with all applicable laws, regulations, and policies.