

Clean Water Council By-Laws

Clean Water Council (Council) Purpose

The Clean Water Council was created to advise on the administration and implementation of [MN Statutes Chapter 114D](#), the [Clean Water Legacy Act](#), and foster coordination and cooperation as described in section [MN Statutes Chapter 114D.20, subdivision 1](#). The Council may also advise on the development of appropriate processes for expert scientific review as described in [MN Statutes Chapter 114D.35, subdivision 2](#).

Council Member Conduct

Council members have a duty to act in good faith and with complete accuracy, candor, truthfulness and disclosure in all formal or informal discussions, communications or related actions between any members of the Council.

Election of Chair and Vice-Chair

The Council shall elect from its voting members a chair and vice-chair. Elected chair and vice-chair will serve one two-year term, beginning in January. The Council shall use the methods of nomination and elections consistent with Robert's Rules of Order, and in compliance with Minnesota Open Meeting Law, as outlined below.

Election Process: *(Process to be followed separately; first for election of Chair and subsequently, election of Vice-Chair)*

1. Council members submit nominees to Chair prior to election.
2. Current Chair may designate another Council member to facilitate the election of Chair.
3. Chair or designee presents list of nominees for Chair/Vice-Chair to the Council. There is no vote taken on accepting this list of nominees, these nominations are treated as if made by members from the floor.
4. Chair or designee opens floor for further nominations for Chair/Vice-Chair.
5. Council member makes verbal nomination; nominees names are noted. Nomination need not be seconded.
6. Chair or designee seeks any further nominations.
7. Chair or designee seeks motion to close nominations. Council members makes a motion; motion is seconded by another Council member.
8. Chair or designee calls for a vote on the motion to close nominations.
9. When the Council votes on closing the floor for nominations, Council then proceeds to the election.
 - a) *If there are no nominees for the position of Chair/Vice-Chair*, the Council shall vote on continuing the term of the current Chair/Vice-Chair.
 - b) *When there is one nominee for Chair/Vice-Chair*: Chair or designee calls for a vote to elect this individual to the position. If majority of Council members vote in favor, nominee is elected as Chair/Vice-Chair.
 - c) *When there are multiple nominations*: Chair or designee calls for a vote for each nominee. Each Council member may only vote once. Council member may vote for him/herself. A member has the right to change his/her vote up to the time the vote is finally announced. Nominee with the majority vote is elected to the position.
10. Chair or designee announces who is elected as Chair/Vice-Chair, their effective starting date (typically January), and length of term (typically 2 years from start date).

The powers and duties of the Chair shall be as follows:

1. To preside as Chair at all meetings of the Council.
2. To see that the laws of the State, pertaining to the purpose and functions of the Council, the resolutions of the Council and its policies are faithfully observed and executed.
3. To call special meetings of the Council, on his/her own initiative, or upon request of three or more members.
4. To serve on the Steering Committee.

The powers and duties of the Vice-Chair shall be as follows:

1. To perform the Chair's duties at regularly scheduled or special Council meetings whenever the Chair is absent.
2. To handle Council business on behalf of the Chair whenever illness or personal matters prevent the Chair from handling Council business outside of regularly scheduled or special Council meetings.
3. To serve on the Steering Committee.

Whenever the Chair and Vice-Chair are both absent from any regularly scheduled meeting, his/her duties shall be performed by another member of the Council as determined at the beginning of a meeting.

Council Organization

1. The **Steering Committee**, the **Budget and Outcomes Committee**, and the **Policy Committee** are standing committees.
2. A **Steering Committee** will consist of the following members:
 - Chair
 - Vice-Chair
 - Past Chair (two-year term on Committee)
 - Agency representatives on the Council
 - Budget and Outcomes Committee Chair and Vice-Chair
 - Agency staff

The Steering Committee plans meetings and other activities as designated by the Chair or Council. The Steering Committee is accountable to the Council.

3. The **Budget and Outcomes Committee** shall consist of a minimum of four voting members and a maximum of a non-majority of the current seated voting Council members. The Budget and Outcomes Committee:
 - Prepares initial input on budget recommendations to Council;
 - Reviews existing measurable outcomes information to show effectiveness of accomplishments;
 - Is accountable and advisory to the full Council; and
 - Elects its own Chair and Vice-Chair.

Membership of this Committee is reviewed every two years. If the number of members interested in serving on the Budget and Outcomes Committee exceeds a non-majority of voting members, the Council Chair will decide who will serve on this Committee. If a Committee member misses more than three consecutive Budget and Outcomes Committee meetings, the Council Chair may replace this person at his/her discretion.

The powers and duties of the Budget and Outcomes Committee Chair shall be as follows:

- To set the agenda for Committee meetings.
- To preside as Chair at all Committee meetings.
- To serve on the Council's Steering Team.
- To coordinate with the Clean Water Fund Interagency Coordination Team.
- To discuss Council recommendations with the Legislature and Governor (in coordination with the Council Chair and Vice-Chair).
- To call special meetings of the Committee.

The powers and duties of the Budget and Outcomes Committee Vice-Chair shall be as follows:

- To perform the Committee Chair's duties at regularly scheduled or special Committee meetings whenever the Committee Chair is absent.
- To handle Committee business on behalf of the Committee Chair whenever illness or personal matters prevent the Committee Chair from handling Committee business outside of regularly scheduled or special Committee meetings.
- To serve on the Steering Committee.

4. The **Policy Committee** shall consist of a minimum of five voting members and a maximum of a non-majority of the current seated voting Council members. Non-voting members appointed by the Legislature, the University of Minnesota, and the Metropolitan Council may also be members. The Policy Committee:

- Reviews existing policy information from the Council meetings and relevant reports;
- Prepares policy recommendations for the Council;
- Is accountable and advisory to the full Council;
- Solicits input on potential policy recommendations from stakeholder groups, agencies, and other experts; and
- Elects its own Chair and Vice-Chair.

Membership of this Committee is reviewed every year or by the Council Chair's discretion and is approved by the Council. If the number of members interested in serving exceeds a non-majority of voting members, the Council Chair will decide who will serve on this Committee. If a Committee member misses more than two consecutive meetings, the Council Chair may remove this person at his/her discretion.

The Clean Water Council will review, revise, and decide whether to adopt the Committee's policy recommendations.

The powers and duties of the Policy Committee Chair shall be as follows:

- To set the agenda for Committee meetings.
- To preside as Chair at all Committee meetings.
- To serve on the Council's Steering Team.
- To coordinate with the Clean Water Fund Interagency Coordination Team.
- To discuss Council recommendations with the Legislature and Governor (in coordination with the Council Chair and Vice-Chair).
- To call special meetings of the Committee.

The powers and duties of the Policy Committee Vice-Chair shall be as follows:

- To perform the Committee Chair's duties at regularly scheduled or special Committee meetings whenever the Committee Chair is absent.
- To handle Committee business on behalf of the Committee Chair whenever illness or personal matters prevent the Committee Chair from handling Committee business outside of regularly scheduled or special Committee meetings.
- To serve on the Steering Committee.

5. **Administrative Support:** The Pollution Control Agency and the other state agencies represented on the Council shall provide administrative support for the Council, as appropriate.

Council Procedures

- **Council Decisions** - All formal actions of the Council shall be made at open public meetings. A simple majority vote of the voting Council members present at the meeting, at which a quorum has been established, is needed to take formal action. Agency and legislative representatives on the Council are non-voting members.
- **Quorum** - A simple majority of seated voting Council members constitutes a quorum.
- **Record of Decisions** - The Council shall use meeting minutes or resolutions to transmit a record of its formal actions. Upon their adoption, copies of the resolutions shall be sent to affected parties/organizations. Resolutions shall be kept on file and shall be made available to the public.
- **Speaking on Behalf of the Council** - Members speaking on behalf of the Clean Water Council may speak only in terms of ideas or resolutions supported and agreed upon by the Council, either by a formal vote, resolution or supported in discussion at a regularly scheduled Council meeting.
- **Legislative Input** - Members of the Clean Water Council may not be registered lobbyists. Communication with the legislature is limited to providing information on Council matters, and submittal of the legislative reports, specified in [MN Statutes Chapter 114D.30](#).

Council Meetings

- **Frequency and location** - Regular Council meetings shall be held the third Monday of the month, on a monthly basis, unless determined otherwise. When the third Monday falls on a holiday, the Council shall meet the fourth Monday of that month. Meetings will be held in St. Paul, unless determined otherwise.
- **Accessibility to the Public** – Meetings of the Council shall be held at facilities that are readily accessible to the public. All regular Council meetings and work group meetings shall be open to the public.
- **Public Information** – Information regarding regular Council meetings, meeting minutes and meeting agendas will be available on the [Clean Water Council website](#).
- **Public Input** - The Council welcomes public input on matters relevant to Council work. Members of the public may comment at Council meetings during specified times, as the agenda allows. Time for public comment is under the discretion of the Council chair.
- **Agendas** - The Council chair, in collaboration with the Steering Committee, shall establish the agenda for Council meetings. The chair shall provide an opportunity to obtain Council member input at each meeting regarding the substance of future Council agendas.
- **Rules of Order** - Robert's Rules of Order shall be the parliamentary authority for all matters of procedure of this Council not otherwise covered in these By-Laws. In the event of conflicts between Robert's Rules of Order and the Minnesota Open Meeting Law or Data Practices Act, the Minnesota law requirements shall prevail.

The Council's duties, membership, appointment, conflict of interest, implementation plan, recommendations on appropriations of funds, biennial report to the legislature, and vacancies are specified in [MN Statutes Chapter 114D.30](#).

The Council members' terms, compensation, and removal are specified in [MN Statutes Chapter 114D.30](#) and [MN Statutes Chapter 15.059](#).

The procedure to be used by Council members for requesting and receiving payment of per diem and expenses is identified in the *Council Per Diem and Expenses Policy* document.

Changes to By-Laws

Any additions, deletions or revisions to the approved Clean Water Council By-Laws must be submitted as an amendment in writing for discussion and consideration at a meeting of the Council prior to approval by the Council at a subsequent meeting.