Review of RBC Bylaws

John Boyer, CDM Smith

Agenda Item 6
Purpose of the Bylaws

• Define and govern the decision making process
• Define membership and appointment procedures
• Define the method of election and powers of the Chair and Vice Chair
• Describe how the RBC will operate
• Describe how the RBC will communicate internally and externally

The Bylaws describe an open, interest-based process for developing and implementing the River Basin Plan
Modifications to Bylaws

• The RBC can modify the bylaws to accommodate special and unique situations present in the basin.

• Proposed modifications must be:
  • Submitted to the PPAC for review and comment
  • Submitted to SCDNR for review, approval, and record keeping
Membership and Attendance

- **Members** must be knowledgeable and experienced in the interest category they represent.

- **Alternates** must represent the same interest category as the Member they represent and be approved by SCDNR.
  - Alternates are encouraged to attend meetings to stay current on proceedings.

- **Attendance is important** and Members are expected to fully participate in each meeting/teleconference.
  - Two unexcused absences over a rolling 12 month period will subject the Member to possible removal by the RBC, subject to SCDNR approval.
Removal, Resignation and Reinstatement

• To ensure the RBC’s process values the time investment of all Members, a Member may be removed due to:
  • Failure to meet attendance requirements
  • Conduct inconsistent with the Bylaws
  • Change in Members status, such that they no longer represent the interest group
  • Felony conviction or falsifying documents
  • Completion of three consecutive terms

• Resigning Members should provide 30-day notice to the RBC Chair

• Expelled or resigned Members can be reinstated by a super majority vote and are subject to SCDNR approval
RBC Term Lengths

- RBC Members will initially serve for 2, 3 or 4 years
- Subsequent terms will be for 3 years
- After their initial term, RBC members may request to serve another 3 years, subject to SCDNR approval
- Members may not serve more than 3 consecutive terms
Code of Conduct

• Members and alternates are expected to:
  • Be prepared for all meetings and ready to contribute
  • Operate in good faith and disclose interests, actions and needs
  • Respect the interests and opinions of others
  • Avoid conflicts of interest
    • Avoid seeking to gain advantage through political means or the media
    • Agree to not negotiate through the media
    • Refrain from opining on the positions or motives of other Members
    • Avoid finger pointing and assigning blame
RBC Chair and Vice Chair

• The Chair and Vice Chair must represent different interest categories

• Responsibilities of the Chair:
  • Serve as executive officer and spokesperson
  • Coordinate with the Planning Team to set schedules, agendas, special meetings, and monitor progress
  • Make final appointments to subcommittees

• The Vice Chair will assist the Chair with his/her duties and assume the Chair’s responsibilities when the Chair is unable to do so
RBC Chair and Vice Chair

• Nominations for Chair and Vice Chair will be made by RBC Members
  • The Planning Framework indicates that nominations and voting on the Chair and Vice Chair will occur at the first or second meeting
  • The Edisto RBC waited for a year (13th Meeting), because of having to meet virtually, and to allow time to get to know fellow RBC members
  • **Question – When would the Broad RBC like to select the Chair & Vice Chair?**
  • Chair and Vice Chair serve for the rest of the first calendar year (2022) and the following two calendar years (2023-2024)
  • Subsequent Chairs and Vice Chairs serve for 2 calendar years
Meetings

- **Regular Meetings** are those designated for preparing River Basin Plans or fulfilling implementation objectives.

- **Closed Meetings** can be requested by a Member to discuss a sensitive topic and approved by a Majority Vote.
  - The Facilitator, Coordinator and SCDNR/SCDHEC may participate in closed meetings upon Member request by a Majority Vote.

- **Special Meetings** are intended to address unforeseen and time-sensitive circumstances.
  - Called by the Chair, Vice Chair or by 25 percent of the Members
Decision Making

• RBC’s will make most decisions by **consensus**

• **Consensus** is achieved when all Members can “live with” a decision and does not necessarily represent unanimity

• We will attempt to achieve consensus through **interest-based negotiations**
  • Expand the options and alternatives
  • Find mutually beneficial outcomes
Decision Making

• If consensus is not possible after good-faith negotiation, a decision will be made by **Majority Vote**.

• A **Super Majority Vote** consisting of two-thirds or more of the Members present and voting is required for:
  
  • Recommending SCDNR expel a Member
  
  • Reinstating a Member
Decision Making – River Basin Plan Approval Process

**Step 1**

- Testing for consensus of **Draft Plan**
  
<table>
<thead>
<tr>
<th>Five Point Rating Scale</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Full Endorsement</td>
</tr>
<tr>
<td>2</td>
<td>Endorsement, but with minor points of contention</td>
</tr>
<tr>
<td>3</td>
<td>Endorsement, but with major points of contention</td>
</tr>
<tr>
<td>4</td>
<td>Stand aside with major reservations (requires changes)</td>
</tr>
<tr>
<td>5</td>
<td>Withdrawal (Member leaves)</td>
</tr>
</tbody>
</table>

**Step 2**

- For the **Final Plan**, each RBC Member will indicate their **support** or **disagreement**
  
  - By supporting the **Final Plan**, each member acknowledges their:
    - Concurrence with the Plan
    - Commitment to support implementation of the Plan
Subcommittees and Interbasin River Councils

• **Short** or **long-term subcommittees** may be formed to address specific issues, geographic areas or water sources.
  
  • RBC members will join voluntarily, with final appointments made by Chair
  
  • Subcommittees will elect their own Chair and Vice Chair
  
  • Subcommittee meetings are not subject to **Regular Meeting** requirements

• **Interbasin River Councils** (IRCs) may be established to facilitate collaboration among neighbouring river basins and help resolve conflicts.
  
  • Up to five members from each RBC will join voluntarily, with final appointments made by the Chairs of each RBC
QUESTIONS?
Next: Assign RBC Member Term Lengths