

UTAH WATERSHEDS COUNCIL RULES OF ORDER AND PROCEDURE

Adopted **April 14, 2022**

These Rules of Order and Procedure (“Rules of Procedure”) shall govern the proceedings of the Utah Watersheds Council (the “Council”) and shall be consistent with applicable provisions of Utah Code and regulations promulgated by the Division of Water Resources.

I. Role, Authority, and Duties

Section 1. Role. The Council:

- a. serves as a forum to encourage and facilitate 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. facilitates the establishment of local watershed councils by certifying local councils;
- d. provides resources and support for the administration of local councils;
- e. consults and seeks guidance from local councils; and
- f. provides advice to the governor and Legislature on water issues.

Section 2. Authority. The Council is responsible for all matters that arise within the Council’s jurisdiction as required or permitted by the Watershed Council Act, Utah Code Ann. §§ 73-10g-301 et seq. The Council does not have separate or inherent adjudicative, regulatory, infrastructure development, infrastructure financing, enforcement, or other powers or responsibilities beyond those stated in the Watershed Councils Act.

Section 3. Duties. The Council shall provide updates on the Council’s activities annually, or as invited, to:

- a. the Natural Resources, Agriculture, and Environment Interim Committee;
- b. the Legislative Water Development Commission; and
- c. the Utah Water Task Force.

Section 4. Supporting Agency. The Division of Water Resources (“Division”) shall be the supporting agency of the Council and provide staffing to the Council as resources allow.

II. Membership

Section 1. Appointment of Members. The Council shall be composed of up to 26 individuals (“Members”). Membership is by appointment in accordance with Utah Code § 73-10g-304 with up to twelve Members being appointed by the Member’s respective local watershed council certified under § 73-10g-306.

Section 2. Rights of Members. All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Council for action. If a Member is unable to attend a meeting of the Council or is otherwise unable to act, the Member may designate a proxy to act in the Member's stead by providing written notice of the designation to the Chair of the Council no later than 24 hours prior to a meeting of the Council in which the Member intends the proxy to participate. The Council shall enter in the record of a meeting proper documentation of a designated proxy's authority to act on behalf of a Member. No designation of a proxy shall exceed one year in duration. The Member may revoke the proxy designation at any time.

Section 3. Council Member Terms. The following Members shall serve for a term of four (4) consecutive years, with each term expiring at the end of the designated calendar year. A Member whose term has expired shall continue to serve as a Member of the Council until the Member is reappointed or replaced for the ensuing term by the appointing authority. There is no limit to the number of terms a Member may serve if reappointed by the Member's appointing authority. The initial terms shall be staggered as indicated, with all subsequent terms being for a period of four years.

- a. The Member appointed by the Utah Association of Counties (2027)
- b. The Member appointed by the Utah League of Cities and Towns (2024)
- c. The Member appointed by the Utah Association of Special Districts (2025)
- d. The Member appointed by the Governor to represent reclamation projects (2026)
- e. The Member appointed by the Governor to represent agricultural interests (2027)
- f. The Member appointed by the Governor to represent environmental conservation interests (2024)
- g. The Member appointed by the Governor to represent business and industry water interests (2025)
- h. The Member appointed by the Governor who is a Utah attorney with recognized expertise in water law (2026)

The initial term of a Member appointed by a local watershed council shall begin in the calendar year the Member is appointed and expire at the end of the second full calendar year after the appointment is made.

Section 4. Member Responsibilities. As a Member of the Council, each Member shall be responsible for:

- a. Reading and studying the agenda, staff reports, and all attached documents prepared by Division staff so that they are fully informed prior to the scheduled public meeting;
- b. Acting in an honest, courteous and respectful manner with their fellow Members, the Division staff, and the public, during all meetings;
- 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 5. Vacancies. Any vacancy during a Member's term shall 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 6. Compensation and Reimbursement. Members shall receive no compensation or benefits for their service but may receive per diem and travel expenses in conformance with state laws and the policies of the Council and Division. All reimbursements shall be processed through the Division.

III. Officers

Section 1. Officers. The officers of the Council shall consist of a Chair and at least one Vice Chair elected from the Members. The Council may appoint additional Vice Chairs or other officers as the Council deems appropriate following a vote by a majority of the Members of the Council to designate an additional officer position.

Section 2. Election of Officers. The Members shall elect the initial Chair and Vice Chair of the Council on the date these Rules of Procedure are adopted by the Council. At the last regular meeting of odd-numbered years, the Council shall hold elections for the offices of Chair, Vice Chair, and any other officer positions, from among the Members by majority vote of the Members of the Council. Election practices may comply with 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 one-year mark, the officers will continue serving in their positions until new officers are elected.

Section 4. Vacancies. Should an officer be unable to complete their two-year term, a new Member will be elected at the next regular or special 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. Implement the Rules of Procedure;
 - iii. Coordinate with the Division staff to schedule meetings, ensure meetings comply with the Open and Public Meetings Act, 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 policy matters as are within the purview of the Council;
 - vi. Fulfill the role of the Council as directed in Utah Code § 73-10g-305(1); and
 - vii. Provide updates on the Council's activities as directed in Utah Code § 73-10g-305(2).

- b. The Vice Chair Shall:
 - i. Assist the Chair in all necessary capacities; and
 - ii. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities.

Section 6. Chair *pro tem*. In the absence or incapacity of both the Chair and the Vice Chair for a Council meeting, the Chair may select a board member to act as Presiding Officer for that meeting, or the Members present at the meeting shall elect by majority vote a Chair *pro tem* to serve as Presiding Officer only for that meeting.

IV. Meetings of Members

Section 1. Quorum. A quorum shall consist of a majority of the Members of the Council and shall be necessary to conduct any business of the Council.

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.

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.

Section 4. Rules of Procedure Availability. The Council shall make these Rules of Order Procedure available to the public: 1) at each meeting of the Council; and 2) on a public website maintained by the Division for the business of the Council.

Section 5. Regular Meetings. Meetings shall be held semi-annually, 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.

Section 6. Creation of Agenda. Division staff will create the agenda for each meeting of the Council under the direction of the Chair. Any Member may request that an item be included on an agenda. Division staff shall send the agenda to the Council at least twenty-four (24) hours prior to each meeting.

Section 7. Federal Liaisons. The Council may invite tribes or federal agencies to name representatives as liaisons to the Council.

Section 8. Subcommittees. The Council may create subcommittees as deemed necessary or convenient in assisting 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 who are not Council Members may be invited to participate.

VI. Procedures

Section 1. Order. The order of business at the regular Council meeting should follow the noticed agenda. The Chair, with the consent of the Council by majority vote, or upon recommendation of the Division staff may consider matters out of the agenda order.

Section 2. Decisions. A matter for decision will be placed before the Council by 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. A majority vote of the Members of the Council at the meeting in favor of a motion shall carry the motion.

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 will not act to nor may it be used to retrospectively invalidate, set aside, or reverse that action.

VII. Amendments and Adoption

The Council may amend these Rules of Procedure. All amendments must be consistent with all applicable laws, regulations, and policies and be approved by majority vote of the Members of the Council.