

LOCAL WATERSHED COUNCIL ORGANIZING DOCUMENT AND POLICIES TEMPLATE

Instructions: *This is a template document that can be used by each local watershed council, with modifications as needed, to create a charter document. It includes requirements from the Watershed Councils Act as well as suggestions for consideration for those developing a local watershed council. Instructions pertaining to each section are included in footnotes. You may want to 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 be used to govern [NAME]¹ Watershed Council (“Council”). This Council is formed under the Utah Watershed Councils Act, found in Utah Code Title 73, Chapter 10g, Part 3 (the “Act”).

I. Role, Authority, and Duties

Section 1. Role.²

The Council is created to serve as a forum for water users and other stakeholders in the [NAME] Watershed (“Watershed”) [Utah Code § 73-10g-307(1)] to meet the water needs and opportunities critical to our Watershed. As organizers of the Council, we hope this will lead to better planning, coordination, funding, and satisfaction of water needs in the Watershed. This Council is also intended to serve as a place where interested stakeholders can collaboratively address problems and resolve conflicts.

The Council also has opportunity to select a representative (and alternate, if desired) to the Utah Watersheds Council [Utah Code § 73-10g-304(1)] to represent our Watershed and Council interests at the state level.³

a. .

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.

³ The Utah Watersheds Council, in turn:

- b. 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;
- c. 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 watershed-related activities;
- d. consults with and seeks guidance from local watershed councils; and 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 purposes of the Utah Watershed Councils Act (“Act”) [Utah Code §§ 73-10g-301, et seq.] as stated above in Section 1. The Act anticipates that the Council will be adaptive and creative in finding ways to address the present and future needs of the Watershed and working to those ends.

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 to the extent such an organization and the Council may agree (preferably in writing); 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. (1969) [Utah Code § 73-10g-308].

Section 3. Duties.⁴

The Council will:

- a. facilitate meetings and other activities for discussion, planning, 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 meeting the needs of the Watershed and water users. [Utah Code § 73-10g-306(1)(a)(ii)].
- c. The Council will accomplish these duties by:
 - i. creating Council meeting agendas that clearly state the topics and substance scheduled for discussion at Council meetings;
 - ii. providing notice of Council meetings as described in Article IV, Section 5 of this Organizing Document;
 - iii. allocating time on each agenda for public comment and discussion on Watershed issues;
 - iv. holding Council meetings at a location(s) in the Watershed reasonably accessible to all residing within it;
 - v. providing virtual access to Council meetings;

⁴ 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.

- vi. allowing opportunity for Council Members (“Members”) and those attending Council meetings to contribute ideas;
- vii. enjoining disrespectful or unprofessional behaviors or comments among Members and the public that polarize opinions and undermine collaborative input;
- viii. utilizing a neutral facilitator(s) at meetings, as needed, to encourage input, lead collaborative and productive discussions, and limit disrespectful and unproductive comments;
- ix. identifying topics of interest and issues to stakeholders;
- x. recommending actions to implement the mission, vision, and guiding principles of the Council; and
- xi. [other].

Section 4. Supporting Agency.

The Council may seek resources and support for its administration from the Utah Watersheds Council [Utah Code § 73-10g-305(1)(d)]. Such requests may be made by the Council chair, members, or any Council committees or staff.

II. Membership

Section 1. Council Members.

The Council will be composed of _____ members.⁵

Section 2. Member Qualifications.⁶

- a. The Act says the Council can be certified under the act if all members:
 - 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. The Act also states that the Council can be certified if the members are representative, “where feasible, of at least these interests” [Utah Code § 73-10g-306(1)(b)]:
 - i. agriculture;
 - ii. industry;
 - iii. Indian tribes;
 - iv. public water suppliers;

⁵ There is no required number of members for local councils. However, this is the range suggested by the Utah Watersheds Council is 9-21.

⁶ 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.

Local Watershed Council Organizing Document Template

- 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. To implement the intent of the Act, the initial Council membership will consist of individuals representing these interests:
- i.
 - ii.
 - iii.
 - iv.
 - v.
 - vi.
 - vii.
 - viii.
 - ix.
 - x. etc.
- d. This Council will annually evaluate whether to change the stakeholder interests represented on the Council and adjust Council membership accordingly.
- e. Members should be able 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.⁷

A vacant seat on the Council shall be filled by vote of a majority of the sitting Council members from a field of at least two individuals nominated by members for each position to be filled.

⁷ 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.

In nominating individuals to fill a vacant seat, the Council will:

- a. solicit nominations for the vacant Council seat from council members and 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; and

be able to fairly and competently perform the Council duties described in the Act and this Organizational Document.

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 designate proxies to act or vote in their steads in accordance with Article V, Section 4 of this Organizing Document.

Section 5. Member Terms.

- a. The following members⁸ will serve for a term of four (4) consecutive years, except for the initial term. The initial terms will expire at the end of the designated calendar year for the members named below.
 - i. [Member name]; [interest represented]; and [end of term year].
 - ii. [Member name]; [interest represented]; [end of term year].
 - iii. [etc. ... for every Member].
- b. A member whose term has expired may continue to serve as a member of the Council until reappointed or until a successor is qualified and assumes the seat.
- c. There is no limit to the number of terms a member may serve.
- d. Initial terms will be staggered with initial terms being two (2), or four (4) years to accomplish staggering of subsequent term cycles as noted in paragraph a.
- e. All subsequent terms are for a period of four (4) years.

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;

⁸ A three-column list or table could be used to present this information.

- 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;
- d. voting on all items presented for a vote of Council members, or noting their abstention from voting; and
- e. complying with laws and regulations applicable to the Council, as a body, and to the member, as an individual.

Section 7. Member Removal.

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

Section 8. Member Vacancies.

If during a member's term the member resigns, is removed, or is otherwise unable to serve, the member's seat will be filled in the same manner as a regular appointment and the person appointed to replace the Member may serve the remainder of the Member's unexpired term.

Section 9. Member 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.⁹

The officers of the Council shall consist of a Chair, a Vice Chair, a Utah Watersheds Council Representative and an alternate representative [[Utah Code § 73-10g-307\(2\)\(a\)](#)], and a Great Salt Lake Watershed Representative (if applicable) and an alternate representative [[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 _____ [enough to constitute a quorum, as defined later] or more of its membership seats, the Council shall select from among its membership a Chair, Vice Chair, Utah

⁹ 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 Council drains into Great Salt Lake, the Council must select a representative to sit on the Great Salt Lake Watershed Council.

Watersheds Council Representative [and alternate, if desired], Great Salt Lake Watershed Council Representative [and alternate, if desired] (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 and alternate, Great Salt Lake Watershed Council Representative (if applicable) and alternate, 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. An officer may continue to serve until their successor is appointed and qualifies. An person who is not a Council member may not serve as an officer.

Section 4. Officer Vacancies.

Should an officer be unable to complete their two-year term, the Council will select another member 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], oversee preparation of a notice and agenda and minutes for each Council meeting, and prepare timely reports and other relevant information for the Council;
 - iv. execute 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, or upon delegation by 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. Officer Removal.

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. An officer whose membership on the Council ends shall be deemed removed as of the time the membership ended.

Section 7. Chair *pro tempore*.

In the absence or incapacity of both the Chair and the Vice Chair, the Chair may select a member to act as the presiding officer *pro tempore* for at a Council 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 at least _____ () [a majority of the number set in Art. 2, Section 1 above]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(9), 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 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 or the Council. Notice of a meeting shall be posted at least one (1) week prior to the meeting. This notice shall include the meeting: (i) agenda; (ii) date; (iii) time; and (iv) place. In addition, if the Council schedules its meetings in advance over the course of a year, it shall give public notice of the annual meeting schedule at least once per year. The public notice must meet all the requirements of a class A notice under Section 63G-30-102, including: (1) publication on the Utah Public Notice Website; (2) publication on a public website maintained by the Division of Water resources for the business of the Council; and (3) posting the public notice in, on, or near the anchor location for the meeting. The public notice shall also be distributed by email to the individuals who have registered for the email notification service maintained by the Division of Water Resources for such purposes, if such a service exists and is accessible to the Council.

Section 6. Creation of an Agenda.

The Chair will provide for creation of 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, provided that an agenda item shall be included upon the request of two (2) or more Council members. Each agenda shall include time for public comment and discussion on Watershed issues. The Chair shall ensure that the agenda is sent to each Council members at least one week 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. Committees.

The Council may create committees, 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 may include other participants of suitable expertise invited by the Council or the committee members to participate.

Section 9. Electronic Meetings.¹⁰

The Council may hold electronic meetings as described in this Section. An electronic meeting is a public meeting convened or conducted by means of electronic communications. The Open and Public Meetings Act [Utah Code 52-4] 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:
 - i. the members participating in the meeting electronically and how they will be connected to the meeting;
 - ii. the anchor location where interested persons and the public may physically attend, monitor, and participate in the open portions of the meeting;
 - iii. the meeting agenda; and
 - iv. the date and time of the meeting.
 - i. Notice of the meeting shall be given in accordance with Article IV, Section 5 of this Organizing Document.
- b. A request to hold an electronic meeting may be made by a member and approved by the Chair, or Vice Chair in the Chair's absence.
- c. 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.
- d. 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.
- e. 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.
- f. Votes by members who are not at the physical location of the meeting shall be confirmed by the Chair.

¹⁰ 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.

- g. 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, may consider agenda matters in a sequence other than as listed in the published agenda.

The Council may take public comment on a subject matter outside the noticed agenda, but may not vote or otherwise act on the comments until the subject is 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.

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.

All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Council for action. Any action of the Council must be approved by a majority of the members, except a motion to adjourn a meeting for lack of a quorum being in attendance. [Utah Code § 73-10g-306(1)(a)(iii)] Any action of the Council must be approved by a majority of the members, except a motion to adjourn a meeting for lack of a quorum being in attendance.

Section 4. Proxy.

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 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. [Utah Code § 73-10g-306(1)(a)(iii)]

Section 5. Robert's Rules 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 a Council 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, including the Act.