



LUBGWMA Committee Meeting 5

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Z O O M (V I R T U A L O N L Y)

H O S T E D B Y

S A L I N I S A S I D H A R N

O R E G O N S T A T E U N I V E R S I T Y

Agenda

Time	Action Item
3:00 pm -3:05 pm	Welcome and present the meeting agenda Salini Sasidharan
3:05 – 3:10 pm	Introduction LUBGWMA Committee Members
3:10 pm– 3:40 pm	Overview of the Bylaw Salini Sasidharan
3:40 pm – 4:00 pm	Discussion by LUBGWMA Committee Members
4:00 pm -4:20 pm	Discussion by Public Participants
4:20 pm – 4:30 pm	Motion and Approval of Bylaw Salini Sasidharan
4:30 pm – 4:45 pm	Advertise the 2nd Public Category Member and discussion Salini Sasidharan
4:45 pm – 4:55 pm	Alternative Member Nomination Reminder Salini Sasidharan
5 pm	Adjourn

Overview of the Bylaw



Salini Sasidharan

LUBGWMA Committee Chair

Oregon State University

Bylaw – What?

- Bylaws are the written rules that control the internal affairs of an organization.
- Bylaws generally define things like the group's official name, purpose, requirements for membership, officers' titles and responsibilities, how offices are to be assigned, how meetings should be conducted, and how often meetings will be held.
- Bylaws also govern the way the group must function as well as the roles and responsibilities of its officers.
- They are essential in helping an organization map out its purpose and the practical day-to-day details of how it will go about its business.
- Bylaws are also sometimes mistakenly called standard operating procedures or policies and procedures, but those are really different things, as they tend to govern day-to-day operations and don't have the force of law, which bylaws do

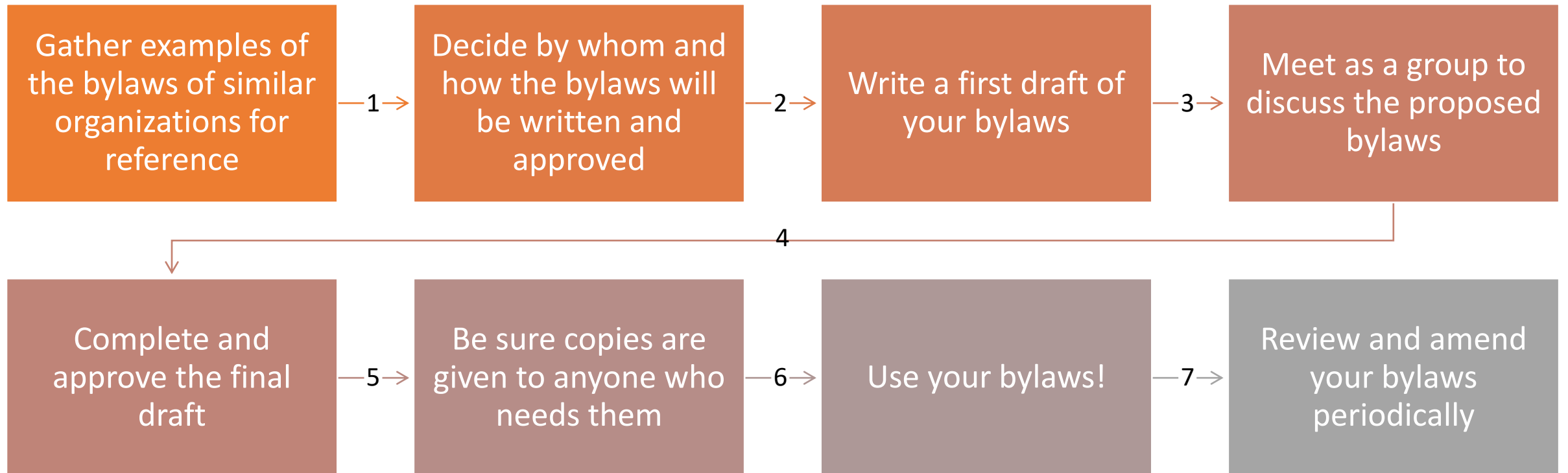
Bylaw – Why

- When bylaws are well developed and executed, the organization may avoid many problems that happen in business and maintain consistency in the running of the business
- Having bylaws can be helpful to almost any type of organization, regardless of size or purpose.
- Determining exactly how your organization is going to operate and putting that down on paper can help keep things running smoothly, provide the answers to tough questions (like what to do about a difficult officer), save enormous amounts of time and deliberation, help you define your mission, or structure the organization to correspond to that mission.
- Having bylaws helps keep your organization focused on its intended purpose by specifically defining that purpose

Bylaw – When?

- When you need clarification on how officers are elected, the organization's purpose, or other basic matters relating to how your group operates
- When your organization is changing its purpose or the way it is run
- When you want to apply for nonprofit status

Bylaw – How?





History of LUBGWMA Committee Bylaw

- <https://lubgwma.org/wp-content/uploads/2021/01/LUBGWMA-Ground-Rules-approved.pdf>
- Lower Umatilla Basin Groundwater Management Area Committee Ground Rules
- Adopted by the Groundwater Management Area Committee on March 6, 2014

LUBGWMA Bylaws Subcommittee

- **Version 1. Bylaws Subcommittee Members (September 2nd 2022 - February 13th, 2023):**
- **Salini Sasidharan**, LUBGWMA Chair, Oregon State University
- **Justin Green**, Justin B. Green Consulting, Consultant for NOWA
- **Karen Lewotsky**, Oeonline
- **Kevin Payne**, Morrow SWCD
- **Aaron Palmquist**, City of Irrigon
- **Randy Jones**, Regional Solutions Team, DEQ

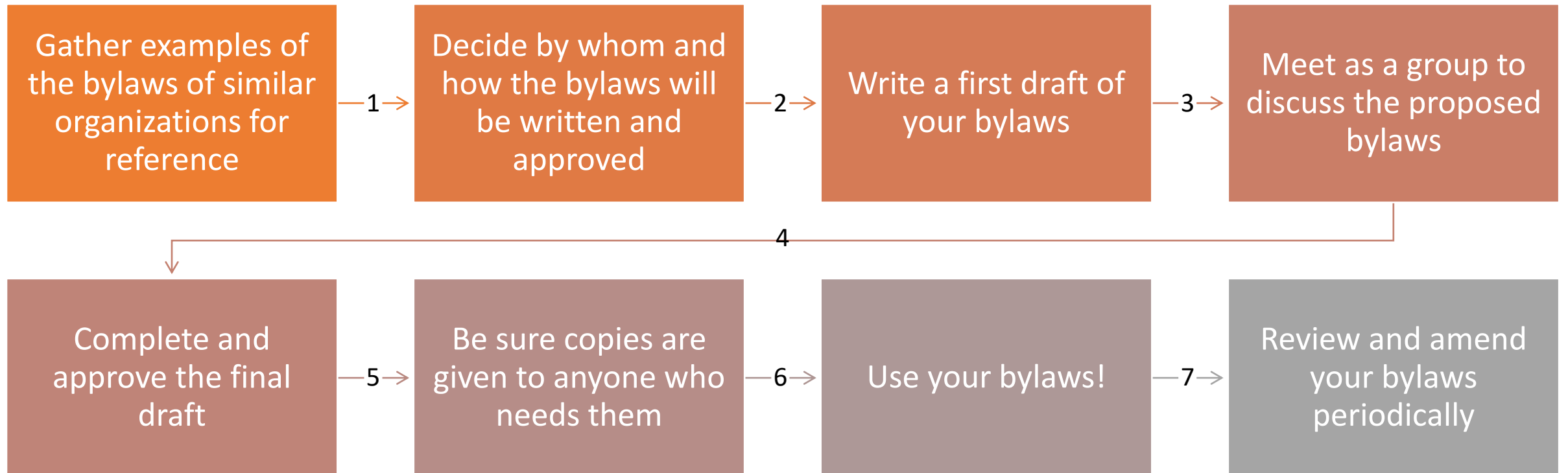
Review of Version 1

- December 9, 2022 - send out (10 Elected members and DEQ for the first review and posted Version 1 on [LUBGWMA webpage](#))
- February 15th, 2023 – Received all the feedback
- February 17th, 2023 – Amended with comments and presented for approval
- **Version 1. Reviewers (provided comments)**
- **Brian Crawford**, Lamb Weston
- **Kristin Anderson Ostrom**, Oregon Rural Action
- **Randy Jones**, DEQ
- **Laura Gleim**, DEQ
- **Aaron Palmquist**, City of Irrigon

Version 2. Bylaws Subcommittee Members (February 13, 2023 – Current):

- **Salini Sasidharan**, LUBGWMA Chair, Oregon State University
- **Justin Green**, Justin B. Green Consulting, Consultant for NOWA
- **Karen Lewotsky**, Oeonline
- **Kevin Payne**, Morrow SWCD
- **Aaron Palmquist**, City of Irrigon
- Version 2 is circulated with the LUBGWMA Committee and Public

Bylaw – How?



**Lower Umatilla Basin
Groundwater Management
Area (LUBGWMA) Committee
Bylaws and Policy Annex,
February 2023, Version 2**

Oregon Statutes that Govern LUBGWMA APPENDIX I – Page 21

- [ORS 448.268 - Area of ground water concern](#)
- [ORS 448.271 - Transfer of property that includes well](#)
- [ORS 448.150 - Duties of authority](#)
- [ORS 468B.150 - Definitions for ORS 468B.150 to 468B.190](#)
- [ORS 468B.155 - State goal to prevent ground water contamination](#)
- [ORS 468B.160 - Ground water management and use policy](#)
- [ORS 468B.162 - Coordination of ground water activities](#)
- [ORS 468B.164 - Encouragement of federal actions](#)
- [ORS 468B.165 - Ground water contaminants](#)
- [ORS 468B.166 - Technical advisory committee](#)
- [ORS 468B.167 - Ground water resource protection strategy](#)
- [ORS 468B.169 - Requests for funding, advice or assistance for ground water projects](#)
- [ORS 468B.171 - Awarding grants](#)
- [ORS 468B.175 - Declaration of area of ground water concern](#)
- [ORS 468B.177 - Actions of department after declaration of area of ground water concern](#)
- [ORS 468B.179 - Ground water management committee](#)
- [ORS 468B.180 - Declaration of ground water management area](#)
- [ORS 468B.182 - Alternative appointment of ground water management committee](#)
- [ORS 468B.183 - Duties of ground water management committee after declaration of ground water management area](#)
- [ORS 468B.184 - Designation of lead agency for development of action plan](#)
- [ORS 468B.185 - Water Quality](#)
- [ORS 468B.186 - Comment on plan](#)
- [ORS 468B.187 - Acceptance or rejection of action plan](#)
- [ORS 468B.188 - Repeal of declaration of ground water management area](#)
- [ORS 468B.190 - Ground water monitoring and assessment](#)

ORS 468B.179 - Ground water management committee

ORS 468B.183 - Duties of ground water management committee after declaration of ground water management area

1. Upon the request of a local government, or as required under [ORS 468B.177 \(Actions of department after declaration of area of ground water concern\)](#) or [468B.182 \(Alternative appointment of ground water management committee\)](#), the Department of Environmental Quality, in consultation with other appropriate state agencies, shall appoint a ground water management committee. The ground water management committee shall be composed of at least seven members representing a balance of interests in the area affected by the declaration.
2. After a declaration of an area of ground water concern, the ground water management committee shall develop and promote a local action plan for the area of ground water concern. The local action plan shall include but need not be limited to:
 - A. Identification of local residential, industrial and agricultural practices that may be contributing to a deterioration of ground water quality in the area;
 - B. An evaluation of the threat to ground water from the potential nonpoint sources identified;
 - C. Evaluation and recommendations of alternative practices.
 - D. Recommendations regarding demonstration projects needed in the area.
 - E. Recommendations of public education and research specific to that area that would assist in addressing the issues related to the area of ground water concern; and
 - F. Methods of implementing best practicable management practices to improve ground water quality in the area.
1. The availability of the draft local action plan and announcement of a 30-day public comment period shall be publicized in a newspaper of general circulation in the area designated as an area of groundwater concern. Suggestions provided to the ground water management committee during the public comment period shall be considered by the ground water management committee in determining the final action plan.
2. The ground water management committee may request the department to arrange for technical advice and assistance from appropriate state agencies and higher education institutions.
3. A ground water management committee preparing or carrying out an action plan in an area of ground water concern or in a ground water management area may apply for a grant under [ORS 468B.169 \(Requests for funding, advice or assistance for ground water projects\)](#) for limited funding for staff or for expenses of the ground water management committee. [Formerly 536.14
- After the declaration of a ground water management area, a ground water management committee created under [ORS 468B.179 \(Ground water management committee\)](#) shall:(1)
 1. Evaluate those portions of the local action plan, if any, that achieved a reduction in contaminant level;(2)
 2. Advise the state agencies developing an action plan under [ORS 468B.184 \(Designation of lead agency for development of action plan\)](#) to [468B.187 \(Acceptance or rejection of action plan\)](#) regarding local elements of the plan; and(3)
 3. Analyze the local action plan, if any, developed pursuant to [ORS 468B.179 \(Ground water management committee\)](#) to determine why the plan failed to improve or prevent further deterioration of the ground water in the ground water management area designated in the declaration. [Formerly 536.149]

Establishment

- Request of local government or ORS 468B.177 or 468B.182 requires the Department of Environmental Quality to appoint a ground water management committee
- Committee composed of at least seven members
- Members must represent a balance of interests in the area affected by the declaration

Duties and Responsibilities

- Develop and promote a local action plan
- Identification of local residential, industrial, and agricultural practices
- Evaluation of threat to ground water from potential nonpoint sources
- Evaluation and recommendations of alternative practices
- Recommendations of demonstration projects
- Recommendations of public education and research
- Recommendations of methods of implementing best practicable management practices

Local Action Plan

- The availability of the draft local action plan and announcement of a 30-day public comment period shall be publicized in a newspaper of general circulation in the area designated as an area of groundwater concern.
- Suggestions provided to the ground water management committee during the public comment period shall be considered by the ground water management committee in determining the final action plan.

Support

1. The ground water management committee may request the department to arrange for technical advice and assistance from appropriate state agencies and higher education institutions.
2. A ground water management committee preparing or carrying out an action plan in an area of ground water concern or in a ground water management area may apply for a grant under [ORS 468B.169 \(Requests for funding, advice or assistance for ground water projects\)](#) for limited funding for staff or for expenses of the ground water management committee. [Formerly 536.145]



ARTICLE 1 – Name – Page 7

The name of this Committee shall be the '**Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Committee**' (referred to herein as LUBGWMA Committee) comprised of **11 voting members under the 10 categories** explained in ARTICLE 4 and functioned under the structure explained in ARTICLE 5. **Any other individuals** other than the 11 members participating in the LUBGWMA Committee activities are referred to herein as **participants and interested parties but not as LUBGWMA Committee Members.**

ARTICLE 2 – Organization - Page 7

- DEQ established the LUBGWMA Committee in 1996 under the Oregon Ground Water Quality Protection Act of 1989 ([ORS 468B.150 to 468B.190](#))
- APPENDIX I

ARTICLE 3 – Purpose - Page 7-8

- Develop and promote long-term strategies and plans to reduce groundwater nitrate levels in the LUBGWMA to less than 7.0 mg/l
- Provide local knowledge and expertise to assist in decreasing nitrate groundwater concentrations
- Fulfill statutory obligations provided in the Oregon Groundwater Quality Protection Act
- Develop and promote local action plan for the LUBGWMA
- Evaluate portions of local action plan that achieved a reduction in contaminant level
- Advise state agencies to develop "State Action Plan"
- Analyze local action plans developed to determine why the plan failed
- Work with relevant federal and state agencies and experts to ensure actions proposed to reduce nitrate concentrations are based on accurate and current scientific principles
- Review information provided by local and lead Agencies implementing nitrate mitigation
- Receive and review information from stakeholders regarding actions and projects to reduce nitrate concentrations
- Identify funding opportunities to reduce nitrate groundwater concentrations in the LUBGWMA

ARTICLE 4 - Membership - Page 8-9

LUBGWMA Committee ([ORS 468B.179](#)). **11 voting members**

The established categories are:

- 1. Morrow County**
- 2. Umatilla County**
- 3. Tribal Government**
- 4. City Government**
- 5. Science and Research**
- 6. Irrigated Agriculture**
- 7. Livestock/Dairy/CAFO**
- 8. Industry and Business**
- 9. Environmental nonprofit organizations**
- 10. General Public**

ARTICLE 4 – Membership - Page 8-9

Primary Voting Member:

- DEQ-appointed member responsible for casting a vote for their appointed category
- Represent the views across their category to their best ability
- Coordinate their effort with the alternate non-voting member and other interested parties
- Two primary voting members represent the Public Category and have one (1) vote each

Alternate Non-Voting Member:

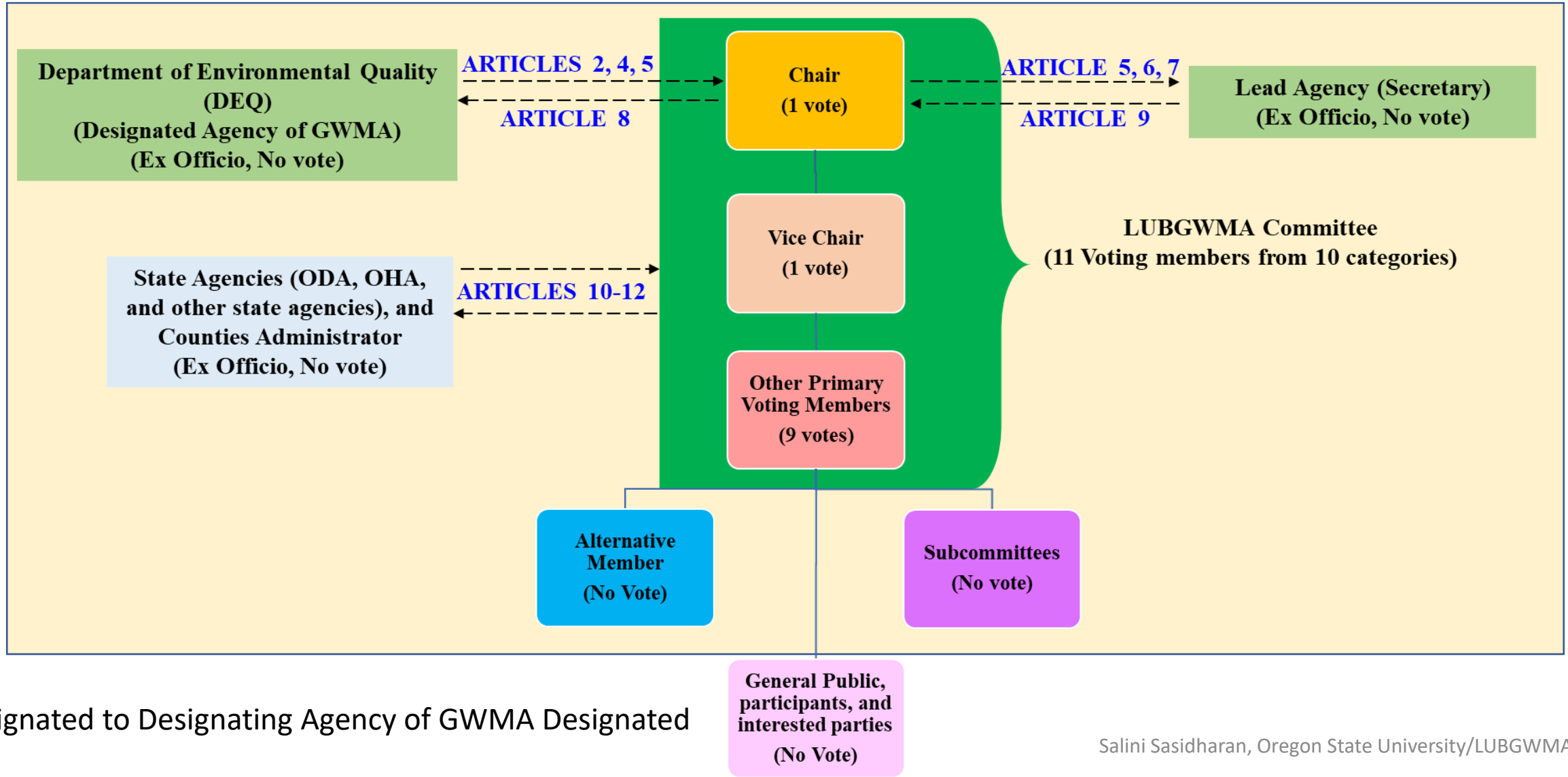
- Represent category in absence of the primary voting member (pre-identified and appointed)
- Vote on behalf of the primary voting member if primary is absent
- Represent the views across their category to their best ability
- Coordinate their effort with the primary voting member and other interested parties
- May get appointed as primary voting member if current primary member leaves committee

Membership Term:

- Two-year terms
- Renewable upon a majority vote by the committee and re-appointment by DEQ

ARTICLE 5 – Committee - Page 9-11

LUBGWMA Committee Organizational Structure



ARTICLE 6 – Committee Meeting - Page 12-15

- Committee Meetings held once every two months
- Public notices must be compliant with Oregon Public Meetings Laws
- Quorum requires 6 members and majority of the quorum is 4
- Roberts's Rule of Order and ground rules govern meetings
- Agendas must list meeting time and place, with brief description of business items
- Opportunity for public to address committee on agenda items before or during consideration
- Minutes and other documentation stored in one digital data storage location
- Meeting behavior and ground rules outlined in Appendix IV

ARTICLE 7 – Subcommittees- Page 15

- Chair may create subcommittees with approval from LUBGWMA Committee
- Chair may appoint a subcommittee chairperson from LUBGWMA Committee to monitor subcommittee activities
- Subcommittee members, aside from LUBGWMA Committee members, are not voting members and not necessarily representative of voting categories
- Reports of activities to be provided to the LUBGWMA Committee
- Subcommittee disbanded upon completion of work
- Subcommittee reports, findings, and updates to be documented as digital documents and stored in Lead Agency data storage

ARTICLE 8 – Role of DEQ as Designating Agency - Page 15

- Lower Umatilla Basin designated Groundwater Management Area by DEQ
- DEQ appoints 11 voluntary Committee members in 10 categories, Chair and Lead Agency
- DEQ determines when voluntary actions are no longer viable in reducing groundwater nitrate concentrations
- DEQ has oversight responsibility for coordination of Committee and action plan
- DEQ provides resources and support to facilitate effective functioning of LUBGWMA Committee
- DEQ communicates with Chair of Committee on administrative and other relevant matters
- DEQ serves as an Ex Officio and will not be a voting member of the LUBGWMA Committee

ARTICLE 9 – Role of Lead Agency - Page 15-17

- Lead Agency appointed by DEQ to collaborate with LUBGWMA Committee per [ORS 468B.179](#), [183](#), and [184](#)
- Lead Agency present in meetings, coordinate meeting location, provide technical support and store meeting information
- Lead Agency communicates with Chair on admin/relevant matters and serves as Ex Officio
- Lead Agency to develop project summaries, create website, prepare baseline info, establish long-term monitoring program
- Lead Agency's duties: take and record minutes, post public notices, manage data, source/acquire/manage funding
- Develop an Action Plan to reduce contamination, consider alternatives, propose time schedule for recommendations, public education and research, public review, evaluate Action Plan, analyze why plan failed
- Any applicable conditions/implementation provisions of Action Plan for local area

ARTICLE 10 – Role of Oregon Department of Agriculture - Page 17

- ODA responsible for developing portion of action plan addressing farming practices
- ODA should communicate with chair of LUBGWMA Committee on any administrative or relevant matters in a timely fashion
- ODA should be involved in conversations pertaining to functioning of LUBGWMA Committee
- ODA serves as an Ex Officio and will not be a voting member of the LUBGWMA Committee

ARTICLE 11 – Role of other State Agencies - Page 17

- DEQ should coordinate with ODA, OSU, OSU Extension, OWRD, DHS, OHA, and other agencies/groups conducting groundwater monitoring
- Agree on consistent protocols to gather baseline groundwater data
- Implement plan with concurrence of LUBGWMA Committee to accurately identify baseline conditions
- State agencies should communicate with chair of the LUBGWMA Committee
- Agencies will serve as Ex Officio, but not a voting member of the LUBGWMA Committee

ARTICLE 12 – Administrative Role of Morrow and Umatilla Counties - Page 17

- County must communicate with DEQ and Chair of LUBGWMA Committee on administrative and other relevant matters in timely fashion.
- County should be involved in conversations that pertain to the functioning of the LUBGWMA Committee.
- Each County has a primary voting member appointed that represents Morrow County & Umatilla County membership as per ARTICLE 4 of the LUBGWMA Committee.

ARTICLE 13 – Code of Ethics and Ground Rules - Page 18

- Exercise reasonable care, good faith, and due diligence in organizational affairs.
- Fully disclose information, facts and conflicts of interest at the earliest opportunity.
- Maintain professional courtesy, respect and objectivity in all LUBGWMA activities.
- Exercise powers vested in the committee for the good of all members and the achievement of its goals.
- Ensure right to appropriate and effective services without discrimination.
- Respect the confidentiality of sensitive information.
- Respect diversity of opinions.
- Promote collaboration, cooperation and partnership among members.

ARTICLE 14 – **Nondiscrimination** - Page 18

- All members, officers, and persons served by the LUBGWMA Committee or subcommittee must be selected based on their qualifications and without regard to any legally protected status
- Selection should be made from the specified categories and must not be discriminatory
- Selection should not be based on race, color, religion, sex, national origin, disability, marital status, sexual orientation, or any other legally protected status.

ARTICLE 15 – Indemnification/Hold Harmless- Page 18

- The Client agrees to indemnify, defend and hold harmless the Organization, its officers, directors, employees, agents and affiliates from and against any and all claims, damages, losses, liabilities, costs, and expenses (including, but not limited to, reasonable attorneys' fees and costs) arising out of or related to any breach by the Client of any of its obligations under this Agreement.
- *A legal statement will be added after consultation with the Oregon Department of Justice.*

ARTICLE 16 – Amendments - Page 18

- Bylaws may be amended by LUBGWMA Committee voting process (quorum)
- Committee members should review entire document
- Significant updates such as change in membership categories, number of voting members, appointment of chair and primary voting members, term lengths, etc., must be approved by DEQ

APPENDIX

- **APPENDIX I – Statutes**
- **APPENDIX II - Lower Umatilla Basin Groundwater Management Area**
- **APPENDIX III – Chair and Vice Chair – Qualifications and Responsibility**
- **APPENDIX IV - Parliamentary Procedure for Meetings – Robert’s Rule, Ground Rule etc.**

Ground Rule

- Please identify with your name and affiliation every time you speak.
- Address your comment to the Chair
- Members will give each other an equal opportunity to talk about each issue
- Members will listen to and try to understand one another's views
- Members will stick to the agenda in terms of both topic and time and will follow the facilitation by the chair
- No one or two individuals should dominate the discussion
- **Rule of speaking order**
 - Speak for 2 min (maximum) per person (20 min and 10 members)
 - Once you spoke once, you should wait until 3 other people have spoken

Discussion of Lower Umatilla
Basin Groundwater
Management Area
(LUBGWMA) Committee
Bylaws and Policy Annex,
February 2023, Version 2

LUBGWMA Committee Members – 3:40 – 4:00 pm

Discussion of Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Committee Bylaws and Policy Annex, February 2023, Version 2

LUBGWMA Participants and Interested Parties

4:00 pm – 4:20 pm

Motion and Approval of Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Committee Bylaws and Policy Annex, February 2023, Version 2

4:20 pm – 4:30 pm

Advertise the 2nd Public Category Member and discussion – 4:30 pm – 4:45 pm

Responsibilities:

- Participate in LUBGWMA Committee meetings and provide input from the rural residential communities
- Participate in LUBGWMA Committee meetings, cast votes for the Public Category, and involve in the LUBGWMA Committee decision-making process.
- Represent the interest of non-municipal residents of the LUBGWMA to the LUBGWMA Committee
- Attend relevant meetings and events to stay informed and up to date on LUBGWMA Committee-related matters
- Provide feedback and input to the LUBGWMA Committee on the implementation of initiatives
- Liaise in the effort of the LUBGWMA Committee to educate rural residential communities about LUBGWMA Committee goals and initiatives and nitrate pollution and its effects

Requirements

- Knowledge of rural residential communities and their needs
- Awareness of nitrate contamination in groundwater and the LUBGWMA
- Ability to communicate and interact with a diverse group
- Ability to participate in and lead community outreach and public engagement
- The candidate should be a LUBGWMA resident



Alternative Member Nomination Reminder

- Please finalize the alternative member for your category
- Send the details to Chair
- Introduce the alternate members on March 3rd Meeting
- Appoint the alternate members

Thank you

