

Environmental Justice Council

December 13, 2022 Meeting Materials

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Public Comments	No written comments received as of 12/8/2022

Consejo de Justicia Ambiental

Martes 13 de diciembre de 2022

De 2:00 p. m. a 6:30 p. m.

Para unirse al seminario web, haga clic en el siguiente enlace:

<https://us02web.zoom.us/j/81688042421>

O únase por teléfono: +1 253 215 8782 (EE. UU.)

Id. del seminario web: 816 8804 2421

Propuesta de orden del día

De 2:00 p. m. a 2:20 p. m.	I. Bienvenida y pasaje de lista	Tevin Medley, facilitador Miembros del Consejo
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De 2:20 p. m. a 3:20 p. m.	II. Homenaje a la vida y obra de Theo Cielos	Tevin Medley Miembros del Consejo Personal del Consejo
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Receso de 15 minutos

De 3:35 p. m. a 3:40 p. m.	III. Aprobación del orden del día - Posibles medidas del Consejo	Tevin Medley Miembros del Consejo
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De 3:40 p. m. a 3:55 p. m.	IV. Comentarios públicos	
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De 3:55 p. m. a 4:10 p. m.	V. Debate sobre el Proyecto de reglamento y descripción general del proceso electoral	Comité Directivo Miembros del Consejo
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De 4:10 p. m. a 4:40 p. m.	VI. Elección del Comité Ejecutivo del Consejo - Posibles medidas del Consejo	Tevin Medley Miembros del Consejo nominados Miembros del Consejo
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Receso de 30 minutos		
De 5:10 p. m. a 5:30 p. m.	VII. Elección de la copresidencia del Consejo - Posibles medidas del Consejo	Tevin Medley Miembros del Consejo nominados Miembros del Consejo
De 5:30 p. m. a 6:00 p. m.	VIII. Debate sobre el calendario de reuniones del Consejo para 2023	Tevin Medley Miembros del Consejo
De 6:00 p. m. a 6:30 p. m.	IX. Registro de llegada y despedida	Tevin Medley Miembros del Consejo

Información importante:

- El Consejo puede cambiar los asuntos del orden del día el mismo día de la reunión.
- El número de contacto de emergencia durante la reunión es 360-584-4398.
- Si desea solicitar este documento en un idioma o formato alternativos, envíe un correo electrónico a Sierra Rotakhina en cualquier idioma a envjustice@ejc.wa.gov o llame al 360-584-4398.

Environmental Justice Council

Tuesday December 13, 2022

2:00pm – 6:30pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81688042421>

Or join via telephone: US: +1 253 215 8782

Webinar ID: 816 8804 2421

Draft Agenda

2:00 PM – 2:20 PM	I. Welcome and Roll Call	Tevin Medley, Facilitator Council Members
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2:20 PM – 3:20 PM	II. Honoring Theo Cielos' Life and Work	Tevin Medley Council Members Council Staff
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15 Minute Break

3:35 PM – 3:40 PM	III. Approval of Agenda -Possible Council Action	Tevin Medley Council Members
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3:40 PM – 3:55 PM	IV. Public Comment	
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3:55 PM – 4:10 PM	V. Discussion of Draft Bylaws and Overview of Elections Process	Governance Committee Council Members
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4:10 PM – 4:40 PM	VI. Election of Council Executive Committee -Possible Council Action	Tevin Medley Nominated Council Members Council Members
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30 Minute Break		
5:10 PM – 5:30 PM	VII. Election of Council Co-Chairs -Possible Council Action	Tevin Medley Nominated Council Members Council Members
5:30 PM – 6:00 PM	VIII. Discuss 2023 Council Meeting Schedule	Tevin Medley Council Members
6:00 PM – 6:30 PM	IX. Check-In and Farewell	Tevin Medley Council Members

Important Information:

- The Council may move agenda items around on the day of the meeting.
- Emergency contact number during the meeting is 360-584-4398.
- To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398.

Environmental Justice Council

Date: December 13, 2022

To: Environmental Justice Council

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Council Elections and Bylaws

Background and Summary:

The Environmental Justice Council (Council) adopted [Article II](#) of its bylaws at the October 27, 2022, Council meeting. Article II outlines the duties of the Executive Committee ([page 9](#) of this meeting packet), the nomination and election process for the Executive Committee ([page 10](#)), the duties of the Co-Chairs ([page 10](#)), and the nomination and election process for the Co-Chairs ([page 11](#)). Some main points from this article of the bylaws are summarized on [pages 14](#) and [17](#) of this meeting packet to support the Council in holding their elections today.

The Council's Governance Committee continues to meet to discuss additional articles of the bylaws to bring to the full Council. The Governance Committee has identified four topics in the bylaws that it would like to discuss with the full Council, possibly over several meetings, before bringing draft language to a Council meeting for discussion.

1) Council Ethics

The current draft bylaws reference [chapter 42.52 RCW](#), the Ethics in Public Service Act. The draft bylaws also provide some additional guidelines around recusal from voting and the importance of full transparency with each other and the public related to volunteer or paid work Members and staff may be engaged in what could impact any issue in front of the Council. The Governance Committee would like the Council to have a discussion around the Council's values related to ethics and what Members may want included in the bylaws.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

2) Council Decision-Making

The Council adopted an interim decision-making process at the May 25, 2022, Council meeting (see [page 13](#) of this meeting packet) with the intent of adopting bylaws with a more permanent and clear decision-making process at a future meeting. Now that the Council has used this interim decision-making process over several meetings, the Governance Committee would like to get direction from the Council about how to improve and clarify this process in the draft bylaws.

3) **The Role of Committees and Defining Council "Guidance" and "Recommendations"** The Council's committees a) never meet with a quorum of Council Members, b) are not authorized to make Council decisions, and c) bring recommendations or ideas to the full Council for decision-making. The Governance Committee would like the Council to discuss in more detail the roles and scope of the committees to inform the draft bylaw language and to guide to the committees. In addition, HEAL agencies and Council Members have asked how the Council defines what is official "guidance" or "recommendations" from the Council given the use of these terms in the [HEAL Act](#) and the [Climate Commitment Act](#). The definition of guidance and recommendations needs to be discussed by the Council.

4) Delegates/Alternates

The HEAL Act does not specify if Council Members are allowed to send delegates or alternates to attend and speak at meetings on their behalf. The Governor's Board and Commissions office has interpreted this to mean that the Governor-appointed Member must attend and cannot send an alternate on their behalf. However, under the HEAL Act, the four Tribal Representatives are appointed through a different process than the other Council Members which creates an opportunity for the Tribal Representatives to send an alternate to speak and vote on their behalf. The HEAL Act specifies that the "Governor shall solicit and consider nominees from each of the federally recognized Tribes in Washington State. The Governor shall collaborate with federally recognized Tribes on the selection of Tribal Representatives." Council staff are working with the Governor's Office to gather more information on this topic for Council

discussion at a later meeting. Note that having an alternate or delegate is different than asking

a fellow Council Member to issue a proxy vote on your behalf.

Staff Recommended Council Actions:

Staff recommend that:

- 1) At today's meeting the Council review the duties of the Executive Committee Members and Co-Chairs as well as the nomination and election process before holding the elections.
- 2) At today's meeting the Council discuss ethics as they may relate to or impact the elections.
- 3) Council Members begin brainstorming ideas and guidance for the Governance Committee related to Council decision-making, the role of committees and defining Council "guidance," and Member delegates/alternates for discussion at future Council meetings.

Staff

Sierra Rotakhina, Council Manager, sierra.rotakhina@ejc.wa.gov, 360-584-4398

Environmental Justice Council

Article II of Bylaws

Adopted by Council on 10/27/2022

Article II: Council Executive Committee

Council Executive Committee Duties

The full Council elects three to five voting members of an Executive Committee from which two Members will be elected to serve as Co-Chairs of the Council. The Executive Committee shall include at least one Tribal Representative and at least one Community Representative. The Executive Committee may meet when at least three members are present, including one Co-Chair, one Tribal Representative, and one Community Representative.

The Executive Committee is responsive and accountable to the full Council. The Executive Committee works to implement the full Council's decisions made by consensus and has a responsibility to report back to the full Council, keep the Council informed, and seek guidance and feedback from the Council to improve Executive Committee processes and ensure it is fulfilling the Council's vision.

The Executive Committee helps organize the work of the Council by:

- Determining the issues that have the potential to impact Tribes and Tribal communities and notifying potentially impacted Tribal Governments.
- Organizing the agenda with input from the Council Committees and Council Members.
- Ensuring accountability of the Council to equitable governance with communities highly impacted by environmental health disparities and their needs and solutions.
- Communicating and coordinating with the Council's Committees and receiving regular reports from the Committees.
- Signing Council letters, memos, and other correspondence that have been adopted by the full Council. The Executive Committee may ask the Council Manager to sign Council-adopted correspondence as appropriate.

The Executive Committee works with Council staff by:

- Developing proposals for full Council review.

- Identifying the best Council Members to serve as spokespeople for the Council on a case-by-case basis.

In addition to the duties of the Executive Committee outlined above, the duties of the Co-Chairs include but are not necessarily limited to:

- Facilitating at Council meetings or delegating meeting facilitation to staff, other Council Members, or an outside facilitator as appropriate.
- Guiding staff in communicating with Council Members to support engagement with the Council.
- Calling special meetings as needed in accordance with [RCW 42.30.080](#). The Co-Chairs will be responsive to requests from any Council Member to call a special meeting.

In addition to the duties of the Executive Committee outlined above, the duties of the Executive Committee Tribal Representative include but are not necessarily limited to:

- In collaboration with the other Tribal Representatives on the Council, directing staff on the Council's Tribal engagement.
- Facilitating discussions with the Tribal Representatives to determine when an issue before the Council impacts Tribes (including but not limited to issues that impact treaty rights).
- Leading discussion on agenda items concerning issues that impact Tribes.

Nomination and Election of Executive Committee

Nominations

Any Member of the Council can nominate themselves or another Governor-appointed Council Member to one of the specific Executive Committee seats. Nominations may be made at a Council meeting or by communicating the nomination to Council staff prior to the meeting. Each Council Member will be notified of their nomination. Each Council Member accepting their nomination will review the duties of the Executive Committee as outlined in these bylaws and consider time, capacity, and ability to follow-through on these duties and then will then have an

opportunity to share with the full Council how they would approach this role. After each nominee has had the opportunity to address the Council, the Council will hold a public vote.

Election of the Executive Committee

Each Executive Committee seat is elected by a majority vote of the Council. If no one nominee receives a majority of the votes, the Council will hold a run-off election between the two nominees who received the largest number of votes.

The full Council will elect the Executive Committee Members in the following order: 1) Executive Committee Tribal Representative 2) Executive Committee Community Representative and 3) Executive Committee open seat(s).

Election of the Co-Chairs

Following the election of the Executive Committee Members, the Council will elect, through majority vote, two Co-Chairs from among the Executive Committee Members. Any Member of the Council can nominate Co-Chairs from among the Executive Committee Members by communicating the nomination to Council staff. A Council Member accepting their nomination will review the duties of the Co-Chairs as outlined in the bylaws and consider time, capacity, and ability to follow-through on these duties and will then have an opportunity to share with the full Council how they would approach this role.

The Council will vote for two Co-Chairs from a ballot including tickets with each possible combination of Co-Chairs who have been nominated. If no Co-Chair ticket receives a majority of the votes, the Council will hold a run-off election between the two tickets that received the largest number of votes.

Executive Committee Terms

The Executive Committee Members are each elected to two-year terms as required by [RCW 70A.02.110\(2\)](#). Terms begin upon election and continue until one of the following occurs:

1. Two-year term as an Executive Committee member ends;
2. The term of appointment to the Council ends;
3. Resignation; or
4. A majority of members appointed by the Governor requests replacement and such replacement is made.

Environmental Justice Council Decision-Making Process

Adopted by the Council on May 25, 2022

The Council will use a consensus-based decision-making process similar to Fist of Five. Ex officio liaisons will be engaged in the discussion and proposal formation, but will not be a part of roll-call for final consensus.

- The Council will check for consensus (using a “straw poll”) after thoughtful dialogue where all members have a chance to voice their concerns, ideas, and perspectives.
- Council members can choose one of the following with an opportunity to share why they are taking this position:
 - a. Yes, I approve.
 - b. Yes, with reservations.
 - c. Not voting until we have further discussions.
 - d. I don’t approve, but I won’t block.
 - e. I block. Serious concerns.
 - f. Stand aside. Recuse myself.

The position that each Council Member takes and their reasoning (if they want to share it) will be captured in the meeting notes.

The meeting facilitator can bring a motion to the table on behalf of a Council Committee or any Council Member in the meeting can bring forward a motion for discussion.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Environmental Justice Council

Date: December 13, 2022

To: Environmental Justice Council

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Election of Executive Committee

Background and Summary:

The Environmental Justice Council (Council) adopted [Article II](#) of its bylaws at the October 27, 2022, Council meeting. Article II outlines a two-part process for electing the Executive Committee and the Co-Chairs.

- Part 1: The Council first elects three to five members of the Executive Committee. The Executive Committee shall include at least one Tribal Representative and at least one Community Representative.
- Part 2: Once the Executive Committee has been elected, the Council will elect two Members of the Executive Committee to serve as Co-Chairs of the Council.

This memo summarizes the process for electing the Executive Committee which is described in more detail in the bylaws on [page 10](#) of this meeting packet. This meeting packet also includes a summary of the process for electing the Co-Chairs on [page 17](#).

Nomination and Election of Executive Committee

- I. Any Member of the Council can nominate themselves or another Governor-appointed Council Member.

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- II. Each Council Member accepting their nomination will review the duties of the Executive Committee included in the bylaws (see [page 9](#) of this meeting packet) and then will then have an opportunity to share with the full Council how they would approach this role.
- III. After each nominee has had the opportunity to address the Council, the Council will hold a public vote where each seat is elected by a majority vote.
- IV. The Council will elect the Executive Committee Members in the following order: 1) Executive Committee Tribal Representative 2) Executive Committee Community Representative and 3) Executive Committee open seat(s).

The following Council Members have been nominated to run for Executive Committee seats:

1. Vice Chairman DePoe*
2. David Mendoza*
3. Esther Min
4. Maria Batayola*
5. Running-Grass
6. Rosalinda Guillen
7. Aurora Martin

Note: An asterisk (*) indicates that this Member was also nominated for Co-Chair if they are elected to the Executive Committee. The Council Members may nominate additional members of the Executive Committee for Co-Chair at the 12/13/2022 meeting once the full Executive Committee has been seated.

Of the nominated members listed above, Vice Chairman DePoe is eligible for the Tribal Representative seat on the Executive Committee. Council Members Batayola, Guillen, and Martin are eligible for the Community Representative Seat on the Executive Committee. And all seven of the nominated Members are eligible for the three “open” seats on the Executive Committee.

Staff Recommendation:

Staff recommend that the Council elect the Executive Committee Members at today's meeting.

Staff

Sierra Rotakhina, Council Manager, sierra.rotakhina@ejc.wa.gov, 360-584-4398

Environmental Justice Council

Date: December 13, 2022

To: Environmental Justice Council

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Election of Co-Chairs

Background and Summary:

The Environmental Justice Council (Council) adopted [Article II](#) of its bylaws at the October 27, 2022, Council meeting. Article II outlines the process for electing Co-Chairs. The Council will first elect a three to five Member Executive Committee and then elect two Members of the Executive Committee to serve as Co-Chairs using the following process.

Following the election of the Executive Committee Members, the Council will elect, through majority vote, two Co-Chairs from among the Executive Committee Members. Any Member of the Council can nominate Co-Chairs from among the Executive Committee Members by communicating the nomination to Council staff. A Council Member accepting their nomination will review the duties of the Co-Chairs as outlined in the bylaws and consider time, capacity, and ability to follow-through on these duties and will then have an opportunity to share with the full Council how they would approach this role.

The Council will vote for two Co-Chairs from a ballot including tickets with each possible combination of Co-Chairs who have been nominated. If no Co-Chair ticket receives a majority of the votes, the Council will hold a run-off election between the two tickets that received the largest number of votes.

Staff Recommendation:

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Staff recommend that the Council elect Co-Chairs at today's meeting.

Staff

Sierra Rotakhina, Council Manager, sierra.rotakhina@ejc.wa.gov, 360-584-4398

Environmental Justice Council

Date: December 13, 2022

To: Environmental Justice Council

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Discussion of 2023 Council Meeting Schedule

Background and Summary:

The Environmental Justice Council (Council) has two meetings scheduled for 2023:

- February 28, 2023 from 3:00pm-7:30pm (location to be determined)
- April 26, 2023 from 2:30pm-7:00pm (location to be determined)

The Council needs to adopt a full 2023 meeting schedule. At today's meeting the Council will provide guidance to Council staff and the Executive Committee so we can draft a meeting schedule to bring to the Council for adoption at its next meeting.

Some areas where guidance from the full Council would be helpful:

- How long do you want Council meetings to be? Does this differ if the meeting is held virtually versus in person?
- Do you want some or all Council meetings to be held in-person? If yes, how many and in which months are in-person meetings preferred?
- How often do you want the Council to meet?
- Are there months that work well to meet or that do not work well to meet based both on the Council's duties and work timelines as well competing priorities, celebrations, events, etc. that may make some months harder for you to meet?
- Are there days of the week or times of day that work best for the Council to meet?

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- Do you prefer a consistent meeting date and time which is more predictable for community members or variable times which may increase the number of community members who can engage in the Council’s meetings?

Some things to consider as you share your guidance:

- Staff and Executive Committee capacity will impact what meeting frequency is feasible.
- How often the Committees meet impacts and is impacted by the Council Meeting schedule.
- Council Member attendance at the Council Meetings is high priority.
- The Council’s meeting schedule should consider the timeline of its deliverables as well as agency HEAL deadlines, legislative session, the timelines for the Governor’s development of the budget, etc.
- The ability for the community to engage with the Council is vital. Council meetings are one forum for community members to guide the Council’s work.

Staff Recommendation:

Staff recommend that the Council discuss the 2023 meeting schedule at today’s meeting and provide guidance. This guidance will help the Executive Committee and Council staff draft a proposed 2023 meeting schedule to bring to the Council for adoption at the next Council meeting.

Staff

Sierra Rotakhina, Council Manager, sierra.rotakhina@ejc.wa.gov, 360-584-4398

