

# **Independent Multidisciplinary Science Team State of Oregon**

## **CHARTER AND OPERATING PROCEDURES**

**Revised July 22, 2008  
(ORS nomenclature updated by staff on March 19, 2012)**

The Independent Multidisciplinary Science Team (the Team) was established by the Oregon Legislature as part of Senate Bill 924, which was signed into law by Governor John Kitzhaber on March 25, 1997 as Oregon Revised Statute (ORS) 541.914 [formerly 541.409]. The establishment of the Team also reflected an agreement between the State of Oregon and the National Marine Fisheries Service in the memorandum of agreement concerning coho salmon, signed by the State on April 22, 1997. ORS 541.914 [formerly 541.409] provides for a 7-member Team with “recognized expertise in fisheries, artificial propagation, stream ecology, forestry, range, watershed, and agricultural management” whose general mission is to advise the State on matters of science related to the Oregon Plan for Salmon and Watersheds.

The original Team was constituted by Governor Kitzhaber in collaboration with Oregon Senate President Adams and Oregon House Speaker Lundquist, and was announced at a press briefing in Salem on October 10, 1997.

The Team is an impartial scientific review panel charged with advising the State on matters of science related to fish recovery, water quality improvements, and enhancing watershed health. The Team provides independent, scientific analysis and evaluation of the Oregon Plan. The Legislature and Governor’s Office charged the Team to scientifically evaluate the Oregon Plan’s contributions to species recovery and watershed rehabilitation. The Team is responsible for examining all areas of Oregon Plan implementation. The intent of the Team is to work in good faith and to focus on science, maintain its independence, operate by consensus (with minority positions identified), and report its findings and conclusions in writing. The purpose of this document is to specify the methods and procedures the Team will use in fulfilling its responsibilities. It is also the Team’s intent to conduct its work within applicable Public Records and Meeting laws (ORS 192.001 to 192.990).

### **Team Composition**

The Governor, the President of the Senate, and the Speaker of the House of Representatives (jointly, the appointing authority) constituted the Team, for a four-year term under the provisions of ORS 541.914 [formerly 541.409]. Subsequent legislation, Senate Bill 945 (effective January 1, 2002), established a system for staggered reappointments and new appointments.

Subsequent appointments will be for 4-year terms. Team members will serve until the completion of their terms unless they resign from the Team, or are removed by the appointing authority. The Team may recommend removal of a Team member for cause. A recommendation for removal requires the majority vote of the Team, taken at a meeting of the Team. Cause for recommending removal is for extraordinary reasons, such as unwillingness or inability to function with the Team, consistent with this Charter, conduct that seriously detracts from the ability of the Team to fulfill its responsibilities, or a continuing conflict of interest. In the event that the Team recommends removal of a member, the Chair will at the same time request that the appointing authority name a replacement for that Team member.

The Team elects a Chair and Vice Chair or Co-Chairs (External Administrative Chair and Internal Administrative Chair), for renewable, annual terms, with the terms beginning February 1 each year. Election to Chair, Vice Chair or Co-Chair requires a majority vote of the Team. Removal of the Chair, Vice Chair, or a Co-Chair requires a majority vote of the Team.

### **Team Operations**

Throughout the rest of the document Chair refers to either the Chair or Co-Chairs.

**Duties of the Chair:** The Chair serves as the key contact for the Team with State government and as the official spokesperson for the Team, and issues correspondence and reports on the Team's behalf. The Chair may delegate specific responsibilities to other Team members as appropriate. The Chair's responsibilities are to facilitate, but not direct the work of the Team. Working with Team members, the Chair schedules and sites meetings, develops agenda items, arranges for special Team needs, and organizes and conducts Team meetings. In the temporary absence of one Co-Chair, the second Co-Chair serves in his or her place.

**Duties of the Vice Chair:** The Vice Chair serves as Chair in the temporary absence of the Chair, and assists the Chair in the performance of the Chair's duties.

**Technical and Administrative Support:** The Team will enter and maintain a memorandum of agreement with the host institution to provide institutional space and computer support for the Team's technical and administrative support staff.

**Conduct of Meetings:** At least 24 hours prior, public notice must be given of the time, place, and agenda of any formal meeting of three or more Team members (including subcommittees). The notice must be given to persons and the media that have requested notice of Team meetings. While public attendance is allowed at meetings (except in the case of an Executive Session as defined by ORS 192.600), public testimony and/or comment may be allowed only upon the approval of the Team. Four Team members constitute a quorum for a formal Team meeting. Only Team members may function as Team members; substitutes or designees are not permitted. Interactive video, conference call or other techniques allowing for interaction and participation in the meeting constitute attendance. The agenda for each meeting must be approved by the Team. Team

meetings are audio recorded, and the Oregon Watershed Enhancement Board (OWEB) is the audio record repository. This recording, meeting minutes, and any written materials used by the Team at the meeting, constitute the formal meeting record. Staff prepares Team meeting minutes, which include the time and location of the meeting, attendees and a brief summary of Team decisions. At the next Team meeting, the Team will approve the minutes of the previous meeting then post them on the Team's web site. The Team may form and direct the function of Team subcommittees comprised of Team members to complete assignments directed by the Team. Written products or analyses of subcommittees must be submitted to the full Team for discussion and revision prior to final adoption by the Team. Subcommittees may complete their assignments in informal work sessions, including meeting with technical specialists or others as necessary for the accomplishment of the work of the subcommittee. Subcommittees of four or more members may not take any formal actions such as voting. Team workgroups (two members) may hold informal work sessions for which there is no formal record.

All meetings of the Team will be conducted consistent with applicable statutes of the State of Oregon (ORS 192.610 to 192.690).

**Consensus and voting:** It is the intent of the Team to operate by consensus while providing for minority opinions. Consensus is attained when a majority of Team members reach agreement as determined by a Team vote taken at a Team meeting with a quorum present. A motion by a Team member is required before a vote. Motions must be seconded before discussion or voting. All motions will be discussed prior to a vote. A Team member must call for a vote. An abstention is a non-vote. When a member abstains, the total number of voting members must equal a quorum and a majority vote is required for consensus. Team members wishing to note a partial or entire minority position on a given matter may do so in the form of a minority opinion that will accompany any communications of the Team on the matter in question. This minority opinion will be noted in the text where it applies, and will be published as an appendix to the report or letter.

Any discussion may be tabled (set aside for later discussion) if a Team member calls for tabling, another member seconds the tabling, and the Team majority votes to table the issue. A tabled issue can be raised for discussion if a Team member moves to reactivate a discussion, the motion is seconded, and the majority of the Team votes to reactivate the discussion.

The communications of the Team will reflect this consensus process through transmittal letters for each Technical Report or within Letter Reports. The Team may vote by written ballot so long as the ballot identifies the member voting, and the votes are announced.

**Conflicts of Interest:** The Chair shall call for identification and discussion of conflicts of interest after the Team adopts an agenda or task. An actual pecuniary (financial) conflict of interest is presented by any action, decision, or recommendation that would be to the private (distinct from that of the general public) financial benefit or detriment of a Team member, a relative of a Team member, business or institution with which a Team

member is associated. A potential pecuniary conflict of interest is presented by any action, decision, or recommendation that could result in such a private financial benefit or detriment. A non-pecuniary conflict of interest is presented when a reasonable person would conclude that a non-pecuniary interest of a Team member conflicts with the service of the Team member by significantly impairing the Team member's objectivity or by significantly compromising the Team member's professional judgment. In addition, Team members shall serve as individual scientists and shall not serve as representing any organization or particular constituency.

Each Team member must acknowledge any pecuniary or non-pecuniary conflict of interest in connection with the matters being addressed by the Team, at the time the matter comes before the Team for consideration. Any Team member with an actual pecuniary conflict of interest shall publicly announce the nature of the conflict and must refrain from discussing and voting on the action under consideration but may answer questions posed by the rest of the Team. A member with a potential pecuniary conflict of interest shall publicly announce the nature of the potential conflict, and the potential pecuniary conflict of interest is then subject to a full discussion by the Team. If, after discussion, the Team determines that there is no actual pecuniary conflict of interest, the member bringing forth the potential pecuniary conflict may thereafter participate in discussion and vote on the action under consideration.

If a reasonable person could conclude that a non-pecuniary interest of a Team member conflicts with the service of the Team member by significantly impairing the Team member's objectivity or by significantly compromising the Team member's professional judgment, the Team member shall publicly disclose the nature of the non-pecuniary conflict. The non-pecuniary conflict of interest is then subject to discussion by the Team. As determined by the Team after the discussion, if a reasonable person would conclude that the member's non-pecuniary interest significantly impairs the member's objectivity or significantly compromises the member's professional judgment, the Team member must recuse himself or herself from substantive discussion, voting and working on the action under consideration or on the particular issue related to the conflict of interest, as determined by the Team. The extent of participation by a non-pecuniarily recused Team member in the development of a review or report in question must be clearly articulated and voted on by the Team.

**Communications:** The primary means of communicating the results of the Team's work will be through written products. Products will be submitted to the appointing authorities, the Oregon Plan Manager, the legislative committee providing oversight to the Oregon Plan, and all agencies receiving recommendations within the product. Reviews requested of IMST will be submitted to the agency or agencies requesting the review and copied to the Oregon Plan Manager and other State entities that may have a direct interest in the review.

Oral communication will be based on previous written documents. The exception may be oral progress reports to the Governor or Legislature made by the Chair. The Chair will coordinate the communications of the Team, and will serve as the spokesperson for the

Team, although this function may be delegated as appropriate. Any concerns of individual Team members that involve the appointing and oversight authorities or state agencies should be addressed by Team process and directed to those authorities through the Chair. The Chair will make every effort to carry out the decisions of the Team and fairly represent the concerns of individual Team members. Discussions between Team members and the public, agencies, legislators and staff in public meetings of the Team are opinions of the individual Team member and do not reflect the consensus of the Team.

**Confidentiality:** The Chair is the custodian of Team records, which are released only with the approval of the Chair, and OWEB is the repository of Team records. To preserve Team integrity, Team members will not publicly discuss (outside of formal or informal Team meetings) ongoing Team deliberations, or pending discussions that concern specific conclusions and/or recommendations. While Team members are free to publicly discuss the subjects that may come before the Team, they must explicitly indicate they are not speaking as a Team member. Draft materials and deliberations in whole or in part of the Team are to remain confidential (to the extent permitted by the Oregon Public Records Law) until the Team approves them for release. The Team finds that the public interest in encouraging frank communication between Team members outweighs the public interest in disclosure, and that confidentiality of draft materials is a generally accepted practice of independent science boards. However, the Team may use such draft materials and other materials and information in consulting with colleagues, State agencies, or for technical review. At some point during the development of a product, the Team may release (requires a majority vote) the product's draft science questions and a table of contents.

### **Selection and Management of Team Products:**

The IMST produces two general types of products:

**Independent products** deal with the scientific basis for management of resources relative to the Oregon Plan. These are products identified by the Team as crucial to State programs that influence Oregon Plan outcomes. Typically they involve thorough literature reviews and literature syntheses, and number in the hundreds of pages. The Team believes that selected independent products will help shape State programs and for that reason have put first priority on them. As State programs are developed, initiated or modified there will be greater need for the Team to emphasize its review functions. The independent products lay the groundwork and background information on which the Team is able to base its reviews.

**Review products** occur when the Team agrees to review and evaluate the science of ongoing or proposed programs and activities that could influence accomplishing the Oregon Plan mission. These reviews may be initiated by any agency, entity, or individual. They are typically more focused than an independent project and involve fewer pages, or they may involve organizing a technical workshop. Requests for review products will be compiled and presented to the Team by the Chair. Current legislation or

Executive Orders by the Governor that include directions to the Team will also be addressed within appropriate products. Products suggested for consideration by the Team will be evaluated and, if found to involve substantive questions of science, will be prioritized in formal Team meetings. Questions received by the Team may be revised to separate issues of science from policy. Selection and initiation of action on any product requires a majority vote of the Team. Each product so selected will be the focus of a formal written communication from the Team. Any product adopted for consideration by the Team may subsequently be dropped with the approval of the Team. A subcommittee will be formed with a Team member assigned lead responsibility for the management of each product selected for consideration by the Team. The responsibility of this lead individual is to facilitate Team actions involving the product, including the development and implementation of a plan for completing the product, and reporting progress at Team meetings.

**Review of Team Products:** The Team will have technical experts review independent products to assess the documents' scientific rigor and technical accuracy. In addition, independent products will be reviewed by all relevant State agencies to guarantee that the Team's interpretation of State programs and actions are accurate. State agencies are required to respond to any recommendations (ORS 541.914 [*formerly 541.409*]) of the Team within six months after a report is released. Products are released with a date of final publication, and the date of formal adoption at a public meeting is referenced in the transmittal letter. The final completion (final edits, formatting, etc) of a product requires majority approval prior to release. The agency responses to Team products and the Team's subsequent review and response to the State agencies offers a mechanism for dialogue about the validity and logistical constraints of recommendations. All products and responses are intended to inform the State of Oregon and strengthen the implementation of the Oregon Plan.

**Modification of the Charter:** The Team may modify this charter by a majority vote of the Team, taken during a Team meeting. Any substantive revisions to the Charter will be reviewed with the Governor's Office and legislative oversight committee.