

BYLAWS AND STANDARD OPERATING PROCEDURES CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

Section I: Membership Selection and Appointment

a. General Requirements: Council members are appointed by and serve at the pleasure of the secretary. To be eligible for appointment to the council, a person must be qualified through education, training, knowledge, or experience to give informed and objective advice regarding an industry, discipline, or interest specified in the council's charter; have demonstrated experience or knowledge of the geographical area under the purview of the advisory council; have demonstrated a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues; and have the ability to represent their designated constituency. The BLM will consider nominations for council membership from local government, organizations, and individuals. Council members must be residents within the jurisdiction area of the California Desert District Advisory Council, and are supported by letters of recommendation from the groups or interests the nominees will represent.

Council members may not serve concurrently on more than one resource advisory council, but may represent the council on a related committee. Council members may serve concurrently on council subcommittees and subgroups.

b. Term Length: Council members will be appointed to serve 3-year terms, on a staggered term basis, with approximately one-third of the council representatives subject to appointment or reappointment each year.

c. Elected Officials: Pursuant to Section 309(a) of Federal Policy and Land Management Act of 1976, and section 6d of the charter, the term of a council member who has been appointed on the basis of his or her status as an elected official will end upon the member's departure from elective office. When this situation occurs, the BLM must replace the member who leaves office by filling the vacancy using the same method by which the original appointment was made.

d. Termination of Service: The secretary or the designated federal official (DFO) may, after written notice, terminate the service of a member if, in the judgment of the secretary or DFO, removal is in the public interest. Members may also be terminated if they no longer meet the requirements under which they were appointed; fail or are unable to participate regularly in council work; or have violated federal law or the regulations of the secretary. When a member fails to regularly attend meetings, the DFO will inform the member, in writing, that his or her service on the council could be terminated. When any member fails to attend two consecutive meetings, without good cause, the DFO or his/her designee may deem that member's position on the council to have been vacated. Upon such determination, the DFO will inform the member, in writing, that his or her service on the council is terminated.

e. Vacancies: Any vacancy on the council will be filled by the secretary for the balance of the vacating council member's term in the same manner in which the original appointment was made. Such vacancies will be promptly reported to the DFO.

Section II: Subcommittees, Subgroups, Technical Review Teams

a. Subcommittees: Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources. Subcommittees are considered an internal working group of the council and comprised of council members only.

b. Subgroups: Subject to the DFO's approval, a subgroup may be formed for the purpose of providing general counsel and advice to the council on designated issues.

Such groups may gather information, conduct research, analyze relevant issues and facts, and draft proposed position papers and/or recommendations for deliberation by the full council. These groups will be established by the council chair with the concurrence of the Designated Federal Official, as their role is to provide information and recommendations for consideration by the full council. All meetings of the subgroups are subject to approval by the DFO.

Council provisions for forming subgroups are as follows:

- (i) The Desert Advisory Council may select subgroup members from the general public who are users, stakeholders, neighboring communities or who qualify by virtue of their knowledge or experience with public lands. Selection and appointment of public subgroup members is by the Desert Advisory Council with the concurrence of the Designated Federal Official through a formal public nomination and selection process;
- (ii) All members of council subgroups serve without salary. Only members of subgroups who are also members of the council may be reimbursed for travel and per diem expenses when on council (subgroup) business; and
- (iii) Members of council subgroups will be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM, or in any litigation related thereto. No subgroup member will participate in any matter in which the member has a direct interest.

c. Technical Review Teams (TRTs): Technical review teams may be formed at the option of the BLM on an as-needed-basis to gather and analyze data and develop recommendations to aid the council. The council may request that a TRT be formed. Members will be selected by the BLM based upon their knowledge of resource management or familiarity with the specific issues for which the TRT is formed, and will be limited to federal employees and federally paid consultants. The TRTs will terminate upon completion of the assigned tasks.

Section III: Meeting Procedures

- a. **Open meetings:** The council will meet as required. Meetings will be called by the DFO in consultation with the chair. Unless otherwise determined in advance, in accordance with the Sunshine Act of 1976, all full or sub council meetings are open. The DFO or his or her designee, usually the field office managers, will attend all meetings of the council. Any organization, association, or individual may file a statement with or appear before the council or the council subgroup(s) regarding topics on the meeting agenda, except that the DFO may require that presentations be reduced to writing and copies be filed with the council. Regular council business activities will be conducted using standard rules of order.
- b. **Notice of meetings:** A notice of each meeting of the full or sub council will normally be published in the Federal Register and distributed to the news media serving the jurisdictional area of the council, 30 days in advance of such meeting. However, if urgent circumstances prevent a 30-day notice, not less than a 15-day notice will suffice. The notice sets forth the purpose, time, and place of the meeting. If it becomes necessary to postpone or cancel a meeting, a notice will be published in the Federal Register and distributed to the local news media serving the geographic area as early as possible.
- c. **Council officers:** The council will elect its own officers from among its members annually, usually at the first meeting of each calendar year. Chairpersons of any subgroup formed by BLM, except TRTs, will be appointed by the council chairperson with the concurrence of the DFO.
- d. **Agenda:** The council agendas must be formally approved in advance by the DFO or his or her designee. The agenda will be distributed to the council prior to each meeting and will be published at the Desert Advisory Council webpage on the BLM California state website.
- e. **Minutes and records:** Detailed minutes of each council meeting will be kept and will contain a record of the persons present; a complete and accurate description of matters discussed and conclusions reached; and copies of all documents received, issued, or approved by the council. The accuracy of all minutes will be certified by the council chairperson. Copies of the minutes will be maintained in the office of the DFO, and will be available for public inspection and copying during regular business hours. Minutes are available online at:
http://www.blm.gov/ca/st/en/info/resource_advisory/desert_district_advisory_council.html

Section IV: Role of Council Officials

Chairperson: The chairperson will oversee council meetings according to the parliamentary rule and be the point of contact for the DFO and his or her designee.

Designated Federal Officer: The DFO serves as the government's agent for all matters related to the council's activities. By law, the DFO must: (1) approve or call the meeting of the council; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings of the council, when so directed by the Secretary of the Interior or his or her designee.

Administrative Support: In addition, the DFO is responsible for providing adequate staff support to the council, including the performance of the following function: (1) notifying members of the time and place for each meeting; (2) maintaining record of all meetings, including task group activities, as required by law; (3) maintaining the roll; (4) preparing the minutes of all meeting of the council deliberations, including subcommittee activities; (5) attending to official correspondence; (6) maintaining official council records and filing all paper and submissions prepared for or by the council, including those items generated by subcommittees; (7) acting as the council's agent to collect, validate and pay all vouchers for pre-approved expenditures; and, (8) preparing and handling all reports, including the annual report as required by the Federal Advisory Committee Act of 1972.

Section V: Estimated Operating Costs: Activities of the council will require an estimated \$50,000, which includes .4 person years annually.

Section VI: Additional BLM Regulations: The BLM is subject to additional standards and procedures for the creation, operation, and termination of BLM resource advisory committees. Refer to the 1995 amended BLM regulations (43 CFR 1784) for specific regulations regarding: composition (1784.6-1(c)); avoidance of conflict of interest (1784.2-2); calls for nominations (1784.6-1(e)); notice of meetings (1784.4-2); open meetings (1784.4-3); records (1784.5-3); and course of instruction for members (1784.-1(f)).

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