

TRANSPORTATION DEMAND MANAGEMENT (TDM) TECHNICAL COMMITTEE OPERATING PRINCIPLES

GOVERNOR'S GUIDELINES

1. Conduct of Committee Members

The following are guidelines for members of Governor-appointed boards (and committees), commissions, and other advisory groups:

- a) Members are advised that the authority to act is granted to the board as a whole, not to individual members.
- b) No board member may make unilateral decisions or take action without the consent of the board as a whole.
- c) At industry or professional meetings, individual board members must keep in mind that they must use discretion to avoid the appearance of speaking for the board, unless specifically authorized to do so.
- d) Board members must keep in mind that their mission is to serve the public, and that it is inappropriate to use board membership to create a personal platform.
- e) When providing testimony on behalf of the board, members should refrain from expressing personal opinions.
- f) When testifying at legislative hearings, if you absolutely must give a personal opinion, make sure that the committee understands that you are not speaking for the board, but for yourself.

2. Attendance of Committee Members

Washington boards and commissions vary in size and complexity. Because committee members are in a critical position to shape and influence board decisions and actions, it is important that each member keeps informed and up-to-date on issues, legislative activity, and statutes affecting their board.

Attendance is outlined in the TDM Technical Committee By-Laws.

3. Preparation for Effective Membership

Adequate preparation is another requisite for effective membership on the committee. Your committee's staff members will provide reports, proposals, and other information to help you make informed decisions. Members should not hesitate to request any additional information needed to make thoughtful and appropriate decisions.

Effective committee members should:

- a) Attend all Committee meetings.
- b) Be well prepared for the meetings.

- c) Recognize that serving the public interest is the top priority.
- d) Recognize that the Committee must operate in an open and public manner.
- e) Be knowledgeable about the legislative process and issues affecting the Committee.
- f) Examine all available evidence before making a judgment.
- g) Communicate well and actively participate in group discussions.
- h) Possess a willingness to work with the group in making decisions.
- i) Recognize that compromise may be necessary in order to reach group consent.
- j) Not let personal feelings toward other Committee members or staff interfere with their judgment.

4. Committee Staff

Some Committees have dedicated employees to perform daily administrative tasks. There are, however, a number of state Committees that work within a state agency or have access to advice from the agency. If a Committee works within an agency, certain central support services will usually be made available to the Committee. However, Committee members must keep in mind that staff may have other job responsibilities outside of their Committee duties.

5. Staff Functions

The primary function of the Committee staff is to carry out the rules, policies, and programs developed by the Committee. In addition, the staff members notify Committee members of pertinent issues and legislative activity. They may also arrange meetings, prepare meeting materials, compile background information, and conduct research.

Committee staff serve as a liaison with other Committees and agencies, the Attorney General, the Legislature, and the public. Committee staff are a valuable resource for members. A good staff member can enhance the productivity and effectiveness of a Committee. Committee members should not hesitate to ask staff for help in carrying out their responsibilities.

MEDIA AND PUBLIC RELATIONS

The news media has the important function of informing the public about state government operations. In doing so, it provides a valuable communications link with the community. It is important to maintain a cooperative and open relationship with the media without violating privacy and other citizen rights. The following are guidelines for working with the media:

- a) When appropriate, the Committee will designate a spokesperson who will speak for the Committee as a whole, and will convey the Committee's message.
- b) Be as open as possible and keep your focus on the business of the Committee. Personal opinions, especially those regarding other people, are inappropriate. The news media is not the place to air dissatisfactions or carry on conflicts among Committee members or agency employees.

- c) If you believe it is important that the public have specific information, notify the Governor's communications director who is responsible for media relations.
- d) The Committee should anticipate when an event in the community will stir the interest of the media. The Committee should provide materials that are responsive and informative, but which do not violate individual privacy or undermine the dignity and authority of the Committee.
- e) Committee members should keep in mind that the comments made in public may also have to be made in a court of law. Do not risk your personal integrity nor that of another by thoughtless or unwarranted remarks.
- f) Members should be as open and factual as possible in relations with the media and when interacting with the public.

ISSUES THAT COME BEFORE THE COMMITTEE

The TDM Technical Committee will work to resolve all issues by consent, but failing to reach consent will resolve all issues by a vote of members present at the meeting (a quorum is required to carry any motion or resolution).

- a) The presence of a majority of the current voting Committee membership at a meeting shall constitute a quorum for the transaction of the Committee's business.
- b) Voting by proxy is not allowed. A member must be physically present at a meeting to cast a vote on an issue. Teleconference participation will be considered physically present for the purposes of voting and attendance.
- c) Committee members who cannot attend a meeting cannot send alternates to represent them at the meeting.
- d) The Committee will not make recommendations or decisions unless the materials pertaining to the recommendations or decisions are received by members at least two days prior to the meeting.

CHANGE OR REPEAL OF OPERATING PRINCIPLES

Amendment, alteration, change, additions to or repeal of the Operating Principles of the Committee, not affecting regular procedures available to the public, and not in conflict with state law, may be made by resolution of the Committee.

RESTRICTIONS AND REQUIREMENTS

As a Governor's appointee, Committee members should be aware of certain restrictions and requirements that may affect them during their tenure as a Committee member.

- a) Committee members must be familiar with and operate within their Committee's governing statutes and bylaws, and state and federal laws at all times.
- b) To ensure accountability, all applicable policies and procedures adopted by the Committee should be in written form.
- c) At industry or professional gatherings, individual Committee members must use discretion to avoid the appearance of speaking for the Committee, unless specifically authorized to do so.
- d) Members are restricted by RCW 42.52.130, 140, 150, and 42.18.230 from accepting or soliciting anything of economic value as a gift, gratuity, or favor if it is given only because the member holds a responsible position with the state.
- e) Questions about Committee issues should be directed to the Committee's administrative or executive officer, who will see that all Committee members receive full information by the next regular meeting.
- f) Details of Committee investigations, personnel files, or business discussed at closed executive sessions should not be disclosed unless they are part of the public record.

ETHICS IN PUBLIC SERVICE

A new ethics law for public officers, Committees and commissions members, and employees took effect January 1, 1995. The Ethics in Public Service Act places restrictions on the activities of those working with state agencies, Committees, commissions, or any other entity of state government.

The Act provides that no state employee may use his or her position for personal services rendered during their term of state employment. State employees are prohibited from using any information acquired while in state service for personal gain.

The Act prohibits Committee members from engaging in actions that result in personal gain or benefit close relatives within a two-year period following termination of state service. The Act allows the agency head to dismiss, suspend, or take other appropriate action when provisions of the Act are violated. All Committee members should familiarize themselves with the Ethics in Public Service Act, chapter 42.52, RCW. The Assistant Attorney General assigned to the Committee can offer additional information.

As a Committee member, you are expected to uphold a high standard of ethics. It is *extremely* important that Committee members avoid conflicts of interest or even the *appearance* of conflicts of interest. Using a public position for private gain is improper and illegal. Similarly, actions benefiting close relatives are prohibited. There are penalties for violations of state ethics statutes. The following are examples of conflicts of interest:

- a) Directing state contracts to a business in which one has a financial interest.
- b) Using confidential information for private investments.
- c) Accepting gifts or favors in exchange for certain regulatory rulings.

- d) Accepting gifts or favors in exchange for making certain purchases.
- e) Obtaining personal favors from employees.
- f) Accepting favors for disclosure of confidential information.
- g) Engaging in outside employment which assists non-governmental entities in their quests for state business.

Committee members can avoid conflict of interest problems by being aware of statutory restrictions, adhering to such restrictions, using good judgment, and being fair and equitable in decision-making.

Committee should familiarize themselves with the Washington State Ethics Committee booklet titled, What You Need to Know About the State's Ethics Laws – A Guide for State Committee and Commission Members (October, 2005).

OPEN PUBLIC MEETINGS ACT

The Open Public Meetings Act requires that all meetings of the governing body of a public agency, as well as other meetings regarding policies affecting the public, be open to the public. In addition, the public must be notified of such meetings in a timely manner.

Exceptions to the Open Public Meetings Act include confidential subjects such as personnel matters and real-estate transactions, which may be dealt with in "executive sessions."

The minutes of all regular meetings must be recorded and made available for public inspection.

To afford members of the public who have disabilities an equal opportunity to participate, meetings subject to the Open Public Meetings Act shall be held in facilities which are wheelchair accessible. Public notices regarding such meetings shall include a statement that sign language interpreters, materials in Braille, large print or tape, and other necessary auxiliary aids will be provided with advance notice. Notices should include the name and phone number of the individual responsible for coordinating such requests. The relevant statutes are RCW 42.30.010 and 42.30.900.