

DAKOTA COUNTY FARMLAND AND NATUAL AREA ADVISORY COMMITTEE

BYLAWS

WHEREAS, in November 2002, residents passed the Dakota County Farmland and Natural Area Referendum allocating \$20,000,000 to acquire and improve land and interests in land for the purposes of preserving and protecting water, open spaces, farmland and natural areas; and

WHEREAS, The Dakota County Farmland and Natural Area Protection Plan was adopted by the County Board to:

- 1 Protect productive farmland in contiguous blocks next to natural corridors using conservation easements from willing sellers.
- 2 Protect priority natural areas in corridors using conservation easements and fee title acquisition from willing sellers and donors.
- 3 Work with other agencies through their programs to protect County priority natural areas.

WHEREAS, the county is authorized and empowered to establish a Farmland and Natural Area Advisory Committee by the provision of 1974 Laws of Minnesota, ch. 296;

NOW, THEREFORE, BE IT RESOLVED; The County Board of Commissioners establishes the following bylaws to guide the structure and operation of the Farmland and Natural Area Advisory Committee.

ARTICLE I AUTHORIZATION AND NAME

The Dakota County Board of Commissioners hereby establishes a Farmland and Natural Area Advisory Committee, hereinafter referred to as the "Advisory Committee". The Committee will have such powers and duties as are delegated to it by the Dakota County Board of Commissioners.

ARTICLE II PURPOSE

The purposes of the Advisory Committee are:

1. Represent the citizens of Dakota County in the review of farmland and natural area parcels for enrollment in the Farmland and Natural Area Program.
2. Apply the eligibility and prioritization criteria and process as adopted by the Dakota County Board of Commissioners in prioritizing farmland and natural area parcels.
3. Recommend priority farmland and natural area parcels to the Dakota County Board's Physical Development Committee of the whole.
4. Recommend revisions to the program guidelines, prioritization criteria, processes and other potential program improvements to the Dakota County Board Physical Development Committee of the Whole.

ARTICLE III
RELATIONSHIP TO COUNTY BOARD AND TECHNICAL COMMITTEE

A. Relationship to County Board. The Advisory Committee shall apply policies and procedures as adopted by Dakota County Board of Commissioners and make recommendations on priority parcels to the County Board through the Physical Development Committee. The Advisory Committee shall not have authority to act independent of County Board action.

B. Relationship to Technical Committee. A Technical Committee consisting of County staff and other technical professionals shall review and evaluate applications submitted to the Farmland and Natural Area Program prior to submission to the Advisory Committee. The Technical Committee shall present to the Advisory Committee information on applications that meet minimum eligibility requirements established by the Dakota County Board of Commissioners. The Technical Committee shall also present technical information on eligible parcels to assist the Advisory Committee in applying the adopted prioritization criteria.

ARTICLE IV
MEMBERSHIP

A. Qualifications. The County Commissioners' Open Appointments Policy shall apply to the Farmland and Natural Area Advisory Committee, and members will be subject to the Citizen Advisory Membership Policy. Members shall be selected from among persons in a position to represent the general public interest. Members are to have an interest in conservation and be generally knowledgeable about either farming or the natural environment.

B. Number of Members and Appointment. The Farmland and Natural Area Advisory Committee shall consist of 14 citizen members, two representatives per commissioner district, appointed by the Dakota County Board of Commissioners.

C. Initial Terms of Office. The initial appointments shall be made such that seven member terms, one per commissioner district, shall expire on December 31, 2004; and seven member terms, one per commissioner district, shall expire on December 31, 2005.

D. Subsequent Terms of Office. After initial terms, Advisory Committee members shall be appointed for two-year terms.

E. Maximum Number of Terms. Advisory Committee members shall serve no more than three consecutive terms.

F. Removal.

1. For cause. Any member of the Advisory Committee may be removed from office for conduct detrimental to the accomplishment of the Advisory Committee's purpose or if the member engages in conduct contrary to the County Board Statement of Expectations as expressed in County Board Policy 1015. Removal shall be effective upon a majority vote of the County Board of Commissioners.

2. For repeated absences. Automatic removal of an Advisory Committee member occurs when the member is absent for three consecutive meetings, or 50% of the meetings, during any consecutive 12-month period.

3. For change of residency. Automatic removal of an Advisory Committee member occurs when the member fails to maintain a principal residence within the county commissioner district from which the member was appointed.

G. Resignation. An Advisory Committee member may resign prior to the expiration of his/her term but such resignation must be provided in writing to the Chair and Committee Coordinator. The resignation will be forwarded to the County Board of Commissioners, which will take up the item at its next scheduled meeting.

H. Vacancies. The Committee Coordinators (Dakota County staff as described in Attachment A) shall notify the County Board of Commissioners of any vacancies occurring in membership. The County Board shall fill such vacancies with a person from the same Commissioner District as the person who is being replaced.

ARTICLE V COMPENSATION

Appointees to this committee receive \$35 per diem for attendance at regular and special meetings of this committee, with no additional reimbursement for time or expenses.

ARTICLE VI OFFICERS AND STAFF COORDINATORS

A. Officer Positions and Election of Officers. At the annual organizational meeting, the Advisory Committee shall elect a Chair and Vice-chair from among its members. Election of officers shall require a majority vote of all members.

B. Term of Office. The term of office for all officers will be one year or until successors are elected. The terms will begin immediately following election to office.

C. Duties of the Chair. The duties of the Chair are to preside at all meetings, forward all recommendations to the County Board through the Committee Coordinators, and maintain order.

D. Duties of the Vice-chair. In the absence of the Chair, the Vice-chair shall act as Chair and shall have all the powers of the Chair. In the event of the Chair's permanent absence due to resignation or other causes, the Vice-chair shall perform the Chair's duties until such a time as the Advisory Committee can elect a new Chair.

E. Temporary Chair. In case of the temporary absence of both Chair and Vice-chair at any meeting, the Advisory Committee shall elect a temporary Chair for such meeting.

F. Committee Coordinators. Two Dakota County staff members will act as Committee Coordinators. The Committee Coordinators will facilitate the course and flow of the Nominal Group Technique exercise when used. (See Attachment A for the Nominal Group Technique procedures) The Committee Coordinators or their designee will act as Secretary. The Secretary shall keep minutes and shall record the comments and decisions as part of the Nominal Group Technique. Those minutes will be available to the County Board upon request. Committee Coordinators and Secretary shall not be Advisory Committee members and are not entitled to vote on resolutions or rank applicant properties as part of the Nominal Group Technique.

ARTICLE VII MEETINGS

A. Annual Organizational Meeting. The Advisory Committee shall conduct an annual organizational meeting prior to the start of acceptance of applications for the purpose of electing officers, becoming familiar with the criteria and prioritization procedures, and establishing the regular meeting schedule.

B. Regular Meetings. The Advisory Committee shall hold regular meetings at least monthly during program application rounds. The schedule for regular meetings shall be established at the annual organizational meeting.

C. Special Meetings. Special meetings may be held upon the call of the Chair. Notice and agenda for the meeting shall be provided as described in Section D., below, except that a minimum of three days notice must be given.

D. Notice. The Secretary shall be responsible for mailing to each Committee member a notice and agenda for the meeting to be received five business days in advance of the schedule meeting date. Notice and agenda may be sent electronically and considered sufficient notice to any Advisory Committee member who has signed a statement allowing electronic notice.

E. Quorum. A quorum shall consist of eight Advisory Committee members present at the start of a meeting. A quorum shall be necessary to call the meeting to order. Once a quorum is established it shall not fail upon members leaving.

F. Conduct of Meetings.

- 1. Process.** Meetings shall generally be conducted using Robert's Rules of Order, however, discussion and selection of priority sites will be conducted using the Nominal Group Technique described in Attachment A.
- 2. Adjournment.** Action to adjourn the meeting may occur only upon a majority vote of the total members present.
- 3. Voting.** Advisory Committee members must be present in person at a meeting to vote. Absentia or proxy votes are prohibited.

ARTICLE VIII CONFLICT OF INTEREST

A. Conflict of Interest Defined. Dakota County recognizes that Advisory Committee members may participate because of a personal or professional interest in protecting farmland and natural areas in Dakota County. Direct personal or financial conflicts shall be fully disclosed. A conflict of interest shall arise when the Advisory Committee discusses or considers an application to the program describing property in which an Advisory Committee member, any of the immediate family of the member, or any business interest of the member has a direct personal or financial interest. The following definitions apply:

- 1. Material Financial Interest.** A member has a material financial interest in any property or business in which the member has rights, whether or not yet vested, to payment of dividends, profit-sharing, compensation, reimbursement of expenses, or repayment of obligations or other liabilities.
- 2. Immediate Family.** Immediate family encompasses the following individuals: spouses, parents, children, children's spouses, siblings, or spouses of siblings of a member.

B. Disclosure of Conflict and Recusal Required. In any matter before the Advisory Committee for which a conflict of interest exists, the conflicted member must:

1. Disclose the potential conflict of interest upon becoming informed of the candidate property in the application round
2. Abstain from discussion regarding the candidate property
3. Abstain from voting on the candidate property
4. Discovery of conflict of interest after the Committee has made a recommendation may require that the committee reevaluate its recommendations.

C. Disclosure of Potential Conflict of Interest. Committee members shall disclose personal or immediate family member ownership of any property within 500 ft. of a candidate property. Once disclosure has been made, however, the member will be permitted to discuss and vote on the candidate property.

ARTICLE IX OFFICIAL MINUTES

The minutes of the Advisory Committee shall contain the time, date and place of the meeting, the attendance of members and guests, the topics of the meeting, action taken or findings made and results of the Nominal Group Technique. All recommendations of the Committee will be reduced to writing and forwarded to the County Board. The Committee Coordinators shall keep records of attendance at Committee meetings and of resolutions, transactions, findings, and determinations. All records of the Committee shall be available for public inspection.

ARTICLE X AMENDMENT

These Bylaws may be amended only upon vote of the Dakota County Board of Commissioners. The Advisory Committee may make recommendations for amendments to the County Board.

ARTICLE XI
TERMINATION

The Advisory Committee shall cease to exist either upon County Board direction or at the time when the final recommendation has been made to the County Board, due to the depletion of referendum funds or a change in County Board policy.

ARTICLE XII
EFFECTIVE DATE

These Operating Rules shall take effect immediately upon adoption by the County Board.

ADOPTED: June 17, 2003.

Procedures for using the Nominal Group Technique for the Farmland and Natural Area Advisory Committee Selection Process

Basic Principles

The Nominal Group Technique (NGT) is a structured discussion method for working toward consensus. Its strength is that it gives everyone an equal voice in sharing ideas. NGT has the potential to reduce the magnitude of problems as groups face difficult choices. NGT provides for balanced participation. There is no evaluation during the process and hence the climate will not be threatening.

The name, Nominal Group Technique describes how the process works. It is a process for a group of people who become a group in name only, (hence the name, nominal group) when they are using the technique. The purpose of NGT is to eliminate social and psychological dynamics of group behavior that tend to inhibit individual creativity and participation in group decisions. The use of NGT avoids the normal meeting process of a few individuals doing all the talking, the rest listening, and very few people taking the time to actually think about the issue at hand. Individuals can be more creative and everyone is given a structured opportunity to participate. This helps to overcome many of the problems associated with other group decision-making processes.

How NGT works for the Farmland and Natural Area Advisory Committee

The Committee will be sent a packet of applications. The applications will be categorized as either farmland or natural areas. Depending on the number of applications, individual meetings may be necessary to deal with the two categories.

The informational packets will contain the analysis of the Technical Committee as they assessed the property based on the criteria established by the County Board. It is imperative that the Committee members thoroughly review the materials provided to them, as there will be limited staff overview of the applications during the Committee meeting.

During the Committee meeting, the Chair will call the meeting to order, and hand the meeting over to the Committee Coordinators. The Committee Coordinators will update the Committee members on the operating rules of the NGT as well as providing a brief overview of the applications based on the information provided by the Technical Committee.

The meeting is not publicly advertised but the public can attend.

Committee members can ask specific questions regarding the application at predetermined times only, however opinion statements to sway others is not allowed. A time for individual opinion is allotted later in the process.

Based on the information the Committee members received and using the County Board's adopted scoring criteria, each individual Committee member will score the applications. These scores are collected from the Committee members by the Committee Coordinators, and aggregated. The identity of the individual Committee member votes is kept anonymous.

After the scores have been aggregated by the Committee Coordinators, the results are shown to the Committee. Each Committee member is then allowed to speak for 5 minutes regarding the scores that they assigned and why they ranked sites in a particular order. Time will be kept. At this time in the meeting there is to be no conversation among committee members, only that person that has the allotted 5 minutes is able to speak. Committee members cannot allocate their allotted time to other members. Committee members may choose not to speak.

Once all committee members have exhausted their 5 minutes, the Chair of the Committee will preside over an open discussion period. Following the discussion period, Committee members will have one last opportunity to adjust their scores and the final results will be shared with the Committee.

The Chair recognizes the scores and makes a recommendation that the conclusions be forwarded to the County Board.

Reasons for NGT Procedures

The purpose of the NGT is to have the committee members rank the applications independently. This is done to:

- | <u>Provide:</u> | <u>Avoid:</u> |
|--|--|
| •1 Adequate time for thinking and reflection | •1 Interruptions |
| •2 Social facilitation from knowing (and later seeing) others working on the same task | •2 An undue focusing on a small number of ideas |
| •3 Sufficient time for generation of ideas | •3 Competition, status pressures, and conformity pressures |
| •4 The benefit of remaining task centered | •4 Choosing a set ranking prematurely |

The advantages of this approach include:

- 1 Equal participation in the presentation of ideas.
- 2 An increase in "problem-mindedness."
- 3 An increase in ability to deal with a large number of ideas.
- 4 Tolerance of potentially conflicting ideas.
- 5 Idea exchange.
- 6 Provides a written record.

The purpose of this procedure is to aggregate the judgments of individual members to determine the relative importance of individual items.