

NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD
to the
DEPARTMENT OF ENERGY
on the
LOS ALAMOS NATIONAL LABORATORY
1002 North Oñate Street
Española, New Mexico 87532
505-753-8970

Work Session on February 27, 1997
Report to the Board

1170 General
Present: Ian Aeby, Orlando Arellano, Bernadette Chavira-Merriman, Antonio Delgado, Carlotta McInteer, Dolores Salazar, Corrine Sanchez, and Kathy Sanchez.
Staff: Herman Le-Doux, Deputy Area Manager; Carmen M. Rodriguez, LANL; Ann DuBois, Scientech, Inc.

**What are the most important operating procedures
that would help make the Board more effective?**

Recommendations

Good, sound and substantive recommendations
Focus on areas of influence
Work on our Mission (EM-ER Issues)
Recommendations based on good information and dialogue
Focus on Health Risk Assessment
Present recommendations which can be implemented

Trust

Comfort with the group
Empowerment
Understanding consensus

Public Participation

More times than just Board meetings

Bylaws

Understanding and accepting the interpretation of the bylaws
Adherence to procedures
Follow our own procedures, e.g., attendance
Commitment to abiding by the bylaws



7. The Board will hold periodic hearings and invite public input into the subcommittee meeting discussion so the public has additional time to give input rather than just at Board meetings.
8. Ex-officio members are invited to participate and provide information directly during Board discussion.
9. If Board members want time on the agenda, they should request it in advance and not present during the public comment period.

Discussion on Bylaws

1. On page 20, IX, B, 3. Should read "Members of the NNM CAB should **not** speak with the media unless they are specifically authorized to do so.
2. On page 16, VI, D, 1 between the words "convey" and "all" insert the words "to the DOE (with informational copies to other participating and enforcement agencies.)"

BYLAWS
Northern New Mexico Citizens' Advisory Board

I. MISSION: The responsibility of the Northern New Mexico Citizens Advisory Board (NNMCAB) is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities of Northern New Mexico, the Department of Energy (DOE), the Los Alamos National Laboratory (LANL), and state and federal regulatory agencies regarding, but not limited to, the health, safety, environmental, and waste management aspects of all past, present, and future LANL activities. The Northern New Mexico Citizens Advisory Board ensures early ongoing community access to information (and its interpretation and implications) and dialogue which improves the quality of the decision-making process, on behalf of local and global communities.

II. FUNCTIONS, SCOPE, AND ACCOUNTABILITY

A. Functions: The NNMCAB advises the Department of Energy (DOE), as well as other federal, state, and local participating and enforcement agencies. Independent of any other organization, additional functions of the NNMCAB will include but are not limited to the following:

1. Identifying multicultural community concerns and providing an avenue for public participation, so as to make the questions and concerns of the public known to the appropriate agencies;
2. Providing culturally appropriate means of informing the community about NNMCAB activities; developing procedures to request and disseminate information, report to the public, and ensure the public's involvement;
3. Serving the need for public involvement by calling on DOE, the Environmental

Protection Agency (EPA), community culturalist or other appropriate entities to conduct public involvement activities in a collaborative dialogical process;

4. Drawing up its own bylaws and ground rules, and revising them as necessary.

B. Scope: The purview of the Board shall include but not be limited to the following:

1. The opportunity for the NNM CAB to discuss with DOE and the participating and enforcement agencies their proposals and plans for such things as facility expansions and closings, environmental and defense projects, the impact of environmental regulations, plutonium pit production and storage, new processes, modifications to existing processes, etc.;
2. Any aspects of environmental restoration and waste management issues related to all past, present, and future activities at LANL;
3. The transportation of wastes, materials and products to, from and within LANL;
4. Worker as well as local and regional public health and safety;
5. Data on LANL worker and community health, safety, and environmental performance;
6. The budget and schedule for environmental restoration activities;
7. The protection, preservation and restoration of natural and cultural resources with accountability to ecological systemic sustainability;
8. The protection of groundwater and restoration of contaminated groundwater;
9. Waste reduction targets and waste minimization plans, stressing pollution

- prevention over pollution control and compliance;
10. Maintenance, restart, or decommissioning and decontamination of facilities;
 11. Emergency management plans and procedures as well as compensation policies for off-site injuries and damages;
 12. Social, cultural and economical factors important to diverse stakeholder viewpoints as they affect the health and safety of LANL workers and the public, without, however, obligating the Board to take up any individual LANL employee complaints;
 13. LANL operations and proposed changes in operations and their impact on other existing or proposed LANL activities;
 14. To be informed on LANL activities that may be affected by environmental processes;
 15. The protection of air quality;
 16. Review DOE/LANL and its contractors for compliance with local, tribal, state, national, government to government, and international regulations.

C. Accountability: The NNM CAB advises DOE on behalf of the residents of Northern New Mexico. The Board will interact with the appropriate DOE decision-makers. The Board may also offer advice or respond to issues raised by the public, federal, state, or local enforcement agencies.

1. There should be a free and open two-way exchange of information and views among NNM CAB members and the participating agencies, with all expected to speak as well as to listen.
2. All participants are expected to provide requested information in a timely manner, and present the data in layperson's language.

3. The NNM CAB seeks to provide timely, informed input and should be involved in decision-making processes regarding priority issues before decisions are made by any of the federal, state, or local entities.
4. NNM CAB members must have access to independent technical advice, staff, and training.
5. The NNM CAB shall develop specific operating procedures and undergo requisite training to ensure that all views will be heard and there are constructive methods for resolving conflict, reaching a consensus, and dealing with differing viewpoints.
6. The NNM CAB shall always remain accountable to the public and seek to promote multicultural community involvement. The Board shall develop culturally appropriate procedures to ensure public participation in LANL's decision-making process.
7. Meetings shall be open to the public and adequate advance notice will be given. Regular, subcommittee and special meetings shall be held on varying days and at varying times and locations to encourage maximum public and Board participation.
8. The Board shall always remain mindful of the various stakeholder interests represented on the NNM CAB. It shall seek to ensure that all interested parties and stakeholders continue to be adequately and equitably represented. This commitment will be carried out in its annual nomination procedure, in the course of naming any replacements to the Board, and through its annual evaluation process. (See Sections III, IV and XI).
9. In its role of advising DOE, the Board holds DOE accountable for itself and its contractors in responding to inquiries and requests.

10. The work of the NNM CAB shall not relieve DOE of responsibility for other forms of public involvement and accountability.

III. MEMBERSHIP CATEGORIES, REQUIREMENTS, & TERMS

A. Membership: The NNM CAB is a broadly constituted organization consisting of a diverse group of people representing the interests and concerns of Northern New Mexico residents as they are affected by LANL's activities.

1. The Board will be composed of 18 members, (including the Co-Chairpersons) who are residents of New Mexico and reside in the following counties: Los Alamos, Mora, Rio Arriba, Sandoval, San Miguel, Santa Fe, and Taos.
2. The number of members shall be 18, but in the event of a vacancy, the Board may act with a lesser number until such a vacancy is filled.
3. The NNM CAB shall maintain diversity and balance with regard to gender, age, race/ethnicity, type of employment, neighborhood, expertise, income, educational levels and diverse viewpoints.
4. Members may represent the stakeholder category within which they were appointed, but will not serve as formal representatives of any organizations with which they may be associated.
5. NNM CAB members must personally participate in meetings and may not send substitutes or proxies if they are unable to attend. Members will work with other members to present their concerns when absence is necessary.

B. Terms of Office: The Board membership will be established on a rotation schedule that will maintain a balance between continuity and diversity inherent in the makeup of

the NNM CAB and will encourage new individuals to participate.

1. Terms of office shall be two years.
2. Members will be eligible to serve no more than two terms.

C. Vacancies: When a vacancy has been determined on the Board, the established nomination process for replacements will provide a pool of three nominees for each vacancy within sixty (60) days to be forwarded to the DFO (the Designated Federal Officer) with the recommendation of the Board (after the vote of the Board). Any nominees should meet, in so far as possible, the Board's existing stakeholder balance, diversity, and distribution. New members shall begin their term immediately upon election to the Board.

1. Three consecutive regular meeting absences or three absences in any six-month period on the part of a Board member in attending regularly scheduled meetings shall be deemed to have resigned from the Board, and shall be replaced by the Board.
2. If an NNM CAB member finds it necessary to resign or a member is removed for non-attendance or other cause, the Nominations and Membership Subcommittee will submit to the Board a list of three (3) replacement nominees, keeping in mind overall diversity as well as minimum stakeholder requirements, and maintaining, insofar as possible, their current distribution on the Board. If three nominees cannot be proposed, for whatever reasons, it will remain to the Board to accept the list of nominees presented, or suggest a remedy acceptable to the Board.
3. The Board may declare to the DFO that a particular stakeholder group or diversity mandate is not adequately represented and forward for referral to the Secretary of Energy a consensus recommendation for replacement. The consensus may not be broken in this instance by a member under

review.

4. Fulfilling an unexpired term on the Board shall not preclude an individual's prerogative to serve a full term upon the completion of an interim appointment.
5. The final determination to recommend vacating a seat shall always remain at the discretion of the Board, the Board's established review process notwithstanding.
6. The Nomination and Membership Committee will establish a nominating and replacement process that will be approved by the Board.

D. DOE and other Ex-officio Participants: EX-OFFICIO BOARD MEMBERS are those whose interests rise to the level of inclusion on the Board but who will not directly participate in forming a consensus or giving direction because of their positions representing participating and governmental enforcement agencies or because they are agents of entities that would receive the advice.

1. The Department of Energy, shall have two (2) members including the DFO (The Designated Federal Officer);
2. The following agencies or offices shall be requested to appoint at least one individual to represent the agency or office to the NNM CAB except as noted otherwise:
 - a. The Environmental Protection Agency, one member from the Resource Conservation Recovery Act (RCRA) Section 6;
 - b. The Governor of New Mexico;
 - c. The Attorney General of New Mexico;
 - d. Representative(s) of the New Mexico Environment Department (NMED) to include the appropriate representative for air programs,

surface or ground water programs, radiation control programs, hazardous waste programs, solid waste programs, or other appropriate programs;

e. LANL.

3. The term ex-officio herein refers to those representatives of the agencies listed in subsection 1 and 2 of Section D who will sit at the table and may participate in Board discussions and deliberations both substantive and procedural.
4. Ex-officio members will not participate in the formation of the consensus by the Board on substantive or procedural issues;
5. The NNM CAB shall contact the Office of the Secretary of NMED through a co-chair or co-chair designee to request the appropriate NMED representative as ex-officio for a specific meeting based on agenda items for a specific meeting, or on an as needed basis as determined by the NNM CAB;
6. The representative agencies will designate their own representatives to the co-chair or the co-chair designee at least five days prior to the meeting with the name and title of the individual who will attend a specific meeting unless an agency designates someone to attend NNM CAB meetings on a regular basis;
7. The Board may request that an agency replace an ex-officio representative for excessive absence or other cause.

E. Resource Participants: The Board may request on either a temporary or permanent basis the participation of LANL/DOE's maintenance and operating contractor, major subcontractors, or any other entity to supply information or provide expertise as needed. Such entities, their agents or anyone else serving as a resource participant will not be considered members or ex-officio members of the Board.

IV. MEMBERSHIP RESPONSIBILITIES

A. The Board and each of its members shall agree to make the following commitments:

1. To attend regular meetings, receive training, review and comment on documents before the Board, be available for committee work between regular meetings, and in general participate fully in the affairs of the NNM CAB;
2. To respond to concerns and questions raised by the public;
3. To work collaboratively and build trust with other Board members in the best interests of both the Board and the public;
4. To accurately represent at all times any matters before the Board;
5. To handle in a responsible manner information and materials provided by the agencies, particularly drafts developed for an agency's in-house use which might have significant revisions as part of the agency's working practices;
6. To establish an information distribution process to meet the diverse needs of the public;
7. To provide a written record of all Board and subcommittee meetings within thirty (30) days of their occurrence, to publish an annual status report, and to ensure that these records and other pertinent and required information are maintained in repositories available to the public;
8. To share accordingly with the Board, any written communication with an individual, as a member of the NNM CAB;
9. To act on behalf of the NNM CAB or as its representative only with the consensus of the Board;
10. To serve on at least one project and one procedural subcommittee or task force during any given six month period.

11. Any member or officer of the Board or subcommittee of the Board may resign at any time. Such resignation shall be made in the form of a written notice submitted to the either designated Chairperson of the Board and unless otherwise specified in such notice, shall take effect upon delivery.

B. Ex-officio members of the Board, on behalf of the agencies they represent, will be expected to make the following commitments:

1. To define and clearly communicate to the Board the respective decision making processes of the agencies they represent;
2. To provide timely access to information pertinent to environmental restoration, waste management, health, safety, accountability of materials, other information as requested by the public and related decision making at Los Alamos National Laboratories;
3. To inform the Board in a timely and proactive manner of agency processes, programs, projects, and activities pertinent to the Board's mission and purpose;
4. To review Board recommendations within thirty (30) days, or other reasonable time period requested by the Board and to explain the basis for the agency's respective decisions and how recommendations which are accepted will be implemented;
5. To have DOE designate an employee and one alternate to serve as the point of contact for providing information to the Board and to assist the Board in administering its operations.

V. BOARD STRUCTURE

A. Co-Chairpersons: The Board shall appoint two (2) co-chairpersons respecting diverse viewpoints on a quarterly rotating basis. The co-chairpersons shall endeavor at all times

to further the work of the Board in a balanced and unbiased manner, irrespective of their personal views on any particular issue and see that all NNM CAB members have the opportunity to express their views.

1. The term of selected co-chairpersons shall be for three months, beginning on the 1st of the month of each quarter.
2. The designated terms of the Co-Chairpersons will be established at the beginning of the fiscal year along with the meeting place schedule.
3. The co-chairpersons shall serve as liaisons with the staff and facilitator(s), assisting in the preparation of agendas, minutes of the meetings, and other necessary arrangements.
4. The co-chairpersons shall serve as the Board's designated media contacts. They may draft and issue press releases and are empowered to represent the work and positions of the Board within the following parameters:
 - a. Press releases should be approved in advance by the full board whenever possible.
 - b. The co-chairpersons must always collaborate with each other on how issues and positions should be characterized;
 - c. If the Board has not reached a consensus on an issue, then it is the responsibility of the co-chairpersons to accurately represent the full spectrum of views held by the members of the Board; if he or she feels unable to do so, for whatever reason, then a referral should be made to the other co-chairperson or any other Board member deemed appropriate to make a response;
 - d. The Board may delegate these media responsibilities on an ad hoc or any other appropriate basis;

- e. Any member or co-chairperson speaking in an official capacity will ultimately be responsible to each Board member individually for how her or his views are characterized, and collectively for how the work of the Board is represented.
5. Either co-chairperson shall certify to the accuracy of all minutes.
6. Either co-chairperson shall sign the certification of a recommendation which has been agreed upon by the Board.
7. The co-chairpersons shall be responsible for assuring necessary administrative support and coordination for the work of subcommittees and task forces between regular meetings of the Board, providing a liaison for their respective chairpersons when called upon to do so.
8. The co-chairpersons shall also serve between regular meetings of the Board as contacts for DOE as well as the participating and enforcement agencies.

B. Standing Subcommittees: The following standing subcommittees of the Board shall be established:

1. Nominations and Membership: absentees, vacancies, removal of members, and nominations for regularly expiring terms;
2. Budget and Finance: preparation of budgets as well as the fiscal policies of the NNM CAB;
3. Personnel: personnel policy; the criteria and process for selection of facilitator(s) and the evaluation and oversight of NNM CAB staff; and a full range of non-fiscal policy matters;
4. Training and Programs: research and evaluation for Board training as well as establishing procedures and information to meet the needs of the new

Board members;

5. Community Outreach: arrangements for hearings and forums; promoting community participation and involvement; communication with the public; and any issues and concerns.

C. Other Subcommittees and Task Force: The Board may establish ad hoc subcommittees or task forces as it deems necessary.

1. Task forces will be termed those bodies established to address issues that are either time dependent or more narrowly focused than the routine work of the Board. Their work would generally relate to specific issues.
2. Ad Hoc Subcommittees are those subcommittees that do not fall under the functions of the Standing Subcommittees.

D. Structure of Subcommittees and Task Forces:

1. Membership to Standing Subcommittees, ad hoc subcommittees, or task forces will be on a volunteer basis but NNM CAB members must serve on at least one Standing Subcommittee.
2. Standing Subcommittee members will develop operating procedures which must be brought to the full Board for approval and attached to the bylaws as an appendix.
3. Ad hoc subcommittees and Task Forces need not develop operating procedures but will follow the general guidelines establish in this section. Exceptions to these guidelines and procedures by an Ad Hoc subcommittee or Task Force must be approved by the Board.
4. Standing subcommittees, ad hoc subcommittees, or task forces may not directly submit recommendations to DOE, the participating and enforcement agencies, members of the press, or to any other entity outside

the NNM CAB. They are solely responsible for producing draft proposals or information to be utilized and considered by the full Board. Before presenting a recommendation to the Board, the subcommittee should have passed by consensus the recommendation.

5. The Subcommittees and Task Forces will meet independently of the Board and meetings shall be open to the public.
6. A written summary of the subcommittee and task force meetings will be kept and made available.
7. Election of Chairpersons for the Standing Subcommittees shall occur annually at the NNM CAB September meeting.
8. Chairpersons for Ad Hoc subcommittees and Task Forces will be selected at the formation of such entities.
9. Subcommittee and Task Force Chairpersons shall report regularly to the Board on subcommittee activities.
10. Members of the public are invited to participate in subcommittee and task force meetings but do not contribute to the consensus.
11. The NNM CAB is obligated to establish additional mechanisms for public participation and subcommittee meetings are not a substitute for this input.

E. Work Sessions: Work sessions are defined as meetings of a portion of the Board including ex-officio members, at which no official action is taken.

VI. SPECIAL MEETINGS OF THE BOARD

A. Process for Calling a Meeting: At either the request of six (6) members of the Board, or at the request of DOE, a participating or enforcement agency, or a subcommittee chairperson, and with the concurrence of six (6) members of the Board, the co-chairpersons shall call upon the DFO to schedule a special meeting of the Board. Notice of a special meeting of the

Board shall be served to each Board member and Agency representative either in person or by mail at least seven days before the meeting. The special meeting shall be listed in the Federal Register.

B. Attendance: Notwithstanding all other provisions of the Bylaws which would apply to an extraordinary meeting of the Board as though it were a regularly scheduled one, and while attendance is no less important than at regularly scheduled meetings, such extraordinary meetings may not be factored in determining a member's attendance record.

VII. DECISION MAKING

A. Quorum: A quorum of the Board shall consist of one more than 50 percent of constituted membership of a full board of eighteen (18) with any fraction thereof requiring a full person.

B. Definition of Consensus: The CAB recognizes that there are several levels of a consensus that may be possible:

1. The first is a unanimous agreement among all Board members present;
2. The second is a consensus among all Board members present that can be characterized as all members being willing to "live with" a proposal;
3. In the third level of consensus, one or more Board members present may register dissent, but agrees to support the board in an action or agreement that would otherwise be possible except for their "dissent."

C. Requirement for Consensus: The Board will always operate by consensus in seeking to determine what advice the Board as a whole wishes to convey to the participating and enforcement agencies.

1. The promulgation or amendment of any policy, procedure, or bylaws of the Board and the election of any new member(s) to the Board shall require the consensus of the CAB at one meeting if the proposal or

nominee(s) has (have) been included with the agenda and sent to the members in advance of the meeting, and if all members of the Board are present. If all members of the Board are not present, then with the consensus of a duly constituted quorum, a second reading will be necessary and approval may follow upon the consensus of a quorum at the next regularly scheduled meeting of the Board. Policy refers in this subsection to any expression of purpose, mission, or rules governing the functioning or structure of the Board itself or any substantive representation of the same to the public.

2. The routine work of the Board, including the adoption of recommendations or advice the Board elects to convey to a participating or enforcement agency, shall require the consensus of a quorum without the need for a second reading unless such business is covered by Subsection 1. above or specifically exempted from the consensus by Paragraph F. of this section.

D. Conveyance of the Board's Decisions: Recommendations of the Board may not be conveyed orally during the course of Board meetings.

1. The Board will convey all recommendations in writing and the recommendations will be recorded in the minutes. Any recommendations from the Board will require the signature of one co-chair.
2. Generally, any recommendations or decision being considered by the Board must be provided to the members in writing in order to promote accurate and deliberative consideration, notwithstanding the ultimate means chosen to convey a decision or recommendation to the recipient agency.

3. It is understood that a Board member's absence from a meeting does not imply consent to, or dissent from any recommendation.
4. In addition to expressing consent or dissent regarding items proposed for a consensus, Board members are required to abstain or "stand aside" from the determination of the consensus if they have a conflict of interest that would taint the recommendation of the board due to the perception or the reality of self interest affecting the outcome of the process. It is the responsibility of each member to affirmatively state his or her intention to abstain from participation in the determination for consensus because of a conflict of interest or for any other cause she or he may choose. (See Section XII.)

E. Failure of Consensus: In those instances when a Board member has strongly held views, she or he may block the consensus if he or she believes these views are not addressed by the proposal as put forth by other Board members.

1. In the absence of a consensus, no formal advice may be determined to have been conveyed.
2. If a consensus cannot be reached on a particular issue and the Board still wishes to convey a sense of its views to the interested party, those views may be expressed through majority and minority reports.
3. The Chair or facilitator will ask Board members to voice their dissent if they do not agree with a particular recommendation that has been proposed.

F. Administrative Decision Making: There are certain decisions that, having been specifically delegated by the Board, shall then lie beyond the reach of a consensus, and there are other specifically defined instances in which the Board will deem other means of decision

making appropriate.

1. Administrative functions of the Board may be delegated to staff persons or the co-chairs as specifically and inclusively defined by their job descriptions. (See Section V., A; and the Personnel Policies of the Board.)
2. If the Board finds need to review or affirm specific decisions made under the authority delegated by this paragraph of the Bylaws, such affirmation shall be expressed by a vote of two-thirds (2/3) of a quorum, with any fraction thereof requiring the assent of a full person. This means of affirmation shall control until such time as the delegated authority or exempted decision is rescinded or amended by a consensus of the Board as required by Paragraph B, Subsection 1. or this section.
3. The following shall represent an inclusive list of non-administrative decisions to be exempted from the consensus process and subject to a two-thirds (2/3) vote described in subsection 2 above:
 - a. Time and date of Board meetings;
 - b. Place of Board meetings;
 - c. Schedule of subcommittee meetings;
 - d. Selection of members designated as representatives of the Board.

VIII. ROLE OF THE FACILITATOR

A professional facilitator may be hired to help the Board organize its work, prepare an agenda based on consultations with the Board and the co-chairpersons, facilitate the Board meetings, and work with the staff to prepare the minutes of the meetings. Assuming continuing contractual compliance, the facilitator shall at all times work at the direction and discretion of the Board.

IX. CONDUCT AND FORMAT OF MEETINGS

A. Meeting Format:

1. Public meetings will be announced in the Federal Register at least two weeks in advance of the meeting. Announcements will be made on the radio and in local newspapers.
2. The NNM CAB will meet as required, with the length of meetings determined by the agenda;
3. Assuming coverage under the stated mission and scope of the NNM CAB Charter and Bylaws, the Board shall be free to set its own agenda with input from the participating and enforcement agencies, as well as from the public;
4. Meetings shall be open to the public and media; a section of the meeting room will be set aside for observers, and public comment will be invited at appropriate times during a meeting.
5. Meetings will begin and end at the agreed upon time unless members in attendance decide differently; breaks will be taken at regular intervals;
6. Any meeting will be set up in terms of both the physical arrangements as well as the agenda so as to facilitate hearing and discussion;
7. Minutes of the meetings will be kept by the staff and distributed to the Board members for their review; each meeting agenda will include the opportunity for members to make revisions to the minutes of the previous meetings;
8. Any product of the Board such as policies, positions, reports, or advice given to the participating and regulatory agencies must be reviewed by the Board in final distribution form prior to dissemination via the media or being placed in the DOE public reading rooms and any other places

deemed appropriate.

B. Conduct of Meetings:

1. A neutral third party facilitator may be utilized to assist the NNM CAB in accomplishing its mission; in all instances the facilitator, who will serve at the pleasure of the Board, shall operate in a completely neutral, balanced, and fair manners; (See Section VIII)
2. All decisions not specifically exempted by Section VII, F, will be made by consensus among the members in attendance at the meeting, so long as a quorum is established; a consensus is defined as "no dissent"; (See Section VII., B.)
3. Members of the NNM CAB who speak with the media should make clear they speak only on their own behalf and not for the Board, unless specifically authorized otherwise;
4. Board members will show respect to each other and the public by avoiding personal attacks or derogatory comments during meetings, and if they do, they will apologize and be forgiven immediately;
5. Neither Board members nor the public may bring telephones or audible beepers into a meeting room;
6. No use of any tobacco product(s) and drugs will be permitted during meetings.

X. BUDGET

A. Authority: The Board shall have the authority within its charter to develop its own budget and to make the revisions it deems necessary. The DFO shall retain the fiscal responsibility for the Board. The Board will not operate as a fiscal agent for any expenditure.

B. Access to funds: Within the bounds of applicable law, the Board shall have

reasonable and timely access to funds allocated for its operation.

C. Compensation: Board members will serve without compensation except in cases of extreme need, but reasonable arrangements shall be made for reimbursement for direct expenses related to the work of the Board and meeting attendance.

D. Travel Expenses: It shall be the responsibility of DOE to insure prepaid arrangements are made for Board members' travel expenses unless members themselves opt to make independent arrangements and seek reimbursement in the standard manner.

XI. EVALUATION

There shall be an annual evaluation of the Board to assess how adequately it is representing stakeholder interests and meeting the needs of the public. The Board will also evaluate the responsiveness of DOE and the other participating and enforcement agencies. No later than July an Ad Hoc subcommittee shall be formed to solicit public input on Board performance. The subcommittee will report findings in August to the Board at regular or extraordinary meeting of the Board. The Board will help develop the criteria for these mutual evaluations.

XII. GRIEVANCES (as related to the NNM CAB)

A. Public Grievances: Formal grievances from the public shall be presented to the Board. Those grievances that fall within the mission and scope of the NNM CAB shall be referred by the chair(s) or the Board to the appropriate subcommittee. The subcommittee shall report to the Board recommendations for a remedy or may submit a finding for "no action"

B. Member Grievances: Member grievances shall be referred by one or both chairs, or the Board, to an ad hoc subcommittee. The aggrieved member and/or the subcommittee may take the matter to the full Board if the conflict remains unresolved.

XIII. CONFLICT OF INTEREST

A. Definition: Conflict of interest is defined as any instance when a member, anyone in

his or her immediate, family or anyone or entity with whom that member might be negotiating for employment, stands to make a direct or personal financial gain, or to gain an unfair competitive advantage, resulting from decisions made by the board or from information provided to the Board prior to public release.

B. Membership Ineligibility:

1. Management employees of: the Agencies, DOE contractors at LANL, and environmental restoration and waste management employees at LANL, as well as immediate family members (spouses, children, parents, and anyone living in the same household as the individual who falls into one of the excluded groups); are not eligible for Board membership. Management employees shall be defined as those employees in the top three levels of management within their respective agency or company.
2. In general, employees of DOE contractors at LANL are not eligible for membership on the Board. However, an employee of a DOE contractor may qualify for Board membership if such an employee successfully shows that his/her presence on the Board would not result in a conflict of interest. In any event there shall be no more than five membership positions on the Board held by employees of DOE contractors at LANL.

C. Recusal: If a Board member is aware that he or she has a conflict of interest, as defined above, the member shall immediately inform the Board of his or her interest and shall excuse himself or herself from participating in discussions and decisions in which a conflict or potential for conflict of interest exists.

D. Principles of Conduct: Board members shall also be aware of and take care to abide by the following conflict of interest principles:

1. Members shall refrain from any use of their memberships which is, or

- gives the appearance of being, motivated by the desire for private gain;
2. Members shall not use, either directly or indirectly for private gain, any inside information obtained as a result of advisory board or subcommittee service;
 3. Members shall not use their positions in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom he or she has family, business, or financial ties;
 4. Members shall not knowingly receive or solicit from persons having business with the DOE anything of value as a gift, gratuity, loan, or favor while serving on the Board or in connection with such service.

XIV. AMENDING THE BYLAWS

Any member of the public, the Board, or one of the Agencies may purpose an amendment of the bylaws; however, to be considered by this Board, the proposed amendment must be sponsored by a Board member. The Board shall have the power to alter, amend, and repeal the bylaws of the Board by consensus.

XV. SUBORDINATION AND SEVERABILITY OF THE BYLAWS

If there arises a conflict between any provision of these Bylaws and federal statutes, the laws of the state of New Mexico, or federal or state regulatory authority, then the superseding law or regulation shall control. In the event that any provision of these bylaws is or is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining provisions of these bylaws which shall continue in full force and effect.

XVI. COMMITMENTS AND MUTUAL UNDERSTANDINGS

All parties serving on the NNM CAB, including ex-officio members on behalf of the agencies they represent, subscribe to the following understandings and commit to each other to

make all reasonable and legal efforts to meet the following objectives.

A. Duration of the Board: It is the will of the Board that, so long as the Board remains functioning, effective and viable, it will continue to exist.

B. Funding: While recognizing that none of the ex-officio members of the Board have direct control over the funding process of their agency or authority to determine the size of federal allocations, the parties agree to try to fulfill the following goals:

1. Adequate funding for the Board to operate effectively that shall cover but not necessarily be limited to the following:
 - a. Administrative staff and facilitation;
 - b. Office space and overhead;
 - c. Internal and external communication;
 - d. Direct costs associated with meetings;
 - e. Technical assistance;
 - f. Compensation for Board members;
2. A budget preparation process that reallocates or prioritizes resources within the necessary constraints of Federal appropriation and policy.

C. Accountability:

1. DOE and the other participating enforcement agencies should respond to NNM CAB recommendations and advice by explaining what can be implemented, what can be implemented if modified, and what cannot be implemented. If recommendations cannot be implemented, there should be a public explanation by the agency as to why that is the case;
2. The Board agrees to respond to requests on the part of a

participating agency in a timely manner that both meets the needs of the requesting agency and respects the prerogative of the Board to control its own agenda.

D. Conflict Resolution: A mechanism of recourse for conflict resolution should be established if needs or actions of the Board are not met or given response within thirty (30) days.

ADOPTED: 11/26/96 (DATE)

BYLAWS
Northern New Mexico Citizens' Advisory Board

I. MISSION: The responsibility of the Northern New Mexico Citizens Advisory Board (NNMCAB) is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities of Northern New Mexico, the Department of Energy (DOE), the Los Alamos National Laboratory (LANL), and state and federal regulatory agencies regarding, but not limited to, the health, safety, environmental, and waste management aspects of all past, present, and future LANL activities. The Northern New Mexico Citizens Advisory Board ensures early ongoing community access to information (and its interpretation and implications) and dialogue which improves the quality of the decision-making process, on behalf of local and global communities.

II. FUNCTIONS, SCOPE, AND ACCOUNTABILITY

A. Functions: The NNMCAB advises the Department of Energy (DOE), as well as other federal, state, and local participating and enforcement agencies. Independent of any other organization, additional functions of the NNMCAB will include but are not limited to the following:

1. Identifying multicultural community concerns and providing an avenue for public participation, so as to make the questions and concerns of the public known to the appropriate agencies;
2. Providing culturally appropriate means of informing the community about NNMCAB activities; developing procedures to request and disseminate information, report to the public, and ensure the public's involvement;
3. Serving the need for public involvement by calling on DOE, the

Environmental Protection Agency (EPA), community culturalist or other appropriate entities to conduct public involvement activities in a collaborative dialogical process:

4. Drawing up its own bylaws and ground rules, and revising them as necessary.

B. Scope: The purview of the Board shall include but not be limited to the following:

1. The opportunity for the NNM CAB to discuss with DOE and the participating and enforcement agencies their proposals and plans for such things as facility expansions and closings, environmental and defense projects, the impact of environmental regulations, plutonium pit production and storage, new processes, modifications to existing processes, etc.;
2. Any aspects of environmental restoration and waste management issues related to all past, present, and future activities at LANL;
3. The transportation of wastes, materials and products to, from and within LANL;
4. Worker as well as local and regional public health and safety;
5. Data on LANL worker and community health, safety, and environmental performance;
6. The budget and schedule for environmental restoration activities;
7. The protection, preservation and restoration of natural and cultural resources with accountability to ecological systemic sustainability;
8. The protection of groundwater and restoration of contaminated groundwater;

9. Waste reduction targets and waste minimization plans, stressing pollution prevention over pollution control and compliance;
10. Maintenance, restart, or decommissioning and decontamination of facilities;
11. Emergency management plans and procedures as well as compensation policies for off-site injuries and damages;
12. Social, cultural and economical factors important to diverse stakeholder viewpoints as they affect the health and safety of LANL workers and the public, without, however, obligating the Board to take up any individual LANL employee complaints;
13. LANL operations and proposed changes in operations and their impact on other existing or proposed LANL activities;
14. To be informed on LANL activities that may be affected by environmental processes;
15. The protection of air quality;
16. Review DOE/LANL and its contractors for compliance with local, tribal, state, national, government to government, and international regulations.

C. Accountability: The NNM CAB advises DOE on behalf of the residents of Northern New Mexico. The Board will interact with the appropriate DOE decision-makers. The Board may also offer advice or respond to issues raised by the public, federal, state, or local enforcement agencies.

1. There should be a free and open two-way exchange of information and views among NNM CAB members and the participating agencies, with all expected to speak as well as to listen.
2. All participants are expected to provide requested information in a timely

- manner, and present the data in layperson's language.
3. The NNM CAB seeks to provide timely, informed input and should be involved in decision-making processes regarding priority issues before decisions are made by any of the federal, state, or local entities.
 4. NNM CAB members must have access to independent technical advice, staff, and training.
 5. The NNM CAB shall develop specific operating procedures and undergo requisite training to ensure that all views will be heard and there are constructive methods for resolving conflict, reaching a consensus, and dealing with differing viewpoints.
 6. The NNM CAB shall always remain accountable to the public and seek to promote multicultural community involvement. The Board shall develop culturally appropriate procedures to ensure public participation in LANL's decision-making process.
 7. Meetings shall be open to the public and adequate advance notice will be given. Regular, subcommittee and special meetings shall be held on varying days and at varying times and locations to encourage maximum public and Board participation.
 8. The Board shall always remain mindful of the various stakeholder interests represented on the NNM CAB. It shall seek to ensure that all interested parties and stakeholders continue to be adequately and equitably represented. This commitment will be carried out in its annual nomination procedure, in the course of naming any replacements to the Board, and through its annual evaluation process. (See Sections III, IV and XI).
 9. In its role of advising DOE, the Board holds DOE accountable for itself

and its contractors in responding to inquiries and requests.

10. The work of the NNM CAB shall not relieve DOE of responsibility for other forms of public involvement and accountability.

III. MEMBERSHIP CATEGORIES, REQUIREMENTS, & TERMS

A. Membership: The NNM CAB is a broadly constituted organization consisting of a diverse group of people representing the interests and concerns of Northern New Mexico residents as they are affected by LANL's activities.

1. The Board will be composed of 18 members, (including the Co-Chairpersons) who are residents of New Mexico and reside in the following counties: Los Alamos, Mora, Rio Arriba, Sandoval, San Miguel, Santa Fe, and Taos.
2. The number of members shall be 18, but in the event of a vacancy, the Board may act with a lesser number until such a vacancy is filled.
3. The NNM CAB shall maintain diversity and balance with regard to gender, age, race/ethnicity, type of employment, neighborhood, expertise, income, educational levels and diverse viewpoints.
4. Members may represent the stakeholder category within which they were appointed, but will not serve as formal representatives of any organizations with which they may be associated.
5. NNM CAB members must personally participate in meetings and may not send substitutes or proxies if they are unable to attend. Members will work with other members to present their concerns when absence is necessary.

B. Terms of Office: The Board membership will be established on a rotation

schedule that will maintain a balance between continuity and diversity inherent in the makeup of the NNM CAB and will encourage new individuals to participate.

1. Terms of office shall be two years.
2. Members will be eligible to serve no more than two terms.

C. Vacancies: When a vacancy has been determined on the Board, the established nomination process for replacements will provide a pool of three nominees for each vacancy within sixty (60) days to be forwarded to the DFO (the Designated Federal Officer) with the recommendation of the Board (after the vote of the Board). Any nominees should meet, in so far as possible, the Board's existing stakeholder balance, diversity, and **geographical** distribution. New members shall begin their term immediately upon election to the Board.

1. **Any Board member missing** three consecutive regularly scheduled meetings or three absences **from any regularly scheduled meetings** in any six-month period shall be **referred to the Nominations and Membership Committee. The Committee will review the situation with the effected Board member and will make a recommendation for action by the full Board to reinstate the Board member or request a resignation.**
2. If an NNM CAB member finds it necessary to resign or a member is removed for non-attendance or other cause, the Nominations and Membership Subcommittee will submit to the Board a list of three (3) replacement nominees, keeping in mind overall diversity as well as minimum stakeholder requirements, and maintaining, insofar as possible, their current distribution on the Board. If three nominees cannot be proposed, for whatever reasons, it will remain to the Board to accept the list of nominees presented, or suggest a remedy acceptable to the Board.

3. The Board may declare to the DFO that a particular stakeholder group or diversity mandate is not adequately represented and forward for referral to the Secretary of Energy a consensus recommendation for replacement. The consensus may not be broken in this instance by a member under review.
4. Fulfilling an unexpired term on the Board shall not preclude an individual's prerogative to serve a full term upon the completion of an interim appointment.
5. The final determination to recommend vacating a seat shall always remain at the discretion of the Board, the Board's established review process notwithstanding.
6. The Nomination and Membership Committee will establish a nominating and replacement process that will be approved by the Board.

D. DOE and other Ex-officio Participants: EX-OFFICIO BOARD MEMBERS are those whose interests rise to the level of inclusion on the Board but who will not directly participate in forming a consensus or giving direction because of their positions representing participating and governmental enforcement agencies or because they are agents of entities that would receive the advice.

1. The Department of Energy, shall have two (2) members including the DFO (The Designated Federal Officer):
2. The following agencies or offices shall be requested to appoint at least one individual to represent the agency or office to the NNM CAB except as noted otherwise:
 - a. The Environmental Protection Agency, one member from the Resource Conservation Recovery Act (RCRA) Section 6;

- b. The Governor of New Mexico;
 - c. The Attorney General of New Mexico;
 - d. Representative(s) of the New Mexico Environment Department (NMED) to include the appropriate representative for air programs, surface or ground water programs, radiation control programs, hazardous waste programs, solid waste programs, or other appropriate programs;
 - e. LANL.
3. The term ex-officio herein refers to those representatives of the agencies listed in subsection 1 and 2 of Section D who will sit at the table and may participate in Board discussions and deliberations both substantive and procedural.
 4. Ex-officio members will not participate in the formation of the consensus by the Board on substantive or procedural issues;
 5. The NNM CAB shall contact the Office of the Secretary of NMED through a co-chair or co-chair designee to request the appropriate NMED representative as ex-officio for a specific meeting based on agenda items for a specific meeting, or on an as needed basis as determined by the NNM CAB;
 6. The representative agencies will designate their own representatives to the co-chair or the co-chair designee at least five days prior to the meeting with the name and title of the individual who will attend a specific meeting unless an agency designates someone to attend NNM CAB meetings on a regular basis;
 7. The Board may request that an agency replace an ex-officio representative

for excessive absence or other cause.

E. Resource Participants: The Board may request on either a temporary or permanent basis the participation of LANL/DOE's maintenance and operating contractor, major subcontractors, or any other entity to supply information or provide expertise as needed. Such entities, their agents or anyone else serving as a resource participant will not be considered members or ex-officio members of the Board.

IV. MEMBERSHIP RESPONSIBILITIES

A. The Board and each of its members shall agree to make the following commitments:

1. To attend regular meetings, receive training, review and comment on documents before the Board, be available for committee work between regular meetings, and in general participate fully in the affairs of the NNM CAB;
2. To respond to concerns and questions raised by the public;
3. To work collaboratively and build trust with other Board members in the best interests of both the Board and the public;
4. To accurately represent at all times any matters before the Board;
5. To handle in a responsible manner information and materials provided by the agencies, particularly drafts developed for an agency's in-house use which might have significant revisions as part of the agency's working practices;
6. To establish an information distribution process to meet the diverse needs of the public;
7. To provide a written record of all Board and subcommittee meetings within thirty (30) days of their occurrence, to publish an annual status report, and to ensure that these records and other pertinent and required

information are maintained in repositories available to the public:

8. To share accordingly with the Board, any written communication with an individual, as a member of the NNM CAB;
9. To act on behalf of the NNM CAB or as it's representative only with the consensus of the Board;
10. To serve on at least one project and one procedural subcommittee or task force during any given six month period.
11. Any member or officer of the Board or subcommittee of the Board may resign at any time. Such resignation shall be made in the form of a written notice submitted to the either designated Chairperson of the Board and unless otherwise specified in such notice, shall take effect upon delivery.

B. Ex-officio members of the Board, on behalf of the agencies they represent, will be expected to make the following commitments:

1. To define and clearly communicate to the Board the respective decision making processes of the agencies they represent;
2. To provide timely access to information pertinent to environmental restoration, waste management, health, safety, accountability of materials, other information as requested by the public and related decision making at Los Alamos National Laboratories;
3. To inform the Board in a timely and proactive manner of agency processes, programs, projects, and activities pertinent to the Board's mission and purpose;
4. To review Board recommendations within thirty (30) days, or other reasonable time period requested by the Board and to explain the basis for the agency's respective decisions and how recommendations which are

accepted will be implemented;

5. To have DOE designate an employee and one alternate to serve as the point of contact for providing information to the Board and to assist the Board in administering its operations.

V. BOARD STRUCTURE

A. Co-Chairpersons: The Board shall appoint two (2) co-chairpersons respecting diverse viewpoints on a quarterly rotating basis. The co-chairpersons shall endeavor at all times to further the work of the Board in a balanced and unbiased manner, irrespective of their personal views on any particular issue and see that all NNM CAB members have the opportunity to express their views.

1. The term of selected co-chairpersons shall be for three months, beginning on the 1st of the month of each quarter.
2. The designated terms of the Co-Chairpersons will be established at the beginning of the fiscal year along with the meeting place schedule.
3. The co-chairpersons shall serve as liaisons with the staff and facilitator(s), assisting in the preparation of agendas, minutes of the meetings, and other necessary arrangements.
4. The co-chairpersons shall serve as the Board's designated media contacts. They may draft and issue press releases and are empowered to represent the work and positions of the Board within the following parameters:
 - a. Press releases should be approved in advance by the full board whenever possible.
 - b. The co-chairpersons must always collaborate with each other on how issues and positions should be characterized;
 - c. If the Board has not reached a consensus on an issue, then it is the

- responsibility of the co-chairpersons to accurately represent the full spectrum of views held by the members of the Board: if he or she feels unable to do so, for whatever reason, then a referral should be made to the other co-chairperson or any other Board member deemed appropriate to make a response;
- d. The Board may delegate these media responsibilities on an ad hoc or any other appropriate basis;
 - e. Any member or co-chairperson speaking in an official capacity will ultimately be responsible to each Board member individually for how her or his views are characterized, and collectively for how the work of the Board is represented.
- 5. Either co-chairperson shall certify to the accuracy of all minutes.
 - 6. Either co-chairperson shall sign the certification of a recommendation which has been agreed upon by the Board.
 - 7. The co-chairpersons shall be responsible for assuring necessary administrative support and coordination for the work of subcommittees and task forces between regular meetings of the Board, providing a liaison for their respective chairpersons when called upon to do so.
 - 8. The co-chairpersons shall also serve between regular meetings of the Board as contacts for DOE as well as the participating and enforcement agencies.

B. Standing Subcommittees: The following standing subcommittees of the Board shall be established:

- 1. **Nominations and Membership:** absentees, vacancies, removal of members, and nominations for regularly expiring terms;

2. Budget and Finance: preparation of budgets as well as the fiscal policies of the NNM CAB;
3. Personnel: personnel policy; the criteria and process for selection of facilitator(s) and the evaluation and oversight of NNM CAB staff; and a full range of non-fiscal policy matters;
4. Training and Programs: research and evaluation for Board training as well as establishing procedures and information to meet the needs of the new Board members;
5. Community Outreach: arrangements for hearings and forums; promoting community participation and involvement; communication with the public; and any issues and concerns.
6. **Environment, Safety and Health: review Environmental Restoration cleanup priorities, review upgrades on buildings, review draft Environmental Assessments and Environmental Impact Statements, draft recommendations for the Board and propose technical consultants.**

C. Other Subcommittees and Task Force: The Board may establish ad hoc subcommittees or task forces as it deems necessary.

1. Task forces will be termed those bodies established to address issues that are either time dependent or more narrowly focused than the routine work of the Board. Their work would generally relate to specific issues.
2. Ad Hoc Subcommittees are those subcommittees that do not fall under the functions of the Standing Subcommittees.

D. Structure of Subcommittees and Task Forces:

1. Membership to Standing Subcommittees, ad hoc subcommittees, or task

forces will be on a volunteer basis but NNM CAB members must serve on at least one Standing Subcommittee.

2. Standing Subcommittee members will develop operating procedures which must be brought to the full Board for approval and attached to the bylaws as an appendix.
3. Ad hoc subcommittees and Task Forces need not develop operating procedures but will follow the general guidelines establish in this section. Exceptions to these guidelines and procedures by an Ad Hoc subcommittee or Task Force must be approved by the Board.
4. Standing subcommittees, ad hoc subcommittees, or task forces may not directly submit recommendations to DOE, the participating and enforcement agencies, members of the press, or to any other entity outside the NNM CAB. They are solely responsible for producing draft proposals or information to be utilized and considered by the full Board. Before presenting a recommendation to the Board, the subcommittee should have passed by consensus the recommendation.
5. The Subcommittees and Task Forces will meet independently of the Board and meetings shall be open to the public.
6. A written summary of the subcommittee and task force meetings will be kept and made available.
7. Election of Chairpersons for the Standing Subcommittees shall occur annually at the NNM CAB September meeting.
8. Chairpersons for Ad Hoc subcommittees and Task Forces will be selected at the formation of such entities.
9. Subcommittee and Task Force Chairpersons shall report regularly to the

Board on subcommittee activities.

10. Members of the public are invited to participate in subcommittee and task force meetings but do not contribute to the consensus.
11. The NNM CAB is obligated to establish additional mechanisms for public participation and subcommittee meetings are not a substitute for this input.

E. Work Sessions: Work sessions are defined as meetings of a portion of the Board including ex-officio members, at which no official action is taken.

VI. SPECIAL MEETINGS OF THE BOARD

A. Process for Calling a Meeting: At either the request of six (6) members of the Board, or at the request of DOE, a participating or enforcement agency, or a subcommittee chairperson, and with the concurrence of six (6) members of the Board, the co-chairpersons shall call upon the DFO to schedule a special meeting of the Board. Notice of a special meeting of the Board shall be served to each Board member and Agency representative either in person or by mail at least seven days before the meeting. The special meeting shall be listed in the Federal Register.

B. Attendance: Notwithstanding all other provisions of the Bylaws which would apply to an extraordinary meeting of the Board as though it were a regularly scheduled one, and while attendance is no less important than at regularly scheduled meetings, such extraordinary meetings may not be factored in determining a member's attendance record.

VII. DECISION MAKING

A. Quorum: A quorum of the Board shall consist of one more than 50 percent of **the current** membership of **the Board**. **The full board will be considered to be** eighteen (18) with any fraction thereof requiring a full person.

B. Definition of Consensus: The CAB recognizes that there are several levels of a consensus that may be possible:

1. The first is a unanimous agreement among all Board members present:
2. The second is a consensus among all Board members present that can be characterized as all members being willing to "live with" a proposal:
3. In the third level of consensus, one or more Board members present may register dissent, but agrees to support the board in an action or agreement that would otherwise be possible except for their "dissent."

C. Requirement for Consensus: The Board will always operate by consensus in seeking to determine what advice the Board as a whole wishes to convey to the participating and enforcement agencies.

1. The promulgation or amendment of any policy, procedure, or bylaws of the Board and the election of any new member(s) to the Board shall require the consensus of the CAB at one meeting if the proposal or nominee(s) has (have) been included with the agenda and sent to the members in advance of the meeting, and if all members of the Board are present. If all members of the Board are not present, then with the consensus of a duly constituted quorum, a second reading will be necessary and approval may follow upon the consensus of a quorum at the next regularly scheduled meeting of the Board. Policy refers in this subsection to any expression of purpose, mission, or rules governing the functioning or structure of the Board itself or any substantive representation of the same to the public.
2. The routine work of the Board, including the adoption of recommendations or advice the Board elects to convey to a participating or enforcement agency, shall require the consensus of a quorum without the need for a second reading unless such business is covered by Subsection 1.

above or specifically exempted from the consensus by Paragraph F. of this section.

D. Conveyance of the Board's Decisions: Recommendations of the Board may not be conveyed orally during the course of Board meetings.

1. The Board will convey all recommendations in writing and the recommendations will be recorded in the minutes. Any recommendations from the Board will require the signature of one co-chair.
2. Generally, any recommendations or decision being considered by the Board must be provided to the members in writing in order to promote accurate and deliberative consideration, notwithstanding the ultimate means chosen to convey a decision or recommendation to the recipient agency.
3. It is understood that a Board member's absence from a meeting does not imply consent to, or dissent from any recommendation.
4. In addition to expressing consent or dissent regarding items proposed for a consensus, Board members are required to abstain or "stand aside" from the determination of the consensus if they have a conflict of interest that would taint the recommendation of the board due to the perception or the reality of self interest affecting the outcome of the process. It is the responsibility of each member to affirmatively state his or her intention to abstain from participation in the determination for consensus because of a conflict of interest or for any other cause she or he may choose. (See Section XII.)

E. Failure of Consensus: In those instances when a Board member has strongly held views, she or he may block the consensus if he or she believes these views are not addressed by

the proposal as put forth by other Board members.

1. In the absence of a consensus, no formal advice may be determined to have been conveyed.
2. If a consensus cannot be reached on a particular issue and the Board still wishes to convey a sense of its views to the interested party, those views may be expressed through majority and minority reports.
3. The Chair or facilitator will ask Board members to voice their dissent if they do not agree with a particular recommendation that has been proposed.

F. Administrative Decision Making: There are certain decisions that, having been specifically delegated by the Board, shall then lie beyond the reach of a consensus, and there are other specifically defined instances in which the Board will deem other means of decision making appropriate.

1. Administrative functions of the Board may be delegated to staff persons or the co-chairs as specifically and inclusively defined by their job descriptions. (See Section V., A; and the Personnel Policies of the Board.)
2. If the Board finds need to review or affirm specific decisions made under the authority delegated by this paragraph of the Bylaws, such affirmation shall be expressed by a vote of two-thirds (2/3) of a quorum, with any fraction thereof requiring the assent of a full person. This means of affirmation shall control until such time as the delegated authority or exempted decision is rescinded or amended by a consensus of the Board as required by Paragraph B, Subsection 1. or this section.
3. The following shall represent an inclusive list of non-administrative decisions to be exempted from the consensus process and subject to a

two-thirds (2/3) vote described in subsection 2 above:

- a. Time and date of Board meetings;
- b. Place of Board meetings;
- c. Schedule of subcommittee meetings;
- d. Selection of members designated as representatives of the Board.

VIII. ROLE OF THE FACILITATOR

A professional facilitator may be hired to help the Board organize its work, prepare an agenda based on consultations with the Board and the co-chairpersons, facilitate the Board meetings, and work with the staff to prepare the minutes of the meetings. Assuming continuing contractual compliance, the facilitator shall at all times work at the direction and discretion of the Board.

IX. CONDUCT AND FORMAT OF MEETINGS

A. Meeting Format:

1. Public meetings will be announced in the Federal Register at least two weeks in advance of the meeting. Announcements will be made on the radio and in local newspapers.
2. The NNM CAB will meet as required, with the length of meetings determined by the agenda;
3. Assuming coverage under the stated mission and scope of the NNM CAB Charter and Bylaws, the Board shall be free to set its own agenda with input from the participating and enforcement agencies, as well as from the public;
4. Meetings shall be open to the public and media; a section of the meeting room will be set aside for observers, and public comment will be invited at appropriate times during a meeting.

- a. There will be a fixed agenda time for public comment.
- b. The fixed time will be divided equally among the people who requested the opportunity to speak.
- c. Speakers who want to talk with the Board are expected to include their questions during their allotted time.
- d. Board members wishing to talk with the speakers are asked to hold these conversations during the break which immediately follows the public comment period.
- e. After the public comment period, the discussion will proceed among Board members. Before a consensus is reached, the Board has the option of inviting members of the public to offer their input. The Board will determine in advance how much time will be allocated for public input.
- f. Members of the public can offer their comments in writing and giving them to the Co-Chairperson or the facilitator.

5. Meetings will begin and end at the agreed upon time unless members in attendance decide differently; breaks will be taken at regular intervals;
6. Any meeting will be set up in terms of both the physical arrangements as well as the agenda so as to facilitate hearing and discussion;
7. Minutes of the meetings will be kept by the staff and distributed to the Board members for their review; each meeting agenda will include the opportunity for members to make revisions to the minutes of the previous meetings;

8. Any product of the Board such as policies, positions, reports, or advice given to the participating and regulatory agencies must be reviewed by the Board in final distribution form prior to dissemination via the media or being placed in the DOE public reading rooms and any other places deemed appropriate.

B. Conduct of Meetings:

1. A neutral third party facilitator may be utilized to assist the NNM CAB in accomplishing its mission; in all instances the facilitator, who will serve at the pleasure of the Board, shall operate in a completely neutral, balanced, and fair manners; (See Section VIII)
2. All decisions not specifically exempted by Section VII, F, will be made by consensus among the members in attendance at the meeting, so long as a quorum is established; a consensus is defined as "no dissent"; (See Section VII., B.)
3. Members of the NNM CAB who speak with the media should make clear they speak only on their own behalf and not for the Board, unless specifically authorized otherwise;
4. Board members will show respect to each other and the public by avoiding personal attacks or derogatory comments during meetings, and if they do, they will apologize and be forgiven immediately;
5. Neither Board members nor the public may bring telephones or audible beepers into a meeting room;
6. No use of any tobacco product(s) and drugs will be permitted during meetings.

X. BUDGET

A. Authority: The Board shall have the authority within its charter to develop its own budget and to make the revisions it deems necessary. The DFO shall retain the fiscal responsibility for the Board. The Board will not operate as a fiscal agent for any expenditure.

B. Access to funds: Within the bounds of applicable law, the Board shall have reasonable and timely access to funds allocated for its operation.

C. Compensation: Board members will serve without compensation except in cases of extreme need, but reasonable arrangements shall be made for reimbursement for direct expenses related to the work of the Board and meeting attendance.

D. Travel Expenses: It shall be the responsibility of DOE to insure prepaid arrangements are made for Board members' travel expenses unless members themselves opt to make independent arrangements and seek reimbursement in the standard manner.

XI. EVALUATION

There shall be an annual evaluation of the Board to assess how adequately it is representing stakeholder interests and meeting the needs of the public. The Board will also evaluate the responsiveness of DOE and the other participating and enforcement agencies. No later than July an Ad Hoc subcommittee shall be formed to solicit public input on Board performance. The subcommittee will report findings in August to the Board at regular or extraordinary meeting of the Board. The Board will help develop the criteria for these mutual evaluations.

XII. GRIEVANCES (as related to the NNM CAB)

A. Public Grievances: Formal grievances from the public shall be presented to the Board. Those grievances that fall within the mission and scope of the NNM CAB shall be referred by the chair(s) or the Board to the appropriate subcommittee. The subcommittee shall report to the Board recommendations for a remedy or may submit a finding for "no action"

B. Member Grievances: Member grievances shall be referred by one or both chairs, or

the Board, to an ad hoc subcommittee. The aggrieved member and/or the subcommittee may take the matter to the full Board if the conflict remains unresolved.

XIII. CONFLICT OF INTEREST

A. Definition: Conflict of interest is defined as any instance when a member, anyone in his or her immediate, family or anyone or entity with whom that member might be negotiating for employment, stands to make a direct or personal financial gain, or to gain an unfair competitive advantage, resulting from decisions made by the board or from information provided to the Board prior to public release.

B. Membership Ineligibility:

1. Management employees of: the Agencies, DOE contractors at LANL, and environmental restoration and waste management employees at LANL, as well as immediate family members (spouses, children, parents, and anyone living in the same household as the individual who falls into one of the excluded groups); are not eligible for Board membership. Management employees shall be defined as those employees in the top three levels of management within their respective agency or company.
2. In general, employees of DOE contractors at LANL are not eligible for membership on the Board. However, an employee of a DOE contractor may qualify for Board membership if such an employee successfully shows that his/her presence on the Board would not result in a conflict of interest. In any event there shall be no more than five membership positions on the Board held by employees of DOE contractors at LANL.

C. Recusal: If a Board member is aware that he or she has a conflict of interest, as defined above, the member shall immediately inform the Board of his or her interest and shall excuse himself or herself from participating in discussions and decisions in which a conflict or

potential for conflict of interest exists.

D. Principles of Conduct: Board members shall also be aware of and take care to abide by the following conflict of interest principles:

1. Members shall refrain from any use of their memberships which is, or gives the appearance of being, motivated by the desire for private gain;
2. Members shall not use, either directly or indirectly for private gain, any inside information obtained as a result of advisory board or subcommittee service;
3. Members shall not use their positions in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom he or she has family, business, or financial ties;
4. Members shall not knowingly receive or solicit from persons having business with the DOE anything of value as a gift, gratuity, loan, or favor while serving on the Board or in connection with such service.

XIV. AMENDING THE BYLAWS

Any member of the public, the Board, or one of the Agencies may propose an amendment of the bylaws; however, to be considered by this Board, the proposed amendment must be sponsored by a Board member. The Board shall have the power to alter, amend, and repeal the bylaws of the Board by consensus.

XV. SUBORDINATION AND SEVERABILITY OF THE BYLAWS

If there arises a conflict between any provision of these Bylaws and federal statutes, the laws of the state of New Mexico, or federal or state regulatory authority, then the superseding law or regulation shall control. In the event that any provision of these bylaws is or is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining

provisions of these bylaws which shall continue in full force and effect.

XVI. COMMITMENTS AND MUTUAL UNDERSTANDINGS

All parties serving on the NNM CAB, including ex-officio members on behalf of the agencies they represent, subscribe to the following understandings and commit to each other to make all reasonable and legal efforts to meet the following objectives.

A. Duration of the Board: It is the will of the Board that, so long as the Board remains functioning, effective and viable, it will continue to exist.

B. Funding: While recognizing that none of the ex-officio members of the Board have direct control over the funding process of their agency or authority to determine the size of federal allocations, the parties agree to try to fulfill the following goals:

1. Adequate funding for the Board to operate effectively that shall cover but not necessarily be limited to the following:
 - a. Administrative staff and facilitation;
 - b. Office space and overhead;
 - c. Internal and external communication;
 - d. Direct costs associated with meetings;
 - e. Technical assistance;
 - f. Compensation for Board members;
2. A budget preparation process that reallocates or prioritizes resources within the necessary constraints of Federal appropriation and policy.

C. Accountability:

1. DOE and the other participating enforcement agencies should respond to NNM CAB recommendations and advice by explaining what can be implemented, what can be implemented if modified, and what cannot be implemented. If recommendations cannot be implemented, there should

be a public explanation by the agency as to why that is the case:

2. The Board agrees to respond to requests on the part of a participating agency in a timely manner that both meets the needs of the requesting agency and respects the prerogative of the Board to control its own agenda.

D. Conflict Resolution: A mechanism of recourse for conflict resolution should be established if needs or actions of the Board are not met or given response within thirty (30) days.

ADOPTED as AMENDED on: _____ (DATE)