

Minnesota Noxious Weed Advisory Committee Bylaws

A) Name and Purpose

The official name of this committee is the Noxious Weed Advisory Committee (NWAC). The committee's purpose and responsibilities are specified by Minnesota Statute 18.91. This committee will abide by Minnesota Statute 15.059 on Advisory Councils and Committees.

B) NWAC Meetings

NWAC meetings will be held 3 – 4 times annually or as requested by the commissioner or Chair.

In keeping with Minnesota's Open Meeting Law statutes, NWAC meetings will be open to the public. The Chair may designate a specified time during the meeting to facilitate discussion with visiting public attendees.

Notices of meetings will be placed on the Minnesota Department of Agriculture (MDA) web calendar a minimum of two weeks prior to the meeting date.

In general, Robert's Rules of Order will serve as the template for running NWAC meetings in an orderly fashion overseen by the chairs.

C) NWAC Membership

- 1) Membership is defined Minnesota Statute 18.91.
- 2) State agency and board members provide the NWAC Coordinator a letter from their commissioner or director stating that they represent their organization. They are appointed directly utilizing the Minnesota Secretary of State's (SOS) process.
- 3) Other potential members shall apply for any open appointment related to their representative organization through the SOS application process for state committees.
- 4) Membership terms are for four years. The terms of one-half of the members shall be coterminous with the governor and the terms of the remaining one-half of the members shall end on the first Monday in January one year after the terms of the other members. Current term end dates that do not follow this rule will be brought in alignment with this rule upon reappointment.
- 5) If a member leaves the committee prior to the end of the term, a replacement representative can be appointed.
- 6) 45 days prior to term end, membership positions are published on the SOS website as vacant. This vacancy must be published for a minimum of 21 days.
- 7) Application through the SOS is mandatory for reappointment.
- 8) Members may be removed at the pleasure of the appointing authority.
- 9) If a member is absent from three consecutive meetings and no alternate representatives attended, the member's appointment may be published with the Secretary of State's office as "Open" for application and a qualified applicant can be appointed.

NWAC Advisors

The Chair or MDA Coordinator may designate advisors to NWAC as needed for their expertise. Advisors can participate with general voting but cannot vote on species designation recommendations.

D) NWAC Leadership

- 1) NWAC leadership shall consist of a Chair, a Vice Chair, Subcommittee Heads and MDA Coordinator.
- 2) Every two years a new Vice Chair is elected. The Vice Chair serves two years as the Vice Chair and then two years as the Chair. If the Vice Chair or Chair steps down during their term, NWAC membership can elect replacements.
- 3) NWAC membership shall elect the chairs. Priority will be given either to members who volunteer or through nominations provided by the membership.
 - a. Nominations for the chair positions will be requested from the full committee at the first NWAC meeting of the election year.
 - i. The current Chair and Vice Chair, with assistance from the MDA noxious weed program coordinator, will contact nominated candidates to ask whether they are willing to serve in a leadership position.
 - b. The Chair will request a motion from the full committee to approve nominated candidates who are willing to serve as Chair or Vice Chair (or approve a volunteer) at the second NWAC meeting of an election year.
 - c. Newly elected chairs will begin their service on July 1st of the year they are elected and remain in their position for four years (two years as Vice Chair and two years as Chair). Chair and Vice Chair appointments will end on June 30th of the second year of service. When the Vice Chair's two year term ends, they transition to Chair for two years. If the committee needs more time to select a replacement the Chair and/or Vice Chair may be asked to continue service until a replacement is found.
- 4) Subcommittee Heads are appointed by the Chair and do not have term limits.

E) Chair, Vice Chair, Subcommittee Heads and MDA Coordinator Duties

The Chair Shall:

- a) Approve and assist with developing meeting agendas and review minutes.
- b) Lead discussion and conduct the meetings of NWAC.
- c) Along with the Vice Chair, will consult with MDA staff on issues where NWAC input is necessary and serve as the spokesperson to the commissioner and outside committees.
- d) Lead all voting processes.
- e) Author and sign official communications from NWAC.
- f) Represent NWAC to outside entities as needed (including the legislature).
- g) Lead efforts to appoint a new Chair and Vice Chair.

The Vice Chair Shall:

- a) Perform the duties of the Chair in their absence.
- b) Provide assistance to the Chair when requested.
- c) Assist the Chair with appointing a new Chair and Vice Chair.
 - i. May choose to assemble a Nominations Committee to assist with selection of a new chair.

Subcommittee Heads Shall:

- a) Schedule and lead subcommittee meetings as needed.
- b) Provide updates to the full committee.
- c) Assist with developing meeting agendas and review minutes.

MDA Coordinator Shall:

- a) Approve and assist with developing meeting agendas.
- b) Schedule meetings and provide meeting dates for addition to MDA's web calendar.
- c) Take minutes.
- d) Record voting results.
- e) Manage NWAC documents.
- f) Manage appointments with the SOS.

F) Subcommittees and Task Forces

NWAC may establish subcommittees, task forces, or related entities in order to carry-out its objectives. The Chair, in consultation with NWAC membership, shall appoint members to these committees, task forces, or related entities.

1) LISTING SUBCOMMITTEE

The Listing Subcommittee evaluates and documents plant species for the Noxious Weed Advisory Committee through risk assessments and makes recommendations for regulation of species determined to be or that have the potential to be injurious to the environment, public health, public roads, crops, livestock, or other property in Minnesota. Regulated species are reevaluated by the subcommittee every three years. The evaluation and documentation process provides justification for regulating specific plant species under Minnesota's Noxious Weed Law.

2) NOXIOUS WEED MANAGEMENT AND POLICY SUBCOMMITTEE

The Noxious Weed Management and Policy Subcommittee assists the Noxious Weed Advisory Committee in its advisory role to the Minnesota Department of Agriculture on how to effectively prevent the introduction of new noxious weed species and to manage existing noxious weed species in Minnesota through recommendations incorporating implementing of the Minnesota Noxious Weed Law and development of management criteria for each noxious weed category.

The purpose of both subcommittees is to serve their missions by gathering factual information, discussing issues in-depth, producing a general consensus based on the facts of those discussions, and then report back to the full committee for a final decision to be made. The full committee will make all final decisions based on the voting criteria as outlined in NWAC's Bylaws.

G) Record of Meetings and Decisions

All activities regarding NWAC decisions and meetings shall be recorded by MDA and approved by NWAC membership. Full and accurate minutes will be kept to record formal actions and recommendations by NWAC and will be published on the MDA web site for public viewing. NWAC minutes will serve as official documentation for all activities and will be kept on file at the MDA Noxious Weed Program. Minutes shall be made available to requesting parties when necessary.

H) NWAC Voting Procedures

Voting procedures have been adopted by NWAC for designation of reviewed plant species recommended to the commissioner through the NWAC risk assessment process for evaluating potential noxious weeds in Minnesota. These voting procedures also apply to voting for NWAC policy issues.

- 1) All NWAC members are expected to be present either in person or via online meeting for voting on species designations.
 - a. If a NWAC member cannot be present, a suitable representative shall be assigned to vote by the member or member's organization.
 - b. A quorum of at least 60% of NWAC members must be present in order to have representative voting for species designation recommendations.
- 2) The Chair will call for a vote from the NWAC membership.
 - a. The Chair will ask for a show of hands or a verbal vote from the group. Voting on species designations will be done with a roll call vote and a record of voting will be maintained.
 - b. Motions may be made by any voting member and must be seconded to be considered by the committee as a whole and ultimately moved to a final vote. Motions that are not seconded are considered to have failed for lack of a second. Motions will pass with a simple majority.
 - c. The Chair can call for a revote if the result is in doubt.
- 3) Opposing parties to a majority member vote for the approval of a species designation have 45 days from the date of the vote to send a written appeal for review prior to the commissioner accepting or rejecting NWAC's official recommendations for that cycle.
 - a. Copies of the appeal should be sent to the Commissioner, the Plant Protection Division Director, and the NWAC Chair for review.
- 4) Official NWAC voted species designation recommendations will be presented to the Commissioner at the end of the third year of a cycle by the Director of the Plant Protection Division following the final 45-day comment period. The Commissioner

- has the final say on any NWAC recommendation. The Commissioner will take into account any member's written comments following final voting, the MDA, county, and municipal enforcement communities input, and the final vote tally for each recommendation.
- 5) The Commissioner's decision is final and will be the standard for listed species and enforcement procedures for the upcoming NWAC three-year cycle.

General NWAC voting procedures were also adopted for other matters where the chair or membership has decided a group vote is necessary.

- 1) The Chair can call for a vote on any issue that should be validated by the membership.
- 2) Any NWAC member or the MDA Coordinator can request to the Chair that a vote be taken on a particular issue. It will be up to the Chair, based on full-group discussion, to make a decision if a vote shall proceed.
- 3) A simple majority of members present will decide the result of the vote.
 - a. Opposition or abstention to a vote on general procedures will be noted.
 - b. The Chair can call for a revote if the result is in doubt.
 - c. A quorum of NWAC's membership is not required for general voting issues, unless determined by the Chair in consultation with members present.