

8.0 RAB Charter

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Mare Island Naval Shipyard
Restoration Advisory Board
Draft Charter
July, 1995

I. Name

The name of the organization is the "Mare Island Restoration Advisory Board" (Mare Island RAB).

II. Basis and Authority

The basis and authority for this charter are contained in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendment and Reauthorization Act (SARA) of 1986, specifically Section 120(a), 120(f), and 121(f), and 10 U.S.C. 2705, enacted by Section 211 of SARA, and Sept. 9, 1993 Department of Defense policy letter entitled "Fast Track Cleanup at Closing Installations". The Mare Island RAB is also organized per 10 U.S.C. 2705(c), Department of Defense (DOD) Environmental Restoration Program; July 2, 1993 President's Five Part Program; the Federal Facilities Environmental Restoration Dialogue Committee recommendations; and DOD's April 14, 1994 FY 94/95/96 Defense Environmental Restoration Program Management Guidance.

III. Mission Statement

"The mission of the Mare Island Restoration Advisory Board is to

provide the primary, participatory forum through which the Navy, regulatory agencies, environmental and social justice organizations, and surrounding communities can work together to increase community awareness, promote a balance of public safety and economic development concerns, and responsibly and effectively guide the environmental cleanup, restoration, and transfer of Mare Island from military to civilian use".

IV. Purpose

The purpose of the RAB is to promote community awareness and to obtain constructive community review and comment on environmental restoration policy and actions in order to accelerate the cleanup and conversion of Mare Island Naval Shipyard. The RAB investigates and reviews all environmental restoration and related issues and provides the community with relevant information related to their quality of life, and ensures that environmental restoration receives input from the diverse interests within the community. The RAB serves in an advisory capacity to the Navy, USEPA, and Cal EPA regarding cleanup standards, plans, and technology selection.

The Navy has developed a Community Relations Plan (CRP) which outlines the community involvement for the Navy's Installation Restoration program. The RAB supplements the community involvement effort. A copy of the CRP is located in the Mare Island Naval Shipyard Information Repository at John F. Kennedy Library in Vallejo and the Base Realignment and Closure

Commission (BRAC) Environmental Office on Mare Island Naval Shipyard.

By-Laws

V. Membership

A) Representatives: The RAB, in general, shall include, but is not limited to, representatives from local community neighborhood associations, special interest groups, community residents, the business community, local environmental groups, homeowners associations, low income and minority groups, community officials, civic groups, interested individuals affected by the closure and conversion, Federal regulatory agencies, California regulatory agencies, and the Navy.

1. Navy, Federal, State and Local Agency Representatives: The Navy, and other Federal, State, and Local government agencies shall each have one member. The Navy member of the RAB is the BRAC Environmental Coordinator who will serve as the Navy Co-Chair. In addition to the Navy Co-Chair, one additional Navy shipyard representative may serve on the RAB as appointed by the shipyard commander. The additional Navy member may be a Public Affairs Officer, environmental supervisor, Legal Counsel, or other person of sufficient experience and grade to appropriately carry out RAB responsibilities. The period of appointment shall depend upon the availability of the member, subject to the approval of each agency (Navy, Federal, State, and Local)

appointing authority.

2. Community Members: The number of community RAB members should be kept large enough to reflect the community's diversity, yet of a size capable of fulfilling its responsibilities in a reasonably manageable way. A community Co-Chair will be appointed by the community members of the RAB.

3. Designated Alternate Members: Each RAB member may designate his/her alternate member by notifying either Co-Chair in writing. Designated alternate RAB members are expected to attend general RAB meetings and Focus group meetings in the RAB members absence.

4. Length of term: RAB members serve with an informal and unbinding commitment of a minimum of two years. RAB members also serve without a term limit. As long as the RAB member is dedicated to serving their community on this Board and is willing to participate fully, including regularly attending RAB meetings, they should remain on the RAB.

B) Additions, Resignations, and Terminations:

1. Additions: New member applications shall be accepted on a continuous basis. New members shall be nominated by a sub-group of the organizational focus group who meet specifically for the purpose of nominating new members of the RAB. The selection sub-group will review new applications, nominate new members from that pool, and also nominate replacements for resigned members. From time to time, the selection sub-group may recommend

selection of an additional member, if an applicant would be particularly valuable to the RAB's mission of representing the broadest interest base in the community and would represent added diversity. The selection sub-group will serve for a one year term. The selection of nominees to be submitted to the entire RAB through the organizational focus group will be by majority vote of this five person team, made-up of 1 RAB representative from the Department of Toxic Substances Control(DTSC) or the United States Environmental Protection Agency(USEPA) or the San Francisco Bay Regional Water Quality Control Board(RWQCB); one RAB representative from the U.S. Navy; and 3 RAB representatives from the community. ^{Community} Members may be nominated or volunteer to serve on the Selection sub-group. The RAB shall determine selection sub-group membership by majority vote. Approval of nominations for membership to the RAB shall be by a majority vote of all RAB members present and in session.

2. Size of RAB: The RAB shall strive to maintain an ideal minimum size of 25 and no more than 30 members total at any time.

3. Resignations: Community members may resign at any time. The resigning member shall inform the Community Co-Chair, preferably in writing. Replacement of resigned members shall be accomplished by the process described above, giving preference to the organization or an affiliated organization represented by the resigning member. The member's alternate may become part of that selection pool, if that alternate submits an application. If, after drawing first from the pool of applicants representing the

resigning organization, a nomination cannot be made, the selection sub-group of the organizational focus group, would then select from the larger applicant pool. The Navy, Federal, and State agency representatives may only be replaced or removed by that agency's appointing authority.

4. Terminations: Regular attendance at RAB meetings is necessary to ensure ongoing, consistent involvement by community members. The unexcused absence of a community member or their designated alternate from three consecutive meetings may be considered cause for termination. Notification of a planned absence provided to either Co-Chair shall constitute an excused absence. Termination shall be approved by two-thirds of the members of the RAB. Notice of termination will be prepared by the Navy Co-Chair, signed by both the Navy and Community Co-Chair for dispatch to the member. A member notified of her/his termination from the RAB may appeal to the RAB for continued membership. Continued membership must be approved by a two-thirds majority of the members of the RAB.

C) Responsibilities:

1. Navy, Federal, State, and Local Agency Representatives: Navy, Federal, State, and Local Agency Representatives have a responsibility to the RAB process in that they must insure the full and frank disclosure of all cleanup information to the RAB and guarantee that the concerns of community members are not only taken seriously, but receive appropriate and complete responses

from all agency representatives. They have a responsibility to:

- a) provide to the RAB the rationale of their agency's position regarding the issue or initiative under review or discussion by the RAB or its focus groups.
- b) review and provide comments on documents relative to the cleanup effort.
- c) inform the RAB of applicable legislation and regulations.
- d) participate on RAB focus groups to the extent possible.

2. Community Members: The community members of the RAB represent an essential element in the cleanup of Mare Island Naval Shipyard. They have a direct responsibility to the interests and concerns of the constituents they represent, and to the community as a whole. Their responsibilities are:

- a) to regularly attend RAB meetings.
- b) to advise and comment on cleanup effort.
- c) to report back to the element (organization, group, association, community) they represent.
- d) to serve as a conduit for the flow of information to and from the element they represent.
- e) to review and provide comments on documents related to the cleanup effort on Mare Island Naval Shipyard.
- f) to participate on RAB Focus groups to the extent possible.

D) Censure:

1. Any member of the RAB may be censured by the RAB for unbecoming or inappropriate conduct by a two-thirds vote of the members of the RAB.
2. A censured community member of the RAB may be terminated as a member per the procedures described in paragraph V.B4 above. A censured Navy, Federal, State, or Local Agency representative, who is a member of the RAB, is outside the authority of the RAB for termination, and therefore a letter to the head of the office the individual represents may be dispatched requesting that the individual be replaced, with explanation, and approved by a two-thirds vote of the RAB.

VII. OFFICERS

A) General: The Navy and Community Co-Chairs will serve in equal partnership. The Navy Co-Chair shall be appointed by and serve at the discretion of the Navy appointing authority. The Community Co-Chair shall be elected by the Community members of the RAB. Nominations for Community Co-Chair shall be solicited from community members of the RAB. Candidates must be aware of the general duties and responsibilities of the Community Co-Chair, and be committed to serve as the focal point for community outreach, and report to the community as a whole and approved by a majority vote of the community members of the RAB.

B) Selection of Community Co-Chair and Term of Service; The

Community Co-Chair shall serve a two year term. The Community Co-Chair position is open each alternating September. RAB community members wishing to be considered for Co-Chair position may volunteer. Nominations for Co-Chair will also be accepted by the RAB community members. During the August meeting before the September election, RAB community members wishing to be considered for the Co-Chair position shall volunteer; nominations shall also be accepted at this time. The individuals to be considered shall then submit a brief one to two page written statement describing why they want to serve as the RAB Community Co-Chair, what special skills they would bring to the Co-Chair position, and what they would hope to assist the RAB in accomplishing if they were to serve in that capacity. Copies of their statements of interest shall be mailed to all community members with the September agenda notice. Selection of the Community Co-Chair is by majority vote of the community members present and becomes effective at the subsequent monthly meeting of the RAB. The runner-up in the Co-Chair selection vote becomes the Alternate Co-Chair. If the Community Co-Chair resigns before her/his term expires, the alternate Co-Chair will assume the Co-Chair position until the next September election.

C) Termination: The Navy Co-Chair shall terminate his/her appointment as the appointing authority elects, or is not available, resigns employment, is transferred, or is otherwise not available for other reasons. The Community Co-Chair may

terminate his/her elected position by voluntary resignation, or is not available to carry out her/his responsibilities, or is removed from the position by the community members of the RAB.

The process to recall a Community Co-Chair shall be as follows:

1. Community members shall prepare a written petition to recall the incumbent Community Co-Chair; attain a minimum 40% (rounded to the next whole number) of then current appointed community members of the RAB; and submit the signed petition to the Navy Co-Chair for inclusion in the next meeting's agenda.
2. At the point of placing on the table the petition for recall, the incumbent Community Co-Chair shall be asked to be excused(absent) from deliberations. The Navy Co-Chair will then open the petition for discussion following the rules described in part VIII, paragraph C 3. Deliberation on the motion to open discussion/debate on the recall is restricted to community members of the RAB only, and must be approved by a majority vote of the community members of the RAB present and in session. On conclusion of the discussion/debate on the recall, a motion shall be introduced clearly stipulating the termination of the incumbent as the Community Co-Chair of the RAB. Only the community members of the RAB may deliberate the motion for termination. The motion to terminate must be approved by a two-thirds vote of the community members of the RAB.

D) Duties of the Navy Co-Chair: The Navy Co-Chair shall be responsible for the following:

1. In close coordination with the Community Co-Chair and with the other members of the BRAC Cleanup Team(BCT), prepare and distribute an agenda prior to each general RAB meeting.
2. Prepare and distribute draft minutes for review; make corrections as approved in the RAB meeting; and distribute final minutes.
3. Organize and provide the necessary administrative support for general meetings of the RAB.
4. Arrange for technical support as requested by the RAB.
5. Organize and provide the necessary administrative and technical support for workshops approved by the RAB.
6. Upon request, provide documents related to the environmental cleanup of Mare Island to the RAB, the RAB focus groups, and the general public, by making them available at public meetings, through mailings, and through information repositories.
7. Coordinate the updates given at each RAB meeting concerning relevant cleanup activities, important and relevant decisions, anticipated dates of the release of related documents, and significant decision or response dates/deadlines through the Navy Co-Chair report.
8. Ensure that information repositories have updated or current documents available.

9. Refer non-cleanup issues to appropriate Navy officials for action.

10. Sign the minutes of meetings and addendums thereto.

11. Report back to the Navy on the advice received from the RAB members as input to the decision process; and make the approved minutes of RAB meetings part of the Navy's administrative record on the cleanup of Mare Island Naval Shipyard.

E) Duties of the Community Co-Chair: The Community Co-Chair shall be responsible for the following:

1. In close coordination with the Navy Co-Chair and the other members of the BCT, prepare and assist in distributing an agenda prior to each general RAB meeting.
2. Assist the Navy Co-Chair in providing documents in a timely manner to the RAB and focus groups on request.
3. Serve as the focal point for community outreach and report back to the community as a whole.
4. Ensure that community issues and concerns related to cleanup of Mare Island Naval Shipyard are included in the RAB meeting agenda.
5. Encourage community members to participate in RAB meetings in an open and constructive manner.
6. Represent the Mare Island RAB at functions and events.
7. Attend Remedial Project Manager's (RPM) meetings and other technical meetings, or solicit other community members of the Mare Island RAB to attend such meetings.

8. Serve as the principal liaison between the Navy Co-Chair, the BRAC Cleanup Team, and the community members of the RAB.

X. Amendments

A) General: Amendments to the Charter and By-Laws shall be made on approval of two-thirds vote of the RAB.

B) Procedure: Proposed amendments shall be referred to the organizational focus group for writing and coordination. On completion of a draft amendment by the organizational focus group, the focus group Spokesperson shall introduce the written draft amendment to the Mare Island RAB in the form of a motion to approve the amendment as written. The RAB shall discuss/debate the motion. Draft amendments shall be approved by two-thirds vote of the Mare Island RAB, and shall be effective on the date of approval by the RAB of the minutes of the meeting(normally one month following the vote). The amendment shall be signed by both the Co-Chairs, and shall be posted to the approved record copy of the Mare Island RAB Charter and By-Laws.

XI. Authentication

A) Authentication: Both Mare Island RAB Co-Chairs shall authenticate by signing and dating the approved Charter and By-Laws.

B) Disposition: The approved record copy of the Charter and By-Laws shall be retained as part of the FFSRA Administrative

Record. Copies of the Charter and By-Laws shall be provided to each appointed member of the RAB. Copies shall also be placed at information repositories.

XII. Termination

The Mare Island RAB Charter shall be terminated upon completion of the requirements as stated in Part II (Basis and Authority), or it may be terminated with a two-thirds majority vote of the RAB membership after implementation of the final remedial design for the environmental restoration of Mare Island.