MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

MOFFETT FEDERAL AIR FIELD
RESTORATION ADVISORY BOARD

CHARTER

I - NAME and AUTHORITY

A. Name: The name of the organization is "The Moffett Federal Air Field Restoration Advisory Board" (MOFFETT RAB).

B. Authority: The MOFFETT RAB is organized per the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendment and Reauthorization Act (SARA) of 1985, specifically Sections 120(a), 120(f), and 121(f), and 10 U.S.C. 2705(c), Department of Defense (DOD) Environmental Restoration Program enacted by Section 211 of SARA; July 2, 1993, President's Five Part Program; the Federal Facilities Environmental Restoration Dialogue Committee recommendations; DOD's September 9, 1993 policy memorandum on "Fast Track" cleanup initiatives; and DOD's April 14, 1994 FY 94/95/96 Defense Environmental Restoration Program Management Guidance.

C. Definitions:

BRAC = Base Realignment and Closure.

CLEAN-UP = Issues and activities which include protection of human health and the environment, restoration, and reuse.

MEW = The Middlefield, Ellis and Whisman, cleanup site in Mountain View, California.

MOFFETT = Moffett Federal Air Field

NASA = National Aeronautic and Space Administration or current landowner of MOFFETT.

Navy = The Navy installation commander responsible for the cleanup of the MOFFETT

RAB = The Moffett Federal Air Field Restoration Advisory Board of duly appointed members of DOD, Navy, Federal State and Local regulators, and community representatives, present and in session.

II - MISSION and PURPOSE

A. MISSION: To advise the Navy authorities responsible for the environmental cleanup effort at MOFFETT, a 1992 Base Realignment and Closure military installation.

B. PURPOSE: The RAB is the principal forum where the concerns and issues of the people living in the community discuss and exchange information about the MOFFETT environmental cleanup program, with the DOD, the Navy, MEW, NASA (and/or the appropriate landowner(s) of MOFFETT), Federal, State and local regulators, any Local Reuse Authority that may arise, and representatives of the community.

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

III - RESPONSIBILITIES

A. RESPONSIBILITIES: The principal responsibilities of the RAB are:

1. To give timely advice to the Navy authorities responsible for the MOFFETT cleanup.

2. To consider all issues and concerns introduced by the RAB and the general public which are current, future or potential threats to human health and the environment, and their impact on the realignment, the community and or any potential reuse plan for MOFFETT.

3. To review and evaluate pertinent documents related to cleanup, realignment and/or reuse of MOFFETT.

4. To identify and recommend proposed cleanup project requirements.

5. To identify and recommend appropriate standards consistent with realignment and/or reuse and environmental protection.

6. To recommend cleanup project priorities consistent with realignment and/or reuse and environmental protection.

7) Conduct regular meetings, open to the public, at convenient times and locations.

8) Publish minutes of meetings and make them available to the public.

9) Develop, maintain and use a mailing list of interested persons, organizations, associations, key local government agencies, and interest groups who have expressed an interest to receive information on the MOFFETT cleanup process, and to provide the information in a timely manner.

10) To comment on proposed remediation activities and the adequacy of plans and procedures in a timely manner.

BY-LAWS

IV - MEMBERSHIP

A. MEMBERSHIP: Community members or individual representative(s) of organizations must reside in, operate a business in, serve the community or provide services thereto, the Cities of Mountain View and Sunnyvale and/or adjacent communities. In addition, the following agencies which shall be represented: US Environmental Protection Agency (EPA), California regulatory agencies (Regional Water Quality Control Board, Department of Toxic Substance Control, etc.) Local regulatory agencies (Santa Clara Valley Water District, etc.), Cities of Mountain View and Sunnyvale, Navy, and NASA (and/or the appropriate landowner(s) of MOFFETT).

B. ADDITIONS and RESIGNATIONS:

Additions: Members may be added at any time provided

a. Application for membership is received by the Navy or Community Co-Chair; presented by both the Navy and Community Co-Chairs for membership; forwarded by the Navy to the Moffett RAB.

b. Membership is approved by a majority vote of the community members of the RAB present and in session.

c. If necessary, open nominations for new members will take place when deemed necessary by the RAB.

2. Resignations: Community members may resign at any time. The member should inform the Community Co-Chair, preferably in writing. A resigning member may nominate a new member as a replacement to the Community Co-Chair, who will then follow the procedures described in paragraph 1 above. Resignations by government members of the RAB are subject to the approval of the agency's appointing authority.

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

C. RESPONSIBILITIES:

1. Community Members - The community members of the RAB represent the most important element in the cleanup of Moffett. 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. Regularly attend RAB meetings

b. Advise and comment on cleanup effort.

c. Serve as a conduit of information to and from any group they represent.

d. Serve in a voluntary capacity, without compensation.

2. Federal, State and Local Regulators and NASA:

a. Provide to RAB the rationale of their agency's position regarding the issue under review or discussion by the RAB or its committees.

b. Review and provide comments on documents relative to the cleanup effort.

c. Inform the RAB of applicable legislation and regulations.

D. CONFLICT OF INTEREST: RAB members shall inform the RAB of any conflict of interest that may provide them with a direct financial gain.

V - ORGANIZATION

A. GENERAL: The RAB shall be organized with two Co-Chairs [a Navy Co-Chair and a Community Co-Chair], a Community Vice-Co-Chair, and if needed, a Secretary, who shall serve as officers of the RAB (See part VII); The RAB shall also be comprised of DOD, Navy, NASA, Federal, State and local regulators; Technical Advisors (without vote), if appointed; and duly appointed community members.

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

B. COMMITTEES: Duties: To support the RAB in all of its duties, and assist in collecting, identifying, organizing, analyzing and communicating information about the Moffett Federal Air Facility's cleanup process.

The RAB at its March 9, 1995 meeting has approved the following committees. A short description of its duties are as follows:

1. Technical Historical and Educational Committee (THE):
To review documents related to the cleanup and any related issues, prepare special reports, and summarize activities to the RAB. Provide educational, informational and technical programs/presentations to the RAB to enhance RAB members understanding of issues.

2. Communications, Media and Outreach Committee:
To assist the RAB to inform the community, by use of local media outlets of notice of meetings and agenda. To initiate and promote contact with the local media, governments, community including neighborhood groups, business and industry, and other interested parties of RAB activities. It will maintain a mailing list of parties. It will prepare news releases, fact sheets, letters in response to the public, and coordinate speaking requests at the direction of the RAB. The Navy will provide appropriate administrative support.

3. Organizational Committee:
Develop appropriate ground rules in the form of a charter and by-laws, for RAB approval. After RAB approval, the Organizational Committee shall be retained as a Rules Committee and its purpose will be to sustain the principles and provisions of the RAB CHARTER and BY-LAWS, and to prepare amendments for presentation and approval by the RAB.

4. Cost Committee
To review documents and to provide advice and comment on cost issues to the Navy and the RAB. The committee may prepare special reports/presentations for summaries to the RAB.

5. Special or Other Committees:
The RAB may form special or other committees as needed. The vote shall be in accordance with the Voting Table (see attached).

C. CHAIR or SPOKESPERSON: Committee members will elect a Chair or Spokesperson. The Committee Chair shall serve as the committee leader responsible for organizing and directing the procedural operation of the committee, and acting as the principal spokesperson on committee reports.

VI - OFFICERS

A. TERM OF SERVICE: The Navy Co-Chair shall serve as the appointing authority elects. The Community Co-Chairs and Secretary (if any) shall serve for a period of one year. The Co-Chairs were elected in February and March 1995, and therefore a new election will be held at each January meeting to elect a Community Co-Chair and Vice-Community Co-Chair, unless needed beforehand. The Community Co-Chair, the Vice-Community Co-Chair and the Secretary may serve for more than one term.

B. TERMINATION / RECALL: 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-Chairs or Secretary (if any) may terminate his/her elected position by: voluntary resignation; is not available to carry out his/her responsibilities; or is removed from the position by the community members of the RAB.

C. DUTIES OF THE NAVY CO-CHAIR:

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

1. In close coordination with the Community Co-Chair, prepare and distribute an agenda prior to each general or special RAB meeting.

2. Provide administrative support to the RAB in preparing the minutes of meetings.

3. Organize and provide the necessary technical and administrative support for general and special meetings of the RAB.

4. Provide documents relative to the environmental cleanup of MOFFETT to the RAB and its committees as requested, and to the general public by their availability at public meetings and information repositories.

5. Be responsible for coordinating the updates given at each RAB meeting

6. Ensure that information repositories have updated or current documents available.

7. Sign the minutes of meetings and addendum thereto

8. Report back to the Navy on the advice received by 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 the Moffett Federal Airfield.

D. DUTIES OF THE COMMUNITY CO-CHAIR

1. In close coordination with the Navy Co-Chair, prepare and assist in distributing an agenda prior to each general or special RAB meeting.

2. Assist the Navy Co-Chair in providing documents in a timely manner to the RAB and committees 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 on the MOFFETT 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 Moffett RAB at functions and events.

7 Attend, or have a designated alternate attend, the Remedial Project Manager's (RPM) meetings.

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

E. DUTIES OF THE COMMUNITY VICE-CO-CHAIR

1. Support the Community Co-Chair as directed by either the Community Co-Chair or the RAB and generally serve in his or her absence. (See Community Co-Chair's duties in section "E" immediately above).

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

VII - MEETINGS

A. GENERAL RAB MEETINGS (Frequency, Time and Location): The RAB will meet on the second Thursday of each month, at 7:00 PM at the Mountain View Fire and Police Auditorium, located at 1000 Villa Street, Mountain View, California. The RAB may elect to hold meetings at times and locations different than the normally scheduled period, subject to the approval by a vote of a majority of the RAB. General RAB meetings approved for other that the frequency time and location noted above should meet the provisions enumerated in paragraphs B1 and B2 below.

B. SPECIAL FOCUS MEETINGS: Subject to approval of a majority of the RAB, special focus meetings may be scheduled provided:

1. Notice is given to each RAB member at least 10 calendar days prior to the meeting.

2. Notice to the public is made at least three days prior to the scheduled meeting, specifying the date, time place and general purpose of the meeting.

C. FACILITATOR: If needed a facilitator may be approved by a majority vote of the RAB.

D. MEETING FORMAT: In addition to the provisions described in other parts of these By-Laws, the Moffett RAB meetings shall be conducted in accordance with the following rules and procedures:

Review Old Business:

a. Approval of minutes of the last RAB meeting

b. Discussion, presentation or comments on matters, issues or tasks identified in past RAB meetings.

2. Open for New Business:

a. Agenda items.

b. Committee reports (if any)

3. Discussion / Presentation / Comments

a. Comments and/or discussion will normally be accepted on the issue, topic, matter, or subject "on the table" only, and in the following sequence - members of the RAB; Technical Advisor(s) if any; and the general public.

b. Normally speaking time will be limited to 3 minutes, per person, per recognized turn, during the comments and/or discussion periods, is essential to a fair, open, orderly and productive meeting. Committee reports and technical presentations are exempted.

c. Any required motions or voting will be in accordance with the Voting Table.

4. An update shall be presented of the Remedial Project Manager (RPM) meeting, and of all cleanup activities, important and relevant decisions, and the anticipated dates of the release of related documents.

5. Next RAB meeting agenda items (if any).

6. Motion to adjourn.

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

E. VOTING

1. Procedures - Only one vote is allowed for each RAB member. Voting on the RAB's operating procedures will be made by motion and a vote in accordance with the voting table (see attached).

2. Rules on Motions - Motions should be clearly stated by a member of the RAB, and seconded by a different member of the RAB prior to a vote by either the entire RAB or the Community members as required by the voting table (see attached).

3. Voting Table (see attached)

F. COMMITTEE MEETINGS: Committee meetings, their focus or purpose, shall be announced at RAB meetings, and are open to the public. Meeting location, date/time, and place should be announced to all RAB members at least seven calendar days prior to the scheduled meetings or at previous RAB meeting.

G. RULES OF ORDER: Robert's Rules of Order apply unless otherwise addressed in this document

H. AGENDA: The agenda for each RAB meeting will be prepared jointly by the Navy and Community Co-Chairs. Copies of the agenda for each RAB meeting or special meeting will be provided to each member of the RAB at least 48 hours prior to the scheduled meeting.

MINUTES:

1. Preparation - Minutes of RAB meetings (general or special) will be prepared by the RAB Secretary (if any, or by a duly appointed party decided on by the RAB community members). Minutes shall reflect an accurate and objective summary of motions, discussion / debate and voting on procedural and initiative matters.

2. Authentication - The minutes shall be signed by the RAB Secretary (if any, or by the person preparing the minutes), in the spacing indicating "Prepared By", and the Navy and Community Co-Chairs. If on approval of the minutes, modifications are approved by the RAB, an addendum to the minutes will be prepared, and signed by the Secretary (if any, or by the person preparing the minutes) and the Navy and Community Co-Chairs, and attached to the approved minutes.

3. Disposition - Copies of the minutes - both approved and to be approved - shall be provided to each RAB member prior to each meeting. Approved copies of minutes, with addendum if any, will be made available to the general public present at RAB meetings; by placing them at information repositories; providing them to the BRAC Cleanup Team, via the Navy Co-Chair; and making them part of the official RAB administrative record.

III - PUBLIC PARTICIPATION

A. Information repositories and meeting places shall be accessible to the public. Repositories, including the Mountain View Public Library, should contain, as a minimum, those documents related to the environmental cleanup of the MOFFETT, (draft and final technical documents, proposed and final plans, status reports, etc.), and the RAB's approved minutes of meetings. (NOTE - Repository administrators shall be instructed not to allow the documents to be removed from the premises).

B. Public notice in local newspapers - (which will be paid for by the Navy if necessary) to announce the date, time and location of RAB meetings, solicit new community members for the RAB (when approved by the RAB), and announce the availability of documents.

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

IX - AMENDMENTS

A. GENERAL: Amendments to the CHARTER and BY-LAWS shall be made in accordance with the voting table (see attached).

B. PROCEDURE: Proposed amendment shall be referred to the Organizational or Rules Committee for writing, staffing and coordination. The Committee Chair or Spokesperson shall introduce a written amendment to the Moffett RAB in the form of a motion to approve the amendment as written. The RAB shall discuss / debate the motion per the rules set forth in Part VII. The amendment shall be become effective on the date of approval by the RAB of the minutes of the meeting (usually one month following the action). The amendment shall be signed by the Navy and Community Co-Chairs, and the RAB secretary (if any) posted to the approved record copy of the Moffett RAB CHARTER and BY-LAWS; and retained as part of the administrative record of the RAB by the Navy Co-Chair.

X - AUTHENTICATION

A. AUTHENTICATION: The RAB Secretary (if any) shall authenticate by placing his or her signature on the approved CHARTER and BY-LAWS, and the date. The Navy Co-Chair and the Community Co-Chair shall sign and date the document.

B. DISPOSITION: The approved record copy of the CHARTER and BY-LAWS shall be retained as part of the administrative record of the RAB by the Navy Co-Chair. Copies of the RAB's CHARTER and BY-LAWS shall be provided to each member of the RAB. Copies will also be placed at information repositories.

C. EFFECTIVE DATE: The effective date of this CHARTER and BY-LAWS shall be the date that the last signatory signed this document.

D. SIGNATORIES TO THE RAB CHARTER AND BY-LAWS

IN WITNESS WHEREOF, we have set our hand this day of 1995.

Stephen Chao,
MOFFETT RAB Navy Co-Chair

Paul Lesti,
MOFFETT RAB Community Co-Chair

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

VII.E.3 VOTING TABLE

RULES ON VOTING and MOTIONS:

ISSUE	WHO VOTES	REQUIRED # OF VOTES
Adjourn	whole	majority
Agenda (approval)	whole	majority
By-Laws and Charter (approval)	whole	majority
By-Laws and Charter (amending)	whole	majority
Clean Up Issues (advice)	community	majority
Community Co-Chair (elect)	community	majority
Community Co-Chair (recall)	community	2 / 3rds
Vice-Community Co-Chair (elect)	community	majority
Vice-Community Co-Chair (recall)	community	2 / 3rds
Secretary (elect)	community	majority
Secretary (recall)	community	2 / 3rds
Membership (new)	community	majority
Motion (amend and accepted)	whole	majority
Minutes (approval)	whole	majority
Committee (to form)	community	2 / 3rds
Committee (to dissolve)	community	2 / 3rds

QUORUM: A quorum for the transaction of official RAB business shall be considered present and in session if a minimum of sixty percent (60%) of the community members are present, rounded to the nearest whole number, (for example if there are 22 community members, then .60 x 22 = 13.2 or 13), and a minimum of one Co-Chair (either Navy or Community) is present.

MOFFETT FEDERAL AIRFIELD RESTORATION ADVISORY BOARD CHARTER

This page was left blank intentionally