

IHBG FORMULA NEGOTIATED RULEMAKING

Meeting Process Design with Related Organizational Protocols Sections

ISSUE #1 RECOGNIZING COMMITTEE MEMBERS IN ORDER OF REQUEST

This issue has three parts:

- Mechanism for making the request
Options include: Raising hand, tent card on side
- Acknowledgement of request made
Options include: co-chair/facilitator state names on list, electronic list that is visible on screen
- Recognize person to speak
Options: Co-chair, facilitator

Process Decision for Recognizing Members

- Committee members will make request for recognition by turning their lucite tent cards to a vertical position.
- Names will be posted on an electronic list on a screen in front of the room.
- Chair will recognize Committee Members to speak.

The organizational protocols do not address recognizing Committee Members.

ISSUE #2: INTEGRATION OF CHAIR AND FACILITATION ROLES

Process Decision for Integrating Roles

Chair will welcome Committee members and the public to the meeting, run the agenda, recognize Committee members to speak, make announcements, identify and enforce time limits of interruptions (e.g. caucus, break, lunch), and turn meeting over to Co-chair to participate in debate. If both Co-chairs want to actively participate in the discussions, they may turn the meeting management over to the facilitator.

Facilitator will assist in refocusing discussions upon request of Chair, enforce time limits for issues under discussion (inform Chair after 15 minutes of open discussion and 2 hours per matter), may suggest clarifying (not substantive) language for proposals, keep track of proposals and amendments, and manage meeting upon request of the Chair when both Co-chairs want to actively participate in discussions.

Related sections of the Committee's Organizational Protocols:

II. Meetings

g. Time Limitations for Interruptions. Whenever the Committee process is interrupted, whether for a caucus, recess, lunch break, or any other reason, the Chair or Co-chairs shall announce the exact length of the interruption, and the time when Committee business will resume. The Chair or Co-chairs shall, without exception, reconvene the Committee at the exact time stated.

h. Time Limitation on Debate. Debate on any matter is limited to 2 hours, unless otherwise deemed appropriate by the Committee. The facilitator appointed under Article 8 shall be authorized and directed to enforce the time limitations established by this Article.

VIII. Facilitators

The Committee will utilize facilitator(s). The role of the facilitator includes impartially facilitating Committee and certain Work Group discussions, assisting in the development of draft agendas, working to resolve any impasses that may arise, preparing meeting records, assisting in the location and circulation of background materials and materials the Committee develops and other functions the Committee requests. The facilitator will take no position on the issues before the Committee and serves at the will of the Committee. Committee Members, including Co-Chairs may not serve as facilitators.

IX. Co-Chairs and Regional and HUD Representatives

a. Co-Chairs. Two tribal Co-Chairs shall be selected by the Committee Members at the end of each session to co-chair the next session. The role of the Tribal Co-Chairs includes developing draft agendas with the PFO and facilitators, chairing Committee discussions, working to resolve any impasses that may arise, reviewing meeting summaries, assisting in the location and circulation of the background materials and materials the Committee develops, and other functions the Committee requests. The Tribal Co-Chairs will serve at the will of the Committee Members. Meetings of the Tribal Co-Chairs shall be open to the Committee.

c. Chair. The Tribal Co-Chairs (“Chair”) are entitled to vote on any matter, other than motion to overrule the Chair’s own parliamentary ruling. The Chair may debate any matter temporarily assigning the chair to the other Tribal Co-Chair, and then resuming the Chair when his or her comments are completed.

ISSUE #3: DETERMINING CONSENSUS AND EXPRESSING OBJECTION

Process Decisions for Determining Consensus and Expressing Objections

The Chair will call the question for a vote and ask for a show of any objections.

All Committee members showing objections (by show of hands) will state the reasons for their objections for the record.

If one or two people object, each will be asked to offer an alternative proposal that is responsive to the concerns discussed by all Committee members.

If many people object, the group of objectors as a whole will be asked if anyone among them has alternative language to propose that might result in consensus.

If there is no consensus after a series of votes, the Chair will decide to take a break to allow for informal discussion or table the matter for a later time.

Related sections of the Committee's Organizational Protocols:

III. DECISIONMAKING

a. **Consensus:** All decisions of the Committee shall be made by consensus. Subject to Article 6(a) of these protocols, Consensus means unanimous agreement as shown by an absence of expressed objection by any Committee Member present at the Committee meeting with regard to a particular issue.

b. **Voting.** No Committee member may abstain on a vote. Unless a Committee Member expressly signals his or her opposition to a proposal, that Committee Member shall be conclusively presumed to have consented to the matter being voted upon, and that Member shall not be allowed to request reconsideration or reopening of the matter. Every Committee vote is subject to the good faith requirements of Article (6) of these protocols.

VI. SAFEGUARDS FOR THE COMMITTEE MEMBERS

a. **Good Faith.** All Members agree to act in a good faith effort to reach consensus on all aspects of these negotiations by encouraging the free and open exchange of ideas, views and information. Personal attacks and prejudiced statements will not be tolerated. If a Committee Member opposes a proposal, he or she shall: (i) state the reason for that opposition; and (ii) propose an alternative to the proposal that meets that Committee Member's concerns, for further consideration of the Committee.

ISSUE #4: FLOW OF DISCUSSION ON A MATTER

Process Decisions for Flow of Discussion on a Matter

The Chair will:

- Identify the matter under discussion per the agenda.
- Call for ~~15 minutes~~ of open discussion of the matter and retain flexibility for extending the period of open discussion as appropriate.
- After the open discussion, call for a proposal.
- Allow up to 3 Amendments, including friendly amendments to amendments, on a proposal prior to a vote.
- Call the question for the vote.
- Ask the facilitator to assist in re-focusing discussions, as needed.

The facilitator will:

- Assist the Committee in re-focusing a discussion at the request of the Chair.
- Keep track of proposers, amendment proposers, and friendly amendment proposers.
- Offer clarifying language for proposals, as needed.
- Inform the Chair when 15 minutes of open discussion has occurred.
- Inform the Chair when a matter has been discussed for two hours.

Related sections of the Committee's Organizational Protocols:

II. Meetings

h. Time Limitation on Debate. Debate on any matter is limited to 2 hours, unless otherwise deemed appropriate by the Committee. The facilitator appointed under Article 8 shall be authorized and directed to enforce the time limitations established by this Article.

The organizational protocols do not address the flow of discussion on a matter beyond the time limitation on debate.

ISSUE #5: MEDIA RELATIONS

Although the media have not been present at past negotiated rulemaking meetings, in preparation for the Washington, D.C. meeting, the Chairs have determined to pass any media questions to Firstpic for response at a later time. FirstPic will inform the Co-chairs and HUD of any media questions. The Co-chairs and HUD will informally vet media questions with Committee members and HUD, including HUD counsel, prior to providing a response.

Related section of the Committee's Organizational Protocols:

VI. SAFEGUARDS FOR THE COMMITTEE MEMBERS

d. Information.

3. The media release spokespersons, comprised of the two Co-chairs, will provide Committee communications with the media. The media is welcome to attend Committee meetings, but must identify and display their media credentials.