

**Community Advisory Council to Flint Hills Resources**  
**Purpose, Function and General Operating Practices**

Originally Developed: December 5, 1998

***REVISED - 12/02***

**Community Advisory Council to Flint Hills Resources**  
**Purpose, Function and General Operating Practices**

<b>TABLE OF CONTENTS</b>	<b><u>Page Number(s)</u></b>
Purpose of the Document	3
Mission Statement	4
Advisory Role and Decision Making Authority	4
Operating Principles and Practices/Goals & Objectives	4
<u>Membership</u>	
Area to be Served/Geographic	5
Community Member Representation	5
Council Membership Privacy Policy	6
FHR and MPCA Representation	6
Role of Council Members	7
Size and Quorum of Council	7
Terms of Service	7
Member Absences	7
Member Selection Process	8
Life of Council and Evaluation	8
Removal of Members	8
Compensation/Reimbursements	8
<u>Council's Use of Community Advisors and Technical Experts</u>	8-10
<u>Meetings of the Council</u>	
Frequency and location	10
Meeting Leadership and Agenda Development	11
Conduct of Meetings	11
Council Meeting Guidelines	11
Observers	12
Meeting Principles and Practices	12
Products of the Council	12-13
Financial Resources	13
Role of the Facilitator and Coordinator	14

Communications with the Community and the Media	15
Relationship Between the Advisory Council and the Steering Committee	15

## **PURPOSE OF THIS DOCUMENT**

This document contains a complete set of recommendations outlining the purpose, function and general operating practices for the Community Advisory Council to Flint Hills Resources (Advisory Council), formerly named the Community Advisory Council to Koch Petroleum Group (Advisory Council). The document was originally prepared by M.T. Johnson & Associates in 1998 for the members of the Koch Community Advisory Council Steering Committee (Steering Committee) to assist in the design and implementation of a community advisory panel/council (CAP) for Koch Refining Company/Petroleum Group, now Flint Hills Resources (FHR) in Rosemount, MN. It was reviewed and accepted by the members of the Steering Committee and has been transferred to the members of the Advisory Council for the purpose of review, discussion and confirmation.

The document was based on the findings of interviews conducted with 10 Koch employees and over 40 community members, most of who lived within close proximity of the refinery. The interviews were conducted to determine Koch's and community members' interests and concerns regarding the development of a CAP. In addition, to assure an effective CAP design, academic research was reviewed and national CAP facilitators were interviewed to identify the "best practices" of CAPs throughout the United States.

The document was first reviewed, revised and accepted by the Council in 1999. The full Council reviews and revises the document at its annual retreat, or as deemed necessary by the members of the Council.

## **Community Advisory Council to Flint Hills Resources** **Purpose, Function and General Operating Practices**

### **MISSION**

The Community Advisory Council to Flint Hills Resources (FHR) is a group of individuals representing the diverse interests affected by the operations of FHR located in Rosemount, MN.

The purpose of the Advisory Council is to provide two-way communication between the community and the management FHR. It provides members with an opportunity to discuss issues and make recommendations to FHR regarding environmental, safety, and other issues of concern to the citizens living within close proximity of the refinery. It also provides a mechanism for FHR to receive direct feedback from the community regarding refinery operations and plans.

Further, the purpose of the Advisory Council is to provide the community and FHR with an opportunity to participate openly and collaboratively in addressing and solving problems.

### **ADVISORY ROLE & DECISION-MAKING AUTHORITY**

The Advisory Council will serve as an advisory group rather than a decision-making body for FHR; it will make recommendations to FHR and FHR will consider implementing each recommendation. The Advisory Council will strive to discuss issues openly and make its decisions and recommendations using consensus rather than voting as a decision-making process. Not all discussions will result in recommendations. Prior to making recommendations regarding more technical or complex subjects, the Advisory Council may elect to secure third party technical assistance or expert consultation. The FHR's plant manager will respond to each recommendation in a manner and time frame established and agreed upon by the Advisory Council and the plant manager.

Decisions not reached by consensus, require a 2/3<sup>rd</sup> majority support/vote (75% “super majority”) of those ADVISORY COUNCIL voting members present, representing at a minimum, a quorum of the Advisory Council.

## **OPERATING PRINCIPLES OF THE ADVISORY COUNCIL**

To be developed by the members of the Advisory Council

## **ADVISORY COUNCIL GOALS AND OBJECTIVES**

To be developed by the members of the Advisory Council at their annual planning retreat and/or as directed by the Council’s Membership and Operations Committee.

## **MEMBERSHIP**

### **Area to be Served**

The Advisory Council serves the cities and townships directly surrounding FHR including the cities of Rosemount, Inver Grove Heights, Coates, Hastings, Eagan and Apple Valley, and the townships of Empire, Nininger and Vermillion.

### **Community Member Representation**

Geographic: All community members must live in the area to be served. The cities and neighbors (people living in Inver Grove Heights, Rosemount and Coates) most immediately impacted by the refinery will be allocated more Advisory Council representation than those living further away from the refinery, but still within the area to be served. Specific representation will include:

#### **Cities**

Rosemount	4 members total, 2 within approximately 2 miles of the refinery
Inver Grove Heights	4 members total, 2 within approximately 2 miles of the refinery
Coates	2 members
Apple Valley	2 members
Eagan	2 members
Hastings	2 members

#### **Townships**

Empire	1 member
Vermillion	1 member
Nininger	2 members

If a Council seat is vacated, and no replacement is found from the same geographic area, a replacement may be named from a surrounding geographic area at the discretion of the Council.

Criteria for Selection: The Advisory Council as a whole is designed to represent the diversity of the communities served. Members will be chosen both for their demographic characteristics and for the interest or expertise they bring to the Advisory Council.

Diversity will be sought with regards to age, gender, ethnicity, income, educational background, occupation, technical expertise (those with technical backgrounds and those without), and those with children and those without.

Members should be interested in the community, dependable, willing to commit to attend meetings, and be interested in fulfilling the Advisory Council's mission. They should be curious and interested in learning more about issues that concern them. Advisory Council members should have good communication skills, especially listening skills. They should be comfortable working in a group, and respectful of other opinions, however different from their own. Members should be able to discuss controversial issues in a constructive way, neither diminishing their concerns nor making personal attacks.

## **MEMBERSHIP**

### **Advisory Council Membership Privacy Policy**

The Advisory Council wants current, future, and potential members of the Advisory Council to understand its commitment to personal privacy and how it uses individual's personal information. We recognize that everyone expects and deserves privacy and security of their personal data. Protecting the privacy of all personal information is a responsibility the Advisory Council takes very seriously.

The Advisory Council collects, retains, and uses limited personal data on membership applications for the sole purpose of facilitating the membership selection process in an effort to achieve diversity in the composition of the Advisory Council. We take precautionary measures to safeguard applicants' and members' privacy and the confidential information they provide to the Advisory Council. The Advisory Council holds all personal data in strictest confidence. It is accessible exclusively to an independent project consultant who uses the information only to evaluate the appropriateness and eligibility of applicants for the Advisory Council. No information is provided or made available to any other parties, including FHR or the Advisory Council itself.

### **Representation/Membership on the Advisory Council by FHR and the Minnesota Pollution Control Agency (MPCA)**

Members on the Advisory Council from FHR will include the plant manager, the director of environmental affairs, an hourly staff person selected by FHR's union, and the director of community affairs.

The plant manager will provide the leadership for FHR on the Advisory Council.

The hourly staff/union representative and the plant manager will participate in the Advisory Council's decision-making on behalf of FHR. No other representative of FHR

may participate in Advisory Council decision-making, unless deemed otherwise and approved by the members of the full Advisory Council.

Additional members from FHR's staff may be involved in Advisory Council meetings, as deemed necessary and requested by FHR or the Advisory Council for reporting, discussion, or consultation purposes.

At the discretion of the Advisory Council, one member from the management team of the MPCA may serve on the Advisory Council. Should the Advisory Council request MPCA representation, the representative will be selected by the MPCA. The Advisory Council and the MPCA will determine the MPCA's role in Advisory Council decision-making.

Additional members from the MPCA staff may be involved in Advisory Council meetings, as deemed necessary by the Advisory Council or the MPCA, for reporting, discussion or consultation purposes.

## **MEMBERSHIP**

### **The Role of Advisory Council Members**

The role of all Advisory Council members will be to participate collaboratively in open and frank discussions with the other members of the Advisory Council, and to join with other members of the Advisory Council in addressing and solving problems.

### **Size and Quorum of the Advisory Council**

Approximately 25 people may serve as members of the Advisory Council. All Advisory Council meetings will require a quorum, which consists of 2/3 of the active voting members. An active voting member is any Council member present or in direct contact during a vote. No voting by proxy will be accepted.

A quorum is 2/3<sup>ds</sup> of active voting membership. There are 20 voting members on the Advisory Council, so a quorum is 13. This means 13 voting members must be present for a Council decision to be made.

### **Terms of Service for Advisory Council Members**

Community members shall serve staggered terms of two, three and four years. At the first official meeting of the Advisory Council, one-third of the members may elect to serve a two year term and the remaining members will balance member rotation by selecting either a three or four year term. The Advisory Council may elect to renew the terms of members serving two-year terms.

Following the initial rotation design, new Council members shall serve 3-year terms. No member will serve more than two consecutive terms or 7 years. If a member fills a

vacant position in January, he/she is expected to finish out the term and may then elect to serve an additional term, not to exceed a total of 7 year.

Members from FHR or the MPCA may be replaced by FHR or the MPCA due to changes in staff and management.

### **Council Member Absences**

Three consecutive unexcused absences are considered a vacancy; the ADVISORY COUNCIL Administrator will notify the Chair of the Membership and Operations if this occurs. A Council member with three consecutive unexcused absences will receive a phone call from a member of the Membership and Operations Committee concerning the unexcused and the Council policy. Unless an acceptable explanation is given, following the telephone contact, the Membership and Operations Committee will then send written notification of the vacancy to the Council member. Following written notification, the Membership and Operations Committee may begin the process of securing a replacement for the member in question.

### **Advisory Council Member Selection Process**

For documentation of the Council's member selection process, please see the, *"Manual for the Annual Selection of New Members to the Advisory Council to Flint Hills Resources."*

### **Life of the Advisory Council/Biennial Evaluations**

The Advisory Council is expected to be ongoing, however, it will remain in existence as long as the community members and the plant manager of FHR find it useful. If anyone wishes to disband the Advisory Council, the matter will be brought to the full group for a discussion with an effort to determine whether or not concerns can be resolved. The Advisory Council will be evaluated biennially. The evaluation should be conducted by an independent agency and evaluated against the practices, goals and other criteria as initially established by Advisory Council.

### **Removal of Members**

The Advisory Council retains the right to ask for the resignation of members who do not comply with the general operating practices as approved by the Advisory Council and the principles of the Advisory Council as developed by the members of the Advisory Council. If consensus cannot be reached in such a situation, the decision will be made by a 2/3 majority of the voting membership.

### **Compensation/Reimbursements**

Members are not compensated for their participation on the Advisory Council. Child Care (standard hourly rate x length of the meeting) will be reimbursed and paid for by FHR.

# **ADVISORY COUNCIL'S USE OF COMMUNITY ADVISORS AND INDEPENDENT TECHNICAL EXPERTS**

## **Community Advisors**

To educate themselves on complex issues or data, the Advisory Council may wish to invite a community advisor to an Advisory Council meeting to provide outside information or consultation. Community advisors could include no cost consultations from an array of state, county and city departments, including but not limited to safety, planning, public health and environmental management. Additional advisors may also be secured from local and national universities, institutes, industry representatives, and nonprofit agencies.

## **Contract Technical Experts/Independent Consultants**

Prior to making recommendations on complex, technical matters or data, the Advisory Council may elect to secure the paid services of an independent expert/consultant. The CAC developed and approved the following criteria and a process for the selection of a paid independent consultant or technical expert.

- I. **Considerations for Determining WHEN to Utilize an Outside, Independent Consultant.**
  - o Need for an objective point of view or analysis.
  - o Need for a technical or subject matter expert.
  - o Need to discover BEST PRACTICES to assist the Council in formulating appropriate recommendations.
  - o Need for an expert who has the demonstrated experience necessary to digest and present complex data in layman's terms.
  - o Need for an outside evaluation of Council activities or operations.
- II. **Process and Criteria for Selecting a Consultant/Expert**
  - a. A Council committee proposes, sponsors and endorses the need for a third party expert/consultant.
  - b. The committee prepares a short (one page) document stating:
    - i. The NEED for the Project Consultant.
    - ii. The Project GOALS and DESIRED OUTCOMES
    - iii. The Consultant DELIVERABLES and TIMELINES
    - iv. A brief listing of a COST/BENEFITS ratio for hiring vs. not hiring a consultant. This list may include a list of possible ALTERNATIVES to hiring/paying for an outside consultant/expert, including the use of community resources/experts (see attached list).
  - c. The committee then secures the names and background information on 2 or 3 possible candidates. Candidates must:

- i. Have appropriate training, experience or education as demonstrated via their resume or other professional documentation.
  - ii. References that can support the candidate's experiences and skills. (Also, see "I." above).
  - iii. Disclose Conflict of Interest Information (See below. "III.>").
  - iv. Provide competitive, market rates for their services.
- d. Committee forwards finalist candidate to the full Council for their Review and Approval.
- 1. If the Council approves (per Council decision making Guidelines) and FHR agrees to finance, the consultant/expert is hired.
  - 2. If the Council approves but FHR does not agree to pay for the consultant/expert, the FHR plant manager will present the full Council with FHR's rationale for not supporting the Council's decision and/or providing payment for the of the consultant's services.
  - 3. At this point, the Council and the sponsoring Committee may elect to secure outside funds for the consultant via forming community partnerships and/or fundraising efforts.

ii. Or -

- 4) Committee forwards finalist candidate to the full Council for their Review and Approval.

- Or -

The sponsoring committee may elect to meet with the FHR plant manager and negotiate the terms of an acceptable agreement for hiring the outside consultant/expert.

If the sponsoring committee elects to negotiate with FHR, the Council facilitator - or a third party neutral mediator approved by the sponsoring committee and the FHR plant manager - will assist the parties in developing an acceptable negotiated agreement.

### **III. Process and Criteria for Selecting a Consultant/Expert: Conflict of Interest Considerations**

The Council will strive to maintain the integrity of the Council and to promote public confidence in its work by minimizing the potential for conflict of interest when selecting an outside consultant/expert.

The Council will require each consultant candidate to provide full disclosure of any possible conflict of interest with the FHR or the Council. Conflict of Interests may include, but not be limited to the following:

- Having worked for FHR as a consultant or an employee in the past 10 years.
- Involved in a lawsuit with FHR – currently or in the past.
- Being related to any member of the Council, including FHR or MPCA representatives.
- A documented bias toward the subject matter or issue to be examined that might lead to a perception of lack of consultant/expert objectivity.

In considering a consultant candidate, and prior to a vote on the approval or disapproval of a consultant, the full Council must first review and discuss the disclosed conflict of interest information and vote to accept the consultant as a candidate based on their conflict of interest disclosure.

## **MEETINGS OF THE ADVISORY COUNCIL**

### **Frequency and Location**

The Advisory Council meets monthly, with meeting dates, times and locations chosen by the members. The location will vary (public settings and FHR) to make attendance convenient for all members of the Advisory Council.

### **Meeting Leadership and Agenda Development**

A professional, neutral facilitator will run all the meetings and serve to coordinate and administer the ongoing efforts of the Advisory Council. Meeting Topics are determined by the Council and draft meeting agendas are reviewed and/or developed by the members of the Advisory Council at the close of every meeting. Each meeting includes an opportunity for public comment.

### **Conduct of Meetings**

Members will abide by the operating principles and meeting guidelines as developed by members of the Advisory Council, with assistance from the facilitator.

The Advisory Council will operate in an informal but orderly manner, using consensus rather than voting as a decision-making process. This does not mean that all discussions are meant to result in consensus recommendations.

A professional facilitator conducts meetings. All members will be encouraged to participate in discussions.

## **Advisory Council Meeting Guidelines**

- 1) Council members will work together with the Council facilitator to conduct productive and respectful meetings.
- 2) Common courtesies and civility are practiced. Examples include:
  - One person speaks at a time, as called upon or recognized by the Council meeting facilitator.
  - We listen to one another to understand and establish a shared understanding of the issues at hand.
  - “Reality Checks” are conducted and encouraged. In other words, we agree to ask questions or request additional information when we are uncertain or unclear about the information being shared.
  - Differences of opinion are respectfully expressed and shared. In some cases after listening to one another, members may “agree to disagree.”
  - We work to encourage inclusive, participatory dialogue. For instance, the Council facilitator may elect not to call on a person for a second time until others have had a first opportunity to speak.
- 3) Council members request that members of the public who attend and participate in Council’s monthly meeting adhere to Advisory Council Meeting Policies and Practices and the Advisory Council Meeting Principles and Guidelines. The Council Facilitator will work with the members of the Council and the public to ensure the Council meeting Policies, Practices and meeting Guidelines are followed.

## **MEETINGS OF THE ADVISORY COUNCIL**

### **Observers**

Advisory Council meetings are open to the public. The Advisory Council retains the option to meet in closed session. A section of each meeting room will be set aside for observers. Each agenda will include an opportunity at the end of the meeting for observers to make comments related to the mission and scope of the Advisory Council. Additional opportunities may be provided as time permits. All observers will be asked to introduce themselves.

### **Advisory Council Meeting Principles and Practices**

- 1) The Advisory Council invites and encourages members of the public to attend monthly Council meetings.
- 2) Members of the public will be invited to present brief remarks during the public comment portion of the meeting. Remarks will be limited to 3 - 5

- minutes, depending upon the number of individuals interested in speaking to the Advisory Council at any one meeting.
- 3) Members of the public interested in presenting more in-depth information or inquiry of the Advisory Council, should contact the relevant Advisory Council committee to seek more formal input or time at an Advisory Council meeting.
  - 4) During Advisory Council meetings, at the end of Advisory Council member question and discussion periods, members of the public will be invited to ask questions pertaining to the subject being discussed. The facilitator will request and refer all other public questions or comments to the appropriate Advisory Council committee or to FHR for discussion at another time.
  - 5) Members of the public wishing to provide comment to the Advisory Council and/or who attend Advisory Council meetings are asked to check-in with the Advisory Council meeting facilitator prior to the start of the meeting. Whenever possible, prior to the meeting, visitors will be introduced to the Advisory Council member representing their area.

### **Products of the Advisory Council**

The Advisory Council will produce the following items on a routine basis.

Meeting Announcements The facilitator (coordinator, or other person assigned by the facilitator) will prepare and distribute the announcements. They will be sent to the Advisory Council membership, the Steering Committee and others upon request.

Meeting Notes The facilitator (coordinator, or other person assigned by the facilitator) will prepare a draft of the meeting notes and distribute it to the Advisory Council membership. Each meeting will include an opportunity for the Advisory Council to approve the notes, revising if necessary. The approved notes may then be sent to the Advisory Council Steering Committee and others upon request.

Membership List The facilitator will maintain an up-to-date membership list and see that it is distributed periodically to the Advisory Council. The list may not be distributed to any group outside the Advisory Council by the facilitator or FHR without the Advisory Council's prior approval.

In addition, the Advisory Council may choose to produce other materials, deciding at that time who will prepare them, who will distribute them, if funds are available (or how to secure funding), and to whom they should be made available.

### **FINANCIAL RESOURCES**

Funding for the Advisory Council will be provided FHR. Funding includes mailings and administrative costs of supporting the Advisory Council, facilitator and

coordinator fees, meeting materials and refreshments, publications, community outreach efforts and reimbursement for childcare necessary for meeting attendance.

Additional funds will be provided by FHR for the payment of independent consultants, and other projects, as deemed significant and necessary to the Advisory Council operations and mission. (See above, Advisory Council's Use of Community Advisors and Independent Technical Experts for a selection process for the hiring of an outside consultant.)

### **ROLE OF THE ADVISORY COUNCIL FACILITATOR AND COORDINATOR**

A professional, independent facilitator will be used for all Advisory Council meetings. In general, the facilitator's job is to assure an effective and balanced group process. The role of the facilitator in the initial meetings will be to assist the Advisory Council in (1) developing collaborative skills, (2) developing a set of meeting principles and guidelines, including the establishment of a consensus decision-making process, (3)

further developing or refining its general operating practices, and (4) establishing a set of prioritized goals and/or issues to be addressed by the Advisory Council.

Additional ongoing duties will include, (1) conducting the Advisory Council meetings, (2) enforcing meeting principles and guidelines and/or reminding the Advisory Council to do so, (3) assisting the group in managing or resolving its conflicts, and (4) tracking Advisory Council suggestions and seeing that the group determines how to deal with them.

The role of a coordinator is generally to make things easier for the Advisory Council. Tasks will include (1) preparing agendas after the Advisory Council selects the topics, (2) preparing meeting notices and distributing them, (3) preparing meeting notes for the Advisory Council's approval, (4) keeping lists and maintaining files, (5) arranging presentations and for the involvement of independent consultants and/or community resources, (6) tracking and reporting attendance to the Advisory Council, and (7) drafting other materials as requested by the Advisory Council.

Coordination and administrative duties may be conducted by an individual other than the facilitator, as selected and managed by the facilitator, unless otherwise arranged by the Advisory Council and the facilitator.

The facilitator works at the discretion of the Advisory Council.

FHR pays for the facilitator, including all coordination and administrative services provided by the facilitator, or assigned and managed by the facilitator.

The Advisory Council will work with FHR when hiring or replacing a facilitator, and will strive to satisfy the needs of the Advisory Council, while complying with FHR's fiscal considerations.

## **COMMUNICATIONS WITH THE COMMUNITY AND THE MEDIA ESTABLISHMENT OF AN ADVISORY COUNCIL SPOKESPERSON(S)**

Communications with the Community The Advisory Council will need to determine how and when it wishes to communicate to the community regarding its efforts. Considerations may include holding community meetings/forums, attendance at public and/or community meetings, occasional mailings, articles in local community papers, development and maintenance of a Website, a voice mail box for public comment, etc.

Media Relations and New Releases The Advisory Council will develop and distribute any and all press releases and media notices concerning the Advisory Council and its activities. FHR may not promote or publicize any information about the Advisory Council without the Advisory Council's prior approval.

Spokespersons Individual members do not speak for the Advisory Council as a whole unless authorized by the committee to do so. The Advisory Council members do not speak to the media or the community on behalf of FHR. FHR does not speak to the community or the media on behalf of the Advisory Council. The Advisory Council will identify and authorize a member(s) to serve as an official media spokesperson(s) for the Advisory Council.

## **RELATIONSHIP BETWEEN THE ADVISORY COUNCIL, AND THE STEERING COMMITTEE**

The Koch Community Advisory Council Steering Committee worked with a consultant to establish the Advisory Council. The Advisory Council is to serve independent of the Steering Committee.

The Steering Committee will serve to support the ongoing efforts of the Advisory Council, as deemed necessary, and when requested by the Advisory Council.