

Discussion Relating to Advisors to the ORVC, Potential Conflicts of Interest, and Potential Improper Influence

I was tasked to explore issues and formulate a recommendation to the council regarding issues related to having an advisor to the council. I was chosen because we have two non-voting advisors on another council that I am the Chairman of.

The initial idea was to examine the issues involved and then, if possible, formulate a change to the by-laws to properly account for the role and responsibilities of an appointed advisor. At the same time I had to address concerns about real or perceived conflicts of interest and improper influence.

During the council meeting I asked Mike Peterson, an advisor to the council representing WCFA, if I could contact him to get his views on the matter. During our follow-on conversation I raised the conflict of interest and improper influence issues and we explored some potential remedies.

I worked through some alternatives to try to find a way to try to eliminate conflict of interest and improper influence issues. Quite frankly, the deeper I got into it, the more I realized that there was no way to overcome those issues because the arrangement with the WCFA advisor position was fundamentally flawed in the first place.

Not being a council member, any advisor would not be allowed to vote on grant applications. If the advisor is from an organization that represents those that receive grants via the council process, there is no way for the advisor to participate inside the council structure without a conflict of interest. Actions the advisor takes related to directly or indirectly influencing decisions by the council would usually be considered improper influence under the current structure.

There have been a variety of actions that have raised this concern with some members of the council. There is no need to go into specifics. What is of over-riding importance is that members believe there have been incidents that appear to be attempts at improper influence and based on that belief they must take steps to protect the integrity of the council while sustaining an environment for members to make decisions based on their own judgement.

With regard to the conflict of interest issue, it is a clear principle that someone that represents an organization that represents those that receive grants based on the decisions of the council cannot participate in the decision making process – even if they don't actually vote.

Since it does not appear that conflict of interest issues can be eliminated through any modification to the current arrangement, the best course of action is to dissolve the position of WCFA advisor to the council. This is done by a simple vote by council members.

That said, there is no intent by the council to eliminate discussion with representatives of WCFA or other personnel that are related to the work of the council. On the contrary, council members value constructive and professional interaction. Having someone from WCFA or a county forestry office otherwise present at meetings allows council members to ask questions to explore and get clarification of issues that are relevant to county forests and trails. A variety of people with an interest in the work of the council regularly attend council meetings, offer public comment, and participate as otherwise

called upon by the council. There is already regular interaction with grant applicants as the council asks questions for clarification or more information regarding their applications.

Eliminating the WCFA advisor position should be satisfactory to all involved. Conflict of interest issues are addressed and we will still have the benefit of being able to appropriately interact with WCFA and forestry personnel. Trying to eliminate conflict of interest issues does not eliminate the opportunity to continue to have a dialog with parties that have an interest in the program.

In situations where they can be allowed, non-voting advisors to the council are intended to be resources that can be called upon by the council to assist them with technical issues related to the area of interest of the organizations they represent. They are not there to directly try to influence the decisions of the council.

A non-voting advisor to the council may be a useful asset providing the role can be properly managed to eliminate conflicts of interest and improper influence while retaining the proper organization and function of the council. If that cannot be done, the position must not be allowed.

Keep in mind that our by-laws allow us to invite people to meetings that may share valuable expertise relevant to issues being considered by the council. For example, if we had to deal with some bridge issues, we could invite certain people with relevant knowledge to participate in a council discussion of the topic. If a discussion that would include an advisor could lead to a grant recommendation by the council that benefits the advisor or his or her associated entities, the advisor could not be part of the council involved in the decision process. If the council invites an organization to send an advisor, the council may choose to accept or reject a nominee. Non-voting advisors are intended to compliment the ability of the council to do the best job they can in carrying out the mission of the council.

The bottom line is that we need to eliminate the WCFA advisor position from the council structure due to conflict of interest and improper influence concerns.

The integrity of the council must be protected. Even the appearance of improper influence or conflict of interest is of concern.