

**OPERATING RULES  
FORMER NANSEMOND ORDNANCE DEPOT  
RESTORATION ADVISORY BOARD (RAB)**

**I. Name**

This organization shall be known as the Former Nansemond Ordnance Depot Restoration Advisory Board. This organization will operate in accordance with the U.S. Department of Defense's Guidance for Restoration Advisory Boards.

**II. Mission Statement/Purpose**

The Former Nansemond Ordnance Depot Restoration Advisory Board ("RAB") is a broad-based group of individuals who reflect the diverse interests in the community. The RAB will review the progress and participate in dialogue with government decision makers (including the U.S. Army Corps of Engineers and the Department of the Army, the United States Environmental Protection Agency, and the Virginia Department of Environmental Quality) about the environmental restoration activities at the Former Nansemond Ordnance Depot. The RAB will solicit input on the restoration process from community members and provide feedback to the Army Corps on the best way to disseminate information to the general public.

**III. Authority**

The basis and authority for this charter is the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), particularly Sections 120(a), 120(f) and 121(f) and 10 U.S.C. 2705, enacted by Section 211 of CERCLA.

**IV. Members**

**A. Government Representation** - The RAB shall consist of representatives from the following government organizations:

U.S. Army Corps of Engineers (Norfolk District) – Project Manager  
U.S. Environmental Protection Agency, Region III - Representative  
Virginia Department of Environmental Quality - Representative

**B. Community Representation** - The RAB shall also consist of representatives of a good cross section of the local community (with balanced representation of all interests) and include current landowners of the Former Nansemond Ordnance Depot. See Section VIII for the list of individuals who serve on the Former Nansemond Ordnance Depot Restoration Advisory Board.

**C. Role of RAB Members** - Community RAB members will: (a) attend meetings as required by the RAB's operating rules; (b) provide individual advice (versus consensus advice) and comment on restoration issues to the government decision makers; (c) represent and communicate community interests and concerns to the RAB; (d) act as a conduit for the exchange of information between the community, the U.S. Army Corps of Engineers Norfolk District, and environmental agencies regarding the restoration program; (e) review, evaluate and comment on documents and other such materials related to restoration activities of the former Nansemond Ordnance Depot; (f) serve on the RAB without compensation. The

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RAB will focus its efforts exclusively on issues related to environmental restoration at the Former Nansmond Ordnance Depot and will not be a forum to discuss other regional issues. The RAB is not a decision making body, therefore there is no liability incurred by individual RAB members for participation. RAB members have agreed to work cooperatively with each other to ensure the efficient and effective use of RAB time.

**D. *RAB Member Additions and Resignations*** - Additions and resignations to the RAB can be made at any time the RAB deems necessary. New community members may be added to the RAB upon a majority vote of the community RAB members present. To keep the group to a manageable size, the RAB will not exceed 20 members. Community members shall be removed from the RAB in the event of incapacity, lack of attendance, or resignation. When a member of the RAB is removed or resigns, nominations to replace the former member will be solicited from the remaining community RAB members using RAB applications on file or other sources. The RAB will solicit new RAB members through word of mouth, the project newsletter, and the project web site. The selection process shall be subject to the requirement for a fair and balanced board composition. See Section V. B. for voting guidelines.

**E. *Terms of Service*** - RAB members may serve an indefinite term.

## **V. Structure and Operating Procedures**

**A. *Co-Chairs*** - The RAB shall be co-chaired by a government co-chair and a community co-chair. The U.S. Army Corps of Engineers Project Manager will serve as the government co-chair of the RAB. The community members of the RAB shall elect a community co-chair and an alternate community co-chair. The community co-chair and alternate community co-chair shall serve for a period of two years, at which time new elections shall be conducted. No limit exists as to the number of times a member may be nominated or elected to either position.

- (1) Once candidates have been identified to serve as community co-chair, a vote will be held in December every two years. Elections will be conducted by a majority vote of the community RAB members present. The nominee receiving a majority of the votes shall be the community co-chair. For purposes of determining a majority, an abstention shall not be counted as a cast vote.
- (2) In the event that no nominee receives a majority of the votes cast, a run-off election will be held between the two nominees receiving the highest vote totals from the prior vote. No additional nominations can be recognized in a run-off election.
- (3) Upon election of the community co-chairperson, the community members shall elect an alternate community co-chairperson in a manner consistent with the rules prescribed for the co-chairperson's election. The alternate co-chairperson shall serve as the community co-chairperson in the event that the community co-chairperson is absent from a meeting or is otherwise removed.

***Responsibilities of Government Co-Chair*** - The government co-chairperson shall be responsible for arranging the meeting site and reminding members of any changes in the meeting site, date and time. The government co-chairperson shall be responsible for coordinating the meeting agendas and meeting minutes with the facilitator. Meeting minutes will be reviewed for accuracy and approved by the RAB at each meeting. The government co-chairperson is responsible for providing copies of relevant

documents to the members or notifying RAB members where they may obtain the documents for review.

**Responsibilities of Community Co-Chair** - It is the responsibility of the community co-chair to: (a) Coordinate with the Government Co-Chair (FUDS PM) and community members to assist in preparing an agenda prior to each RAB meeting; (b) Ensure that community members participate in an open and constructive manner; (c) Ensure that community issues and concerns related to restoration are raised; (d) Assist with the dissemination of information to the general public; (e) Serve without compensation.

- B. Voting** - Voting will be limited to administrative matters (i.e. membership, operating rules). General business, including elections will be conducted with a majority vote by the community RAB members present. A change to the operating rules or request for TAPP or TAG funding requires a quorum present. For purposes of these rules, a “quorum” shall be defined as “no less than a majority of community RAB members”. Any motion made at a meeting shall be approved only by a majority of votes cast by the members present at the meeting in favor of said motion. In cases where a quorum is required, if a quorum is not present, voting will be conducted at the next scheduled meeting where a quorum is present. In all voting procedures, votes may only be cast by members physically present at the RAB meeting. Proxy votes shall not be recognized. An absent member may have his/her written comment presented by either co-chair.
- C. Meetings: Format, Frequency** - Meetings are open to the public and will be held on a bi-monthly basis on the first Thursday until such time as the RAB members vote to change the meeting day. The time and frequency is set by the RAB. RAB meetings will be held at 7 p.m. for approximately two hours in duration. The RAB meetings will be held at Tidewater Community College in the Manning Building unless members are otherwise notified. Therefore, members shall be notified of the meetings by the facilitator via written correspondence, e-mail or phone.
- D. Procedure of Scheduled Meetings** - The meetings will be guided by an independent facilitator or either of the RAB co-chairs, to move them in a productive manner. The facilitator will be responsible for preparing meeting agendas (based on suggestions from the RAB), for preparing meeting minutes, serve as a time and record keeper during RAB meetings, and serve as an administrative resource for the RAB.
- E. Attendance** - Community members who fail to attend two consecutive scheduled meetings subsequent to the passage of these rules will be automatically dropped from the RAB unless they contact the facilitator and express an interest in continuing to serve on the RAB. The facilitator will notify the co-chairs of the status.
- F. Process for reviewing and responding to public comments and requests for information** - Responses to comments or requests for information shall be provided in writing by the U.S. Army Corps. All action items will be listed in the meeting minutes of the meeting for which they are assigned. Progress on each action item will be briefed at each RAB meeting. When an action item is closed, the written response will be summarized in the meeting minutes.
- G. Method for Resolving Disputes** - In the event that a dispute occurs among any of the RAB members that inhibits the productivity of the group, the appropriate method for addressing the dispute will be determined by the RAB facilitator in counsel with the RAB Co-Chairs.
- H. Administrative Record/Information Repository** - The administrative record/information repository will  
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be available for public review in the TCC Portsmouth Campus library. It will contain all final technical documents and work plans, public comments (including dissenting opinions), responses to action items, RAB meeting minutes, and information on final decisions or actions taken.

## **VI. Adoption and Amendment of Rules**

These rules shall be adopted upon approval by a quorum of the community RAB members. A member's approval shall be indicated by the member affixing his or her signature to this document. Any rule is subject to modification, amendment or invalidation upon a majority vote of the community RAB members. These Operating Rules should be reviewed every two years in conjunction with community co-chair elections.

## **VII. Termination of RAB**

This organization's existence shall be terminated by any of the following events: (a) termination of RAB program due to change in the law or funding; (b) majority vote of the community members, provided a quorum exists; or (c) failure of the community members to establish a quorum for three consecutive scheduled meetings.

## **VIII. Effective Date and Signatures.**

### **Government Representatives**

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KEN HAFNER	DATE
U.S. Army Corps of Engineers	
Government Co-Chair	

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