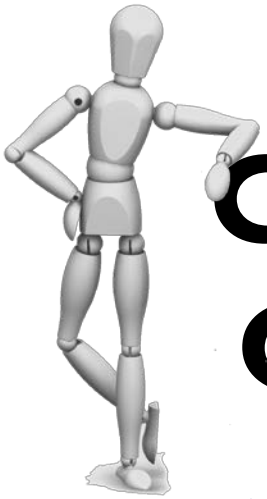

COMMISSION GUIDEBOOK

Understanding the Fish and Wildlife Commission's role in strategic partnership with the Agency, the Director and Stakeholders

2007 Edition

A Project of the Association of Fish and Wildlife Agencies' Management Assistance Team

MANAGEMENT ASSISTANCE TEAM

ASSOCIATION of FISH & WILDLIFE AGENCIES

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Commission Guidebook

This document was produced through a Multistate Conservation Grant using Sport Fish and Wildlife Restoration funds.

This book is available online at www.matteam.org

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Preface

PREFACE

Participating in the Commissioners' Committee and Reading the Commission Guidebook has broadened my focus and allowed me to better serve the wildlife and constituents in my trust. The committee has given me the forum to learn from the experience of others helping me prepare to address the biological, the social and the political issues that commissioners face today.

Mike Golightly
Commissioners' Committee Chair
Arizona Game and Fish Department Commissioner Chair (2007)

THE PURPOSE OF THE COMMISSIONS' AND BOARDS' PROJECT

The job facing fish and wildlife commissioners has become increasingly more complex as citizen participation in decision-making and citizen dissatisfaction with government in general have increased. With commissions in many states under increased political pressures, the time is right to re-examine the role of commissions and agencies in managing fish and wildlife (McMullin 1995). This process of re-examination accelerated with a May, 1995, meeting in Fort Collins, Colorado. At this meeting, commissioners, directors, and wildlife professionals from several states discussed:

1. The significance of the strengths brought by commissions to the unique challenges of natural resources management;
2. The growing public demand for change with the rise of the civil rights and environmental movements plus the growing disaffection with government;
3. How the public wants more participation in decision-making, more accountability by commissions, more control by the body politic, and greater fairness for citizens thought to be receiving marginal attention; and
4. How, in this era of unrest and challenge, many commissions are threatened with loss of authority, and agencies with diminished autonomy.

To address these issues, the Western Association of Fish and Wildlife Agencies (WAFWA) formed the Ad Hoc Working Group to Improve the Functioning of Fish and Wildlife Commissions and Boards. Its purpose was to:

> *Provide guidelines for effective partnerships among commission or board members, directors, secretaries, and governors to better serve the public and satisfy the trustee responsibility for the fish and wildlife resource.*

To begin, the Ad Hoc Committee determined that even though states have differing structures and roles for commissions it would be useful for states to exchange information on commission roles and functions and build upon collective successes. In addition, R. Max Peterson, Executive Vice-President of the International Association of Fish and Wildlife Agencies or IAFWA (which changed in 2005 to become the Association of Fish and Wildlife Agencies or AFWA), stated at the Fort Collins meeting that it was necessary to produce substantive material that the states could use to improve the effectiveness of wildlife commissions. To turn these ideas into products, the

Management Assistance Team (MAT) which was housed within the USFWS at the time) offered to provide support to this project.

In July, 1995, at the WAFWA meeting in Big Sky, Montana, the Ad Hoc Committee continued to identify what the Commissions and Boards Project could accomplish. One possibility was to provide orientation opportunities, such as a guidebook, to new commission or board members that provide state-specific perspectives as well as information on issues of national concern. To emphasize the need for this orientation, Keith Carlson, Commissioner from Idaho, stated that it was imperative to find a way in which a new commissioner did not have to start off totally cold and repeat the mistakes made by his or her predecessors.

Prior to developing the 1997 Guidebook, Steve McMullin of Virginia Polytechnic Institute and State University completed a study on the materials used by Western states in their existing orientation programs for new commission and board members. This study revealed a lack of comprehensive, formal, written material for orientation. During this same time, MAT produced a videotape, *CROSSROADS: New Directions for State and Wildlife Commissions and Boards*, to briefly discuss the evolution to the current commission structure and potential threats to the structure. The video underscores the need to educate new commissioners about their role.

In September, 1995, a Commission and Board Forum was founded by IAFWA (now named AFWA) in Branson, Missouri. The Forum expanded the Ad Hoc Committee's efforts by discussing the project, discussing current issues facing commissions nationwide, and viewing the CROSSROADS videotape.

Work on the 1997 Guidebook began in May of 1996. The MAT staff worked with directors, commissioners, state personnel, and constituents to ensure that the guidebook reflected the thoughts of experienced individuals. In addition, they incorporated into the guidebook suggestions from current literature and models of governance.

The importance of the project was underscored when Duane Shroufe, the 1997 President of IAFWA, stated in his September 1996 report that commissions were in jeopardy and that the Association should do everything possible to maintain them. His concern underlined the need to prepare and guide newly appointed commissioners so they could govern wisely.

The 1997 Commission Guidebook was a result of these discussions on improving the effectiveness of boards and commission and was provided by MAT which at the time was funded by Federal Aid in Fish and Wildlife Restoration Funds.

After several years, the informal meetings of the WAFWA Ad Hoc Committee took on a formal structure when they became a full standing committee in WAFWA called the Commissioners' Committee. To help commissioners become prepared for the challenges that lay ahead, the Committee pursued a partnership with the Management Assistance Team to update the Commission Guidebook with current information that commissioners would find helpful today. This 2007 revision of the Commission Guidebook was therefore provided by MAT which is funded by a competitive Multi-state Conservation Grant administered by the Association of Fish and Wildlife Agencies.

This Guidebook provides incoming commissioners with relevant tools, perspectives, and strategies to make decisions. It provides a concise overview of ideals and techniques that will allow commissioners to promote agency progress, assemble a common foundation or basis for networking, build clout and political savvy with the public(s) they serve, and bring incoming commissioners up to speed as quickly as possible in order to better serve their constituency. It can help commissioners become effective stewards of public resources and improve governance during their terms in office. It is created in the spirit of maintaining the effectiveness of commissions in partnership with the state

fish and wildlife agencies and their directors. Those involved in its creation recognize that it does not have all the answers. It does, however, provide useful background information and stimulate directors and commissions to review how they do business.

The Commissioners' Committee

by Mike Golightly – Chair

The Commissioners' Committee is an all state and all commissioner/board member forum that occurs at the annual conference in July and the mid-winter meeting in January of each year. It provides members with an opportunity to understand what is happening in other states from the perspective of leadership positions with a similar charge. It is an effective venue in which to discuss the difficult issues that most states have in common. This forum helps to identify the role and responsibilities of a commission/board member and provides preparedness for the challenges that lay ahead. It also serves as a learning environment providing commissioners an opportunity to share experiences and have networking opportunities.

> *The purpose of the Commissioners' Committee is to solicit ideas from commissioners for discussion, evaluation and recommendation to the Executive Committee; keep commissioners informed of issues and actions and similar items with national or regional importance of a policy nature; and interact with other committees as necessary.*

As agencies adapt to meet the changing needs and values of a growing society, the Commissioners' Committee develops both educational and informational components designed to examine, review and research issues that currently or potentially pose significant management challenges. Wildlife issues will continue to transcend across biological, societal, cultural, legal, political and constitutional issues, therefore, the Commissioners' Committee embraces the ideals similar to those of Leopold when he said, "The richest values of wilderness lie not in the days of Daniel Boone, nor even in the present, but rather in the future."

Over recent years, the Commissioners' Committee has worked with congressional and legislative governing bodies in a proactive fashion on issues of local or national interest. In addition, it has developed a joint Directors' and Commissioners' forum to work in tandem with agency leadership and WAFWA committees on critical issues. Moreover, the committee has strived to maintain leadership awareness of the central tenets of wildlife management in North America (the North American Model of Wildlife Management) and preservation of our cherished hunting and fishing traditions.

For more information on the Commissioners' Committee please contact:

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Guidebook Overview

Section Contents

GUIDEBOOK OVERVIEW

The best thing that we can do for a newly appointed commissioner is to give them the very broadest, the very best, the most in-depth background we can provide and then tell them—now you have scratched the surface. It's very important that you now go out and find out what the people want you to do.

Bob Valentine, former Executive Director and former Wildlife Board Chair
Utah Division of Wildlife Resources (September 1997)

KEY POINTS

- Commissioners need to see themselves in their individual role, as part of a group, as part of a state-wide effort, and finally in their largest role as part of a regional, national, and international effort.
- This guidebook is organized around the critical functions of the commission: setting policy, working with stakeholders, and monitoring agency performance.
- This guidebook is designed to accelerate a commissioner's learning curve.
- Because of the wide variety of structure and authorities, commissioners and directors should use good judgment in application of the specifics presented in this guidebook.
- Orientation for commissioners should be viewed as an investment in effectiveness rather than an unwanted cost.

- **Read this Section.** It provides a quick organizational overview of the material in the guidebook. It will make the guidebook easier to read.
- **Read this Guidebook.** Because commissioners receive oceans of material and demands on their time, it may be tempting *not* to read this guidebook. However, with the information provided, commissioners will accelerate their learning and be ready to tackle their responsibilities more quickly and effectively.

- **Use this Guidebook.** Use this guidebook as part of a new commissioner's orientation and as a resource for commission discussions on improving effectiveness. Every commission is different, so the material included cannot answer every question for every commission. However, it can stimulate discussion concerning areas in need of clarification or improvement.

To Customize for Your State

Include any materials in this sections that will help welcome a new commissioner. This might include a welcome letter from the director or the commission chair. Also include an overview of the orientation the commissioner will receive.

THE GUIDEBOOK IN A NUTSHELL

New commissioners are not likely to have the first-hand knowledge that their veteran colleagues have acquired during their service. As a result, lengthier meetings are often necessary while the new commissioner is briefed. More importantly, a new commissioner may vote differently than he or she would if equipped with more background information. To help provide this needed orientation for the new commissioner, the information contained in this guidebook has been assembled from a variety of resources, including interviews, reviews, and abstracts of current literature on governance and general commission activities. Because, next to personal experience, people learn best from the experiences of others, the guidebook has been built on input from former and current commissioners, directors, agency staff, members of the public, and others with an interest or expertise in commissions.

Essentially, the guidebook contains suggestions, facts, and examples of what is involved in commission activities. It not only looks at a commissioner's individual role and responsibilities, but at the commissioner's role as part of a group, as part of a statewide effort, and finally, in their largest role, as part of a regional, national, and international effort. It is organized around the critical commission functions—setting policy, working with stakeholders, and monitoring agency performance.

The content in the guidebook is divided into three modules—**The Big Picture, Adding Value, and Learning More.**

MODULE 1 - THE BIG PICTURE

The guidebook begins by taking a broad view of the commission. Leading this module is "History of the Commission System" (Section 1) which provides a brief history on wildlife management and the historical basis for the commission form of government. Next, "Working with Stakeholders" (Section 2) discusses the importance of stakeholder involvement as commissions were formed to ensure stakeholders are involved in agency management. Stakeholders are the individuals, groups, or organizations who are potentially affected by the consequences of commission policies and actions now or in the future. Next, the guidebook summarizes "The Role of the Commission" (Section 3). This section looks closely at the role of the commission and also addresses the topic of governance—what it is and how it works. The guidebook completes this module by discussing "The Role of the Commissioner" (Section 4) to provide an overall perspective of how an *individual* functions on the commission.

MODULE 2 - ADDING VALUE

After addressing the big picture, the guidebook looks specifically at what the commission does that *adds value*. The main activity of the commission which adds value is "Provide Policy Leadership" (Section 5) in four areas: "Outcomes" (the results the agency needs to accomplish - Section 6); "The Director" (Section 7); "The Agency" (Section 8); and "Commission Operations" (internal activities to ensure effectiveness - Section 9).

In addition to policy leadership, the commission adds value by working with stakeholders in "The Political Arena" (Section 10) and by "Monitoring Agency Performance" (Section 11). The message that the commission should focus on policy and not meddle in management occurs repeatedly throughout the guidebook. The commission does not have to determine how the work of the agency gets done; it only needs to set policy for desired outcomes or processes and then monitor to ensure these policies are fulfilled.

MODULE 3 - LEARNING MORE

The guidebook wraps up with a "Bibliography" (Section 12), and some "Additional Resources" (Section 13). At the end of the guidebook is a place to include state specific materials in "Your State" (Section 14).

USING THE GUIDEBOOK

Typically, the agency director is responsible for keeping all commissioners as informed as possible on activities and resource management problems relative to the agency's operation. Without this information, the commission cannot make prudent decisions regarding the wise management of the wildlife resource. The guidebook was designed as a tool to help the director provide this information to the commission. It can be used as an orientation session manual, an on-the-shelf resource, and as a discussion tool for commission meetings. It is intended to create awareness of the roles, responsibilities, and challenges to wildlife commissions; to provide resource materials with individual, state, regional, and national perspectives; to speed a commissioner's learning curve; and to stimulate discussion concerning commission improvement. The guidebook was also designed to be customized to fit each state's unique system so that state-specific commission information, as well as general information on the subject of commission operations and governance, can be located in one place.

Although the director or the commission chair typically provides orientation information to the commissioner, a new commissioner must assume personal responsibility for closely reviewing these materials and pursuing other sources of information. Experienced commissioners should also review these materials and serve as mentors for new commissioners.

By statute, each state establishes the structure, size, appointing procedure, and authority of its wildlife commission. As a result, commissions vary greatly from state to state: some states give their commission full authority over policy oversight, the budget and the director; some states provide for a commission to act only in an advisory capacity; some states have no commission at all; and some state agencies report to the Department of Natural Resources instead of a commission. See Additional Resources (Section 13) for more information on Commission and Board Organizational Models.

GUIDEBOOK STRUCTURE

STANDARD TERMS

In order to make the guidebook more readable, the following terms are standard throughout:

Term	*Same synonym as:*
Wildlife	Wildlife, fish, and all other natural resources that are the responsibility of the commission.
Commission	The board, commission, or committee with a governing role.
Agency	Division, department, agency, or bureau.
Director	Director, Agency Director, Administrator, Secretary, or Chief Executive Officer.

TO CUSTOMIZE FOR YOUR STATE

Throughout the guidebook, reference is made to state-specific material which could be included within each section to customize the guidebook. In addition, there is a separate location at the end of the guidebook to include additional state-specific information. This section called "Your State" includes a list of suggested materials which could be helpful to new commissioners.

ORIENTATION

Orientation for commissioners should be viewed as an investment in effectiveness rather than an unwanted cost. Although each state will determine its own orientation format, materials for orientation can be found in this guidebook including information to familiarize commissioners with:

- Agency and commission history.
- The governance and policy-setting function of the commission and the statutes that give the commission its authority.
- The role of the commission.
- How to work with stakeholders.
- General information on the agency.
- The laws, regulations, and policies that the agency follows and enforces.
- The process and plans that define agency direction and goals.
- The various programs and activities the agency conducts relative to natural resources management.
- How to monitor agency performance.

Following are three examples demonstrating how different states have approached new commissioner or board member orientation.

New Commissioner Orientation Procedures

Arizona Game and Fish Commission

The Arizona Game and Fish Department has a basic process in place for new commissioner orientation. This process consists of a tour of the department headquarters in Phoenix and is coordinated through department headquarters staff and with the sitting chairman of the commission. The tour includes introductions to the department director and deputy director and their staff in the director's office, including a brief tour of the work unit. Additionally, department staff will provide a tour of all four divisions by the assistant directors responsible for each division. During the visits to the divisions, the assistant directors will update the new commissioner on divisional activities and issues.

The director's office staff will escort the new commissioner to various work units to assist him or her with the completion of the "New Commissioner Checklist and Inventory" document. This process typically begins on the date that the new commissioner is introduced to the director's office staff. Completion of the items on the checklist provides the new commissioner with the tools and exposure to various processes and procedures that will allow for a smooth transition in his or her new role. Copies of the completed checklist are kept in the new commissioner's folder in the director's office.

New Board Member Orientation Procedures

Utah Division of Wildlife Resources

The Utah Division of Wildlife Resources conducts a 1-2 day mandatory orientation training each fall for all new Wildlife Board members and Regional Advisory Council (RAC) members. The training provides introductions to the division's director and deputy directors as well as their staff. The regional supervisors and section chiefs are all given time to present an overview of their specific responsibilities within the division.

The new Board/RAC members are provided with a policy manual and a Utah State Code book. The orientation training covers the purpose of the Board and RAC as well as the specific role of the Board and RAC chairman. A brief training of *Robert's Rules of Order* is presented along with suggestions for running an efficient and effective public meeting. Other topics covered in the training include "Conflict of Interest" and "Policy-Making with Ethics." The RAC and the Wildlife Board Coordinator are responsible for compiling the annual training.

New Commissioner Orientation Procedures

Wyoming Game and Fish

The Wyoming Game and Fish commission appoints either two or three new commissioners every two years. Their terms begin on March 1 of the year and the first commission meeting is usually around the 25th of that month—and is usually a large one. New commissioners are informally oriented by the current commissioners via phone calls, and a one day formal orientation by staff and "old" commissioners on the day prior to their first meeting. This orientation commonly runs from 6-8 hours with breaks to visit with other commissioners and staff. During the orientation, new commissioners are provided with a lot of reading from the department.

SPECIAL BOXES AND SECTIONS

Special boxes and sections are used throughout the guidebook to emphasize or categorize important material. These boxes include:

Section at a Glance	The first page of each section is a summary of key information to be found in the section.
Ask Yourself	This box contains a list of questions to assist commissioners in discussion on improving performance.
Process Box	The box contains information on the elements of a particular process.
Case in Point	This box contains a brief discussion on individual state activities.
Suggestions from the Field	This box contains tips or advice from current or former commissioners, directors, experts, or members of the public.
FYI (For Your Information)	This box contains tidbits of interesting or important information.
Checklist	This box contains summarized lists of information.

ASK YOURSELF...

- How do you plan to use this guidebook?
- What commitment do you want to make to yourself on learning about commission effectiveness?

SECTION 1

History of the Commission System

Section Contents

1. HISTORY OF THE COMMISSION SYSTEM

Like wind and sunsets, wild things were taken for granted until progress began to do away with them.

Aldo Leopold

KEY POINTS

- Throughout history, there have been no easy answers as to how best meet the challenge of wildlife stewardship. It is a question becoming more difficult due to growing diversity and public involvement. Many of our concerns today were also concerns a century ago.
- The commission style of governance was expressly developed to (1) avoid the undue intrusion of politics into agency management; (2) ensure citizen participation in establishing policy for agencies; (3) provide recreational opportunities by mandating stewardship for the resource: and (4) ensure ethical and prudent operation of the agency.

TIME LINE

1770s Wildlife is managed as a trust for the public benefit.

1800s Manifest Destiny results in commercial exploitations and over development. State fish and game warden style of governance is institutionalized.

1900s The first state conservation movement begins. The Migratory Bird Treaty starts the first State/Federal partnership in wildlife.

1930s Conservation efforts continue including the Pittman-Robertson Act in 1937 and the Dingell-Johnson Act in 1950. Independent commissions are formed.

1960s The environmental movement begins. There is an increasing diversity of users. The Endangered Species Act is passed in 1973.

1990s Commissions are faced with political and social challenges including a diversity of users and interests, a shifting of power to the Governor, and increase in voter initiatives and referendums.

2000s Commissions and agencies are now being held to a greater level of accountability than ever before for agency performance, organizational effectiveness, ethical behavior and return on investment.

To Customize for Your State

Include a history of the commission and wildlife resource. It is also helpful to include copies of articles discussing pertinent or recent events on agency related topics.

IN THE BEGINNING

The idea that wildlife is different from the land is a common ideology pertaining to wildlife that has existed since the Roman Empire. "While in their natural state, wild animals were considered to be like the air and the oceans, in that they were the property of no one" (Bean 1983). The commission format of wildlife governance is a direct result of this philosophy. The commission format was developed expressly to manage wildlife in trust for the public and to allow public participation and leadership in wildlife management. Commissioners were to be respected members of the public able to speak for the broad public interest. Many events and philosophies have impacted the continuing evolution of the commission form of governance.

Game regulation and hunting restrictions can be traced back to Greek and Roman cultures—primarily for sport, military training, and trespass issues. Wildlife was viewed as common property, and the landowner was not considered to own the wildlife on his property. As is true today, landowners' rights and wildlife were at issue in the Roman Empire.

Governmental regulation grew with the autocratic European feudal system. The king had exclusive right to hunt and grant hunting rights to others. Hunting was a sport for the privileged classes. The hunting restrictions also served the purpose of weapons management. These laws restricted the ownership of weapons and kept them out of the hands of the conquered.

One influence that began to change feudal Europe was the rebellion of the landowners, personified by the legend of Robin Hood who used the royal forests to feed the poor. At issue were abuses and exploitation of property by kings and feudal lords toward their tenants. The Magna Carta, the statement and affirmation of rights for British monarchs from which the American system of governmental rights and responsibilities was developed, addressed many areas of abuse. Two of these have been expanded into American natural resource law in the form of the public trust doctrine. First, the Magna Carta stated that the guardian of an heir must maintain the property of the heir in trust until the heir comes of age, and that the land must be returned in its proper condition. The guardian could only take reasonable profits from the land. If he wasted the property, the guardian had to relinquish his guardianship. Second, the Magna Carta removed the exclusive private fisheries that the king had granted. This section was expanded to forbid the king from giving exclusive fishing rights in tidal waters and maintained that the king only held those public waters in trust. The king was prohibited from granting away those public trusts, but the British Parliament could change the scope of the public rights for some public purpose.

In the United States, the first ideological shift to a public ownership style of governance is found during the American Revolution. These changes were facilitated by the push for personal freedom, rights, and state sovereignty. The Supreme Court case *Martin v. Waddell* (1842) was one of the earliest cases to extend the public trust doctrine to American law. *Martin* held that, since the Revolution, the powers and responsibilities of the king over common property were henceforth to be vested in the American states. In 1896, *Greer v. Connecticut* explicitly extended this doctrine to wildlife and expressed the spirit of the public trust doctrine:

> *...the power or control lodged in the state, resulting from this common ownership, is to be exercised, like all other powers of government, as a trust for the benefit of the people, and not as prerogative for the advantage of the government as distinct from the people, or for the benefit of private individuals as distinguished from the public good.*
>
> *Greer v. Connecticut*

Public trust doctrine states that certain resources are to be held in trust for the public benefit. One of these resources, fish and wildlife, is considered to be owned by the public—not the landowner—held in trust for all citizens, and a legacy for future generations. In most nations, the resource of fish and wildlife is owned by landowners, government, or royalty. The United States of America is one of the few nations in which each state fish and wildlife is owned collectively by all of the citizens of a state and managed in trust for all by government. Many important fish and wildlife laws relate to this tenet.

DEPLETION

After the Revolution, American history shows how fish and wildlife degenerated, leading to depletion in the nineteenth century. This depletion is probably best demonstrated by extinction of the passenger pigeon and the near extinction of the buffalo.

One of the prevalent causes pertaining to these and other wildlife problems in the late 1800's was the idea of Manifest Destiny. This 19th-century doctrine preached that the United States had the right and duty to expand throughout the North American continent. The white man's rush to expand and civilize resulted in the exploitation and eventual demise of certain wildlife. The Homestead Act further encouraged development by giving away millions of acres of land with little restriction on land use. Market hunting thrived because there was an economic need to make way for ranching and railroads. In addition, Eastern states were at this time experiencing a time of unparalleled growth and development which, in turn, resulted in dwindling habitat for wildlife. Wildlife management was caught between the extreme political pressures of conservation on the one hand and development on the other.

CONSERVATION

"The wildlife conservation movement began purely as a defensive process to resist powerful political and social forces that were squandering fish and game resources of the nation without regard for the future" (Trefethen 1961). The first game management that was based on a responsibility of the state depended on the archetype of the British warden system. (Sometimes the warden was called a commissioner.) The warden/commissioner was typically appointed by the governor and had the power to set policy and regulations. This form of governance is a prime example of the spoils system at work where one was secure in the position only as long as one pleased the governor. When the state administration changed, so did the warden.

Gifford Pinchot, Chief of the Forestry Division of the Department of Agriculture took credit for conceiving the idea of conservation. President Theodore Roosevelt enthusiastically took up the cause, one he had promoted as a private outdoorsman, and made conservation a cornerstone of his administration (Belanger 1988). "It is possible with only slight exaggeration to date the beginning of the organized conservation movement in North America from the time of the arrival of Theodore Roosevelt in the West" (Trefethen 1961).

During the 1900's time there were important pieces of legislation to promote conservation. The Lacey Act (1900), named after its founder John Lacey, was the first federal wildlife law. Administered by the Department of Interior, it prevented interstate transportation of game killed in violation of local laws. The Act also required a federal permit to import wildlife. The Migratory Bird Treaty (1916) was passed to protect most nongame migratory birds (although some migratory game birds could be hunted under certain conditions). This Act also prohibited collection of nests, eggs, and feathers of migratory birds. (Collectors of scientific data and Native American groups were exempt from the prohibition.)

In addition to other conservation efforts the 1900s saw an increase in game refuges, which provided a sanctuary where animals could nest, rest, and feed in safety. Some of the more successful refuges included Pelican Island, Yellowstone National Park and the Grand Teton State Refuge (Belanger 1988).

In addition to these federal and state efforts to address problems facing the wildlife resource, sportsmen were also proposing solutions such as professionalizing wildlife management. As a result, wildlife curricula were established and strengthened in many universities, cooperative federal-state wildlife research units were formed, and trained biologists began to emerge.

PROFESSIONAL MANAGEMENT

Despite wildlife conservation early efforts there was a societal crisis in the area of resource destruction and the loss (or impending loss) of recreational opportunities. The Great Depression, drought years, and dust bowl conditions in the 1930s contributed to this crisis for wildlife. Natural resources were overused and governments were perceived as ill-equipped and poorly oriented to address restoration and management of fish and wildlife.

During the conservation period, citizens' groups, universities, politicians, and certain industries joined with government agencies in sincere and often successful efforts to help fish, wildlife, and other natural resources. This broad public concern combined with positive political actions led to the widespread adoption of a new model for wildlife management and administration. As a result, most of the state fish and wildlife agencies in this country were established or reorganized.

The founder of the profession of wildlife management, Aldo Leopold, listed the ingredients for a successful game department reorganization: sound organization, freedom from politics, flexible administration, a professional staff, and management programs based on scientific information (Trefethen 1961). Cooperative efforts were established to provide professionals to staff the fish and wildlife agencies, conduct scientific studies, and fund recovery of fish and wildlife populations.

A sidebar to the development of professional management is that Aldo Leopold wrote the first wildlife textbook in 1933 titled *Game Management*. Aldo Leopold later authored *Sand County Almanac*. Although first published in 1949 this landmark conservation book still carries significant influence today.

During this same time, President Franklin D. Roosevelt named J. N. "Ding" Darling as Chief of the Bureau of Biological Survey. A few of Ding's achievements during this time included: intensified law enforcement against market hunters and spring shooters; The Duck Stamp Act of 1934; the Cooperative Wildlife Research Unit Program; the American Wildlife Institute; the National Wildlife Federation; and the North American Wildlife Conference which has met annually since 1936.

The late 1930's saw the start of serious legislation to conserve wildlife. Supporting conservation efforts, the US Department of Interior created an 11% federal tax on sport arms and ammunition titled "The Federal Aid in Wildlife Restoration Act" (1937), otherwise know as the "Pittman-Robertson Act." Revenue from this tax is given to state wildlife agencies to fund wildlife research and habitat projects to aid the recovery of fish and wildlife populations. This Act was so successful that fishing enthusiasts encouraged the enactment of the "Dingell-Johnson Act" (1950) and its successor, the "Wallop-Breaux Act" (1984) which provided funding for fish restoration and management through excise taxes on fishing and boating equipment and motorboat fuel. With all three Acts, states must match federal dollars 1:3 and any funds raised from the sale of hunting and fishing licenses must be used exclusively for fish and wildlife management. Several other acts collectively called the "Federal Aid Program" have used the Pitman-Robinson model to fund other needs in wildlife management. These programs, along with sale of hunting licenses, form the foundation of fish and wildlife funding. The acts have requirements for eligibility that foster improved planning, professionalism and continuity. These requirements have strengthened the state agencies abilities to address resource conservation.

COMMISSIONS ARE ESTABLISHED

With all of these advancements in conservation, independent commissions or boards to govern the state agencies were established. The Model Game Law, developed by a committee of the International Association of Game, Fish and Conservation Commissioners in the early 1930s, outlined a system for a commission that provided for plenty of power. The model gave the commission power over policy, budget, and selection of an administrator who would be free to carry out the policies and programs of the commission (Gabrielson 1960). Many agencies were restructured along these lines.

The mission of the commission is to: (1) avoid the undue intrusion of politics into agency management; (2) ensure citizen participation in establishing policy for agencies; (3) provide recreational opportunities by mandating stewardship for the resource; and (4) ensure ethical and prudent operation of the agency. These commissions, composed of dedicated citizens, would serve as trustees for fish and wildlife resources. They were modeled after the corporate board of directors format in which a selected board of wise, farsighted, and respected citizens were chosen to direct the activities of the corporation. In the case of citizen game and fish commissions, the members would usually be appointed by the governor with consent of the senate and serve staggered terms to provide considerable stability in direction to the agency. This structure buffered the rapid swings in political directions while retaining responsiveness to broad changes in political direction. Generally, commissions were given the power to hire or remove the agency director, set regulations and agency policy, and determine the agency budget.

This nonpolitical commission format was intended to combat problems in fish and game management at the turn of the century. Although the commission did provide a sense of stability to the agency, a vehicle for public participation, a voice for the agency in state government, and a buffer from the day-to-day issues of agency management for the governor—the commissions were not a cure-all. There were continuing concerns. Some wildlife professionals viewed the commissioners as ill-informed outsiders meddling in a professional specialty (Thomas 1990). Many landowners hesitated to accept wildlife regulations they see as infringing on private property rights. Many citizens felt there was simply too much governmental control and the commissions were rarely representative of the general citizenry (Thomas 1990).

CASE IN POINT: *Adoption of a Nonpartisan Commission*

Following the 1932 election in Missouri, the newly-elected governor (a Democrat) replaced the Republican commissioner of fish and game with a Democrat commissioner. At the end of his first year in office, the new commissioner reported a 100% turnover of department employees (Keefe 1987). In 1936, more than 70% of Missouri voters approved a constitutional amendment to create a nonpartisan Conservation Commission (McMullin 1995).

THE ENVIRONMENTAL MOVEMENT

The 1960's saw substantial increases in the numbers of participants interested in wildlife management and more varied recreational use. Rachel Carson's description of the effects of pesticides in her book *Silent Spring* (1959) caught the attention of the American public and became one of the most influential conservation books ever published. Many laws were passed in the 1960s and 1970s to protect fish and wildlife and the environments. Public interest in environmental issues intensified. The expectations of the constituents of fish and wildlife commissions were growing and changing. Commissions needed to listen to people who were interested in more than hunting and fishing and began to guide the direction of the agency toward the greater protection of resources.

In addition, negative attitudes toward hunting were surfacing. Some people saw sport hunting as similar to the commercial hunting that devastated wildlife a century ago. Others believed hunting to be immoral and cruel. These groups emerged as a political force in the political arena. This caused a conflict between sportsmen, whose license fees often paid for a majority of wildlife programs and activities, preservationists, and other users who wanted to enjoy the recreation opportunities offered by the outdoors. Commissions were challenged by new issues in addition to those dealing with hunting and fishing. They now had to mediate a diversity of issues.

Significant legislation during this time included the National Environmental Policy Act, NEPA (1970) which required environmental impact statements for all projects involving the federal government that might significantly affect the quality of the human environment (Belanger 1988). Its principal impact was to institutionalize systematic consideration of environmental impacts and multiple alternatives in public policy. It also opened the process of governmental decision making to direct participation by the public. Perceived flaws in the process could and often do lead to lawsuits freezing decisions until resolved. Finally, the Environmental Protection Agency was created by Executive Order of President Nixon.

In addition, "The Endangered and Threatened Species Conservation Act" (1973) was passed. It prohibited the taking of species listed as "endangered," protected "look-alikes," or species threatened over only part of their range, and designated "critical habitats" that must be preserved. It is designed to protect and preserve endangered species in their native habitat. There must be a recovery team and a recovery plan in order for a threatened (likely to become endangered in the near future) or endangered (facing imminent extinction) species to be listed. The legislation attempted to protect wildlife (and plant) species regardless of their direct beneficial use to man. It also protected the species habitat which often times resulted in conflict with respect to landowners' property rights.

THE COMMISSION FORMAT IN THE 1990S

In the 1990s new issues emerged. Ecosystem management, conservation biology and biodiversity, environmental ethics, animal rights, and human dimensions vied for attention. In all of these, a more holistic approach, increased concern for the welfare of wildlife, and diverse human involvement were implied.

During this era, the job facing fish and wildlife commissioners became increasingly complex. Now there were social, political, economic, philosophical, and core values that needed to be considered in decision-making at a commission level. People wanted more participation in decision-making, more accountability, more political (voter) control, and greater fairness for citizens considered to be receiving marginal attention. This increase in public involvement may have stemmed in part from a growing dissatisfaction with the responsiveness of government in general. Voters initiated ballot issues to address needs they felt were not being met such as restricting hunting practices and seasons formerly approved by commissions. The more successful commissions became more proactive by soliciting public input from the diverse interests in the community to better meet the needs of the public and the resource.

Many state commissions also experienced political challenges that diminished authority. For example, some fish and wildlife agencies merged into departments of natural resources administered by a cabinet-level secretary. A potential emerged for changes like this in administrative patterns which could lead to a serious loss of strength and continuity in programs and services as political winds blew first one way and then another (Hays, 1995).

CURRENT TRENDS

Commissions and agencies are now being held to a greater level of accountability than ever before for agency performance, organizational effectiveness, ethical behavior and return on investment. Publics and the legislature are requiring, even demanding this accountability. They want to know how agency funds are spent and are looking more deeply and sharply at the performance of the agency as well as that of the commissioners. This is paralleled with an overall national trend toward greater accountability of the government as well as in the private sector and is exacerbated by the media's continuous quest to probe and investigate. In addition, thinking outside of the box—thinking about who could be partnered with and where could additional funding come from–has become necessary for agencies. A scarcity of funds has resulted in a greater need for collaboration, partners and innovation.

The increased demand for accountability, the scrutiny of the media, and a scarcity of funds all combine to produce the greatest need in history for agency effectiveness. To meet these needs, commissioners are doing more to make themselves effective as boards. They are learning more about effective governance, board improvement, and how to be a learning entity in order to handle the complicated and diverse issues they face.

Issues Challenging Commissions Across the Country

- The constituency has continued to expand and commissions must now respond to a continuing diversity of interests.
- As tribal governments exercise their sovereignty over natural resources, conflicts with federal and state agencies may result.
- Animal rights groups are more sophisticated and continue to challenge the ethics of hunting and fishing.
- New supplementary sources of funds are required to respond to growing citizen interest and participation in services administered by the agency.
- There are continuing conflicts between property rights, economics, and the wildlife resource.
- Issues cover a wide range of topics such as interstate and international activities, women and minorities, inflation, specialized sporting factions, tribal sovereignty, overcrowding, and advancements in hunting technology.
- Financial resources are being spread too thin.
- Agencies that used to be 100% autonomous are now receiving state funds.
- There is an increase in human/wildlife interactions. Headlines indicate the intrusion of black bears in peoples' houses, coyotes in the middle of Chicago, and alligators in back yards.
- Exotic species that were once pets are being released into the wild and potentially effecting the balance of ecosystems.
- Water issues including accessibility, rights, scarcity, contamination and availability for human consumption are being addressed nationwide.
- Children are becoming less interested in playing outdoors—they would rather play indoors and possibly fear or are blocked from the outdoors.
- With increased immigration there has been a change in the dynamics of publics. Many may choose not to recreate outdoors which creates the need to continually redefine "Who are our publics?"

FYI… Commissioners are learning more about governance through assistance from such resources as the WAFWA Commissioners Committee and classes on effective governance offered by the Management Assistance Team.

CONCLUSION

Throughout history, there have been no easy answers for how to best meet the challenge of wildlife stewardship. It is a question becoming more difficult due to growing diversity and public involvement. Many of our concerns today were also concerns a century ago. Accumulated experiences show that the commission or board had, and continues to have, many desirable features. It must be emphasized that the commission style of governance was developed expressly to allow for public participation and leadership in wildlife management.

ASK YOURSELF...

- How do you see the function of the commission in providing good government?
- How much should the wants and needs of the young and future generations weigh against those of today's voters?

ADDITIONAL RESOURCES

Belanger, Dian Olson, *Managing American Wildlife*, University of Massachusetts, Amherst:, 1988. (This book traces the development of the International Association of Fish and Wildlife Agencies and looks at impacts, concerns, legislation and significant events. It can also point the direction to other good sources.)

Lendt, David L., *Ding: The Life of Jay Norwood Darling,* Iowa State University Press, 1989.

Leopold, Aldo, *A Sand County Almanac*, Oxford University Press, New York, 1962 edition. First published in 1949.

Louv, Richard, *Last Child in the Woods: Saving Our Children from Nature-Deficit Disorder***,** Algonquin Books of Chapel Hill, 2005.

Posewitz, Jim, *Beyond Fair Chase: The Ethic and Tradition of Hunting,* Falcon Press Publishing Co., Inc., Montana, 1994.

Trefethen, J.B., *Crusade for Wildlife: Highlights in Conservation Progress,* Stackpole, Harrisburg, 1961.

There are many good general state histories and more specific histories on state wildlife management that can be found at local libraries.

SECTION 2

Working with Stakeholders

Section Contents

2. WORKING WITH STAKEHOLDERS

My ability to build relationships was key to my success as a commissioner.
Beth Woodin, former Commissioner, Arizona Fish and Game
(September 1997)

KEY POINTS

- Stakeholders are the individuals, groups, and organizations potentially affected by the consequences of commission policies and actions now or in the future.
- The commission needs to continually identify their stakeholder groups (not only those groups the commission is comfortable with but also those it might be unfamiliar with).
- Stakeholders can and should have an immense influence on the success or failure of agency programs. Therefore, building relationships with stakeholders is considered more than a mere technique used by the commission, but a strategy, approach, or philosophy (Wiedman 1992).
- Each commissioner and the commission as a whole needs to be motivated by a sense of accountability to the agency, its stakeholders, and the resource.
- Public involvement by the agency and the commission is the manifestation of participatory democracy and is typically mandated in state statute. Formal requirements aside, the needs of fish and wildlife cannot be met without strong public support.

WHY INVOLVE STAKEHOLDERS?

- Stakeholders have the legal right to provide input and to receive information on wildlife management.
- Stakeholders can help the commission make better decisions, build support for these decisions, and improve implementation of decisions.
- Stakeholders can help the commission understand the values, priorities, and preferences of the public, and how to be more responsive to public expectations or needs.
- Stakeholders can influence outcomes of policy or legislation through their position and contacts, their input to decision-makers, and by filing lawsuits.
- Stakeholders could become partners with the commission in joint efforts to make, change, or influence policy.
- Stakeholders provide commissioners with much of the informal power they need to be effective.
- Stakeholder involvement can lead to greater confidence in government because of an increase in public understanding of issues and obstacles.
- The major decisions facing commissions today are no longer settled simply on a biological and technical basis but are influenced by economic, social, and political concerns.

To Customize for Your State

Include information on any agency stakeholder process which might be of interest to the commission. Also include a summary of the stakeholders activities in which the commission currently participates.

STAKEHOLDERS

Stakeholders are individuals, groups, and organizations potentially affected by consequences of commission policies and actions now or in the future. Stakeholders of the commission are not just the groups the commission shares a common interest with but also those who might be outside of its typical comfort zone. Many stakeholders have ongoing relationships with the commission, while others might be small and only involved for a brief period of time. Although the commission will have a different degree of involvement with each stakeholder, they must be cognizant of each stakeholder's needs and treat each with an attitude of respect, regardless of their size.

POTENTIAL STAKEHOLDERS

As ecological issues become increasingly intertwined with economic and social issues, new and diverse stakeholders want to be involved in the management of the natural resources. The commission potentially has many stakeholders, new and traditional, as can be seen by the partial list below.

- Citizens of the State
- License Buyers
- The Governor
- Legislators
- The Agency Director
- Agency staff
- Local, state and federal agencies. (i.e. Federal EPA, Bureau of Land Management, State Parks, State EPA, State Water Board, State Board of Health, U.S. Fish and Wildlife Service, U.S. Forest Service, Center for Disease Control, Department of Agriculture)
- Other Governing Bodies
- Landowners
- Citizen Groups
- Native American Tribes
- Species Organizations (i.e. Ducks Unlimited)
- Animal Rights Groups
- Environmental Organizations (i.e. Audubon Society, Sierra Club)
- The Media
- Nonprofit Organizations
- Informal Groups
- Individuals
- Professional Associations (i.e. The Wildlife Society, AFS, SAF)
- Future Generations
- The University Community
- Agriculture, ranching, fishing commodity, recreation, and tourism interests

Stakeholders can have significant influence on the success or failure of agency programs. Therefore, building relationships with them should *not* be considered a technique used by the commission, but rather a fundamental strategy, approach, or philosophy (Wiedman 1992). Developing and maintaining relationships among a wide range of stakeholders should be one of the primary functions of the commission as a group *and* of the individual commissioner. These relationships can only be built if the commission has the attitude that it is accountable to stakeholders (because of the commission's trustee role) and give consideration to their viewpoints. Stakeholders may invest a considerable amount of time, energy, and emotion into their work. Input from them deserves serious consideration.

Stakeholders can be supportive and can also enlist other supportive stakeholders. However, if their input is ignored, they may be motivated to pursue legal action, governor involvement, legislation, or

ballot initiatives. Failure to offer ample opportunity for and consideration of stakeholder input is often the grounds needed for successfully challenging a government's actions in court.

Relationships with stakeholders can lead to collaborative partnerships or "partnering." Although there may be differences between stakeholders, common goals often exist. When this similarity exists or potentially exits, partnerships among the commission and stakeholders can be built to leverage resources to meet goals and create collaborative solutions. **With increasing wildlife management demands and potentially decreasing financial resources, seeking out potential partners to work together to meet needs of wildlife management must become a core activity of the commission. Commissions and agencies must identify and utilize meaningful ways to leverage knowledge, funds, personnel, and equipment.**

ACCOUNTABILITY TO STAKEHOLDERS

We must be accountable to our publics or we will continue to face legislation.

Rebecca Frank,
Commissioner, Colorado Wildlife Commission (September 1997)

The commission is accountable to the agency, its stakeholders, and the resource. As a steward of the resource, the commission should maintain a structure and process of accountability not only to today's stakeholders but to future generations of stakeholders as well. Defining this accountability is necessary and can be difficult as there are several possible areas of accountability of the commission. State mandated direction combined with stakeholder expectations provide the framework for defining the commission's accountability.

POSSIBLE AREAS OF ACCOUNTABILITY OF THE COMMISSION

- **Accessibility**. The commission must be perceived as accessible to those who want to provide input. If the commission is inaccessible, concerned stakeholders will turn to other measures, such as (1) lawsuits, (2) the legislature, (3) the governor, and (4) ballot initiatives to resolve their issues.
- **Responsiveness to Stakeholders**. The commission needs to show that it truly considers and responds to the information or input from stakeholders. This requires a clearly defined decision-making process that allows for input, provides necessary time for well considered decisions, and captures the rationale for the decisions made.
- **Responsiveness to Emerging Issues.** The commission must be responsive as wildlife management priorities change.
- **Representative.** The commission must determine an effective process for gathering and utilizing a variety of input. As the constituency base changes, more and more differing concerns must be represented by the commission. Complaints that the commission only listens to some stakeholders and ignores other interests are not uncommon and are potentially very damaging.
- **Continuity of Programs**. To ensure the future viability of wildlife, the commission must commit to and focus on programs which look to the future and are given enough time to be accomplished.
- **Efficiency and Effectiveness.** The commission must focus on the important issues and grapple with the tough policy questions.

Once the commission has clearly defined its accountability, it must identify how it will demonstrate it to its stakeholders. A commission cannot *expect* stakeholders to come to it, even if some occasionally do. The commission needs to go to stakeholders (e.g., through published reports, press releases, public meetings, etc.) and tell them what it is doing and how it is accountable. It needs to keep stakeholders informed on:

1. The state and trends in the resource;
2. What work is being done;
3. How the work is being done;
4. Who is doing the work;

5. How the thinking is changing and evolving;
6. Any disagreements in work process;
7. Any differences in views that develop among the technical experts;
8. What different solutions surface and get explored; and
9. How and why some solutions prove inadequate and get dropped.

To maintain commission accountability, it is necessary to have written policies about the expected role of each commissioner and the process for dealing with shortcomings in performance. (See "Commission Operations" (Section 9) for information on defining commissioner expectations.)

STAKEHOLDER MANAGEMENT

Stakeholder management requires a responsiveness by the commission to stakeholder needs. This can only happen if the commission properly identifies their stakeholders, determines these stakeholders' expectations and goals, makes efforts to build stakeholder relationships, and evaluates the relationship.

IDENTIFYING STAKEHOLDERS

The commission needs to continually identify the individuals, groups, and organizations that are potentially affected by or have an interest in activities, functions, and policies of the commission (not only those groups the commission is comfortable with but also those it might be unfamiliar with).

One approach to identifying stakeholders is to "brainstorm" on potential stakeholders who are impacted by a particular issue or can impact the success of a particular issue. This impact might be a result of their personal interest in the issue, demographics, geographic location, or political influence. The commission may identify who its stakeholders are in general as well as who they are for a particular policy effort. The commission should also identify those stakeholders who might be a new partner with the agency or commission to address an issue. Current stakeholders can also be asked to identify other stakeholders who might be interested in an issue. Stakeholder identification efforts need to ensure that the broadest group possible has been identified.

DETERMINING STAKEHOLDER NEEDS, EXPECTATIONS, AND GOALS

Stakeholder relationships must have clearly identified needs, expectations, and goals for each party. Misleading promises about relationship goals (such as a promise for collaborative decision-making which results in only an exchange of information) will result in lost credibility. Stakeholders, particularly the public, can tell if they are truly part of a process or if their involvement is devalued by only the *illusion* of involvement. To determine stakeholder expectations and define goals for the relationship, the following should be identified (these goals or parameters may change between subjects or issues):

- Respective roles and common goals (long term and short term).
- Communication methods.
- Level of involvement.

BUILDING RELATIONSHIPS WITH STAKEHOLDERS

Good relationships with stakeholders do not just happen. They require a commitment of time and energy as well as the development of organized processes which promote relationship building. Some of these processes include:

- A process to engage stakeholders in identifying issues, objectives, and solutions.
- A decision-making process that includes specific steps for stakeholder participation.
- A process to gather and manage information about stakeholders (their needs, interests, and backgrounds).
- A process to keep stakeholders informed on current issues, final policy results, and uses of stakeholder input.
- A process for effective communication (including an understanding of proper medium for a message to be sent—personal contact, media, direct mail, public meeting, etc.)

In addition to processes, relationship building requires the commission to have the right attitude toward stakeholders. To demonstrate this positive attitude, a commission must:

- Be open and honest.
- Address small issues before they become a crisis.
- Follow through on commitments and not make commitments that cannot be kept.
- Understand relationship goals.
- Thank those who provide input.

EVALUATING STAKEHOLDER RELATIONSHIPS

Stakeholders' perception of the commission's ability to meet their expectations should be analyzed periodically. This could include asking stakeholders for feedback on:

- How relations can be improved.
- Their satisfaction with their involvement in the decision-making process.
- Their understanding of the goals for the partnership.
- The commission's communication process with the stakeholder.
- The commission's ability to fulfill the stakeholders' expectations.
- Elements which were missing in the stakeholder process.
- The agency staff's assistance in this relationship.
- If the right stakeholders were involved.
- If the commission is seen as part of the problem or part of the solution.

The commission should use this feedback to make adjustments in its stakeholder efforts. In addition, the information gathered in this evaluation should be included in the commission's overall evaluation of its own performance as described in Section 9, "Commission Operations."

Although many steps for building a relationship are common for all groups—good communication, honesty, information exchange, clearly identified relationship goals, etc.—there are some stakeholder groups which warrant more discussion in this guidebook because of their size and frequency of interaction with the commission. These groups include the public, the agency, and those in the political arena. This section continues on with a look at the public. Section 8, "The Agency" addresses stakeholder relationships with the agency, and Section 10, "The Political Arena" addresses relationships with members of the political arena.

CHECKLIST: *Sample Stakeholder Categories*

- Voters or legal "owners" of the agency and the resource.
- Clients or customers such as resident and non-resident license purchasers.
- Beneficiaries such as children or future generations.
- Partners such as landowners and public health agencies.

THE PUBLIC

To be successful, citizen participation must be a management strategy, a way of doing business. Citizen participation is not a series of add-on activities as part of an "after-the-fact" decision-making process. Rather it makes public input an integral part of the planning, policy making, or decision-making process. Citizen participation is an attitude that proclaims—those that have a stake in what we do as decision-makers, need to have a say in our decisions that can benefit or cost them.

Wilbur A. Wiedman, Jr.
Adapted from *Involving Citizens: A Guide to Conducting Citizen Participation*

Public involvement by the agency and the commission is the manifestation of participatory democracy. Not only that, it is typically mandated in state statute. Formal requirements aside, the needs of fish and wildlife cannot be met without strong public support, and decisions cannot be made without involving the values and beliefs of the public. When the public is involved in the decision-making process, people understand the complexity of the issues and are much more likely to support the solution. This buy-in is critical when it comes time to implement solutions. Although involving the public may seem tedious and cumbersome, it is the only way to accomplish lasting solutions. Agency history has shown that if you are not working with your publics in the beginning, you will surely be working with them in the end.

DEFINITION: *Public Involvement*

Known by many names, "citizen participation," "partnering," "inform and involve," "public participation," public involvement is the total process of including the public in the planning and decision-making process (Wiedman 1992).

Many commissions understand their responsibility to their publics and would rate themselves high on their efforts to involve them, particularly in building support of policies and programs. However, it is not uncommon that a commission overlooks many interests and involves only those publics it is familiar with. As a trustee for wildlife, the commission is required to establish relationships and lines of communication with all of the publics and to help these publics grow closer together and closer to the agency so each can appreciate the multitude of viewpoints. In marketing there is no one general market but rather market segments; likewise for wildlife agencies, there is no one public but many publics.

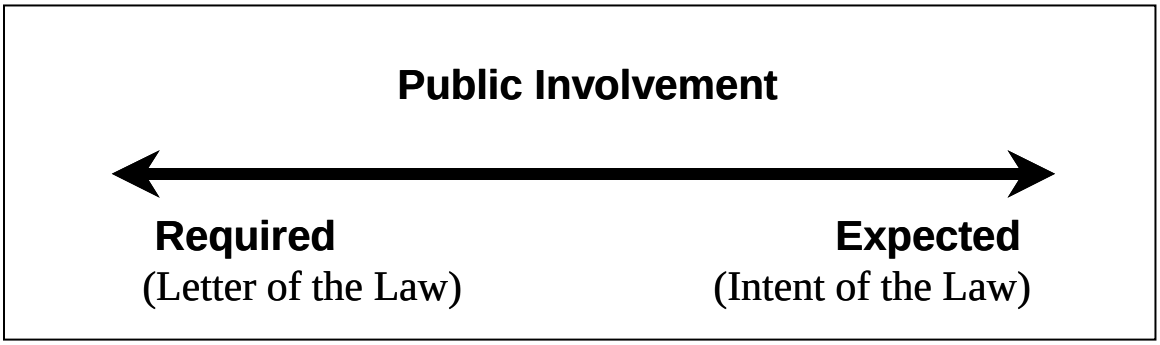
Compounding the complexity of public involvement is the lack of understanding about resource management. Many citizens do not understand that the resource and the agency belong to *all* of the people not just license buyers or landowners—and that migratory species belong to citizens of several states or nations. Similarly, many urbanites do not understand the wildlife issues which face landowners. Adding to the confusion, many citizens are unclear of the commissions role versus the agency's role in managing the resource.

CASE IN POINT: *Public Involvement in Missouri*

To make sure they all focused on the same goals, the Missouri Department of Conservation met with citizens statewide in 1995 to design a second five-year plan, "State of Harmony." This plan has helped guide the Agency into the twenty-first century and into its seventh decade of service. For more information on this, check out the Missouri Department of Conservation Internet Home Page at: http://www.mdc.mo.gov/

A SINCERE COMMITMENT TO CITIZEN PARTICIPATION

Involving the public is a continuum from required involvement (legally mandated rules for public involvement) to expected involvement (the publics' or agency staff's expectations about their involvement.)



A commission could follow the *letter of the law* and choose to involve the public through public hearings, receiving testimony, and reading correspondence. It could also fulfill the *intent of the law* by gathering information representative of the *whole* public from a multitude of avenues (informal and formal) and then genuinely *use* this information to influence the policies it creates.

A genuine commitment to citizen participation requires that the commission: (1) remain receptive to all sides of an issue and give consideration to recommendations and input before developing an objective decision; (2) share information; and (3) act responsibly to needs. Public participation should not be confused with simply allowing the public to listen to a meeting or to gathering public input which is not utilized in the decision process.

Commissions must be sincere in their statements that "we want public participation" and not give an illusion of participation or manipulate the process. The public can tell if they are really part of the process or if they have been taken through the motions to get to a pre-determined end-point. If they believe involvement has been an illusion or a sham, they are less likely to support the decision and more likely to seek other methods of influence. During the last 20-25 years, stakeholders have learned that they do not have to be ignored or take "no" for an answer. When dissatisfied with an outcome or a process, the public has many options. For example they can: (1) appeal to political decision-makers; (2) file lawsuits; (3) escalate the issue to an election-issue; (4) mount a citizen-initiative; or even (5) take the law into their own hands (Bleiker 1990). A trusting relationship is built only through genuine effort and commitment to citizen participation.

FYI: *Inviting the Public to Be Involved*

For the public to be involved in any type of citizen participation process, **they need to be aware that this activity is going to take place**. Commissions need to ensure that:

- Press releases, notices, advertisements, and mailings reach a variety of publics and not just the traditional audience; and
- Any restrictions to involvement have been removed (such as inaccessibility to the meeting).

ESTABLISHING GOALS FOR CITIZEN PARTICIPATION

Goals for citizen participation can have a broad range and may include providing information, creating coalitions or synergistic relationships between different groups, or involving the public in developing a vision for wildlife management and recreation. Depending upon the public involvement goal, the commission can choose one or more activities.

- **Provide and Solicit Information**. The commission might choose to discuss a problem at a meeting with the public—but not involve the public in the decision-making process. It instead would offer general background information, administer a public survey, or provide the public with a model of alternatives, possible impacts, benefits, and costs. This process helps commissions ensure their proposals are understood.
- **Provide Public Education.** The commission might choose to educate the public on wildlife management issues and policies to establish a "smarter" set of publics and promote learning as opposed to just observing. Education should be limited to facts. If the content includes values or preferences, it's called propaganda and is often inappropriate and sometimes illegal.
- **Improve Public Relations.** The commission might choose to implement a series of activities or events that serve to enhance the image and understanding of the agency and promote the value of its activities.
- **Utilize Citizen Participation.** The commission might choose to share the responsibility for planning and decision-making with the public. This requires a two-way flow of information in addition to effective staff support.

Because of the complexities of public involvement and the uniqueness of each possible situation, it is impossible to write a simple cookbook recipe which explains the best method to use for involving the public. Designing effective public involvement is a technical specialty, meriting use of a professional. However, common elements do exist which must be taken into consideration. These include: (1) the majority of the public, not just a vocal minority, needs to be involved; (2) the needs of the public need to be met whether it be in providing an avenue for their input or answering their questions; (3) it must be easy for the public to become involved; and (4) consideration must be given to whether or not the selected tool, process, or method used to involve the public delivers the desired results.

CHECKLIST: *Making Public Involvement Work*

Because of its complexities and magnitude, many books have been written on the subject of public involvement. In addition, there are members of the agency who are skilled in public involvement, and there are excellent external resources available on the subject (cited at the end of this section). However, to provide an introductory framework for public involvement, the following summary of some of the necessary ingredients of effective public involvement might be helpful.

- Understand when citizen participation is needed.
- Make a sincere commitment to citizen participation.
- Remain open-minded.
- Utilize a well planned delivery process.
- Build trust.
- Inform and invite a broad range of publics. Do not assume who is interested. Do not try to control participant selection.
- Nurture and protect your credibility.
- Involve publics at the earliest possible point.
- Provide full information to help the public understand issues, costs, etc.
- Get to know all of the potentially affected interests.
- Design the process to achieve the broadest participation by the public possible.
- Be focused.
- Strive to understand the different publics. Learn to see the issues through their eyes.
- Ensure all the information you communicate to various interests is received and understood by them.
- Ensure that you receive and understand all of the information that the various interests communicate to you.
- Clearly show that input was important, respected, and considered.
- Articulate and clarify the key issues.
- Seek common elements of agreement.
- Present the public with a draft action plan, then seek their approval.
- Schedule specific assignments early in the process and maintain accountability for deadlines.
- Be careful not to rely solely on a few highly vocal members of the public. Their views might differ from or be opposite to the views of the majority of the public.
- Evaluate your process and progress.

METHODS FOR GATHERING PUBLIC INPUT

Commissions and agencies consider and use different approaches to involve the public depending on the objectives, situation, time, resources available, and a variety of other factors. In some cases, the commission may be directly and personally involved with the public; other times it may direct agency staff to carry out some activities or contract with external groups. While the following identifies some of the methods currently used for public involvement, there are many more possibilities. Whatever the method selected, the commission needs to find a way to communicate openly and honestly with any stakeholder. The commission also needs to keep in mind that different results will be achieved each time a method is used. Methods must be continually reevaluated to ensure they meet the public involvement objective at hand.

Telephone Surveys or Written Questionnaires

Telephone surveys or written questionnaires are prime examples of a "data driven" tool for public involvement. When opinion data are properly analyzed, they are very powerful tools for understanding public values and priorities. Commissions have found this method extremely effective and reliable in situations where they need specific data—hunter satisfaction with seasons, bag limits, angler satisfaction with type and level of fish stocking, general public reaction to lion hunting, or alternative funding sources for wildlife management.

There are many examples of commissions using this type of data gathering to increase awareness of various issues and public opinion. Surveys or questionnaires can be done by internal staff experienced in surveying or by an external source. Done properly, these survey instruments allow commissions to access the opinions of a wider range of people than they may hear in public hearings. They can also be convincing to the legislators and governor. Samples of larger numbers of the public can also provide higher reliability than comments by smaller groups that may attend commission meetings or personally contact commissioners. However, such data-gathering methods do not include personal interaction nor do they tend to build public support towards an issue. While some commissions consider these data gathering methods to be a type of public involvement, some of the public do not view them as true public participation.

Focus Groups

Focus groups are another technique used by commissions to determine public opinion and have been used to address a wide range of subjects. Focus groups can be useful in gathering an in-depth understanding of public opinions. Focus groups must be conducted by trained, neutral facilitators with carefully selected participants. Like the surveys, they tend to be more useful as sources of data than ways to build support. Focus groups can be easier, more affordable, and done quicker than surveys or questionnaires.

Informal and Unstructured Personal Communications

Some commissioners place more emphasis on methods that are oriented toward relationships rather than data. They consider informal and unstructured personal communications to be highly important. These informal, face-to-face communications can occur during daily activities (e.g., stopping at the gas station, having coffee at the cafe, or chatting with neighbors) or during planned activities (e.g., fishing or hunting with friends or sporting groups, a community picnic, or building an observation blind for bird watching). These tend to be highly interactive and provide information for commissioners to use during decision-making. Some of the involved public may feel their input has

been heard and considered; others may feel they were heard but ignored. While these relationships are important, the data are somewhat less reliable due to potential restrictions and bias. In addition, the public that does not have such informal access to the commission may feel excluded, frustrated, or angry.

Planned Public Activities

Planned, public activities designed to build relationships and communications are considered to be quite valuable by a number of commissions. These are typically advertised broadly and include activities such as hosting an open house (to "meet the commission" and discuss potentially controversial issues), promoting a new facility, or staffing a booth at a fair or convention. Others might be announced in more limited communications (e.g., general mailings, email to constituent groups, or announcements at public meetings) and may include breakfast or social hour with commissioners, agency staff, legislators and the public; open public picnics after a commission meeting; camping outings with the commission; or field trips to a special habitat or recreation site. Planned public activities tend to encourage informal communications and data gathering but often provide limited time to discuss topics in depth. They can also be frustrating for citizens who are unaware of such opportunities, or are unable or unwilling to attend.

Telephone Calls

Telephone calls are another common way for commissioners to gather information from and build relationships with the public. Depending on the commissioner, this may be convenient and very effective. Like other informal methods, the public may feel this provides them an opportunity to voice their views but may or may not feel they were considered during decision-making due to the informal nature of the contact. Again, it may be difficult to assess reliability of the data, but it can provide insight into the level of sentiment about a topic.

Stakeholder Groups

On many issues, treating the public as one group becomes too complex. However, because people and organizations who care about an issue naturally fall into groupings with overlap in philosophy and preferences, often the breadth of public concern can be simplified to fewer groupings. Once these groupings are formally recognized, and have acceptance by their members they are called "stakeholder groups." The groups can provide the commission with an understanding of particular viewpoints or interests. Decision-making can be streamlined by explicitly recognizing such groupings.

Stakeholder groups are a method used to gather information, increase communications and relationships, develop alternatives and proposals for the commission, and build support by participating constituents (e.g., increasing public access to private lands for hunting or fishing, major overhauls of deer season, changes in trapping or fox penning regulations, or development of new regulations regarding commercial fishing).

In some cases, stakeholder groups provide useful information and alternatives, develop recommendations acceptable to a wider range of constituents, and are instrumental in implementing decisions and programs. In other situations, the stakeholders may not reach working agreement and thus serve as an early indicator that consensus on controversial issues may require further effort or be unachievable.

Communicating with individual stakeholder groups requires more communication than communicating with the public as a whole, but can result in significant time savings. Often particular

members who represent a group, explain viewpoints and negotiate solutions with the representatives of other groups. Such solutions often have broad public support.

Stakeholder group strategy is intrinsically complex and can have serious negative consequences—such as engendering distrust—when handled inappropriately or ineffectively. This includes oversimplifying viewpoints, incorrectly grouping stakeholders, or assuming stakeholders with similar views on one issue share similar views on another. A specialist in designing public involvement processes and strong staff support can aid in managing stakeholder groups and minimizing negative consequences. Skilled, neutral facilitators can also be invaluable as stakeholder groups tend to organize around more complex, controversial, or emotionally charged issues.

Task Forces or Advisory Panels

Some commissions use specially appointed task forces or advisory panels to develop specific recommendations on topics. Task forces tend to have more specific and limited objectives, such as developing criteria for a required hunting or trapping course, recommending a fish hatchery location, or seeking alternative wildlife management funding sources. The narrow topic allows the task force to delve into more depth than the commission has time for. This helps in maintaining continuity in programs. The task forces may have fewer members than the commission and a different time horizon for action. Task forces may provide useful advice for decision-makers and help to build support for the decision (since they had a role in developing them). Again, it is important that the task force know how their recommendations will be used.

Round Tables

Round tables are advertised meetings where citizens can come to learn about a topic and provide input. They are typically open but can have limited attendance (e.g., the members of the particular organization that hosts the round table). The topic can be narrow to cover a particular issue or open. The discussions can be informal or formal, and the results captured or not. One design that works well for simple information exchange is to use a setup with small tables (such as in a restaurant) and have a uniformed member of the agency or a commissioner at each table. Name tags can show each individual's area of expertise, allowing the public to talk to the person they are interested in. After a period of informal discussion, a more formal session can be convened with the whole group to capture input from the public or identify topics for future discussion or education. A careful plan for utilizing the input and providing updates to round table participants must be in place prior to receiving the input.

Public Comment or Testimony

Public comment on specific items on the commission decision-making schedule is a more formal method of public involvement. Commissions often have a legal obligation to hear testimony at a scheduled public hearing. Public comment and testimonies can provide useful information as well as be a gauge as to the emotion surrounding an issue. Also, they ensure that all of the commission is provided with the same unfiltered information. Since testimony usually precedes the decision-making process, the information can be more timely (with less chance of being forgotten or ignored). Scheduled time for testimonies can also provide the public with access to all commissioners at one time. Testimony can also help educate the commission and members of the public about the issues.

Some commissioners are concerned that limited attendance or participation at public meetings provides an inaccurate picture of the broader public's opinion. Commissions should also use other

methods—such as surveys, telephone comments, and letters—to obtain a sense of the broader publics views.

Formal testimony offers limited opportunity for building solid relationships. Concern has been expressed that while this provides the public opportunity to express their views, some people are reluctant to speak publicly or are less effective public speakers. Formal presentation may result in the public feeling that their views were placed in the record and considered by the commission (assuming the commission was attentive, respectful, acknowledged issues, etc.). However, the nature of the public hearing may result in some of the public developing an adversarial feeling toward the commission. The commission's response to public testimony or comment should ensure that the public understands how their input will be considered. (Sometimes it is possible to address public comment by referring the individual to an existing office within the agency.)

Letters

Letters to commissioners also provide public opinion on a specific subject. While this may provide commissioners with useful information which can be read at their own convenience, the sender may not know if or how the input was considered. Written correspondence provides limited interaction and thus the public has a limited feeling of involvement or ownership. Plus, the public may not be convinced that their letter was read or opinion considered. Summaries of letters by topic should be compiled and used by the commission. A sample letter is included at the end of this section to demonstrate the personal and concrete views a citizen might have (See "A Constituents Letter to the Wildlife Commission.")

Governor's Conferences

Governor's conferences are another method of public involvement. Such conferences tend to be well announced events inviting a wide range of the public. These meetings can be highly innovative and interactive, depending upon the conference objective, design, format, skill of facilitators and presenters, and attendance. They can be extremely useful in building public awareness of issues, diversity of views, sentiment about issues, and support for programs. They can also raise expectations about future programs or involvement.

Technology

Some commissioners use technology such as a computer to exchange messages via email or to obtain public input. (Keep in mind that once an email has been sent it is no longer a private document and it has essentially becomes a permanent document.) Conference calls and satellite downlinks are other technological options. It is important to remember that some people (or publics) may prefer personal interaction or be uncomfortable with the use of technology.

Email Communication and Open Meeting Law (OML) Violations

Following are four examples from a five member commission in Arizona which highlight some considerations that should be taken when using email for communication:

- A constituent emails a quorum of commissioners regarding the Shooting Range Program. A commissioner hits "reply all" when responding to the constituent to express an opinion regarding the Program. An OML violation has occurred because a commissioner has shared his opinion regarding a matter within the commission's decision-making authority to a quorum of commissioners.
- A constituent "forwards" a commissioner's email response to an inquiry regarding the Shooting Range Program to at least two other commissioners. An OML violation has occurred because the constituent has acted as a conduit to transmit a commissioner's opinion regarding a matter within the commission's decision-making authority to a quorum of commissioners.
- A constituent emails a quorum of commissioners regarding a proposed new wilderness designation. Each commissioner responds separately to the inquiry and does not send the response to other commissioners. No OML violation has taken place, so long as the constituent does not inform any commissioner of the other commissioners' opinions.
- A constituent emails a quorum of commissioners regarding a proposed new wilderness designation. Each commissioner responds separately to the inquiry and does not send the response to other commissioners. The constituent later goes to lunch with a commissioner and informs the commissioner of the others' opinions. An OML violation has taken place because a constituent has acted as a conduit to transmit at least two commissioners' opinions regarding a matter within the commission's decision-making authority to a third commissioner.

Keep in Mind:

- Open Meeting Laws (OML) may vary by state.
- The purpose of the OML is to open the conduct of government business to public scrutiny and prevent public bodies from making decisions in secret.
- A meeting is "the gathering, in person or through technology, of a quorum of members at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action." The test is whether the communication was made to circumvent the OML.
- If enough members of a public body respond to an email to constitute a quorum, an OML violation has occurred if the issue discussed may foreseeably come before that body for legal action.

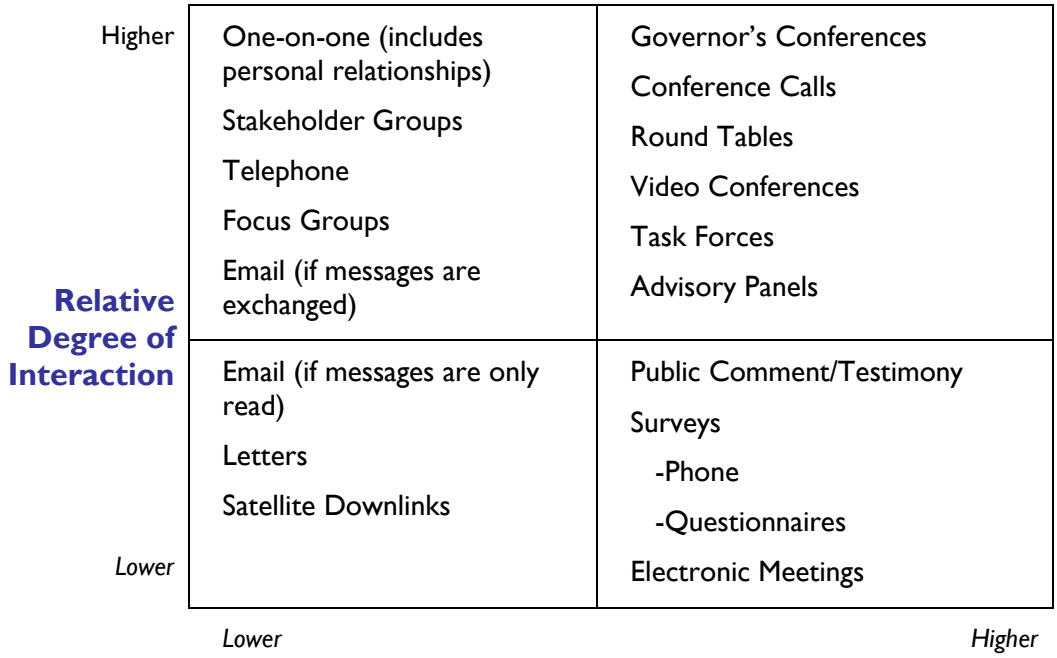
When Communicating with Constituents via Email:

- Use email only with complete understanding of OML implications.
- Refrain as much as possible from sharing opinions or thoughts regarding commission business the same as you would in any other medium.
- Think about how to take better advantage of technology down the road while appreciating that technologies will continue to mature.

Each commission should determine if there should be any limits on the use of email to conduct commission business.

Summary of Public Involvement Methods

There are many ways the commission can seek public involvement. Some are more data driven, some more relationship oriented. Some seek input from a wide range of participants, others are more focused on individuals. Some methods are active, some passive. Some allow participants to feel they had more influence, others may result in the public feeling distanced. Some methods build more support from constituents, others may result in more conflict.



Each commission needs to carefully review and assess its public involvement methods for each project. Effectiveness of public involvement, both real and perceived, can make a significant difference in the quality of decisions made and the public support of these decisions. The use of a public involvement specialist to provide advice is strongly recommended.

ASK YOURSELF… *How Effective is Your Commission at Public Involvement?*

- How does the commission define public involvement and citizen participation?
- What does the commission believe to be the purpose of public involvement?
- What is the commission's legal obligation regarding public involvement? Does the commission follow the *letter* and the *spirit* of the law?
- What is the desirable level of involvement or participation on each issue?
- Who are the commission's and the agency's stakeholders?
- Is everyone informed of opportunities to be involved?
- Are all participants invited to participate, or are some restrictions imposed? Why?
- Are trained, neutral facilitators used for meetings?
- Are the expectations of meeting participants made clear?
- What information do stakeholders need in order to participate in the stakeholder process? Is it available, accessible, and credible?
- Does the commission encourage an unbiased atmosphere where everyone can freely express his or her views?
- Does the commission get reliable, objective information from a wide sample of constituents?
- To what extent is the information provided biased by commissioners, agency staff, or others?
- How is input that is specifically sought by the commission received and used compared to that initiated by the public?

- What can the commission do to expand the opportunity for real influence and participation to a wider range of the public?
- Is there a difference between the commission's response to traditional constituents versus groups with different values, styles or expectations?
- How does the public feel about their involvement and ability to impact the commission's decision?
- Does the public feel that public involvement activities are open, honest and fair? What can be done to enhance this?

- Does the public feel that their involvement is respected, valued and meaningful? Do they perceive any negative consequence to participating?

CHECKLIST: *Working with the Media*

The media is a powerful tool that, when used properly, can inform stakeholders about the resources and agency activities. Stakeholders have a right to obtain information on commission and agency activities and can receive much of this through the media. In addition, the media can reach constituents who cannot be reached in any other way. Following are a few tips about working with the media.

- When you are talking to a reporter **NOTHING IS OFF THE RECORD**! If you do not want it repeated, do not say it. Assume that all telephone calls from reporters are being recorded.
- In a TV interview, make your point as briefly and clearly as possible. The average sound bite on local TV news is six seconds; network TV sound bites average four seconds. Get to the point quickly!
- Do not make "cute" or off-color statements; do not use inappropriate language, and do not offer personal opinions to a reporter. Remember who you are and who you represent.
- Never say "no comment." The reporter will assume you have something to hide. If you cannot answer a question because you have no knowledge on the subject or if it is a sensitive issue, tell the reporter why you cannot answer and refer him or her to the appropriate spokesperson, usually the commission chairman or the director, or offer to find out the information and then get back to them. Be helpful in retrieving information whenever possible.
- Always get your story out first. In media relations, like football, the best defense is a good offense. If there is an important point you want to make in an interview, emphasize it and repeat it often. Try not to let the reporter pull you off your point or lead you in a direction you do not want to pursue.
- Do not show favoritism to any reporter.
- For the best TV appearance: do not wear sunglasses, do not chew gum, do not smoke, do not have articles in a front shirt pocket, and do not put your hands in your pockets. Always look at the reporter and not at the camera and be aware of your body language.
- Have prior notice of any interviews, get organized, and be in charge of the situation. Ask the reporter in advance what question he or she is going to ask, then prepare carefully and insist that he or she stick with the script. Do not be afraid to terminate a TV interview if a reporter tries to ambush you.
- Always be 100 percent accurate and honest in dealing with the media. A little bad information now can mean big trouble later.
- Certain kinds of issues should not be discussed with the media. Some examples are: sensitive law enforcement cases in progress; acquisition negotiations; issues involving agency budget or policy; personnel matters, and speculative "what if..." questions. Make sure the reporter understands why you cannot answer the question and then put them in contact with someone who can. Some situations (e.g., internal agency or personnel problems) or funding issues require a designated spokesperson, usually the director.

A CONSTITUENT'S LETTER TO THE WILDLIFE COMMISSION

Dear Members of the Wildlife Commission,

There seems to be increasing discussion about the role of the Wildlife Commission, the changing expectations of wildlife management, and where this is all headed. I have been thinking about these issues over the last several years of participating in stakeholder groups, testifying before you and the legislature, and generally being on the receiving end of commission decisions. So I decided to share some of my thoughts as you in this time of transition.

Let me begin by saying I have the utmost respect for the stewardship role of the Wildlife Commission. I believe that the commission serves as the trustee for all native wildlife: animals and plants. While there seems to have been a previous emphasis on game species, I believe that the commission's responsibilities go far beyond those to include all native species, including many species of little creatures that many of us hardly know. I also believe that your mission goes beyond those activities described as "use" or recreation to protection, healthy and diverse ecosystems for future generations, and the intrinsic value of what wildlife habitat and wildlife adds to our lives.

That means that all decisions, no matter how small they may seem, must be considered for their potential long term impact. I recognize that your authority only covers this state, but I personally believe that your responsibility is broader: to consider your decisions in terms of their impact on the region, country, and planet. Your responsibilities are so much broader than the historical focus on consumptive practices like hunting and fishing. As a member of the public, I expect the Wildlife Commission to play a critical role in protecting biodiversity and ecosystems; ensuring adequate wildlife habitats in the face of pending loss and encroachment; preventing the spread of diseases and parasites that could devastate native wildlife populations; addressing issues of privatization and commercialization of wildlife (including illegal trade); and much more!

I also believe that wildlife belongs to all the people—present and future; a few seem to disagree and claim wildlife belongs just to license buyers. In my opinion, we license buyers—whether hunters, anglers, or trappers—are paying for taking private possession of a public resource that belongs to all; this is a basic philosophy of public ownership of natural resources. I believe that wildlife demands stewardship of all of us, and not be limited to license buyers (besides, there just aren't enough of us license buyers to carry all those responsibilities alone).

That brings me to funding. I am extremely concerned with the funding base available for wildlife programs. The pressures on wildlife habitat, the need for more research (population studies, response to disease outbreaks, etc.), increasing demand by the public for expanded programs (watchable wildlife, urban wildlife programs, etc.), and more are expensive. Plus, the agency's own trends and national research shows that the numbers of hunters are decreasing due to changing demographics, values and availability of land and wildlife. No matter how well programs to recruit new license buyers go, they can not fully meet future wildlife budget needs. An expanded funding base must be a high priority. And don't think you need to do this alone, many of us will eagerly work on this. We support your getting additional funding for a wider range of programs.

A CONSTITUENT'S LETTER TO THE WILDLIFE COMMISSION (continued)

I mentioned expanding public involvement to broaden funding programs. But public participation must go far beyond calling us in when you need help or have to comply with public hearings laws. Bringing a wide range of diverse participants into meaningful public processes is difficult, but it can result in better decisions that are accepted and implemented rather than contested. Such decisions help make everyone feel they share the stewardship role rather than saying it is just up to the commission or wildlife agency to protect wildlife. I recognize it may cost more in time and effort to get more diverse people involved (and may not be as comfortable as working with the folks you already know), the costs of not involving people can be higher (negative media, legislation, ballot initiatives, etc.). So consider more real outreach to involve people in decision-making, not just outreach to sell licenses.

The quality of public participation in decision-making is another sticky subject. I appreciate your responsibility to make wildlife decisions and your respect of wildlife agency staff. But I am continually concerned with how you limit the publics meaningful involvement. There are times when the commission seems to be sitting through public testimony or in front of a stack of letters on a subject but has already made a decision without really hearing our concerns. That illusion of participation is short lived and can result in frustrated people going to the governor, legislature, ballot box, or media—which does little to maintain your authority or credibility.

Then there is the question of how the public's views are balanced with the wildlife agency staff's. Assuming that either the staff or public is right is fraught with risk. There needs to be a serious effort to develop more ways to get more effective information from many sources and viewpoints—and then to consider it. While it may be uncomfortable to hear some of these viewpoints (including criticisms and conflicts) and even more difficult to absorb and address, it is absolutely necessary.

The need to tap into a broader range of resources seems to be critical in these days of exponentially increasing issues and data bases. Wildlife Commissions and agencies are being asked to address subjects far beyond hunting seasons and bag limits. These include: property rights issues; wildlife contraception; impacts of exotic species on native wildlife; and more. Even the best staffed agencies can not have all the expertise on these emerging issues, nor can they develop effective positions without knowing public values and direction. Tapping into broader resource bases—other agencies, academics, other experts, and the public—and building workable partnerships should be seen as a positive, not a penalty or lack of staff expertise. The tough questions posed by these resources should be viewed positively—as ways to expand understanding and options in order to help improve things—rather than attacked, condemned or ignored since they are different.

When I first stood at a commission meeting to express my opposition to a proposal to privatize wildlife, I hadn't thought much about many of these other topics. But I got involved and keep returning because I believe that wildlife and wildlife habitat are important. And more than ever, I appreciate the tough job ahead for all of us! Thank you for your consideration.

ADDITIONAL RESOURCES

Barber, Daniel, *Citizen Participation in American Communities, Strategies for Success*, Kendall-Hunt Publisher, 1981. (out of print). 800-228-0810.

Bleiker, Hans and Annemarie, *Citizen Participation Handbook for Public Officials and Other Professionals Serving the Public*, IPMP, Monterey, CA, 1995.

Bryson, John M., *Strategic Planning for Public and Nonprofit Organizations: A Guide to Strengthening and Sustaining Organizational Achievement,* Revised edition, Jossey-Bass Publishers, San Francisco, 1995.

Management Assistance Team, *Using Public Participation to Implement Major Change: Fishery Allocation Process*, Management Assistance Team, U.S. Fish and Wildlife Service, Fort Collins, CO, 1995.

Mangus, W. R., *Public Policy Issues in Wildlife Management*, Greenwood Press, Westport, Connecticut, 1991.

Wiedman, Wilbur A., Jr., *Involving Citizens: A Guide to Conducting Citizen Participation*, Wisconsin Department of Natural Resources, Bureau of Information and Education, 1992. [A 52-page booklet that includes specific suggestions for generating citizen participation.]

Hans and Annemarie Bleiker train staffs on public participation. The Bleikers specialize in the unique role of governing agencies. They can be reached at the Institute for Participatory Management and Planning ("Bleiker Institute"), PO Box 1937, Monterey, CA 93942-1937, 831-373-4292 and at ww.consentbuilding.com

For more information on the Commissions' and Boards' Project, the Management Assistance Team, or products developed for commissions and boards, please contact the Management Assistance Team (MAT) of the Association of Fish & Wildlife Agencies at (304) 876-7988 in Shepherdstown, WV.

SECTION 3

The Role of the Commission

Section Contents

3. THE ROLE OF THE COMMISSION

The commission system works. We commissioners are an important connection for the agency with its customers; we provide a reality check to all the hard science and biological data. We must be the buffer between what the science calls for and what the public will accept.

Claire O'Neal, Wildlife Commissioner
Colorado Division of Wildlife (June 2007)

KEY POINTS

- A commission, because of its structure, can filter out biases such as political motivations, short term thinking, and special interests from the decision-making process.
- A commission's role and composition is formally defined in state statute.
- Regardless of the level of authority, the public and the resource benefit most when commissions are one part of a *strategic partnership* between the commission, the governor, the director, and stakeholders.
- A turbulent environment requires the commission to perform effectively.
- The commission has ultimate accountability to the public.
- A commission needs to focus its efforts on "what adds the greatest value."

To Customize for Your State

Include a copy of the state statute which mandates the commission's authority and any information which might expand on its role.

THE IMPORTANCE OF THE COMMISSION

Commissioners are citizens (not agency employees driven by staff preferences and interests), are appointed (thus, buffered from the pressures of re-election), and have staggered, lengthy terms (thus, can look to the future). Because of this structure, commissions can filter out biases such as political motivations, short term thinking, and special interests from the decision-making process. This allows a commissioner to add balance across all wildlife concerns and public needs, therefore acting in the best interest of all the public and the resource, favoring no particular group, interest, or geographical area. Commissions act as advocates for what is right for the long term future of the wildlife resource and the agency. The result is government at its best.

DID YOU KNOW...*The Commission system is the Brilliance in the Design of Our Democratic Society?*

"So you thought your position as a wildlife commissioner was important because of the implications of your stewardship role for a very precious natural resource? Well, think even deeper. Your position as a commissioner is central to our democratic system by ensuring that the public is involved in government decisions and at least part of government looks well past the next election.

In over 5,000 years of government and society, there has been every imaginable type of governance system: monarchy, theocracy, dictatorship, dynasty, etc. All of these government structures relied on rulers who were typically "backed" by a god. Only three times in all of history has there been a major "democracy," a government structure which was ruled by the people. The first, in 500 BC, lasting only around 50-200 years, was the Greeks who chose their leaders via a lottery system (if you did not do well, you were executed). In 1685, the English monarchy transitioned to a democratic system. And finally in 1776, a democratic system was adopted in the newly founded United States of America.

John Locke argued that the only way a government could be trusted was if it was answerable to the people. Thomas Jefferson, one of the designers of the American democracy, was a student of Locke. Jefferson not only believed government should be answerable to people, he believed that people should be treated as individuals, not just part of a group, and had the right to a dream. He embodied this view in his phrase "life, liberty, and the pursuit of happiness."

With the help of the other builders of the constitution, Jefferson created a governmental system which allows for property rights (many other governments stole land from their people) and individual rights. To ensure that these rights were respected and that the government remain answerable to the people, the commission system soon emerged. It had appointees with long and staggered terms who were buffered from politics and answerable to the people. With this system, decisions had to be made in accordance with values of the people, and not just wishes of the individuals in power. The natural tendency for governments to become, as John Locke said, "rotten" now had a balance in place. This system is probably the most sophisticated thing mankind has come up with in government. It does not work smoothly nor is it guaranteed to be perfect, but it both keeps the government answerable to the people and the commission itself thinking in the long-term. "

Adapted from a conversation with Hans Bleiker

Co-Founder of the Institute for Participatory Management and Planning

FORMAL AUTHORITY

A commission's role and composition is formally defined in state statute. Specific commission powers or authorities, duties or responsibilities, and limitations are typically outlined in this formal definition. Each commission must be clear on the contents of its statute as well as be responsive to other laws related to government operations. It must fulfill its responsibilities while refraining from any interference in the administration, supervision, and operation of the agency. The commission acts *at all times* as a whole body and at no time can a single commissioner or minority group of commissioners take any action to influence the operations or programs of the agency unless directed by the chair or the commission as a whole.

CHECKLIST: *Sample Powers and Duties of the Commission*

- Provide focus for agency activities by articulating desired outcomes through policy.
- Pass regulations regarding seasons, methods of take, and limits on recreational and commercial use.
- Set policy for the ethical and prudent operation of the agency.
- Provide oversight of the director (including hiring authority).
- Administer wildlife related laws and programs.
- Purchase and lease land.
- Protect wildlife and wildlife habitat.
- Provide public safety and protection of property from wildlife.
- Operate within administrative procedures, laws and executive orders (e.g., open meetings, fiscal management, etc.).
- Monitor agency performance against law and policy.
- Manage the fish and wildlife trust fund.
- Maintain qualifications for receiving Federal Aid funds.

In addition there are often certain broad responsibilities which are intrinsic to the commission role in government. Some of these include:

- Acting as trustees for the publicly owned fish and wildlife resource.
- Providing opportunities for all citizens to use, enjoy, and learn about the resource.
- Ensuring public participation in decision-making about wildlife resource management activities.
- Preserving the health and viability of the fish and wildlife agency.
- When appropriate, acting as a catalyst for changes in management of the wildlife resource, the agency, and the commission.
- Working within the political arena to improve conditions for the agency and the resource.
- Efficiently completing commission tasks and responsibilities.

Although many of the responsibilities outlined in the statute are delegated by the commission to the agency, the commission remains accountable to the public for fulfilling these powers, duties and responsibilities. This is called governance.

DEFINITION: *Governance*

Some state statutes cite the commission as the "governing body" of the agency. What does this mean? Generally, governance is the exercise of authority to ensure the conservation and long-term interest of the governed organization or resource. It guides management activities through adoption of mission, vision, values, and policies. Governing is unique in that: (1) it is the extreme end of the accountability chain; (2) it is carried out by a group of individuals that must act as a single entity, melding multiple viewpoints and values into a single resolution; and (3) those responsible for governance act in a moral and legal sense as agents for stakeholders.

STRATEGIC PARTNERSHIP

Many Agencies operate with a commission, although there is substantial variation in state mandated level of authority, responsibilities, structure, and appointment procedures. (See "Guidebook Overview," page 3, "Table Overview 1: Commission Authority Models," for the different types of commission authority.) Some commissions have legal authority to make autocratic decisions, others do not. Some are responsible for the director and the budget; others are not. Regardless of the level of authority, the public and the resource benefit most when the commission is one member of a *strategic partnership* between the director, the commission, the governor, and stakeholders. This partnership acts as the steward for the wildlife resource to ensure its conservation and long-term interest. The agency's role in the partnership is typically to provide technical expertise. The public's role in the partnership is typically to articulate public priorities. The commission's role in the partnership is typically to provide balance to the different interests, responsibly determine policy, and formalize decisions on the mission, vision, and values of the agency. The governor's role is typically to ensure careful consideration is given to the selection of new commissioners. Even though the commission is responsible for combining input from strategic partners, often it has the *final* authority to make decisions; therefore, it has ultimate accountability. For the commission system to work, each partner must play its role well, and have respect for the roles of others: (Bleiker 1997):

The Agency Director Must:	Commissioners Must:	The Governor Must:
▶ Respect the policy making role of the commission. ▶ Give accurate, honest advice whether it is welcomed or not. ▶ Resist the temptation to manipulate the commission. ▶ Put personal biases aside and be mission-driven. ▶ Resist telling commissioners only what they want to hear.	▶ Respect agency expertise and responsibility. ▶ Be somewhat politically responsive yet able to take a broad, long-term perspective. ▶ Act in an advisory role when it comes to *implementing* policy and let the professionals be in charge.	▶ Realize that commissioners are appointed rather than elected so they can have a long-term orientation. ▶ Respect the commission's answerability to the public, and not the governor.

THE OPERATING ENVIRONMENT

Regardless of the structural differences among commissions, the issue of operating in an increasingly complex and turbulent environment faces all commissions. When discussed by current and former commissioners and directors, some common forces were cited:

- Constituencies are changing, splintering, and growing increasingly diverse and contentious. Never before have this many people been so vitally interested in wildlife and wildcards.
- It is increasingly difficult to determine public expectations as public demographics and values continue to change.
- Public dissatisfaction with government in general is increasing.
- The list of significant global issues continues to grow (i.e., loss of biodiversity, extinction of species, deforestation, and acid rain).
- There are an increasing number of human dimension issues such as human population growth, the impact of human development on species and habitats, and increased wildlife and human conflicts.
- There has been increased legislative and ballot activity directed toward the agency.
- There are limited *financial* resources available to meet public demands and expectations.
- There are limited *natural* resources available to meet public demands and expectations.
- There is an increasing complexity in blending public needs and biological needs in decision-making.

A commission's ability to respond to the many forces in this environment can dramatically impact, for better or worse, the resources, stakeholders, and agency it serves. In order to operate effectively in this environment, the commission must understand its leadership and stewardship role.

LEADERSHIP

According to the *American Heritage Dictionary* (1992), to **lead** is "to show the way by going in advance" and to **govern** is "to make and administer the public policy and affairs of or exercise sovereign authority." Leadership is providing direction via *vision and influence*, and governance is setting direction via *decision authority*. The commission is given the ability to provide direction through decision-making authority as outlined in its legal mandate. However, the commission and its strategic partners must also provide leadership to the agency; so, there is a willingness by the stakeholders and agency staff to strive toward a compelling vision.

Governance provides the structure that permits the commission to delegate policy and allocate resources--money and staff. But, leadership paves the way to the organized work required to achieve the vision or mission of the strategic partnership. Leadership provides the vision, the values, the "what are we heading toward" that evokes from others the desire to make it happen. As leaders, commissioners need to establish an attitude of empowerment that allows others to make decisions and commitments, set priorities, take conscious risks, and take action without fear of making some mistakes.

> *The measure of leadership is not the quality of the head, but the tone of the body. The signs of outstanding leadership appear primarily among the followers. Are the followers reaching their potential? Are they learning? Serving? Do they achieve the required results? Do they change with grace? Manage conflict?*
>
> -Max DePree *in Leadership is an Art*

STEWARDSHIP

> *Stewardship is to hold something in trust for another. Historically, stewardship was a means to protect a kingdom while those rightfully in charge were away, or more often, to govern for the sake of an underage king. The underage king for us is the next generation.*
>
> *Peter Block, in Stewardship*

An appointed commissioner is entrusted with stewardship of one of society's most important resources—wildlife. He or she is given responsibility of ensuring that wildlife is protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people. The public *trusts* the commission to make decisions on its behalf concerning conservation of the wildlife resource and how it may be used. Specifically, they give the commission the task of ensuring that, over time, the resource endures in good health for future generations. The long term nature of the stewardship role is perhaps best described in the Native American advice that we must always take into account effects of our actions on the next seven generations. Only responsible stewardship can justify the commission's considerable authority. This responsibility should not be taken lightly.

Because wildlife is intrinsically important to every citizen and is publicly-owned, stewardship for the resource is typically an explicit mandate under state statute. Nonetheless, true stewardship for the resource comes from the hearts of commissioners once they become engaged in the process of governance and begin to understand the importance of their role.

> *A board needs to know that it owns the organization. But it owns an organization not for its own sake—as a board—but for the sake of the mission which that organization is to perform. Board members don't own it as though they were stockholders voting blocks of stock; they own it because they care.*[1]
>
> *Peter Drucker, in Managing the Nonprofit Organization*

The far-reaching significance of the commitment made by a commissioner as a steward of the resource cannot be underestimated. When a commission makes a decision for the stakeholders, good intentions are not sufficient. A wise commission must be sensitive to how wild populations and ecosystems work and the long-term impacts that today's decisions can have. Aldo Leopold explains this impact in his statement, "Conservation is paved with good intentions which prove to be futile, or even dangerous, because they are devoid of critical understanding either of the land, or of economic land-use." A commissioner is not expected to become an expert on everything but is expected to wisely use the information available within the agency and from outside sources such as stakeholders, universities, and citizens in the decision-making process.

To properly serve in its stewardship role, commissions must craft policies and the missions or visions that incorporate stewardship into the day-to-day activities of the agency. These policies need to define ownership of the wildlife resource, articulate the commission's accountability to stakeholders, explain the long-term nature of the stewardship role and ensure that the agency acts in the interest of all the stakeholders. These policies are discussed in greater length in sections 5 through 11 of this guidebook in the Adding Value module.

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[1] The term owner and ownership are used in two ways in this quote. One way is to demonstrate that the public owns the resource; therefore, the commission is accountable to them. Secondly, Drucker states that board members must *act* like they own the agency and are not just another volunteer because of the tremendous accountability that has been placed upon them.

CHECKLIST: *Stewardship Requires*

- Identifying stakeholders and their needs.
- Communicating with stakeholders.
- Representing values of stakeholders.
- An accountability to stakeholders and a formal evaluation of how this accountability is satisfied.
- Looking at the long-term implications on future generations of wildlife and humans rather than focusing on short-term interests.
- Finding out what is important to the agency—what matters and what the critical issues are.
- Obtaining viewpoints of a variety of stakeholders around the state.
- Determining if commission actions were motivated by the overall good, not just on a geographical area represented, a particular constituency, a partisan political consideration, or a particular pressure group (including agency personnel).
- Doing what is right for wildlife with honesty, integrity, and fidelity at all times.
- Keeping the paramount importance of sustainability in the forefront.
- An understanding of how decisions made now might result in a catastrophic impact on a species or habitat in the future.
- Considering the biological, political, ethical, economical, and social impacts of decisions.
- Investing in the long-term—in customers, staff, and new methods and processes.
- Determining safety measures (of consumers and non-consumers) and regulations in the interest of wildlife conservation.

ADDING VALUE

Although the commission's specific powers and duties are outlined in the state statute, they can often be confusing and incorrectly interpreted or interpreted differently by each commissioner. If there is confusion over what the commission is responsible for, it can be perceived as a group of busy, ill-informed, meddling outsiders who rubber-stamp agency decisions rather than represent stakeholders (Thomas 1995). In addition, as a result of poor interpretation of responsibilities, commissioners might spend time doing tasks that are better accomplished by the appropriate party. Some activities that fall into this category include:

- Spending time on issues that should be handled by staff.
- Dealing with short term crises to the detriment of looking to the future.
- Reacting to issues and proposals rather than proactively setting an agenda.
- Reviewing, rehashing, and redoing staff activities.

To prevent these mistakes, the commission's role should focus on governance, not management. Although the distinction between governance and management is not absolute, certain responsibilities can be identified which will lead the commission to operate in its primary domain of governance. To do this, commissioners can begin by asking themselves:

- What do we need to do to focus our concentration primarily on governance?
- What are the important things for the commission to do?
- What can the commission do that no one else can do?
- What is central to the mission?

In other words, ***what adds the greatest value***? Although answering this question may not be easy, few would disagree that commissions have *only* limited time and must use it to its greatest value. They do not have the time nor the ability to control the agency's every action, circumstance, goal, and decision. Even if there was the time, it is a poor use of a professional, well-trained staff. Instead, commissions should govern by policy, delegate authority to implement policy to the agency, and then monitor policies. This can add the greatest value. Although these activities are often more time consuming than working on management, long lasting results are accomplished.

The remainder of the guidebook is dedicated to discussing how the commission adds value. This begins with "Provide Policy Leadership" in Section 5. Next, specific areas of policy are addressed. These include: "Outcomes" (Section 6); working with "The Director" (Section 7); "The Agency" (Section 8); and "Commission Operations" (Section 9). In addition to policy setting, the commission "adds value" by working with stakeholders in "The Political Arena" (Section 10). Finally, the commission adds value by "Monitoring Agency Performance" against policy (Section 11). These activities are done by the commission specifically to meet needs of stakeholders and act as stewards for the wildlife resource.

ASK YOURSELF...

- Is the commission fulfilling its legal mandate?
- Does the commission spend the bulk of its time on policy or management?
- Is the commission ***adding value***? How can it add more value?

SECTION 4

The Role of the Commissioner

Section Contents

4. THE ROLE OF THE COMMISSIONER

It is a rare opportunity to serve on any state commission or board. Fortunate, indeed, is the individual who has been selected to do so. For anyone who is interested in wildlife and the outdoors in general, the opportunity to serve on a game, fish, or wildlife agency board is even more satisfying. It might well be the chance for involvement that occurs but once in a lifetime.

-Bruce Cowgill, Former Commissioner, Nebraska Game and Parks Commission (1989)

KEY POINTS

- To have an effective commission, each member must first understand the expectations and responsibilities of his or her individual role.
- While most of the sections in this guidebook address the commission as a whole, this section specifically addresses the individual commissioner.

DO'S AND DON'TS FOR A COMMISSIONER

Do

- Understand your trustee responsibility to wildlife. (Put benefit of the wildlife first.)
- Prepare for the role.
- Make every effort to attend all commission meetings.
- Be open, imaginative, enthusiastic, and positive.
- Understand your commitment to being a trustee for the resource.
- Understand and support the agency's mission and mandate.
- Look at the big picture and the long-term implications of all decisions.
- Understand the policy-making process of the commission and the public's need to be involved.
- Respect the many divergent views of the public.
- Work collaboratively with other commissioners in meetings and out.
- Be an effective meeting participant.
- Know the stakeholders and their expectations, values, and interests.
- Build relationships with a wide range of public/interest groups.

Don't

- Underestimate time and energy commitments.
- Lose focus on what is important.
- Make commitments you cannot keep.
- Ignore clues that warn of commission ineffectiveness.
- Speak for the group unless authorized to do so or anticipate its positions before it has formally taken one.
- Overstep the limits of your responsibilities as a commissioner.
- Fail to respect the authority of the director.
- Fail to complete your "homework" before meetings.
- Make uninformed decisions or forget to take past commission decisions into consideration.
- Ignore your personal commissioner accountability and legal liability.
- Be afraid to admit you do not know the answer and need to seek out more information.
- Misuse the power of the position.

To Customize for Your State

Include a copy of the commissioner's job description, any material which outlines personal accountability and legal liabilities, any "Do's and "Don'ts" specific to the state and a letter from the director regarding expectations.

WHAT TO EXPECT AS A COMMISSIONER

It would be impossible to describe in one place what a commissioner can "expect" during his or her appointed term. Every state has different concerns, goals, constituents, and resources; therefore, each commissioner's experience will be unique. However, discussions with former and current commissioners revealed some common experiences.

First and foremost, commission service is an all-consuming vocation. **Expect to spend significant time and thought each week in order to do a good job.** The many calls, letters, and interruptions can place tremendous pressure on professional duties, careers, family, and personal interests. The time and energy demands far exceed what most commissioners initially anticipate.

ASK YOURSELF...

- What are your expectations of the position? What do you expect to get out of this commitment?
- How much time do you think you will need to dedicate? What if you are asked to commit even more time than this?
- What do you think are the governor's, director's, agency personnel's, constituents' and fellow commissioners' expectations of you? Have you made an effort to talk to them directly so that you can clearly understand their expectations?
- Have you explained your limits, such as when and where not to call you?

Expect that working within a government structure will have many complexities and frustrations. Although a solution to a problem may seem obvious, unavoidable budget and time obstacles can interfere. In addition, laws, agency requirements, or governmental controls/interference can prolong problem resolution. Frustration can be a very real part of government agency operations, but it should never stifle innovative thinking. (You were possibly selected as a commissioner for your innovative thinking!) Instead, acknowledge the reality of departmental requirements. If you become concerned over governmental processes, *talk to the director*; another solution may be available. Find ways to work within the system without compromising your trustee responsibility.

Expect processes involved in group work to be frustrating at times. To minimize such frustrations, an entire section in this guidebook is dedicated to governing processes for the commission. This information is designed to help eliminate difficulties often encountered when working within a group. It is up to each individual commissioner to contribute to improving these group processes.

Expect to feel others' expectations pulling on you constantly as you progress through your commission term. Constituents, elected officials, special groups, agency personnel and fellow commissioners may at times seem to be bombarding you with demands pertaining to their particular interests. A key aspect of your role as a commissioner is to be able to listen to and consider these demands yet remain focused on the "big picture" and your trustee responsibility to wildlife.

Expect that because of the position you are in and the decisions you make people may direct their anger toward you. There are going to be differences of opinion that will translate into conflict. At times your decisions will have a significant impact on individuals and groups, and you must therefore be clear and firm about your judgment.

Expect the reward for serving on the commission and the ability to influence outcome of events affecting wildlife to far outweigh any sacrifices that must be made.

RESPONSIBILITIES OF A COMMISSIONER

An agency must have commissioners who get things done, both on their own and through others. It can be said that the commission is one of the agency's "tools" for accomplishing goals. In Section 9, "Commission Operations," responsibilities and job descriptions of the commission as a whole are discussed. Of course, each individual member will need to do his or her part to ensure that these responsibilities are fulfilled. In addition, there are certain responsibilities each member must individually fulfill to facilitate the success of the whole commission. These might include:

- **Act as a trustee for the resource**. A commissioner is entrusted with stewardship of one of society's most precious resources: wildlife. He or she is given responsibility of ensuring that wildlife is protected, preserved, enhanced and managed. The far-reaching significance of the commitment made by a commissioner as a trustee cannot be underestimated.
- **Attend and participate at commission meetings.** Recognize from the onset that if you accept the position of commissioner you *must* attend and be prepared to participate at all commission meetings.
- **Understand and support the agency's mission and legal mandate.** Each individual member needs to seek to understand these, endorse them, and support them. Without this clear understanding, effective policy setting becomes impossible. In addition, it is important to be knowledgeable of the purpose, goals, policies, programs, services, strengths, needs, accomplishments and codes already in place.
- **Ensure commission effectiveness.** Sound governance is as important to an agency as is sound management. Section 9, "Commission Operations," discusses how a commission as a group can ensure commission effectiveness. Individual commissioners may also influence the commission's effectiveness by performing activities such as the following:
    - Encourage performance (in each other and in the agency) that helps the commission achieve its objectives.
    - Encourage procedures that work toward and help maintain commission effectiveness.
    - Help to ensure that the commission is promulgating policy instead of focusing on administrative activities.
    - Discuss concerns about commission effectiveness with the Chair or the entire commission.
- **Understand your rights, obligations, and liabilities as a commissioner.** As a commissioner, you have personal accountability and legal liabilities. These vary from state to state and could include obligations to comply with Tort law, the Open Meetings Act, administrative procedures and ethics laws. In addition, certain activities may cause serious problems for a commissioner. (Examples are writing personal letters on department or commission letterhead to assert personal opinions, becoming involved in conflicts of interest and not maintaining confidentiality of legally confidential information.) Take time now to acquire this information for your particular state either from the chair, the director, the attorney general, or within the state's statutes.
- **Understand the decision-making process and communicate it to those involved.** Commission decisions can only be made by a formal vote of the commission meeting as a whole and in public. The public may be asked to provide input into a decision

through an open meeting, a survey, focus groups, etc. To prevent confusion and frustration it is important that they understand how the information that has been gathered will be used once the final decision is being made. It is possible that information has been gathered for the purpose of understanding a situation better and not for making an actual decision. If a decision will be made, how and when it will be made must be communicated. (See Meetings in Section 9 "Commission Operations" to learn more on meeting process.)

- **Make wise decisions.** Individual commission members can take steps to ensure that they contribute to, rather than impede, the decision-making process. (See Decision Making in Section 9 "Commission Operations" to learn more on decision making.)

It is important to be a good decision-maker and not just a rubber stamp in the approval process, because once a decision or commitment is made, it is difficult to get either withdrawn.

Bruce Cowgill, Former Commissioner, Nebraska (1997)

CHECKLIST: *Make a Wise Decision*

- **Make informed decisions.** Prepare to hear what others say and seek all the facts. Avoid biases by gathering differing perspectives and evaluating all aspects of the situation. Take past commission decisions into consideration when making current decisions. Be knowledgeable of available agency assets including people and physical property. Work through the director to gather information from a variety of sources. (What are some other sources? Try going to staff members, members of the public from many different persuasions, federal agencies, other state agencies, landowners, universities, wildlife interests affected by the decision, new constituents, and scientific surveys. In addition, keep current by reading books and articles on wildlife.)
- **Work with the commission to make the decision.** Constructively offer suggestions and only influence fellow commissioners through presentation of pertinent facts and data. Do not attempt to coerce them or put undue pressure on them to vote a certain way. Do not consider "trading" votes as this will compromise your future voting and trustee responsibility.
- **Be objective.** Balance "costs" of a decision with the value or damage of a decision. Make decisions in the interest of the agency as a whole, not just a sector of it. And above all, think long-term across all parts of the resource and public, including minority groups of all types.
- **Follow the best decision-making process.** Do not attempt to issue orders individually, apart from of the entire commission. Do not bring short-term or partisan considerations into commission actions. Understand the public's interests, their rights, and their need to be involved in the decision-making process.
- **Work hard for what you believe is right and then vote your convictions.** Support the decision of the majority, whether you agree with it or not.

- **Know the limits of your responsibilities.** It is as important to know what is not your responsibility as a commissioner as it is to know what is your responsibility as a commissioner. Again, this varies by state and by statute; however, some common limits to understand include:
    - Latitude of decision-making authority.
    - Scope of responsibility.
    - Level of participation on committees. (Are you an observer, advisor, or decision-maker?)
    - Level of involvement in administration.
    - Restriction on meeting with other commissioners outside of publicly announced meetings.
- **Communicate thoroughly.** Your effectiveness as a commission member relies heavily on how well you communicate and interact with other members of the commission, the agency, and stakeholders. The following boxes highlight a few of the elements of communicating effectively with each of these different groups.

FELLOW COMMISSIONERS

- Participate in discussions by adding value, generating ideas, and sharing unique knowledge and preferences. Make it possible for other members to participate during open discussion periods and to break through barriers that inhibit open discussion—overbearingness, accusations, etc.
- Take time to get to know other members of the commission personally. Demonstrate a willingness to be part of the group and help to seek consensus when possible.

THE AGENCY

- Clarify what and how information and data will be communicated between the commission and the director and the commission and the staff. Make an effort to think about information you have that the director or agency may need. Do not wait until it is too late to ask for or provide input.
- Make the effort to develop a special relationship with local department personnel while respecting limits of the relationship.

STAKEHOLDERS

- Remember that there are many divergent views in a democracy. Even though you were possibly selected because of your association with a particular constituency, you must strive to understand these different views and protect the rights of minorities.
- Take time to get to know a wide range of stakeholders by talking with them often and building relationships.
- Be courteous to the public during meetings. Be respectful and empathetic of their concerns.
- Keep everyone informed of the decision process.

ASK YOURSELF... *Are You a Good Communicator?*

Communicating effectively means being understood. Just because you say something or write something, does not mean that people on the receiving end get the message you meant to send. And conversely, just because you hear something, or read something, does not mean you are understanding what the other party is trying to communicate. The problem may be the receiving party is so involved or so upset, or so preconditioned about the sender, that he hears only what he wants to hear. Communicating effectively is difficult even under the best of circumstances. And, under trying circumstances communicating effectively is even more difficult (e.g., technical experts talking to lay people, communicating with people who have different values, talking to people about issues that are a threat to them, etc.) Many agree with this, but few take it to heart and do something about it. Those who do, work at it; they are obsessed with not just hearing but understanding others. They stop at nothing to make themselves understood. They are willing to resort to the most unconventional gimmicks if that is what it takes to prevent or clear up a serious misunderstanding (Bleiker 1990).

When communicating, it is important to start with the presumption that people mean well before concluding otherwise.

PREPARING FOR THE ROLE

Commissioners bring a certain set of skills, qualities, and knowledge with them to the commission table. The best way to increase knowledge about the nature and operation of the commission is through experience and reflection. Inexperienced people can learn rules by rote, but only after one has felt the pressures and challenges of board operation can one realize the power of those rules, internalize them into a personal viewpoint, and put them into practice. It is possible, however, for inexperienced commissioners to supplement their knowledge in five areas. Following are some examples in each of the five areas.

1. **Specific to this Commission.** (To understand the past and present and to guide the future.)
    - Talk to other commissioners (current and past) to learn from their experiences.
    - Read about the history of the commission, past policy activity, past legislative activity, and previous major issues.
    - Learn about your state's economy.
    - Learn about your constituents and their demographics, values, and concerns.
    - Read and thoroughly understand the state statutes, mandates, administration, and laws which apply to you as a commissioner. Raise your awareness on Administrative Procedures Act, Open Meetings Act, Public Records Act, meeting procedures, Federal Budget Committees, etc.
    - Consult with knowledgeable observers of the commission.
    - Read the agency's strategic plan or other documents that explain agency directions and goals.
2. **Specific to Fish and Wildlife or Natural Resource Commissions.** (To understand how commissions in general function.)
    - View materials created by other commissions which address their operations or reflect on their experiences.
    - Familiarize yourself with past wildlife legislation. (See "History of the Commission System," Section 1 of this guidebook for starters.)
    - Read this guidebook.
    - Attend regional and national wildlife conferences to meet and talk with other agencies.
    - Attend a wide range of constituent activities—sporting shows, Audubon Society meetings, habitat protection activities, agriculture meetings, etc.
3. **Boards or Commissions in General.** (To understand how a commissions function.)
    - Books and articles on commission operations.
4. **Personal Skills as a Commissioner**. Read articles, books, or take classes on:
    - Wildlife and habitat management
    - Traditional and non-traditional viewpoints on wildlife
    - Negotiations
    - Citizen participation
    - Stewardship
    - Group process
    - Public speaking
    - Media relations and interviews
    - Conflict management
    - Giving and receiving feedback

5. **Personal Reflection on your Individual Role as a Commissioner**.
    - Your motives for taking the position and their implications.
    - The expectations that will be placed upon you.
    - How to maximize your strengths and minimize your weaknesses within the commission.

ASK OTHERS... *Before you Start, Here are Some Questions You Might Want to Ask*

- What is the trustee or wildlife responsibility and its implications?
- What is the financial condition of the agency?
- Are the agency's constituencies satisfied with the agency?
- Does the commission discuss and approve the annual budget?
- How is the commission structured?
- What is the agency's mission? How do its current programs relate to the mission?
- Does that agency have a strategic plan that is reviewed and evaluated on a regular basis?
- How often do commissioners receive financial reports?
- Whom does the agency think it serves?
- Is the public at large satisfied with the agency?
- Are there descriptions of responsibilities of the commission as a whole and of individual members?
- How do I best contribute as a commissioner?
- How much of my time will be required for meetings and special events?
- How are committee assignments made?
- What orientation will I receive to the agency and to the responsibilities of commission services?
- Is the agency a member of any organizations in which I might participate (AFWA, WAFWA, etc.)?
- Is the commission satisfied with the performance of the executive staff?
- Is the staff satisfied with the commission?
- How do commissioners and senior staff typically work with each other?

ASK YOURSELF...

- What is my commitment to the mission of the agency?
- What does it mean to me to be a trustee of wildlife?
- How much time and energy can I contribute to be an effective commissioner?
- What will I do when I face a decision in which the interests of the agency differ from my own professional and personal interests?
- How will I keep informed on stakeholder expectations?

QUALITIES OF A GOOD COMMISSIONER

What makes a good member of a wildlife commission? Is it personality? Is it experience and skills that the commissioner brings to the governance table from other worlds such as business, ranching, wildlife recreation, or academia? This question can not be answered with a formula describing the correct mix of personal qualities, character traits, skills, and experience. Instead, it is only possible for current commissioners to build on their strengths and weaknesses by understanding what "qualities" effective commissioners might possess. To help with this process, the following page is an excerpt from Bruce Cowgill's (former commissioner - Nebraska) booklet, "What is a Good Commissioner?"

What is a "Good" Commissioner? By Bruce Cowgill (1989)

excerpts from Thoughts and Reflections of a Wildlife Commissioner
(As He Looks Back at the Job)

This commissioner is certain that anyone appointed to a wildlife commission wants to be both a good and an effective commissioner. His or her cohorts along with commission staff, in all likelihood, are hoping for the same thing.

While many of the qualities and attributes that are important to being a "good" commissioner are so inherent in nature that they will be changed little, if any, by all the in-service tools in the world; there are those characteristics, however, that can make any commissioner a better commissioner if they are willing to become involved.

It is for this purpose that this section is included. In repetition, it is not written on the basis of one who "has all the answers" but rather because there are those basic qualities so common and so fundamental in nature that they are applicable in making a person not only a better commissioner but a better person as well.

For starters, a genuine interest and concern for the whole outdoors, with all its related resources and activities, and a desire to see that they are perpetuated for future generations is a far-reaching quality that would be applicable to service on a commission.

There are many other qualities that contribute to making one a better commissioner. With no attempt to either include them all or list them in order of priority, some of these qualities are listed below.

1. *A commissioner is one part of the commission, and one part only. To be effective, all members need to work together for the good of the organization. The only time that individual action on the part of any member is justified is when it is so delegated by the rest of the commission.*
2. *A "good" commissioner seeks the acts, studies all the available options, works hard for what he believes is right, and then votes his convictions. Whatever the result, he should support the decision of the majority, whether he agrees with it or not.*
3. *While it is certainly permissible for a commissioner to try to influence fellow commissioners through the presentation of pertinent facts and data, he should not attempt to coerce them or put undue pressure on them to vote his way. Above all things he should not carry personal animosity out of the room with him.*
4. *Commissioners should think POSITIVELY. The best commissioners are those that look for the good in the organization and try to make it better. A good sense of humor can be a real help in positive thinking as can an ability to "roll with the punches."*
5. *A public servant should think BIG. Although commissioners might be appointed or elected as representatives of a given district, their obligations are to the citizens of the state as a whole.*

This can be done while still being sensitive to the needs of those in the district or area represented.

6. *A "good" commissioner needs to be objective. A state commissioner, or any other commission or board member, should have no "axes to grind." He should always do what is best for all concerned even though it might not always reflect what his own personal preferences might be.*
7. *When voting on seasons, bag limits, etc., a commissioner's concern should be to utilize the wildlife resources yet protect them fully. It should be the goal to harvest what can be harvested without threat to the perpetuation of the species. If there is any doubt as to what this might be, it is better to err on the side of the conservative.*
8. *Since commissioners in most cases are not professionals in the field of wildlife, it behooves them to give the utmost consideration to staff recommendations in all areas, without being a "rubber stamp" in their approval or adoption. Staff recommendations are made only after many hours of research and, quite naturally, would tend to be more objective than those of any commissioner. Staff recommendations need not be adopted verbatim, however. If a commissioner has any doubts or questions any specific recommendation, he should address these questions to the staff accordingly. There is a fine line between being supportive and being a "rubber stamp," and it is an area in which commissioners probably learn best through experience.*
9. *Commissioners should stay informed on the issues facing them. In most states a copy of the agenda, along with detailed information materials relative to the same, is sent to the commissioner prior to the meeting. When commissioners do their "homework" in advance of the meeting, it not only saves meeting time but contributes to more knowledgeable decisions as well. (Commissioners should always weigh and consider all the options before making either a decision or a commitment, as once made it is difficult to get either withdrawn.)*
10. *On anything other than routine or mundane matters, commissioners should go through the director in all communication with staff. To do otherwise erodes the chain of command necessary to maintaining an efficient and harmonious organization.*
11. *When questions, criticism, complaints, suggestions, etc. are directed at the commission through an individual commission member, the best policy is generally one of referral to the administrative staff with a request that they be acknowledged and answered.*
12. *Commissioners should always be true sportsmen when going afield. While this is always good advice to anyone, it is no doubt important for those serving on a wildlife commission. To be otherwise discredits not only the individual but the whole organization as well. Good sportsmanship should be a factor, too, in choosing partners in the field. To be involved with companions who are less than true sportsmen can be embarrassing to all concerned.*

ASSESSMENT – INDIVIDUAL ROLE EFFECTIVENESS

The following assessment outlines some of the most important qualities and skills that were identified in the research on what makes a "good" commissioner. Candid responses to this assessment can help you rate your own performance on the commission and can help you formulate a personal development plan. In addition to completing this for yourself, it would be wise for commissioners to complete it for each other as well as have members of the Agency, public and other stakeholders complete it so as to provide yourself with an outside perspective on your effectiveness.

Do You?	No	Yes	Not Sure
Clearly understand and are you committed to the responsibilities and expectations of being a commissioner?			
Understand your personal accountability and the legal liability for your actions as a commissioner?			
Understand and support the mission?			
Understand the policy-making process of the commission?			
Know about the agency's major programs and services?			
Focus on what is important (policy not administration, long-term not short-term)?			
Look at long-term benefits, the big picture, and the best interests of wildlife for future generations?			
Follow trends and important developments in wildlife management?			
Work collaboratively with fellow commissioners?			
Demonstrate respect and appreciation for other commissioners?			
Refrain from speaking for the commission or the agency unless authorized?			
Respect the authority of the director (i.e., work through the director to affect change in the agency)?			
Demonstrate respect and appreciation for agency personnel (e.g., give positive reinforcement, consider work load when requesting assistance, avoid overstepping limits, or requesting special favors)?			

Do You?	No	Yes	Not Sure
Respect the many divergent views and feel a need to protect minority rights in a democracy?			
Communicate with and understand a wide range of public/interest groups?			
Make commission decisions as a trustee for the public and not based on your own personal biases?			
Provide help to constituents (e.g., direct them to the right contact)?			
Tackle important and often complex problems of public interest?			
Know who the agency stakeholders are?			
Participate in meetings effectively (e.g., come prepared, make your ideas known, participate fully, economical with words, adhere to the agenda)?			
Keep in touch with the resource, the agency, and the constituency by participating as a customer?			
Make decisions based on careful consideration and understanding of the facts and context?			
Efficiently manage information and time yet set limits on how much you can do (e.g., keep up with reading, answer calls and correspondence, keep a calendar of upcoming issues, complete work assignments)?			
Demonstrate confidence in your abilities as a commissioner?			
Exhibit integrity and good sportsmanship (e.g., keep promises, follow laws both in letter and in spirit, avoid conflicts of interest)?			
Maintain confidentiality about all matters discussed in commission executive sessions?			
Keep an awareness of your prejudices or personal preferences, but make decisions based on a broad perspective, an open mind, and a willingness to seek innovative solutions?			
Stay open, imaginative, willing to act independently, and willing to change routine when that appears to be necessary?			

Do You?	No	Yes	Not Sure
Demonstrate enthusiasm (e.g., demonstrate warmth, eagerness, and concern for the cause; bear a positive attitude toward the agency)?			
Deal with difficulties and yet "roll" with frustrations?			
Bring a sense of humor to the group?			
Remain calm when provoked by detractors?			
Operate in aboveboard fashion (e.g., dissent openly at meetings if in disagreement)?			
Refrain from seeking more power or superior status?			
Ask questions? Admit areas of weak knowledge?			
Stay politically connected (but not unduly influenced)?			
Stay conscientious and attentive to cues that function as warnings for the commission?			
Meet and talk with people from other agencies?			
Find serving on the commission to be a satisfying and rewarding experience?			

SECTION 5

Provide Policy Leadership

Section Contents

5. PROVIDE POLICY LEADERSHIP

Policy - a plan or course of action intended to influence and determine decisions, actions, and other matters.

The American Heritage Dictionary

KEY POINTS

- Policies determine how an agency will conduct its activities by guiding the agency rather than *running* its day-to-day operations.
- Policies can be categorized into four policy areas; (1) policies on desired outcomes (results); (2) policies about agency activities; (3) policies on the commission-director relationship; and (4) policies on commission operations—the governing process itself (Carver 1990).
- In addition to policy, commissions pass regulations (legally enforced policies) and define processes such as methods for gathering public input or monitoring agency performance.
- Policy leadership requires substantial time and effort, and consequences of decisions are seldom evident in the short term. However, if policies are formulated and implemented correctly, they can have numerous benefits (Carver 1990).
- Commissions need to focus on policies that make a difference. This requires a commission to address those concerns that often make a commissioner lose sleep at night.

POLICY STEPS

Step 1: Determine if it is a new policy or regulation, an exiting policy or regulation, or an ad hoc decision?

Step 2: Define policy objectives.

Step 3: Gather input on proposed policy.

Step 4: Formulate the policy statement.

Step 5: Decide whether or not to adopt the policy.

Step 6: Implement the policy.

Step 7: Monitor the policy.

To Customize for Your State

This section could include sample policy, information on the location and organization of policies, a list of policies, regulation and policy adoption procedures, suggestions from current commissioners on the policy setting process, and the director's expectations of the policy process.

GOVERNING BY POLICY

Policies are general rules of principle which provide guidance to agency staff in reaching decisions with respect to their programs and responsibilities. Governing by policy means that the vast majority of a commission's decisions relate to creating or revising policy. To be effective, the commission must not function solely as a rubber-stamp for agency policy proposals, but must also identify policies which address critical agency issues.

Policies determine how an agency will conduct its activities by *guiding* the agency rather than running its day-to-day operations. In other words, policies establish *direction* and *leadership*; they do not provide for implementation. Policies describe desired outcomes and address broad issues such as:

- Targets for wildlife populations, diversity of wildlife species, habitat preservation, public wildlife education, and goals for recreational opportunities;
- The allocation of agency resources;
- Limitations on staff behaviors (elaborating on what is ethical and prudent);
- Standards for evaluating the director's performance;
- Standards for monitoring agency performance;
- Public involvement processes;
- Measures of agency, commission, and director accountability; and
- Standards for the commission's own performance.

Values, goals, vision, and mission are all policy statements. Once direction is established through policy, the agency focuses on the implementation while the commission shifts to a monitoring role to ensure policy desired results are achieved.

Many commissions struggle to define a balance between *policy* and *management*. Lacking a clear understanding of its role, the commission might deal with staff-level matters and operations. Such involvement can be perceived by the agency as interference and a breach of trust. It may also reduce effectiveness (Thomas 1995). Even with a clear understanding of the policy role, commissions commonly put aside policy issues in favor of focusing on day-to-day management. The latter is easier to understand and provides an immediate sense of accomplishment. Policy leadership takes time and effort, and the consequences of decisions are seldom evident in the short-term. However, if policies are properly formulated and implemented, they can have numerous benefits (Carver 1990) including:

- Being a vehicle for articulating values and principles to the entire agency and the public;
- Focusing on the fundamentals;
- Not requiring that the commission have technical expertise;
- Resulting in vision and inspiration;
- Focusing staff because preparation for commission consideration requires they pare down issues to simple and clear policy options and potential consequences;
- Creating seamless policies that combine the viewpoints of a variety of interested or affected parties into one statement; and
- Establishing relatively permanent policies. They can resolve a whole class of issues that would otherwise return again and again for commission action.

While commissioners may understand that they should focus on policy setting, they may find it difficult to identify policy setting activities, distinguish policies from regulations and processes, and know when to make an ad hoc decision. Also, commissioners may be unclear as to what exactly their responsibility is in the policy arena. Is it to set broad policy, determine regulations, delve into operations, or act in an advisory capacity? Thus it is critical that each commission has a clear understanding of its role as outlined by legal mandate. Misunderstanding this role can result in the failure of the commission to fulfill its legal mandate.

COMMISSION POLICY WORK BEGINS WITH A LOOK AT THE MANDATE!

Each commission has a legal mandate that articulates the purpose of the commission. The mandate will define the commission's role in policy. A commission should frequently re-visit this mandate to determine if the commission is fulfilling it, and if the mandate accurately reflects the long-term needs of the resource and the agency.

AD HOC DECISIONS

Creating policy is similar to writing law. The challenge is to craft language that captures the group's intent with respect to a class of issues. Unfortunately, the commission may face insufficient time or a "class" of issues that is too poorly defined and must use an alternative to policy. Under these circumstances, a judicial model of making case-by-case decisions, called ad-hoc decisions, is the best option. On the negative side, ad hoc decisions tend to be inconsistent from issue to issue, and hence may be unfair. To handle this shortcoming, the legal system scrutinizes relevant past decisions (the precedents) and has a process for appeal. Commissions need to be equally thoughtful and deliberate and must allow for appeal, or risk legal action. Ad hoc decisions should be made selectively because of their potential inconsistency and narrow focus. The commission should always ensure that an ad hoc decision is the best process in lieu of a new or existing policy. Although policymaking is time consuming, relying on ad hoc decisions can be even more time consuming in the long term. Ad hoc decisions often need to be readdressed in the future due to inconsistencies.

ASK YOURSELF...

- Does the commission object when the staff raises issues pertaining to operational decisions versus policy decisions?
- Does the commission work on management or policy issues? What should be done differently?
- How can the commission take steps to avoid relying on ad hoc decisions?
- Do policy decisions address entire classes of issues or only a single issue?

CHECKLIST: *Documents Which Communicate Commission Decisions*

- **Policy on Outcomes -** Policies on outcomes (also called results, ends, or effects) articulate desired agency accomplishments. They define which human or resource needs are to be met, for whom, and at what cost to agency resources (Carver 1990). The commission should be concerned most with the "big-picture" outcomes concerning wildlife management, not individual programs or activity outcomes. Example: *The purpose of the Agency is to provide effective stewardship of the State's fish, wildlife, recreational, and historical/cultural resources.* (Outcomes are discussed in more detail in Section 6, "Outcomes.")
- **Policy regarding the Director -** Policies as to the director address topics such as hiring the director, evaluating the director and delegating authority to the director. Example: *The only member of the agency staff the commission will provide direction to is the director.* (The director is discussed in more detail in Section 7 "The Director.")
- **Policy regarding the Agency -** Policies regarding the agency address *limitations* and *expectations* for the completion of agency activities and the relationship between the commission and the agency. They do not specify how the agency is to complete its work, this is left to agency staff and the director. Example: *The director may not allow practices within the agency that violate state and federal laws and regulations, nor may the director allow practices that violate commonly accepted business and professional ethics and prudence.* (The agency is discussed in more detail in Section 8, "The Agency.")
- **Policy on Commission Operations -** Policies on commission operations address processes the commission uses to accomplish its mandated work. Example: *On behalf of the State of _____, the Commission will govern with one voice through written policies with an emphasis on long-term ends.* (Commission operations is discussed in more detail in Section 9, "Commission Operations.")
- **Process -** The commission will make decisions as to processes which impact all four areas of policy. Processes are methods used to achieve goals. For example, the commission may make decisions regarding processes that are to be used for gathering public input. This process may be used for a variety of purposes—when determining policy on outcomes or when gathering feedback for the director performance review. The same process could be used in several different policy setting activities. Typically, processes will address stakeholder involvement, communication techniques, or monitoring agency performance. The commission must determine a process as to when and how policy and decisions are to be made and how these decisions will be communicated. This process needs to be communicated to the public in advance of making the decision. More detail on using the Decision Pentagon for making decisions (such as policy decisions) is included in Section 9. "Commission Operations."
- **Regulations -** A regulation is a policy with a legal standing. Regulations articulate particular policies that must be obeyed by the public and are enforced by the agency. Policies and regulations follow similar processes; however, because regulations are legal mandates (law) they typically have a more rigorous and mandated process. A regulation cannot be passed until certain mandated activities—such as public hearings, public notice, formal acceptance, and time schedules—have been adhered to. Typically, once passed, a regulation is law unless it is specifically invalidated by the legislature or the courts.

POLICY STEPS

Although there are obvious processes which must be followed in the policy setting role, the commission must be elastic enough to adapt as circumstances warrant, while at the same time be sufficiently reliant, disciplined, and self-aware to focus on the highest priorities.

Richard P. Chait in The Effective Board of Trustees

To understand how policy content and promulgation is determined, the following step-by-step list outlines many of the necessary activities.

Step 1: Determine: is the director responsible? Is this an existing policy or regulation, new policy or regulation, or ad hoc decision?

When an issue or a perceived problem before the commission requires a decision, several avenues can be used in response to the situation.

- ***Determine if the problem has been or should be delegated to the director.***

  Prior to exploring which course of policy action is appropriate, the commission must determine if the director can not make a decision based on existing policies.

- ***Find the answer in an existing policy or regulation.***

  The issue at hand can possibly be addressed by referring to a previously determined policy. For policies to be used in this manner, they must be: (1) organized and available in one location; (2) provided to new commissioners during orientation; and (3) kept current through periodic review. A staff member or a commissioner should review relevant existing policies *before* an issue comes up for discussion to determine if a solution is currently mandated through policy.

- ***Modify an existing policy or regulation.***

  In commission meetings many motions seek to amend otherwise adequate existing policy. If the scope of a policy no longer is appropriate, it must be modified to accommodate new information or to address a new problem.

- ***Create a new policy or regulation.***

  New policy might originate from the commission as it addresses a current issue. In many cases the policy will be a recommendation proposed by the agency staff or concerned constituents. It could also originate from proactive commission efforts to design broad policy to address issues which will arise in the future.

- ***Make an ad hoc decision.***

  Ad hoc decisions are those judgments made by the commission for a specific purpose, case, or situation at hand. If the commission is addressing an immediate crisis, its decision is probably not a policy, but an ad hoc decision. (Ideally, many crises should be addressed by policy which has delegated authority to the director to handle the crisis.)

Step 2: Define policy objectives.

A commission must be clear about the objectives a policy intends to achieve. The policy should identify "what good for which people or which resource at what price" or determine "thou shalt not's" such as imprudence, unprofessionalism, dishonesty, or violation of the law (Carver 1990). *The policy objective should not address the means for accomplishing itself.*

It is vital that the commission determines appropriate policy objectives. The commission must ensure that the agency produces economically justifiable, purposefully chosen, and well-targeted outcomes. This requires that the commission (1) thoroughly examine the issues about the issues the policy is to address, (2) make sure that realistic alternatives have been identified, (3) weigh the costs and benefits of the proposed options, and (4) introduce new approaches if the issues are not addressed appropriately.

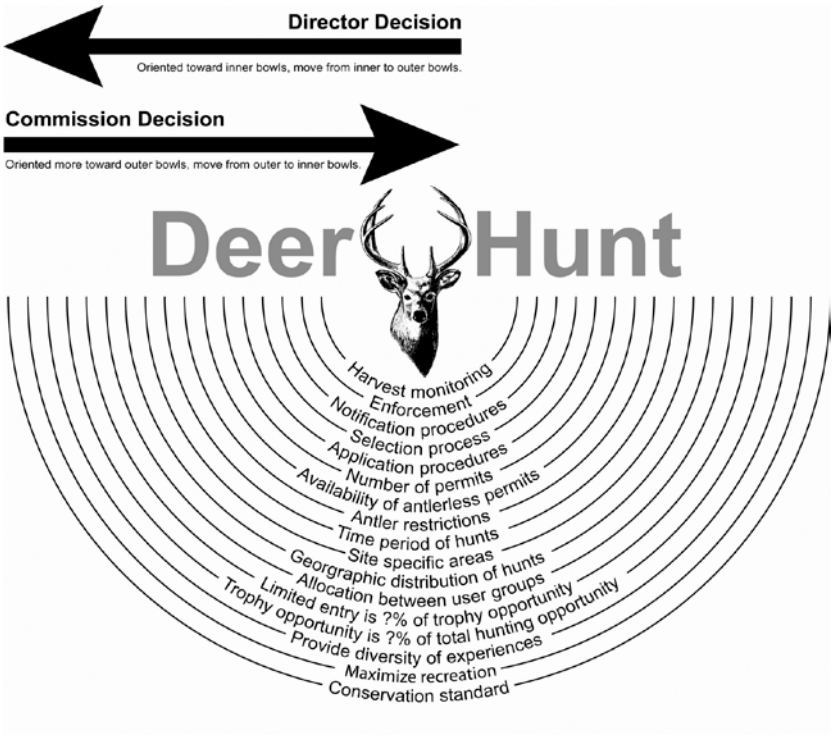
According to a current policy model (Carver 1990), policy issues should be addressed at the highest and broadest levels first, then at successively lower levels until a point is reached where the commission is willing to accept any reasonable interpretation of the policy language. Policies are thus "layered" or arranged in a hierarchy from the broadest to the most specific. Each policy layer directs policy setting for subsequent, more specific layers. This approach is analogous to "mixing bowls" because of the symbolism of a smaller policy fitting within a larger policy. Broad, global policies are the outer bowls and more specific or operational policies are the inner bowls. If the commission wishes to address lower levels, it should move from each level to the next lower level, sequentially (Carver 1990). (See the Case in Point: Parameters of the Mixing Bowl Model for Policy on the next page for an example of the mixing bowl analogy.)

The highest levels of policy, or broad policies, are typically legal mandates set by the legislature for the agency. From the mandate, the commission, with the help of the director, determines broad policy for the agency such as the mission, values and vision. The commission continues to set more specific layers of policy until they reach a point where they feel the director should be given policy making authority. This process empowers staff to make subsequent policy decisions based upon broad policy direction. By setting broad policy first, the commission eliminates policy "gaps" that are incompatible with one another.

For example, the commission could begin with a broad policy such as: *On behalf of the State of _____, the Commission will govern with one voice and an emphasis on long-term ends through written policies.* A lower level policy might include: *The primary purpose for commission meetings is to address matters related to governance by policy.* The next lower level might include policies that define procedures for managing meetings and policies that define public involvement in commission meetings. The "Case in Point" box on the following page is from a Washington State training book and illustrates how Carver's model can be used to set policy for trophy deer hunting.

If broad policies are not in place, commission work can be extremely difficult as commissioners find themselves drafting broad policies to encompass the smaller policies at hand. In this situation, ad hoc decisions must be made. Such decisions should be revisited at a future time to determine if it is possible to create a policy to address the issues.

CASE IN POINT: ***Defining policy for Deer Hunt, From the Washington State Training Module "How to Work with the Commission."***



Parameters of the Mixing Bowl Model for Policy

Hierarchy. There is a logical sequence of outer to inner stacking of bowls—so, too, with policy decisions. They are arranged as a hierarchy of decisions from broad (outer-bowl) to narrow (inner-bowl) policies. Each bowl symbolizes a policy decision.

Out to in. Inner-bowl policies are bounded (or guided) by outer-bowl policies that have already been set. Thus, the outer bowls set 'side-boards' for subsequent, inner-bowl decisions. Working from the outer- to the small inner-policy decisions is a very powerful tool for engaging the commission and staff at the correct level of decision making. This 'out-to-in' thinking clarifies how detailed of a decision should be brought to the commission. Ignoring the out-to-in hierarchy of policy decisions leads to engaging the commission at the inappropriate level.

Discretion. Free movement of one bowl inside the next larger bowl is possible. This means that staff are given discretion to implement policy decisions as they wish, bounded only by the constraints of the larger policy decision and the limitations placed on their policy setting process.

Trust. Staff has the authority to arrange the inner bowls. Once a large bowl policy is set, there is an implied delegation of authority to implement the policy. This hand off of policy decision gives the staff the task of defining subsequent inner-bowl policies. A great deal of trust is implied in this hand off; it is equivalent to a supervisor assigning duty and then trusting that an employee will use good judgment when initiating implementation.

Boundaries. Commission policy decisions should be oriented to the outer bowls and staff implementation decisions toward the inner bowls. This model of policy still contains a gray area between commission policy decisions and staff policy decisions.

Step 3: Gather input on proposed policy.

Stakeholder input is essential for effective policy making. For stakeholder input to be effective, the commission must be sincere in its efforts to involve stakeholders. Input from the agency staff typically includes scientific data—recommendations on population estimates and harvest trends, or summarized public input gathered by the agency. Input from the public or organized groups may be in the form of support or opposition--concerns, additional ideas, consideration, and data. In addition to information provided by stakeholders, the commission must respond to trends and current issues. How the commission involves stakeholders in the policy process will depend upon the available time and resources, and the complexity of the policy in question. The proper avenues for involving stakeholders must be used or necessary information may not be gathered and provided to the commission. More detail on involving stakeholders is included in Section 2, "Working with Stakeholders." More detail on using the Decision Pentagon for making decisions is included in Section 9. "Commission Operations."

CASE IN POINT: *Gathering Stakeholder Input for Policy Decisions (Update 2007)*

Utah's five Wildlife Regional Advisory Councils (RACs) were created by the Utah State Legislature in the early 1990s to increase public input at the grassroots level concerning wildlife management, rules, and regulations. Each RAC is made up of 12 to 15 people who represent agriculture, sportsmen, non-consumptive wildlife, locally elected public officials, federal land agencies, Native American groups and public at large (including business).

The RACs consider input from the Utah Division of Wildlife Resources, including recommendations, biological data and information regarding the effects of wildlife. They also gather information from staff, the public and government agencies and make recommendations to the Wildlife Board in an advisory capacity. RAC chairs attend the Utah Wildlife Board meetings and present their regional advisory council's recommendations. The Wildlife Board is required to consider their input and must respond in writing with an explanation when they do not adopt an RAC recommendation.

This has proven to be an effective policy-making process. The Division of Wildlife Resources continues to consider ways to improve the process and address emerging concerns within rule and statute.

Step 4: Formulate the policy statement.

Once policy or regulation objectives are clear, the commission directs the staff to craft a policy statement which can be understood by everyone. The statement must be explicit, current, non-repetitive, encompassing, literal, and brief (Carver 1990). A policy often does not become clear until it has been drafted, examined, tested against a range of hypothetical situations, and revised. Throughout the policy formulation process, the commission needs to stay involved by articulating its objections, concerns, or suggestions. The staff is responsible for keeping the commission apprized of any new information which may have an impact on the policy statement. Once the policy statement is formulated, the commission must evaluate the ability of the policy to meet desired objectives.

It is important that policies are consistent; it might be necessary to obtain a policy specialist who is familiar with commission policy history. This specialist can identify when new policy directives deviate from past policy directives or when new policies are readdressing issues already addressed by policy. Analysis by a specialist helps to ensure a long-term perceptive regarding policy.

Before the final policy statement is formulated, final review and comment should be obtained. Mandated processes may require a public comment period on the final policy draft. Policies dealing with the commission's own operations also benefit from careful review by staff, former commissioners, or professionals outside of the agency.

Step 5: Adopt or not adopt the policy.

Once the policy statement clearly articulates the *desired outcome or limits*, all modifications have been made, and public and agency input has been ***carefully*** considered, the commission is ready to vote on whether or not to adopt the policy. The voting process provides a degree of finality to policy decisions.

Each state has its own legal requirements mandating the process for adopting policies or regulations, and each commissioner (or a specialist on the staff) must be well-acquainted with them. Requirements can include set processes (e.g., multiple meetings, public hearings, public notice, required information included in public notices), required timing (e.g., number of weeks prior to hearings, due date for final input), and specified input formats (written or legal). In addition, the commission may need to use certain meeting procedures (such as Robert's Rules of Order) to formalize the decision. (See section 9 on "Commission Operations" for more information on commission meetings.)

Step 6: Implementation.

Once a policy has been adopted, the agency manages the implementation process while the commission focuses on monitoring. The director is responsible for ensuring that the staff understands and adheres to policies. Successful implementation of policy requires careful planning and management with thoughtful consideration to all aspects of implementation from enforcement to budgeting. Successful implementation is unlikely unless policies are clear, workable and acceptable.

Step 7: Monitor the policy.

Policy should be monitored at two levels. First, *was the policy implemented effectively?* For high-level policies, the commission and the director should establish a time line for an evaluation of the policy's effects. For mid-level policies the director might need only to occasionally report on a policy's impact. Lower-level policies require that the director simply assure the commission that an evaluation occur. Secondly, *did the policy result in the desired outcomes?* The policy might have been implemented as effectively as was possible, but if the policy language was incorrect, if stakeholder input was not considered, or if the correct policy objectives were not identified, the policy probably did not result in the desired outcomes. The agency should conduct an assessment, analyze results, and make appropriate suggested changes to address these two problems

FYI: *Sunset Dates*

A recent strategy to ensure that policies are needed and on target is to specify a date of expiration, or "sunset date." To remain in effect, policies must be passed again at that time. The sunset date should allow enough time for the public to become familiar with the policy, the policy to have the desired effect and, the agency to monitor effects. Policy review at the sunset date should look for:

- A change in federal or state law rendering a policy obsolete;
- A policy which has unexpected results (e.g. endangers the public or wildlife resource);
- A major environmental problem has occurred (e.g. fire, drought, disease); and
- The acquisition or disposal of agency controlled property.

A POLICY'S PLACE IN THE UNIVERSE

As discussed, the agency receives its direction from commission policies. At the next higher level, the agency and the commission receive direction from formal or legal documents or from legislative processes such as budget spending authority. Some commission policies might actually be a reinforcement or interpretation of one of these laws or processes. Other types of direction include:

- Federal laws
- Statutes (state laws)
- Executive orders from the Governor
- State administrative procedures
- Orders issued from the secretary of the DNR
- County or local ordinances
- Commission-written policies
- Commission-written regulations
- Agency-written policies
- Director guidelines
- Formal and informal practices

Not to be confused with commission policy, the agency may create other policies which address management of the agency and implementation of the commission policies. It is important that commission policies be kept separate from agency policies, be recorded independently of the meeting minutes, and be kept in a structured way (analogous to codified laws) for efficient access and updates. The collection of commission policies should not grow so large that it fails to remain a truly living document.

CHECKLIST… *Effective Policy Making Bodies:*

- focus primarily on the policy-making role;
- have a mission statement that clearly states their purpose as a policy-making body;
- have established a set of policy objectives in the areas they oversee;
- concentrate resources to be more effective as policy makers;
- rely on staff to help them become better policy makers;
- rely on various media to transmit information to various stakeholders and the general public; and
- hold periodic retreats to develop policies, plans, strategies, and programs for subsequent years.

ASK YOURSELF... *Mini-Assessment Policy Setting*

- Have the commission and the director together determined the best methods for setting policy?
- What did the commission seek to accomplish through policy? Was this delivered?
- Was the process for setting policy effective?
- Does the final policy language meet the original policy objective? (Was the spirit of the policy lost during the recording and revision process?)
- Is new policy direction inconsistent with previous policy direction? Does the commission review past decisions and strategies when making current decisions?
- Does the commission encourage the director to play a significant role in helping the commission set good policy?
- Does the director feel comfortable advising the commission if he or she feels the commission is off track?
- Do some issues keep returning to the commission for decisions?
- Are the staff or public frequently upset over inconsistency or unequal treatment?
- Are at least a fraction of the commission policies reviewed annually?
- Are previously passed policies commonly being used to see how they apply in new cases, or are they just written and shelved?
- Are policies inconsistent because their rationale is being recreated each time, rather than being derived from more general policies and mandates?
- Do commission issues commonly involve trying to reconcile two or more inconsistent established policies?
- Does the public frequently criticize the commission as being arbitrary and hypocritical?
- Do disagreements occur between commissioners or with the director over whether an issue has to do with policy or management?

ADDITIONAL RESOURCES

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Garfield Jones, O, *Parliamentary Procedure at a Glance*, Penguin Group Publishers, August, 1991

Houle, Cyril O*., Governing Boards: Their Nature and Nurture,* Jossey-Bass Publishers, San Francisco, 1989.

Thomas, Christine L. "The Policy/Administration Continuum: Wisconsin Natural Resources Board Decisions," *Public Administration Review*, July-August 1990.

Zander, Alvin, *Making Boards Effective: The Dynamics of Nonprofit Governing Boards,* Jossey-Bass Publishers, San Francisco, 1993.

SECTION 6

Outcomes

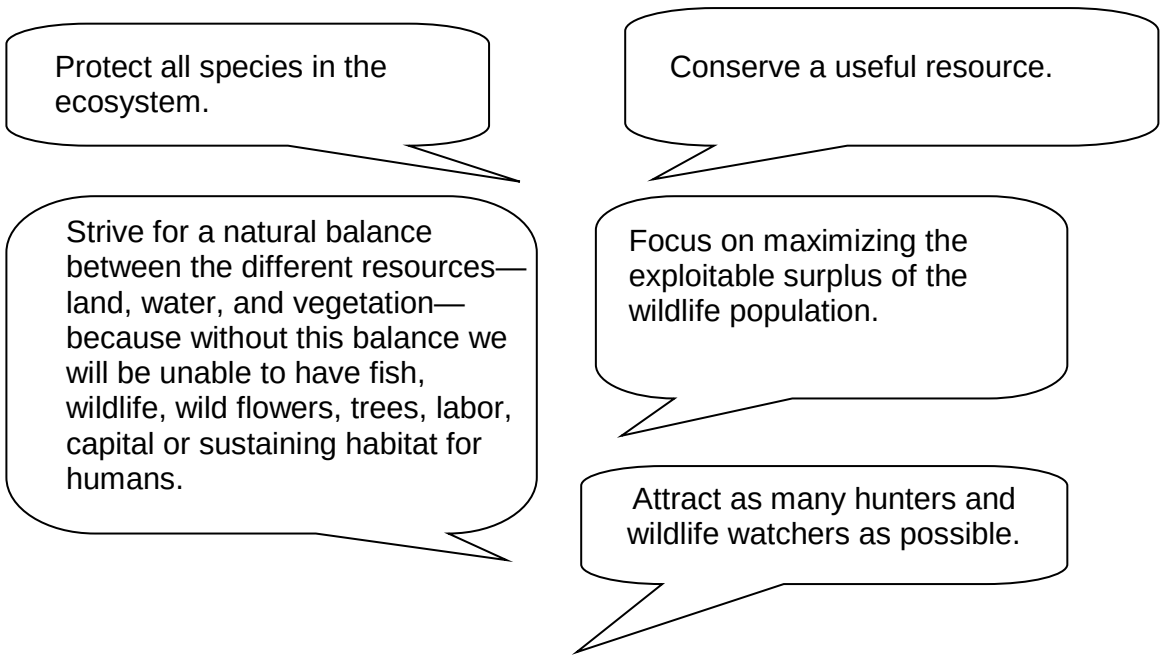
Section Contents

6. OUTCOMES

KEY POINTS

- Outcomes (also called results and ends) define which human needs are to be met for whom and at what cost (Carver 1990).
- Articulating outcomes is a constant obligation deserving the majority of the commission's time and energy.
- Outcomes do not address details of everyday events or the "means;" this is the responsibility of the staff.
- Differences among stakeholders require the commission consider and balance several legitimate but divergent viewpoints.

What are the outcomes that the agency should accomplish? The responses you receive to this question depends upon who you ask. Opinions on appropriate outcomes vary with the many divergent stakeholder viewpoints. A few of these viewpoints might include:



To Customize for Your State

This section should include a copy of the agency's mission statement, vision, values, and goals.

WHAT ARE OUTCOMES?

Outcomes (also called results, ends, or effects) are the desired agency accomplishments. Policies on outcomes define which human needs are to be met for whom and at what cost (Carver 1990). The commission should be concerned most with the "big-picture" outcomes concerning wildlife management, not individual program or activity outcomes. The commission guides agency activities by articulating desired outcomes through policy. The agency exists to efficiently achieve those outcomes. **It is imperative that the commission, the agency, the public, and elected officials engage as strategic partners to determine desired outcomes.** In addition to being initially articulated, the desired outcomes must be frequently reviewed for updates and changes. Some commissioners arrive with preconceived or narrow opinions of what agency outcomes should be or how well these outcomes have been achieved. It is important that new commissioners first take time to study the agency and listen to the staff and public.

It is essential to distinguish means from outcomes. Although the distinction between outcomes and means cannot be absolute, commissions in their governance role are essentially concerned with the outcomes while the director and staff who manage the agency are responsible for means. Means address details of how to accomplish desired outcomes (Howe 1995). Sometimes, important activities (means) can be confused with their results (outcomes). Commissions must avoid falling into this trap as actions or activities will always be means, not outcomes, no matter how complex or important they are (Carver 1990). Commissions must be obsessed with outcomes.

THE DIFFERENCE BETWEEN OUTCOMES AND MEANS

OUTCOMES

- Are basically values, vision, mission, and goals.
- Have a long-term perspective.
- Are general statements of direction that focus the agency on what to achieve.
- Are focused on the world outside the agency and in the future; they tackle the difficult questions.
- Define which human needs are to be met for whom and at what cost as well as what products, services, or conditions are to be provided.
- Integrate political, economic, social, and bio-technical viewpoints and concerns as they apply to or impact the agency.

MEANS

- Are basically strategies, plans, programs, and services.
- List constraints.
- Are often spelled out in great detail.
- Are best decided by the persons who must use them.
- Are agency events, issues, internal matters, services, and programs.
- Discuss arrangement of jobs, reporting lines, etc.

In order for the agency staff to determine appropriate means, desired outcomes must be clearly defined by the commission. To provide the staff with a clear picture of the desired outcomes, a commission should be careful that they do not define desired outcomes too narrowly or too broadly. Either way, the staff will have a difficult time determining a focus.

Defining Outcomes

Too narrowly defined: staff focuses on only a few of the outcomes which need to be achieved.

Too broadly defined: it is too difficult for staff to know what to concentrate on.

ADOPT POLICY... *Policies on Outcomes Should Address:*

- The procedure for developing and revisiting the vision, values, and goals used to guide the commission and the agency;
- The procedure for monitoring long-term trends in the resource, wildlife use, the agency's health, and public satisfaction;
- The procedure for ensuring that consideration is given to long term trends and goals when determining budgets and operational priorities; and
- The procedure for revisiting and changing the mandates of the agency, including its governance structure, and how it acts on relevant ballot or legislative matters.

DETERMINING OUTCOMES

Many policies adopted by the commission articulate desired outcomes. Several documents communicate outcome policies including the mission, vision, values, goals and objectives. In most cases, these documents are initially drafted by agency staff, include participation of interested parties, and gain their force when adopted by the commission. In addition to adopting outcome policies drafted by the agency, a proactive commission must look to the future to determine its own outcome policies.

The commission considers direction from state mandate, public opinions, technical findings by the agency, and emerging issues to determine desired outcomes. One of the most difficult aspects of determining these policies is that there are many viewpoints on what appropriate outcomes should be in addition to what the agency believes. For example, a conservationist such as Aldo Leopold might say the desired outcomes are conservation of a useful resource. A dedicated environmentalist may regard protection of all species and ecosystems as key. Yet, a traditional hunter or angler might say the desired outcomes are maximizing the sustainable surplus of the wildlife population. Business owners in tourism might argue for attracting as many hunters and wildlife watchers as possible. And finally, a biologist might say the desired outcomes are a balance between the different resources--land, water, and vegetation—because, without this balance, we will be unable to have fish, wildlife, wild flowers, trees, labor, capital, or sustaining habitat for humans in the future. These differences demonstrate the necessity for a commission to consider and balance several legitimate but divergent viewpoints. To do this, the commission needs to accept diversity within its own group as well as encourage staff to work with a variety of public groups to develop arguments for and against competing viewpoints.

ASK YOURSELF...

- Looking broadly across all commission activities and policies, will the outcomes be the *right* ones for generations not yet born?

BIO-TECHNICAL KNOWLEDGE

Many of the policies that address outcomes deal with highly technical subjects such as wildlife populations, balancing habitat requirements of wildlife with socio-economic activity, sustainability, economic value of fish and wildlife, and regulations for enforcement. To create desired outcomes policies, the commission must consider the technical, financial, legal, biological and socio/political parameters. Although the commission might feel comfortable in its role of collecting and analyzing information on the social/political parameter of the subject, they do not often have the training, knowledge, or time necessary to gather and interpret the other technical parameters.

Consequently, obtaining information on the other four parameters (technical, financial, legal, and biological) is usually the agency staff's responsibility. They must present the commission with pros, cons, and options of the technical, financial, legal, and biological parameters. They also participate in the socio/political parameter by providing summaries of the positions expressed by segments of the public. To use this information wisely, the commission needs to: (1) learn what the scientific information (including biological and socio-economic) means; (2) know how to distinguish between solid scientifically-based information, professional judgment, and individual preference; (3) understand the issues; (4) understand implications of decisions; (5) understand how its trustee responsibilities apply; and (6) be sure of the agency's ability to deliver on the policy.

Each state should provide their commissioners with orientation and training in the technical subjects to obtain a general understanding of the technical knowledge, the background, and definitions. (There are also classes and literature available on the subject.) Learning this information may seem overwhelming; fortunately it is not necessary for commissioners to delve too far into the information. Commissioners need only be able to intelligently weigh the information and understand implications of their decisions. Although commissioners rely heavily on information obtained from the biologists and other staff experts in the agency, they need to remain open to information coming from other sources such as universities and the public.

It is wise to retain a healthy skepticism of all sources of information. The commission should try to distinguish between objective input that is based on current biological thinking and scientific information from large geographical areas or long time periods from subjective input consisting of opinions or narrow points of view.

DOCUMENTS WHICH ARTICULATE OUTCOMES AND MEANS

Mandate. The charge and limitations to the commission and the agency as outlined in the state's statutes.

Mission. The mission explains to anyone connected directly or indirectly with the agency why the agency exists, its social purpose, what it does, and how it does it. The mission is within the latitude of the mandate. It is a mechanism to communicate outcomes in a policy format.

Vision. The vision is the future picture of the outcomes of the agency. It is an image that works to focus and motivate the agency.

Value Statement. A value statement articulates the beliefs and ethical standards of the agency.

Goals. Goals express major accomplishments for the agency over the next one or more years. They are specific and could be both ends and means. They lead toward accomplishing the vision and the mission. Goals can include improvements in the agency, in the commission culture, and in management systems.

Objectives. Objectives are activities that will lead to the accomplishment of goals. Effective ones are written so that progress toward them can be measured and objectively assessed against a time schedule. There may be many objectives under one particular goal.

Strategic Plan. A strategic plan restates the direction provided to the agency via mandates and policies on outcomes and then explains how these will be accomplished. Typically, the plan includes a breakdown of goals, operationally defined objectives, definitions of projects, and the relationship of projects to objectives.

Budget. The agency uses the budget to allocate money to programs which are designed to carry out the policies of the commission. Commissioners are involved differently with the budgeting process depending upon state mandate. They may be required to be familiar with the state's budget processes, to be involved in stating the strategic outcomes of the budget, to assist in the legislative approval process, or to approve program budgets by line item. The exact role of how the commission fulfills fiduciary oversight responsibilities must be clear to all.

Environmental Scan. An environmental scan is a summary, with particular attention to emerging issues and trends, of the current conditions inside and outside the agency. This provides information for the commission to utilize in setting policy.

FYI: *Sample Questions in an Environmental Scan*

- What social, economic, political, or technological trends will have an impact on fish and wildlife recreation in the future?
- Are there opportunities which should be explored?
- What obstacles exist that may inhibit agency efforts in the future?
- Is the agency and commission acting in a collaborative fashion with other institutions?

CASE IN POINT: *Virginia Department of Game & Inland Fisheries "Outcomes"*

Mission Statement

- To manage Virginia's wildlife and inland fish to maintain optimum populations of all species to serve the needs of the Commonwealth;
- To provide opportunity for all to enjoy wildlife, inland fish, boating, and related outdoor recreation; and
- To promote safety for persons and property in connections with boating, hunting and fishing.

GOAL: Provide for optimum populations and diversity of wildlife species and habitats.

Objectives:

- To establish a comprehensive wildlife management plan for Virginia's wildlife populations and habitats.
- To inventory and manage wildlife populations and habitats.
- To establish an agency-wide proactive environmental protection and monitoring program.
- To promote understanding of and compliance with wildlife and environmental laws and regulations.
- Promote judicial awareness of the importance of wildlife, boating, and environmental regulations.

GOAL: Enhance opportunities for enjoyment of wildlife, boating, and related outdoor recreation.

Objectives:

- To provide wildlife, boating and related outdoor recreation opportunities.
- To increase public awareness of available wildlife, boating, and related outdoor rec. resources and opportunities.

GOAL: Improve understanding and appreciation of the importance of wildlife and its habitat.

Objectives:

- To involve public in programs which benefit wildlife.
- Identify and utilize available resources within Department of Game and Inland Fisheries and other agencies to promote wildlife education.
- To increase knowledge and understanding of wildlife for Virginia's youth.
- To expand the accessibility and form(s) of wildlife related information.

GOAL: Promote safe and ethical conduct in the enjoyment of boating, wildlife and related outdoor recreation.

Objectives:

- To promote understanding and compliance with the laws and regulations concerning safe and ethical conduct in boating, wildlife, and related outdoor recreation.
- To increase the public's exposure to safe and ethical practices for outdoor related recreation.

GOAL: Improve agency funding and other resources and the management and effectiveness of all resources and operations.

Objectives:

- To support employee morale and effectiveness by improving internal organization communication, cooperation, and coordination.
- Expand the funding base and other resources necessary to accomplish the overall mission of the agency.
- To implement the strategic plan through operational plans and the budget.
- To maintain the agency's physical facilities and equipment so objectives can be met.
- To improve external communication.
- To improve services for clientele.

NOTE: This information was collected in 1997 and does not reflect current strategies or priorities.

SECTION 7

The Director

7. THE DIRECTOR

To ensure a state wildlife agency is successful in this day and age, there must be complete cooperation and coordination between the policy setting commission and the agency director.

Duane Shroufe, Director, Arizona Game and Fish Department
President, International Association of Fish and Wildlife Agencies (Sept. 1997)

KEY POINTS

- The role of the director should be correctly identified and clearly defined.
- Both the director and the commission should work on developing a relationship built on trust, collaboration, mutual respect and helpfulness.
- The commission and director should develop together a process for evaluation of the director's performance based on pre-determined criteria.
- Commissions responsible for hiring the director should determine the best process as this decision, more than any other decision, has the greatest impact on the agency.

Elements of a Successful Commission/Director Relationship

1. The commission and the director have built a *partnership*.
2. They have clearly defined job descriptions, goals, accountability, boundaries, areas of authority, and a process to resolve overlapping responsibilities and questions of authority.
3. They work in a positive environment where the director and commission members are comfortable being innovative.
4. They have clearly defined policies on boundaries and limitations for director and staff activity, including expectations on ethical behavior.
5. They have clearly defined policies listing the outcomes to be achieved.
6. They have clearly defined policies regarding commission operations.
7. The commission has delegated authority to the director to ensure commission policies are carried out.
8. They make a collaborative effort to achieve the mission of the agency.
9. The commission provides feedback to the director on his or her performance. This feedback is based upon predetermined, clearly understood criteria.
10. They have established effective communication channels and methods between themselves.
11. The whole commission collectively provides direction to the director.
12. They have created a working definition which distinguishes policy from administration/operations (governance from management).

To Customize for Your State

Include a job description, a performance evaluation and case studies or samples on how the commission and the director work together toward accomplishing major successes.

THE DIRECTOR'S RESPONSIBILITIES

The director should have a job description that clearly outlines his or her responsibilities. It should be created by both the commission and the director, adopted as policy, and reviewed annually. In order to create the job description, the commission could begin by asking the question, "What does the director do which adds value?" (This same question was posed to the commission in Section 4, "The Role of the Commissioner.") In addition, the commission job description should address the criteria that will be used to evaluate the director, the outcomes the director is expected to accomplish, any limitations that are placed on the director's authority, and how the commission will delegate to the director. Job descriptions from other agencies can be helpful when designing the director's job description. The director's responsibilities will be different for each state; however, they might include:

- Accountability for agency performance with respect to outcomes;
- Utilizing executive authority to see that policies of the commission are carried out;
- Educating the commission on consequences and technical implications of wildlife resource management decisions;
- Structuring commission material and meetings to direct the commission's attention to issues of policy and strategy;
- Keeping the commission informed on agency activities, current issues, etc;
- Equipping commissioners with the capacity to monitor agency performance;
- Acting as the link between the commission and the staff; and
- Defining the role of the staff.

Once this job description is completed and formally accepted as policy, the commission must give the director the latitude to carry out the job duties. The commission must refrain from intruding upon or overlapping with the director's role and instead focus on their role of establishing policy and monitoring agency and director performance.

ADOPT POLICY

Policies *for the Director Should Address:*

- The hiring process for a new director.
- The evaluation, feedback, and compensation process for the director.
- The director's responsibilities.
- How the commission delegates authority to the director.
- Limitations on authority and actions of the director.
- Plans for the director's personal growth and development.
- Training plans for future directors.

RELATIONSHIP BUILDING

Having a sound relationship and mutual respect between the commission and the director makes for success, and its opposite leads to failure (Howe, 1995). The potential for an ineffective relationship between the two positions is obvious because of the: (1) political nature of the two positions; (2) potential confusion over job responsibilities; (3) lack of time spent together; (4) public scrutiny of the two positions and their relationship; (5) formality of meeting time; and (6) power disparity. However, the magnitude of the function of the wildlife commission and the director mandates that thought and effort *must* be given to building this relationship. The commission and the director are working toward the same outcomes and must therefore collaborate with each other and strive to identify and compliment the talents each brings to the relationship. Each party has a responsibility to build and foster this relationship and therefore must feel and act on a sense of obligation to cooperate. Several elements of a successful commission/director relationship are identified on the front page of this section.

ASK YOURSELF... *Is the commission intruding on the director's executive role?*

- Does the staff complain that the commission is meddling in operations?
- Is commission time spent on issues below the level of the director?
- Does the director seek commission guidance on issues delegated to him or her?
- Does the director have a job description that thoroughly identifies all of the aspects of his or her role and is used in the evaluation process?

Although there are many factors to consider when discussing the relationship between the commission and the director, communication between the two parties is of critical importance. Effective communication, both in giving and receiving, does not just happen. It requires a serious commitment, initiative, and an attitude which acknowledges its importance. Both the commission and the director need to make a concerted effort to understand what information needs to be communicated. It is essential that this communication be sensitive to the needs of everyone. Too much information and short deadlines for a response are discourteous and may foster resentment.

ASK YOURSELF... *Is the commission building a relationship with the director?*

- What can the commission do to improve the relationship between the commission and the director?
- What can the director do to improve the relationship between the commission and him/ or herself?
- Have the job duties of the director been defined clearly?

EVALUATION OF THE DIRECTOR

The evaluation process provides commissioners and the director with an opportunity to engage in an open and frank discussion about the director's and the agency's performance. The commission and director should develop together a process for evaluation of the director's performance based on pre-determined criteria. ***Although a commitment of time and energy is required to produce useful results, the evaluation process is the most effective method for a commission to provide feedback.*** The commission and director should develop together the process for evaluation of the director's performance based on pre-determined criteria The evaluation process should lead the commission and the director through a discussion about the director's past performance, future aspirations, achievement of outcomes, and nonviolation of policies pertaining to limitations on behavior and authority. This process requires common sense, an understanding of character, and a capacity to differentiate means from ends (Nason 1995).

The evaluation process is typically an annual process and should result in a charted course of action for the ensuing year. Although sometimes overlooked, the evaluation process should also provide an opportunity for the commission to express formal appreciation. Good directors are not easy to find and they must be encouraged as well as have their weaknesses identified and addressed.

The evaluation must be based on clearly defined, predetermined criteria and objectives which have been formally accepted by vote of the commission. Referring to the need for predetermined criteria, John Carver in *Boards that Make a Difference* states "If we [the commission] don't say how it should be, we can't ask how it is." A review of the job description prior to developing the evaluation objectives helps ensure that criteria are within the scope and authority of the position. The criteria and objectives are most valuable when they are stated in qualifiable and measurable results such as "better relations with the legislature means..." and include milestones such as dates and activities. While this takes extra time initially, it helps reduce confusion and conflicts about expectations and performance. This is especially useful when there is a new director or commissioner or any concern about performance. Discussions regarding criteria and objectives should take place in a meeting with both the commission and the director present to ensure a common understanding that is representative of the full commission's priorities. These should be recorded, dated and signed so that each member is working from the same document.

ASK YOURSELF… *Does our evaluation process work?*

- Does the evaluation focus on outcomes and compliance with executive limitations?
- Were the criteria for the evaluation set in advance?
- Was the director involved in the design and implementation of the evaluation?
- Did the director feel the evaluation provided him/her with valuable feedback?
- Did the evaluation identify opportunities for the director to learn and grow?

Once the assessment criteria has been agreed upon by both the director and the commission, the actual evaluation process is ready to commence with each party completing the evaluation. Events which might take place during the evaluation include:

1. Clarification of expectations between the commission and director regarding roles, responsibilities, and job expectations;
2. Discussion of the commission's perception of the director's strengths, limitations, and overall performance; and
3. Determination of plans for fostering the growth and development of both the director and the agency.

The evaluation should reflect a concern for overall management and governance of the agency and be linked to commission policies, the agency's plan and the budget. It should reflect an interest in what the director is accountable for—not just responsible for—and be completed with an understanding that agency performance and director performance are one and the same. Results of any assessment must be shared with the whole commission and the director.

CHECKLIST: *Potential Areas of Assessment*

- Accomplishments as judged against pre-determined criteria of policy objectives, the vision, mission, values, and long term goals of the agency.
- Progress toward accomplishing the vision, mission, values, and long term goals of the agency.
- Program management.
- Fiscal management.
- Operations management.
- Environmental monitoring.
- Director/commission partnership.
- Commission/staff relationship.
- Relationship with other agencies.
- Agency public image.
- Major strengths.
- Serious limitations.
- Significant achievements.
- Difficult issues now facing the agency and means of resolution.
- Legal or ethical issues facing the agency and means of resolution.
- Areas in which the commission could provide better support.
- Flexibility to meet unanticipated challenges.
- Evaluation of senior staff in carrying out their roles.
- **And more....**

Although the evaluation may only be formally completed annually (there is no rule regarding the frequency of assessment), it is a continual process. The commission may complete the performance rating of the director at the end of each year, but it must be based on performance assessments done by the entire commission in executive session several times per year. Information for an evaluation could be collected from either the use of direct inspection, executive review, external audits, outside performance reviews, or surveys of customer satisfaction. Outside consultants who provide advice on the assessment process may be a benefit because of their objectivity and expertise.

Sometimes there may be mixed emotions about giving or receiving candid feedback. The director is in a position lacking peers and a direct supervisor; thus, it is difficult to obtain honest feedback for use as a basis to improve performance without the help of the commission. A reluctance to assess the director might stem from confusion over agency goals, lack of clarity regarding the director's role, uncertainty about the proper criteria to use in the assessment, reluctance to commit the necessary time and energy, a felt obligation to support the director under all circumstances, or a fear of confrontation. Any of these obstacles should be addressed by the commission as a whole as quickly as possible.

CHECKLIST: *Common Errors in Assessing the Director's Performance*

- Pre-occupation with one outstanding quality.
- Tendency to rate personality traits above performance.

- Substituting personal likes and dislikes for objective appraisal of performance.
- Inclination to rate as unfavorably as possible.
- Tendency to be lenient and thus reluctant to rate unfavorably.
- Avoidance of judgment by picking middle ground, rating on the average.
- Judgment on the basis of a single incident, ignoring total performance.

Adapted from Conrad and Rubin as cited in Nason, 1995

CASE IN POINT: *Performance Expectations and Evaluation in Arizona* (Updated 2007)

In Arizona, The Game and Fish Commission has utilized a process to establish performance objectives and evaluate performance for the Director of the Fish and Game Department since 1989. The Director of the Arizona Fish and Game Department reports to the five member Game and Fish Commission. The director is a state employee with a five year contract that requires annual performance objectives and evaluation. The job description follows the standard AZ state personnel format (tasks, authorities, scope, number, and classification of staff supervised, organization chart, etc.) and is kept on file.

Each January, the director submits a draft of performance objectives to the Arizona Game and Fish Commission (AGFC) several weeks prior to a scheduled commission meeting. The draft objectives include both new items and some continued from the previous year(s). The objectives may include general specific items grouped in categories. The individual commissioner may also draft potential objectives.

Following the open meeting in January, the AGFC goes into a closed, executive session with the director to start the process by discussing performance objectives for the director. The discussion may result in items being removed, added, clarified, or otherwise changed. Possible milestones, plans, priorities, or resource levels may be considered. Only those items having support by the full AGFC and are agreed to by the director make it to the official document. Consensus helps ensure that the objectives are considered substantial and significant to all the commissioners, rather than the preferences of an individual. The director prepares a document with the agreed upon objectives and distributes copies to each commissioner.

The director then goes about managing the agency and working to accomplish the objectives. The director talks to the Chair of the AGFC on a weekly basis about general operations and upcoming activities; the director also calls other commissioners on a regular basis. The chair has the authority to provide further clarification and input on the objectives as needed or seek input from other commissioners. In carrying out their responsibilities, the AGFC becomes aware of the director's performance from a variety of perspectives-public, legislature, other government agencies, media, their own interactions, and more.

The director provides the AGFC with a written status report on a quarterly basis. The report summarizes activities and results related to each of the objectives. The report is cumulative, with new information being typed in bold print. The AGFC and director can propose changes in objectives, following the same consensus mode. The AGFC gives verbal feedback on performance progress, results, relationships, and other relevant items. If necessary, further clarification or milestones could be added. Feedback can be informal or formal, oral or written. The director uses the input to help achieve the objectives throughout the year. The AGFC continues to provide resources, support, and feedback. The following January, the AGFC and director meet in executive session to review the performance of the previous year. The cycle is then repeated as they establish new objectives for the upcoming year.

Arizona Commissioners and the Director observe that the process of setting performance expectations is extremely valuable to the Director and AGFC. It is easier to move toward a target once it is known. Regular, informal communications and updates enhance the formal quarterly written reports and discussions. Formally documenting expectations of the director ensures the director and commission know their responsibilities, thus reducing the chances of future conflicts or problems.

HIRING THE DIRECTOR

Not all commissions are responsible for hiring the director. Those who are responsible want to ensure that they determine the best hiring process, as this decision has a great impact on the agency. They must choose the best person for the job of leading the agency through a minefield of increasing environmental concerns. This section only briefly touches some considerations when hiring a director. Those commissions who will be facing this challenge, as with any type of new process, should consult with other agencies who have recently undertaken this process, the state personnel office, and other written materials on the process of hiring a director.

CHECKLIST: *Steps to Hiring the Director*

- Dedicate an appropriate amount of time.
- Review the mission and the state of the agency. Carefully consider the agency's past and future as well as problems or opportunities which will be faced by the new director.
- Explicitly define qualities and competencies expected in the new director. Review and make any changes in the director's job description.
- Determine the search and selection process and time line as well as the appropriate level of staff or other party involvement in the process.
- Charge a search committee with clearly defined expectations to seek out, obtain references for, interview, and recommend prospective candidates using uniform rating scales and interview formats.
- Once initial finalists have been selected by the committee, as many commissioners as possible should be involved in the final selection process.
- After the position has been offered and accepted, the new director should be properly inducted into the agency through a thorough orientation, defined expectations, and job description.

CHECKLIST: *Mistakes to Avoid in the Hiring Process*

- Failing to capitalize on the opportunity to revisit the strategic direction of the agency before thinking about candidates and the search process.
- Spending an inadequate amount of time searching for candidates.
- Being unclear about appropriate roles for staff throughout the process.
- Overvaluing the interview and undervaluing actual, relevant prior experience as revealed by careful reference checks.
- Failing to use the final selection as an opportunity to (1) begin setting specific expectations on both sides and (2) begin a collaborative dialogue on the direction of the agency.
- Inadequately transitioning the director into the agency. (The hiring process is not done until the new leader has joined the agency in a deep way.)

Adapted from Finding and Retaining Your Next Chief Executive by Thomas Gilmore

CASE IN POINT: *Hiring a Director for the Washington Department of Fish and Game*

After enduring a major reorganization, the Washington Fish and Game Commission wanted to ensure they hired a director who would be a good match for addressing the significant changes the department was facing. This required finding someone who not only understood the traditional interest of the Division but also had a connection to the environmental community and could relate to the urban population. Reviewing their future strategies and direction played a critical role in outlining the requirements of the new director.

SUGGESTIONS FROM THE FIELD: *The Commission/Director Relationship*

1. To foster exchange of information between the commission and the director, it might be helpful to formally articulate:
    - Requirements for communication between the commission and the director, the director and the chairperson, the commission and the staff, and the commission and the public.
    - Any agency sideboards which could be of significance.
    - Clarification on how appropriate consideration of evidence or data will be given.
    - The information requirements and maximum reading workload.
    - An understanding of who the commission can speak for. When the commission speaks to the public, depending upon its statute authority, it may only be able to speak for itself and not the entire agency. This should be made clear in its communications.
2. There is a fine line between many of the responsibilities of the director and the commission. It can be helpful to view the job as a partnership with each side either a senior or junior partner and where the roles are often reversed.
3. Encourage the director to deal with matters already delegated to him or her, rather than bringing them back to the commission.
4. Policies need to be established which limit the commissions ability to "reach around" the director.
5. It should be emphasized that much can be accomplished in a long-term relationship. In contrast, a short-term relationship may provide accomplishments at some level, but major issues will not be addressed.
6. Although commissioners bring certain expertise to the table, they also face certain obstacles such as busy lives and a lack of time. Commissioners not only have difficulty trying to devote the time that is required to develop an understanding of their responsibilities, they also find it extremely difficult to keep abreast of what is going on within the agency, the decisions they will need to make, and the ramifications of these decisions. **So, it becomes critically important that the lines of communication and understanding between the agency and the commission are clear**.

ADDITIONAL RESOURCES

Albert, Sheila, "Hiring the Chief Executive: A Practical Guide to the Search and Selection Process," Board Source Phone 202-452-6262.

SECTION 8

The Agency

Section Contents

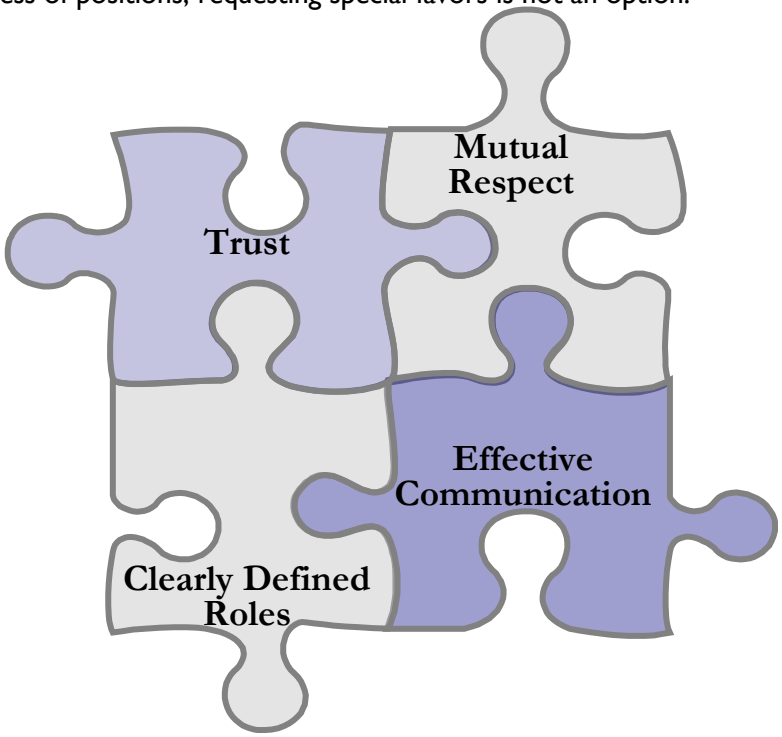
8. THE AGENCY

The most expensive resource of an agency is the staff. This resource can be significantly wasted when the commission spends time second-guessing their work.

Peter Drucker, adapted from Managing the Nonprofit Organization

KEY POINTS

- The commission and the agency staff each have an important role to play; neither can succeed without the other.
- In order to effectively carryout the work to be done, commissioners, the director, and each member of the staff must have a clearly defined job and be held accountable for completing this job.
- Communications between the staff and the commission must be comfortable and honest.
- There needs to be an understanding between the commission and the agency that, regardless of positions, requesting special favors is not an option.



To Customize for Your State

Include any materials, such as directories or organization charts, which will help the commission gain a better understanding of the staff and their responsibilities. Also include any documents created by the state which explain expectations for the staff/commission relationship.

THE COMMISSION'S ROLE WITH THE STAFF

Instead of doing, redoing, or rehashing staff work, the commission should spend its time guiding the agency in five areas:

1. **Determining policy.** The commission provides guidance to the agency through policy. It keeps the overall mission of the agency clearly in focus while the agency determines the means for completing agency work. For example, if the commission adopts policy to improve the public's opportunities to view wildlife on private lands, the agency determines the appropriate mix of agreements, purchases, or leases to implement the policy.
2. **Defining the director's job responsibilities.** The director is the only employee that the commission oversees (unless it has its own commission support staff). The commission is responsible for ensuring that the director's position and responsibilities have been clearly defined. All other staff are overseen by the director. The director hires the staff, defines their responsibilities, and is held accountable for their actions.
3. **Articulating limitations and boundaries for staff actions.** These limitations and boundaries ensure that actions taken by the director and his or her staff are prudent and ethical. These boundaries can be established by clearly stating what the commission deems as acceptable (Carver 1990). In other words, the commission remains accountable for the methods, means, and practices of staff by putting a fence around the staff limiting their actions to a range rather than dictating to them.
4. **Lending support in the agency's efforts to carry out their duties and responsibilities.** Often times commission support of the director and staff is more important to morale than might be imagined. The commission and staff are strategic partners in fulfilling the stewardship responsibilities of the resource and can lend support to each other's efforts. Sometimes, determining the best methods for obtaining this support—helping to attract additional agency funding, participating in an initiative action, or possibly presenting a positive image of the agency to the public—evolves out of discussions between the commission and the director.
5. **Evaluating agency progress.** The commission monitors agency performance to gauge whether previous commission directions have been fulfilled, to improve effectiveness of the agency, to recognize accomplishments, to detect problems at an early stage, and to determine if the agency effectively performs its mandated responsibilities. See Section 11 "Monitoring Agency Performance," for more information on evaluating agency progress.

ADOPT POLICY… *Policies for the Agency Should Address:*

- Limitations and boundaries for staff actions;
- Expectations, limitations and process for commissioners to seek information from staff; Expectations, limitations, and process for staff to volunteer input to commissioners (including protections for whistle blowing); and
- Expectations and process for staff in seeking and accepting public input, and disseminating this data to the commission.

THE AGENCY/COMMISSION RELATIONSHIP

As stated previously, the agency, under the guidance of the director, is responsible for implementing policies created by the commission. If the commission has no relationship with the agency or is unfamiliar with agency operations, sideboards, and staff, it is possible that commission policies will fail in allowing the commission to meet its objectives.

The commission and agency staff each have a role to play; neither can succeed without the other. The agency is a stakeholder of the commission; therefore, consideration must be given to how best to manage or build the relationship between the two. The following are some activities which contribute to building a strong relationship.

CHECKLIST: *Getting to Know the Agency Staff*

- Interact with field personnel by inspecting public hunting on agency owned property as an observer (without firearms or fishing equipment) to attain a better understanding of agency activities.
- Hold commission/staff mini-workshops with agendas focusing on specific issues and ask the agency to provide background details.
- Be introduced or introduce yourself to staff members.
- Participate in agency social events for commissioners and for agency staff. Reward outstanding work by agency staff.
- Ask the director to orient new commissioners with the state's wildlife resources, the main publics, any problems, current programs, and key agency personnel.

DEFINE ROLES

In order to effectively accomplish the work to be done, the commission, the director, and each member of the staff must have clearly defined job duties and be held accountable for them. The commission must be careful to focus on its own responsibilities and not cross over into staff responsibilities. When the commission oversteps this boundary, the director and the commission must be able to openly discuss the situation. The director must feel comfortable letting the commission know the commission is assuming inappropriate responsibilities. Sometimes this crossover can be unclear. For example, both the commission and the staff might be involved in planning, albeit at different levels.

It is often helpful to consider a training process for the staff on understanding their role with the commission, the commission process, and how to bring an issue to the commission. As outlined in Section 5 "Provide Policy Leadership," the staff has a significant role in the policy setting process. Ensuring both the commission and the staff have the same knowledge and awareness can increase policy setting effectiveness and efficiency. (Mike Fraidenburg and Debbie Nelson of the Washington Fish and Wildlife Commission have developed this training process for Washington in their workbook "How to Work with the Commission," which is listed in the Bibliography.)

BUILD TRUST

Commissions are called trustees because they are entrusted with the welfare of the public resource. Trustees need to be *trustors* to function well — they must trust the director. A critical element to

building trust is demonstrating mutual respect. The staff needs to respect the role of the commission by providing it with the best support and information available. The commission must respect the director's responsibilities and authority and not cross over into this territory. The commission must also demonstrate respect for the staff's technical knowledge and experience. (This does not mean ignoring other sources of information, but it demands providing staff with ample opportunities for input.) A lack of respect and intentional or unintentional destructive behaviors not only damage the relationships between the staff and the commission, but can do long-term harm to the resource. Without this mutual respect, the commission will be unable to provide the necessary leadership and empower the staff to fulfill the agency's mandate.

CASE IN POINT: *No Surprises*

Former Director for the Colorado Division of Wildlife, Jim Ruch, believes that it is important for staff members and commissars to interact. Actually, more than interact—commissioners should make a point to go into the field with agency staff to increase their knowledge about agency activities. Commissioners should avoid being a nuisance to the staff or asking for personal favors. Mr. Ruch's only policy about staff and commission interaction was that when a staff member had a conversation with a commissioner about policy, he should know the position of the agency and make sure he can express it clearly. If he stated his own opinion, not that of the agency, this needed to be made clear. In addition he needed to tell his supervisor about the discussion on policy so there were never any surprises.

COMMUNICATE EFFECTIVELY

The commission and the staff need to maintain continuous contact in order to keep abreast of agency and program activities. Although continuous communication is imperative between the staff and the commission in order to be effective, the parameters of these contacts sometimes need clarification. For example, the commission should predetermine how to handle staff complaints about the director or how openly they can discuss issues with staff outside of meetings. The commission should also establish how they will keep the staff appraised of their activities and concerns (and *vice versa*). Sometimes it is helpful to schedule mini-workshops in which the commission and staff can delve into the detail of a complex issue and not be limited by the time constraints of a formal meeting. (Please see the list of workshops offered by the Management Assistance Team which are listed in the Preface.)

Communications between the staff and the commission must be comfortable and honest. It must be acceptable for staff to acknowledge when they do not have an answer to a particular question or for a commissioner to ask questions without feeling embarrassed. There also needs to be an understanding between the commission and the agency that, regardless of positions, requesting special favors is not an option.

ASK YOURSELF…

- Does the staff feel enthusiastic and empowered to serve the needs of the citizens and the resource?
- Does the commission and the staff clearly understand each others' roles, responsibilities and expectations?
- Should the commission have its own staff to provide support on commission activities? For example, should there be a staff to: facilitate effective public participation in decision-making; to facilitate effective collaboration between the commission and other policy makers; to accurately implement state law and commission procedures; to efficiently administer the business functions of the commission; and to effectively meet the technical support needs of the commission?
- What are the commission's expectations or policies concerning how the commission interacts and communicates with staff?
- Do staff members act as innovative problem solvers? Do they respond to change and show initiative? If not, what is preventing them?
- Does the staff behavior suggest weak ethical standards? Indications include intellectual dishonesty in intentionally misconstruing other's statements; seeking data to back a pre-conceived position and presenting it as though an objective review were done; and preventing certain stakeholder involvement. Do they have a code of ethics which guides their conduct?
- Do staff members help each other share information and resources freely, and minimize turf conflicts?
- How healthy is the agency?
- Is the commission intruding on the role of director and staff by spending too much time on agency personnel issues?

AGENCY EFFECTIVENESS

Commissions need to focus on understanding the characteristics of effective commissions in order to incorporate those characteristics or activities into their own system. At the same time, they must also understand what leads to agency effectiveness. The following list highlights eight criteria for effective agencies identified in a 1993 study.

CRITERIA FOR AN EFFECTIVE WILDLIFE AGENCY

1. **Proactive stance on issues** - Agencies are constantly looking ahead to anticipate issues and are regional and national leaders in dealing with wildlife issues.
2. **Closeness to citizens** - Agencies use a variety of public involvement and marketing techniques to listen to the public, understand their desires, and involve them in making decisions. Agency personnel are accessible, open to input, and responsive.
3. **Autonomy and empowerment** - Agencies empower employees to make decisions and try new ideas without fear of punishment for failures. Employees have wide latitude to do their jobs their way. More serious problems are addressed by teams representing a cross-section of the agency.
4. **Valued employees** - Employees are the agency's most valued resource. The agency is committed to the personal development of employees.
5. **Missionary zeal** - Agency and employee personal missions are highly congruent. Agencies are good planners with well defined missions, goals, and objectives.
6. **Biological base** - Agency credibility is based upon balancing biology and public opinion, but the bottom line of keeping its trust responsibilities first is always maintained.
7. **Stable, respected, enlightened leadership** - Agencies are led by experienced wildlife professionals with sound people management skills. The agency's structure is decentralized with participative decision-making. It utilizes the delegation of authority, but leaders intervene when necessary.
8. **Political/nonpolitical** - Agencies have strong public support and are effective in mobilizing it to support or oppose policies. Decision-making processes are open, equitable, and responsive to the public. Biological basis for decisions contribute to a nonpolitical image.

2007 Update:

Since this 1993 study, other criteria have become important/vital characteristics such as:

- **Clearly identified purpose**
- **Accountability driven**
- **Measured return on investment**

Agency criteria is dynamic and will fluctuate as a result of political, ecological and social influences. Effective commission work with the agency acknowledges these evolving criteria.

SECTION 9

Commission Operations

Section Contents

9. COMMISSION OPERATIONS

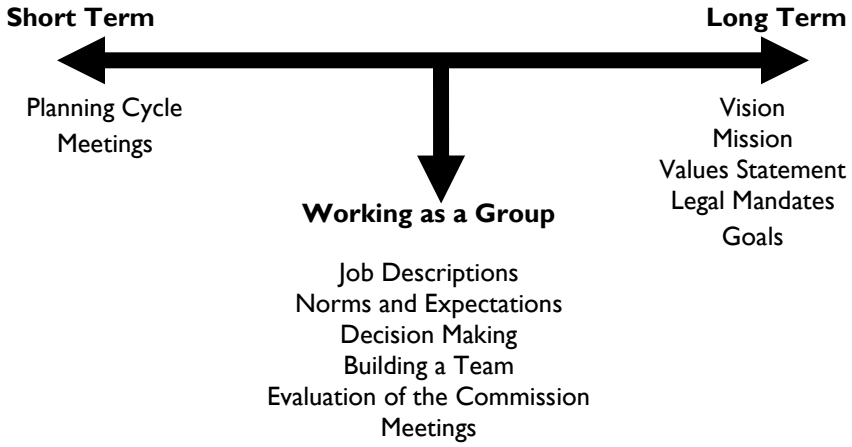
The diversity of backgrounds found in today's commissioners contributes to the commission's strength. However, in their official capacity as a commissioner, there develops a commonality between members by virtue of their stewardship responsibility.

Phil Schneider, Commissioner Emeritus for Life
Oregon Department of Fish and Wildlife (September 1997)

KEY POINTS

- The governing process is how the commission conducts its business and completes its activities to achieve desired ends.
- A good evaluation to determine the effectiveness of the commission requires input from all commissioners, the public, and agency leaders.
- Each individual commissioner has a different background and personality. Therefore, it takes effort to ensure that correct steps are taken to build the synergy required for effectiveness among members.

To be effective, the commission must spend time developing its governing process (how it gets its work done). Sometimes this will require looking at how the commission is accomplishing its current or short-term responsibilities. Sometimes this will require looking at how it plans for the future. Other times, it will require looking at how the commission works together as a group.



To Customize for Your State

Include any materials which will help a new commissioner understand the commission meeting process, evaluation process, or planning process. Also include any documents which identify expected commission behaviors. Finally, include any information on team building activities that have been or will be scheduled for the commission.

WHAT ARE COMMISSION OPERATIONS?

Policy on commission operations state how the commission will conduct its business and complete its activities to achieve desired outcomes. They address the *governing processes* or the methods used to achieve commission goals. The Chair has a significant impact on commission operations. However, the *entire* commission shares the responsibility of ensuring effective governing processes are used. Commissions should *never* be content with their commission operations, even if things are going well, because quality governance grows as the commission does. Poor governing processes can lead to wasted time (Carver 1990).

In addition to wasting time, without effective governing processes, the commission might spend time in activities which debilitate the group. These include jockeying for power, controlling the group through negativism, and diverting the commission into unrelated topics.

DEFINITION: *Process*

The methods used to achieve goals.

In addition to outlining how the commission will get its work done, policies on commission operations must provide the commission with the necessary *structure* to efficiently complete its tasks. Commission structure addresses how the commission works as a group, makes decisions, demonstrates appropriate behavior, holds effective meetings, etc. Once decisions are made on these processes, they need to be recorded in some type of formal document. This might be in operating guidelines, the commissioner's job description, or statement of norms and expectations. If a commission does not formally record decisions on how the commission will operate, dysfunctional behaviors of a commission become far more likely.

Improvements in commission operations are unlikely unless there is an internal champion for this kind of change. An internal champion is a commissioner who makes an extra effort to ensure the change happens, either through good follow-up or constant encouragement. One commissioner will need to serve such a role or commission operation improvements will go undone and the commission will slip into previous bad habits. In addition, because of the complexity involved in improving group process, it is often necessary to seek expertise from outside professionals either from the private sector or other government agencies.

ADOPT POLICY… *Policies on Governing Process Should Address:*

- The commission's own vision for its contribution.
- Commission procedures for meetings, from meeting planning and publicizing, to meeting roles and processes, to post-meeting follow up—including how the public is involved.
- Norms and expectations of commissioner and commission behavior (as a group, and for individual commissioners).
- Commission procedures for operating, including planning, decision making, monitoring and improving its own performance.
- How to capture, record, and archive policies and decisions, including rationale for the policy or decision.
- Developing commissioners' effectiveness.
- Recruiting and preparing potential commissioners.

The Long-Term	Program Management	The Commission as a Group
▶ Governance ▶ Policy Leadership	▶ Planning cycle ▶ Meeting process	▶ The elements of working in a group ▶ Defining norms and expectations ▶ Making good decisions ▶ Evaluating the commission

It is useful to consider the work of the commission from three different perspectives. One perspective focuses on the long-term or big picture work of the commission. This is the actual governing function of the commission which looks at the agency's ability to accomplish its mandate. Big picture work results in policy direction for the agency in the areas of outcomes, staff limitations, and the commission/director relationship. Three sections in this guidebook, "The Role of the Commission," "Providing Policy Leadership," and "Outcomes" discuss the elements of this long-term perspective.

This section, "Commission Operations," addresses the other two perspectives. The first perspective focuses on the program management work of the commission; these are the methods used by the commission when working on or planning for their current tasks and issues and includes planning and meeting processes. The last perspective focuses on the commission as a group. It discusses elements of groups which, when understood and implemented by the group, can result in improved group performance.

FYI... *Commission Documents* Utilized to Record Governing Process*

Policies. Formal commission documents which establish leadership and direction for the agency. They do *not* provide for the implementation. Policies are stated in values, goals, and vision and mission statements.

Operating Guidelines. Policies or informal procedures for doing the commission's work.

Job Description. A concise, clear summary of the work to be performed that includes the duties, authority and expected results of the position.

Statement of Norms and Expectations. The commission's defined expectations of itself as a whole including its "rules of the game" such as commission responsibility, behavioral guidelines, the "culture" of the commission, standards of conduct and disciplinary action for poor performance.

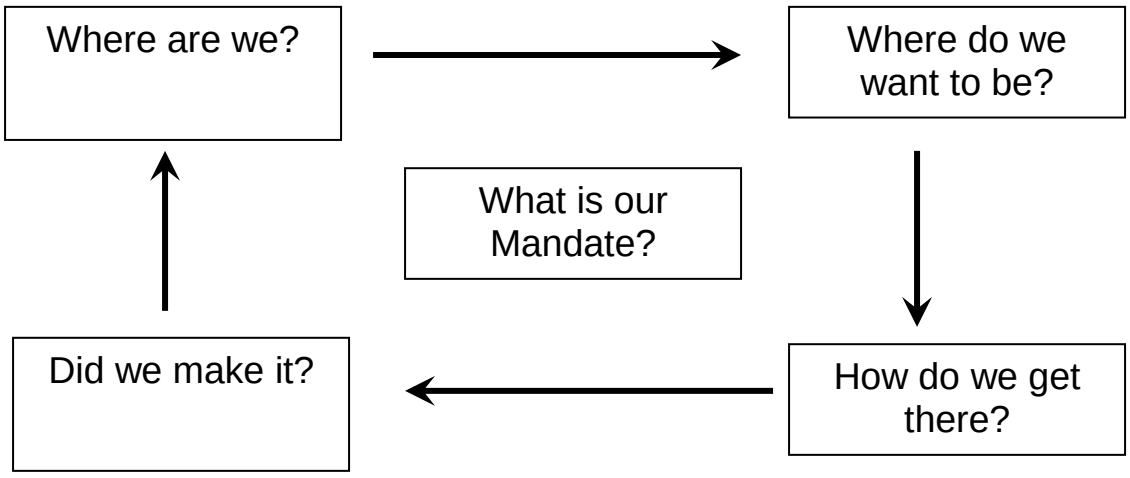
* These are the terms used in this guidebook and may be called by different names in each individual state.

PLANNING PROCESS

Whether setting policy, discussing an issue, building a relationship with the director, addressing public concerns, or fulfilling a stewardship role, commission activities typically follow a continuous cycle of:

1. Analyzing - "Where are we?";
2. Envisioning - "Where do we want to be?";
3. Planning - "How do we get there?"; and
4. Evaluating - "Did we make it?" "What have we learned?" "How do others think we did?"

The cycle continuously repeats itself and is done in the context of the agency mandate.



Although the work of the commission may naturally fall into this cycle, it is best if commissioners are aware of the cycle so that steps, such as planning or evaluating are not missed. It is all too easy to "jump right in" and start in on implementing before actually thinking through the plan. Failing to evaluate an outcome after implementation or failing to learn from experience is equally harmful. Without avoiding these, improvements in the planning cycle cannot be made. The commission's annual plan should include benchmark dates for accomplishing steps as they apply to current work.

A major difference between this cycle and a similar one the agency might use is that the commission's "where do we want to be" must include reviewing the mandate for needed changes. The commission should take responsibility for seeing that problems in the structure and role of the commission and agency are addressed.

ASK YOURSELF...

- How effective is the commission's planning cycle?
- Do commission plans effectively guide the agency or stifle change?
- Where can improvements in the planning process be made?

COMMISSION MEETINGS

Commission meetings range from formal wildlife commission meetings and hearings to open houses, negotiations, workshops, and more. They are the forum in which: (1) emerging and significant issues pertaining to society and the wildlife resource are identified; (2) policy decisions are made; (3) information is gathered or dispensed, points of view are exchanged, alternatives are explored, and mutual understanding is fostered; and (4) progress is made toward accomplishing the mission of the agency. Ensuring that the commission is using its meeting time to work on the right issue, at the right time, in the right forum, and with the appropriate stakeholders is not easy. Adopting policy which addresses meeting process itself is the first step.

ADOPT POLICY... *The Meeting Process.*

Policy should be adopted which addresses how the commission will:

- Draft, finalize, and modify the agenda.
- Run the meeting.
- Ensure effective methods of meeting notification are utilized.
- Actively seek and consider written or verbal public input.
- Determine meeting structure (including time limits, deadlines, testimony, etc.).
- Make policy (including approving regulations).
- Make ad-hoc decisions such as damage claims and land resource purchases.
- Receive agency reports (and consider public comment on reports).
- Address new business.
- Hold an executive session.
- Hold a special meeting such as a public forum, a committee meeting, workshop, field trip, training, etc.
- Evaluate the meeting.

It should also address expectations of the commission on issues such as:

- Limits on the time a person should request of the director and the commission for preparation before a meeting.
- Deadlines and format requirements on the material to be accepted from the staff.
- Time limits on agenda topics.
- Individual preparation for the meeting.
- Issues which should be delegated to the staff versus brought to the commission (preventing micro-managing).
- How to set priorities on topics.

IT'S THE LAW...

Commissions in most states are covered by **Open Meetings and Privacy Acts**. The first precludes convening a closed executive session for other than special matters (including conference calls). The commission must understand what "meetings" are included in this act, what is required of the act, legal requirements for meeting notices, keeping minutes and the exceptions and enforcement of the act. Also, privacy acts require executive session and confidentiality for some topics (such as personnel actions, litigation and contracting.)

Using Parliamentary Rules of Order

If you use parliamentary procedure, take time to understand the basic structure of *Robert's Rules of Order*. These are based on principles such as: the right of the majority ultimately to rule, the right of the minority to be heard, and the right of the individual to participate in the decision-making process. Parliamentary rules of order are designed only to force decision-making per se, not to yield the best solution (Straus 1978). If the commission is solving a problem, a facilitated meeting process may be more effective than this method. Once the problem is solved, it can then be formally introduced and accepted under Robert's Rules.

The difference between an effective and an ineffective meeting is often determined by the facilitation of the meeting and the use of the meeting time itself. Often, conflict during meetings results not over content but over meeting process. To ensure meetings are organized and time is used effectively, meetings must have a well-planned agenda, prepared participants, proper facilitation, a clearly defined decision-making process, and an evaluation for improvement.

PLANNING THE AGENDA

Commissions should initiate the agenda rather than follow an agenda built around the approval needs of staff. To be effective, commissions must incorporate future issues and matters of policy into the agenda, yet leave room for flexibility as priorities shift or emergencies arise. The agenda-building process starts with a calendar (called an annual agenda) with specific locations and deadline dates for commission work. Creating this calendar requires a partnership effort between the director and the commission and is a major (or sole) agenda item for late in the year preceding the one the objectives are for. The calendar could include:

- **Known deadlines** such as approving regulations, annual objectives and budgets for the agency, mandated public notification, and performance evaluation of the director.
- **Key dates** such as holidays, when the legislature will be in session, and deadlines for introducing legislation.
- **Annual objectives for commission activities** such as legislative initiatives, national legislation assistance, commission process improvement, public communications, joint interest meetings with other agency or state, progress review on long-term goals.
- **Time for unexpected crises as well as team-building events**.
- **Yearly targets** for the total time to be spent by commissioners on commission work.
- **Location** of the meetings.

The director and staff will draft a specific agenda prior to each meeting. It should be built in accordance with the policy on meeting process and include the topics identified in the annual agenda, the approval needs of the staff, emerging issues and new business as identified by the commission. Commission meeting time should be used primarily to take action. Other information can be shared via reading material. If the commission governs by policy, the agency can make decisions based on policy without further commission action during meetings thus reducing meeting time spent on short term detail. Each final agenda item should have an explicit purpose, an allocated length of time and a designated lead individual. The Chair should review the final agenda to ensure that time allotted is workable and the work scheduled at the meeting focuses on fulfilling the commission's needs, not just the agency's preferences.

MEETING PREPARATION

Each commissioner is responsible for coming to meetings with an open mind (not a hidden agenda) and *having spent time studying* and understanding any issues or distributed reports. To ensure the commission is adequately prepared to make decisions, the commission should set standards for the quality, content, technical detail and format of the information they wish to receive. Commissioners may even need to do additional personal research on topics in order to be prepared. This may include talking with outside experts, with public groups, and other commissions. Consider requiring a one page summary, which could also be available to the public on each action or decision to be considered, including alternatives and consequences.

PROCESS: *Creating an Annual Agenda*

- On a calendar, have staff *identify key dates* that are legally mandated or otherwise out of the commission's control such as legal holidays, end of the fiscal year, when the legislature will be in session, key meetings such as AFWA, deadlines such as when regulations or budgets must be approved and legislation must be introduced, the director performance evaluation, etc.
- At the first "calendar planning" meeting, *set commission objectives* or define "projects" for the year such as legislation to introduce, commission process improvement, public communications, joint interest meetings with other agencies or states, progress review on long-term goals, etc.
- Between meetings, individual commissioners work with others to *develop a time budget (*especially for commissioner time) and d*evelop a plan of action* for each objective or project.
- At the second "calendar planning" meeting *approve, review, and revise the information* gathered in step three, add in time for unexpected crises as well as team building events, pick dates and locations for commission meetings (of all types), and list the known agenda topics for each.

DURING THE MEETING

Good facilitation and a standard meeting format can prevent disagreement regarding the process of the meeting and what was decided. Some key elements of a standard meeting format include:

- Setting or revising meeting ground rules.
- Running the meeting so that *all* participants get fair air time.
- Bringing each item to closure with a clear decision and follow-up action whenever appropriate.
- Capturing progress (a flip chart can be useful during complex problem solving).
- Utilizing a process which allows for efficient yet thorough collection of public input.
- Distributing a summary of decision and follow-up tasks at the end of the meeting.

CHECKLIST... *Ground rules or rules of behavior include group agreement on:*

- Starting time.
- Frequency and duration of breaks.
- Interruptions.
- Decision-making processes used.
- When a session is closed.
- Recording Information.
- Participation by non-commissioners.

THE ROLE OF A FACILITATOR:

- Functions as a *neutral* servant of the group.
- Suggests methods and processes for managing the meeting.
- Helps the group focus on a task.
- Protects all members of the group from attack.
- Makes sure everyone has an opportunity to participate.
- Helps plan the meeting agenda and logistics.
- Maintains control of the discussion.

EXAMPLES OF OTHER MEETING ROLES:

- Chair
- Observer
- Resource Person/Expert
- Recorder
- Official Transcript Reporter

MEETING EVALUATION

To counteract the tendency to drift or utilize ineffective meeting process, regular attention should be paid to ensuring effective process facilitation and focus on matters of governance. Commissioners should be clear on the policy question before them, how the line of conversation relates to the discussion questions the commission was asked to contemplate, and if the commission is meeting the needs of the public participants at the meetings. To continue to improve meetings, some time should be spent evaluating each meeting (minimum of 10 minutes discussion). Include all meeting participants in the evaluation (including agency and commission members and the public). Although a more elaborate process is sometimes necessary, a simple evaluation is often best.

SAMPLE MEETING EVALUATION

The issues covered today were:	Trivial <----------> Essential
The materials provided were:	Worthless <----------> Indispensable
Today's discussion concentrated primarily on:	Operations <----------> Policy & Strategy

- Were we adequately prepared?
- Did people get to participate satisfactorily? (Did only a few members dominate the discussion or did everyone contribute ideas and take part in decisions?)
- Did everyone at the meeting take on the responsibility for staying on task?
- What might we have done differently to improve our meeting today?
- What was the most valuable contribution we made to the agency's mission today?
- Did the commission stray out of its role?
- The most frustrating part of today's meeting was...
- What are the most important topics which should be addressed at the next meeting?

Previously it was mentioned that most problems pertain to process. Although a meeting evaluation can be awkward or inconvenient, the information provided can help the commission prevent future problems in the area of process.

INEFFECTIVE MEETINGS ... *Indicators to Watch For:*

- The meeting starts late and is slow to reconvene after breaks.
- The agenda greatly underestimates the amount of time required for each topic.
- Public participants at the meeting leave feeling frustrated, alienated, hostile, unsatisfied, or ignored.
- Issues are repeated on the agenda because of lack of preparation, lack of appropriate stakeholders, lack of appropriate meeting process, or failure to capture a decision already made.
- Commissioners do not feel they were heard during meetings, or do not get fair air time.
- Commissioners do not believe they control their own meeting agenda.
- The commission's decisions seem either like a rubber stamp approval or involve micromanagement of staff or commissioners.
- Commissioners do not feel they have received the materials they need to be prepared for discussions and decision-making.
- The same issues are hashed and rehashed.
- At the end of a commission meeting, commissioners, staff, and other participants feel letdown, angry, or that progress was not made.
- Commissioners know they are tired and not making good decisions.
- Meeting minutes leave out important information, are incorrect, late in coming out, not getting to the right people, or not used for historical background on current issues.

ASK YOURSELF... *How can meetings be more effective?*

- Has the commission adopted a policy which identifies the meeting process which will be used?
- Has the commission clearly communicated its expectations to staff about material received, time limits, and agenda topics?
  - Does each agenda item have a clear purpose?
  - Is meeting time spent on issues of policy versus micro-management?
  - Was public input organized, timely, and given careful consideration?
  - Was the commission open to new ideas, attitudes, and approaches?

If not, what can be done to make meetings more effective?

ASK YOURSELF... *Do you contribute to the effectiveness of the meeting?*

Do you:

- Read the background materials provided prior to the meeting?
- Get additional input from varied publics?
- Arrive on time?
- Pay attention to others?
- Listen to and take into consideration the viewpoints of the public involved?
- Contribute your viewpoints in a way which adds value to the discussion?
- Avoid side conversations?
- Stay open to the ideas of others, truly try to understand others' positions?
- Help others stay on the subject?
- Take action on any personal responsibility you have as the result of the meeting?

Adapted from Holmgren 1994

WORKING AS A GROUP

As a (commission) sets out to fulfill its trusteeship, its most immediate responsibility is to deal with implications of being a group.

John Carver in Boards that Make a Difference

The commission is responsible for the integrity of governance. Commissions do not spend a lot of time meeting as a group. So, when they are together the dynamics of the group should be positive so that time can be spent wisely. Wanting the commission to operate effectively is not enough; it has to be worked at.

Synergy is the highest activity in all life, one that catalyzes, unifies, and unleashes the greatest powers within people.

Stephen R. Covey in Seven Habits of Highly Effective People

A commission consists of a group of individuals with different backgrounds, knowledge, skills, experience, perspectives, beliefs, and group skills. Although this diversity is a key element to the success of the commission system, all of these different elements coming together in a group can result in problems. The commission should therefore allocate time to understanding how their group functions and how to make it better.

DEFINITION: *Group Dynamics*

The part of social science that deals with what groups are, how they develop, and how individuals relate to each other within groups and to other groups.

Groups often underestimate the need for developing as a group and fail to allocate the necessary time to spend on these activities. The first step in this process is to identify where the group is in relationship to its development. This would include the level of trust in the group, whether they are just starting to work together or have worked together for a while and how skilled each member is at being part of a team. Understanding the level of development can be done through assessment activities and may benefit from assistance of a trained professional. Once an understanding is achieved, the group can design a plan to improve as a group and thus build a stronger foundation. This will allow them to do their assigned job better as well as give them an understanding of how they will perform together under conflict, attack, or when facing change. The more a commission knows about what to expect, the better equipped they will be to handle the pressures of the job.

Group dynamics within the commission not only affect its effectiveness, they extend to its relationship and interaction with the agency. The commission should not only concern itself with how it works as a group but also understand how its actions (not just decisions) impact the agency. One illustration of this can be seen by looking at culture. Just as the agency has a "culture," the commission has a "culture." The commission's culture is a "sub-culture" of the agency and has an overall impact on the culture of the agency. For example if the agency has a culture built on customer service and the commission has a culture built on enforcement and control, it is very possible there will be a conflict between the two groups. A conflict between the two cultures needs to be resolved. One method of resolution is to embrace commonly held work values, working toward something on a grand scale such as accomplishing the mission. It is often helpful to use outside assistance during this alignment process.

HOW TO BUILD AN EFFECTIVE GROUP

CLARIFY GOALS, ROLES, AND RULES

Have Clarity in Members' Purpose and Goals

The group needs to understand what they are trying to accomplish and why. They need to have focus and a shared purpose in order to persevere through setbacks. Commitment and cooperation toward the purpose and goals needs to be generated.

Clearly Define Roles

Each member of the group needs to understand his or her role ("who does what"). There needs to be a commitment to these responsibilities as well as both formal and informal methods of accountability.

Demonstrate Beneficial Team Behaviors

These are practices that make discussions and meetings more effective. They include behaviors such as resolving differences, communicating openly, expressing feelings, clarifying thoughts and ideas, and making and keeping commitments. As a result of these behaviors, trust will develop and tension can be eased.

Clearly Define the Decision-Making Process

The group needs to define the best process for making decisions. This includes agreed upon methods for utilizing scientific data combined with public opinion and balancing the participation from the group. It also includes rules on how and when to vote.

Establish Ground Rules

These are the behavior norms for what will and will not be tolerated in the team.

Develop an Improvement Plan

An improvement plan identifies what advice, assistance, training, materials, and other resources the team may need. It helps the team to progress steadily toward greater effectiveness.

Speak With one Voice

Each individual commissioner should honor the *decision* of the entire commission without being forced to deny their own values.

WORK AT IMPROVING THE GROUP

Have Awareness of Group Process

Develop an understanding of how the team works together by observing and discussing what you see. Group process includes what stage of development the team is in, under what circumstances the team is very effective or ineffective, and what kind of contributions particular individuals make. Maintain momentum by evaluating and improving team effectiveness.

HOW TO BUILD AN EFFECTIVE GROUP (Cont.)

MAKE GOOD DECISIONS THROUGH OPEN AND RESPECTFUL COMMUNICATION

Utilize Group Process Facilitation

Have a strong meeting process which allows for problem solving, conflict resolution, decision-making, innovative thinking and follow-through.

Communicate Effectively and Constructively

This does not mean that people must agree or avoid strong feelings, but they should be courteous and exhibit respect not only for one another but for other groups and individuals as well.

WORK AT IMPROVING RELATIONSHIPS

Respect and Foster a Diversity of Opinions

Because of the intrinsic nature of a commission's representation of a diverse public and the benefit of different viewpoints, a process should be defined for eliciting and embracing diversity.

Celebrate Successes

Agency and commission successes should be acknowledged and celebrated.

Spend Time in Relaxed Conversation

This begins a process of understanding which can later help when there are diverse viewpoints. With a deeper understanding of each other, differences can be interpreted as evidence of a deeply held point of view that should be considered versus narrow-mindedness or stubbornness (Chait 1993).

Orient New Members Into the Group

Use orientation sessions to welcome new members, offer contacts, educate on policies, explain agency history, revisit group norms, and get to know each other as individuals.

PROCESS: *Develop a Strategy for Reaching Accommodation*

Differing opinions must somehow be funneled into a single position. This can be difficult as not all ideas can prevail. If disputes are approached personally, there will be winners and losers.

To facilitate accommodation, start from a philosophy of the greater good for the greater number while respecting minority rights and needs. For example, if something is not resolved easily start by looking to the future and at the large scale to find common ground. Thinking broadly, almost everyone will want very similar things, including jobs, good schools, low crime, friendly towns, a clean, safe and aesthetic environment, and outdoor recreation. From this common ground and clear sense of social interdependence, you can work toward a solution.

Policy setting also needs to be devised from this same long-term picture. In order to do this it is helpful to encourage healthy giving and taking. Commission meetings should be viewed as healthy arenas for controversy. If the issues are laid out in advance, well formulated, clearly presented, and if sufficient time is available for debate then it is healthy and constructive for all commission members to question, debate,and disagree (Chait 1993). These methods of looking at the greater good and facilitating a healthy debate can help funnel differing opinions into solving a problem most effectively.

SUGGESTIONS FROM THE FIELD: *Developing the Commission*

- Experiences that you have in commission activities—for instance, a fish float trip—create mutual respect and friendship which is a basis for working together as a team.
- Help each other to get to know each other—share bio's, social events, set time aside before meetings.
- Some commissioners come on board with an axe to grind or a personal agenda and spend their time working on this. Then, after time, they see the bigger picture of the role of the commission and become indoctrinated into that culture. Steps such as orientation and open discussion are imperative to helping assimilate this new member into the group quickly and preventing wasted time focused on individual agendas.

> *It is essential that you be a working team. We must operate in that way. There just aren't any choices in that. We can disagree, but we've got to like each other and meet the public as a united force.*
>
> *Anita Gorman, Missouri Conservation Commission*
> *(taken from the video "Voices of Experience: A guide for new commissioners")*

GROUP DYNAMICS 101

The following includes some concepts which explain how groups work together and what influences their success.

GROUP STAGES

All groups go through four recurring stages of development. Understanding these will help speed up the process of working together and explain dynamics which might be taking place. Every time a new commissioner comes on to a commission or board, the dynamic of the group will change and the group will go through the four stages again.

Stage 1: Forming. When a group is forming, members cautiously explore the boundaries of acceptable group behavior. This is a stage of transition from individual to member status.

Stage 2: Storming. After people have become comfortable with each other and turn to the task, there is typically tension or conflict as to what is to be done. What may have seemed clear about the goal and its importance is usually then recognized as unclear and perhaps off-target.

Stage 3: Norming. Reacting to the conflict, the group now turns to building cohesion and the establishing behavioral norms. This often occurs after people recognize that disunity over goal definition and differing styles must be reconciled to build and maintain the group.

Stage 4: Performing. The group has now settled its relationships and expectations. They begin performing, diagnosing, solving problems, and choosing and implementing changes.

Adapted from B. W. Tuckman

TRUST

According to Dr. Sally Angus Guynn of the Management Assistance Team, "*Trust is the single most critically important criteria for success or effectiveness at any level of the agency. It is at the root of everything.*" Trust does not become strong or weak overnight; it has a history. It evolves as the commission and its relationships evolve. Trust can be built, but it requires many little steps. It starts with establishing clarity on roles and determining operating policies. Without these, there is not a foundation for building trust. Once it has been built, it can be maintained by staying within the limits established by the foundation. Unfortunately, one major lapse outweighs dozens of successes.

POWER

Someone has power over another when her actions change their beliefs or behaviors. Members of a commission have several vehicles of power including influencing, advocating, supporting, leading, and communicating. Commissioners have power because of their position. They also have power through their authority to determine policy as granted via state statute. The commission must use this power wisely to get things done, on their own and through others, to fulfill their stewardship role. Poor use of power looks like persuasion or coercion of individuals who are not eager to comply. (Zander 1993)

NORMS AND EXPECTATIONS STATEMENT

One activity that helps commissioners become clearer about their role and prevents recurring differences about what is or is not acceptable behavior is developing a norms and expectations statement. In this document, expectations on behaviors, roles, norms, and ethics are identified and agreed upon. These expectations are often referred to as "ground rules" and should identify what will and will not be tolerated by the team. To do this right requires meaningful discussion, an appropriate time commitment, full attendance by the commission, and open discussion regarding what behaviors are acceptable and unacceptable. It also requires a commitment by the team to follow the document. If it is drafted but not used, it wastes the commission's time and could damage its credibility. From time to time, such as when a new commissioner or director is appointed, the ground rules should be reviewed for additions, deletions, or revisions.

ASK YOURSELF...

- Is the commission willing and committed to developing and implementing a norms and expectation document? Are they willing to put in the necessary time and effort? Are they willing to commit to a series of shorter sessions or several longer sessions?
- Would it be wise to seek the facilitation help from a knowledgeable third party?
- How will differences of opinions and conflict be resolved during the development process and when the document is in effect?
- How can review of and feedback on the document by others close to the commission be gathered and considered (e.g., previous commissioners, agency senior staff, Governor's office, a sample of involved constituents from various viewpoints)?
- How will the "ownership" of the document be ensured? For example, if some of the commissioners do not attend or participate in the discussion, will they be willing to live by it? If attendance is low, should the process continue?
- Were certain important topics avoided because they are considered "taboo?"
- What happens if the commission as a whole or individuals disregard the mutually developed norms? What actions or consequences can or might be taken if commissioners do not comply with the stated expectations?
- How will the document be kept current and relevant?
- What ensures that the document will be used?
- Should such norms and expectations be approved as official policy or considered informal practice? If policy, what processes and/or approvals would be necessary?

CHECKLIST... *Types of Norms and Expectations that Should be Established*

- Attendance
- Participation
- Basic communication courtesies
- Confidentiality
- Assignments
- What it means to be a good member of the commission team
- How the commission will ensure the director fulfills his or her role *and* ensures that the agency staff members fulfill theirs
- How information will be gathered
- How the commission can provide help to constituents
- How the commission will make prudent decisions with respect to trust responsibilities
- How commissioners will follow commission rules and procedures
- How the commission will set the example for high standards of personal behavior
- How each commissioner can serve as a representative of the full commission and the agency
- How this policy will be reviewed
- How this policy will be enforced

ASK YOURSELF... *How well is the commission working as a group?*

- Is the commission divided into permanent camps that war against one another?
- Is there frequent absenteeism or low participation by some commissioners?
- Do commissioners damage their relationships with one another during strong disagreements or hesitate to disagree with each other out of fear of estrangement?
- Do commissioners trust each other?

CASE IN POINT: *Colorado Wildlife Commission: Norms and Expectations Project*

During 1994-1995, the Colorado Wildlife Commission (CWC) contracted with a prominent management consulting firm for an extensive management assessment of the Colorado Division of Wildlife's (CDOW) performance. One of the outcomes of the assessment was the development of a plan to enhance the effectiveness and efficiency of all aspects of the agency's operation. During a meeting between senior agency staff and the CWC, the need to clarify roles, expectations, and authorities of the CWC was discussed. The CWC agreed that this would be useful for both current and future commissioners and CDOW staff.

The Management Assistance Team (MAT) was invited to talk about such a project with the CWC in December, 1995. The CWC decided to have Bob Hays of MAT facilitate a series of two hour discussions at four commission workshops over an eight month period. At the first meeting, Hays presented an outline largely based on a document by the Virginia Game and Inland Fisheries Commission (1994). The CWC decided to use that outline as a framework for discussion. The CWC discussed the outline in depth and tailored it to meet their needs and situation. Over the course of several meetings and months, sections were reorganized, deleted, expanded, and made specific to their mission, requirements, issues, concerns and expectations.

Some of the issues arose from the commission's past experiences. To effectively articulate their concerns and expectations, they discussed how they felt they should handle a variety of specific situations. This resulted in active discussion and critiquing of what had worked and what had caused problems. Examples of the items developed include "make prudent decisions with respect to the commission's trust responsibilities" and "seek the information needed to fill your role. However, avoid lobbying staff and meddling," and "make sincere efforts to attend all commission and appropriate committee meetings and workshops in their entirety."

Although they did not participate, several members of the public listened to some of the discussions. One of the public observers took issue with the discussion item "support publicly the formal actions and position of the commission, even those with which the commissioner respectfully dissents." He wrote a letter to the commission, with copies to several legislators and the Governor, stating the public has a right to hear dissenting opinions and their basis. The commission later clarified that statement to "be clear when you are speaking for the commission (vs. as an individual) and present as official commission decision only the results of formal decisions."

Interviews were recently conducted with five of the eight commissioners seeking their reactions to this document. In general, they said it is valuable to grapple with process and group dynamics rather than focusing on a specific subject. They indicated that learning more about what others expected could also reduce conflict due to unclear expectations. Further, they admitted that while there was some discomfort in getting into examples of specific problems, it seemed to clear the air and give them more confidence in resolving future issues. Some felt the process served as a team building session and strengthened confidence in their ability to work together. They also felt it helped clarify expectations of each other as individuals, the commission as a group, and relationships with staff. (Continued on next page.)

Colorado Wildlife Commission: Norms and Expectations Project (Continued)

In addition, it increased their sense of accountability to each other. There was general concern expressed about the commission's commitment to following through on the stated expectations. Many of the commissioners expressed concern that attendance at the workshops where the expectations were discussed had been rather limited—thus reducing understanding and ownership. Many also said that effectiveness of the document rests on the individual and commission as a whole. It needs to be applied to be useful. Finally, many believed that the document should be discussed annually.

The commission formally adopted its Norms and Expectations document in December, 1996.

DECISION MAKING

What good are we going to do for which people, at what cost?

-Tommy Thomas, State Personnel Office, New Mexico

A commission can greatly increase its operating efficiency by determining a process for effective decision making. Decision-making is often difficult because the commission has a limited amount of time in which to meet and many of the issues they face require extended discussions and in-depth analysis. Having everyone agree upon the decision process (vote, a consensus, etc.) prior to meeting prevents the decision process from becoming part of the issue and speeds resolution.

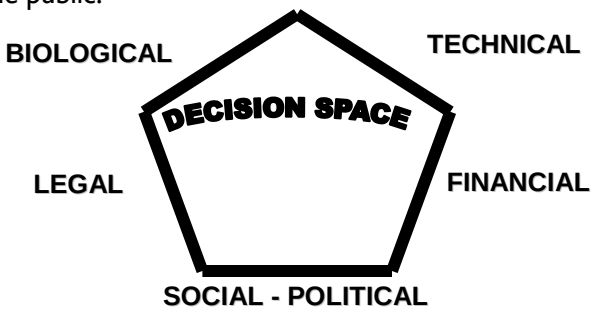
IT'S THE LAW....

In many states it is actually against the law to make most decisions behind closed doors (there are exceptions such as land purchases and personnel matters). To avoid potential lawsuits, the commission should obtain the Attorney General's recommendations for decision-making. (Refer to more information regarding the Open Meeting Law in the "Commission Meeting" part of this section.)

A major part of any decision is understanding how relevant information will be gathered and how this information influences the decision. Commissioners typically ask questions to get pertinent information on a subject. They must also grapple with multiple consideration (i.e., look at political, social, biological, and economic impacts). They need to do this while filtering out their own personal biases. Another type of bias which must be addressed is governance being driven by staff recommendation based on inadequate data. As a result, staff biases and preference are imposed on the public.

The Decision Pentagon (created by Dr. Dwight Guynn of the Management Assistance Team) illustrates how a decision must be made within the constraints of five elements including:

- Financial constraints and impacts. The decision must be affordable for the agency short- and long-term given its financial, personnel, and other resource limitations.
- Legal considerations and ramifications. The decision must be within the authority of the commission or agency.
- Biological impacts and recommendations. The decision must be good for, or at least not harmful to, the long-term interests of wildlife.
- Technical feasibility. The decision must be technically likely to succeed.
- Social and political considerations and impacts. The decision must be easily explained and acceptable to the public.



The commission must attempt to make its decision somewhere within these boundaries. In addition, the commission is the party responsible by state mandate for gathering data about and understanding the political and social impacts of the decision. Agency staff can supply some understanding in this area but typically has the ability to focus only on the other four elements. Therefore, the commission must address this element via public input.

It is important to know if public input is well-informed opinion. If it is not, then public opinion may be calling for a decision outside biological, technical, legal, or financial boundaries or be infeasible. If this is the case, then public information/education (but *not* propaganda) may be required before worthwhile public input can be obtained. Issues of public involvement may benefit from the advice of a specialist. It is not hard to make serious mistakes. A bad decision, or one that you later decide must be reversed, usually costs more than a delay to get it right the first time.

CHECKLIST... *What to Consider When Making a Decision*

- Should we strive for consensus? Should we use a vote?
- Was enough time given for appropriate consideration?
- Has the problem been accurately defined and the alternatives explored?
- Have the impacts of each alternative been predicted and evaluated?
- Are the appropriate decision makers involved in the decision?
- What are the goals and objectives of this decision?
- What is the worst-case scenario and the cause and effects of this decision?
- What are the long-term effects of this decision? (How does this decision impact our mission and the future of the wildlife resource?)
- Are there state-wide or regional impacts which must be considered?

- Have we considered the decision limits—financial, legal, technical, social/political, biological, and economic?
- Was enough data gathered for this decision? Was the data biased or selective?
- Was public comment truly considered in the decision process?
- Do outside experts need to be consulted for this decision?
- Have personal biases been filtered out?
- In summary, are we ready to make this decision?

A decision, once made, should be monitored to (1) determine if the decision-making process should be altered and (2) make any necessary adjustments to the actual decision.

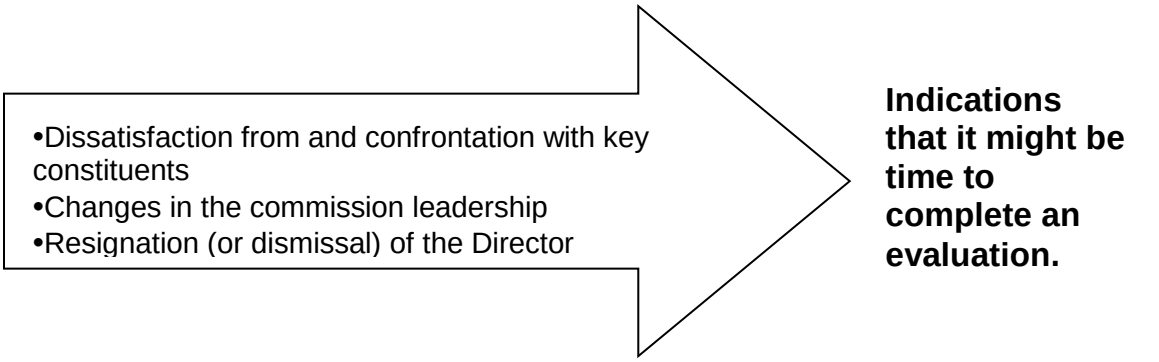
Although commissioners bring varying viewpoints about a decision to the table, once the decision has been made, the commission needs to "speak with one voice" to the public about the decision. (1) Commission statements regarding decisions must be approved by the commission acting formally as a whole; (2) commissioners should not present their own positions to the media rather than stressing the formal position of the commission; (3) commissioners should not lobby for a position different from the formal positions of the commission; and (4) commissioners should indicate when they are speaking for the commission as a whole or when they are stating their own personal viewpoints. It is important to acknowledge and support the will of the majority; Although dissenting opinions cannot and should not be suppressed, they should be clearly labeled as dissenting.

EVALUATING COMMISSION EFFECTIVENESS

Making a (commission) effective requires spelling out its work, setting specific objectives for its performance and contribution, and regularly appraising the board's performance against these objectives.

-Peter Drucker in The Organization

Without question, commissions want to perform well. This, however, requires more than a commitment to good performance; it requires a collective effort from all commissioners to honestly evaluate their ability to fulfill their responsibilities. Commission members must consider ways in which the commission may carry out its business more intentionally in the future so as to provide more effective leadership. Whatever the issue, the commission can identify lessons that enable it to become more effective in the future by analyzing the commission's role in the agency's success or problems (Holland 1997).



Successes also provide occasions for commissions to reflect on what happened and how the commission contributed to the results.

For evaluation data to be useful, the commission must determine which outcomes (what it wants the agency and the commission to accomplish) will be evaluated prior to the evaluation process. Often, these results are hard to discern or to distinguish from the process. However, a focus on and evaluation of outcomes will make a much greater contribution to influencing organizational behavior than an evaluation of process. In other words "*a crude measure of the right thing beats a precise measure of the wrong thing*" (Carver 1990).

The mechanism of the evaluation process is not as important as the intent. The intent should be a serious look at commission performance to determine necessary changes for improvement. A few elements of an effective evaluation process include (1) having a clear performance rubric to judge performance against; (2) conducting evaluations periodically; (3) including an external evaluation; and (4) evaluating each other.

Commissioners can evaluate the commission's performance by individually rating performance on select criteria. Self-assessments like this are valuable; however, they are limited by the frailties of self-perception. Therefore, commissions should participate in periodic external evaluations to solicit viewpoints of others close to the governance process, including the public (especially members who have worked with the commission and observed its meetings, select members of the agency, constituent group leaders, the governor, and members of the legislature). Given limited commissioner time and the desirability to get full and honest feedback, it may be wise to put the evaluation in the hands of a neutral outside specialist. A request to solicit feedback could be announced in meeting notes, a press release, or a heartfelt letter from the commission. The feedback might come in the form of letters, a forum discussion, questionnaires, or report cards. Critical self-

review demonstrates the commission's seriousness in meeting its responsibilities and sets an example for the staff.

Once the evaluation process is determined, it should be adopted as policy. An important part of any evaluation can be the creation, by the commission, of a "report to the stakeholders" about objectives the commission sets and its progress on meeting them. This report can be included in agency reports, but a separate document for the commission provides the needed focus on Governance.

PROCESS: *Topics for Evaluation*

- Ability to accomplish outcomes (results).
- Ability to fulfill stewardship role.
- Ability to meet constituent expectations.
- Commission/agency relationship.
- Individual commissioner performance. (Feedback to individual members should discuss how others view their performance, attendance, and participation.)
- Effectiveness of meetings. (Was time used wisely or was it squandered on low priority issues?)
- Ability of commission to provide direction for the agency through policy (versus providing direction by meddling in operations).
- Communication methods for giving and receiving information.
- The director evaluation process.
- Competent completion of commission activities.
- Efficiency as well as effectiveness should be measured.

Once evaluation data is gathered, the commission should devote time to comparing and discussing results, determining how to improve performance, and making necessary changes. It is important to recognize that undertaking change may not be appropriate or necessary if the commission or the agency has recently undertaken substantial changes, leaving little time or resiliency to address any further changes.

The commission must look at itself first, evaluating the many areas in which it functions. In addition to evaluating itself as a commission, it is also involved in other types of evaluations outlined in the guidebook such as:

- Individual Role Assessment - Section 4 "The Role of the Commissioner"
- Director Evaluation - Section 7 "The Director"
- Monitoring Agency Performance - Section 11 "Monitoring Agency Performance"

ADDITIONAL RESOURCES

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Scholtes, Peter R., Brian L. Joiner, and Barbara J. Streibel, *The Team Handbook, How to Use Teams to Improve Quality*, Second edition, Joiner Associates, Inc., Madison WI. 1988, (800) 669-8236.

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SECTION 10

The Political Arena

Section Contents

10. THE POLITICAL ARENA

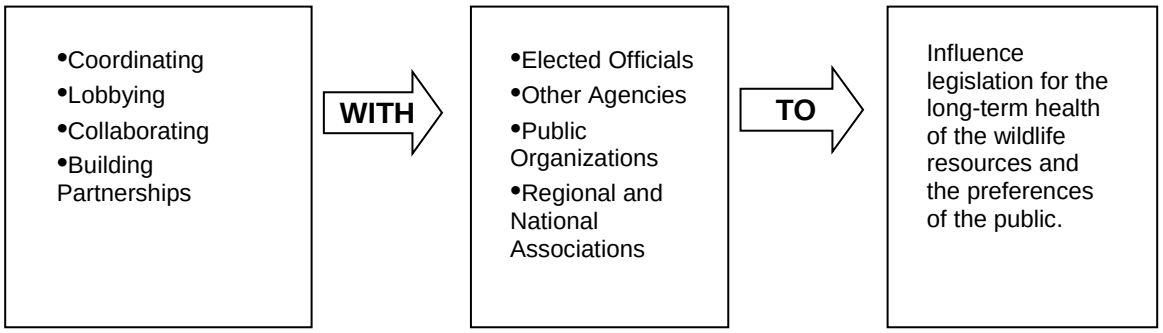
Each commissioner has his or her own views on how the legislative process works. But only through participation in the process can individuals learn more about the specific procedures involved and associated frustrations, opportunities, and successes. Active participation in the legislative process is essential to prevent an enactment of proposals adverse to sound management of natural resources and to enact measures required to strengthen management of fish and wildlife in the best interest of the resource base and people.

Larry Jahn, former Chairman of Board,
Virginia Department of Game and Inland Fisheries

KEY POINTS

- To become involved in legislative affairs, a commission must clearly understand the procedural framework within which the commission and individual commissions can pursue legislative initiatives.
- The commission can formally and informally act as a liaison for the agency to influence legislative proposals by promoting agency goals and needs or running interference (being a buffer) for the agency.
- Legislative involvement should be planned and scheduled well in advance. Avoid last minute or desperate efforts whenever possible.

Legislative Activities Include



To Customize for Your State

Include specific details on the laws and regulations which affect the commission's ability to become involved in legislative activities. Also include available information on legislative contacts, associations, public organizations, etc.

WHY COMMISSIONS BECOME INVOLVED IN THE POLITICAL ARENA

Public commissions are formed so that the public voice is considered in governmental decisions. In fact, commissioners are typically in place *because* they have connections in the political arena in their individual states. However, it is common for agencies to underutilize commissioners in legislative activities because many fish and wildlife agencies have a tendency to overlook or shy away from commissioner connections. Whether it be influencing legislation and appropriations, campaigning for or against a ballot initiative or referendum, encouraging formation of a coalition for support on an issue, or coordinating with adjacent states, the contacts and standing of the commissioners should be used to their full advantage when appropriate.

CHECKLIST...*Governmental Bodies You Might Work With*

- State Legislature
- City Governments
- County Commission
- Zoning Board
- Governor

Actions of the legislature and governor's office impact agency management through (1) legislative proposals or laws initiated in the legislature or from the public and through (2) financial and staff resource allocations. Anything of concern to a member of the public may become a subject of concern to a member of the legislature or governor's office. Few elected officials have a primary agenda involving fish and wildlife, but many develop one under constituent pressure or personal experience with the agency's representatives. The agency benefits when commissioners can influence these agendas such that they become consistent with the agency's mission and broad public needs and benefits.

Even agencies with considerable autonomy need to maintain positive relations with legislators, the governor, and key advisors. For instance, most agencies must receive legislative or gubernatorial approval or authorization for budgets and additional staff. In addition, legislators or governors can "change the rules" which might result in the loss of agency authority.

Legislative impact on the agency is becoming greater as more public factions become involved. New laws are proposed or enacted that work toward the advantage or disadvantage of the natural resources, the agency, or both. The commission, through formal or informal methods, can act as a liaison for the agency to influence legislative proposals by either promoting agency goals or providing a buffer for the agency. These efforts perpetuate continuity needed for management programs and thus benefit the natural resources and the public.

ASK YOURSELF...

- What are the director's and the governor's expectations regarding the commission's involvement in legislative activities?
- How well does the commission and staff work together on legislation?
- How can the commission better fulfill its state legislative role?
- Are there national issues and proposals the commission should be involved in?
- What can be done to anticipate actions of the state legislature?

HOW TO BECOME INVOLVED IN LEGISLATIVE ACTIVITIES

To become involved in legislative activities, a commissioner must define his or her role. The first step is learning the procedural framework within which the commission and individual commissioners can pursue these activities. Appropriate commission involvement in legislative activities will depend on legal restrictions such as state laws pertaining to lobbying and both the governor's and the director's comfort level with commission involvement. In addition, norms should be set by the commission addressing activities such as taking official stands, working with contacts, lobbying for a cause, handling differences of opinions and coordinating efforts. Once these have been defined, the commissioner could become involved in the process by:

- Identifying with the state's administrators (e.g., Governor, Secretary of Natural Resources, and others) and the director the items which require legislative attention to ensure that trustee responsibilities are satisfied for fish and wildlife populations and habitats, and that public needs and benefits are met;
- Monitoring emerging issues and focusing attention on relevant issues in the state;
- Enlisting a large network of advocates such as outdoor recreational organizations, businesses, chambers of commerce, and knowledgeable individuals to focus on timely proposals and issues; and
- Ensuring the commission is aware of priorities and messages to be delivered at critical times in the legislative process.

FYI... *Legal Definitions*

- **Ballot Measure** - A proposed law (i.e., initiative or referendum) which is voted on by the people.
- **Initiative** - Procedure which allows citizens to create a new law via a ballot measure.
- **Judicial Decision** - A court decision on a case which clarifies or interprets a law.
- **Mandate** - An authoritative order or command which gives official direction for an agency's responsibilities and authority.
- **Referendum** - Procedure which allows the legislature to put a law to the vote of the people.
- **Statute** - An established rule or law; a law passed by a legislative body and set forth in a formal document.

Once commissioners are clear on their role, a plan should be developed which identifies methods of involvement. Some possible activities for involvement with legislators, and legislative affairs include:

- Supporting or sponsoring informal receptions by conservation and natural resource management organizations for commissioners, legislators, and advocates.
- Scheduling public round table meetings for commissioners and legislators at a location in or near the capital to facilitate attendance of busy legislators.

- Holding public commission meetings on key proposals or issues and invite legislators to participate. This will provide legislators with opportunities to learn how interested parties feel about the proposal or issue.
- Participating in agency associations such as the Association of Fish and Wildlife Agencies (AFWA) and similar regional associations to learn about legislative affairs from other states, build relationships which may be needed later to coordinate joint-state or national activities, and identify potential contacts who may be able to provide future assistance in state legislative activities.

For legislative activities to receive adequate attention, considerable planning, a specified strategy, a devoted commission, agency energy, and an allocation of time are all required.

CHECKLIST... *Tips for Effective Legislative Involvement*

- Clarify the commission's role with the Governor's Office and Attorney General's Office. Most states have laws regulating lobbying, open meetings, etc.
- Become involved early in the process. Avoid last minute, desperate efforts whenever possible. Early participation develops understanding and effective working relationships.
- Be specific with cooperating advocates, and others regarding the message, response sought, and timing of communication with key contacts.
- Ask the agency to provide the commissioners and cooperators with bulleted fact sheets for use in making contacts.
- Stay periodically updated as the legislative process proceeds. Make certain results of contributions are known.

CHECKLIST... *Build a Strategy for Legislative Activities*

- **Start with a commitment to the truth**. No one loses support faster than someone suspected of lying, withholding part of the truth, telling a misleading half-truth, or intentionally maintaining ignorance to duck an issue.
- **Be proactive.** Scan the horizon for emerging issues or high priority legislative or administrative goals and develop a plan of action to address the most important of these.
- **Encourage diverse coalitions for support**. Typically, successful legislative efforts hinge on the work and support of coalitions of diverse interest groups, including nontraditional supporters.
- **Listen to the public.** Provide and encourage opportunities for various constituents to speak up. Listening sessions are helpful. Measure public support with tools similar to those used in tracking campaign poll data.
- **Develop goal setting processes that involve the public and legislators.** Openness and integrity of this process must be above reproach. Members of the public have the right to be heard during the goal-setting process. This, however does not give them the right to prevail but to be understood, told the final decision, told why the final decision was made, and how all the input was used. Legislators and the governor should be involved in providing input on the goal setting process but not asked to set the goals. After public preference and support is established, ask the legislature and governor to endorse and support the goals.
- **Continue to inform the public and the legislature about goals and progress toward them.** This requires that a monitoring process be in place. Once data is gathered, trumpet successes and laud contributing partners.

- **Be proactive in moving toward a resolution in the face of conflict (e.g., on proposed legislation or within the commission itself).** The commission can help resolve conflict by hosting events designed to present facts as currently understood (including full airing of all sides of an interest) and in-depth discussions of the alternatives.
- **Stay connected**. Commissioners are appointed because they are already connected to important elected officials. Maintain and extend those links.

CASE IN POINT: *Meeting Ballot Measures*

Get to know your publics and *work* with them—not just during a ballot measure (initiative or referendum) but all the time. These are two of several key ingredients for successfully meeting ballot measures, as identified by John McGlenn of the Washington Fish and Wildlife Commission (since 1987) and Beth Woodin of the Arizona Game and Fish Commission (1990-1995). In discussions concerning their experiences with ballot measures on trapping, "takings" (of private property), commission restructuring, and commission authority, McGlenn and Woodin identified several key points for successful work in this area.

1. Determine your latitude for action.

Most states have laws limiting participation in election campaigning by public bodies and officials. Furthermore, your group's political ability to officially support a particular position may be influenced by the governor's stance on the issue and preferences about your official involvement.

If your group is *not* limited in its degree of participation, all of the following activities can be considered. If for any reason your group *is* limited, you can still take actions such as helping form coalitions or using techniques that raise the level of debate and give an issue wide exposure.

2. Form diverse coalitions for support.

Successful ballot measures in both Washington and Arizona hinged on the work and support of coalitions comprised of diverse interest groups, including nontraditional supporters such as the Audubon Society. The commissioners suggest getting to know people on all sides of an issue and then forming focus groups in which those diverse interests work together. This will help them develop new relationships based on mutual understanding of each other's activities and values.

3. Listen to your publics.

Provide opportunities for and encourage your publics to speak up. In Arizona, the commission included a public forum in the agenda at a regularly scheduled meeting to let citizens speak on two ballot issues. The commission did not vote or take a stand during the forum as they felt a ballot issue should be decided by the voters. Instead, commissioners shared their own views only after the public comments were completed. The commission made sure they "got the word out" about the meeting to all potential interests. As a follow up, they made a transcript of public comments given during the meeting.

In addition to the issue-specific forums, the Arizona commission makes it a habit to try to get to know its publics through two annual events: a "Meet the Commission" session in Phoenix and a "Conservation Workshop" in the field. Both of these are opportunities for informal two-way communications and information sharing.

Both the Washington and Arizona commissions find public attitude and trends polls to be helpful in better understanding their publics.

Continued on Next Page

CASE IN POINT: ***Meeting Ballot Measures (Continued)***

4. Organize the campaign and contract with a campaign consultant.

In most states an independent campaign organization must be formed to manage funds. When the Washington legislature initiated a referendum that the traditional hunting and fishing groups supported, but the majority of citizens did not understand, the commission found the assistance of a campaign consultant essential to the referendum's passage. The consultant was hired to manage the whole project from purchasing advertising to monitoring public sentiment to attending newspaper editorial board meetings. When selecting a consultant, the Washington commission felt it was important to find someone who was philosophically supportive of the issue and understanding of the citizenry.

5. Raise money early.

A successful campaign is not cheap. Washington and Arizona commissioners found it can cost from $50,000 to $150,000 for a modest campaign effort. Further, early planning and early financial commitment is essential. The sooner you raise the money, the sooner you can get your message out through brochures, fliers, advertising, and television and radio ads. Actively seek pledges, donations, and partnerships from the start. For one ballot issue in Arizona, the Wildlife Legislative Fund was of considerable assistance. Ad hoc citizens' groups have been key organizers and fund raisers for Arizona ballot measures.

6. Run an active public relations campaign.

Get your message out to the public. Effectively use appropriate media such as radio, television, newspapers, print brochures and flyers; volunteers who talk up the issues; and public forums. Your message must be heard and seen. For one ballot initiative, Washington even had people waving signs on the freeways and at football games to build momentum to carry the campaign.

7. Persuade elected officials.

It is important to remember that elected representatives are crucial members of the public. Discuss the issue with them in depth. The Washington commission found this effort to be critical for drafting a referendum that defined the commission's authority. The Arizona commission holds an annual reception for the legislators at the state's capitol during a session opening; the reception has been helpful.

8. Build and earn broad-based support.

Successful ballot measure battles are fought and won by constituents. So, the real secret to a commission's continued existence and success is this: as you carry out your public trust responsibilities in wildlife management, you must establish and maintain strong relationships with, and earn support from, a broad-based, diverse constituency of wildlife interests.

ADDITIONAL RESOURCES

Review periodicals such as:

- Human Dimensions of Wildlife, Society and Natural Resources
- Reviews in Fisheries Science
- Journal of International Wildlife Law and Policy
- "The Wildlifer" of the Wildlife Society
- National Audubon Society materials

Become involved in associations such as:

- The Association of Fish and Wildlife Agencies (AFWA)

The Association serves its members and resource conservation through its watchdog role and constant presence in Washington, D.C. It also provides opportunity to form national and international partnerships with organizations sharing common goals and offers the unique opportunity for state directors to broaden their perspectives on resource issues.

The AFWA is composed of agencies, organizations and individuals engaged in the conservation of fish and wildlife resources in Canada, Mexico and the United States. Its objectives are to cultivate friendly relations and mutual understanding among officials engaged in natural resources conservation and to coordinate the programs they administer; to promote public understanding and appreciation of the importance of conserving natural resources; and to encourage the rational management of fish and wildlife resources.

To learn more about AFWA:

Association of Fish and Wildlife Agencies
444 N. Capital Street N. W. Suite 725
Washington D.C. 20001
Main Number 202-624-7890
Fax Number 202-624-7891
http://www.fishwildlife.org/

- **The Commissioners' Committee**

To learn more about the Commissioners' Committee:

Mike Golightly
3900 East Huntington Drive
Flagstaff, AZ 86004
(928) 526-1945
mgolight@earthlink.net

FYI... ***There are some very helpful and interesting information about legislative activity on the Internet.***

- Cornell University Law School provides links to many state statutes on-line (on the Internet). There is also legislative information on current bills and state constitutional information. Many State statutes have word search capabilities to help you find what you need. If Cornell does not list the state you need, do a search on the state government you are looking for and they have on-line statutes there (Virginia is like this). Find Cornell Law School at:

  www.law.cornell.edu

- Association of Fish and Wildlife Agencies Home Page

  http://www.fishwildlife.org/

- *High Country News* Home Page. This is a regional newspaper concern with natural resources issues.

  www.hcn.org

- U.S. Fish and Wildlife Service Home Page

  www.fws.gov

- (Formerly the Wildlife Legislative Fund of America Home Page, this now will direct you to the *Sportsmen's Alliance website*. This site has interesting summaries of current ballot initiatives for most states.

  www.wlfa.org

- *Internet Law Library*. This site has compilation of state, Federal, and international laws.

  http://www.lawguru.com/index.php

- *Teaming With Wildlife*. A cooperative effort between state fish and wildlife agencies, state parks, and the customers and businesses of the outdoors, teaming with Wildlife will provide much needed funding for every state to implement important conservation strategies and to provide greater recreational and education opportunities for millions of Americans.

  www.teaming.com

SECTION 11

Monitoring Agency Performance

Section Contents

11. MONITORING AGENCY PERFORMANCE

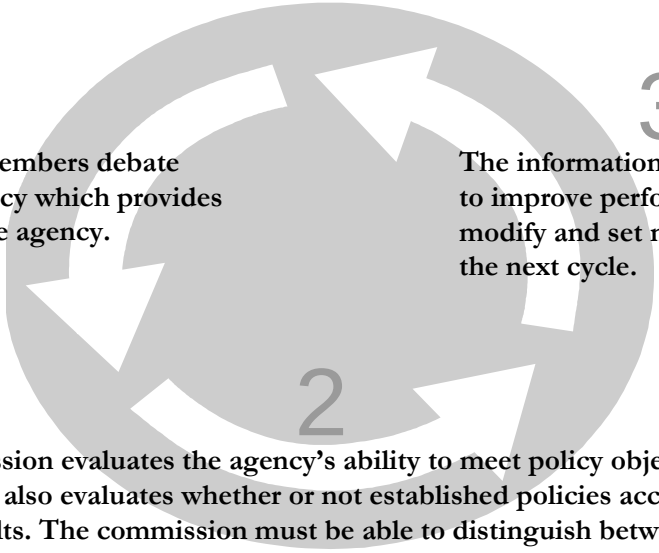
Although [commissioners] must recognize and respect the boundary between monitoring management and actually managing the [agency], not asking the tough questions for fear of appearing to meddle can in the long term cause harm.

Jay Lorsch in Empowering the Board (Harvard Business Review)

KEY POINTS

- The commission monitors agency performance to gauge whether previous commission directions have been fulfilled, to improve effectiveness of the agency, to recognize accomplishments, to detect problems at an early stage, and to determine if the agency effectively performs its mandated responsibilities.
- The commission focuses on evaluating outcomes, while the director focuses on evaluating means.
- The agency should look at qualitative as well as quantitative measures of agency performance.

EVALUATION CYCLE



1

Commission members debate and decide policy which provides direction for the agency.

2

The commission evaluates the agency's ability to meet policy objectives. The commission also evaluates whether or not established policies accomplish desired results. The commission must be able to distinguish between inappropriate or ineffective policies and the agency's inability to meet policy expectations.

3

The information gathered is used to improve performance, and to modify and set new criteria for the next cycle.

To Customize for Your State

Include a copy of current evaluation forms, past evaluation results, and a list of the evaluation tools available.

WHY MONITOR AGENCY PERFORMANCE?

One element of the commission's accountability to the public is to gather, analyze, and disseminate performance information where appropriate. To do this, the commission must be knowledgeable about the agency's ability to effectively perform its mandated responsibilities of protecting the resource, providing recreation, and practicing responsible and flexible management. Gathering information for monitoring is not meddling when it is used to (1) gauge whether previous commission directions have been satisfied; (2) improve effectiveness of the agency; (3) recognize accomplishments; and (4) detect problems at an early stage. Actually, evaluation is the best way to learn from both success and failure. It helps determine if agency programs have produced results and if policies were effective in meeting their objectives. The public is beginning to hold agencies accountable less for **inputs, means, and outputs** (e.g., access ramps built, number of fish stocked, and endangered species research) and more for **outcomes, results or differences made** (e.g., increase in boater use days, angler satisfaction, and restored endangered species.) Therefore, the commission needs to focus on evaluating outcomes and not means. The director will obviously focus on evaluating both, but she is the one responsible for evaluating and adjusting the means.

ADOPT POLICY... *Policies on Monitoring Agency Performance Address:*

- How the commission will gather, interpret, and respond to evaluation data.
- How often the commission will participate in performance monitoring.

CHECKLIST… *Questions to Answer when Monitoring Performance:*

- Were proposed programs and services consistent with the agency's mission and mandate?
- Did the policies, programs, and quality of service provided by the agency meet the needs of all the constituency in the public?
- Is the agency "organizationally" healthy?
- Does the staff stay within the executive limitations of being prudent and ethical?
- What are the current issues facing the agency?
- Does the agency effectively gather its own assessment data? Does it have a systematic process to learn from experience, seek outside peer review, perform management review on quality programs, and then incorporate that learning into operations?
- Did the agency effectively perform its general function under its mandate?

POINTS TO REMEMBER

The commission, with the help of the Director, should determine the outcomes it will evaluate prior to the evaluation process. It should also determine the information it will require to complete the evaluation. This information must provide a concise but comprehensive overview of the agency's performance.

The commission may utilize many tools to obtain performance information. These resources include an executive report from the director, a public survey, an external audit, a biological survey, a report from the state administrative office, an employee morale survey, a direct inspection, an outside performance review, a rigorous survey by a social scientist, or a compilation report of public complaints. In addition to these tools, there are also important sources of information which can be used in the evaluation process which lie outside the agency—information found at universities, through constituent groups, or at other agencies.

It is important that commissioners resist the urge to monitor at too narrow a level (due to specific interests, etc.) The commission should evaluate at the policy level only. It should be evaluating outcomes and not determining "how it should have been done." It should use findings in the evaluation process to ask the agency to explore different or better ways of accomplishing outcomes versus dictating methods for accomplishing the outcomes.

Monitoring performance is a continuous cycle. Feedback from the evaluation influences future policy and the criteria for evaluations that will be used later. Lack of time, independent information, and familiarity with resource management cannot be used as an excuse for failure to periodically pull this information together and conduct an appraisal. The monitoring process should become part of the annual agenda and budget.

When using goals as yardsticks to evaluate staff performance, commissioners should keep in mind that goals are simply targets of achievement. Such targets are subject to external influences and therefore may not be fully achieved. In addition, policies might be found to have serious shortcomings. A commission cannot hold a director accountable for performance on a policy as it should have been. If a policy is weak or has unintended results, it should be addressed upon discovery. To minimize or prevent unintended results, the quarterly agenda might include time to evaluate policies to see if they are still valid and/or need adjustments.

ASK YOURSELF... *What is the Best Method for Gathering Data?*

- How can the commission and staff monitor constituent satisfaction in a consistent, cost-effective, and reliable manner?
- How should information be used to make improvements or change policies and priorities?
- How can we ensure that only significant concerns or larger trends are considered?
- How can policy and program revisions be determined and rapidly implemented throughout the commission and agency?
- Does the gathered data reflect the opinions of a wide range of stakeholders?

INDICATORS OF AGENCY PERFORMANCE

Much of the data provided for monitoring performance will be quantitative or numerical measures showing progress on goals (e.g., customer satisfaction or population health). As important, the commission can obtain insight into performance by looking at qualitative indicators of agency performance. This requires observing the agency, talking or listening to customers, talking or listening to staff, and seeking outside viewpoints. Every commission will monitor differently depending upon its mandate, its policies, and the health of its agency. However, following are some of the qualitative indicators the commission might look for to determine success and identify areas in need of further consideration.

POSITIVE INDICATORS

- The agency has good cooperative strategies with other land management agencies.
- A periodic director's report of the state of the resources, recreation, and progress focuses around previously mandated goals.
- The agency regularly releases internal information such as strategic plans, operational plans, and budgets which are not confidential under freedom of information laws.
- The number of licenses issued is driven by resource biology needs and public satisfaction demands for quality recreation rather than by the need for funds.
- Programs are evaluated for cost effectiveness in producing results.
- Queries about where the money went (or is to go) can be answered to the satisfaction of the public, legislators, or the governor's staff.
- Budgets are developed by pricing the costs of delivering outcomes derived from agency goals.
- There is a high level of trust in the agency by involved public members.
- Staff gathers information about customer preference and satisfaction.
- Personnel evaluations and incentives are driven by effectiveness in delivering results within managerial constraints.
- There is low staff turnover.
- There is high staff morale.
- Staff participate in agency decision-making.
- Staff members anticipate and respond to change.
- Conservation officers are evaluated on their publics rate of compliance with laws and regulations and not on catching violators.
- Agency biologists can explain or predict long-term changes in primary managed species.
- Equipment breakdowns are minimal and readiness levels are high.
- Employee or applicant grievances and lawsuits are infrequent.

INDICATORS (SYMPTOMS) OF A POSSIBLE NEED FOR POLICY DEVELOPMENT

- There are frequent deep conflicts with other natural resource agencies about resource management.
- Businesses involved with or impacted by fish and wildlife turn to others (e.g., the legislature, governor, courts) on their issues, rather than the commission or agency.
- Severe or increasing constraints or oversights are imposed by the legislature or governor.
- Other leaders in the executive and legislative branch claim the agency is out of control.
- There is an increasing disparity between resident and non-resident license fees.
- Funds from one program or species are perpetually used to subsidize the operations of another.
- Authorized funds (e.g., federal aid) for education, ranges, and boating access are spent disproportionately on trophy species and access for the purist anglers and hunters.
- The public complains about its inability to learn what goes on in the agency.
- Lawsuits are commonly filed by upset constituents.
- The public complains that it cannot understand regulations.
- There are frequent complaints from the public about conservation officers being heavy-handed and unreasonable.
- The director or staff members are the subject of criminal investigations.
- There are frequent charges that confiscations of the property of accused perpetrators involves a conflict of interest or does not include due process.
- The director or the staff is criticized in the press for violations of the public's expectations for professionalism and personal conduct.
- There are promotion and hiring grievances based on lack of fairness or objectivity.
- There is a low expenditure on training.
- The number of staff members punished or embarrassed by management is greater than the number rewarded or applauded.
- The staff is deeply split over agency positions such as resource management policies or priorities.
- Staff members publicly undercut or lobby against agency official positions.
- There is little change in agency operations such as exploiting technology.
- Biologists' descriptions of the state of the resource are often wrong or not believed.
- Unscientific observations and opinions from the public determine final decisions more than scientifically-based ones, or agency biologists' opinions are believed over public observations, even when the biologists have no data.
- The agency's recommended rules and limits on taking are very complex, divide the land up finely, change a lot from year to year, never change, or appear to depend on which biologist is making the recommendation.

SECTION 12

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SECTION 13

Additional Resources

Section Contents

13. Additional Resources

I know I said give it to me in 10 pages or less, but now I want the plot summary of 'War and Peace' in 25 words or less.

Ascribed to Cecil B. DeMille, on the art of abstracting information.

KEY POINTS:

- Short of taking speed reading classes or learning to live with sleep deprivation, new commissioners need to learn how to digest massive amounts of information quickly and efficiently.
- This section contains a list of general references for commissions for those who would like to research this subject further as well as expanded material on some topics that have been previously addressed in other sections.
- For more information on the Commissions' and Boards' Project, the Management Assistance Team, workshops focused on topics discussed in the guidebook or products developed for commissions and boards, please contact:

  The Management Assistance Team
  689 Conservation Way
  Shepherdstown, WV 25443
  Telephone Number: (304) 876-7988
  Fax Number: (304) 876-7377

GENERAL REFERENCES FOR COMMISSIONS

The list of books and articles that follows represents the best of the best references for accelerating the learning curve of becoming a new commissioner.

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COMMISSION AND BOARD ORGANIZATIONAL MODELS

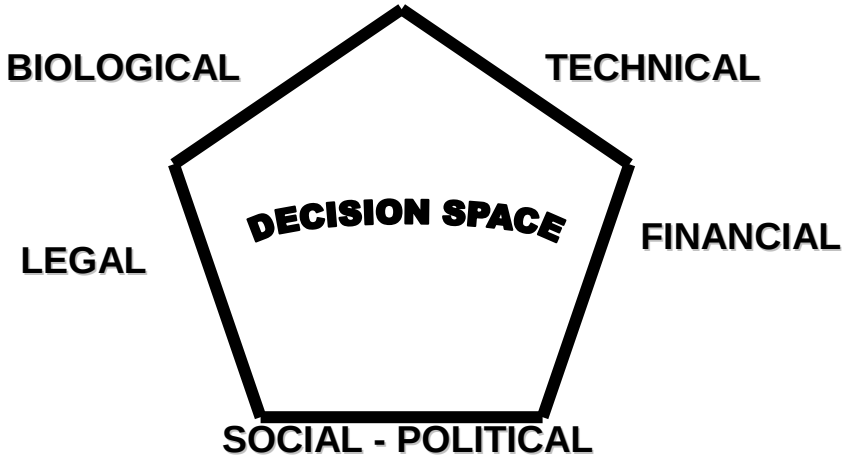
Commissioners and directors should be circumspect in application of materials presented in this guidebook because of the wide variety of structures and authorities. This guidebook focuses on the commissions under the full-authority model; however, many of the concepts discussed are general in nature and may have applications to commissions fitting other models. Regardless of the level of authority, each commission can use the material in this guidebook to develop its own methods for appraising and improving its work in light of suggestions offered here.

Overview - Commission Authority Models

	Director Hiring Authority	Budget Oversight	Policy Oversight
Full-Authority Model	Yes	Yes	Yes
Limited-Authority Model	Possibly	Possibly	Yes
Policy-Setting Authority Only	No	Limited or No	Yes
No Citizen Commission	NA	NA	NA

THE DECISION PENTAGON

Decisions made by a public fish and wildlife agency are made within a five-sided decision space. It could be thought of as a decision pentagon. This space is bounded by legal boundaries (does the agency have the authority for doing this, is it constitutional, does it meet national environmental policy act regulations [NEPA], etc.). he second boundary is the biological boundary (maximum sustained yield, minimum viable population, etc.). The third boundary is the technical boundary (can't use a 5 lb. radio collar on a hummingbird). The fourth boundary is the financial boundary (can we afford it, etc.).The fifth boundary is the socio-political boundary (is this acceptable to our publics, etc.)



Commissions rely on the agency staff to provide the biological and technical boundary information. Commission policy guides financial and legal constraints for decisions. Often the socio-political boundaries are toughest. Usually agency staff emphasize the boundary that is closest to their area of expertise (financial for accountants, biological for biologists, legal for lawyers).

Socio-political boundaries are just as hard and binding as biological boundaries but this doesn't mean that biologists or other professionals should abdicate their professional responsibilities and just put decisions up to a vote!

Instead, it is the professional staff's (and somewhat the commission's) responsibility to make sure that all publics know and understand the other four boundaries so that the public can make informed choices when communicating with the commission about setting the socio-political boundary.

The fish and wildlife agency professional must not succumb to setting the socio-political boundary for their publics. The agency and the commission must make sure the publics and all agency personnel understand the separate roles of the publics and the professionals in establishing the decision space and then the publics have the right to make informed decisions about their resources! Citizen participation is the process used by the agency professionals to insure a fair decision made by an informed public.

Dwight E. Guynn, Ph.D., AFWA Management Assistance Team, Shepherdstown, WV.

Adapted from: 1992, USDA, Forest Service, Public Participation handbook, Part III User's Guide, Page 2, U.S. Govt. Printing Office, 1992/674-240, 170 pp.

AGENCY EFFECTIVENESS

Commissions need to focus on understanding the characteristics of effective commissions in order to incorporate those characteristics or activities into their own system. At the same time, they must also understand what leads to agency effectiveness.

The following list highlights eight criteria for effective agencies as identified by Steve MuMullin et. al. (1993).

Criteria for an Effective Wildlife Agency

1. **Proactive Stance on Issues** – Agencies are constantly looking ahead to anticipate issues and are regional and national leaders in dealing with wildlife issues.
2. **Closeness to Citizens** – Agencies use a variety of public involvement and marketing techniques to listen to the public, understand their desires, and involve them in making decisions. Agency personnel are accessible; open to input, and responsive.
3. **Autonomy and Empowerment** – Agencies empower employees to make decisions and try new ideas without fear of punishment for failures. Employees have wide latitude to do their jobs their way. More serious problems are addressed by teams representing a cross-section of the agency
4. **Valued Employees** – Employees are the agency's most valued resource. The agency is committed to the personal development of employees.
5. **Missionary Zeal** – Agency and employee personal missions are highly congruent. Agencies are good planners with well defined missions, goals, and objectives.
6. **Biological Base** – Agency credibility is based upon balancing biology and public opinion, but the bottom line of keeping its trust responsibilities first is always maintained.
7. **Stable, Respected, Enlightened Leadership** – Agencies are lead by the experienced wildlife professionals with sound people management skills. The agency's structure is decentralized with participative decision-making. It utilizes the delegation of authority, but leaders intervene when necessary.
8. **Political/Nonpolitical** – Agencies have strong public support and are effective in mobilizing it to support or oppose policies. Decision-making processes are open, equitable, and responsive to the public. A biological basis for decisions contributes to a nonpolitical image.

McMullin, S., S. Amend, and L. Nielsen. 1993. Management effectiveness in state fish and wildlife agencies. Management Series no. 9. Dept. Fisheries and Wildlife. Sci. VA Polytechnic Inst. and St. Univ. Blacksburg, VA. 36pp.

The commission has a role in setting policies that relate to effectiveness. While missionary zeal cannot be mandated through policy, there can be policies that relate to practice of the other seven items listed above.

Another way to look at effectiveness is as follows: agency effectiveness is the culmination of the interactions of all the parts of the agency and the commission. Chuck Noll, former Pittsburg Steelers coach, said, *"The whole is never the sum of its parts — it's greater or lesser, depending on how well the individuals work together."*

The Four Roles of Leadership

The FranklinCovey Company describes four roles of leadership as part of their organizational effectiveness model: 1) Pathfinding, 2) Aligning, 3) Empowering, and 4) Modeling.

Pathfinding – involves first determining what constituents desire and need from the agency (outcomes). The second step consists of developing the mission, vision and values for the agency that focus on providing services and products to meet those constituent needs. The determination of what services and products are desired by constituents and what the agency should be producing is usually the responsibility of the commission. The agency does staff work to poll constituents, survey their needs and desires and help determine the relative tradeoffs between conflicting demands; however the commission usually has the ultimate responsibility for this decision. Once this decision is made, then the agency has the responsibility to develop strategies to achieve the production of goods and services (outcomes) desired by the publics. The strategy decisions can be technical in nature and are often determined by the agency director and his staff, but within any guidelines set by the commission.

This Pathfinding role for agency effectiveness is often documented in an agency strategic plan that states mission, vision, values, goals, objectives, strategies, etc. Another major role of the commission in this process is to review the objectives (amount of outcomes) to be achieved and the costs projected to achieve or maintain each objective. The commission is usually responsible for determining the costs versus the benefit for the objectives. Since many objectives are qualitative instead of quantitative this can be a subjective assessment but still a necessary one. The commission usually makes these judgment calls when reviewing agency budgets and the products and services to be produced to insure the constituents are getting a good return for the dollars expended by the agency.

Aligning – this is the process of aligning the parts of the agency to most effectively produce the desired outcomes and is the purview of the director who is responsible for the operation of the agency. There are six major parts of the agency the director must align: 1) Work processes, 2) Reward systems — both positive and negative rewards, 3) Information systems, 4) Structure, 5) Getting the right people in the right jobs, and 6) Development and training systems. If these six parts of the agency are not aligned to produce the desired end results (outcomes) then no amount of exhortation or written strategic directives will produce those desired outcomes.

Empowering – refers to creating the environment for employees at all levels to perform at their best. This is mainly the purview of the director again as the director is responsible for management of employees. Empowering includes enabling others and being extremely clear about expectations and sideboards for employees to do their jobs.

The commission's role in empowerment is to focus on empowering the director by having policies that are clear and enable the director while specifying the sideboards for actions the director may take.

Modeling – is the responsibility of both the commission and the director. Once priorities and direction are set and the mission, vision, and values are clarified then the director and the commissioners should model their behavior to represent those decisions. Nothing is more confusing to agency employees that to be told one thing and then see those above them not "walking the talk."

FranklinCovey Co. 1999. The 4 roles of leadership. Participant manual. FranklinCovey Co. Ogden, UT 84406. 108pp.

Section 14

Your State

14. Your State