

CAFO Improvement Fund Committee

Operating Procedures (By-Laws)

Article I – Authority for Creation and Purpose

Creation of the CAFO Improvement Fund Committee (IFC) is authorized pursuant to Idaho Code § 39-3628B. The term for which the IFC shall exist is perpetual or until dissolved by the Director of the Idaho Department of Environmental Quality (Department) or enactment of the Idaho State Legislature.

The IFC is created to provide direction to the Department regarding expenditures of monies appropriated to the CAFO Improvement Fund. This fund is a statewide grant program intended to support implementation of environmental improvements on confined animal feeding operations related to by-product, waste, nutrient, and water management; application and storage systems; energy-efficiency projected related to processing of livestock by-products and waste; and renewable energy project using livestock by-products or waste as feedstock.

Article II – Scope of Responsibility

The IFC shall exercise its duties and responsibilities for administration of the CAFO Improvement Fund according to Idaho Code § 39-3628B including establishing an application process for appropriately identifying eligible CAFO Improvement projects, reviewing submitted applications and providing recommendations to the Department for awarding grants to applicants, and monitoring the completion of projects receiving grant awards. The Department shall provide staff assistance and support for the committee and administration of the CAFO improvement fund to include development of subaward contracts.

Article III – IFC Membership

As required by Idaho Code § 39-3628B, the IFC shall represent CAFO industry, the State Department of Agriculture, Department of Environmental Quality, and University of Idaho. Members shall be appointed to serve a three (3) year term. Appointments to fill vacancies shall be for the balance of an unexpired term and shall be made by the Director of the Department. Members of the committee shall be compensated according to Idaho Code § 59-509(c).

The Director of the Department may also name, as needed, those who have expertise necessary to assist in the work of the IFC to serve as nonvoting advisors to the committee.

The IFC shall consist of

- I. One representative selected and appointed by the Department,

- II. One representative selected and appointed by the Director of the Idaho State Department of Agriculture,
- III. Two representatives selected and appointed by the Idaho Dairymen's Association,
- IV. Two representatives selected and appointed by the Idaho Cattle Association,
- V. One representative selected and appointed by the Dean of the College of Agricultural and Life Sciences, University of Idaho.

Article IV – Duties

It is the responsibility of the IFC to determine criteria for eligibility of applicants to receive a grant award. To this end, the IFC shall establish application and ranking criteria, grant award requirements, and grant award maximums. Additional duties of the IFC include soliciting and reviewing submitted applications for qualifying projects, ranking submitted applications, provide recommendations for grant funding to the Department, monitor the completion of awarded projects, and other duties as necessary to coordinate and implement administration of the fund.

The committee shall, at the first meeting of each calendar year, elect by a majority vote a Chair and Vice-Chair from members of the committee. The term of each officer is for one calendar year. Each person elected to a position may serve multiple terms, either consecutively or not, so long as the person remains an appointed member of the IFC.

The Chair shall:

- Be the principal executive officer of the IFC and preside at all meetings of the IFC.
- Have general supervision of the affairs of the IFC and shall perform such other duties as may be assigned.
- Approve draft agenda prior to each scheduled meeting.
- Provide reports on an annual basis to the State Legislature or nominate a proxy to provide the report.

The Vice-Chair shall:

- Have all the powers and perform all the duties of the Chair when serving in his absence.
- If the Chair is not able to serve the full term in office, the Vice-Chairman will be elevated to that office and the IFC shall elect a new Vice-Chairman to fill the unexpired term.
- Take accurate minutes, including attendance, of each scheduled meeting and submit to the committee a draft of each meeting's minutes no less than 7 calendar days prior to the next regularly scheduled meeting.
- The Vice-Chair shall have such other duties as may be assigned either by the Chair or the IFC.

The Department shall:

- Post public notice of each regularly scheduled meeting to the Department's website and other websites as appropriate at least 5 calendar days prior to the meeting.
- Post the draft agenda for each regularly scheduled meeting at least 5 calendar days prior to the meeting.
- Provide administrative support to the IFC to include technical assistance and guidance in the drafting and development of subaward contracts and grant monitoring.

- Post the meeting minutes for each regularly scheduled meeting at least 7 days following the meeting at which they are approved.
- Notify successful applicants of the award and contract with successful applicants for reimbursement of expenses associated with the grant award.

Article V – Meetings

The committee shall meet as necessary, but no less than annually and for as long as there are funds to distribute, to conduct business and provide general direction for the administration of funds under Idaho Code § 39-3628B. All meetings of the IFC are subject to Idaho’s Open Meeting Law (Idaho Code §§ 74-201 to 74-208).

A quorum at all meeting shall consist of either the Chair or Vice-Chair and 4 of the other members of the IFC. Meetings shall be held in person with a remote attendance option provided to encourage maximum participation.

Voting procedures

For those actions requiring a vote (e.g., by-law changes) the Committee will conduct voice vote, and it requires 4 of 7 to agree to move forward.

Committee will discuss project rankings to come to a consensus of ranking and prioritization for funding applications.

In the instance of a committee member having a conflict of interest regarding a particular application, the committee member shall be recused upon identification of the conflict from voting on that application. The recusal shall be noted in the meeting minutes.

Proxy/attendance

All members are expected to attend regularly scheduled meetings. In the event of a scheduling conflict a member may appoint a proxy to attend the meeting in his or her place. The proxy must attend the meeting either in person or via the teleconference link. A proxy for a committee member must be identified to the Chair at least 2 calendar days prior to the regularly scheduled meeting. Proxy attendees would be expected to vote in a manner consistent with the member they are acting in place of.

Article VI – Committee Actions

DEQ Committee representative will take recommendations from the committee to DEQ for the purposes of establishing sub awards

The committee will, upon completing application reviews, generate a ranking list of priority projects. An applicant may request a review of the ranking recommendations within 15 days of receiving notice of non-funding.

DEQ will submit a report of any moneys expended or obligated and any work begun or completed in the prior fiscal year on or before the first day of each regular legislative session. DEQ will provide the committee with an annual financial update.

Article VII – Adoption and Amendments

These by-laws may be adopted by a majority vote of the IFC.

These by-laws may be amended by a majority vote of the IFC.