

Bylaws of the Kentucky Bird Records Committee (KBRC)

November 2016

Background

[Reflects KOS Board vote of 20 February 2016.]

The Kentucky Bird Records Committee (KBRC) is established in the Bylaws of the Kentucky Ornithological Society, Inc. (KOS), as follows:

III. A. ... *The appointed officers [of KOS] shall be the Editor of The Kentucky Warbler, the Curator, and the Secretary of the Kentucky Bird Records Committee.*

[The following quote adds numbering and spacing that is not in the original.]

III. E.

1. *There shall be a standing committee, the Kentucky Bird Records Committee (KBRC), which shall be governed by its own bylaws.*
2. *The KBRC shall*
 - a. *determine the validity of records of rare birds from Kentucky,*
 - b. *publish annually in The Kentucky Warbler a report of its decisions,*
 - c. *maintain documentation of its actions, and*
 - d. *keep the official Kentucky State List of Birds.*
3. *The Secretary of the KBRC shall be appointed for a term of three (3) years by the Board and may serve an unlimited number of terms. The Secretary of the KBRC may be replaced at any time by a majority of the Board.*
4. *Records resulting from the KBRC deliberations shall be kept in the possession of the KBRC until publication of the outcome of their review in The Kentucky Warbler. At that time they shall be turned over to the Curator for archiving.*

Current Kentucky Bird Records Committee

KBRC Voting Members	Term	Expires Fall
Mark Monroe	1	2017
David Lang	1	2018
Brian Wulker	1	2019
Roseanna Denton	1	2020
Ben Yandell (Secretary)	4	2019

1. PURPOSES OF THE KENTUCKY BIRD RECORDS COMMITTEE (KBRC)

- A. To provide the official determination of the validity of reports of rare, naturally occurring birds observed within the boundaries of the state of Kentucky.
- B. To publish at least minimal data on all bird observations reviewed.
- C. To maintain the official *Kentucky State List of Birds*.

2. MEMBERSHIP

A. The KBRC shall have five “Voting Members”: four “Members” and the “Secretary.”

B. Secretary

i. Appointment and Term of Office. [Governed by KOS Bylaws]

- 1. The KOS Board has the sole authority to appoint or remove the Secretary.
- 2. The Secretary is appointed for three-year terms and may serve an unlimited number of terms.

ii. Duties

- 1. To ensure that these Bylaws are properly applied.
- 2. To keep copies of KBRC correspondence and the minutes of KBRC meetings.
- 3. To call and chair KBRC meetings.
- 4. To oversee and tabulate all votes of the KBRC, including election of Members and votes on observations of rare birds.
- 5. To generate periodic summaries of KBRC decisions regarding rare birds, and to make these summaries publicly available. The published data for accepted records should include at least the name of the species, locality and date(s) of observation, and reporting observers. Other data may be added at the discretion of the KBRC.
- 6. To serve as a Voting Member of the KBRC.
- 7. To keep the following current and available to the public:
 - a. A master copy of these Bylaws.
 - b. *Kentucky State List of Birds*, the official list of all bird species accepted by the KBRC as having conclusive documentation of occurrence in Kentucky, including species considered extirpated or extinct. (Note: Does not include species on the Hypothetical List. See below.) Bird species shall not be placed on the state list unless accepted by the KBRC based upon definitive documentation by at least one of the following:
 - 1) Physical evidence, such as a specimen.
 - 2) Recording, such as photograph, video, audio, etc.
 - 3) Reports from multiple, independent, competent observers.
 - c. Hypothetical List, a list of bird species which have been reported in the state and received a favorable KBRC vote, but which have not yet met the requirements for inclusion in the *Kentucky State List of Birds*. For example, bird species documented by only a single observer’s description may – with KBRC approval – be placed on the Hypothetical List. The Hypothetical List

may be formatted as a separate list or shown as an addendum to the *Kentucky State List of Birds*.

- d. Review List, which comprises bird species in the *Kentucky State List of Birds* (or identifiable subspecies or forms) that the KBRC considers sufficiently rare in the state to require a confirmatory review. In general, the Review List will comprise species that have been reported within Kentucky fewer than ten times in the previous ten years, but the actual list is determined by the KBRC. This list may be formatted as a separate list or clearly delineated within the *Kentucky State List of Birds*.
- e. A Rare Bird Report Form for optional use in documenting observations of rare birds.
- f. KBRC review materials, available only after a final KBRC vote. These materials include the vote tallies and the supporting materials used by the KBRC, including review comments. To protect individual privacy, the Secretary may redact names, contact information, and other information that identifies an individual person.

C. Members (does not include the Secretary)

i. Election and Term of Office

1. Members shall be elected on a staggered basis, each for a term of four years so that one is elected each year.
2. Member terms typically begin with the close of the Fall KOS Meeting and end with the close of the fourth Fall KOS Meeting after election.
3. Each Member is eligible for nomination to a second consecutive term. At the end of a second consecutive term, the Member becomes ineligible to serve as a Member for one year, becoming eligible for nomination after that year has passed. Members are not limited in the total number of terms.
4. Time spent as the Secretary is not considered time as a Member.

ii. Nominations. Nomination of Members shall be made only by Voting Members and only in writing to the Secretary. It is the responsibility of the nominator to obtain assurance of the nominee's willingness to serve. Each nominator may make a maximum of one nomination per vacancy.

iii. Qualifications. Anyone is eligible for nomination as a Member if, in the estimation of the nominating Voting Member, that person

1. is competent to analyze reports of rare birds,
2. is or will become a KOS member in good standing, and
3. is not a current or prior Member whose second consecutive term ended within the past year.

iv. Election shall be by a vote of the current Voting Members of the KBRC.

1. The candidate receiving a majority of the votes shall be elected.
2. If no candidate receives a majority, the Secretary shall inform the Members of the tally, allow a chance for discussion, and then conduct a second vote.

3. If no candidate receives a majority in the second vote, the Secretary shall inform the Members and may either appoint the new Member from the candidates or call for new nominations and a new round of voting.
- v. Removals. The KBRC may remove a Member at any time by majority vote of the other Voting Members.
- vi. Member Vacancies.
 1. If the KBRC loses a Member before the end of that Member's term, the Secretary shall conduct an election to fill the vacancy.
 2. The term of the Member so elected shall be the remaining time in the term of the Member being replaced.
 - a. If the time remaining after the replacing Member's election is one year or more, then that time is treated as the replacing Member's first term.
 - b. Otherwise, the replacing Member is eligible for nomination to two full consecutive terms after serving the replacement term.

3. VOTING

- A. Only the Secretary may conduct a KBRC vote.
- B. The Secretary shall count only votes by Voting Members in decisions by the KBRC.
- C. The Secretary shall poll all of the Voting Members in all votes, except for votes pertaining to the removal of a Member. Ideally, if a Member position is vacant, the Secretary suspends voting on bylaws, lists, and bird reports.
- D. When calling for a vote, the Secretary shall specify any deadlines or other restrictions regarding what constitutes a valid vote.
- E. These Bylaws may be amended only by a KBRC vote.
- F. Unless these Bylaws state otherwise,
 - i. a simple majority of valid votes received by the Secretary determines the outcome of the vote, and
 - ii. tied votes may be decided by the Secretary.

4. REVIEW OF RARE BIRD REPORTS

- A. Definitions. A bird observation in Kentucky is subject to KBRC review if any of the following applies:
 - i. The species in question was on the Review List at the time of the observation and is on the Review List at the time of the KBRC vote,
 - ii. The species in question is not on the *Kentucky State List of Birds* at the time of the KBRC vote, or is considered extinct or extirpated. As noted above, species on the Hypothetical List are not on the *Kentucky State List of Birds*, and therefore are subject to review.
 - iii. A Voting Member asks the KBRC to review the observation, provided that a majority of Voting Members concurs.

B. The KBRC may review a rare bird observation regardless of whether any documentation is submitted directly to the KBRC.

C. Process for Reviewing Rare Bird Reports

i. The Secretary shall organize the review materials and ask for a vote. The Secretary should record his or her vote before viewing Member votes. Members shall communicate their votes to the Secretary, ideally in writing with brief comments on the rationale. Voting Members shall base their votes only on documentation that is available to all Voting Members. Voting Members may not abstain or recuse themselves from voting.

ii. Voting Categories. The only valid votes are “accept” and “not accept.”

1. *Accept* means that the Voting Member finds the documentation sufficient to establish all of the following:

- a. Identification of the species (or subspecies or form, if applicable)
- b. Occurrence within state boundaries on or near the specified date(s)
- c. Natural occurrence, meaning that the bird’s occurrence in the state is unlikely to be due to human assistance (either active or passive). A bird originating without human assistance from an established population of introduced birds is considered of natural origin.

2. *Not accept* means only that the Voting Member considers the documentation inconclusive. A “not accept” vote does not require that the Voting Member believes the report to be in error.

iii. Voting Rules. On any circulation, a Voting Member may consult anyone outside the KBRC before voting, except that contact with the original observer(s) should be coordinated through the Secretary.

Round of voting	Discussion within KBRC (except for Member submission of vote and comments to the Secretary)	KBRC decision is “accept” if	KBRC decision is “not accept” if	Recirculate if
First	Not permitted until all have voted	Unanimous: All <i>accept</i>	Unanimous: All <i>not accept</i>	Vote is not unanimous
Second (recirculation)	Required before vote; should be based on written comments	4 or 5 <i>accept</i>	More than 1 <i>not accept</i>	Requested by majority

iv. Reconsideration. By majority vote, the KBRC may reconsider a previously finalized record. The reconsideration is treated as an initial, blind vote, except that the circulated materials should include all previous votes and comments of the KBRC, the record’s publication status, and any new materials or comments marked as such.