

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 JOINT ADMINISTRATIVE POLICY AND BUDGET/PERSONNEL COMMITTEES

4
5
6 Golden Nugget Casino Biloxi, Mississippi

7
8 March 30, 2015

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10
11 **ADMINISTRATIVE POLICY VOTING MEMBERS**

12 Doug Boyd.....Texas
13 Pamela Dana.....Florida
14 Martha Bademan (designee for Nick Wiley).....Florida
15 John Greene.....Alabama
16 Campo Matens.....Louisiana
17 Corky Perret.....Mississippi
18 David Walker.....Alabama

19
20 **BUDGET/PERSONNEL VOTING MEMBERS**

21 Lance Robinson (designee for Robin Riechers).....Texas
22 Leann Bosarge.....Mississippi
23 Campo Matens.....Louisiana
24 Corky Perret.....Mississippi
25 David Walker.....Alabama
26 Roy Williams.....FLorida

27
28 **NON-VOTING MEMBERS**

29 Kevin Anson.....Alabama
30 Jason Brand.....USCG
31 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
32 Dale Diaz (designee for Jamie Miller).....Mississippi
33 Dave Donaldson.....GSMFC
34 Myron Fischer (designee for Randy Pausina).....Louisiana
35 Harlon Pearce.....Louisiana
36 John Sanchez.....Florida
37 Greg Stunz.....Texas

38
39 **STAFF**

40 Stephen Atran.....Senior Fishery Biologist
41 Assane Diagne.....Economist
42 John Froeschke.....Fishery Biologist/Statistician
43 Doug Gregory.....Executive Director
44 Karen Hoak.....Administrative and Financial Assistant
45 Ava Lasseter.....Anthropologist
46 Mara Levy.....NOAA General Counsel
47 Cathy Readinger.....Administrative Officer
48 Ryan Rindone.....Fishery Biologist/SEDAR Liaison

1 Bernadine Roy.....Office Manager
2 Charlotte Schiaffo.....Research & Human Resource Librarian
3 Bryan Schoonard.....GIS Analyst
4

5 **OTHER PARTICIPANTS**

6 Pam Anderson.....Panama City, FL
7 Randy Boggs.....Orange Beach, AL
8 Steve Branstetter.....NMFS
9 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
10 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
11 Cynthia Fenyk.....NOAA
12 Martin Fisher.....FL
13 Chuck Guilford.....FL
14 Ken Haddad.....American Sportfishing Association, Lloyd, FL
15 Chad Hanson.....Pew Environmental Trusts
16 Betty Harder.....FL
17 Ben Hartig.....SAFMC
18 Bill Kelly.....FKCFA, FL
19 Kristin McConnell.....EDF, Austin, TX
20 Jack McGovern.....NMFS
21 George Niles.....Summerland Key, FL
22 Daniel Padron.....Key West, FL
23 Bonnie Ponwith.....SEFSC
24 Andy Strelcheck.....NMFS
25 Jenny Thompson.....Oceana, Lafayette, LA
26 Bob Zales.....Panama City, FL
27

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29

30 The Joint Administrative Policy and Budget/Personnel Committees
31 of the Gulf of Mexico Fishery Management Council convened at the
32 Golden Nugget Casino Hotel, Biloxi, Mississippi, Monday morning,
33 March 30, 2015, and was called to order at 8:30 a.m. by Chairman
34 Doug Boyd.

35
36 **ADOPTION OF AGENDA**
37 **APPROVAL MINUTES**
38 **ACTION GUIDE AND NEXT STEPS**
39

40 **CHAIRMAN DOUG BOYD:** Good morning, everyone. First on the
41 agenda is a Joint Administrative Policy and Budget/Personnel
42 Committee meeting. Mr. Riechers, who is Chairman of the
43 Budget/Personnel Committee, is not here today and his Vice
44 Chairman, Corky, is here and Corky is going to jump in at any
45 time, but I will kind of guide us through here.
46

47 The Administrative Policy Committee, we have all the members
48 present and Budget/Personnel, we have all the members present

1 and in total, it's about thirteen and so this is almost a
2 committee of the whole this morning. If anybody has any
3 questions, please feel free to ask them.
4

5 The first thing is the Adoption of the Agenda. Does anyone have
6 any comments on the agenda or changes to the agenda or additions
7 to the agenda? Mr. Gregory, did you have one?
8

9 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** I would like to add two
10 items to Other Business. One is the request of the council to
11 allow us to -- We have a policy in our admin handbook to talk
12 about paying for health insurance on unpaid leave and I would
13 like to reconsider some of that. I also would like to bring up
14 the subject of directors' reports and see if we want to continue
15 that activity or not.
16

17 **CHAIRMAN BOYD:** Those two are noted. We have a motion to adopt
18 the agenda and is there a second from one of the committee
19 members? Ms. Bosarge seconds. Any opposition to adopting the
20 agenda? Hearing none, the agenda is approved.
21

22 I assume everyone has poured over the minutes of the two
23 committee meetings and are there any changes, any additions, any
24 corrections to the minutes? Hearing none, I will entertain a
25 motion to adopt the minutes.
26

27 **MR. CORKY PERRET:** So moved, Mr. Chairman.
28

29 **MS. LEANN BOSARGE:** Second.
30

31 **CHAIRMAN BOYD:** Second by Ms. Bosarge. Any opposition to
32 adopting the minutes? Hearing none, the minutes are adopted.
33 The next thing on the agenda is the Approval of the Minutes from
34 the Budget/Personnel Committee. Corky, do you want to handle
35 that one?
36

37 **MR. PERRET:** Okay. The October 2014 Joint Budget/Personnel
38 Committee members, are there any suggested modifications or if
39 not, I will entertain a motion for approval. It's moved by Mr.
40 Matens and second by --
41

42 **CHAIRMAN BOYD:** I will second.
43

44 **MR. PERRET:** Second by Mr. Boyd. Any opposition to approval of
45 the minutes? Hearing none, the minutes are approved as written.
46 I guess Action Guide and Next Steps is G-3. Any comments from
47 anyone on that? Mr. Boyd, have you got any comments?
48

1 **CHAIRMAN BOYD:** I don't have any comments. Anybody else? The
2 action guide is more for your reference, so that you can see
3 what's coming up and what we're working on in the different
4 committees. If you have any questions, this would be the time.
5 Hearing none, the next item is Review of the 2014 Carryover and
6 2015 Budget, Tab G, Number 4, and Cathy.

7
8 **REVIEW OF 2014 CARRYOVER AND 2015 BUDGET**
9

10 **MS. CATHY READINGER:** Thank you. As most of you know, we
11 requested and we received approval from NOAA to carryover
12 funding from 2014 into 2015. These funds were planned
13 activities in 2014. The council received approval from NOAA for
14 a twelve-month no-cost extension that totaled \$1.1 million.

15
16 This is for activities that we couldn't hold in 2014, but which
17 we needed to hold in 2015. The cost categories for those
18 activities included \$365,000 for personnel, \$331,000 for
19 activities and that included mostly travel. \$23,000 in
20 associated supplies and \$340,000 in contracts and \$43,000 in
21 other expenses, which basically included acquiring additional
22 office space. That's kind of the update for that particular one
23 and does anyone have any questions?

24
25 I will move on to the update on the 2015 budget. At the February
26 CCC meeting, the Executive Director and the Chair of the Council
27 were advised that the Gulf Council's funding level for 2015
28 would be \$3.519 million. That's only \$86,000 more than our 2014
29 level.

30
31 We had submitted a budget for \$3.5199, or only \$842 more than
32 our actual funding and so we just simply adjusted the cost
33 category in supplies. We reduced that by \$842 and resubmitted
34 the budget to NOAA.

35
36 However, as of today, we have not received any 2015 funds, but
37 the Program Officer recently indicated we should get those by
38 the end of the week. There are a few councils who actually ran
39 out of money and they couldn't even meet payroll.

40
41 **EXECUTIVE DIRECTOR GREGORY:** I would like to add to that that my
42 understanding is this is very unusual, to be three months into a
43 year and not have any money allocated to us for our budget this
44 year. One council has indicated that they are just going to
45 assign all expenses incurred since January to their 2014
46 carryover budget.

47
48 I would like to do the same, not knowing if NOAA would allow us,

1 but just since we haven't received any money and we are spending
2 2014 money now, to go ahead and put that in our 2014 budget. If
3 we have to amend our budget to account for it, that's fine, but
4 I just wanted to bring that to your attention to see if there
5 was any objection to us trying to do that.

6
7 **CHAIRMAN BOYD:** Any comments from the joint committee?

8
9 **MS. BOSARGE:** Just a question. How long can we keep going on
10 that surplus that we have?

11
12 **EXECUTIVE DIRECTOR GREGORY:** We had a pretty good surplus and so
13 we're not in any trouble and we expect to get 2015 money within
14 a week or so.

15
16 **MR. ROY WILLIAMS:** So how has this -- Are you on the calendar
17 year? You work on a calendar year, right, unlike NMFS? How
18 have you been paying salaries and so on for January and February
19 and March so far?

20
21 **EXECUTIVE DIRECTOR GREGORY:** We are paying everything out of our
22 2014 funds and that's why I want to actually remove what we've
23 paid to date out of the 2015 budget and so that saves that. We
24 have plenty of carryover funds in 2014 and so we're not in any
25 condition where we're likely to run out of money, but other
26 councils have run out of money and have indicated to NMFS, at
27 least maybe a month ago, that they could not make payroll, but
28 we are not in that position.

29
30 **CHAIRMAN BOYD:** Mr. Gregory, when we get to the end of this
31 funding period, this 2015 or 2016 funding period, the multiyear,
32 are we going to cause ourselves a problem because we put some of
33 this money back into 2014 and we'll have a surplus then?

34
35 **EXECUTIVE DIRECTOR GREGORY:** It's likely at the end of the five-
36 year grant we just started that we would have a surplus then and
37 we had a surplus at the end of the two previous five-year grants
38 and NMFS allowed us to carry it over for activities. What I am
39 proposing to do that's different than what NMFS has allowed us
40 to do in the past is they said you can carryover funds from the
41 end of your five-year grant into the next year if you have
42 activities that you were planning to do that you didn't
43 complete.

44
45 What I am proposing to do is use 2014 money for new activities
46 in 2015, simply because we technically don't have 2015 money
47 yet. I don't know if they will approve that or not, but it's
48 worth a try, because it does provide us with a cushion at the

1 end of the five-year period.

2

3 **MR. PERRET:** What happens if we send the letter and the agency
4 says no? Where are we financially, budget-wise, so on and so
5 forth?

6

7 **EXECUTIVE DIRECTOR GREGORY:** We're okay. Our 2015 budget is
8 essentially a level funding budget for 2014 and given our
9 expenditures for 2014, not including any carryover from previous
10 years, we had a surplus of a couple hundred thousand and so no
11 matter which way we go, we're not going to be in any financial
12 constraints of any kind.

13

14 **MR. PERRET:** The letter, if we decide to send it, that goes to
15 the Region or Headquarters or both?

16

17 **MS. READINGER:** It would be initiated at the Regional Office and
18 then they were submit it, if they approved, to NOAA Grants in
19 D.C.

20

21 **MR. PERRET:** Are you more comfortable with a letter of
22 recommendation from the council to send the letter forward or
23 you can do it without council direction?

24

25 **MS. READINGER:** I'm sorry, Corky, but can you repeat that?

26

27 **EXECUTIVE DIRECTOR GREGORY:** Do we need to actually write a
28 letter saying we're going to do this or do we just do it and see
29 what answer we get? What's the best way forward to do this?

30

31 **MS. READINGER:** You can simply go ahead and charge those 2015
32 activities to the 2014 budget. However, if you wanted to do
33 that, I would suggest trying to amend the 2015 budget, because
34 we've spent \$545,000, year to date, of 2015 funds. That's a
35 half-a-million.

36

37 We have a 10 percent variance before we have to get NOAA
38 approval and so until I know what that final number would be, I
39 don't know if we would really need their approval. Regardless,
40 we are still going to be okay in both years, both grant years.
41 I anticipate not spending all of the 2014 money even in doing
42 this and if we do charge back the 2014 expenses to the 2014
43 award, we are still going to be fine.

44

45 **MR. PERRET:** It sounds like we've got a timing problem and from
46 a funding standpoint, we should be okay. In fact, I like when I
47 hear the word "surplus" and so I have a question. If this
48 committee and council decided that they wanted to provide a one-

1 time increase in liaison funds to the states and the Gulf States
2 Commission of say \$10,000 each, can our budget afford that?

3
4 **MS. READINGER:** I would say yes, Corky, given the amount of
5 travel activities that were included in the 2014 carryover and
6 the amount of travel activities that we have in the 2015 budget.
7 As you know, we try to budget for full attendance and we
8 recently restructured the SSC and so we will achieve a cost
9 savings there and given the lack of full attendance, you will
10 have funds left from there and I don't think \$60,000 will be an
11 issue, if you give \$10,000 to each state and one \$10,000
12 allocation to Gulf States.

13
14 **MR. PERRET:** Thank you, Cathy. **With that, I would like to move**
15 **that we recommend to the council that we have a one-time**
16 **increase of \$10,000 to the states and the Commission for their**
17 **liaison contracts.**

18
19 **CHAIRMAN BOYD:** We have a motion. Is there a second?

20
21 **MR. MATENS:** Second.

22
23 **CHAIRMAN BOYD:** We have a second by Mr. Matens. Is there
24 discussion?

25
26 **MR. PERRET:** I would just say, having been a state director in
27 two states, I know how hard and how much time state employees
28 spend on council activities and the liaison contract has gone up
29 very, very little since we started providing liaison funds in
30 1979 or 1980 and I am confident that the states can put this
31 money to good use and that would release \$10,000 per state of
32 state money that they could use for other things and so I just
33 think it's the right thing to do if the budget allows it. Cathy
34 has got a comment, Mr. Chairman.

35
36 **CHAIRMAN BOYD:** All right, Cathy, and I have a question. Didn't
37 we have a one-time increase last year?

38
39 **EXECUTIVE DIRECTOR GREGORY:** Twice.

40
41 **CHAIRMAN BOYD:** Twice? That would be a tradition in Harlon's
42 state, to have a one-time twice. We are going to talk about
43 three times and it's a done deal, I think.

44
45 **MR. PERRET:** This is a one-time for this particular budget year
46 and so one time thus far.

47
48 **MS. READINGER:** On that note, I was just going to give you an

1 overview. As you know, you did have two amendments to the state
2 liaison contracts last year and that was up to \$65,000 and so we
3 had one state that reported \$66,000 in liaison expenses and one
4 reported exactly \$65,000 and another one reported \$124,000 and
5 one that reported \$57,000 and another one reported \$43,000 and
6 \$47,000 and so they definitely do exceed the \$35,000 that we
7 typically give them.

8
9 **MR. KEVIN ANSON:** Just one more note. I was reviewing some
10 South Atlantic Council documents from 2013 and their budget
11 ranged from about \$52,000 to \$57,000 for each of the states for
12 their liaison expenses and so at \$35,000, we're at much less
13 than what the going rate would be or what similar states receive
14 in the Southeast Region.

15
16 **EXECUTIVE DIRECTOR GREGORY:** Each council does it differently.
17 Now, I was just pointing out the South Atlantic has four states
18 and so four times that might be the same as what we're doing
19 with five states plus the commission. I don't know if the South
20 Atlantic gives money to the Atlantic States Commission, because
21 that's the entire east coast.

22
23 Other councils -- Some councils don't give any state liaison
24 money. This is not something Magnuson has mandated. This is
25 something the councils individually decide to do and then one
26 council, I think the Pacific Council, actually keeps track
27 themselves the amount of time and effort that state employees
28 put into documents and they pay accordingly.

29
30 Some states might get \$100,000 in a year, but in that council,
31 the state biologists are actively involved in writing plans and
32 doing stuff like that. They just don't attend meetings and give
33 advice. Each council does it differently and there is no --
34 It's not part of the Magnuson Act or anything that we have to
35 do.

36
37 **CHAIRMAN BOYD:** Corky, I was being a little bit flip a while
38 ago, but my point would be that if we think that there is a need
39 and there is a true need in the state and there is more activity
40 by the states, maybe we ought to look at increasing the annual
41 funding rather than doing it as a one-time deal multiple times.

42
43 **MR. PERRET:** I totally concur with that, Mr. Boyd. I think one
44 thing the states do a poor job of, me included -- Mr. Gregory
45 mentioned that biologists in the states in the Pacific do a lot
46 of drafting and working on FMPs and amendments and so on and so
47 forth.

48

1 I can assure in the two states that I worked in that biologists
2 do the very same thing. We just weren't smart enough to bill
3 the council for the amount of time, but there is a lot of people
4 in the state agencies that are involved in council activities
5 that are never on those reports that go in, because we simply
6 basically would put we get \$25,000 or \$35,000 and let's make
7 sure we get to that level and then we just don't even put the
8 rest down.

9
10 The states, from that aspect, have been lax in actually putting
11 the total amount of time down, but your suggestion is something
12 I think is something very well worth considering and hopefully
13 in the future we address it that way rather than having these
14 one-time increases, but since I heard "surplus" and "money", I
15 think anything we can do to help our state regulatory agencies
16 and management agencies, we should do it.

17
18 **CHAIRMAN BOYD:** We have a motion on the board. Any further
19 discussion? **The motion is to recommend to the council that we**
20 **have a one-time increase of \$10,000 to the states and the**
21 **commission for the liaison contracts.**

22
23 **MR. DAVID WALKER:** I don't know if we need to make it clear and
24 does it need to read "to each state" or just "to the states"?

25
26 **MR. PERRET:** Did you get that? **To each Gulf state and the Gulf**
27 **States Commission.**

28
29 **MR. CAMPO MATENS:** I hope this isn't picking a nit, but would
30 you be comfortable with deleting the words "one-time"?

31
32 **MR. PERRET:** **I have no problem with it.** I just want to make
33 sure if we've got a surplus and the budget allows that we
34 provide this increase to these groups.

35
36 **CHAIRMAN BOYD:** Any further comments?

37
38 **MS. READINGER:** That would be to Calendar Year 2015 starting,
39 correct?

40
41 **CHAIRMAN BOYD:** Did we actually change the motion, Corky, your
42 motion?

43
44 **MR. PERRET:** I can read it both ways. Starting in this year
45 we're going to give them ten-grand and next year we're going to
46 increase it also and so on and so forth. I am all for that, but
47 you know I -- Cathy, the liaison contract now is \$35,000 and so
48 this would bring it to \$45,000 for this year and \$45,000 next

1 year and so on if this passed in the council?

2

3 **MS. READINGER:** That's the way I read the motion, Corky.

4

5 **MR. PERRET:** Okay. That's the way I am reading it too and that
6 was Mr. Boyd's comment and I don't know if it was a suggestion
7 and so I agree with this. Let's up it to \$45,000. Thank you.

8

9 **CHAIRMAN BOYD:** If you want to make this clear, after "\$10,000",
10 you could say "to a total of \$45,000" and that would make it
11 clear.

12

13 **MR. PERRET:** To a total of \$45,000 to each. Thank you, Mr.
14 Boyd. Thank you, Cathy.

15

16 **CHAIRMAN BOYD:** We have basically a new motion. We have changed
17 from a one-time to a permanent. The motion is to recommend to
18 the council that starting in 2015 we have an increase of
19 \$10,000, to a total of \$45,000, to each of the states and the
20 Gulf States Commission for liaison contracts. Any further
21 discussion? **All in favor say aye; opposed same sign. The**
22 **motion carries.**

23

24 **MS. READINGER:** That concludes my report.

25

26 **CHAIRMAN BOYD:** All right. Thank you. Next on the agenda is
27 Number VI, Tab G-5, and Mr. Gregory.

28

29

REVIEW OF BENEFITS ANALYSES BY MARKLEY CONSULTANTS

30

31 **EXECUTIVE DIRECTOR GREGORY:** Tab G-5 is a staff summary of the
32 retirement plan study done by Markley Actuarial. The council
33 approved early last year and we did an RFP and we selected this
34 contractor to look at our 401K plan.

35

36 He looked at it in two ways. He looked to see -- We had trouble
37 last year and we tried to move to Vanguard to handle our 401K
38 and Vanguard did not want to handle us. I mean we're a
39 relatively small company, but we have a unique situation where
40 we're a government 401K.

41

42 In the 1980s, when we started this, government agencies could
43 have 401K, but in 1986 or 1989, a decision was made to disallow
44 401K for government entities, but those that already existed
45 were grandfathered in. We were grandfathered in and some other
46 rulings said that government entities did not have to file
47 certain forms with the IRS that other non-profit and for-profit
48 companies have to file to be compliant with something called

1 ERISA.

2
3 Because we weren't filing those forms, Vanguard was
4 uncomfortable with us and so we wanted somebody to look at this
5 and see if we could find a way out and the study concluded that,
6 one, we should restate our plan, which everybody has to do
7 before next year, April of next year, and that we also could
8 write a letter to the IRS asking for a letter of determination
9 about our plan.

10
11 We run into problems like this on a regular basis because we're
12 not a government agency, but we're also not a for-profit.
13 Places like Vanguard and Bank of America, you would think, as
14 big as they are, they would understand this. We are not unique
15 in that we're an instrumentality of the federal government, but
16 we don't fit their categories.

17
18 We ended up staying with ING, but we negotiated lower rates with
19 ING along the lines of what our trustees recommended and we're
20 in the process of making that transition now.

21
22 He evaluated that and gave us some ideas of how to move forward
23 and get clarification on the status of our 401K with the IRS and
24 in case we did want to go to another company in the future and
25 he also looked at or the company looked at -- We met with Mr.
26 Markley directly, but the company looked at our benefits
27 analysis.

28
29 In other words, is staff getting the equivalent retirement
30 benefits that a federal employee would get? The conclusion was
31 that, and it's in this document, at the bottom. I will just
32 read it. An employee hired around 2010 who is between the ages
33 of say thirty-eight and forty-one would have an equivalent
34 benefit under each plan.

35
36 Prior to about four or five years ago, the council had a
37 matching program that was inadequate. About four or five years
38 ago, the council increased the contributions to 6 percent from 4
39 percent and also increased the amount of matching that an
40 employee could do. With our current plan, it appears that we're
41 on target and we're equivalent to the federal government.

42
43 In general, there were seventeen participants that were
44 analyzed, all seventeen of the staff. Eight had higher
45 replacement ratios under the government plan and two had
46 equivalent ratios and seven had better ratios under the council
47 plan and these seven were the younger employees, because it
48 projects out much more, their benefits, if they were to fully

1 match.

2
3 Two employees were behind the federal government and these are
4 our long-term employees and so the conclusion was, based on the
5 projection of benefits, future employees will receive the
6 comparable benefits and so we're right on target and we don't
7 need to make any changes.

8
9 There was a recommendation that we try to develop a mechanism
10 for enhancing the contributions to the two employees that may be
11 behind and Mr. Markley's group recommended some elaborate, Cathy
12 and I thought elaborate, defined benefit-type plan, like a
13 pension, and we think a simpler way to go is simply to modify
14 our 401K contract, agreement, so that instead of having to give
15 every employee an equal percentage contribution when a
16 contribution is made, like that 6 percent, that anything above
17 that 6 percent could be done on a variable basis.

18
19 It could be a decision of myself and the trustees of whether to
20 do that in the future and so that gives us the more flexibility
21 that can address that discrepancy, but, in general, it looks
22 like our current plan is right on target with the federal
23 government and there is no makeup or anything that needs to be
24 done in a large way.

25
26 **MR. PERRET:** What about this recommendation that the council
27 implement a plan to replace some portion of the benefit provided
28 by the applicable government plan that is not provided by the
29 council plan? The example is given of a range and so where did
30 that -- That recommendation came from Markley?

31
32 **EXECUTIVE DIRECTOR GREGORY:** Yes.

33
34 **MR. PERRET:** If so, what would the suggested number be? There
35 is quite a difference between 33 and 100 percent.

36
37 **EXECUTIVE DIRECTOR GREGORY:** Well, no particular amount is
38 suggested, but it's something for the council to develop
39 flexibility and I would say to evaluate a way forward in the
40 future. What we're going to do with our 401K plan is make a
41 change so that council contributions can be made at a variable
42 percentage. Let's say I could get 1 percent and somebody else
43 could get 5 percent and there has to be a decision process for
44 how that's done and that would be worked out with the trustees.

45
46 **MR. PERRET:** Do we need to take any action at this time?

47
48 **EXECUTIVE DIRECTOR GREGORY:** No.

1
2 **CHAIRMAN BOYD:** Any further discussion? Moving to the next
3 agenda item, Review and Approval of Early Retirement Health
4 Plan, Mr. Gregory.

5
6 **REVIEW AND APPROVAL OF EARLY RETIREMENT HEALTH PLAN**

7
8 **EXECUTIVE DIRECTOR GREGORY:** I will refer you to Tab G, Number
9 6. Another thing that we asked Markley to look at was the
10 potential for providing health insurance for early retirees.
11 Our current early retirement system basically says if you're got
12 ten years of service and you're fifty-five years or older that
13 you, quote, can retire early.

14
15 The only benefit that you get from doing that today is that you
16 get to keep some percentage of your sick leave when you leave
17 the council, up to a maximum of 150 days. That's the only
18 benefit we have now.

19
20 In looking at providing health insurance for early retirees, we
21 concluded to not go with the ten years and fifty-five as a
22 definition of early retirement, but go with twenty years. You
23 have got to have twenty years of service, something substantial,
24 a substantial contribution to the council, and be fifty-five
25 years of age.

26
27 The analysis that was provided to us was quite complex and so
28 Cathy went through each employee, looking at their age and the
29 amount of time they've been in service to the council, assuming,
30 if they took advantage of this, giving a percent increase in
31 health insurance costs that the Markley Consulting Firm provided
32 to us.

33
34 We calculated, in five-year intervals, what the cost would be to
35 the council if every existing employee took advantage of this
36 when the met the criteria of twenty years of service and at
37 least fifty-five years of age.

38
39 At the bottom of the document, if you would scroll down to the
40 bottom, you will see what other councils are doing. The
41 Northeast Council doesn't do anything like this and the Mid-
42 Atlantic Council pays 75 percent of pre-Medicare coverage and 75
43 percent of Medigap coverage, once somebody meets that age.

44
45 The South Atlantic Council is doing the same thing we're doing
46 and they're looking at options. The Caribbean Council provides
47 100 percent of coverage to Medicare age. The North Pacific
48 Council, it's hard to determine what they do, because they are

1 under the State of Alaska plan.

2
3 The Pacific Council provides a subsidy in a post-employment
4 health program, but we weren't able to get details on that. The
5 Western Pacific Council provides 100 percent coverage for the
6 remainder of life and that was from their Executive Director.

7
8 What I am proposing here is that the council consider and
9 approve the adoption of an early retirement health benefits
10 coverage, either at a 100 percent coverage level or a 75 percent
11 coverage level, and you will see, again, it's the younger
12 employees, when they get to age fifty-five, the costs go up to a
13 maximum of \$236,000, which is within our budgets. By the time
14 we get to 2040 or 2044, that's a relatively small amount of
15 money.

16
17 It's not something that is going to stress the budget at all and
18 it will provide a benefit to people that have really donated
19 many years of service to the council and so I would like a
20 motion on that, to choose one of those coverage levels, if you
21 are agreeable.

22
23 **MR. PERRET:** Doug, I may be the only one confused. So are we
24 talking about only, quote, unquote, early retirement, fifty-five
25 age and twenty years of service, or what if it's the employee is
26 sixty-five and has got thirty-five or forty years employment?
27 Are we talking the same thing?

28
29 **EXECUTIVE DIRECTOR GREGORY:** Right. At sixty-five, you're
30 eligible for Medicare and so under this proposal, there would be
31 no cost to the council, because we are not proposing that the
32 council also pay any aspect of the Medigap coverage and so this
33 early retirement program would end once a person reaches sixty-
34 five.

35
36 **MR. PERRET:** If I may, Mr. Chairman, in the last motion relative
37 to the Markley study and all, you compared it to federal
38 retirement and so on and so forth and I've been around here long
39 enough that the council staff, and I totally concur, are always
40 looking for the best benefit. If it's the State of Florida
41 benefit, great, or if the feds are better, great and so on so
42 forth. What is the federal system on healthcare? Can one of
43 you guys answer that, please?

44
45 **EXECUTIVE DIRECTOR GREGORY:** Cathy, do you know?

46
47 **MR. PERRET:** I know in the State of Mississippi, for example, a
48 retiree with fifty years, and correct me if I'm wrong, gets

1 nothing from the state. In Louisiana, they are picking up 75
2 percent of my healthcare as a retiree and I don't know what the
3 other states are, but what is the federal system?

4
5 **DR. BRANSTETTER:** You get your healthcare, but you wind up
6 paying for it and the state doesn't subsidize any of it.

7
8 **MR. PERRET:** But you pay what percentage, 50 percent or 100
9 percent or all of it?

10
11 **DR. BRANSTETTER:** If you want to pay for it, you can get your
12 full healthcare coverage that you have.

13
14 **MR. PERRET:** I still don't have the answer I am trying to -- If
15 a federal employee at age fifty-five and twenty years of service
16 quits, does the government pick up any portion of their
17 healthcare?

18
19 **DR. BRANSTETTER:** None.

20
21 **MR. PERRET:** Zero. So that's the answer. Now, in the last go-
22 round, you wanted to be comparable to federal employees with
23 Markley and if you want to be comparable to federal employees
24 with health, it's going to be zero. Cathy seems to want to
25 correct me.

26
27 **MS. READINGER:** No, I don't want to correct anything, but I just
28 would like to ask Steve -- You know the government has a large
29 pool that they can get reduced premiums per month and so yes,
30 they may pay for 100 percent of those premiums, but my
31 understanding for family coverage is it would be a much, much
32 lower, substantially lower, than what the council employees are
33 able to pay, because we have a small pool of employees.

34
35 Yes, they may have to pay for 100 percent of theirs, but that
36 100 percent probably is still going to be much less than the
37 council employees getting a subsidy and so I think that's a huge
38 factor that you need to consider.

39
40 **CHAIRMAN BOYD:** I have a question, Doug. If I remember,
41 correctly we allow accrued sick leave to be rolled over and be
42 paid at retirement and is that correct? Okay. So if someone
43 has accrued sick leave, let's say the maximum, and we do this
44 plan, does this replace the payment of that accrued sick leave,
45 since we're continuing to pay and we may even pay at a higher
46 rate?

47
48 **EXECUTIVE DIRECTOR GREGORY:** No, that is not something that I

1 considered or proposed here. They are two separate things.

2
3 **MR. PERRET:** But they would keep their sick leave dollars and we
4 would pay them for it?

5
6 **EXECUTIVE DIRECTOR GREGORY:** They would get only up -- I think
7 half of their existing sick leave upon termination, if they've
8 been in service for ten years and are age fifty-five or older.
9 They would get half of their sick leave up to a maximum of 150
10 days.

11
12 **CHAIRMAN BOYD:** My thought all along was that the reason we
13 allow that is to help in retirement, to help pay additional
14 healthcare premiums. So if we're going to pay it, it seems like
15 what we're doing is double-dipping then, from my perspective.

16
17 **EXECUTIVE DIRECTOR GREGORY:** I do not know. I wasn't here when
18 the council adopted that policy and I don't know why that policy
19 was put in place. Cathy, do you recall when the sick leave
20 policy was put in place and what the rationale was?

21
22 **MS. READINGER:** It was in 1984 when the council first
23 established a 401K plan and you go through an adoption agreement
24 and you can establish certain early retirement ages and then
25 regular retirement ages. At the time, that was just one of the
26 ages that the council selected. I don't recall their rationale
27 for that, but, as you said, it only really pertains to a sick
28 leave payout.

29
30 On the other hand of that, if you've had an employee who has had
31 to be a caregiver or who has had illnesses or whatever, they
32 might not have a huge balance whenever they get ready to retire
33 and so I think you need to consider that, too.

34
35 I would like to truly find out what a family rate for federal
36 employees would be versus a single rate and compare those rates
37 to the council employee rates. Again, I think you're going to
38 see a huge disparity.

39
40 **MR. WILLIAMS:** Corky had asked earlier when he was talking about
41 what the state benefits are on this kind of thing and in the
42 case of Florida, they pay five-dollars per month per year of
43 service, up to thirty years. If you have worked for the state
44 for thirty-five years, you got credit for thirty years of
45 service and so they would pay \$150 a month. If you had worked
46 for them for twenty years, they would pay you a hundred dollars
47 a month and that's what Florida pays.

1 **MR. PERRET:** Towards your health premium?
2
3 **MR. WILLIAMS:** Towards your health premium, yes.
4
5 **CHAIRMAN BOYD:** I think the benefit here is significant. I
6 think the dollars to the council are going to be small, because
7 we're talking about a retirement taking place between fifty-five
8 and sixty-four, basically, with twenty years of service. It's
9 going to be a small amount of dollars, but a large benefit.
10
11 **MR. PERRET:** Are you ready for a motion, Mr. Chairman?
12
13 **CHAIRMAN BOYD:** Yes, sir.
14
15 **MR. PERRET:** I move that we request the council for approval of
16 implementing an early retirement plan with a 75 percent subsidy.
17
18 **CHAIRMAN BOYD:** Do we have a second for this motion?
19
20 **MS. BOSARGE:** Second.
21
22 **CHAIRMAN BOYD:** Ms. Bosarge seconds. Is there further
23 discussion?
24
25 **MR. PERRET:** I have a question. Now, Mr. Gregory, the early
26 retirement is age fifty-five and a minimum of twenty years of
27 service, so I well understand that? Okay. That's my motion.
28
29 **CHAIRMAN BOYD:** Is there committee discussion? This is a joint
30 committee and so I'm assuming we can all make motions and talk.
31
32 **MS. READINGER:** I think you need to -- Corky, if you want to
33 clarify that the early retirement plan with a 75 percent subsidy
34 is a subsidy for healthcare insurance premiums payable up to
35 Medicare eligibility.
36
37 **CHAIRMAN BOYD:** Yes, that clarifies. Again, just for
38 clarification, and I am repeating, but we're talking about
39 twenty years of service, a minimum age of fifty-five, and a
40 maximum age, basically, of sixty-four, because you will be under
41 Medicare that next year. Somewhere in that area, you've got to
42 obtain twenty years of service and so you could do it at fifty-
43 five or you could do it at sixty or fifty-seven or whatever it
44 is. Any further questions?
45
46 Let me read it, since there was a change. The motion is to
47 request that the council implement an early retirement plan with
48 a 75 percent subsidy for healthcare premiums up to Medicare

1 eligibility.

2
3 **MR. PERRET:** I guess technically, after "plan", we should say
4 "for its staff". It's not for the council members and we don't
5 want anybody thinking we're getting any. Retirement plan for
6 staff or does everybody understand we're talking about the
7 staff?

8
9 **CHAIRMAN BOYD:** That's up to you. It's your motion.

10
11 **MR. PERRET:** Mr. Gregory, do we need to clarify it any or are we
12 clear on what the intent of the motion is?

13
14 **EXECUTIVE DIRECTOR GREGORY:** Yes, we're clear.

15
16 **CHAIRMAN BOYD:** All right. **All in favor please say aye;**
17 **opposed. Hearing no one opposed, the motion carries.**

18
19 **REVIEW OF TERM LIMITS FROM OTHER COUNCILS**

20
21 **EXECUTIVE DIRECTOR GREGORY:** The next item is Tab G, Number 7.
22 At the last meeting when we were talking about restructuring the
23 SSC and also putting term limits and staggered terms and
24 categorizing the AP members, the council concluded and said we
25 did not want to categorize AP members and asked me to look into
26 what other councils were doing with term limits and staggered
27 terms.

28
29 We have that here and one council does have staggered terms.
30 What I am recommending, based on this analysis, is that we don't
31 consider hard term limits and that your reappointment process in
32 essence is a term limit in itself and that we don't go to
33 staggered terms, because of the potential confusion with that,
34 particularly the confusion among members of the panels who won't
35 know if their time is up this year or next year or whatever.

36
37 I think status quo on that is what we're recommending. I would
38 recommend that beginning this year with the appointments that we
39 consider doing three-year appointments instead of two-year
40 appointments. Some councils do that and that puts it on the
41 same schedule as council appointments. That's just the only
42 consideration. I don't know if you want a motion if you want to
43 consider a three-year term limit or not. That would require a
44 motion.

45
46 **MR. WILLIAMS:** I was going to suggest that we do approve a
47 three-year appointment for the SSC members. Toward that end, I
48 would move that the SSC serve three-year appointments.

1
2 **CHAIRMAN BOYD:** We have a motion on the board and do we have a
3 second? Hearing no second, the motion fails.
4
5 **MR. PERRET:** Roy, you specifically wanted this only for the SSC
6 and not the SSC and the AP?
7
8 **MR. WILLIAMS:** Can I modify it then to --
9
10 **EXECUTIVE DIRECTOR GREGORY:** Yes, Corky. I am developing a
11 reputation for changing my mind.
12
13 **CHAIRMAN BOYD:** The motion failed for lack of a second and is
14 there another motion, based on Mr. Gregory's request?
15
16 **MR. MATENS:** I would move that we go back to Mr. Gregory's
17 original, original proposal, where we had staggered terms on the
18 APs, but as I recall correctly, Mr. Gregory, not in the Science
19 Committee and is that a correct statement?
20
21 **EXECUTIVE DIRECTOR GREGORY:** That's what I was presenting at the
22 last council meeting.
23
24 **MR. MATENS:** To that point accordingly, I move that the SSC
25 serves with three-year appointments. Mr. Gregory, I liked your
26 original proposal, but I just don't remember what it was.
27
28 **EXECUTIVE DIRECTOR GREGORY:** The original proposal was to do
29 something similar that the council has and after three terms, a
30 council member can't get back on until they wait a year. I was
31 proposing something similar to that for the AP and there was
32 some concern expressed by the public about that and so the
33 council asked me in January to go look and see what the other
34 councils had done and that's what I presented here in Tab G-7.
35
36 In discussing it and looking at what the other councils have
37 done, staff has just decided that a hard term limit, where if
38 somebody was appointed to an AP for two years or three years and
39 they did it three times and then they would have to get off was
40 something that we didn't really feel strongly about.
41
42 The staggered terms, some people pointed out that there could be
43 confusion is on more than one AP and they've got a staggered
44 term for this year on that AP and another year on a different AP
45 and different members. It could be confusion, because we do
46 have confusion with the public and AP members when it comes up
47 to reappointment.
48

1 Hopefully we resolved most of those this year with our online
2 application, but it will be interesting when we get into the AP
3 selection process as to what kind of confusion rises its head at
4 that time.

5
6 **MR. MATENS:** Notwithstanding that issue, I agree that AP members
7 shouldn't term out and should be able to stay should they be
8 reappointed. I also feel like and think that the staggered
9 terms offer some benefit for us. The fact that people might get
10 confused about whether they go on or off, that's a different
11 sort. We're dealing with adults here.

12
13 In the case of the SSC, we never really talked about -- Did we
14 talk about staggered terms with the SSC? I don't believe that
15 we did. I am comfortable with the SSC staying like it is, but
16 the APs being two or three-year terms or three-year terms and
17 staggered terms. I would like to see that and how do I
18 verbalize that, because I am getting confused, too.

19
20 **EXECUTIVE DIRECTOR GREGORY:** What I proposed with the staggered
21 terms was to have a three-year appointment instead of the two-
22 year appointment. Then people would, this year, everybody that
23 gets appointed, we would simply go down the list of each
24 committee alphabetically and go 1, 2, 3, 1, 2, 3. That would be
25 their initial starting term.

26
27 Then say if somebody is selected to be a one-year person, next
28 year they would be up for reappointment for three years and so
29 it would only be one, two, and three for this first year. Then
30 everybody would be on a three-year appointment and we would only
31 have to deal with a third of the AP in any one year, but we
32 would have to do it every year, whereas now we're dealing with
33 the entire AP at one time, but we only do it every two years and
34 so it's a tradeoff.

35
36 Maybe this might be something that could be considered in full
37 council, after we go through the AP process and see how smooth
38 it is.

39
40 **MR. MATENS:** That's fine and, again, correct me if I'm
41 misinformed here, but if we do nothing Vis-à-vis the science
42 committee, we're okay at status quo, right? Okay. **Vis-à-vis a**
43 **motion, I move that the AP members serve three-year terms**
44 **without term limits and that those terms be determined in the**
45 **June meeting to be one-year, two-year, or three-year terms.**

46
47 **CHAIRMAN BOYD:** There is a motion on the board by Camp Matens
48 and do we have a second for the motion?

1
2 **EXECUTIVE DIRECTOR GREGORY:** You said in June and you are
3 appointing AP members at this council meeting. We are going to
4 do SSC appointments in June.
5
6 **MR. MATENS:** I am sorry. **Just delete after "be determined" and**
7 **"be determined thereafter".**
8
9 **EXECUTIVE DIRECTOR GREGORY:** I would suggest if this motion is
10 approved by the council that we also consider making the SSC
11 appointments for three-year terms, just so that we're dealing
12 with them on the same cycle.
13
14 **MR. MATENS:** I agree.
15
16 **CHAIRMAN BOYD:** If this does pass -- Well, I will wait and ask
17 the question if we get a second. I need a second for this
18 motion by Camp. All right. I have a second by Lance and now
19 questions.
20
21 **MR. PERRET:** Mr. Matens, would you be amenable to for AP and SSC
22 and take them both up at the same time?
23
24 **MR. MATENS:** Can you help me with that?
25
26 **MR. PERRET:** In other words, we're talking only about the AP
27 members and three-year terms and I say let's do the same thing
28 for the S&S members and make it three years also in the same
29 motion.
30
31 **MR. MATENS:** I agree.
32
33 **MR. PERRET:** Okay and I second that modified motion. Thank you.
34
35 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens, I don't know if this
36 motion was what you said. The last phrase "and those term
37 durations be determined thereafter", that's not explicit. You
38 said you did not want the SSC to have staggered terms, but you
39 did want the AP to have staggered terms.
40
41 **MR. MATENS:** That is correct. I was thinking we could clean
42 that up later. The AP would have staggered terms of one, two,
43 or three years. The SSC would not have staggered terms.
44
45 **EXECUTIVE DIRECTOR GREGORY:** Karen, leave that in there like you
46 just had it and after "limits", take out that phrase that says
47 "and those term durations be determined thereafter" and now put
48 in that for the AP -- The AP will have staggered terms, but the

1 SSC will not.
2
3 **MR. MATENS:** To that point, the staggered terms would be one,
4 two, or three years, please.
5
6 **CHAIRMAN BOYD:** The way I understand it is that the reason for
7 the one, two, or three is just to get us started and then it
8 would be three-year terms, but those three-year terms would be
9 staggered. It's an administrative issue for the council and for
10 staff to try to get things done. I had Lance second and are you
11 okay with the change? Lance is okay.
12
13 **MS. BADEMAN:** I had the same problem Doug did and I'm good now.
14
15 **CHAIRMAN BOYD:** Okay. Any further discussion? Let me read it,
16 since we've had a bunch of -- Myron.
17
18 **MR. MYRON FISCHER:** So this would me that we vote on AP members
19 annually and we would be voting on a third of the AP slate every
20 year? Okay.
21
22 **CHAIRMAN BOYD:** That's my interpretation. Mr. Gregory, is that
23 your interpretation?
24
25 **EXECUTIVE DIRECTOR GREGORY:** Yes.
26
27 **CHAIRMAN BOYD:** Okay. Let me read it, since we've had some
28 changes. Pam.
29
30 **DR. PAMELA DANA:** Thank you, Chairman Boyd. I still don't
31 understand this motion, I mean the way I'm reading it. During
32 this council meeting if we're voting on AP members to fill the
33 various APs and we are giving them a three-year term, where does
34 -- I don't understand how the staggering comes in, because they
35 are all given a three-year term, everyone that's appointed.
36
37 **CHAIRMAN BOYD:** Yes, the timing is not good on this motion
38 versus the appointments. Mr. Gregory, do you have a
39 clarification?
40
41 **EXECUTIVE DIRECTOR GREGORY:** The way we originally suggested
42 this, for this first year, for 2015 to 2016, a third of the
43 appointments you make at this meeting will be for a one-year
44 period and a third will be for two years and a third will be for
45 three years.
46
47 Then next year you will take up those seats that got a one-year
48 appointment and reconsider them for a three-year appointment and

1 so only in this year will people have one, two, or three-year
2 appointments. For every year thereafter, it will be an ongoing
3 three-year appointment.

4
5 **DR. DANA:** If I am looking at the one-year third, two-year
6 third, and three year and if I'm a candidate and I get selected
7 and I get selected to be on an AP for one year versus the person
8 who gets selected for three years, that sends kind of a weird
9 message. Why am I just getting a one-year and then have to go
10 up for reapplication and why somebody else gets three years? It
11 may not be any intention other than trying to make it staggered
12 and that's what we're trying to do, but I think the impression
13 might be misunderstood.

14
15 **MR. FISCHER:** Mr. Chair, two quick questions. This is not a
16 committee of the whole and this is the two joint committees?
17 Okay. So I don't have the opportunity to vote against this.

18
19 If someone is voted down by this council, now we have to vote
20 him down annually and every time he puts his name up, we would
21 be basically voting him down. I would prefer voting him down
22 just once every three years.

23
24 **CHAIRMAN BOYD:** I am not sure I understood it that way. If I
25 understand this, what we're trying to do is get to a three-year
26 term and it's just that this first time there would be a one,
27 two, and a three and then we would roll back in and we would
28 have to do it -- We would have to reappoint them for a three-
29 year term after the first year or the second year, but we are
30 trying to get a three-year term with no malice towards anybody's
31 appointment.

32
33 **MR. FISCHER:** Correct, but let's say on a committee on pelagics
34 and so every year we would be voting on a third of the pelagics
35 and so someone who doesn't make the cut would be putting his
36 name back up every year, because we're voting on some annually,
37 which is okay, but I am just saying that --

38
39 **CHAIRMAN BOYD:** Yes and you're talking about resubmissions.
40 Yes, that could happen. Just like getting on the council if
41 you're not a state person.

42
43 **DR. BONNIE PONWITH:** Speaking just from a logistics standpoint
44 and no opinions on ups and downs and good ideas or not, but Dr.
45 Dana's point is a good one that if someone is appointed for a
46 year that it sends a concerning message and the way to
47 counteract that would be to say that this an attempt to stagger
48 memberships.

1
2 From a science standpoint, I will weigh in on that and say
3 staggered memberships is a smart idea. You don't want 100
4 percent of any committee to senesce at the same point, because
5 then you end up with complete turnover and it makes it very,
6 very difficult to have continuity on some of these longer-term
7 projects.

8
9 To get around the one-year problem, if I understand it correctly
10 to be one year and then they would be up for reconsideration for
11 another full term and that term would then be the three-year
12 term, that would be a total of four years together. If that's
13 how it worked, the other approach would be to say if it's a --
14 The intent is to get at staggered three-year terms and instead
15 of doing one, two, and three that first year to achieve that, do
16 two, three, and four.

17
18 The catch with doing two, three, and four is if the intent then
19 is to revisit them and re-nominate them, that person who is on a
20 four-year term would then be serving seven years in a row and so
21 there are all kinds of permutations in how to do this, but the
22 notion of staggering is a good one.

23
24 **MR. HARLON PEARCE:** I am not on this committee and, Myron,
25 there's so many guys on this committee you could have raised
26 your hand and they wouldn't have noticed. There would have been
27 no problem at all.

28
29 I am sort of in Pam's camp a little bit. I understand what
30 you're doing, but if I'm somebody that's appointed for one year
31 and half of these APs don't meet sometimes for two or three
32 years, I mean I am going to say what am I doing here and why am
33 I here? I am a little concerned about that. I do like the
34 staggered idea, but I am just really figuring how people are
35 going to take it when they're put on for one year.

36
37 **DR. DANA:** I could support this motion if -- I agree with Bonnie
38 that I think staggering is a good thing, because the new folks
39 can learn from those who have served for a while and et cetera.
40 There is good reasons for staggering.

41
42 If when we appoint the total body of the AP for three-year
43 terms, if we chose those one-year, two-year, and three-year
44 thirds by maybe a lottery of sorts -- Doug Gregory, you might
45 want to listen to this.

46
47 If, rather than choosing the individual people to serve one
48 year, individual people for two years and three years, if there

1 was a lottery or some way that you just choose one-third out of
2 a hat and those guys get one year or you review them after the
3 year or whatever, reappoint, rather than choose upfront names of
4 who is going to do the one, two, and three.

5
6 **EXECUTIVE DIRECTOR GREGORY:** To me, it's six to one. I was
7 simply going to -- My idea was to list everybody alphabetically
8 and go 1, 2, 3. If you do a lottery, it's the same sort of
9 thing. I wasn't going to say I like this person and he gets a
10 three and I don't like that one and he gets a one. It was going
11 to be totally objective and arbitrary.

12
13 **DR. DANA:** That addresses my concern then. That was basically
14 it.

15
16 **CHAIRMAN BOYD:** We could have Mr. Atran write a program that
17 does random selection. I know he could do it.

18
19 **DR. GREG STUNZ:** What if we looked at more of a half-full
20 approach and just added a year to some of the members that are
21 currently serving? Then nobody gets penalized or whatever you
22 want to call it. For a year upfront, you just ask a few people
23 to serve an additional year and then that staggers those
24 appointments.

25
26 **EXECUTIVE DIRECTOR GREGORY:** The other approach would be to make
27 three, four, and five-year appointments. Instead of one, two,
28 and three, you just start the other way or two, three, and four.
29 If you don't -- The truth of the matter is that not all of our
30 APs meet every year and so yes, somebody could be appointed for
31 one year and the AP would never meet, but that would be a
32 consideration at each appointment level. It's part of this sort
33 of concern that made me and the staff I was working with change
34 our minds about this.

35
36 **CHAIRMAN BOYD:** To kind of get us out of this discussion with
37 that suggestion, why don't we put in this motion that we
38 recommend that the initial terms be assigned as three, four, and
39 five years and then we don't have the problem that Dr. Dana is
40 talking about? I don't have a problem with that. Committee
41 members? Mr. Matens, this is your motion.

42
43 **MR. MATENS:** I am fine with that.

44
45 **CHAIRMAN BOYD:** Lance is okay with that. Mr. Gregory, does that
46 cause you a problem?

47
48 **EXECUTIVE DIRECTOR GREGORY:** Currently, we have two-year

1 appointments and so somebody is going to get a five-year
2 appointment. At the opposite end, that seems a bit extreme,
3 too.

4
5 **MR. PERRET:** We've got members that have been on for twenty
6 years.

7
8 **EXECUTIVE DIRECTOR GREGORY:** Yes, we do. The council can remove
9 anyone at any time without cause also.

10
11 **DR. DANA:** I felt that we don't really need to add this new part
12 to the motion. I think the motion before was sufficient, based
13 on the fact of what Doug had said on how they planned to make it
14 a random -- Whatever Doug said before.

15
16 **CHAIRMAN BOYD:** So your concern is that you just don't want to
17 send the wrong message.

18
19 **DR. DANA:** Absolutely and he has --

20
21 **CHAIRMAN BOYD:** So doing it in a random format and not in a
22 selection format, then you're okay with it.

23
24 **DR. DANA:** Correct. The fact that Doug and his team have a plan
25 to make sure that we are not hand-selecting who gets the one,
26 two, and three and that there is some reasoning behind it, kind
27 of like what Greg Stunz had also said, so long as they are
28 concerned about that, then maybe we leave that to the staff to
29 determine the staggering part.

30
31 **EXECUTIVE DIRECTOR GREGORY:** Karen, don't add that random
32 selection stuff and just -- I understand what you want and I
33 didn't realize it at first, but yes, the concern, I think, was
34 we weren't going to go into the closed session and I was not
35 going to ask the council to actually select people for one, two,
36 and three-year terms. That was not my intent and I didn't even
37 think about that until just now.

38
39 The selection would be done administratively afterwards through
40 an objective process. It could be a random lottery type of
41 thing or it could be the proposal of ABC like I was suggesting
42 and I am open for suggestions. I don't think that process has
43 to be in a motion, as long as it's done in an objective manner.

44
45 **MR. JOHN SANCHEZ:** I am not on the committee, but I don't know.
46 Listening to the discussion, it seems like Greg's idea was the
47 best. Just put everybody at three and if there is ever somebody
48 that's problematic, we have the ability to get them off and that

1 keeps it simple and that addresses the fact that some of these
2 committees don't meet for a year or two and if you go randomly
3 or arbitrarily and do that, you may not capture some of those
4 people that never get to attend the first meeting because we
5 didn't have an AP meeting. If we just said, all right,
6 everybody at three and here's where you're at and boom, boom,
7 boom and just go on. It's easy.

8
9 **EXECUTIVE DIRECTOR GREGORY:** The other reason we initially
10 suggested staggered terms was the confusion we had in 2013 with
11 doing the AP and the SSC appointments at the same time and the
12 process we had at the time.

13
14 We have now implemented an online application process. The
15 public that has used that and applied has praised what we've
16 done. The next step of this, the next phase, is to see how well
17 this helps your selection process at this meeting. If the
18 selection process goes smoothly, then our original intent for
19 staggered terms is moot.

20
21 That was the history of it. There was a lot of confusion in
22 April of 2013 in Gulfport and we were trying to figure out ways
23 to reduce the confusion and I think the online application is
24 working well. We still have not solved the problem of people
25 who forget or don't apply and then later decide they intended to
26 and wanted to and they have contacted individual council
27 members.

28
29 I think we will still have to deal with that at this meeting and
30 maybe we can come up with a way to solve that in the future. We
31 did, with people that we knew had been on APs for a long time
32 that did not apply, we did send them a second email specifically
33 to contact them. In one case, I got a response and in another
34 case, I didn't. We will talk about that in closed session.

35
36 The process, at least so far, has gone very smoothly and so if
37 this motion does pass, I would suggest that we don't vote on it
38 in full council until after the AP selection, so we see how well
39 that goes.

40
41 **MR. PERRET:** With what Mr. Gregory has just said and looking at
42 the agenda, we will be doing the advisory panel appointments on
43 Wednesday A.M. and this dual committee won't take this stuff up
44 until Thursday A.M. With all due consideration and so on for my
45 friend, Mr. Matens, I would move we table this until full
46 council takes up this issue in its Administrative Policy/Budget
47 Committee report, which is Thursday morning. Table it to
48 Thursday morning for the full council. That is my motion.

1
2 **CHAIRMAN BOYD:** All right. Do we have a second for the motion
3 to table? I don't know my -- I didn't bring my book, but it
4 does require a second. I do not hear a second and so the motion
5 fails for lack of a second.

6
7 We have the motion before you and I will read it since it's been
8 changed several times. It's to recommend that the AP and SSC
9 members have three-year terms without term limits. The AP will
10 have staggered terms, but the SSC will not. Let's vote on this
11 one. **All in favor say aye; opposed same sign. Hearing no**
12 **opposition, the motion carries.**

13
14 **CONSIDERATION TO CHANGE TITLE AND APPOINTMENTS FOR SELECTED APS**

15
16 **EXECUTIVE DIRECTOR GREGORY:** The next item is Tab G, Number 8.
17 This is something the council has not discussed before, but I
18 wanted to bring it to your attention before the selection
19 process.

20
21 If my recommendation here is accepted by the committee, then we
22 will have to bring it up before the council before the AP
23 selection. When we do the AP selection, we never advertise for
24 the Law Enforcement AP, because they are on the AP because of
25 their job titles, but we call it an AP and we have other
26 committees that are kind of not the same as a regular AP, the
27 SEDAR, the Outreach and Education, and a proposed Aquaculture AP
28 that we've got to form once the Aquaculture FMP is implemented.

29
30 The SEDAR AP or group -- We are proposing to change the -- Not
31 call these particular committees advisory panels, but call them
32 technical committees, just to try to keep some clarification of
33 purpose.

34
35 The SEDAR Technical Committee is made up of people that we think
36 would serve well in a pool of expertise from the Gulf to attend
37 SEDAR stock assessments and provide assistance in developing the
38 stock assessment. These can be scientists or these can be
39 industry people.

40
41 Currently, anybody on an existing AP or an existing SSC is
42 eligible to go to a SEDAR meeting and what that means is by
43 being eligible is SEDAR pays their travel costs and not the Gulf
44 Council and so the more people we can get on this SEDAR what we
45 used to call a pool and now call an AP, the more expertise we
46 can provide to the process without us having to pay their
47 travel.

1 Staff has suggested that any state or federal employee or
2 scientist be automatically eligible for this AP and so we can
3 pick and choose expertise from around the state, among the
4 states, when we need it and the other thing, the main thing
5 we're suggesting, is that for these particular committees that
6 we let the appointment process be done jointly by myself and the
7 Chair of the council, instead of having the full council vote on
8 them.

9
10 SEDAR is unique in that respect. There comes a time during the
11 year and we had an episode or an instance this last year when we
12 wanted to add two people to the SEDAR process and the council
13 said no, we're going to wait until April and so we missed an
14 opportunity to have some expertise available at a stock
15 assessment.

16
17 The other committee is the Outreach and Education and this is a
18 mixture of people that are on the committee based upon their job
19 titles. We have communications people from each Gulf state
20 serving on this and those people are actually selected by the
21 directors of the states as to who should be their communications
22 specialist.

23
24 We would like to expand that what we would call obligated seat
25 to the four Sea Grant programs in the Gulf of Mexico and have a
26 communications specialist from each state plus one from each of
27 the four Sea Grant programs and then maybe a couple of other
28 people from outside those designated seats and, again, have that
29 selection be done by the Executive Director and the Chairman.

30
31 The Aquaculture AP, the FMP specifically says what the
32 membership is going to be. It's going to be council staff, NMFS
33 staff, and then some other people from universities or private
34 scientists.

35
36 With each of these, these are not just people from the public
37 that apply and get appointed. For Law Enforcement, this is
38 strictly by job title and for these other committees, it's a
39 mixture of the two and to reduce confusion and, particularly
40 with SEDAR, to increase their flexibility, we would like to have
41 those appointments done just by the ED and the Chair alone and
42 not by the full council vote.

43
44 Of course, the full council at any time can oversee that and
45 change direction on something and for the SMZ Monitoring Team,
46 we are proposing that we just eliminate that committee
47 altogether and if something comes up that requires a monitoring
48 team, we deal with it on an ad hoc basis as a working group.

1
2 That was designed originally in the early 1990s in Amendment 5
3 for states that wanted to request a special management zone in
4 federal waters to restrict fishing activity because of
5 artificial reef development and very little activity has been
6 done in this area. The last activity was in 2006 and so the
7 team has not met since 2006.

8
9 We actually list this team under the SSC, but we would like to
10 eliminate that committee altogether and so our staff
11 recommendation is that approval -- We are seeking approval to
12 retitle the APs discussed above as technical committees with
13 appointments made jointly by the Executive Director and the
14 Council Chair.

15
16 **CHAIRMAN BOYD:** All right. Doug, are you expecting a motion to
17 come that lists these recommendations in the motion and is that
18 what you want?

19
20 **EXECUTIVE DIRECTOR GREGORY:** The first recommendation is really
21 what we're looking for and I guess the second recommendation to
22 allow us to include state and federal scientists as being
23 automatically qualified for SEDAR, but if you give that
24 authority to the Executive Director and the Chairman, we can
25 handle that. The only real motion is that first paragraph that
26 I just read.

27
28 **MR. PERRET:** You've got to have a motion to do away with the
29 SMZ.

30
31 **EXECUTIVE DIRECTOR GREGORY:** And another motion to do away with
32 the SMZ Monitoring Team. Sorry.

33
34 **MR. PERRET:** I am going to try and bring you and I within our
35 timeframe if the joint committee agrees. **I would like to move**
36 **that we recommend to the council the retitling of the SEDAR,**
37 **Outreach and Education, and Aquaculture APs as technical**
38 **committees with appointments to the SEDAR, Outreach and**
39 **Education, and the Aquaculture Technical Committees made jointly**
40 **by the Executive Director and Council Chair.** That is my motion.
41 I changed the language as discussed above because we're not
42 including that SMZ thing in this motion. That's going to be a
43 separate motion.

44
45 **CHAIRMAN BOYD:** You have a motion before you and do we have a
46 second? We have a second by Roy Williams. Is there discussion
47 on this motion?

48

1 **MS. MARA LEVY:** I just want to point out that that's fine and
2 you can call them whatever you like to help folks understand
3 what they are, but for purposes of the Magnuson Act, all the
4 committees or panels that you appoint are advisory panels under
5 the Act and so all of the same requirements apply, the open
6 meetings, et cetera, et cetera, because they have that exemption
7 from the Federal Advisory Committee Act. Whatever you want to
8 name them is fine, but just know that they are all advisory
9 panels under the Magnuson Act.

10
11 **CHAIRMAN BOYD:** Kevin, you and Doug understand that and you've
12 all got it? Okay. We have a motion before us and any further
13 discussion? **All in favor say aye; opposed. Hearing no**
14 **opposition, the motion carries.**

15
16 **MR. PERRET:** Mr. Chairman, I have one other motion and that is
17 we recommend to the council that we discontinue the SMZ
18 Monitoring Team and reconstituting it as a working group on an
19 as needed basis.

20
21 **CHAIRMAN BOYD:** I have a motion and is there a second? Roy
22 Williams seconds. Is there discussion? **Any opposition to this**
23 **motion? Hearing no opposition, the motion carries.**

24
25 **MS. LEVY:** For this motion, discontinuation of this group and
26 reinstitute -- Because it's separate from the other one, if it's
27 going to be reinstated, does the council need to convene the
28 group again and pick the people, because it's not included in
29 that other motion that talks about the Executive Director and
30 the Chair and so I just want to make sure what it's actually
31 doing.

32
33 **CHAIRMAN BOYD:** That's the way I interpreted it.

34
35 **EXECUTIVE DIRECTOR GREGORY:** Yes, that was our intent and
36 clearly we would be consulting with the council on that.

37
38 **CHAIRMAN BOYD:** **That motion carried.** We are into Other Business
39 and, Mr. Gregory, you had two things in Other Business.

40
41 **OTHER BUSINESS**

42
43 **EXECUTIVE DIRECTOR GREGORY:** Basically this is a chapter out of
44 our administrative handbook and it says that if somebody is on
45 unpaid leave for the first thirty days of unpaid leave that we
46 will pay their health insurance.

47
48 After that first thirty days of unpaid leave, they have to pay

1 their own health insurance and what I am proposing to add is the
2 phrase that starts after "Family Medical Leave Act", it's called
3 -- The fifth line from the bottom, it starts "or due to a
4 medical condition that extends beyond the Family Medical Leave
5 period". That's the phrase I have added to this.

6
7 The intent of this is that if we have someone out that has gone
8 through the Family Medical Leave period of 120 days and we are
9 obligated to pay their health insurance during that Family
10 Medical Leave period, but if their illness is severe enough that
11 they are still out of the office beyond that Family Medical
12 Leave and we want to -- They have used all of their regular
13 leave and they have to go on unpaid leave that we will continue
14 to pay their health insurance as long as we keep them on unpaid
15 leave.

16
17 It seems a bit difficult to take someone that is having a severe
18 medical condition and that has no income coming in to also ask
19 them to pay for their own health insurance and so with this
20 phrase added, we wouldn't be asking them to automatically pay
21 their health insurance after thirty days.

22
23 That would be an administrative decision by myself and the
24 supervisor, in consultation with the personnel chair, that we
25 would make, how long we would go that route, but this seems to
26 be a humane thing to do, a good thing to do, for an employee,
27 that we don't make them pay for health insurance while they are
28 in such a dire strait.

29
30 **CHAIRMAN BOYD:** I assume, Mr. Gregory, you are looking for a
31 motion on this one.

32
33 **EXECUTIVE DIRECTOR GREGORY:** Right. I would like a motion that
34 basically would say for an employee that is on extended medical
35 unpaid leave that they do not have to pay their own health
36 insurance.

37
38 **DR. DANA:** So moved.

39
40 **CHAIRMAN BOYD:** I have a couple of questions, but let's see if
41 we can get a motion.

42
43 **DR. DANA:** So moved.

44
45 **CHAIRMAN BOYD:** All right. Dr. Dana and do we have a second?
46 From Corky. My question would be is the amount that we're going
47 to pay -- They don't have to pay and does that mean that the
48 council pays 100 percent or 50 percent or 20 percent? Can I

1 have some clarification there?

2
3 **EXECUTIVE DIRECTOR GREGORY:** The intent here is for the council
4 to pay 100 percent, which is about \$1,400 a month, I believe.
5 Is that ballpark, Cathy?

6
7 **MR. PERRET:** For how long?

8
9 **EXECUTIVE DIRECTOR GREGORY:** The duration would be my decision,
10 in consultation with the personnel chair and the supervisor of
11 the employee, because clearly once someone goes through FMLA
12 leave, we can terminate their employment at any time if they
13 can't come back to work after 120 days. It would be a
14 determination we would make in house, administratively.

15
16 **MS. READINGER:** I was just going to add that if the condition is
17 severe enough and they qualified for Social Security disability,
18 then I think they are eligible for Medicare benefits and so you
19 might want to consider that also.

20
21 **EXECUTIVE DIRECTOR GREGORY:** No, that would be our decision
22 administratively. We certainly wouldn't be paying for something
23 that we didn't think was warranted.

24
25 I can't foresee that, because we do have a long-term disability
26 plan for employees, but this is just something as an interim
27 thing and whenever you have a situation like this, we would
28 certainly be consulting with the Department of Commerce labor
29 lawyers in doing that. Even though Florida is technically an
30 at-will state, where you can fire anybody without cause at any
31 time, nobody does that. It's not wise. Before terminating any
32 employee, a lawyer would be consulted.

33
34 **MR. KEVIN ANSON:** That addressed my question and I certainly
35 understand the intent of what you're trying to do, Doug, but
36 circumstances change from one situation to the next and trying
37 not to establish precedent and such and what that might bear for
38 the next person or persons that come after that and the legal
39 issues that might transpire from that. That would be my concern
40 and so if you're consulting with the DOC lawyers, then that's
41 great.

42
43 **CHAIRMAN BOYD:** My only concern is what Corky voiced a minute
44 ago, that there seems to be no end to it. If it had some
45 termination point, when Medicare kicks in or when disability
46 kicks in, the disability policy, or some other reason, some
47 limit, so that it's not ad infinitum.

48

1 **EXECUTIVE DIRECTOR GREGORY:** I understand that technicality, but
2 I don't foresee that ever really happening. I mean I can't see
3 that. This is an effort to be more humane, but it's not
4 something that would keep somebody on. I mean we have a small
5 staff and we need -- We can't afford to have somebody out for an
6 extended period of time. It's a burden on the rest of the staff
7 and so it's not something that's going to be ad infinitum.

8
9 **CHAIRMAN BOYD:** All right. We have a motion and it's been
10 seconded. Any further discussion?

11
12 **EXECUTIVE DIRECTOR GREGORY:** The motion is to add that phrase to
13 our current administrative handbook and it's highlighted.

14
15 **CHAIRMAN BOYD:** Mara, any comments? Okay. Thank you. All
16 right. The motion is on the board and I am not going to read
17 the whole thing. **All in favor say aye; opposed. Hearing no**
18 **opposition, the motion carries.**

19
20 **EXECUTIVE DIRECTOR GREGORY:** We are over time and the topic of
21 discussing state directors reports, maybe we can put that in
22 Other Business for the council.

23
24 **CHAIRMAN BOYD:** Okay. That's fine. Do you want to just say a
25 one-liner about what you're talking about?

26
27 **EXECUTIVE DIRECTOR GREGORY:** Originally, the council had a
28 policy for state directors and the Regional Director to provide
29 verbal reports to the council at the end of each council
30 meeting.

31
32 That became problematic because of people's schedules and so
33 then we transitioned to the directors providing written reports
34 to the council and we put it in the briefing book and just left
35 it at that.

36
37 Over time, some directors are doing it on a regular basis and
38 other directors are not and so I wanted to ask the council if we
39 wanted to continue that obligation or just drop it altogether.

40
41 **CHAIRMAN BOYD:** Okay. We will take that up in Other Business at
42 the council meeting. That concludes the business of the Joint
43 Administrative Policy and Budget/Personnel Committee. Corky,
44 are you all right with that?

45
46 All right. We are going to move to the Law Enforcement
47 Committee, but I would like to take a ten-minute break. I think
48 it's warranted at this point, but please come back promptly,

1 because Mr. Atran has a full agenda and we may even have to
2 postpone part of it to the full council and so let's come back
3 in let's say 10:25.

4

5 (Whereupon, the meeting adjourned at 10:15 a.m., March 30,
6 2015.)

7

8

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9