

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE/BUDGET COMMITTEE

Marriott Plaza

San Antonio, Texas

August 7, 2017

VOTING MEMBERS

- 10 Robin Riechers.....Texas
- 11 Kevin Anson (designee for Chris Blankenship).....Alabama
- 12 Doug Boyd.....Texas
- 13 Campo Matens.....Louisiana
- 14 Paul Mickle (designee for Jamie Miller).....Mississippi
- 15 Ed Swindell.....Louisiana
- 16 David Walker.....Alabama

NON-VOTING MEMBERS

- 19 Patrick Banks.....Louisiana
- 20 Leann Bosarge.....Mississippi
- 21 Glenn Constant.....USFWS
- 22 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 23 Pamela Dana.....Florida
- 24 Dale Diaz.....Mississippi
- 25 Dave Donaldson.....GSMFC
- 26 Tom Frazer.....Florida
- 27 John Greene.....Alabama
- 28 Martha Guyas (designee for Nick Wiley).....Florida
- 29 LCDR Stacy McNeer.....USCG
- 30 John Sanchez.....Florida
- 31 Greg Stunz.....Texas

STAFF

- 34 Steven Atran.....Senior Fishery Biologist
- 35 Assane Diagne.....Economist
- 36 Matt Freeman.....Economist
- 37 John Froeschke.....Fishery Biologist-Statistician
- 38 Douglas Gregory.....Executive Director
- 39 Beth Hager.....Administrative Officer
- 40 Karen Hoak.....Administrative & Financial Assistant
- 41 Ava Lasseter.....Anthropologist
- 42 Emily Muehlstein.....Public Information Officer
- 43 Bernadine Roy.....Office Manager
- 44 Carrie Simmons.....Deputy Director

OTHER PARTICIPANTS

- 47 Pam Anderson.....Panama City Beach, FL
- 48 Charlie Bergman.....NOAA

1 Chris Bianchette.....USCG
2 Eric Brazer.....Gulf of Mexico Reef Fish Shareholders Alliance
3 Chester Brewer.....SAFMC
4 Bubba Cochrane.....Galveston, TX
5 Connor Cochrane.....Galveston, TX
6 Susan Gerhart.....NMFS
7 Shepherd Grimes.....NOAA GC
8 Dylan Hubbard.....Madeira Beach, FL
9 Mark Hubbard.....Madeira Beach, FL
10 Alison Johnson.....Oceana
11 Jason Klosterman.....Destin, FL
12 Jack McGovern.....NOAA Fisheries
13 Bonnie Ponwith.....SEFSC
14 Andrew Ropicki.....Texas Sea Grant
15 Jessica Stephen.....NMFS
16 Kevin Wheeler.....
17 Jim Zurbrick.....Steinhatchee, FL
18
19 - - -
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TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Table of Motions.....4
6
7 Adoption of Agenda and Approval of Minutes.....5
8
9 Action Guide and Next Steps.....5
10
11 Financial Budget Review.....6
12 2017 Expenditures to Date and Approval of 2017 Budget.....6
13 Projected Budgets through 2019.....6
14
15 Review of SOPPs Guidance on Advisory Panel Appointments.....11
16
17 Other Business.....21
18 Discussion of Council Member Offsite Attendance.....21
19
20 Adjournment.....29
21
22 - - -
23

TABLE OF MOTIONS

1
2
3
4
5
6
7
8
9

PAGE 8: Motion to approve the budget as shown in Tab G, Number 4(a). The motion carried on page 8.

PAGE 27: Motion to modify the SOPPs so that council members must be physically present to participate, motion, or vote. The motion carried on page 29.

1 The Administrative/Budget Committee of the Gulf of Mexico
2 Fishery Management Council convened at the Marriott Plaza, San
3 Antonio, Texas, Monday morning, August 7, 2017, and was called
4 to order by Chairman Robin Riechers.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN ROBIN RIECHERS:** I would like to open the
11 Administrative/Budget Committee and turn everyone's attention to
12 Tab G-1, the Adoption of the Agenda. I will note, for the
13 record as well, that all members are present around the table.
14 Does anyone have any additions or deletions or anything to add
15 to the agenda? Mr. Gregory.

16
17 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** Thank you, Mr. Chair. I
18 would like to add, to Other Business, a discussion about council
19 members participating in the council meeting via webinar or
20 telephone conference call rather than being present. We have
21 some verbiage in our SOPPs, but it's not complete, and NOAA
22 General Counsel may have some comments on this.

23
24 **CHAIRMAN RIECHERS:** Okay. We will add that to the Other
25 Business. Any other changes? Hearing none, we will adopt the
26 agenda then, as modified. Next, we will turn our attention to
27 Tab G-2. Are there any deletions, additions, or corrections to
28 the minutes? Seeing no hands in the air, I assume then that we
29 will adopt the minutes as written. With that, that takes us to
30 the Action Guide and Next Steps, Mr. Gregory, Tab G-3.

31
32 **EXECUTIVE DIRECTOR GREGORY:** Thank you. Agenda Item IV is going
33 to be a Review of 2017 Expenditures to Date and the budget,
34 based on funding. The council reviewed the draft of the 2017
35 budget earlier this year, and we were not advised of our final
36 funding until July 6 of this year.

37
38 I know it's a little odd to be approving a budget in the latter
39 half of the year, but that's the situation we're in, and Beth
40 will explain that we still haven't received any funding, but
41 we've just been told what we're going to get, and so we're still
42 waiting for the second half of our year's funding. Beth is
43 going to go through that, and we need the council to approve the
44 final 2017 budget.

45
46 Agenda Item V is going to be a Review of the SOPPs Guidance on
47 AP Appointments. This is something that came up at the last
48 meeting, and I just wanted to run it by the council, to see if

1 we want to put some clarifying language in our SOPPs.

2
3 There are two aspects of this. One is to specify whether
4 violations associated with reporting requirements are to be
5 considered serious enough to disqualify an AP applicant or to
6 consider that in the applicant's request. Two is to revisit
7 something that was put into the SOPPs, I think a couple of years
8 ago, to consider violations relative to all marine species or
9 all federally-managed species or only council-managed species.

10
11 With all marine species, that would include violations in state
12 waters, which we currently do not include in our consideration.
13 All federally-managed species would be for HMS-type species, and
14 so those are the two items we have for our agenda today.

15
16 **CHAIRMAN RIECHERS:** Okay, and so we're going to now turn to the
17 budget items and Beth.

18
19 **FINANCIAL BUDGET REVIEW**
20 **2017 EXPENDITURES TO DATE AND APPROVAL OF 2017 BUDGET**
21 **PROJECTED BUDGETS THROUGH 2019**

22
23 **MS. BETH HAGER:** Looking at Tab G, Number 4(a), during our last
24 2017 budget review in April of 2017, we conveyed to the council
25 our anticipation of a 1 percent funding increase over 2016
26 funding, which was \$3,611,000. We recently, in July, received
27 information that our funding for 2017 should come in at
28 \$3,681,000. That's approximately a 1.9 percent increase over
29 2016, and so we have revised the budget reflected in this
30 statement accordingly.

31
32 This updated budget and expenditures here are presented -- It's
33 what we've used so far, and we're comparing the updated budget
34 with our expenditures to date. We can see there are a few line
35 items, such as health insurance and supplies, that do not follow
36 a straight line outlay for monthly expenditures, and there are
37 some things that we can have direct control over, to try and not
38 expend funds, if possible, and so we do see some small variances
39 within the detailed line items, but, overall, we're about
40 halfway through the year, and we have expended about 52 percent
41 of our budget, which leaves us with 48 percent of our
42 anticipated funds remaining.

43
44 By holding the remaining SSC meetings that we have planned and
45 the AP meetings in the Tampa office and being mindful of our
46 spending, we believe that we will be able to complete any
47 necessary activities and end 2017 without a deficit. That is
48 the very bottom line there, in the far right-hand corner, where

1 you will see the 48 percent.

2
3 Looking to Tab G, Number 4(b), this is the projected funding and
4 expenditures for 2017, with estimates for 2018 and 2019. We
5 have revised the projection for the 2017 year-end expenditures
6 and anticipated funding for 2018 and 2019 in this slide, and our
7 projections for 2018 and 2019 were originally based on the
8 guidance that we would receive a 10 percent increase, and then
9 it was drawn down to 3 percent.

10
11 Since then, we have learned that the funding will likely be much
12 lower, and so we have revised these projections to reflect a 1.9
13 percent increase in 2017 and a possible 1 percent increase in
14 2018 and 2019.

15
16 A significant factor in this projection is the unanticipated
17 cost increase for our office space, beginning in June of 2018,
18 because we need to relocate the council office. Our building
19 has sold, and the new owners plan to increase our rent from
20 about \$88,000 to \$133,000 annually. That's above what we're
21 currently paying in rent.

22
23 Other options in the Tampa area are being explored, but a recent
24 market analysis indicates at this time that suitable locations
25 may cost between \$80,000 to \$90,000 more than our current space
26 if we maintain the same usage.

27
28 Given our original five-year projections were based on the
29 guidance of a 10 percent increase, overall, our total funding
30 projections show that, based off of the initial five-year award,
31 we will be receiving \$2.4 million less than we originally
32 anticipated.

33
34 Some assumptions in these projections for 2018 and 2019 include
35 no impact for possible staff turnover. In 2018 and 2019, we
36 removed one position from our proposed budget, and we anticipate
37 receiving funding to move one more biologist to the coral award
38 at 100 percent.

39
40 At this time, we believe our health insurance plan will no
41 longer be offered by the provider, due to the extreme
42 uncertainty in the market and legislation, and we have budgeted
43 a conservative 10 percent increase for 2018 and 2019.

44
45 We have decreased our planned 2018 and 2019 meeting activity to
46 more accurately reflect the current issues that were being
47 addressed, which were not available at 2015, when the original
48 budget was projected, and hosting as many meetings as possible

1 in our Tampa office.

2
3 Several areas of the budget will be affected by our impending
4 office space relocation. Due to this, we have increased costs
5 and contractual services relating to the physical move. We will
6 need to reroute cables, and we will need to add phones, and we
7 will also need to replace printed materials with the new
8 address, and a possible increase in the office rental costs.

9
10 Our hope is that we'll have a space suitable that will allow us
11 to continue to host meetings in the office. That will depend on
12 what we find available and what we can afford. If we can
13 maintain it in the office, it should help us to offset some of
14 the costs. Staff will, as usual, always continue to look for
15 areas to reduce costs, wherever possible, and that's all we
16 have.

17
18 **CHAIRMAN RIECHERS:** Okay. Any questions of Beth? We really
19 have two items on the table here, just so that we're clear. We
20 have to approve the most recent 2017 budget, which was the first
21 tab, and then we can have any discussion that we want to have
22 about these projected budgets as well or any of that, and so,
23 for the first one, let's just deal with 2017 first, and
24 hopefully we'll have a motion to approve that. Committee
25 members, please.

26
27 **MR. CAMPO MATENS:** I make a motion.

28
29 **CHAIRMAN RIECHERS:** There's been a motion to approve, and that
30 would be Tab G-4(a), for 2017. It's seconded by Mr. Boyd. **All**
31 **those in favor of the motion, say aye; all those opposed same**
32 **sign. The motion passes.**

33
34 Now we will deal with Tab G-4(b), if there is any questions or
35 concerns or more in-depth questioning that wants to go on
36 surrounding that. I guess I only have one, and that is, Doug,
37 given some of the numbers here, the variances that we're seeing
38 here, I am assuming that you're working either with the Chair or
39 with the Chair and Administrative/Budget to really fine-tune
40 these, so that we don't reach a point at this time next year
41 where we're looking at approving budgets that are in the red.

42
43 **EXECUTIVE DIRECTOR GREGORY:** Most certainly, and we're also
44 going to try to -- Well, given that we sometimes do not receive
45 our full funding until July or August or September in the year,
46 we try not to go over our budgets, or even to meet our budgets.

47
48 We try to come a little under our budget, because we never know.

1 We just don't have stable funding timelines, and so we're
2 clearly going to be looking for savings, and the one thing, the
3 monkey-wrench, that we have this year is the having to move our
4 council office.

5
6 We were not anticipating that. It's typical when new owners buy
7 an office building that they remodel it and invest a lot of
8 money and raise the rents, and that's what they're proceeding to
9 do, and, even though we're long-term tenants, there's like
10 little regard for that, and so we know we have to move, and
11 we're going to look for space that is equal in cost, and even
12 lower in cost, if we can.

13
14 We know that's below market, and so I'm sure that we will not
15 have an eleventh-floor office with a view of the Tampa Bay in
16 the future, and so we're just looking around. We just started
17 our research this past month, and there are a number of options,
18 and we're going to try to do it with minimal impact on the staff
19 as well as minimal impact on the budget, and so, yes,
20 definitely. We're going to try to come in with a budget without
21 projected negative components.

22
23 **CHAIRMAN RIECHERS:** Well, and maybe we could even get more at
24 the next council meeting, if you all are further along in that
25 looking for other leased properties, et cetera, just so that we
26 can have some assurances of that, because obviously what you're
27 looking at here is not coins under the couch cushion here. It's
28 fairly significant variances there, and so you're going to have
29 to plan for that, and even though you may end up getting more,
30 you kind of have to plan for the worst-case scenario here.

31
32 **EXECUTIVE DIRECTOR GREGORY:** Yes, and this particular budget, to
33 be conservative, we factored in increasing our square footage
34 rate from nineteen-dollars to twenty-five dollars a square foot
35 and increasing our office space from 8,500 to 10,000 square
36 feet, and so that's in this budget that you're seeing now, and
37 so we do not consider this to be -- This may be the worst-case
38 scenario, and the square footage change is not that we're trying
39 to expand our space, but it's that the office building -- The
40 new owners are telling us that even though we're paying for
41 8,500 square feet that we're really using 11,000 square feet,
42 and so we figured 10,000 is probably more realistic than 11,000,
43 and we're surprised by that.

44
45 Not only were they increasing our rent by 25 percent, but they
46 were increasing our space by 25 percent without us changing our
47 space, and so we're really not happy or pleased with the current
48 owners, and we're definitely looking elsewhere, and we have

1 options.

2
3 **MS. LEANN BOSARGE:** I think, around this table too, it would be
4 wise of us to be very cognizant of what we're looking at 2018
5 and 2019, and, as we take things out for scoping or for public
6 comment, if it's something that's very technical -- If it's
7 something that we really don't feel we're going to garner a lot
8 of in-person public feedback, see if we can't do some things by
9 webinar and keep our costs down, and so we just need to be very
10 cognizant of that as we move forward and we're picking
11 locations, and try and be as efficient as possible with our
12 funds as we move forward. Obviously we don't want to hinder the
13 public from coming in, but we have to weigh all of this and make
14 sure that we do it in the most streamlined and efficient
15 financial way that we can.

16
17 **MR. ED SWINDELL:** I am not on your committee, Mr. Chairman, but
18 do you have an idea of the timing that you have left to find a
19 location and be able to move out?

20
21 **EXECUTIVE DIRECTOR GREGORY:** Our current lease ends at the end
22 of June of next year.

23
24 **CHAIRMAN RIECHERS:** Dale.

25
26 **MR. DALE DIAZ:** Robin, I'm not on your committee, but, while all
27 of this discussion is going on, it seems like, at Gulf States,
28 and Dave maybe can help out here, but, at some point in time, I
29 believe Gulf States bought the building that they're in, and so
30 I mean I don't know if looking at purchasing a building is a
31 viable option for us or not, and the numbers may not work for
32 that, but that's something I am thinking about as this
33 discussion is going on, and I figured that I would throw it out
34 there. Thank you, Robin, for entertaining me, even though I'm
35 not on your committee.

36
37 **CHAIRMAN RIECHERS:** Dave, do you want to respond to that?

38
39 **MR. DAVE DONALDSON:** My only response is the property value and
40 cost in Ocean Springs, Mississippi versus Tampa, Florida might
41 be a little different, but, at the time, it was more fiscally
42 viable for us to purchase it, but you might not be able to get
43 such a good deal as we did.

44
45 **MS. HAGER:** At this point, all considerations are on the table.
46 We are also exploring options with GSA to consider their
47 resources and what might be available in GSA inventory, and so
48 some things are much more time-intensive than others, such as

1 the GSA process. That takes two to three years to possibly get
2 in with a lease there. We are not dropping that option, even
3 though we need to be out by next June. We're continuing to keep
4 that on the table. If we find a short-term space or do a short-
5 term lease -- Really, anything is open at this point, just so we
6 can see what's out there and what will work.

7

8 **CHAIRMAN RIECHERS:** Doug.

9

10 **MR. DOUG BOYD:** Thank you, Mr. Chairman. Ed was going towards
11 my question. What are the lease terms that we are currently
12 under? If the landlord changes those terms, do we have an
13 automatic out or any recourse?

14

15 **MS. HAGER:** At this point, our lease ends in June, and they are
16 happy to have it end, and that's it. They plan on making the
17 increase effective at that time. If we choose to stay, it's
18 going to probably be cost-prohibitive in our space, and so we're
19 looking at having to move somewhere next June, most likely,
20 unless we can do something really dramatic with our budget.

21

22 **MR. BOYD:** Do they have the right, under the current lease, to
23 increase this \$50,000 this year?

24

25 **MS. HAGER:** The current lease, no. The current lease is
26 currently where it is. We are locked in until June, but, at
27 that point, they can do whatever they would like to.

28

29 **MR. BOYD:** We're anticipating about a \$50,000 increase next year
30 if we stay?

31

32 **MS. HAGER:** Actually, I think it's a little higher than that.

33

34 **MR. BOYD:** Okay.

35

36 **CHAIRMAN RIECHERS:** All right. Any other questions? Hearing
37 none, I will we will turn our attention then to our next item,
38 which is Tab G-5. Doug, are you going to lead us through that?

39

40 **REVIEW OF SOPPS GUIDANCE ON ADVISORY PANEL APPOINTMENTS**

41

42 **EXECUTIVE DIRECTOR GREGORY:** Yes, sir. On Tab G-5, the Review
43 of SOPPs Guidance on AP Appointments, I have, at the very
44 beginning, the quote from our current SOPPs, as we amended them
45 two years ago, and I will read that: "The presence of a fishing
46 violation is an important aspect in consideration of an AP
47 appointment. The council has determined: 1)Applicable fishing
48 violations include only violations of federally-managed species

1 in either state or federal waters; 2) Individuals are ineligible
2 to serve on an AP within three years of the finding of liability
3 through adjudication, settlement, or default; and, 3) Vessel
4 owners shall not automatically be held responsible for
5 violations by a crew member when the owner is not present.”
6

7 Now, I wanted to just bring to your attention some things that
8 we might add to this or change. The first one is to specify in
9 the SOPPs whether reporting requirements are considered
10 sufficient to disqualify an AP applicant. We had some
11 discussion in the council about that, and I just wanted to get
12 clarification is that's something that we are to add to the
13 SOPPs.
14

15 I know that sometimes reporting requirements are difficult, or a
16 lot of a fishermen have difficulty keeping up with them,
17 particularly paper logbooks that are in the mail, and sometimes
18 they get lost in the mail, and the fisherman doesn't know that
19 they're lost in the mail until the end of the year, when they're
20 told that they can't get their permit renewed because they
21 haven't reported all their monthly reports. In that sense, it
22 can happen fairly easily, in some circumstances.
23

24 On the other circumstance, I know the South Atlantic Fishery
25 Management Council is coming out very strongly to make reporting
26 requirements something that is a serious violation, and so there
27 is arguments on either side, and I just wanted to get
28 clarification if we wanted to -- The only reason to put it in
29 the SOPPs would be to put it out there for the public, so that
30 they understand that this is a factor.
31

32 Then the second aspect of this is, when we revised the SOPPs two
33 years ago, we said that federally-managed species were the only
34 species we would consider in appointing AP members, and I just
35 wanted to, again, clarify if that meant just council-managed
36 species or all federally-managed species, such as HMS species,
37 or if we wanted to revisit including state species that aren't
38 managed by the council or the federal government, natural
39 resource violations at the state level. I would like to get a
40 council motion on both of those separately, if we could, either
41 up or down.
42

43 **CHAIRMAN RIECHERS:** If we don't want to do anything with them,
44 we don't need to vote them down. We just need to discuss it and
45 decide whether we want to go forward with that. Really, let's
46 turn our attention to number one first, which is whether or not
47 you want reporting requirements to be included as a, quote,
48 unquote, fishing violation here.

1
2 I guess my question would be the scenario that you described
3 would have been someone found out and then they had an
4 opportunity to then, hopefully, find their logbook and turn it
5 in, et cetera. Would they have been cited and then gone to some
6 sort of either court or judge or what have you?

7
8 **EXECUTIVE DIRECTOR GREGORY:** Well, that's what surprised me this
9 year, was, in the past, as a Sea Grant agent, I helped a lot of
10 people, when they first came out with federal permits and the
11 logbook program. I helped a lot of people with compliance, and,
12 a lot of times, with the commercial logbook system, and now it
13 may have changed, and I welcome input on that, but paper
14 logbooks would get lost in the mail, and the fisherman wouldn't
15 know that until he got denied getting a permit.

16
17 At that time, there was no violation. It was simply a paper
18 exercise to turn in the monthly reports that were missing.
19 Apparently now things are changing, and sometimes they are
20 considered violations, and I am not clear on that. It certainly
21 was the case with HMS dealer species. They were considered a
22 violation.

23
24 **CHAIRMAN RIECHERS:** Well, it seems, to me then, that it's a
25 violation at that point, even the way we had it worded before,
26 but the scenario where they're lost and you have a chance to fix
27 it or you're just denied a permit, the permit denial is the
28 issue then, but there may not be a violation, quote, unquote.
29 You just don't get your permit. Leann.

30
31 **MS. BOSARGE:** Thank you, Mr. Riechers, and I think, for me, the
32 discussion is kind of are we going to differentiate between a
33 data violation issue versus your normal fishing violations, what
34 I call a normal fishing violation, where you're fishing for
35 something during a closed season or you've got more than the bag
36 limit on the boat, something that was obviously done
37 purposefully, and I think the thing that I am trying to keep in
38 mind here is that, yes, we -- Normally, we associate this with
39 commercial fishing violations, because they typically have the
40 bulk of the permits which come with data-reporting requirements,
41 but we just implemented something for the for-hire sector that's
42 going to require them to report on a trip-level basis, and so
43 we're talking about reporting sometimes more than once a day,
44 and so before you offload any fish.

45
46 At this point, we check state violations as well for our private
47 anglers in a lot of the states now, and they have requirements,
48 mandatory reporting requirements, where they are having to

1 register before they leave the dock, and they have to report
2 their information when they get back.

3

4 At some point, I'm sure the states are going to have enforcement
5 on the water that are going to start writing tickets for that,
6 to put some teeth into it for their compliance side of it, and
7 that's going to be a violation for our recreational fishermen,
8 and that's a data violation, and, to me, there is a little bit
9 of a difference between going out there and trying to do
10 something that is skirting the regulations versus, oh yes, I
11 forgot. I'm fishing over here in Louisiana today instead of
12 Mississippi, and their system is a little different, and I was
13 supposed to do this, and vice versa.

14

15 I think we need to make that distinction and find out where
16 we're going to draw that line in the sand and, for a data
17 violation, are we going to say, no, you're not going to be on
18 our APs anymore, and that's up to the committee and the council,
19 but that, to me, is what -- I was looking to the future and
20 seeing where you can have more and more of these coming in and
21 more chance for a violation.

22

23 **CHAIRMAN RIECHERS:** Doug.

24

25 **MR. BOYD:** Mr. Gregory, a couple of questions. One, do you know
26 if the Regional Office reports to a fisherman during the year
27 that their logbooks or their reporting has not been
28 accomplished? Do they give them periodic updates, or do they
29 just look at it once a year?

30

31 **EXECUTIVE DIRECTOR GREGORY:** My understanding is that it's only
32 looked at when it's time for permit renewal, and it's what it
33 is. The Fisheries Science Center data people are queried by the
34 Regional Office to see if all the reports are in, and, if they
35 are, then the permit is renewed. If they're not, the person is
36 notified that the reports are not all in and the permit is not
37 renewed. Again, that was five years ago, and it may have
38 changed since then.

39

40 **CHAIRMAN RIECHERS:** Let's have Roy try to respond or someone
41 from National Marine Fisheries Service.

42

43 **DR. ROY CRABTREE:** That is essentially correct under normal
44 practice, and so the guy comes in to renew his permit, and he
45 would be notified that he has delinquent logbooks, and he would
46 have to submit those logbooks to us before we would renew his
47 permit, and that would not be a violation. It would just be
48 essentially a fix it and correct the situation.

1
2 Now, we do have some reporting requirements, more in the South
3 Atlantic with dealer reports, that we're using to track quotas
4 and things that we're looking more harshly at, in terms of
5 potential violations for late reporting.
6

7 **CHAIRMAN RIECHERS:** So, as I am understanding it, really,
8 question one, Doug, you were really getting at issues that may
9 have occurred before it went to a fishery violation. I mean, it
10 was a -- It wasn't to the point where they had been written a
11 ticket and went before a judge and had some sort of dispensation
12 regarding that.
13

14 **EXECUTIVE DIRECTOR GREGORY:** If I may, Madam Chairman Leann said
15 it better than me. It's really a question of is a data
16 reporting, non-reporting problem at the same level of
17 consideration as a natural resource, like too many fish or
18 fishing out of season or undersized fish? Is it something that
19 the council wants to take into consideration on a regular basis?
20

21 Now, what I was trying to point out with the commercial logbook
22 is, at some point, that may become a violation, and I think
23 that's at NMFS's discretion as to how to treat it, and so that
24 could evolve into being a violation at some point.
25

26 I was just trying to point out how easy it is to have
27 misreported information or not misreported, but unreported,
28 information. In this case, when it's a paper logbook, it can
29 just get lost in the mail, and nobody is the wiser until the end
30 of the year.
31

32 **CHAIRMAN RIECHERS:** Roy.
33

34 **DR. CRABTREE:** I would just make one point. It would be
35 exceptional for anyone to get a violation for a reporting kind
36 of thing, and I don't have any data in front of me, and so this
37 is just my overall impression, but, generally speaking, with
38 reporting issues, correct them is what we ask for.
39

40 To get a violation, I would have to say that it would have to be
41 egregious and a repeated pattern to be charged and actually show
42 up as a violation. Just forgetting to report once, generally
43 speaking, would not probably result in a violation.
44

45 **CHAIRMAN RIECHERS:** Kevin.
46

47 **MR. KEVIN ANSON:** Based on what Dr. Crabtree just said, I think,
48 from my perspective at least, that, if one were to receive a

1 violation, citation, and it goes through the whole process, the
2 legal process, and they get a fine or some other thing related
3 to that, then that is a violation.

4
5 I think something where they have the ability, right now, to
6 turn them in, to get them caught up, so to speak, in the eyes of
7 the agency, that's not very egregious, and they will accept the
8 data, and it's used and that type of thing, but I think, the way
9 I'm looking at this, is a violation would be one where you
10 received -- You went through the judicial process and you were
11 found guilty and you have to pay a fine to rectify that.
12 Otherwise, it doesn't fall within a violation and it's not
13 considered for any action that the council would have relative
14 to AP assignments and such, or that's my opinion.

15
16 **CHAIRMAN RIECHERS:** Mr. Matens.

17
18 **MR. MATENS:** Thank you, Mr. Chair. This conversation is
19 revolving around commercial fishermen and their requirement to
20 report their catch. I am curious. I think, and correct me if
21 I'm incorrect, but, presently, in Alabama and Mississippi, you
22 have a requirement for private recreational fishermen to hail in
23 and hail out. Have there been any citations on that? I mean,
24 this is a whole different game.

25
26 **DR. PAUL MICKLE:** We have been writing citations for two full
27 seasons now, and we just thought that we would lead in with a
28 voluntary year the first year, which was three years ago, and
29 then our marine patrol and our agency -- We align very well, and
30 we decided to write citations, and so we have written multiple
31 citations, and that is on a federal species for red snapper, and
32 so a state violation on a federal species.

33
34 **MR. MATENS:** To that point, Alabama?

35
36 **MR. ANSON:** I believe we've also -- Our enforcement staff have
37 written several. I don't know what their status is relative to
38 going to the court.

39
40 **MR. MATENS:** Again to that point. I certainly don't want to
41 interfere with the states' ability to write whatever citations
42 they want to write, but does this council want to cause that to
43 be an impediment to being on an AP or not, and I really would
44 like to hear somebody discuss that.

45
46 **CHAIRMAN RIECHERS:** Leann.

47
48 **MS. BOSARGE:** Camp, that was exactly the point that I was trying

1 to make, that, yes, these are becoming more and more common that
2 these are mandatory reporting, and, yes, the reporting is
3 important, obviously, or it wouldn't be mandatory, but, at the
4 same time, we're talking about garnering input and feedback from
5 a group that will help us guide our management process, and, to
6 me, there is a difference between a data violation and a natural
7 resource violation, especially as it becomes more and more
8 common and we have recreational fishermen that are going to fish
9 possibly off of three states in the normal course of a year and
10 trying to remember what each -- Yes, you have to do that, but I
11 can see where you would have a glitch and you might get a
12 violation, and I do think it's a little different than a natural
13 resource violation.

14
15 **MR. MATENS:** Again to that point. I am all for -- What I would
16 be concerned about, one of the things I would be concerned
17 about, is the public losing their appetite for a program that's
18 getting good data, by having some of these violations come back
19 and bite them. I really haven't made up my mind about this, but
20 I agree, Leann, that I think that's significant.

21
22 **CHAIRMAN RIECHERS:** It doesn't seem -- Ed, do you have
23 something?

24
25 **MR. DAVID WALKER:** I was just going to add -- I think I added
26 this the last meeting, was about the -- When it's time for
27 renewal of permits, which requires a lot of data, your trip data
28 and so forth, you're not allowed to renew your permit until you
29 get the data up to date, and so that might be one thing to
30 consider. Some things were mentioned about maybe someone is
31 having data violations at a state level, and maybe don't renew
32 their license until they turn in their data.

33
34 **CHAIRMAN RIECHERS:** It doesn't sound as if at least committee
35 members are really in favor of trying to differentiate this at
36 this point. I mean, I think what we can do, maybe, is think
37 about it some before Full Council. This is a problem that is
38 going to be coming forth, as you're describing it, possibly, and
39 so maybe we want to think about it, and obviously we can deal
40 with this at any time, if we see the need to, and so it's
41 probably worth some thought and then, either at Full Council or
42 a subsequent meeting, maybe trying to differentiate those.

43
44 I will say that this is kind of along the same lines of
45 conversations we've had in the past. When we try to
46 differentiate these penalties, based on circumstances
47 surrounding, and say, well, that one is not as big or that one
48 is not as much, that's where we end up tying ourselves in knots,

1 trying to figure out which ones to use and which ones not to
2 use, penalty-wise, and so it's kind of the same conversation
3 we've had regarding this same issue for many years.

4
5 Let's switch to the second item, which is, right now, it's
6 federally-managed species in either state or federal waters,
7 and, when we say "federally-managed species", I would have
8 assumed that HMS was included already, and so, if there's any
9 notion to switch away from that and either include what you have
10 listed here as Sub-Bullet a or Sub-Bullet c, I would entertain
11 that from a committee member.

12
13 **EXECUTIVE DIRECTOR GREGORY:** If I may, when the wording "all
14 federally-managed species" was put into the SOPPs, there was no
15 discussion about whether it was just regional council or HMS
16 species, but, when we applied it, we interpreted it as including
17 HMS species, because it says, "all federally", and I just wanted
18 to get clarification on that and revisit the whole concept of
19 which species violations would be pertinent.

20
21 **CHAIRMAN RIECHERS:** Does anybody have thoughts on that? Camp.

22
23 **MR. MATENS:** I will skip into the fray early here. I was under
24 the impression that this would include all federally-managed
25 species, whether the violation was in state waters or not, and
26 that certainly would include HMS species. It looks like, to me,
27 the real question here is do we include state-managed fish.
28 Again, I really, right now, don't know what to say, but I
29 certainly would like to hear some discussion about that.

30
31 **CHAIRMAN RIECHERS:** Doug.

32
33 **MR. BOYD:** Well, I am like Camp. I thought that the original
34 motions were for all federally-managed species, including HMS.
35 I need to think about it a little more, but I really don't think
36 that state-managed fish ought to be involved. We're a federal
37 management system, and so I think we ought to say out of the
38 states' business.

39
40 **CHAIRMAN RIECHERS:** Kevin.

41
42 **MR. ANSON:** Just to pick up on Doug's comment, in my mind, we're
43 not getting involved with state business, per se. It's we're
44 trying to determine the judgment of the individuals that we are
45 considering for appointment under our various bodies, and so I
46 might be a little bit on the harsh side here, but my tendency is
47 that, if they violate in one area, they can violate in another.

48

1 They just may not have been caught yet, and so that's kind of
2 where I am leaning to, in that it's not necessarily a getting
3 into what the state regulates or not or how it regulates, but
4 it's that the person was found to be in violation of a state
5 fishery regulation, and so I'm not going to comment much more
6 than that at this time.

7
8 I am not really -- I mean, if it's an issue that starts to creep
9 up, that's something -- Going back to the comment that Mr.
10 Matens had made, is that, you know, it's perception here of the
11 public and the confidence and the trust that public has in us as
12 a body and utilizing the folks that we appoint to our various
13 committees and advisory panels. That's where we might need to
14 really be considering it if becomes a major problem.

15
16 **CHAIRMAN RIECHERS:** Camp.

17
18 **MR. MATENS:** Real quickly, and I don't want to cause this whole
19 -- Because I want to think about this, but I think one of the
20 other points to think about is will we consider inland
21 fisheries, marine fisheries, or both in state waters.

22
23 **CHAIRMAN RIECHERS:** Dr. Crabtree.

24
25 **DR. CRABTREE:** Just something to think about. Just because of
26 the nature of the way joint enforcement agreements with the
27 states and the way things work out, a lot of recreational bag
28 limit and size limit and recreational violations tend to be
29 state-level violations, and so, if you're not going to take
30 those into account, that may be a problem for you.

31
32 Then, in terms of federally-managed species, remember that
33 doesn't just mean council rules. That would mean turtles and
34 things like that, because a TED violation would not be a
35 violation of a council rule. It's a violation of a federal
36 rule, and it could well take place in state waters, and I don't
37 think you want someone with TED violations on your Shrimp AP,
38 and so those are things that you're going to need to take into
39 account, but, generally speaking, there are certain types of
40 violations that tend to be prosecuted at the state level and not
41 at the federal level.

42
43 **CHAIRMAN RIECHERS:** Any other discussion? Mr. Boyd.

44
45 **MR. BOYD:** Roy, to your comment, would a violation that's
46 prosecuted in the state that is a federal violation be
47 considered to be just a state violation, even though it was a
48 federal offense?

1
2 **DR. CRABTREE:** If it's done at the state level, then it would be
3 prosecuted as a state violation. If it's a federal violation,
4 then it would have to be at the federal level.
5
6 **MR. BOYD:** So a TED violation would be prosecuted at the federal
7 level and not the state level?
8
9 **DR. CRABTREE:** Yes, the vast majority of the time, but a bag
10 limit violation by a recreational fisherman or something like
11 that would generally be taken care of at the state level.
12
13 **MR. BOYD:** What if it was a violation of a charter/for-hire or a
14 commercial? Would it be prosecuted at the state level?
15
16 **DR. CRABTREE:** If it was a federally-permitted vessel and if the
17 violation was a violation of federal regulations, that, I think,
18 and Shepherd can correct me if I'm wrong, that would generally,
19 I think, be prosecuted at the federal level.
20
21 **MR. BOYD:** Okay. Thank you.
22
23 **CHAIRMAN RIECHERS:** Martha.
24
25 **MS. MARTHA GUYAS:** I'm not on your committee, and so thanks for
26 recognizing me, but, just to unwind some of this confusion
27 that's happening right now, the way that we are operating now is
28 federally-managed species, and so, when we are vetting AP
29 members, we're not only pulling federal violations, but we're
30 also going to the states and asking them to pull federally-
31 managed species where there's been tickets at the state level,
32 and so I think what Roy is describing, where we're missing
33 people in state waters, is not happening, at least with these
34 federally-managed species. I guess the question is whether you
35 want to include state-managed species, like trout, and so just
36 to clarify that.
37
38 **CHAIRMAN RIECHERS:** I think you're correct, Martha. Any other
39 discussion on this topic? It doesn't sound like committee
40 members are ready to make a motion, if they would need to, and
41 so, Doug, we've had some conversation. Everyone, at least,
42 seems to believe that it was HMS-included species, but then the
43 other language basically says federally-managed species, whether
44 it was in either state or federal waters.
45
46 **EXECUTIVE DIRECTOR GREGORY:** I understand that, yes. That will
47 be reflected in the report, and we'll have an opportunity to
48 revisit it at the council.

1
2 **CHAIRMAN RIECHERS:** All right. Let's move on to the Other
3 Business item that you asked to have added, which was attendance
4 of council meetings via webinar, and, since I don't think we
5 have that language in the book, are you going to get it up on
6 the board for us?

7
8 **OTHER BUSINESS**

9 **DISCUSSION OF COUNCIL MEMBER OFFSITE ATTENDANCE VIA TELEPHONE OR**
10 **WEBINAR**

11
12 **EXECUTIVE DIRECTOR GREGORY:** Well, we don't have explicit
13 language for it, but, on the beginning of page 12 and the top of
14 page 13 in our SOPPs, there is a sentence that says: "Decisions
15 of the council are by majority of the voting members present and
16 voting." That is all it says.

17
18 We had a situation two years ago where a council member had a
19 medical problem at the last minute and couldn't attend the
20 meeting, and, by discussion among the council, and that was in
21 June of 2015, we allowed the individual to participate by
22 webinar.

23
24 I have gotten inquiries, an inquiry, from a council member if we
25 could still allow that, and so I think we need clarification as
26 can anybody just do that or should it be some extenuating
27 circumstances, and the council decided, two years ago, that the
28 person could participate, but they couldn't vote, and I have
29 asked NOAA General Counsel to look into this and provide some
30 clarification to us. Clearly, if we're having a webinar
31 meeting, everybody is participating by webinar and everybody can
32 vote, and so we need something explicit in our SOPPs to clarify
33 this.

34
35 **CHAIRMAN RIECHERS:** Okay, and so you asked General Counsel to
36 provide some guidance here, or whether they had any, and so
37 we'll turn to Shep.

38
39 **MR. SHEPHERD GRIMES:** Thank you, Mr. Chairman. Generally, this
40 has been interpreted as present and voting. If it's an in-
41 person meeting, you need to be physically present to vote and
42 participate. Right now, as I understand it, in the one time
43 it's been used, we kind of split the difference. We have
44 allowed some participation, but just no voting on it.

45
46 At least from my understanding, GC is comfortable, at least in
47 discussions thus far, if you wanted to say -- If it's an in-
48 person meeting, you're either here, present and voting and a

1 full participant, or you're not and we're not going to allow --
2 You're not there to participate, but you could allow some
3 flexibility if you have some extreme extenuating circumstances,
4 like you just had heart surgery or you just had whatever, and
5 you wanted to accommodate that level of participation, and that
6 would probably be fine.

7
8 **CHAIRMAN RIECHERS:** You're looking for some sort of language to
9 put in the SOPPs to make that clarification? Is that what
10 you're really looking for here, Doug?

11
12 **EXECUTIVE DIRECTOR GREGORY:** Correct, and it's my understanding
13 that we could allow somebody to participate by webinar and to
14 vote, and we could put that in the SOPPs, or we could just
15 disallow the whole thing. There is some issues that have always
16 been problematic with webinars, and one is you can put on the
17 webinar and then just go do something else. The other issue --
18 There is no way to track whether somebody is on the webinar or
19 not unless they are actively talking and participating.

20
21 The other problem with trying to track webinar participation is,
22 if you're reviewing a document that's in our briefing book and
23 you switch from the webinar to the document, the webinar system
24 shows you as not present, and that's not necessarily true.
25 You're just scanning another document, reading ahead of whoever
26 is talking, because we talk slower than we can read and scan,
27 and so there is really no way to track the presence or absence
28 of somebody who is participating by webinar.

29
30 **CHAIRMAN RIECHERS:** So that sort of discussion, depending on how
31 the committee would like to go, but that sort of discussion
32 leads you towards the notion that it's difficult to track.
33 Obviously it's difficult for the person on the phone to be
34 engaged, and so, in some respects, that would lead you to the
35 notion of either disallowing or allowing only in special
36 circumstances, which is what Shep indicated.

37
38 I will entertain a motion that either combines those two
39 thoughts or takes -- Really, it would be the first one and says
40 that we're just not going to allow this at all, because that's
41 really the two pieces you have here. Leann.

42
43 **MS. BOSARGE:** I think that sums it up fairly well. I do like
44 the idea where you said allows it in special circumstances. If
45 the committee does decide that they want to allow this, I agree
46 with you that it -- Because I don't think it's something that we
47 necessarily want to encourage, and so, if we're going to allow
48 it, we need to be very careful about it, and it would probably

1 need to be something that maybe is pre-approved.

2
3 In other words, something in writing to the Chair or Vice Chair
4 that I'm not going to be able to be here on such and such a day,
5 but I would like to participate, and these are my circumstances
6 and this is what's going on, and get some sort of approval for
7 it, so that we understand there is an extenuating circumstance,
8 but, in that situation, if there is, I personally don't have an
9 issue with that person participating via webinar.

10
11 We do it in our SSCs and our APs, and I think we even allow them
12 to vote in a lot of those circumstances, and so I think we can
13 have some flexibility, but, like you said, it's not something we
14 really want to encourage. We definitely want you to be around
15 this table, if at all possible.

16
17 **CHAIRMAN RIECHERS:** I would note the difference between our SSCs
18 and our APs, is they're not the final decision-making body, and
19 so there is some difference in that respect. John.

20
21 **MR. JOHN SANCHEZ:** Thank you. I'm not on your committee, but I
22 can't recall -- I remember this came up once with Harlan at a
23 meeting. I was, I think, post-surgery, and he participated, but
24 here's what I can't remember, if the distinction was that he
25 could comment, but could not vote. Is that correct?

26
27 **CHAIRMAN RIECHERS:** That was how it was handled previously.
28 Shep.

29
30 **MR. GRIMES:** Thank you. Just to clarify. I had said allowing
31 them to participate, as you did with Harlan, participate in the
32 discussion, but not necessarily vote. If you're having an in-
33 person meeting, and, as the agency has always handled it, as
34 this council has always handled it, "present" means physically
35 present. This is the meeting, and, in order to vote, based on
36 the language that's in the statute, it has been identified that
37 you be physically present for the meeting.

38
39 You can allow participation and involvement in it, but not
40 actually get to vote, because you aren't present, and I think
41 deciding that you're going to change that and then start to
42 allow people not to be physically present and vote is a more
43 significant change than deciding that you're just no longer
44 going to allow them to participate unless they are physically
45 present. Do you understand what I am saying there?

46
47 **CHAIRMAN RIECHERS:** Yes, and I might add that our rules
48 regarding quorum also mean that you're present and not on a

1 webinar or phone or engaged in some other way. Doug.
2
3 **MR. BOYD:** Shep, participation, is that defined as discussion
4 and input, or is it defined as making motions also?
5
6 **MR. GRIMES:** As far as I know, it isn't defined anywhere.
7
8 **MR. BOYD:** Because I think that was the issue. When that
9 happened, Harlan was in the discussions, but he made motions,
10 and I think that was the issue. It wasn't that he voted, but it
11 was that he made motions from on the telephone without being
12 present.
13
14 **MR. ANSON:** Shep, does any motion that we do to change what we
15 currently have kind of go counter to what's in the statute then,
16 if the statute says that they must be present? I mean, should
17 we not -- That sounds, to me, like they've got to be present,
18 and, if they're not present, then all this phone call stuff
19 doesn't apply.
20
21 **MR. GRIMES:** Well, I think the easiest thing to do would just be
22 take the hardline approach. If it's an in-person meeting, in
23 order to participate in that meeting, you must be physically
24 present. If you're not, you're not. If you have what I will
25 call a virtual meeting, where you allow remote participation and
26 everybody is participating remotely, then obviously you would be
27 allowed to do that.
28
29 **CHAIRMAN RIECHERS:** So it sounds like we basically made an
30 exception one time that kind of went against how it was written,
31 and whether that was an appropriate exception or not, because of
32 the circumstances, it was made, but it basically now has us
33 questioning whether we need to do more, but we could just follow
34 what is currently written, which says you have to be present. I
35 don't see any hands jumping up in the air to get into this fray.
36 Shep.
37
38 **MR. GRIMES:** Thank you. I think it would help, and it's up to
39 your Executive Director here, but some clarification. I mean,
40 you're not present and you're not voting, that means you're not
41 getting salary, and obviously you're not traveling, and so you
42 don't have travel compensation to go with it. Those issues are
43 intertwined, I would say.
44
45 **CHAIRMAN RIECHERS:** The other part I worry about is what are the
46 exceptions and how do you define them? Who makes the decision
47 when they are exceptions? There is a lot of issues there that
48 go with any exceptions we start trying to make, and so I would

1 be inclined to leave the current verbiage the way it is, and,
2 with that, there has been some discussion around the table, and
3 we can certainly have more at Full Council at the committee
4 report, if others want to weigh in who haven't had that
5 opportunity, but basically say you have to be present. That's
6 really what it says now, and there really isn't room for
7 exceptions. Leann, and then we're going to close this down, so
8 I can be on time.

9
10 **MS. BOSARGE:** Thank you for being cognizant of the time. We
11 have made this exception, actually, more than once, because I
12 used this exception one time when I had a child. I gave birth
13 like five days before a council meeting, and I couldn't help it.
14 I tried to tell that kid, hey, hold on, we've got to wait a
15 little longer.

16
17 I was participating via webinar, and I don't know if you all
18 remember that meeting or not, but I didn't make any motions, and
19 I really didn't say much, but I was there and I listened in. I
20 wasn't on the payroll or anything like that. I didn't ask for
21 any kind of financial remuneration there, but I think it is
22 important that we have there, especially -- It's something I
23 couldn't help, and I'm on this council, and I feel like I was
24 put here for a reason and that my input may be important in
25 certain situations, and I would want to have the ability to give
26 that input.

27
28 I just wanted to make sure that we are clear that that is
29 allowed. What we're in question is maybe the voting aspect, and
30 Shep gave us some guidance on that, but that, if there is a
31 council member that needs to participate via webinar, that we
32 are going to entertain that idea, right?

33
34 **CHAIRMAN RIECHERS:** Participation, as Shep put it, was either
35 you're in-person or you're not. Now, we can always allow -- I
36 mean, I assume there is room for special circumstances to
37 determine, on any given opportunity, to allow people to be -- We
38 do, because we do it for the public as well.

39
40 You can be engaged by webinar. You could be engaged in a
41 conference call, a phone kind of situation, but it doesn't sound
42 like one should be voting, and probably -- I think the question
43 is how engaged.

44
45 Like I said, this is a slippery slope, because then we've got to
46 define can you make motions and can you -- How much engagement?
47 It's difficult, and so I will turn to the committee. If the
48 committee has a motion that they want to make, we'll entertain

1 it now. If not, we will close the Administrative/Budget
2 Committee down and, if people are prepared at Full Council, they
3 can make a motion. Doug.

4
5 **MR. BOYD:** I will make a motion. I was just writing it down.
6 Let me try this and see if we need to modify it. Motion that
7 council members must be present to motion or vote during a
8 meeting, but may participate in discussion via telephone or
9 webinar. I think that's what Shep said, was that we could make
10 some decisions like that. Is that right, Shep?

11
12 **MR. GRIMES:** This is essentially status quo. It's just
13 clarifying as to making motions and to the extent they can
14 participate, short of actually casting votes.

15
16 **MR. BOYD:** That's correct, and that's what I was trying to do,
17 for Mr. Gregory, and this would have covered Leann, when you
18 called in and you were on the webinar, and you listened and you
19 could have been -- You probably were in on discussion, but you
20 didn't motion and you didn't vote.

21
22 **CHAIRMAN RIECHERS:** We may want to add "under pre-approval by
23 the Full Council" or something like that, which is what Leann
24 was getting at, as well as something in here about exceptional
25 circumstances, because, right now, you could have a lot of folks
26 wanting to call in.

27
28 **MR. BOYD:** Let's modify the motion then to -- Can you help me,
29 Robin? Where would you insert that?

30
31 **CHAIRMAN RIECHERS:** With prior approval.

32
33 **MR. BOYD:** With prior approval.

34
35 **CHAIRMAN RIECHERS:** Who do you want it by, the Full Council?

36
37 **MR. BOYD:** It may be at the last minute. I would say with the
38 prior approval of the Chair and Executive Director or just
39 Chair.

40
41 **CHAIRMAN RIECHERS:** With extreme circumstances being considered.

42
43 **MR. BOYD:** With extreme circumstances being considered. I think
44 part of what we're trying to do is, if somebody decides they
45 don't want to be in the room, but they want to participate, they
46 could get up and walk out, literally, and stand in the hallway
47 and call in on the telephone and be in a discussion with another
48 group and getting direction or whatever. I mean, there is all

1 kinds of problems that could happen if you allow people to
2 participate and not be here.

3
4 **MS. BOSARGE:** The only thing I was going to say is maybe an "or"
5 in between "Chair" and -- That's two people. I mean, I don't
6 mind, but I just worry if what of one of them is -- Like what if
7 our Executive Director is on vacation? I don't know. I just
8 want to make sure that we can get it approved.

9
10 **CHAIRMAN RIECHERS:** Well, you have an acting always, and so I
11 think it should be two, both, because the Chair is going to
12 probably make most of the decision, but Doug has to then prepare
13 for it.

14
15 **EXECUTIVE DIRECTOR GREGORY:** Okay. Thank you. I wanted
16 clarification, because our SOPPs currently don't address this.
17 I think we allowed this on that one-case basis, and now my
18 understanding is that, if someone participates by webinar, even
19 though they can't make a motion or vote, they are still going to
20 get a full salary.

21
22 **CHAIRMAN RIECHERS:** Why would you do that? Leann didn't. As
23 she said, she knew that she was not going to be as engaged as
24 she would have been here.

25
26 **EXECUTIVE DIRECTOR GREGORY:** Well, because, if they're
27 participating in the meeting, then -- I need help from legal
28 counsel here, but it's my understanding that, if you're
29 participating in the meeting and not doing your regular job,
30 you're qualified to get a salary, and that was why I raised this
31 issue to begin with, and anybody can call in.

32
33 **CHAIRMAN RIECHERS:** Let's handle this issue, because we just
34 went down a whole other issue. All of these issues have been
35 let's try to find problems with what we have in our SOPPs, and
36 let's handle this issue first, and then you can work with GC.
37 If it's clear, and it may not be clear, we'll go about the
38 payment, because we've dealt with this dealing with SSC members
39 too, and so we need to make sure that we're treating everyone
40 the same, in that respect.

41
42 Let's deal with the motion on the board. Do I have a second for
43 the motion on the board? No? The motion on the board dies for
44 lack of a second.

45
46 **MR. MATENS:** I would like to make a motion utilizing the
47 language in this motion. To modify the SOPPs, and they may not
48 need a modification, so that the council members must be present

1 to motion or vote. Physically present.
2
3 **CHAIRMAN RIECHERS:** Do I hear a second for that motion?
4
5 **MR. BOYD:** I will second that one.
6
7 **CHAIRMAN RIECHERS:** Doug has seconded that. All right. Any
8 discussion surrounding the motion? Shep.
9
10 **MR. GRIMES:** Thank you, Mr. Chairman. I hate to say this, but I
11 think that leaves the participation question open-ended, and I
12 don't want to open up another can of worms, but, Doug's issue
13 with the salary, the statute says that council members shall be
14 compensated at a rate when engaged in the actual performance of
15 duties, and there is some other language about to the extent
16 that it keeps them from being able to conduct their normal
17 business activities, but the question is, once you allow them to
18 participate, what level of participation does it take before
19 that mandatory compensation provision in the statute kicks in,
20 and leaving it open-ended is -- They can't make motions and they
21 can't vote, but what else are we going to allow them to do? Can
22 they still participate in the discussions and does that
23 participation in the discussion then trigger some other duty, in
24 terms of compensation?
25
26 **CHAIRMAN RIECHERS:** Camp.
27
28 **MR. MATENS:** I think Shep is right. In that case, let's modify
29 this motion to modify the SOPPs so that council members must be
30 physically present to participate, motion, or vote. If the
31 seconder will agree with that, let's move forward.
32
33 **CHAIRMAN RIECHERS:** The seconder agrees. Basically, this is
34 going back to kind of the previous conversation, where we're not
35 going to allow participation via webinar, is what it does. Any
36 other comments before we vote this up or down? Mr. Walker.
37
38 **MR. WALKER:** I was just going to add that, as an individual --
39 You know, a state-appointed member on the council can have
40 someone else attend the meeting for them, but, as an individual,
41 a commercial or charter or whatever, if you're physically unable
42 to attend the meeting, but you're able to participate in the
43 process, I think it should still be allowed, and so I would kind
44 of speak against this motion, for fairness.
45
46 **CHAIRMAN RIECHERS:** To vote this up or down -- If there is no
47 further conversation, we're going to vote it up or down. Shep.
48

1 **MR. GRIMES:** Just to clarify, this applies only to in-person
2 meetings. You are still allowed to have your virtual meetings,
3 and then that virtual participation is okay, and I just wanted
4 to reiterate something that Robin said earlier. Any member of
5 the public -- You don't have to just be a council member.

6
7 I can submit you email commentary during the meeting, and I can
8 submit written comments. Those things always go into the
9 written record of the agency decision, and so, just because
10 you're not here physically present at the meeting, it doesn't
11 mean that you are totally excluded from being able to get your
12 views on the record and before the council at the table when the
13 decision is being made.

14
15 **CHAIRMAN RIECHERS:** All right. Let's vote this up or down. **All**
16 **those in favor of the motion, say aye; all those opposed, same**
17 **sign. The motion passes.**

18
19 With that, I think that concludes the business of the
20 Administrative/Budget Committee, and I will turn it back to you,
21 Madam Chair.

22
23 (Whereupon, the meeting adjourned on August 7, 2017.)

24
25 - - -