

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE/BUDGET COMMITTEE

Marriott Plaza

San Antonio, Texas

August 7, 2017

**VOTING MEMBERS**

Robin Riechers.....Texas  
 Kevin Anson (designee for Chris Blankenship).....Alabama  
 Doug Boyd.....Texas  
 Campo Matens.....Louisiana  
 Paul Mickle (designee for Jamie Miller).....Mississippi  
 Ed Swindell.....Louisiana  
 David Walker.....Alabama

**NON-VOTING MEMBERS**

Patrick Banks.....Louisiana  
 Leann Bosarge.....Mississippi  
 Glenn Constant.....USFWS  
 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida  
 Pamela Dana.....Florida  
 Dale Diaz.....Mississippi  
 Dave Donaldson.....GSMFC  
 Tom Frazer.....Florida  
 John Greene.....Alabama  
 Martha Guyas (designee for Nick Wiley).....Florida  
 LCDR Stacy McNeer.....USCG  
 John Sanchez.....Florida  
 Greg Stunz.....Texas

**STAFF**

Steven Atran.....Senior Fishery Biologist  
 Assane Diagne.....Economist  
 Matt Freeman.....Economist  
 John Froeschke.....Fishery Biologist-Statistician  
 Douglas Gregory.....Executive Director  
 Beth Hager.....Administrative Officer  
 Karen Hoak.....Administrative & Financial Assistant  
 Ava Lasseter.....Anthropologist  
 Emily Muehlstein.....Public Information Officer  
 Bernadine Roy.....Office Manager  
 Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

Pam Anderson.....Panama City Beach, FL  
 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  
20

- - -

TABLE OF CONTENTS

Table of Contents.....	3
<u>Table of Motions.....</u>	<u>4</u>
<u>Adoption of Agenda and Approval of Minutes.....</u>	<u>5</u>
<u>Action Guide and Next Steps.....</u>	<u>5</u>
<u>Financial Budget Review.....</u>	<u>6</u>
<u>2017 Expenditures to Date and Approval of 2017 Budget.....</u>	<u>6</u>
<u>Projected Budgets through 2019.....</u>	<u>6</u>
<u>Review of SOPPs Guidance on Advisory Panel Appointments.....</u>	<u>11</u>
<u>Other Business.....</u>	<u>21</u>
<u>Discussion of Council Member Offsite Attendance.....</u>	<u>21</u>
<u>Adjournment.....</u>	<u>29</u>

- - -

TABLE OF MOTIONS

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.

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.

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

- - -