

COUNCIL OPERATING PROCEDURE

Council

Approved by Council: 04/06/95
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PURPOSE

To establish procedures for the Council.

MEETINGS

The Council shall meet at the call of the Council chairperson or upon request of a majority of its voting members. Upon receiving a request for an emergency meeting from any Council member or upon the chairperson's own instigation, the Council chairperson shall instruct the staff to conduct a telephone poll of available voting Council members. If a quorum agrees, the chairperson shall call such a meeting.

Public Participation

Council meetings are held for the purpose of conducting official Council business. As a matter of practice, however, the public has been provided an opportunity to address the Council at its meetings and submit information relevant to matters under discussion. To further encourage public participation, the Council, when practicable, shall establish a period at each meeting during which the public shall be granted an opportunity to address the Council on matters of concern to them. These discussions need not necessarily be related to the agenda. The following procedures shall be observed.

Written. The public shall be permitted to file written statements with the Council at any time before or after a meeting. This submission of written statements by the public is a statutory right which cannot be administratively hampered by arbitrary conditions of length, format, numbers of copies, typography, etc. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information and a brief description of the background and interests of the person in the subject of the oral or written statement. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement. To ensure adequate review and timely action, the following procedure will be followed:

1. Written comments regarding matters on the Council agenda received at the Council office no later than two weeks prior to the beginning of the Council meeting, or no later than a specially published deadline, will be placed in the Council members' briefing books distributed prior to the meeting. These comments will be summarized by staff at the Council meeting.

2. Written comments submitted after the above deadline and during the week prior to the Council meeting will be distributed at the meeting as supplemental briefing material.
3. Written comments received after the end of the week prior to the meeting will not be copied or distributed by the Council staff. In these instances, individuals are encouraged to attend the Council meeting and present their testimony orally and in writing. Written comments submitted in person at the meeting will be made part of the Council's record. For such late comments, individuals should make their own photocopies for distribution. The public should be aware that the Council does not have time to thoroughly review extensive written comments submitted at the meeting. The Council's advisory entities may not have a chance to review such comment at all. (The Council will not pay collect charges for comments transmitted to the meeting hotel by facsimile machine.)

Oral. To the extent that the meeting time and agenda permit, interested persons should be allowed to present oral statements or to participate in the discussion subject to such reasonable rules or procedures as may be established by the Council. Thus, advance approval for oral participation may be required, or time limits on such participation may be prescribed. In any event, every effort should be made to set aside a portion of every meeting for public participation. Any oral statement shall include a brief description of the background and interests of the person in the subject of the oral statement. The following procedures will be followed:

1. The Council will publish in the *Federal Register* and Council meeting notices the time for public comment and provide a time for public comment on items not on the agenda of the Council meeting.
2. Sign-up cards will be provided at the entrance of the meeting room for individuals wishing to address the Council. The following information shall be included, (1) name, (2) address, (3) affiliation, and (4) subject of testimony.
3. At his/her discretion, the Council chairperson may establish a sequence for calling on individuals, according to topics to be discussed.
4. Depending upon time and Council wishes, the Council chairperson may ask for comments from the public on subjects of interest to the Council after all comments have been made by individuals on the sign-up list.
5. When there are numerous public comments, the chairperson may decide to use an alternative approach to expedite the comment process. The following procedure may be used when there are two opposing factions:
 - The chairperson requests, in advance of the public comment period, that each side choose a panel to present the arguments.
 - Each panel makes its presentation.

- The chairperson calls on each individual that filled out a sign-up card and allows appropriate time for each individual to testify.
6. If new information from a state or federal agency or from a Council advisory entity is accepted by the Council, the chairperson shall insure that the Council gives comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation or management measures (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act amendment of 1990).
 7. Council members shall be allowed to ask questions of individuals addressing the Council.

Electronic Mail (E-Mail). The Council will treat e-mail comments in the same regard as written comments. The public shall be permitted to file e-mail statements with the Council at any time before or after a meeting. All e-mail information submitted to the Council by an interested person shall include a brief description of the representation or interest of the person submitting the statement, an e-mail address at which the person can be contacted, the subject or meeting agenda item the comment pertains to, and when relevant information is submitted, a statement of the source and date of such information. All e-mail received designating testimony relevant to a particular Council meeting will be made part of the official meeting record. To facilitate timely review by Council members, the following procedure will be followed:

1. E-mail comments regarding matters on a Council public meeting agenda received at the Council office no later than two weeks prior to the beginning of the Council meeting, or no later than a published notification deadline, will be printed and placed in the Council members briefing books distributed prior to the meeting. These comments will be summarized by staff at the Council meeting.
2. E-mail comments received between the above deadline and three working days before the onset of the Council meeting will be printed and distributed at the meeting as supplemental briefing material. *(or a summary of comments)*
3. E-mail comments received after three working days before the onset of a Council meeting may be printed and made available to the Council, to the extent practicable. The public should not expect with any certainty that such comment will have been printed and reviewed by Council members prior to the target agenda item at the Council meeting. For such late comments, individuals should consider presenting verbal statements at the Council meeting following established procedures. However, all e-mail comments received will be made a part of the official record of the meeting.

Public Notification of Meetings

News Releases. Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, shall be distributed to local newspapers in the major fishing ports of Washington, Oregon, and California (and in other major fishing ports having

a direct interest in the affected fishery). Notice of meetings to discuss salmon issues shall be distributed to selected Idaho newspapers deemed to have sufficiently large circulations to adequately inform the interested public. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Federal Register Notices. Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. The Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission of the notice to NMFS for publication in the *Federal Register* at least 23 calendar days prior to the meeting.

The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under section 305(c) of the Magnuson-Stevens Act, in which case public notice shall be given immediately.

Voting Procedures

Robert's Rules of Order will be strictly enforced. Makers of motions must first be recognized by the chairperson, and if an action is to be reconsidered, the motion for reconsideration must be made by an individual who originally cast a vote for the prevailing side.

Motions. The maker of a motion must clearly and concisely state and explain the motion. After discussion and a call for the question, the motion must be restated clearly and concisely by the chairperson before the vote is taken. Motions must be recorded in written form visible to each Council member present and the public if the action (1) requires approval or amendment of a fishery management plan (including any proposed regulations), (2) requests an amendment to regulations implementing a plan, or (3) is a recommendation for responding to an emergency. The written motion, as voted on, must be preserved as part of the record or minutes of the meeting. For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) must be preserved as part of the record of the meeting.

In the case of a telephonic vote, the chairperson or the maker of the motion must clearly read the motion aloud immediately prior to the vote, such that everyone on the call understands the wording of the motion being voted on. The motion would then become part of the written record of the call/vote, which would also include the exact vote of the Council members.

Votes. At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate record of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote. All other votes shall be by verbal indication. Council members/designees who are not in attendance may not vote by telephone.

A voting member of the Council may not vote on any Council matter that would have a significant and predictable effect on a financial interest of that Council member. A designated official will determine whether a Council decision would have a significant and predictable effect on a financial interest of a member. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

Measures to Improve Meetings

Report Presentation

- Shorten all oral reports to the extent possible. For lengthy written reports, provide brief executive summaries highlighting major points. (This applies to staff, advisory entities, and Council members.)
- Provide only written reports on administrative items which are informational and do not require action.
- Advisory subpanel reports should describe areas of consensus and differences. Individual subpanel members should not provide public testimony as part of the subpanel presentation.

Public Comments

- Chairperson will limit the length of oral testimony to five minutes per individual and ten minutes per group or individual representing a group.
- Urge members of the public to **not** repeat comments provided by a previous speaker.
- Avoid Council member debate and record development during public testimony. Allow questions for clarification only.

Structure of Agenda

- Chairperson will advise Council members of time limits for each agenda item. Time limits will not be rigidly enforced, but they may serve as a guide or reminder to focus discussion and be concise.
- Avoid placing too many weighty issues near the end of the meeting. Intersperse major items throughout the agenda to the extent possible.
- Review work load and next meeting agenda at or near the end of each meeting. Establish priorities for activities. Publicize priorities.
- Proceed without agency philosophical comments prior to salmon actions.

- Schedule detailed informational reports during informal evening sessions to the extent possible.

Council Discussion and Debate

- Debate should be complete and not be arbitrarily limited, but it should be focused on the motion. (Robert's Rules limit members to two speeches per topic and ten minutes per speech).

MINUTES

Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, the staff will prepare brief pre-Council meeting issue summaries, identifying issues and options for each agenda action item. These summaries are provided in the briefing books.

NEW MEMBER ORIENTATION

New Council members will be provided with a one-day to two-day briefing session with appropriate Council members, staff, and advisory chairpersons (Scientific and Statistical Committee, advisory subpanels, and plan development/management teams) prior to their first Council meeting. During this session, both mechanics of operation and management issues and techniques will be addressed. In addition, new members will attend the chairperson's briefing for the first two Council meetings.

CHAIRPERSON'S BRIEFING

The chairperson's briefing is for the purpose of briefing the chairperson and not a forum for debate or discussion of the issues.

QUICK RESPONSE PROCEDURE

This procedure addresses Council comments to other entities on actions proposed by those entities. It does not include fishery management action items which are the responsibility of the Council and which must be approved by the Council at a regular or emergency meeting.

For new policy matters which will be implemented or which have a comment deadline prior to the next Council meeting, the Council chairperson is authorized to send a letter on behalf of the Council using the following procedure.

Staff will distribute a summary of the issue and a proposed response to all Council members. If the chairperson receives a response from at least one voting member

from each state, he/she may send an official Council comment letter taking into account the responses received from members. Consensus is not required.

