



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

---

## MEMORANDUM

TO: Executive Committee

FROM: Robert Beal, Executive Director

DATE: April 25, 2017

SUBJECT: Advisory Panel Members Serving as Board Proxies and Chair Terms Limits

This memo presents two issues for consideration and potential action by the Executive Committee – Commissioner proxies serving on advisory panels (APs) and the term limits for AP chairs. While not common, there have been situations in which individuals who serve as AP members have also been appointed to serve as a Commissioner proxy. Concern has been raised that proxies who also serve as AP members have the potential to influence both Board decisions and AP recommendations based on their participation at both levels. It has also been unclear at times if an AP member serving as a proxy was representing his personal views or that of the AP. Currently, both the Advisory Committee Charter and the ISFMP Charter are silent on this issue.

The ISFMP Charter does provide the following guidance on the participation of AP Chairs at Board meetings: *Advisory panel chairs should present reports to Boards/Sections and answer any specific questions relevant to their report. Chairs may not ask questions or present their own viewpoints during Board/Section deliberations. If the chair would like to present their own viewpoints, they must go to the public microphone during the public comment portion of the meeting.*

Options for Consideration (more than one may be selected):

Option 1. Once an AP member is assigned as an ongoing proxy, the new proxy must step down from the AP and the state appoint a new AP member.

Option 2. Once an AP member is assigned as a board-specific proxy to a species board for which he serves as an advisor (e.g. American Eel Board/American Eel AP), the new proxy must step down from the AP and the state appoint a new AP member.

Option 3. AP Chairs may not serve as proxies and present an AP report at the same meeting.

Option 4. No restrictions on serving as an AP member and a board proxy. It will be the board chair's responsibility to ensure the proxy is speaking for himself and not claiming to represent the AP position.

Regarding the issue of AP chair term limits, the ISFMP Charter specifies two-year term limits for Board, Technical Committee and AP chairs. Because of the infrequency with which APs meet and the difficulty in getting willing volunteers to serve as AP chairs, this standard has not been applied to AP chairs. The unintended consequence has been that for some APs, the chairs have served for extended periods of time (10 – 20 years). Clearly, the extended term limits of these individuals reflect their passion and commitment to species management and the Commission, as well as the AP's support of their continuing chairmanship. It raises the question, however, as to whether these long chairmanships benefit or detract from the process? Can someone who has been chair of a panel for an extended period of time continue to impartially represent the various viewpoints/interests of the members? Is it fair to expect them to put aside their own interests and that of their state and remain an impartial chair of an AP?

Options for Consideration:

Option 1. Status quo – no limits on term of chairs

Option 2. Limit chair terms to 4 (or 5) years. The downside of this option is there may not be people who are willing to step into the role of AP chair.

Option 3. Limit chair terms to 2 years, but allow for re-election to extend total term to 4 years. The downside of this option is there may not be people who are willing to step into the role of AP chair.

If some of the above options are adopted, the ISFMP Charter and Advisory Panel Primer will need to be modified to reflect the changes.