

# Atlantic States Marine Fisheries Commission

## Executive Committee

*October 30, 2013  
7:30 – 9:30 a.m.  
St. Simons Island, Georgia*

### Draft Agenda

1. Welcome/Call to Order, *P. Diodati*
2. Board Consent **Action**
  - Approval of Agenda
  - Approval of Meeting Summary from August 2013
3. Public Comment
4. Housekeeping Issues, *R. Beal*
  - Distribution of Briefing Materials on CD
  - Discuss Converting Fisheries Focus to Electronic Distribution Only
  - Financial Implications of Commissioner and Proxy Attendance at Same Meeting
5. Report of 501(c) (3) Exploratory Committee, *R. Beal*
6. Report on Commissioner Conflict of Interest, *R. Beal*
7. Administrative Oversight Committee Report, *L. Daniel*
  - Presentation of the FY13 Audit **Action**
8. Future Annual Meetings Update, *L. Leach*
  - October 27-30, 2014 – Mystic, Connecticut
  - 2015 – Florida
  - 2016 – Maine
  - 2017 – Virginia
9. Other Business
10. Closed Session
  - Human Resources Issue
11. Adjourn

***Please Note: Breakfast will be served at 7:15 a.m.***

The meeting will be held at  
The King and Prince Beach & Golf Resort, 201 Arnold Street, St. Simons Island, GA (800) 342-0212

**MEETING SUMMARY OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
EXECUTIVE COMMITTEE**

**Crowne Plaza Old Town  
Alexandria, VA  
August 8, 2013**

**INDEX OF MOTIONS**

- 1. Approval of Agenda by Consent (Page 1)**
- 2. Approval of Summary from May 23, 2013 by Consent (Page 1)**
- 3. Adjournment by Consent (Page 3)**

**ATTENDANCE**

**Committee Members**

Terry Stockwell (AA proxy)  
Doug Grout, NH (AA)  
Dennis Abbott, NH (GA)  
Paul Diodati, MA (AA)  
David Simpson, CT (AA)  
Jim Gilmore, NY (AA)  
Brandon Muffley, NJ (AA proxy)  
Leroy Young, PA (AA proxy)

David Saveikis, DE (AA)  
Tom O’Connell, MD (AA)  
Jack Travelstead, VA (AA)  
Louis Daniel, NC (AA)  
Robert Boyles, SC (AA)  
Spud Woodward, GA (AA)  
Jim Estes, FL (AA proxy)

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Staff**

Bob Beal  
Pat Campfield  
Laura Leach

**Others**

Steve Meyers, NOAA Fisheries

### **CALL TO ORDER**

The Executive Committee of the Atlantic States Marine Fisheries Commission convened in the Roosevelt East Room of the Crowne Plaza Old Town in Alexandria, VA on August 8, 2013. It was called to order at 7:30 a.m. by Chairman Paul Diodati.

### **APPROVAL OF AGENDA**

The agenda was approved with one addition, a report on the review of the Executive Director.

### **APPROVAL OF PROCEEDINGS**

The summary minutes from the May 23, 2013 meeting were presented and there was no objection to approval of the minutes.

### **PUBLIC COMMENT**

There was no public comment.

### **REPORT OF 501(C)(3) EXPLORATORY COMMITTEE**

Executive Director Beal provided the background information for this committee's charge; which is to explore the establishment of a 501(c)(3) arm of the Commission to provide a vehicle to fund projects that are underfunded. Commissioners Gilmore, Woodward and Young worked with Executive Director Beal to develop a white paper. To summarize, the committee made two major recommendations:

1. An analysis should be completed that details the options and impacts of forming a Commission 501(c)(3). This analysis will be similar to the document produced to explore the formation of a 501(c)(3) within the National Fish Habitat Partnership. The analysis should include a strategy for phasing in a Commission 501(c)(3) to allow review and reconsideration as the project comes on-line.

2. The Commission and ACFHP staff should explore the potential to form a 501(c)(3) entity under the umbrella of the National Fish Habitat Partnership. This option will likely limit the Commission's flexibility and funds will only be able to be used for habitat projects. However, this option may address a number of the concerns presented (e.g. perceived biases, lobbying impacts, etc.).

The Executive Committee endorsed the two recommendations and tasked staff with reporting their progress at the Annual Meeting.

The Subcommittee also urged consideration of the following issues as this process moves forward:

- Membership of oversight board is critical
- Oversight board should be comprised of individuals with knowledge of Atlantic fisheries and the ability to access potential sources of funding.
- Consideration needs to be given for overlap of membership between Commissioners and oversight board
- Establishment of criteria to rank projects to remove (real or perceived) bias of board members
- Perception and "growing pains" take a lot of resources to address
- The more advance planning that is done will address may future difficulties
- A slow incremental approach is reasonable, possibly start with habitat only at first
- Need to make the separation from ASMFC and ACFHP very clear

## **REPORT ON COMMISSIONER CONFLICT OF INTEREST**

At the last Executive Committee meeting Executive Director Beal was charged with working with the Commission's legal counsel to develop options for strengthening the Commission's Conflict of Interest policy. The following recommendations were developed based on the Executive Committee discussion, staff perspectives, insight from legal counsel, and consideration of practices at the federal management councils. Sean Donohue, the Commission's attorney, is recommending an incremental approach as outlined below.

### **Recommendations**

1. Financial disclosure forms for Commissioners. The forms will collect basic information on financial interest that may impact a Commissioner's ability to conduct business in a "fair and impartial" manner. The form will not collect specific value (dollar amounts) of investments or holdings, just the category of financial interests.
  - Should the disclosure form only be required for Legislative and Governor's Appointee Commissioners? The Administrative Commissioners are bound by their state's code of conduct.
2. All proxies should be required to submit a completed financial disclosure form.
3. Financial Disclosure forms should be made available to the public.
4. All Commissioners that appoint a proxy should be required to notify Commissioner's appointing authority when such an appointment occurs. For example, a Governor's Appointee Commissioner will notify the Governor's office when a proxy is appointed. This will increase the accountability with-in the home state. Under the current system the appointing authority is generally not aware a proxy has

been appointed to represent the state at the Commission.

5. Concerns over conflicts of interest should be brought to the attention of the Executive Committee. If the Executive Committee determines that a financial conflict of interest is preventing a Commissioner from participating in a fair and impartial manner, the chair will notify the appointing authority in the Commissioner's home state. This provision already exists, however it has not been used.
6. Commissioners with a direct or indirect financial interest in an issue should recuse themselves when the issue is being addressed.
  - Should the Commissioner recuse themselves from the discussion and voting, or should he/she participate in the discussion and then recuse themselves from participating in the state caucus on voting? Should the Commissioner be able to make or second motions?
7. Should the words "or indirect" be removed from the Code of Conduct? It is often less clear to determine the level indirect financial interest that may impact a Commissioners ability to be fair and impartial.

Historically, the working waterman have provided good insight into management board deliberations and this input should be considered as the Conflict of Interest policy is strengthened.

The Committee will follow up on the Conflict of Interest issue at the Annual Meeting.

Dr. Rhodes volunteered for he and Mr. Abbott to send a letter to the Legislative & Governors' Appointee Commissioners updating them on the Executive Committee's actions with regard to Conflict of Interest.

### **OTHER BUSINESS**

The Executive Director's review was added under Other Business. Chair Diodati reported that Executive Director Beal is performing up to the expectations of leadership and he is hearing great things from Commissioners. His first annual performance review has been completed and was distributed to all Committee members.

Mr. Travelstead noted that the Nominating Committee will be contacting all Commissioners to solicit nominations for the election of Chair and Vice Chair at the Annual Meeting.

Mr. Boyles requested an update on the Commission's tax exempt status. Executive Director Beal gave a status report, with the bottom line according to legal counsel; we can sue and win. We are still working the legislative angle, however and that would be our preferred course of action.

### **ADJOURN**

CHAIRMAN PAUL DIODATI: There being no other business to come before the Executive Committee the meeting was adjourned at 8:55 a.m.