

ROLES AND RESPONSIBILITIES OF COMMISSIONERS

The Commission consists of forty-five Commissioners, three from each of the fifteen member states. Each of the fifteen states has one vote on the Commission, and is represented by three commissioners:

1. **Administrative Commissioner** – the director of that state’s marine fisheries department or agency
2. **Legislative Commissioner** – a member of the state legislature, appointed by that body
3. **Governor’s Appointee Commissioner** – a person with knowledge and interest in marine fisheries, appointed by the governor

QUALIFICATIONS OF COMMISSIONERS. It is recommended that all Commissioners be:

1. Well informed on the subject of fisheries in their states;
2. Dedicated to the conservation and protection of their state's and the Atlantic coast's marine resources;
3. Committed to a fisheries program providing effective research, habitat management and law enforcement, and;
4. Willing to work at implementing ASMFC fishery management plans in their respective states through their legislatures or boards or commissions established for that purpose.

TERM OF COMMISSIONERS. Each Commissioner shall serve according to the laws of his or her respective state.

TRANSITION OF LEGISLATIVE COMMISSIONERS. According to Article III of the Compact:

“The second shall be a member of the legislature of such state...”

The Commissioners’ discussion at the 2009 Spring Meeting confirmed that Legislative Commissioners must be a member of the legislature. It was agreed that in the case of a legislator not seeking or winning re-election, his/her status as a Commissioner would expire on the date of seating of the newly-elected legislator. In the case of a legislator’s resignation, his/her Commissioner status would expire on the date such action takes effect.

In addition, Commissioners confirmed that the status of any proxies serving on behalf of a Legislative Commissioner would expire on the same date as his/her Legislative Commissioner.

Since the legislative seating dates and procedures are specific to each state, it will remain the responsibility of each individual state to monitor the status and qualifications of its Legislative Commissioner to ensure the state comports with the requirements of the Compact. Therefore, the Commission will not routinely notify a state of a change in status of its Legislative Commissioner.

OFFICERS. The Commission elects from among the Commissioners a Chair and a Vice Chair, each of whom serves a one-year term. Officers can succeed themselves. In the absence or disability of the Chair, the Vice Chair shall have all the power and authority of the Chair.

The following guidelines, detailing the Commission's nomination and election process for Chair and Vice-Chair, were adopted by the Commission at its 2009 Summer Meeting. This process was used for the nomination and election of Commission leadership at the 2009 Annual Meeting and will be continued in future years unless modified by the Commission (October 6, 2009 Executive Director Memo to ASMFC Commissioners – M09-105).

TERM LIMITS. The current annual election process and practice of a two-year term should be maintained where possible. The two-year term could be extended or shortened to accommodate circumstances with the leadership and Commission membership.

REGIONAL ROTATION OF LEADERSHIP. The practice of having the Chair and Vice-Chair rotate between the North, Mid-Atlantic, and South should be maintained where possible. However, this practice should not be followed at the expense of electing the most qualified leadership.

MEMBERSHIP OF NOMINATING COMMITTEE. The current three-member Nominating Committee will be maintained. The membership will generally consist of one Commissioner from the North, Mid-Atlantic, and South and will be appointed annually by the Chair.

ROLE OF NOMINATING COMMITTEE PRIOR TO ELECTION.

- A member of the Nominating Committee shall contact the Administrative Commissioner from each state, and request they communicate with the States' L/GA Commissioners to solicit recommendations for nominees.
- Follow-up on Commissioner recommendations to gauge the individual's interest in being included as a nominee.

- Develop separate ballots for Chair and Vice-Chair based on input from Commissioners. A ballot will be prepared even if there is only one nominee in order to provide the opportunity to write-in a candidate.

ELECTION PROCESS.

- Ballots will be distributed to state delegations at the Commission Business Session when the election is held (usually at the Annual Meeting).
- Each state delegation will receive one ballot and cast one vote based on the result of the Commissioner caucus from that state.
- State delegations may identify a write-in candidate. States should verify the interest of their candidate before submitting his or her name on the ballot.
- In the event that more than two candidates receive votes for either Chair or Vice-Chair, a run-off will be conducted between the two candidates that received the most votes.
- In the event of a tie, a vote will be retaken until there is a majority winner.
- The Nominations Committee will tally the votes and report the results to the Commission after each vote.

QUORUM AND VOTING. The presence of Commissioners representing a majority of the member states constitutes a quorum at a meeting of the full Commission. Voting in Commission meetings is by state, the vote of each state being determined by a caucus of its Commissioners either prior to or at the respective meeting. (Article III, Rules and Regulations)

Votes may be cast in one of four categories; in favor, opposed, null or abstain. A null vote is cast when Commissioners from a delegation cannot come to agreement on the issue at hand.

STATE DELEGATION AND PARTICIPATION. At the Commission’s 2009 Spring Meeting, the ISFMP Policy Board provided guidance for state delegation participation during board/section meetings. The Policy Board reaffirmed that each state may have no more than three Commissioners or Commissioner Proxies engage in board discussions.

The Policy Board noted there have been instances when more than three Commissioners or proxies have been seated at the table during board meetings.

Where a proxy for an Administrative Commissioner is serving as chair of a board, the Policy Board agreed that the Administrative Commissioner may sit with the state’s delegation. The Commissioner may advise/consult the delegation but shall not engage in the board discussion.

In the case where a Commissioner is sitting at the table with his/her proxy, the Policy Board agreed such practice is acceptable; however, the Commissioner shall decide which one will

participate in the board discussion. (June 12, 2009 Executive Director Memo to Administrative Commissioners – M09-056)

PROXIES. A Commissioner may designate a proxy in one of three ways. A permanent proxy will be considered to replace the Commissioner for all purposes and shall be treated as a Commissioner in all respects. An ongoing proxy will be considered to replace the Commissioner whenever the designating Commissioner is not in attendance. A specific proxy will be considered to replace the Commissioner only for the specific meeting or purpose for which the proxy is given. For all members of any committee, board, section or other group meeting under the authority of the Commission who are not Commissioners, only a specific proxy may be given. All proxies must be at least for the duration of a particular meeting, and must be delivered in writing to the Executive Director or his designee. No person may, by proxy, vote more than once on any issue. (Article III Section 3 Rules and Regulations) Proxy forms follow. <http://www.asafc.org/files/Meetings/ProxyForm.pdf>

FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST.

In August 2014, the Commission adopted a Policy on Commissioners Financial Disclosure and Conflict of Interest. The policy requires all Legislative Commissioners, Governors' Appointees, and their respective proxies to complete and submit a Disclosure Form that contains high level information about their fishery-related financial interests as well as any past or current involvement in fishery-related industries. The Disclosure Policy does not apply to Administrative Commissioners as state fishery agencies already require a similar disclosure that meets or exceeds the Commission's standards.

The Commission's Disclosure Policy defines a conflict of interest to be instances where a Commissioner or proxy has greater than 10 percent interest in the total harvest, marketing or processing of a fishery; full or partial ownership of more than 10 percent of the vessels using the same gear type within a fishery; or is an employee or representative of a harvesting entity that harvests greater than 10 percent of total harvest of a fishery. In cases where a conflict exists, Commissioners and proxies must recuse themselves from participating in the state caucus and voting. Once recused, a Commissioner or proxy may still participate in the debate but will not be able to make or second motions.

Additionally, the Disclosure Policy requires each state's appointing authority to be notified when a Legislative Commissioner or Governor Appointee appoints a proxy. A copy of each individual's Disclosure Form will be included with the notification. Finally, the completed Disclosure Forms will be available to the public through the Commission website (on the Commissioners page) and at Commission meetings. (Financial Disclosure policy follows.) http://www.asafc.org/files/Meetings/FinancialDisclosureConflictInterestForm_April2015.pdf.

STANDARDS OF CONDUCT. The Commissioners and Commission staff are responsible for maintaining the highest standards of ethical conduct. Such standards include the following principles.

1. No employee of the Commission shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her official duties.
2. No Commission member or employee shall engage in criminal, infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Commission.
3. No Commission member or employee shall use or allow the use for other than official purposes, of information through or in connection with his or her employment which has not been made available to the general public.
4. No Commission member or employee shall use Commission property for other than official business. Such property shall be protected from improper or deleterious operation or use.

The full Commission shall determine the application of the standards to particular individuals and circumstances.

COMMISSIONER VALUES.

- Effective stewardship of the Atlantic coast's marine resources through strong partnerships
- Decisions based on sound science
- Long-term ecological sustainability
- Transparency and accountability in all Commission actions
- Timely response to new information through adaptive management
- Balancing resource conservation with the economic success of coastal communities
- Efficient use of time and fiscal resources
- Work cooperatively with honesty, integrity and fairness