

Advisory Committees – Uniform Rules of Operation

PROPOSAL 1

5 AAC 96.060. Uniform rules of operation.

Require one-month public notice for advisory committee election meetings and 14 days-notice for regular meetings as follows:

Elections

“All elections for AC membership shall be noticed to the public at least 1 month ahead of time and posted weekly for the 4 weeks prior to the election.”

And under **Meetings**, change the ‘7-day notice’ to a ‘14-day notice’ prior to meetings.

What is the issue you would like the board to address and why? Public notice of upcoming meetings and elections to be more frequent and posted in more places for increased transparency and increased community information. More lead time for elections and advance announcements for meetings will allow better time management to increase public attendance, time for researching agenda items and/or decision making on becoming part of the AC and community involvement.

PROPOSED BY: Lorraine Temple

(EJ-F23-684)

PROPOSAL 2

5 AAC 96.060. Uniform rules of operation.

Require all advisory committee meetings be accessible via call-in option as follows:

Add “All AC meetings (including subcommittee meetings) must have a listener call-in option posted with the meeting announcement.

What is the issue you would like the board to address and why? For easier community involvement, have a listener call-in option posted with the meeting announcement. Some people either don’t use zoom or don’t have access to a computer all the time; they would prefer to use a call-in option.

PROPOSED BY: Lorraine Temple

(EJ-F23-687)

PROPOSAL 3

5 AAC 96.060. Uniform rules of operation.

Reduce the terms for advisory committee officers from two years to one as follows:

5 AAC 96.060(i) is amended to read:

...

(i) Officers. The officers of a committee consist of a chair, a vice-chair, and secretary/**recorder**. The term of office for officers is **one year** [TWO YEARS] starting July 1 and ending June 30 of the following year, or until the next meeting when new officers can be elected. Officers are elected by a majority vote of a quorum of a committee.

What is the issue you would like the board to address and why? Current regulation sets the term for advisory committee officers at two years. A one-year term would require advisory committees to elect new officers every year upon new member elections. This may reduce complexity in tracking officer terms, and would consistently afford newly elected members a voice in selecting committee leadership.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-005)

PROPOSAL 4

5 AAC 96.060. Uniform rules of operation.

Clarify the responsibilities for advisory committee chairs as follows:

5 AAC 96.060(j) is amended to read:

...

(j) Chair. The chair is the presiding officer [.] **and is responsible for setting meeting dates, establishing agendas, and ensuring that preliminary recommendations and actions of the committee are recorded in writing and submitted to boards support section in the manner specified by boards support.**

What is the issue you would like the board to address and why? Advisory committees (AC) require an active chairperson(s) and secretary/recorder to effectively participate in the regulatory process. In the event the secretary/recorder position is unfilled, absent from an AC meeting, or unable to perform the duties, it remains the chair’s responsibility to ensure the recommendations and other actions of the AC (i.e. meeting minutes) are recorded and submitted to Boards Support Section staff. This proposal seeks to codify the chair’s responsibilities outlined in the Alaska Department of Fish and Game Advisory Committee Manual 4th Edition. Ensuring that meeting minutes are recorded, usually by the committee’s secretary/recorder, and submitted to the Boards Support Section in a timely manner is a critical component of effective AC participation in the regulatory process.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-007)

PROPOSAL 5

5 AAC 96.060. Uniform rules of operation.

Clarify the responsibilities for the officer position of secretary/recorder as follows:

5 AAC 96.060(i) is amended to read:

...

(i) **Officers.** The officers of a committee consist of a chair, a vice-chair, and a secretary /recorder. The term of office for officers is two years starting July 1 and ending June 30 of the following year, or until the next meeting when new officers can be elected. Officers are elected by a majority vote of a quorum of a committee.

...

5 AAC 96.060(l) is amended to read:

(l) secretary/recorder. The secretary/recorder is essential for ensuring the actions by the advisory committee are accurately recorded in writing. The secretary/recorder may be, but need not be, a member of the committee. The secretary/recorder shall carry out the usual duties associated with the office including maintaining records of the meeting in accordance with 5 AAC 96.060(s). If the secretary/recorder is not a committee member, the secretary/recorder has no vote on committee business other than nominations for committee membership.

What is the issue you would like the board to address and why? This proposal emphasizes the important responsibility for the officer position of secretary/recorder and offers the alternative title of “recorder” which is consistent with the current Advisory Committee Manual. Boards Support has been transitioning to the term “recorder” to quell any misconception that women should fill the role of secretary.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-008)

PROPOSAL 6

5 AAC 96.060. Uniform rules of operation.

Allow advisory committees with community designated seats to appoint alternates for those communities as follows:

Amend 5 AAC 96.060(g)(7) to read:

Each advisory committee may appoint two undesigned alternates. In addition, advisory committees with community designated seats may appoint an alternate for each community represented on the committee. [ANY MEMBER OF AN ADVISORY COMMITTEE WHO IS THE SOLE REPRESENTATIVE FROM A COMMUNITY MAY ALSO APPOINT AN ALTERNATE.] Each alternate must meet the qualifications under this chapter. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member. If an advisory committee appoints an alternate from the remaining nominees from an election, the alternate may fill a vacancy on the advisory committee throughout the year.

What is the issue you would like the board to address and why? Currently the Minto/Nenana Advisory Committee and most advisory committees in the state are only allowed to appoint two alternates. It is important for communities to be able involve younger generations in the public decision-making process, and alternates are a good entry point for new members to get involved with advisory committees. If advisory committees that represent multiple communities were allowed to appoint additional alternates for each community with designated seats, it would also improve the committee's ability to reliably reach a quorum.

PROPOSED BY: Minto/Nenana Fish and Game Advisory Committee (EJ-F23-678)

PROPOSAL 7

5 AAC 96.060. Uniform rules of operation.

Clarify the process for appointing advisory committee alternates, allow alternates for communities having more than one designated seat, and establish one year term limits for alternates as follows:

5 AAC 96.060(g)(7) is amended to read:

(7) Alternates.

(A) Each advisory committee may appoint two undesigned alternates. [HOWEVER, ANY MEMBER OF AN ADVISORY COMMITTEE WHO IS THE SOLE REPRESENTATIVE FROM A COMMUNITY MAY ALSO APPOINT AN ALTERNATE.] An undesigned alternate may act as a member of the advisory committee in place of any member who is absent from a meeting. If an advisory committee appoints an undesigned alternate from the remaining nominees from an election, the alternate may [FILL A VACANCY] serve on the advisory committee throughout the year to fill a vacancy;

(B) Advisory committees with community-designated seats identified in 5 AAC 96.021(c) may appoint an alternate for each community represented, to be appointed by a majority of the elected members representing that community, the member who is the sole representative of the community, or by the chair when elected members representing the community are unable to appoint an alternate. A community-designated alternate may act as a member of the advisory committee when an elected member representing that community is absent from the meeting. If a community-designated alternate is appointed by a majority of the elected members representing that community or the sole representative of a community, the alternate may serve on that advisory committee throughout the year to fill a vacancy;

(C) All alternates [EACH ALTERNATE] must meet the qualifications under this chapter. Alternates are not elected under (1)-(6) of this paragraph. When acting as a member of an advisory committee, an alternate is entitled to the benefits, privileges, and responsibilities of a regular member. The term for an undesigned or community-designated alternate is not to exceed a 12 month period and the term ends on June 30.

What is the issue you would like the board to address and why? The composition of designated and undesignated seats varies across advisory committees as do the difficulties encountered in ensuring community representation and achieving quorum.

Current regulation allows each AC to appoint two alternates, and a sole representative of a community to appoint an alternate. Also, terms for alternates are not specified. This proposal provides a process for appointing alternates to represent communities having more than one designated seat and establishes one-year terms for alternates, ending on June 30.

Additionally, 5 AAC 96.060(g)(7) currently allows an alternate to fill a vacancy if the alternate was appointed from the remaining nominees following an election. It does not specify whether an alternate selected for a sole community-designated seat may fill a vacancy for the community-designated seat they were appointed to represent. This proposal clarifies that an alternate for a community designated seat can fill a vacancy for that designated seat, if appointed by the majority of the seated members representing that community of the sole-representative for that community.

This proposal provides options for the Joint Board to consider, to allow the appointment of additional alternates for communities which may assist ACs that have difficulty making quorum due to absences and/or vacancies and to facilitate community representation at AC meetings.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-004)

PROPOSAL 8

5 AAC 96.060. Uniform rules of operation.

Allow advisory committees the discretion to set membership term dates as follows:

5 AAC 96.060(f) Terms of Membership: each committee shall establish the terms of the committees' members so that not more than 1/3 of the committee members terms expire calendar year. TERMS COMMENCE AT A DATE AT THE DISCRETION OF THE COMMITTEE of the year designated or, except as specified in (g)(1) of this section, until a successor has been duly elected at the next committee meeting the maximum length of a term is 3 years.

What is the issue you would like the board to address and why? We would like advisory committees (ACs) to have the flexibility and discretion to elect members and commence term appointments when it is the most efficient and practical for each committee. Many ACs adjourn for the summer and reconvene in the fall to begin discussing proposals in the current board cycle. Elections occurring in winter, with terms commencing in summer, disrupts the exchange of ideas and results in lost time when new members must be brought up to date on work ongoing since fall.

PROPOSED BY: Homer Fish and Game Advisory Committee (EJ-F23-681)

PROPOSAL 9

5 AAC 96.060. Uniform rules of operation.

Limit the number of consecutive terms advisory committee members can serve as follows:

Elections

Add “An AC member may sit for two consecutive terms then take one year off before being considered for re-election.”

What is the issue you would like the board to address and why? Multiple term members seem to have pursued personal agendas as opposed to what community desires reflect. Keeping a fresh advisory committee with a broader scope of interests can help meet the necessity of evolving community land usages and circle back to the equitability of the Alaska Constitution.

PROPOSED BY: Lorraine Temple (EJ-F23-686)

PROPOSAL 10

5 AAC 96.060. Uniform rules of operation.

Designate one seat on each advisory committee for non-consumptive representation as follows:

Under Uniform Rules of Operation:

(In addition to the existing verbiage regarding **membership** representation add the following)...

“One seat be designated for a non-consumptive member of the community with residence in which the AC is located. **The AC is to be representative of community members’ input and desires.**”

What is the issue you would like the board to address and why? Having more diverse, equitable representation of all user groups on advisory committee (AC) boards.

In Article I-Declaration of Rights of the Alaska Constitution, it states, “*that all persons are equal and entitles to equal rights, opportunities, and protection under the law.*” The current AC in Cooper Landing is 100% consumptive users and the same members have been on the AC for up to 20 years. This has resulted in one-sided decision making with little regard for community input and it has not been equitable. A more diverse constituency would foster a healthier regulatory process that would more accurately reflect the land usage and wildlife management needs as they exist today.

PROPOSED BY: Lorraine Temple (EJ-F23-682)

PROPOSAL 11

5 AAC 96.060. Uniform rules of operation.

Designate non-consumptive user seats for the Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley advisory committees as follows:

(e) Membership.

(1) Each committee must have at least five but not more than 15 members. The joint board may limit the size of a committee to less than 15 members at the time the committee is established or at committee request. The members must be representative of fish and game user groups in the area served by the committee, **including non-consumptive users of game for the Anchorage, Cooper Landing, Fairbanks, Homer, and Matanuska Valley committees**, and to the extent practicable for other committees throughout the State. In addition to ensure full representation on committees, the joint board may assign a seat on a committee to represent a specific community. **For purposes of this provision, non-consumptive users of game means persons who have not hunted or trapped in the State of Alaska for at least five years.**

What is the issue you would like the board to address and why? Seats on advisory committees should be reserved for non-consumptive users of game. The Alaska Constitution provides for the beneficial use of game by all Alaskans, but hunters and trappers have succeeded in excluding non-hunters and non-trappers from most advisory committees, including the large advisory committees of Anchorage, Matanuska Valley and Fairbanks by winner-take all, voting. The exclusion of non-consumptive users from most advisory committees most of the time is unconstitutional, and violates the statute establishing advisory committees.

PROPOSED BY: Kneeland Taylor

(HQ-F23-002)

PROPOSAL 12

5 AAC 96.060. Uniform rules of operation.

Clarify the provision that advisory committees may not reject a nomination for an undesignated seat when membership is less than the number of members authorized, as follows:

5 AAC 96.060(g)(2) is amended to read:...

(g)(2) Nomination. The committee may set a time period during which the committee will accept nominations and shall give adequate public notice of the time before accepting nominations. Any committee member or resident of the area served by the committee as defined in 5 AAC 96.910(10) may submit a nomination. A committee may not reject a nomination for an undesignated seat [UNDER 5 AAC 96.021(c)] if committee membership is less than the number of members authorized by the joint board.

What is the issue you would like the board to address and why? In the AC election rules there is a provision that says a committee may not refuse nominations for specific undesignated seats when there are available seats. This prevents an interested and qualified person from being barred from service for arbitrary reasons.

This proposal supports this intent but clarifies the provision applies to all “undesigned seats” including single community ACs that are not specified under 96.021(c).

This topic was modified by the Joint Board in 2019 and was intended to exclude Joint Board community-designated seats under 96.021(c). At that time, the department comments to the Joint Board erred by recommending an amendment to the proposal to apply the provision only to undesigned seats under 5 AAC 96.021(c), which inadvertently excluded all other undesigned seats for ACs. Prior to the regulation change in 2019, the provision applied to all AC seats including undesigned and community-designated seats. This proposal makes it clear that ACs may not refuse nominations for all undesigned and single-community seats, and not community-designated seats.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-006)

PROPOSAL 13

5 AAC 96.060. Uniform rules of operation.

Clarify the process for declaring vacancies and filling expired seats as follows:

5 AAC 96.060 (f) and (g) are amended to read:

(f) **Terms of Members.** Each committee shall establish terms of the committee's members so that not more than one-third of the committee members' terms expire in one calendar year. Terms commence on July 1 and expire on June 30 of the year designated or, except as specified in (g)(1) of this section, until a successor has been duly elected at the next committee meeting[.] **, or for community designated seats under 96.021(c), at an election within 12 months following the expiration of the term.** The maximum length of a term is three years.

(g) **Election Procedures.**

(1) **Vacancy.** A committee shall give at least 14 days public notice of a meeting for an election to fill [A VACANCY] **vacant and expired seats. An election for a community designated seat under 96.021(c) shall also have 14 days public notice.** The member elected to fill a vacant seat serves the remainder of the vacant seat’s term. A chair **or boards support section when the chair is unable, shall** [MAY] declare a vacancy when [A MEMBER'S TERM, IS SET TO EXPIRE OR HAS EXPIRED] any of the following occurs:

(A) a member’s death, resignation, or refusal to accept election;

(B) **any** member’s absence from three consecutive regularly advertised meetings without reasonable justification, as determined by a majority vote of the committee; [OR]

(C) a member’s removal by the joint board for cause;

(D) a member’s term is set to expire or has expired; or

(E) for community designated seats under 96.021(c), if an election has not occurred 12 months following the expiration of the term.

What is the issue you would like the board to address and why? Current regulation allows AC members to continue serving until a successor can be duly elected at the next committee meeting. Boards Support Section has interpreted this regulation so that a member with an expired term can continue to serve until the next AC meeting at which an election can be held, or in the case of community designated seats under 96.021(c), whenever a community with an expired seat can hold an election. This practice has resulted in some AC members continuing to serve several years after a term has expired. The regulations also allow a chair to declare a vacancy for expired seats, however, some AC chairs prefer not to do so for community designated seats.

This proposal suggests a time limitation of one year after a community designated seat expires, for communities to hold elections to fill expired seats. Once that one-year time period has passed, the new regulation clarifies the chair, or the Boards Support Section shall declare the seat vacant. Adding Boards Support Section to the vacancy procedures is proposed because there are occasions when the chair is unable to declare a vacancy.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-010)

PROPOSAL 14

5 AAC 96.060. Uniform rules of operation.

Adopt an absence policy allowing advisory committees to remove members who miss more than 50% of meetings without reasonable justification as follows:

Under Uniform Rules of Operation: Membership

Add Absence Policy: “If an AC member misses more than 50% of meetings in the calendar year without reasonable justification, their position is terminated and either the alternate takes the seat for the remainder of the term or a replacement can be elected.”

What is the issue you would like the board to address and why? Lack and inconsistent attendance by some advisory committee members leave valuable seats unavailable that could be filled with individuals eager to participate and be actively involved.

PROPOSED BY: Lorraine Temple (EJ-F23-683)
