

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT ADMINISTRATIVE POLICY AND BUDGET/PERSONNEL COMMITTEES

Golden Nugget Casino Biloxi, Mississippi

March 30, 2015

**ADMINISTRATIVE POLICY VOTING MEMBERS**

Doug Boyd.....Texas  
 Pamela Dana.....Florida  
 Martha Bademan (designee for Nick Wiley).....Florida  
 John Greene.....Alabama  
 Campo Matens.....Louisiana  
 Corky Perret.....Mississippi  
 David Walker.....Alabama

**BUDGET/PERSONNEL VOTING MEMBERS**

Lance Robinson (designee for Robin Riechers).....Texas  
 Leann Bosarge.....Mississippi  
 Campo Matens.....Louisiana  
 Corky Perret.....Mississippi  
 David Walker.....Alabama  
 Roy Williams.....FLorida

**NON-VOTING MEMBERS**

Kevin Anson.....Alabama  
 Jason Brand.....USCG  
 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida  
 Dale Diaz (designee for Jamie Miller).....Mississippi  
 Dave Donaldson.....GSMFC  
 Myron Fischer (designee for Randy Pausina).....Louisiana  
 Harlon Pearce.....Louisiana  
 John Sanchez.....Florida  
 Greg Stunz.....Texas

**STAFF**

Stephen Atran.....Senior Fishery Biologist  
 Assane Diagne.....Economist  
 John Froeschke.....Fishery Biologist/Statistician  
 Doug Gregory.....Executive Director  
 Karen Hoak.....Administrative and Financial Assistant  
 Ava Lasseter.....Anthropologist  
 Mara Levy.....NOAA General Counsel  
 Cathy Readinger.....Administrative Officer  
 Ryan Rindone.....Fishery Biologist/SEDAR Liaison

1 Bernadine Roy.....Office Manager  
2 Charlotte Schiaffo.....Research & Human Resource Librarian  
3 Bryan Schoonard.....GIS Analyst  
4

5 **OTHER PARTICIPANTS**

6 Pam Anderson.....Panama City, FL  
7 Randy Boggs.....Orange Beach, AL  
8 Steve Branstetter.....NMFS  
9 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL  
10 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL  
11 Cynthia Fenyk.....NOAA  
12 Martin Fisher.....FL  
13 Chuck Guilford.....FL  
14 Ken Haddad.....American Sportfishing Association, Lloyd, FL  
15 Chad Hanson.....Pew Environmental Trusts  
16 Betty Harder.....FL  
17 Ben Hartig.....SAFMC  
18 Bill Kelly.....FKCFA, FL  
19 Kristin McConnell.....EDF, Austin, TX  
20 Jack McGovern.....NMFS  
21 George Niles.....Summerland Key, FL  
22 Daniel Padron.....Key West, FL  
23 Bonnie Ponwith.....SEFSC  
24 Andy Strelcheck.....NMFS  
25 Jenny Thompson.....Oceana, Lafayette, LA  
26 Bob Zales.....Panama City, FL

27  
28 - - -  
29

30 The Joint Administrative Policy and Budget/Personnel Committees  
31 of the Gulf of Mexico Fishery Management Council convened at the  
32 Golden Nugget Casino Hotel, Biloxi, Mississippi, Monday morning,  
33 March 30, 2015, and was called to order at 8:30 a.m. by Chairman  
34 Doug Boyd.

35  
36 **ADOPTION OF AGENDA**  
37 **APPROVAL MINUTES**  
38 **ACTION GUIDE AND NEXT STEPS**  
39

40 **CHAIRMAN DOUG BOYD:** Good morning, everyone. First on the  
41 agenda is a Joint Administrative Policy and Budget/Personnel  
42 Committee meeting. Mr. Riechers, who is Chairman of the  
43 Budget/Personnel Committee, is not here today and his Vice  
44 Chairman, Corky, is here and Corky is going to jump in at any  
45 time, but I will kind of guide us through here.

46  
47 The Administrative Policy Committee, we have all the members  
48 present and Budget/Personnel, we have all the members present

1 and in total, it's about thirteen and so this is almost a  
2 committee of the whole this morning. If anybody has any  
3 questions, please feel free to ask them.  
4

5 The first thing is the Adoption of the Agenda. Does anyone have  
6 any comments on the agenda or changes to the agenda or additions  
7 to the agenda? Mr. Gregory, did you have one?  
8

9 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** I would like to add two  
10 items to Other Business. One is the request of the council to  
11 allow us to -- We have a policy in our admin handbook to talk  
12 about paying for health insurance on unpaid leave and I would  
13 like to reconsider some of that. I also would like to bring up  
14 the subject of directors' reports and see if we want to continue  
15 that activity or not.  
16

17 **CHAIRMAN BOYD:** Those two are noted. We have a motion to adopt  
18 the agenda and is there a second from one of the committee  
19 members? Ms. Bosarge seconds. Any opposition to adopting the  
20 agenda? Hearing none, the agenda is approved.  
21

22 I assume everyone has poured over the minutes of the two  
23 committee meetings and are there any changes, any additions, any  
24 corrections to the minutes? Hearing none, I will entertain a  
25 motion to adopt the minutes.  
26

27 **MR. CORKY PERRET:** So moved, Mr. Chairman.  
28

29 **MS. LEANN BOSARGE:** Second.  
30

31 **CHAIRMAN BOYD:** Second by Ms. Bosarge. Any opposition to  
32 adopting the minutes? Hearing none, the minutes are adopted.  
33 The next thing on the agenda is the Approval of the Minutes from  
34 the Budget/Personnel Committee. Corky, do you want to handle  
35 that one?  
36

37 **MR. PERRET:** Okay. The October 2014 Joint Budget/Personnel  
38 Committee members, are there any suggested modifications or if  
39 not, I will entertain a motion for approval. It's moved by Mr.  
40 Matens and second by --  
41

42 **CHAIRMAN BOYD:** I will second.  
43

44 **MR. PERRET:** Second by Mr. Boyd. Any opposition to approval of  
45 the minutes? Hearing none, the minutes are approved as written.  
46 I guess Action Guide and Next Steps is G-3. Any comments from  
47 anyone on that? Mr. Boyd, have you got any comments?  
48

1 **CHAIRMAN BOYD:** I don't have any comments. Anybody else? The  
2 action guide is more for your reference, so that you can see  
3 what's coming up and what we're working on in the different  
4 committees. If you have any questions, this would be the time.  
5 Hearing none, the next item is Review of the 2014 Carryover and  
6 2015 Budget, Tab G, Number 4, and Cathy.

7  
8 **REVIEW OF 2014 CARRYOVER AND 2015 BUDGET**  
9

10 **MS. CATHY READINGER:** Thank you. As most of you know, we  
11 requested and we received approval from NOAA to carryover  
12 funding from 2014 into 2015. These funds were planned  
13 activities in 2014. The council received approval from NOAA for  
14 a twelve-month no-cost extension that totaled \$1.1 million.

15  
16 This is for activities that we couldn't hold in 2014, but which  
17 we needed to hold in 2015. The cost categories for those  
18 activities included \$365,000 for personnel, \$331,000 for  
19 activities and that included mostly travel. \$23,000 in  
20 associated supplies and \$340,000 in contracts and \$43,000 in  
21 other expenses, which basically included acquiring additional  
22 office space. That's kind of the update for that particular one  
23 and does anyone have any questions?

24  
25 I will move on to the update on the 2015 budget. At the February  
26 CCC meeting, the Executive Director and the Chair of the Council  
27 were advised that the Gulf Council's funding level for 2015  
28 would be \$3.519 million. That's only \$86,000 more than our 2014  
29 level.

30  
31 We had submitted a budget for \$3.5199, or only \$842 more than  
32 our actual funding and so we just simply adjusted the cost  
33 category in supplies. We reduced that by \$842 and resubmitted  
34 the budget to NOAA.

35  
36 However, as of today, we have not received any 2015 funds, but  
37 the Program Officer recently indicated we should get those by  
38 the end of the week. There are a few councils who actually ran  
39 out of money and they couldn't even meet payroll.

40  
41 **EXECUTIVE DIRECTOR GREGORY:** I would like to add to that that my  
42 understanding is this is very unusual, to be three months into a  
43 year and not have any money allocated to us for our budget this  
44 year. One council has indicated that they are just going to  
45 assign all expenses incurred since January to their 2014  
46 carryover budget.

47  
48 I would like to do the same, not knowing if NOAA would allow us,

1 but just since we haven't received any money and we are spending  
2 2014 money now, to go ahead and put that in our 2014 budget. If  
3 we have to amend our budget to account for it, that's fine, but  
4 I just wanted to bring that to your attention to see if there  
5 was any objection to us trying to do that.

6  
7 **CHAIRMAN BOYD:** Any comments from the joint committee?

8  
9 **MS. BOSARGE:** Just a question. How long can we keep going on  
10 that surplus that we have?

11  
12 **EXECUTIVE DIRECTOR GREGORY:** We had a pretty good surplus and so  
13 we're not in any trouble and we expect to get 2015 money within  
14 a week or so.

15  
16 **MR. ROY WILLIAMS:** So how has this -- Are you on the calendar  
17 year? You work on a calendar year, right, unlike NMFS? How  
18 have you been paying salaries and so on for January and February  
19 and March so far?

20  
21 **EXECUTIVE DIRECTOR GREGORY:** We are paying everything out of our  
22 2014 funds and that's why I want to actually remove what we've  
23 paid to date out of the 2015 budget and so that saves that. We  
24 have plenty of carryover funds in 2014 and so we're not in any  
25 condition where we're likely to run out of money, but other  
26 councils have run out of money and have indicated to NMFS, at  
27 least maybe a month ago, that they could not make payroll, but  
28 we are not in that position.

29  
30 **CHAIRMAN BOYD:** Mr. Gregory, when we get to the end of this  
31 funding period, this 2015 or 2016 funding period, the multiyear,  
32 are we going to cause ourselves a problem because we put some of  
33 this money back into 2014 and we'll have a surplus then?

34  
35 **EXECUTIVE DIRECTOR GREGORY:** It's likely at the end of the five-  
36 year grant we just started that we would have a surplus then and  
37 we had a surplus at the end of the two previous five-year grants  
38 and NMFS allowed us to carry it over for activities. What I am  
39 proposing to do that's different than what NMFS has allowed us  
40 to do in the past is they said you can carryover funds from the  
41 end of your five-year grant into the next year if you have  
42 activities that you were planning to do that you didn't  
43 complete.

44  
45 What I am proposing to do is use 2014 money for new activities  
46 in 2015, simply because we technically don't have 2015 money  
47 yet. I don't know if they will approve that or not, but it's  
48 worth a try, because it does provide us with a cushion at the

1 end of the five-year period.

2  
3 **MR. PERRET:** What happens if we send the letter and the agency  
4 says no? Where are we financially, budget-wise, so on and so  
5 forth?

6  
7 **EXECUTIVE DIRECTOR GREGORY:** We're okay. Our 2015 budget is  
8 essentially a level funding budget for 2014 and given our  
9 expenditures for 2014, not including any carryover from previous  
10 years, we had a surplus of a couple hundred thousand and so no  
11 matter which way we go, we're not going to be in any financial  
12 constraints of any kind.

13  
14 **MR. PERRET:** The letter, if we decide to send it, that goes to  
15 the Region or Headquarters or both?

16  
17 **MS. READINGER:** It would be initiated at the Regional Office and  
18 then they were submit it, if they approved, to NOAA Grants in  
19 D.C.

20  
21 **MR. PERRET:** Are you more comfortable with a letter of  
22 recommendation from the council to send the letter forward or  
23 you can do it without council direction?

24  
25 **MS. READINGER:** I'm sorry, Corky, but can you repeat that?

26  
27 **EXECUTIVE DIRECTOR GREGORY:** Do we need to actually write a  
28 letter saying we're going to do this or do we just do it and see  
29 what answer we get? What's the best way forward to do this?

30  
31 **MS. READINGER:** You can simply go ahead and charge those 2015  
32 activities to the 2014 budget. However, if you wanted to do  
33 that, I would suggest trying to amend the 2015 budget, because  
34 we've spent \$545,000, year to date, of 2015 funds. That's a  
35 half-a-million.

36  
37 We have a 10 percent variance before we have to get NOAA  
38 approval and so until I know what that final number would be, I  
39 don't know if we would really need their approval. Regardless,  
40 we are still going to be okay in both years, both grant years.  
41 I anticipate not spending all of the 2014 money even in doing  
42 this and if we do charge back the 2014 expenses to the 2014  
43 award, we are still going to be fine.

44  
45 **MR. PERRET:** It sounds like we've got a timing problem and from  
46 a funding standpoint, we should be okay. In fact, I like when I  
47 hear the word "surplus" and so I have a question. If this  
48 committee and council decided that they wanted to provide a one-

1 time increase in liaison funds to the states and the Gulf States  
2 Commission of say \$10,000 each, can our budget afford that?

3  
4 **MS. READINGER:** I would say yes, Corky, given the amount of  
5 travel activities that were included in the 2014 carryover and  
6 the amount of travel activities that we have in the 2015 budget.  
7 As you know, we try to budget for full attendance and we  
8 recently restructured the SSC and so we will achieve a cost  
9 savings there and given the lack of full attendance, you will  
10 have funds left from there and I don't think \$60,000 will be an  
11 issue, if you give \$10,000 to each state and one \$10,000  
12 allocation to Gulf States.

13  
14 **MR. PERRET:** Thank you, Cathy. **With that, I would like to move**  
15 **that we recommend to the council that we have a one-time**  
16 **increase of \$10,000 to the states and the Commission for their**  
17 **liaison contracts.**

18  
19 **CHAIRMAN BOYD:** We have a motion. Is there a second?

20  
21 **MR. MATENS:** Second.

22  
23 **CHAIRMAN BOYD:** We have a second by Mr. Matens. Is there  
24 discussion?

25  
26 **MR. PERRET:** I would just say, having been a state director in  
27 two states, I know how hard and how much time state employees  
28 spend on council activities and the liaison contract has gone up  
29 very, very little since we started providing liaison funds in  
30 1979 or 1980 and I am confident that the states can put this  
31 money to good use and that would release \$10,000 per state of  
32 state money that they could use for other things and so I just  
33 think it's the right thing to do if the budget allows it. Cathy  
34 has got a comment, Mr. Chairman.

35  
36 **CHAIRMAN BOYD:** All right, Cathy, and I have a question. Didn't  
37 we have a one-time increase last year?

38  
39 **EXECUTIVE DIRECTOR GREGORY:** Twice.

40  
41 **CHAIRMAN BOYD:** Twice? That would be a tradition in Harlon's  
42 state, to have a one-time twice. We are going to talk about  
43 three times and it's a done deal, I think.

44  
45 **MR. PERRET:** This is a one-time for this particular budget year  
46 and so one time thus far.

47  
48 **MS. READINGER:** On that note, I was just going to give you an

1 overview. As you know, you did have two amendments to the state  
2 liaison contracts last year and that was up to \$65,000 and so we  
3 had one state that reported \$66,000 in liaison expenses and one  
4 reported exactly \$65,000 and another one reported \$124,000 and  
5 one that reported \$57,000 and another one reported \$43,000 and  
6 \$47,000 and so they definitely do exceed the \$35,000 that we  
7 typically give them.

8  
9 **MR. KEVIN ANSON:** Just one more note. I was reviewing some  
10 South Atlantic Council documents from 2013 and their budget  
11 ranged from about \$52,000 to \$57,000 for each of the states for  
12 their liaison expenses and so at \$35,000, we're at much less  
13 than what the going rate would be or what similar states receive  
14 in the Southeast Region.

15  
16 **EXECUTIVE DIRECTOR GREGORY:** Each council does it differently.  
17 Now, I was just pointing out the South Atlantic has four states  
18 and so four times that might be the same as what we're doing  
19 with five states plus the commission. I don't know if the South  
20 Atlantic gives money to the Atlantic States Commission, because  
21 that's the entire east coast.

22  
23 Other councils -- Some councils don't give any state liaison  
24 money. This is not something Magnuson has mandated. This is  
25 something the councils individually decide to do and then one  
26 council, I think the Pacific Council, actually keeps track  
27 themselves the amount of time and effort that state employees  
28 put into documents and they pay accordingly.

29  
30 Some states might get \$100,000 in a year, but in that council,  
31 the state biologists are actively involved in writing plans and  
32 doing stuff like that. They just don't attend meetings and give  
33 advice. Each council does it differently and there is no --  
34 It's not part of the Magnuson Act or anything that we have to  
35 do.

36  
37 **CHAIRMAN BOYD:** Corky, I was being a little bit flip a while  
38 ago, but my point would be that if we think that there is a need  
39 and there is a true need in the state and there is more activity  
40 by the states, maybe we ought to look at increasing the annual  
41 funding rather than doing it as a one-time deal multiple times.

42  
43 **MR. PERRET:** I totally concur with that, Mr. Boyd. I think one  
44 thing the states do a poor job of, me included -- Mr. Gregory  
45 mentioned that biologists in the states in the Pacific do a lot  
46 of drafting and working on FMPs and amendments and so on and so  
47 forth.

48



1 I can assure in the two states that I worked in that biologists  
2 do the very same thing. We just weren't smart enough to bill  
3 the council for the amount of time, but there is a lot of people  
4 in the state agencies that are involved in council activities  
5 that are never on those reports that go in, because we simply  
6 basically would put we get \$25,000 or \$35,000 and let's make  
7 sure we get to that level and then we just don't even put the  
8 rest down.

9  
10 The states, from that aspect, have been lax in actually putting  
11 the total amount of time down, but your suggestion is something  
12 I think is something very well worth considering and hopefully  
13 in the future we address it that way rather than having these  
14 one-time increases, but since I heard "surplus" and "money", I  
15 think anything we can do to help our state regulatory agencies  
16 and management agencies, we should do it.

17  
18 **CHAIRMAN BOYD:** We have a motion on the board. Any further  
19 discussion? **The motion is to recommend to the council that we**  
20 **have a one-time increase of \$10,000 to the states and the**  
21 **commission for the liaison contracts.**

22  
23 **MR. DAVID WALKER:** I don't know if we need to make it clear and  
24 does it need to read "to each state" or just "to the states"?

25  
26 **MR. PERRET:** Did you get that? **To each Gulf state and the Gulf**  
27 **States Commission.**

28  
29 **MR. CAMPO MATENS:** I hope this isn't picking a nit, but would  
30 you be comfortable with deleting the words "one-time"?

31  
32 **MR. PERRET:** **I have no problem with it.** I just want to make  
33 sure if we've got a surplus and the budget allows that we  
34 provide this increase to these groups.

35  
36 **CHAIRMAN BOYD:** Any further comments?

37  
38 **MS. READINGER:** That would be to Calendar Year 2015 starting,  
39 correct?

40  
41 **CHAIRMAN BOYD:** Did we actually change the motion, Corky, your  
42 motion?

43  
44 **MR. PERRET:** I can read it both ways. Starting in this year  
45 we're going to give them ten-grand and next year we're going to  
46 increase it also and so on and so forth. I am all for that, but  
47 you know I -- Cathy, the liaison contract now is \$35,000 and so  
48 this would bring it to \$45,000 for this year and \$45,000 next

1 year and so on if this passed in the council?  
2

3 **MS. READINGER:** That's the way I read the motion, Corky.  
4

5 **MR. PERRET:** Okay. That's the way I am reading it too and that  
6 was Mr. Boyd's comment and I don't know if it was a suggestion  
7 and so I agree with this. Let's up it to \$45,000. Thank you.  
8

9 **CHAIRMAN BOYD:** If you want to make this clear, after "\$10,000",  
10 you could say "to a total of \$45,000" and that would make it  
11 clear.  
12

13 **MR. PERRET:** To a total of \$45,000 to each. Thank you, Mr.  
14 Boyd. Thank you, Cathy.  
15

16 **CHAIRMAN BOYD:** We have basically a new motion. We have changed  
17 from a one-time to a permanent. The motion is to recommend to  
18 the council that starting in 2015 we have an increase of  
19 \$10,000, to a total of \$45,000, to each of the states and the  
20 Gulf States Commission for liaison contracts. Any further  
21 discussion? **All in favor say aye; opposed same sign. The**  
22 **motion carries.**  
23

24 **MS. READINGER:** That concludes my report.  
25

26 **CHAIRMAN BOYD:** All right. Thank you. Next on the agenda is  
27 Number VI, Tab G-5, and Mr. Gregory.  
28

#### 29 **REVIEW OF BENEFITS ANALYSES BY MARKLEY CONSULTANTS**

30  
31 **EXECUTIVE DIRECTOR GREGORY:** Tab G-5 is a staff summary of the  
32 retirement plan study done by Markley Actuarial. The council  
33 approved early last year and we did an RFP and we selected this  
34 contractor to look at our 401K plan.  
35

36 He looked at it in two ways. He looked to see -- We had trouble  
37 last year and we tried to move to Vanguard to handle our 401K  
38 and Vanguard did not want to handle us. I mean we're a  
39 relatively small company, but we have a unique situation where  
40 we're a government 401K.  
41

42 In the 1980s, when we started this, government agencies could  
43 have 401K, but in 1986 or 1989, a decision was made to disallow  
44 401K for government entities, but those that already existed  
45 were grandfathered in. We were grandfathered in and some other  
46 rulings said that government entities did not have to file  
47 certain forms with the IRS that other non-profit and for-profit  
48 companies have to file to be compliant with something called

1 ERISA.

2  
3 Because we weren't filing those forms, Vanguard was  
4 uncomfortable with us and so we wanted somebody to look at this  
5 and see if we could find a way out and the study concluded that,  
6 one, we should restate our plan, which everybody has to do  
7 before next year, April of next year, and that we also could  
8 write a letter to the IRS asking for a letter of determination  
9 about our plan.

10  
11 We run into problems like this on a regular basis because we're  
12 not a government agency, but we're also not a for-profit.  
13 Places like Vanguard and Bank of America, you would think, as  
14 big as they are, they would understand this. We are not unique  
15 in that we're an instrumentality of the federal government, but  
16 we don't fit their categories.

17  
18 We ended up staying with ING, but we negotiated lower rates with  
19 ING along the lines of what our trustees recommended and we're  
20 in the process of making that transition now.

21  
22 He evaluated that and gave us some ideas of how to move forward  
23 and get clarification on the status of our 401K with the IRS and  
24 in case we did want to go to another company in the future and  
25 he also looked at or the company looked at -- We met with Mr.  
26 Markley directly, but the company looked at our benefits  
27 analysis.

28  
29 In other words, is staff getting the equivalent retirement  
30 benefits that a federal employee would get? The conclusion was  
31 that, and it's in this document, at the bottom. I will just  
32 read it. An employee hired around 2010 who is between the ages  
33 of say thirty-eight and forty-one would have an equivalent  
34 benefit under each plan.

35  
36 Prior to about four or five years ago, the council had a  
37 matching program that was inadequate. About four or five years  
38 ago, the council increased the contributions to 6 percent from 4  
39 percent and also increased the amount of matching that an  
40 employee could do. With our current plan, it appears that we're  
41 on target and we're equivalent to the federal government.

42  
43 In general, there were seventeen participants that were  
44 analyzed, all seventeen of the staff. Eight had higher  
45 replacement ratios under the government plan and two had  
46 equivalent ratios and seven had better ratios under the council  
47 plan and these seven were the younger employees, because it  
48 projects out much more, their benefits, if they were to fully

1 match.

2  
3 Two employees were behind the federal government and these are  
4 our long-term employees and so the conclusion was, based on the  
5 projection of benefits, future employees will receive the  
6 comparable benefits and so we're right on target and we don't  
7 need to make any changes.

8  
9 There was a recommendation that we try to develop a mechanism  
10 for enhancing the contributions to the two employees that may be  
11 behind and Mr. Markley's group recommended some elaborate, Cathy  
12 and I thought elaborate, defined benefit-type plan, like a  
13 pension, and we think a simpler way to go is simply to modify  
14 our 401K contract, agreement, so that instead of having to give  
15 every employee an equal percentage contribution when a  
16 contribution is made, like that 6 percent, that anything above  
17 that 6 percent could be done on a variable basis.

18  
19 It could be a decision of myself and the trustees of whether to  
20 do that in the future and so that gives us the more flexibility  
21 that can address that discrepancy, but, in general, it looks  
22 like our current plan is right on target with the federal  
23 government and there is no makeup or anything that needs to be  
24 done in a large way.

25  
26 **MR. PERRET:** What about this recommendation that the council  
27 implement a plan to replace some portion of the benefit provided  
28 by the applicable government plan that is not provided by the  
29 council plan? The example is given of a range and so where did  
30 that -- That recommendation came from Markley?

31  
32 **EXECUTIVE DIRECTOR GREGORY:** Yes.

33  
34 **MR. PERRET:** If so, what would the suggested number be? There  
35 is quite a difference between 33 and 100 percent.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** Well, no particular amount is  
38 suggested, but it's something for the council to develop  
39 flexibility and I would say to evaluate a way forward in the  
40 future. What we're going to do with our 401K plan is make a  
41 change so that council contributions can be made at a variable  
42 percentage. Let's say I could get 1 percent and somebody else  
43 could get 5 percent and there has to be a decision process for  
44 how that's done and that would be worked out with the trustees.

45  
46 **MR. PERRET:** Do we need to take any action at this time?

47  
48 **EXECUTIVE DIRECTOR GREGORY:** No.

1  
2 **CHAIRMAN BOYD:** Any further discussion? Moving to the next  
3 agenda item, Review and Approval of Early Retirement Health  
4 Plan, Mr. Gregory.

5  
6 **REVIEW AND APPROVAL OF EARLY RETIREMENT HEALTH PLAN**

7  
8 **EXECUTIVE DIRECTOR GREGORY:** I will refer you to Tab G, Number  
9 6. Another thing that we asked Markley to look at was the  
10 potential for providing health insurance for early retirees.  
11 Our current early retirement system basically says if you're got  
12 ten years of service and you're fifty-five years or older that  
13 you, quote, can retire early.

14  
15 The only benefit that you get from doing that today is that you  
16 get to keep some percentage of your sick leave when you leave  
17 the council, up to a maximum of 150 days. That's the only  
18 benefit we have now.

19  
20 In looking at providing health insurance for early retirees, we  
21 concluded to not go with the ten years and fifty-five as a  
22 definition of early retirement, but go with twenty years. You  
23 have got to have twenty years of service, something substantial,  
24 a substantial contribution to the council, and be fifty-five  
25 years of age.

26  
27 The analysis that was provided to us was quite complex and so  
28 Cathy went through each employee, looking at their age and the  
29 amount of time they've been in service to the council, assuming,  
30 if they took advantage of this, giving a percent increase in  
31 health insurance costs that the Markley Consulting Firm provided  
32 to us.

33  
34 We calculated, in five-year intervals, what the cost would be to  
35 the council if every existing employee took advantage of this  
36 when the met the criteria of twenty years of service and at  
37 least fifty-five years of age.

38  
39 At the bottom of the document, if you would scroll down to the  
40 bottom, you will see what other councils are doing. The  
41 Northeast Council doesn't do anything like this and the Mid-  
42 Atlantic Council pays 75 percent of pre-Medicare coverage and 75  
43 percent of Medigap coverage, once somebody meets that age.

44  
45 The South Atlantic Council is doing the same thing we're doing  
46 and they're looking at options. The Caribbean Council provides  
47 100 percent of coverage to Medicare age. The North Pacific  
48 Council, it's hard to determine what they do, because they are

1 under the State of Alaska plan.

2  
3 The Pacific Council provides a subsidy in a post-employment  
4 health program, but we weren't able to get details on that. The  
5 Western Pacific Council provides 100 percent coverage for the  
6 remainder of life and that was from their Executive Director.

7  
8 What I am proposing here is that the council consider and  
9 approve the adoption of an early retirement health benefits  
10 coverage, either at a 100 percent coverage level or a 75 percent  
11 coverage level, and you will see, again, it's the younger  
12 employees, when they get to age fifty-five, the costs go up to a  
13 maximum of \$236,000, which is within our budgets. By the time  
14 we get to 2040 or 2044, that's a relatively small amount of  
15 money.

16  
17 It's not something that is going to stress the budget at all and  
18 it will provide a benefit to people that have really donated  
19 many years of service to the council and so I would like a  
20 motion on that, to choose one of those coverage levels, if you  
21 are agreeable.

22  
23 **MR. PERRET:** Doug, I may be the only one confused. So are we  
24 talking about only, quote, unquote, early retirement, fifty-five  
25 age and twenty years of service, or what if it's the employee is  
26 sixty-five and has got thirty-five or forty years employment?  
27 Are we talking the same thing?

28  
29 **EXECUTIVE DIRECTOR GREGORY:** Right. At sixty-five, you're  
30 eligible for Medicare and so under this proposal, there would be  
31 no cost to the council, because we are not proposing that the  
32 council also pay any aspect of the Medigap coverage and so this  
33 early retirement program would end once a person reaches sixty-  
34 five.

35  
36 **MR. PERRET:** If I may, Mr. Chairman, in the last motion relative  
37 to the Markley study and all, you compared it to federal  
38 retirement and so on and so forth and I've been around here long  
39 enough that the council staff, and I totally concur, are always  
40 looking for the best benefit. If it's the State of Florida  
41 benefit, great, or if the feds are better, great and so on so  
42 forth. What is the federal system on healthcare? Can one of  
43 you guys answer that, please?

44  
45 **EXECUTIVE DIRECTOR GREGORY:** Cathy, do you know?

46  
47 **MR. PERRET:** I know in the State of Mississippi, for example, a  
48 retiree with fifty years, and correct me if I'm wrong, gets

1 nothing from the state. In Louisiana, they are picking up 75  
2 percent of my healthcare as a retiree and I don't know what the  
3 other states are, but what is the federal system?

4  
5 **DR. BRANSTETTER:** You get your healthcare, but you wind up  
6 paying for it and the state doesn't subsidize any of it.

7  
8 **MR. PERRET:** But you pay what percentage, 50 percent or 100  
9 percent or all of it?

10  
11 **DR. BRANSTETTER:** If you want to pay for it, you can get your  
12 full healthcare coverage that you have.

13  
14 **MR. PERRET:** I still don't have the answer I am trying to -- If  
15 a federal employee at age fifty-five and twenty years of service  
16 quits, does the government pick up any portion of their  
17 healthcare?

18  
19 **DR. BRANSTETTER:** None.

20  
21 **MR. PERRET:** Zero. So that's the answer. Now, in the last go-  
22 round, you wanted to be comparable to federal employees with  
23 Markley and if you want to be comparable to federal employees  
24 with health, it's going to be zero. Cathy seems to want to  
25 correct me.

26  
27 **MS. READINGER:** No, I don't want to correct anything, but I just  
28 would like to ask Steve -- You know the government has a large  
29 pool that they can get reduced premiums per month and so yes,  
30 they may pay for 100 percent of those premiums, but my  
31 understanding for family coverage is it would be a much, much  
32 lower, substantially lower, than what the council employees are  
33 able to pay, because we have a small pool of employees.

34  
35 Yes, they may have to pay for 100 percent of theirs, but that  
36 100 percent probably is still going to be much less than the  
37 council employees getting a subsidy and so I think that's a huge  
38 factor that you need to consider.

39  
40 **CHAIRMAN BOYD:** I have a question, Doug. If I remember,  
41 correctly we allow accrued sick leave to be rolled over and be  
42 paid at retirement and is that correct? Okay. So if someone  
43 has accrued sick leave, let's say the maximum, and we do this  
44 plan, does this replace the payment of that accrued sick leave,  
45 since we're continuing to pay and we may even pay at a higher  
46 rate?

47  
48 **EXECUTIVE DIRECTOR GREGORY:** No, that is not something that I

1 considered or proposed here. They are two separate things.

2  
3 **MR. PERRET:** But they would keep their sick leave dollars and we  
4 would pay them for it?

5  
6 **EXECUTIVE DIRECTOR GREGORY:** They would get only up -- I think  
7 half of their existing sick leave upon termination, if they've  
8 been in service for ten years and are age fifty-five or older.  
9 They would get half of their sick leave up to a maximum of 150  
10 days.

11  
12 **CHAIRMAN BOYD:** My thought all along was that the reason we  
13 allow that is to help in retirement, to help pay additional  
14 healthcare premiums. So if we're going to pay it, it seems like  
15 what we're doing is double-dipping then, from my perspective.

16  
17 **EXECUTIVE DIRECTOR GREGORY:** I do not know. I wasn't here when  
18 the council adopted that policy and I don't know why that policy  
19 was put in place. Cathy, do you recall when the sick leave  
20 policy was put in place and what the rationale was?

21  
22 **MS. READINGER:** It was in 1984 when the council first  
23 established a 401K plan and you go through an adoption agreement  
24 and you can establish certain early retirement ages and then  
25 regular retirement ages. At the time, that was just one of the  
26 ages that the council selected. I don't recall their rationale  
27 for that, but, as you said, it only really pertains to a sick  
28 leave payout.

29  
30 On the other hand of that, if you've had an employee who has had  
31 to be a caregiver or who has had illnesses or whatever, they  
32 might not have a huge balance whenever they get ready to retire  
33 and so I think you need to consider that, too.

34  
35 I would like to truly find out what a family rate for federal  
36 employees would be versus a single rate and compare those rates  
37 to the council employee rates. Again, I think you're going to  
38 see a huge disparity.

39  
40 **MR. WILLIAMS:** Corky had asked earlier when he was talking about  
41 what the state benefits are on this kind of thing and in the  
42 case of Florida, they pay five-dollars per month per year of  
43 service, up to thirty years. If you have worked for the state  
44 for thirty-five years, you got credit for thirty years of  
45 service and so they would pay \$150 a month. If you had worked  
46 for them for twenty years, they would pay you a hundred dollars  
47 a month and that's what Florida pays.



1 **MR. PERRET:** Towards your health premium?  
2  
3 **MR. WILLIAMS:** Towards your health premium, yes.  
4  
5 **CHAIRMAN BOYD:** I think the benefit here is significant. I  
6 think the dollars to the council are going to be small, because  
7 we're talking about a retirement taking place between fifty-five  
8 and sixty-four, basically, with twenty years of service. It's  
9 going to be a small amount of dollars, but a large benefit.  
10  
11 **MR. PERRET:** Are you ready for a motion, Mr. Chairman?  
12  
13 **CHAIRMAN BOYD:** Yes, sir.  
14  
15 **MR. PERRET:** I move that we request the council for approval of  
16 implementing an early retirement plan with a 75 percent subsidy.  
17  
18 **CHAIRMAN BOYD:** Do we have a second for this motion?  
19  
20 **MS. BOSARGE:** Second.  
21  
22 **CHAIRMAN BOYD:** Ms. Bosarge seconds. Is there further  
23 discussion?  
24  
25 **MR. PERRET:** I have a question. Now, Mr. Gregory, the early  
26 retirement is age fifty-five and a minimum of twenty years of  
27 service, so I well understand that? Okay. That's my motion.  
28  
29 **CHAIRMAN BOYD:** Is there committee discussion? This is a joint  
30 committee and so I'm assuming we can all make motions and talk.  
31  
32 **MS. READINGER:** I think you need to -- Corky, if you want to  
33 clarify that the early retirement plan with a 75 percent subsidy  
34 is a subsidy for healthcare insurance premiums payable up to  
35 Medicare eligibility.  
36  
37 **CHAIRMAN BOYD:** Yes, that clarifies. Again, just for  
38 clarification, and I am repeating, but we're talking about  
39 twenty years of service, a minimum age of fifty-five, and a  
40 maximum age, basically, of sixty-four, because you will be under  
41 Medicare that next year. Somewhere in that area, you've got to  
42 obtain twenty years of service and so you could do it at fifty-  
43 five or you could do it at sixty or fifty-seven or whatever it  
44 is. Any further questions?  
45  
46 Let me read it, since there was a change. The motion is to  
47 request that the council implement an early retirement plan with  
48 a 75 percent subsidy for healthcare premiums up to Medicare

1 eligibility.

2  
3 **MR. PERRET:** I guess technically, after "plan", we should say  
4 "for its staff". It's not for the council members and we don't  
5 want anybody thinking we're getting any. Retirement plan for  
6 staff or does everybody understand we're talking about the  
7 staff?

8  
9 **CHAIRMAN BOYD:** That's up to you. It's your motion.

10  
11 **MR. PERRET:** Mr. Gregory, do we need to clarify it any or are we  
12 clear on what the intent of the motion is?

13  
14 **EXECUTIVE DIRECTOR GREGORY:** Yes, we're clear.

15  
16 **CHAIRMAN BOYD:** All right. **All in favor please say aye;**  
17 **opposed. Hearing no one opposed, the motion carries.**

18  
19 **REVIEW OF TERM LIMITS FROM OTHER COUNCILS**

20  
21 **EXECUTIVE DIRECTOR GREGORY:** The next item is Tab G, Number 7.  
22 At the last meeting when we were talking about restructuring the  
23 SSC and also putting term limits and staggered terms and  
24 categorizing the AP members, the council concluded and said we  
25 did not want to categorize AP members and asked me to look into  
26 what other councils were doing with term limits and staggered  
27 terms.

28  
29 We have that here and one council does have staggered terms.  
30 What I am recommending, based on this analysis, is that we don't  
31 consider hard term limits and that your reappointment process in  
32 essence is a term limit in itself and that we don't go to  
33 staggered terms, because of the potential confusion with that,  
34 particularly the confusion among members of the panels who won't  
35 know if their time is up this year or next year or whatever.

36  
37 I think status quo on that is what we're recommending. I would  
38 recommend that beginning this year with the appointments that we  
39 consider doing three-year appointments instead of two-year  
40 appointments. Some councils do that and that puts it on the  
41 same schedule as council appointments. That's just the only  
42 consideration. I don't know if you want a motion if you want to  
43 consider a three-year term limit or not. That would require a  
44 motion.

45  
46 **MR. WILLIAMS:** I was going to suggest that we do approve a  
47 three-year appointment for the SSC members. Toward that end, I  
48 would move that the SSC serve three-year appointments.

1  
2 **CHAIRMAN BOYD:** We have a motion on the board and do we have a  
3 second? Hearing no second, the motion fails.  
4  
5 **MR. PERRET:** Roy, you specifically wanted this only for the SSC  
6 and not the SSC and the AP?  
7  
8 **MR. WILLIAMS:** Can I modify it then to --  
9  
10 **EXECUTIVE DIRECTOR GREGORY:** Yes, Corky. I am developing a  
11 reputation for changing my mind.  
12  
13 **CHAIRMAN BOYD:** The motion failed for lack of a second and is  
14 there another motion, based on Mr. Gregory's request?  
15  
16 **MR. MATENS:** I would move that we go back to Mr. Gregory's  
17 original, original proposal, where we had staggered terms on the  
18 APs, but as I recall correctly, Mr. Gregory, not in the Science  
19 Committee and is that a correct statement?  
20  
21 **EXECUTIVE DIRECTOR GREGORY:** That's what I was presenting at the  
22 last council meeting.  
23  
24 **MR. MATENS:** To that point accordingly, I move that the SSC  
25 serves with three-year appointments. Mr. Gregory, I liked your  
26 original proposal, but I just don't remember what it was.  
27  
28 **EXECUTIVE DIRECTOR GREGORY:** The original proposal was to do  
29 something similar that the council has and after three terms, a  
30 council member can't get back on until they wait a year. I was  
31 proposing something similar to that for the AP and there was  
32 some concern expressed by the public about that and so the  
33 council asked me in January to go look and see what the other  
34 councils had done and that's what I presented here in Tab G-7.  
35  
36 In discussing it and looking at what the other councils have  
37 done, staff has just decided that a hard term limit, where if  
38 somebody was appointed to an AP for two years or three years and  
39 they did it three times and then they would have to get off was  
40 something that we didn't really feel strongly about.  
41  
42 The staggered terms, some people pointed out that there could be  
43 confusion is on more than one AP and they've got a staggered  
44 term for this year on that AP and another year on a different AP  
45 and different members. It could be confusion, because we do  
46 have confusion with the public and AP members when it comes up  
47 to reappointment.  
48

1 Hopefully we resolved most of those this year with our online  
2 application, but it will be interesting when we get into the AP  
3 selection process as to what kind of confusion rises its head at  
4 that time.

5  
6 **MR. MATENS:** Notwithstanding that issue, I agree that AP members  
7 shouldn't term out and should be able to stay should they be  
8 reappointed. I also feel like and think that the staggered  
9 terms offer some benefit for us. The fact that people might get  
10 confused about whether they go on or off, that's a different  
11 sort. We're dealing with adults here.

12  
13 In the case of the SSC, we never really talked about -- Did we  
14 talk about staggered terms with the SSC? I don't believe that  
15 we did. I am comfortable with the SSC staying like it is, but  
16 the APs being two or three-year terms or three-year terms and  
17 staggered terms. I would like to see that and how do I  
18 verbalize that, because I am getting confused, too.

19  
20 **EXECUTIVE DIRECTOR GREGORY:** What I proposed with the staggered  
21 terms was to have a three-year appointment instead of the two-  
22 year appointment. Then people would, this year, everybody that  
23 gets appointed, we would simply go down the list of each  
24 committee alphabetically and go 1, 2, 3, 1, 2, 3. That would be  
25 their initial starting term.

26  
27 Then say if somebody is selected to be a one-year person, next  
28 year they would be up for reappointment for three years and so  
29 it would only be one, two, and three for this first year. Then  
30 everybody would be on a three-year appointment and we would only  
31 have to deal with a third of the AP in any one year, but we  
32 would have to do it every year, whereas now we're dealing with  
33 the entire AP at one time, but we only do it every two years and  
34 so it's a tradeoff.

35  
36 Maybe this might be something that could be considered in full  
37 council, after we go through the AP process and see how smooth  
38 it is.

39  
40 **MR. MATENS:** That's fine and, again, correct me if I'm  
41 misinformed here, but if we do nothing Vis-à-vis the science  
42 committee, we're okay at status quo, right? Okay. **Vis-à-vis a**  
43 **motion, I move that the AP members serve three-year terms**  
44 **without term limits and that those terms be determined in the**  
45 **June meeting to be one-year, two-year, or three-year terms.**

46  
47 **CHAIRMAN BOYD:** There is a motion on the board by Camp Matens  
48 and do we have a second for the motion?

1  
2 **EXECUTIVE DIRECTOR GREGORY:** You said in June and you are  
3 appointing AP members at this council meeting. We are going to  
4 do SSC appointments in June.  
5  
6 **MR. MATENS:** I am sorry. **Just delete after "be determined" and**  
7 **"be determined thereafter".**  
8  
9 **EXECUTIVE DIRECTOR GREGORY:** I would suggest if this motion is  
10 approved by the council that we also consider making the SSC  
11 appointments for three-year terms, just so that we're dealing  
12 with them on the same cycle.  
13  
14 **MR. MATENS:** I agree.  
15  
16 **CHAIRMAN BOYD:** If this does pass -- Well, I will wait and ask  
17 the question if we get a second. I need a second for this  
18 motion by Camp. All right. I have a second by Lance and now  
19 questions.  
20  
21 **MR. PERRET:** Mr. Matens, would you be amenable to for AP and SSC  
22 and take them both up at the same time?  
23  
24 **MR. MATENS:** Can you help me with that?  
25  
26 **MR. PERRET:** In other words, we're talking only about the AP  
27 members and three-year terms and I say let's do the same thing  
28 for the S&S members and make it three years also in the same  
29 motion.  
30  
31 **MR. MATENS:** I agree.  
32  
33 **MR. PERRET:** Okay and I second that modified motion. Thank you.  
34  
35 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens, I don't know if this  
36 motion was what you said. The last phrase "and those term  
37 durations be determined thereafter", that's not explicit. You  
38 said you did not want the SSC to have staggered terms, but you  
39 did want the AP to have staggered terms.  
40  
41 **MR. MATENS:** That is correct. I was thinking we could clean  
42 that up later. The AP would have staggered terms of one, two,  
43 or three years. The SSC would not have staggered terms.  
44  
45 **EXECUTIVE DIRECTOR GREGORY:** Karen, leave that in there like you  
46 just had it and after "limits", take out that phrase that says  
47 "and those term durations be determined thereafter" and now put  
48 in that for the AP -- The AP will have staggered terms, but the

1 SSC will not.  
2  
3 **MR. MATENS:** To that point, the staggered terms would be one,  
4 two, or three years, please.  
5  
6 **CHAIRMAN BOYD:** The way I understand it is that the reason for  
7 the one, two, or three is just to get us started and then it  
8 would be three-year terms, but those three-year terms would be  
9 staggered. It's an administrative issue for the council and for  
10 staff to try to get things done. I had Lance second and are you  
11 okay with the change? Lance is okay.  
12  
13 **MS. BADEMAN:** I had the same problem Doug did and I'm good now.  
14  
15 **CHAIRMAN BOYD:** Okay. Any further discussion? Let me read it,  
16 since we've had a bunch of -- Myron.  
17  
18 **MR. MYRON FISCHER:** So this would me that we vote on AP members  
19 annually and we would be voting on a third of the AP slate every  
20 year? Okay.  
21  
22 **CHAIRMAN BOYD:** That's my interpretation. Mr. Gregory, is that  
23 your interpretation?  
24  
25 **EXECUTIVE DIRECTOR GREGORY:** Yes.  
26  
27 **CHAIRMAN BOYD:** Okay. Let me read it, since we've had some  
28 changes. Pam.  
29  
30 **DR. PAMELA DANA:** Thank you, Chairman Boyd. I still don't  
31 understand this motion, I mean the way I'm reading it. During  
32 this council meeting if we're voting on AP members to fill the  
33 various APs and we are giving them a three-year term, where does  
34 -- I don't understand how the staggering comes in, because they  
35 are all given a three-year term, everyone that's appointed.  
36  
37 **CHAIRMAN BOYD:** Yes, the timing is not good on this motion  
38 versus the appointments. Mr. Gregory, do you have a  
39 clarification?  
40  
41 **EXECUTIVE DIRECTOR GREGORY:** The way we originally suggested  
42 this, for this first year, for 2015 to 2016, a third of the  
43 appointments you make at this meeting will be for a one-year  
44 period and a third will be for two years and a third will be for  
45 three years.  
46  
47 Then next year you will take up those seats that got a one-year  
48 appointment and reconsider them for a three-year appointment and

1 so only in this year will people have one, two, or three-year  
2 appointments. For every year thereafter, it will be an ongoing  
3 three-year appointment.

4  
5 **DR. DANA:** If I am looking at the one-year third, two-year  
6 third, and three year and if I'm a candidate and I get selected  
7 and I get selected to be on an AP for one year versus the person  
8 who gets selected for three years, that sends kind of a weird  
9 message. Why am I just getting a one-year and then have to go  
10 up for reapplication and why somebody else gets three years? It  
11 may not be any intention other than trying to make it staggered  
12 and that's what we're trying to do, but I think the impression  
13 might be misunderstood.

14  
15 **MR. FISCHER:** Mr. Chair, two quick questions. This is not a  
16 committee of the whole and this is the two joint committees?  
17 Okay. So I don't have the opportunity to vote against this.

18  
19 If someone is voted down by this council, now we have to vote  
20 him down annually and every time he puts his name up, we would  
21 be basically voting him down. I would prefer voting him down  
22 just once every three years.

23  
24 **CHAIRMAN BOYD:** I am not sure I understood it that way. If I  
25 understand this, what we're trying to do is get to a three-year  
26 term and it's just that this first time there would be a one,  
27 two, and a three and then we would roll back in and we would  
28 have to do it -- We would have to reappoint them for a three-  
29 year term after the first year or the second year, but we are  
30 trying to get a three-year term with no malice towards anybody's  
31 appointment.

32  
33 **MR. FISCHER:** Correct, but let's say on a committee on pelagics  
34 and so every year we would be voting on a third of the pelagics  
35 and so someone who doesn't make the cut would be putting his  
36 name back up every year, because we're voting on some annually,  
37 which is okay, but I am just saying that --

38  
39 **CHAIRMAN BOYD:** Yes and you're talking about resubmissions.  
40 Yes, that could happen. Just like getting on the council if  
41 you're not a state person.

42  
43 **DR. BONNIE PONWITH:** Speaking just from a logistics standpoint  
44 and no opinions on ups and downs and good ideas or not, but Dr.  
45 Dana's point is a good one that if someone is appointed for a  
46 year that it sends a concerning message and the way to  
47 counteract that would be to say that this an attempt to stagger  
48 memberships.

1  
2 From a science standpoint, I will weigh in on that and say  
3 staggered memberships is a smart idea. You don't want 100  
4 percent of any committee to senesce at the same point, because  
5 then you end up with complete turnover and it makes it very,  
6 very difficult to have continuity on some of these longer-term  
7 projects.

8  
9 To get around the one-year problem, if I understand it correctly  
10 to be one year and then they would be up for reconsideration for  
11 another full term and that term would then be the three-year  
12 term, that would be a total of four years together. If that's  
13 how it worked, the other approach would be to say if it's a --  
14 The intent is to get at staggered three-year terms and instead  
15 of doing one, two, and three that first year to achieve that, do  
16 two, three, and four.

17  
18 The catch with doing two, three, and four is if the intent then  
19 is to revisit them and re-nominate them, that person who is on a  
20 four-year term would then be serving seven years in a row and so  
21 there are all kinds of permutations in how to do this, but the  
22 notion of staggering is a good one.

23  
24 **MR. HARLON PEARCE:** I am not on this committee and, Myron,  
25 there's so many guys on this committee you could have raised  
26 your hand and they wouldn't have noticed. There would have been  
27 no problem at all.

28  
29 I am sort of in Pam's camp a little bit. I understand what  
30 you're doing, but if I'm somebody that's appointed for one year  
31 and half of these APs don't meet sometimes for two or three  
32 years, I mean I am going to say what am I doing here and why am  
33 I here? I am a little concerned about that. I do like the  
34 staggered idea, but I am just really figuring how people are  
35 going to take it when they're put on for one year.

36  
37 **DR. DANA:** I could support this motion if -- I agree with Bonnie  
38 that I think staggering is a good thing, because the new folks  
39 can learn from those who have served for a while and et cetera.  
40 There is good reasons for staggering.

41  
42 If when we appoint the total body of the AP for three-year  
43 terms, if we chose those one-year, two-year, and three-year  
44 thirds by maybe a lottery of sorts -- Doug Gregory, you might  
45 want to listen to this.

46  
47 If, rather than choosing the individual people to serve one  
48 year, individual people for two years and three years, if there



1 was a lottery or some way that you just choose one-third out of  
2 a hat and those guys get one year or you review them after the  
3 year or whatever, reappoint, rather than choose upfront names of  
4 who is going to do the one, two, and three.

5  
6 **EXECUTIVE DIRECTOR GREGORY:** To me, it's six to one. I was  
7 simply going to -- My idea was to list everybody alphabetically  
8 and go 1, 2, 3. If you do a lottery, it's the same sort of  
9 thing. I wasn't going to say I like this person and he gets a  
10 three and I don't like that one and he gets a one. It was going  
11 to be totally objective and arbitrary.

12  
13 **DR. DANA:** That addresses my concern then. That was basically  
14 it.

15  
16 **CHAIRMAN BOYD:** We could have Mr. Atran write a program that  
17 does random selection. I know he could do it.

18  
19 **DR. GREG STUNZ:** What if we looked at more of a half-full  
20 approach and just added a year to some of the members that are  
21 currently serving? Then nobody gets penalized or whatever you  
22 want to call it. For a year upfront, you just ask a few people  
23 to serve an additional year and then that staggers those  
24 appointments.

25  
26 **EXECUTIVE DIRECTOR GREGORY:** The other approach would be to make  
27 three, four, and five-year appointments. Instead of one, two,  
28 and three, you just start the other way or two, three, and four.  
29 If you don't -- The truth of the matter is that not all of our  
30 APs meet every year and so yes, somebody could be appointed for  
31 one year and the AP would never meet, but that would be a  
32 consideration at each appointment level. It's part of this sort  
33 of concern that made me and the staff I was working with change  
34 our minds about this.

35  
36 **CHAIRMAN BOYD:** To kind of get us out of this discussion with  
37 that suggestion, why don't we put in this motion that we  
38 recommend that the initial terms be assigned as three, four, and  
39 five years and then we don't have the problem that Dr. Dana is  
40 talking about? I don't have a problem with that. Committee  
41 members? Mr. Matens, this is your motion.

42  
43 **MR. MATENS:** I am fine with that.

44  
45 **CHAIRMAN BOYD:** Lance is okay with that. Mr. Gregory, does that  
46 cause you a problem?

47  
48 **EXECUTIVE DIRECTOR GREGORY:** Currently, we have two-year

1 appointments and so somebody is going to get a five-year  
2 appointment. At the opposite end, that seems a bit extreme,  
3 too.

4  
5 **MR. PERRET:** We've got members that have been on for twenty  
6 years.

7  
8 **EXECUTIVE DIRECTOR GREGORY:** Yes, we do. The council can remove  
9 anyone at any time without cause also.

10  
11 **DR. DANA:** I felt that we don't really need to add this new part  
12 to the motion. I think the motion before was sufficient, based  
13 on the fact of what Doug had said on how they planned to make it  
14 a random -- Whatever Doug said before.

15  
16 **CHAIRMAN BOYD:** So your concern is that you just don't want to  
17 send the wrong message.

18  
19 **DR. DANA:** Absolutely and he has --

20  
21 **CHAIRMAN BOYD:** So doing it in a random format and not in a  
22 selection format, then you're okay with it.

23  
24 **DR. DANA:** Correct. The fact that Doug and his team have a plan  
25 to make sure that we are not hand-selecting who gets the one,  
26 two, and three and that there is some reasoning behind it, kind  
27 of like what Greg Stunz had also said, so long as they are  
28 concerned about that, then maybe we leave that to the staff to  
29 determine the staggering part.

30  
31 **EXECUTIVE DIRECTOR GREGORY:** Karen, don't add that random  
32 selection stuff and just -- I understand what you want and I  
33 didn't realize it at first, but yes, the concern, I think, was  
34 we weren't going to go into the closed session and I was not  
35 going to ask the council to actually select people for one, two,  
36 and three-year terms. That was not my intent and I didn't even  
37 think about that until just now.

38  
39 The selection would be done administratively afterwards through  
40 an objective process. It could be a random lottery type of  
41 thing or it could be the proposal of ABC like I was suggesting  
42 and I am open for suggestions. I don't think that process has  
43 to be in a motion, as long as it's done in an objective manner.

44  
45 **MR. JOHN SANCHEZ:** I am not on the committee, but I don't know.  
46 Listening to the discussion, it seems like Greg's idea was the  
47 best. Just put everybody at three and if there is ever somebody  
48 that's problematic, we have the ability to get them off and that

1 keeps it simple and that addresses the fact that some of these  
2 committees don't meet for a year or two and if you go randomly  
3 or arbitrarily and do that, you may not capture some of those  
4 people that never get to attend the first meeting because we  
5 didn't have an AP meeting. If we just said, all right,  
6 everybody at three and here's where you're at and boom, boom,  
7 boom and just go on. It's easy.

8  
9 **EXECUTIVE DIRECTOR GREGORY:** The other reason we initially  
10 suggested staggered terms was the confusion we had in 2013 with  
11 doing the AP and the SSC appointments at the same time and the  
12 process we had at the time.

13  
14 We have now implemented an online application process. The  
15 public that has used that and applied has praised what we've  
16 done. The next step of this, the next phase, is to see how well  
17 this helps your selection process at this meeting. If the  
18 selection process goes smoothly, then our original intent for  
19 staggered terms is moot.

20  
21 That was the history of it. There was a lot of confusion in  
22 April of 2013 in Gulfport and we were trying to figure out ways  
23 to reduce the confusion and I think the online application is  
24 working well. We still have not solved the problem of people  
25 who forget or don't apply and then later decide they intended to  
26 and wanted to and they have contacted individual council  
27 members.

28  
29 I think we will still have to deal with that at this meeting and  
30 maybe we can come up with a way to solve that in the future. We  
31 did, with people that we knew had been on APs for a long time  
32 that did not apply, we did send them a second email specifically  
33 to contact them. In one case, I got a response and in another  
34 case, I didn't. We will talk about that in closed session.

35  
36 The process, at least so far, has gone very smoothly and so if  
37 this motion does pass, I would suggest that we don't vote on it  
38 in full council until after the AP selection, so we see how well  
39 that goes.

40  
41 **MR. PERRET:** With what Mr. Gregory has just said and looking at  
42 the agenda, we will be doing the advisory panel appointments on  
43 Wednesday A.M. and this dual committee won't take this stuff up  
44 until Thursday A.M. With all due consideration and so on for my  
45 friend, Mr. Matens, I would move we table this until full  
46 council takes up this issue in its Administrative Policy/Budget  
47 Committee report, which is Thursday morning. Table it to  
48 Thursday morning for the full council. That is my motion.

1  
2 **CHAIRMAN BOYD:** All right. Do we have a second for the motion  
3 to table? I don't know my -- I didn't bring my book, but it  
4 does require a second. I do not hear a second and so the motion  
5 fails for lack of a second.  
6

7 We have the motion before you and I will read it since it's been  
8 changed several times. It's to recommend that the AP and SSC  
9 members have three-year terms without term limits. The AP will  
10 have staggered terms, but the SSC will not. Let's vote on this  
11 one. **All in favor say aye; opposed same sign. Hearing no**  
12 **opposition, the motion carries.**  
13

#### 14 **CONSIDERATION TO CHANGE TITLE AND APPOINTMENTS FOR SELECTED APS**

15  
16 **EXECUTIVE DIRECTOR GREGORY:** The next item is Tab G, Number 8.  
17 This is something the council has not discussed before, but I  
18 wanted to bring it to your attention before the selection  
19 process.  
20

21 If my recommendation here is accepted by the committee, then we  
22 will have to bring it up before the council before the AP  
23 selection. When we do the AP selection, we never advertise for  
24 the Law Enforcement AP, because they are on the AP because of  
25 their job titles, but we call it an AP and we have other  
26 committees that are kind of not the same as a regular AP, the  
27 SEDAR, the Outreach and Education, and a proposed Aquaculture AP  
28 that we've got to form once the Aquaculture FMP is implemented.  
29

30 The SEDAR AP or group -- We are proposing to change the -- Not  
31 call these particular committees advisory panels, but call them  
32 technical committees, just to try to keep some clarification of  
33 purpose.  
34

35 The SEDAR Technical Committee is made up of people that we think  
36 would serve well in a pool of expertise from the Gulf to attend  
37 SEDAR stock assessments and provide assistance in developing the  
38 stock assessment. These can be scientists or these can be  
39 industry people.  
40

41 Currently, anybody on an existing AP or an existing SSC is  
42 eligible to go to a SEDAR meeting and what that means is by  
43 being eligible is SEDAR pays their travel costs and not the Gulf  
44 Council and so the more people we can get on this SEDAR what we  
45 used to call a pool and now call an AP, the more expertise we  
46 can provide to the process without us having to pay their  
47 travel.  
48

1 Staff has suggested that any state or federal employee or  
2 scientist be automatically eligible for this AP and so we can  
3 pick and choose expertise from around the state, among the  
4 states, when we need it and the other thing, the main thing  
5 we're suggesting, is that for these particular committees that  
6 we let the appointment process be done jointly by myself and the  
7 Chair of the council, instead of having the full council vote on  
8 them.

9  
10 SEDAR is unique in that respect. There comes a time during the  
11 year and we had an episode or an instance this last year when we  
12 wanted to add two people to the SEDAR process and the council  
13 said no, we're going to wait until April and so we missed an  
14 opportunity to have some expertise available at a stock  
15 assessment.

16  
17 The other committee is the Outreach and Education and this is a  
18 mixture of people that are on the committee based upon their job  
19 titles. We have communications people from each Gulf state  
20 serving on this and those people are actually selected by the  
21 directors of the states as to who should be their communications  
22 specialist.

23  
24 We would like to expand that what we would call obligated seat  
25 to the four Sea Grant programs in the Gulf of Mexico and have a  
26 communications specialist from each state plus one from each of  
27 the four Sea Grant programs and then maybe a couple of other  
28 people from outside those designated seats and, again, have that  
29 selection be done by the Executive Director and the Chairman.

30  
31 The Aquaculture AP, the FMP specifically says what the  
32 membership is going to be. It's going to be council staff, NMFS  
33 staff, and then some other people from universities or private  
34 scientists.

35  
36 With each of these, these are not just people from the public  
37 that apply and get appointed. For Law Enforcement, this is  
38 strictly by job title and for these other committees, it's a  
39 mixture of the two and to reduce confusion and, particularly  
40 with SEDAR, to increase their flexibility, we would like to have  
41 those appointments done just by the ED and the Chair alone and  
42 not by the full council vote.

43  
44 Of course, the full council at any time can oversee that and  
45 change direction on something and for the SMZ Monitoring Team,  
46 we are proposing that we just eliminate that committee  
47 altogether and if something comes up that requires a monitoring  
48 team, we deal with it on an ad hoc basis as a working group.

1  
2 That was designed originally in the early 1990s in Amendment 5  
3 for states that wanted to request a special management zone in  
4 federal waters to restrict fishing activity because of  
5 artificial reef development and very little activity has been  
6 done in this area. The last activity was in 2006 and so the  
7 team has not met since 2006.

8  
9 We actually list this team under the SSC, but we would like to  
10 eliminate that committee altogether and so our staff  
11 recommendation is that approval -- We are seeking approval to  
12 retitle the APs discussed above as technical committees with  
13 appointments made jointly by the Executive Director and the  
14 Council Chair.

15  
16 **CHAIRMAN BOYD:** All right. Doug, are you expecting a motion to  
17 come that lists these recommendations in the motion and is that  
18 what you want?

19  
20 **EXECUTIVE DIRECTOR GREGORY:** The first recommendation is really  
21 what we're looking for and I guess the second recommendation to  
22 allow us to include state and federal scientists as being  
23 automatically qualified for SEDAR, but if you give that  
24 authority to the Executive Director and the Chairman, we can  
25 handle that. The only real motion is that first paragraph that  
26 I just read.

27  
28 **MR. PERRET:** You've got to have a motion to do away with the  
29 SMZ.

30  
31 **EXECUTIVE DIRECTOR GREGORY:** And another motion to do away with  
32 the SMZ Monitoring Team. Sorry.

33  
34 **MR. PERRET:** I am going to try and bring you and I within our  
35 timeframe if the joint committee agrees. **I would like to move**  
36 **that we recommend to the council the retitling of the SEDAR,**  
37 **Outreach and Education, and Aquaculture APs as technical**  
38 **committees with appointments to the SEDAR, Outreach and**  
39 **Education, and the Aquaculture Technical Committees made jointly**  
40 **by the Executive Director and Council Chair.** That is my motion.  
41 I changed the language as discussed above because we're not  
42 including that SMZ thing in this motion. That's going to be a  
43 separate motion.

44  
45 **CHAIRMAN BOYD:** You have a motion before you and do we have a  
46 second? We have a second by Roy Williams. Is there discussion  
47 on this motion?

48

1 **MS. MARA LEVY:** I just want to point out that that's fine and  
2 you can call them whatever you like to help folks understand  
3 what they are, but for purposes of the Magnuson Act, all the  
4 committees or panels that you appoint are advisory panels under  
5 the Act and so all of the same requirements apply, the open  
6 meetings, et cetera, et cetera, because they have that exemption  
7 from the Federal Advisory Committee Act. Whatever you want to  
8 name them is fine, but just know that they are all advisory  
9 panels under the Magnuson Act.

10  
11 **CHAIRMAN BOYD:** Kevin, you and Doug understand that and you've  
12 all got it? Okay. We have a motion before us and any further  
13 discussion? **All in favor say aye; opposed. Hearing no**  
14 **opposition, the motion carries.**

15  
16 **MR. PERRET:** Mr. Chairman, I have one other motion and that is  
17 we recommend to the council that we discontinue the SMZ  
18 Monitoring Team and reconstituting it as a working group on an  
19 as needed basis.

20  
21 **CHAIRMAN BOYD:** I have a motion and is there a second? Roy  
22 Williams seconds. Is there discussion? **Any opposition to this**  
23 **motion? Hearing no opposition, the motion carries.**

24  
25 **MS. LEVY:** For this motion, discontinuation of this group and  
26 reinstitute -- Because it's separate from the other one, if it's  
27 going to be reinstated, does the council need to convene the  
28 group again and pick the people, because it's not included in  
29 that other motion that talks about the Executive Director and  
30 the Chair and so I just want to make sure what it's actually  
31 doing.

32  
33 **CHAIRMAN BOYD:** That's the way I interpreted it.

34  
35 **EXECUTIVE DIRECTOR GREGORY:** Yes, that was our intent and  
36 clearly we would be consulting with the council on that.

37  
38 **CHAIRMAN BOYD:** **That motion carried.** We are into Other Business  
39 and, Mr. Gregory, you had two things in Other Business.

40  
41 **OTHER BUSINESS**

42  
43 **EXECUTIVE DIRECTOR GREGORY:** Basically this is a chapter out of  
44 our administrative handbook and it says that if somebody is on  
45 unpaid leave for the first thirty days of unpaid leave that we  
46 will pay their health insurance.

47  
48 After that first thirty days of unpaid leave, they have to pay

1 their own health insurance and what I am proposing to add is the  
2 phrase that starts after "Family Medical Leave Act", it's called  
3 -- The fifth line from the bottom, it starts "or due to a  
4 medical condition that extends beyond the Family Medical Leave  
5 period". That's the phrase I have added to this.

6  
7 The intent of this is that if we have someone out that has gone  
8 through the Family Medical Leave period of 120 days and we are  
9 obligated to pay their health insurance during that Family  
10 Medical Leave period, but if their illness is severe enough that  
11 they are still out of the office beyond that Family Medical  
12 Leave and we want to -- They have used all of their regular  
13 leave and they have to go on unpaid leave that we will continue  
14 to pay their health insurance as long as we keep them on unpaid  
15 leave.

16  
17 It seems a bit difficult to take someone that is having a severe  
18 medical condition and that has no income coming in to also ask  
19 them to pay for their own health insurance and so with this  
20 phrase added, we wouldn't be asking them to automatically pay  
21 their health insurance after thirty days.

22  
23 That would be an administrative decision by myself and the  
24 supervisor, in consultation with the personnel chair, that we  
25 would make, how long we would go that route, but this seems to  
26 be a humane thing to do, a good thing to do, for an employee,  
27 that we don't make them pay for health insurance while they are  
28 in such a dire strait.

29  
30 **CHAIRMAN BOYD:** I assume, Mr. Gregory, you are looking for a  
31 motion on this one.

32  
33 **EXECUTIVE DIRECTOR GREGORY:** Right. I would like a motion that  
34 basically would say for an employee that is on extended medical  
35 unpaid leave that they do not have to pay their own health  
36 insurance.

37  
38 **DR. DANA:** So moved.

39  
40 **CHAIRMAN BOYD:** I have a couple of questions, but let's see if  
41 we can get a motion.

42  
43 **DR. DANA:** So moved.

44  
45 **CHAIRMAN BOYD:** All right. Dr. Dana and do we have a second?  
46 From Corky. My question would be is the amount that we're going  
47 to pay -- They don't have to pay and does that mean that the  
48 council pays 100 percent or 50 percent or 20 percent? Can I



1 have some clarification there?

2  
3 **EXECUTIVE DIRECTOR GREGORY:** The intent here is for the council  
4 to pay 100 percent, which is about \$1,400 a month, I believe.  
5 Is that ballpark, Cathy?

6  
7 **MR. PERRET:** For how long?

8  
9 **EXECUTIVE DIRECTOR GREGORY:** The duration would be my decision,  
10 in consultation with the personnel chair and the supervisor of  
11 the employee, because clearly once someone goes through FMLA  
12 leave, we can terminate their employment at any time if they  
13 can't come back to work after 120 days. It would be a  
14 determination we would make in house, administratively.

15  
16 **MS. READINGER:** I was just going to add that if the condition is  
17 severe enough and they qualified for Social Security disability,  
18 then I think they are eligible for Medicare benefits and so you  
19 might want to consider that also.

20  
21 **EXECUTIVE DIRECTOR GREGORY:** No, that would be our decision  
22 administratively. We certainly wouldn't be paying for something  
23 that we didn't think was warranted.

24  
25 I can't foresee that, because we do have a long-term disability  
26 plan for employees, but this is just something as an interim  
27 thing and whenever you have a situation like this, we would  
28 certainly be consulting with the Department of Commerce labor  
29 lawyers in doing that. Even though Florida is technically an  
30 at-will state, where you can fire anybody without cause at any  
31 time, nobody does that. It's not wise. Before terminating any  
32 employee, a lawyer would be consulted.

33  
34 **MR. KEVIN ANSON:** That addressed my question and I certainly  
35 understand the intent of what you're trying to do, Doug, but  
36 circumstances change from one situation to the next and trying  
37 not to establish precedent and such and what that might bear for  
38 the next person or persons that come after that and the legal  
39 issues that might transpire from that. That would be my concern  
40 and so if you're consulting with the DOC lawyers, then that's  
41 great.

42  
43 **CHAIRMAN BOYD:** My only concern is what Corky voiced a minute  
44 ago, that there seems to be no end to it. If it had some  
45 termination point, when Medicare kicks in or when disability  
46 kicks in, the disability policy, or some other reason, some  
47 limit, so that it's not ad infinitum.

48

1 **EXECUTIVE DIRECTOR GREGORY:** I understand that technicality, but  
2 I don't foresee that ever really happening. I mean I can't see  
3 that. This is an effort to be more humane, but it's not  
4 something that would keep somebody on. I mean we have a small  
5 staff and we need -- We can't afford to have somebody out for an  
6 extended period of time. It's a burden on the rest of the staff  
7 and so it's not something that's going to be ad infinitum.

8  
9 **CHAIRMAN BOYD:** All right. We have a motion and it's been  
10 seconded. Any further discussion?

11  
12 **EXECUTIVE DIRECTOR GREGORY:** The motion is to add that phrase to  
13 our current administrative handbook and it's highlighted.

14  
15 **CHAIRMAN BOYD:** Mara, any comments? Okay. Thank you. All  
16 right. The motion is on the board and I am not going to read  
17 the whole thing. **All in favor say aye; opposed. Hearing no**  
18 **opposition, the motion carries.**

19  
20 **EXECUTIVE DIRECTOR GREGORY:** We are over time and the topic of  
21 discussing state directors reports, maybe we can put that in  
22 Other Business for the council.

23  
24 **CHAIRMAN BOYD:** Okay. That's fine. Do you want to just say a  
25 one-liner about what you're talking about?

26  
27 **EXECUTIVE DIRECTOR GREGORY:** Originally, the council had a  
28 policy for state directors and the Regional Director to provide  
29 verbal reports to the council at the end of each council  
30 meeting.

31  
32 That became problematic because of people's schedules and so  
33 then we transitioned to the directors providing written reports  
34 to the council and we put it in the briefing book and just left  
35 it at that.

36  
37 Over time, some directors are doing it on a regular basis and  
38 other directors are not and so I wanted to ask the council if we  
39 wanted to continue that obligation or just drop it altogether.

40  
41 **CHAIRMAN BOYD:** Okay. We will take that up in Other Business at  
42 the council meeting. That concludes the business of the Joint  
43 Administrative Policy and Budget/Personnel Committee. Corky,  
44 are you all right with that?

45  
46 All right. We are going to move to the Law Enforcement  
47 Committee, but I would like to take a ten-minute break. I think  
48 it's warranted at this point, but please come back promptly,

1 because Mr. Atran has a full agenda and we may even have to  
2 postpone part of it to the full council and so let's come back  
3 in let's say 10:25.

4

5 (Whereupon, the meeting adjourned at 10:15 a.m., March 30,  
6 2015.)

7

8

- - -

9