

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 665  
Title 14, California Code of Regulations  
Re: Meeting Procedure

I. Date of Initial Statement of Reasons: March 22, 2016

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 9, 2015  
Location: San Diego

(b) Discussion Hearing: Date: April 14, 2016  
Location: Santa Rosa

(c) Adoption Hearing Date: June 23, 2016  
Location: TBD

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Pursuant to Section 206 of the Fish and Game Code, the California Fish and Game Commission (Commission) holds no fewer than eight regular meetings per year in various locations throughout the State. Commission meetings are subject to the requirements of the Bagley-Keene Open Meeting Act (Government Code Sections 11120-11132).

In addition, the Commission's Marine Resources Committee (MRC), Wildlife Resources Committee (WRC) and Tribal Committee each hold approximately three meetings per year. Committees receive in depth information on topics and make recommendations to the Commission on those topics. The Commission may also establish other committees from time-to-time. Committee meetings are also subject to the Bagley-Keene Open Meeting Act if two Commission members are appointed to the committee.

AB 2609, signed into law in September 2012, added Section 108 to the Fish and Game Code, which requires the Commission to adopt rules to govern business practices and processes.

The current regulation in Section 665, Title 14, California Code of Regulations (CCR), provides that the time allotted for each speaker wishing to address an agenda item shall be set by the presiding Commissioner.

## **PROPOSED REGULATIONS**

This regulatory proposal will amend Section 665, Title 14, CCR, Meeting Procedures.

### **Subsection (a)(1) - Quorum**

The proposed regulation specifies that three Commissioners constitute a quorum for Commission meetings and that one appointed member of a committee constitutes a quorum for committee meetings. The proposed regulation specifies that a meeting must be immediately recessed or adjourned if a quorum is not present.

### Necessity

Pursuant to Article 4, Section 20 of the California Constitution, the Commission is comprised of five members; however, the number of members constituting a quorum of the Commission is not defined in the Constitution, Government Code, or Fish and Game Code. The proposed regulation will clarify the number of members constituting a quorum of the Commission, which would inform the public as to how many members are needed to exercise the power granted to the Commission as a whole.

The proposed definition of a quorum of the Commission is consistent with the definition of a meeting pursuant to subdivision 11122.5(a) of the Bagley-Keene Open Meeting Act and the definition of a quorum of a deliberative assembly with an enrolled membership in Section 40 of Robert's Rules of Order.

Government Code subdivision 11122.5(a): "...meeting' includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains."

Robert's Rules of Order Section 40: "...a quorum in an assembly is the number of members ...who must be present in order that business can be validly transacted. The quorum refers to the number of members present, not to the number actually voting on a particular question...in any other deliberative assembly with enrolled membership, whose bylaws do not specify a quorum), the quorum is a majority of all the members."

The proposed regulation is also consistent with the voting requirement imposed on the Commission for electing its president and vice president by Fish and Game Code Section 102(a). That provision states that "The commissioners shall annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners."

The proposed regulation will also clarify the number of members that constitute a quorum of a committee

The proposed definition of a quorum of a committee is consistent with Sections 105 and 106 of the Fish and Game Code which state that MRC and WRC each consists of at least one commissioner; therefore only one appointed member needs to be present for a committee meeting to proceed.

Questions have arisen whether a meeting may continue if a quorum is not present or if a quorum is lost at some point during the meeting. The proposed regulation clarifies that meetings may not proceed without a quorum present and that a meeting must be immediately recessed or adjourned if a quorum is no longer present.

#### **Subsection (a)(2) – Commissioner participation at committee meeting**

The proposed regulation provides that no more than two Commissioners may attend a committee meeting.

#### Necessity

Subdivision 11122.5(c)(6) of the Bagley-Keene Open Meeting Act provides that the "attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, provided that the members of the state body who are not members of the standing committee attend only as observers" does not constitute a meeting of the body; however, if a quorum of the Commission participates

in a committee meeting, the Bagley-Keene Open Meeting Act requires that the meeting be noticed as a Commission meeting.

In addition, members of the public have indicated that their decisions on if and how to participate in a committee meeting are dependent upon the number of Commissioners present at the meeting.

Prohibiting attendance of a quorum of the Commission at a committee meeting will prevent violation of the noticing provisions of the Bagley-Keene Open Meeting Act and will reduce public confusion about whether and how to participate in a committee meeting.

### **Subsection (a)(3) – Meeting agendas**

The proposed regulation specifies the following process under which items may be added to an agenda:

- Subsection (a)(3)(A) - Public requests for items to be added to an agenda must be received no later than the Commission meeting prior to the desired meeting.
- Subsection (a)(3)(B)1. - Except for emergency meetings of the Commission, contents of Commission and committee meeting agendas are established by majority vote of the Commission.
- Subsection (a)(3)(B)2. - Contents of agendas for emergency meetings of the Commission are established by the president or the president's designee.
- Subsection (a)(3)(B)3. - Committee agendas may not contain items that have been placed on Commission meeting agenda, unless otherwise directed by majority vote of the Commission.
- Subsection (a)(3)(B)4. - The president, or president's designee, may add an item to the agenda.

### Necessity

Subsection (a)(3)(A) - Pursuant to the Bagley-Keene Open Meeting Act, the Commission may only discuss and act on agenda items at a duly-notice meeting; therefore, in order for the Commission to determine its agenda, public requests for agenda items must be received no later than the Commission meeting prior to the desired meeting.

Subsection (a)(3)(B)1. - In order to ensure that items of interest to only a minority of the Commission members do not take up the limited amount of time scheduled for meetings, the proposed regulation restricts agenda topics to those that are of interest to a majority of the Commission.

Subsection (a)(3)(B)2. - The exception to the majority vote requirement for contents of agendas is provided for emergency meetings of the Commission in order to enable the emergency meeting to take place as quickly as possible.

Subsection (a)(3)(B)3. - Public confusion has arisen when a committee topic appears on a Commission meeting agenda prior to the committee formulating its recommendation pursuant to Sections 105 or 106 of the Fish and Game Code. The proposed regulation clarifies that it is the Commission's intent to avoid discussion of committee topics at Commission meetings.

Subsection (a)(3)(B)4. - A provision for the president (or designee of the president) to add an item to an agenda is proposed in order that time-sensitive items may be added to an appropriate agenda.

**Subsection (a)(3)(C)** - The proposed regulation specifies that except for emergency meetings of the Commission, Commission and committee meeting agendas shall be distributed and posted to the Commission website at least 10 days prior to the first day of the meeting; and that agendas for emergency meetings of the Commission shall be distributed and posted to the Commission's website pursuant to the provisions of the Bagley-Keene Open Meeting Act.

#### Necessity

Subsection (a)(3)(C)1. - Section 11125 of the Bagley-Keene Open Meeting Act requires that a "state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting... The notice of a meeting ... shall include a specific agenda for the meeting..." The subsection is necessary to specify that this requirement will be followed even in instances where committee meetings would not be subject to the Bagley-Keene Open Meeting Act; stating it in a manner that applies in all Commission and committee meeting avoids public confusion about when an agenda will be available.

Subsection (a)(3)(C)2. – This subsection is provided to avoid public confusion about when an agenda will be available for an emergency meeting of the Commission.

#### **Subsection (a)(4) – Committee recommendations**

The proposed regulation requires that the Marine Resources Committee and the Wildlife Resources Committee may meet to make

recommendations no later than 15 days prior to the Commission meeting at which the Commission may consider taking action on the subject of the recommendation and further specifies that those committee recommendations shall be posted to the Commission's website at least five days prior the first day of the Commission meeting. This subsection only applies to MRC and WRC recommendations.

#### Necessity

In order to make committee recommendations available to the public prior to Commission action on the recommendation, the proposed regulation provides that such recommendations will be posted to the Commission's website at the same time written public comments are posted pursuant to proposed subsection (b)(5). Past experience has shown that staff requires approximately 10 days to document committee recommendations.

#### **Subsection (a)(5) – Commission Meeting Voting**

The proposed regulation specifies that a motion shall pass or fail only upon a majority vote of the membership present and voting; the Commission may make and vote on more than one motion related to an agenda item; and if no motion receives a majority vote of the membership present and voting, the agenda item shall be continued to a subsequent Commission meeting.

#### Necessity

The Bagley-Keene Open Meeting Act does not require a specific voting procedure. Section 44 of Robert's Rules of Order specifies "...the basic requirement for approval of an action...except where a rule provides otherwise, is a majority vote....when the term majority vote is used without qualification...it means more than half of the votes cast by persons entitled to vote, excluding blanks or abstentions." The proposed regulation will clarify the Commission's voting procedure.

For some Commission actions, such as endangered species findings pursuant to Fish and Game Code Sections 2074.2 and 2075.5, passage of an alternate motion is required if the first motion fails. The proposed regulation clarifies that more than one motion may be made and voted upon.

In order to ensure that votes accurately represent the positions of a majority of the Commission, if no motion regarding an agenda item

receives a majority vote of the membership present and voting, the agenda item shall be continued to a future meeting.

**Subsection (b)(1) – Public comment on agenda items**

The proposed regulation specifies that public comment on agenda items will be taken before any decision is made regarding the agenda topic.

Necessity

Subdivision 11125.7(a) of the Bagley-Keene Open Meeting Act specifies that a state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. The proposed regulation specifies the public's ability to address the Commission or committee as an introduction to the subsequent restrictions on that ability specified under subsections (b)(1)(A) and (b)(1)(B).

**Subsection (b)(1)(A) – Public requests to provide comments at a Commission meeting**

The proposed regulation requires that public requests to provide comments on Commission agenda items must be submitted to Commission staff prior to when the agenda item is announced. The person may voluntarily complete a speaker card furnished by Commission staff, or if not completing a speaker card, the person must inform Commission staff, orally or in writing, of his desire to comment on the items.

Necessity

Section 11124 of the Bagley-Keene Open Meeting Act states, "No person shall be required, as a condition to attendance of a state body, to register his or her name... If an attendance list...or other similar document is posted...or circulated...it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether the person signs, registers, or completes the document." The proposed regulation will facilitate effective management of speaker requests, ensuring that all persons wishing to comment on an agenda item are afforded the opportunity to do so in an orderly fashion.

**Subsection (b)(1)(B) – Public requests to provide comments at a committee meeting**

The proposed regulation specifies that a person may request to provide comments on a committee agenda item by raising his hand during the discussion of the item.

Necessity

Committee meetings are less formal than Commission meetings and provide opportunity for “back and forth” discussion between members of the public and the committee member(s). The proposed regulation provides a less formal approach to speaker management to reflect the less formal nature of the meetings, while still providing for the orderly function of the meeting and ensuring that all persons wishing to comment on an agenda item are afforded the opportunity to do so. The proposed regulation is not inconsistent with Section 11124 of the Bagley-Keene Open Meeting Act.

**Subsection (b)(2) – Public forum**

The proposed regulation specifies that during the public forum agenda item, the public may address the Commission or committee regarding Commission policies or any other matter within the Commission’s jurisdiction so long as the subject is not related to any item on the current agenda.

Necessity

Subdivision 11125.7(a) of the Bagley-Keene Open Meeting Act states “...the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public, provided, however, that no action is taken by the state body at the same meeting on matters brought before the body by members of the public.” The proposed regulation clarifies that such testimony will be accepted during the “public forum” agenda item at Commission and committee meetings.

**Subsection (b)(3) – Allotted time for comments and presentations at Commission meetings**

Subsection (b)(3)(A) - The proposed regulation specifies that the time allotted for each person wishing to address an agenda item at a Commission meeting shall be set by the presiding Commissioner at between one and three minutes per person per agenda item. The proposed regulation also describes methods the public may employ to receive additional time.

- Subsection (b)(3)(A)1., ceding time – the presiding commissioner may allot up to five minutes for a person to comment on an agenda item if at least three other persons are present when the item is called and forgo their opportunity to speak to that agenda item.
- Subsection (b)(3)(A)2., advanced approval for extended time – The public may request extended time to comment longer than three minutes. The president or president’s designee shall approve or deny the requested time based on relevance to the agenda topic and time available. Except for emergency meetings of the Commission, requests for extended time must be received in writing at least five days prior to the meeting. The president or president’s designee shall approve or deny the request no later than two days prior to the meeting.

Requests for extended time for an emergency meeting of the Commission must be received prior to the start of the meeting and must be sent by email or be delivered in person at the meeting location. The president or president’s designee shall approve or deny the request prior to the start of the meeting.

- Subsection (b)(3)(A)3., commissioner request - At the request of any commissioner, a person may receive additional time to comment on an agenda item.

Subsection (b)(3)(B) – The proposed regulation specifies that the total amount of time allocated for public comments on a particular issue may be limited by publishing the time limit on the meeting agenda.

### Necessity

Subsection (b)(3)(A) - Subdivision 11125.7(b) of the Bagley-Keene Open Meeting Act provides that a state body may adopt regulations limiting the total amount of time allocated ... for each individual speaker. Past experience has shown that three minutes is a sufficient amount of time for most people to present their comments on issues before the Commission. However, when there are many speakers on an issue, speakers may effectively communicate their comments in one minute by stating they agree with the comments provided by a previous speaker.

Subsection (b)(3)(A)1. – The proposed regulation provides an opportunity for one speaker, representing at least three other speakers, to have additional time to present more detailed comments.

Subsection (b)(3)(A)2. – The proposed regulation provides an opportunity for a speaker to provide lengthy comments on complicated or controversial issues.

Subsection (b)(3)(A)3. – The proposed regulation provides an opportunity for any Commissioner to grant extra time to a speaker.

Subsection (b)(3)(B) – Subdivision 11125.7(b) of the Bagley-Keene Open Meeting Act provides that a state body may adopt regulations limiting the total amount of time allocated for public comment on particular issues. The proposed regulation clarifies the method by which the public will be notified when the Commission is implementing this provision of the Bagley-Keene Open Meeting Act.

**Subsection (b)(4) – Allotted time for comments at committee meetings**

The proposed regulation specifies that the time allotted for each person wishing to address an agenda item at a committee meeting shall be at the discretion of the committee chairs.

Necessity

Committee meetings are less formal than Commission meetings and provide opportunity for “back and forth” discussion between members of the public and the committee members. The proposed regulation provides a less formal approach to speaker time management to reflect the less formal nature of the meetings.

**Subsection (b)(5) – Written comments**

**Subsection (b)(5)** – The proposed regulation specifies that all written comments are available to Commissioners upon request.

Necessity

The proposed regulation clarifies for the public that Commissioners are not required to wait for a meeting binder to receive written comments, and that comments not included in a meeting binder are available to Commissioners anytime upon request.

**Subsection (b)(5)(A)** - The proposed regulation specifies that, except for emergency meetings of the Commission, written comments intended for a Commission or committee meeting must be delivered to the Commission

office no later than noon five days prior to the meeting, or in person at the meeting.

### Necessity

Past experience has shown that in order to provide adequate time for staff to organize, and for the Commission to review, written comments prior to the meeting, written comments must be received by noon five days prior to the meeting.

**Subsections (b)(5)(A)1., 2., 3., and 4.** - The proposed regulation specifies deadlines for written comments to be included in meeting materials provided to the Commission prior to the meeting and to be posted on the Commission's website.

- Subsection (b)(5)(A)1. - Written comments received by 5:00 p.m. 13 days prior to the meeting may be posted to the Commission website and may be included in the meeting materials provided to Commissioners prior to the meeting.
- Subsection (b)(5)(A)2. - Written comments received after 5:00 p.m. 13 days prior to the meeting and before 12:00 noon 5 days prior to the meeting may be made available to the commissioners at the meeting but are not posted to the Commission's website for that meeting.
- Subsection (b)(5)(A)3. - Written comments received in the Commission office after 12:00 noon five days prior to the meeting are only delivered to the meeting if required by the Administrative Procedure Act, and are not posted to the Commission's website for that meeting.
- Subsection (b)(5)(A)4. - Written comments received in the Commission office after 12:00 noon five days prior to the meeting that are not required to be delivered to the meeting pursuant to the Administrative Procedure Act are held for a future meeting if related to a future meeting agenda.

### Necessity

Subsection (b)(5)(A)1. – Past experience has shown that Commissioners require at least five days to review all the materials submitted for a meeting and that staff requires five working days to create the Commission's briefing binder. In addition, the proposed regulation informs the public of which comments may be posted to the Commission's website.

Subsection (b)(5)(A)2. – The proposed regulation informs the public of the disposition of written comments that are received too late to be included in the Commission’s briefing binder but which are received prior to noon five days prior to the meeting.

Subsection (b)(5)(A)3. – The proposed regulation provides an exemption to the five-day deadline for those written comments that must be delivered to the Commission in order to comply with the 45-day comment period required by Section 11346.4 of the Administrative Procedure Act.

Subsection (b)(5)(A)4. – The proposed regulation informs the public of the disposition of written comments received after the five-day deadline (excepting those written comments which are required to be delivered pursuant to the Administrative Procedure Act).

**Subsection (b)(5)(A)5.** – The proposed regulation states that ten copies of written comments are requested if delivered in person at the Commission, except two copies of written comments are requested if delivered in person at a teleconference meeting; and five copies of written comments are requested if delivered in person at a committee meeting.

#### Necessity

The proposed regulation informs the public of the number of copies that the Commission requests be submitted at various meetings. Ten copies are requested for a Commission meeting: one for each of the five Commissioners, two for Department of Fish and Wildlife (Department) staff, two for Commission staff, and one for the official record. Two copies are requested for a teleconference meeting: one for the Commissioner in attendance at that teleconference location and one for the official record. Five copies are requested for a committee meeting: one for each of up to two committee members, one for the committee advisor, one for Department staff, and one for the official record.

**Subsection (B)(5)(A)6., 7., and 8.** – The proposed regulation specifies that, except for writings which are exempt from disclosure under the Public Records Act, writings, when distributed to all, or a majority of all, commissioners in connection with a matter subject to discussion or consideration at a meeting shall be made available to the public upon request without delay ....Writings that are public records...and that are distributed to members of the Commission prior to a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting...Writings that are public records and that are distributed to members of the Commission during a meeting,

pertaining to any item to be considered during the meeting shall be made available for public inspection at the meeting if prepared by Department or Commission staff, or after the meeting if prepared by some other person.

Necessity

The proposed regulation clarifies when written comments will be made available to the public and makes specific Section 11125.1 of the Bagley-Keene Open Meeting Act.

**Subsection (b)(5)(B)** – The proposed regulation specifies that written comments intended for an emergency meeting of the Commission must be received prior to the start of the meeting or in person at the meeting.

Necessity

The regulation provides a deadline commensurate with the emergency nature of the meeting and timing of the release of the agenda for the meeting.

**Subsection (b)(5)(C)** – The proposed regulation specifies that in the event multiple written comments expressing similar views are received, an example or summary of the comments may be posted to the Commission website and/or included in meeting materials for the Commissioners.

Necessity

The proposed regulation is intended to reduce the volume of materials that the Commission receives, but still provides that all opinions will be represented in the materials provided.

**Subsection (b)(5)(D)** - The proposed regulation specifies that written comments delivered to the Commission office may be sent by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or delivered by mail, by courier or in person to 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 and that written comments will not be accepted if sent to the meeting facility.

Necessity

The proposed regulation clarifies for the public the appropriate email and mailing addresses for the Commission. Commission meetings are often held in hotels or other facilities not under control of the Commission; therefore, the Commission has no control concerning the disposition of any comments that might be sent to the meeting facility.

### **Subsection (b)(6) – Audio or visual materials for Commission and committee presentations**

The proposed regulation describes the process by which the public may receive approval for audio or visual materials for Commission and committee meeting presentations.

- Subsection (b)(6)(A) – Except for emergency meetings of the Commission, materials must be submitted no later than noon, five days prior to the meeting.
- Subsection (b)(6)(B) – For emergency meetings of the Commission, materials must be submitted prior to the start of the meeting.
- Subsection (b)(6)(C) – Requests may be denied if the material is deemed not relevant to the agenda item, contains inappropriate material, or contains unauthorized copyrighted materials.
- Subsection (b)(6)(D) – A request for an audio or visual presentation for a Commission meeting may be denied if the material cannot be presented in three minutes or less.
- Subsection (b)(6)(E) – Audio or visual materials for presentations must be submitted via email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).
- Subsection (b)(6)(F) – All electronic formats must be Windows PC compatible.

### Necessity

Subsection (b)(6)(A) – Past experience has shown that Commission staff requires approximately one business day to review potential presentation materials. Commission meetings start on Wednesdays and staff is generally traveling to the meeting location the day before on Tuesday, which means the requester must be provided with a response the day prior on Monday. Hence, with the weekend, one business day to review materials requires a deadline for receipt at least five days prior to the first day of the meeting.

Subsection (b)(6)(B) – The regulation provides a deadline commensurate with the emergency nature of the meeting and the timing of release of the agenda for the meeting.

Subsection (b)(6)(C) – The proposed regulation will reduce the possibility of violations of the Bagley-Keene Open Meeting Act, misrepresentation of facts, and violation of copyright laws.

Subsection (b)(6)(D) – The proposed regulation will assist the public in complying with subsection (b)(3).

Subsection (b)(6)(E) – The proposed regulation clarifies for the public the appropriate method for delivering audio or visual presentations to the Commission.

Subsection (b)(6)(F) – The proposed regulation clarifies the appropriate format for materials. Materials which are not Windows PC compatible will not run on Commission equipment and therefore cannot be reviewed by staff.

**Subsection (b)(7) – Prohibited behavior**

The proposed regulation specifies that a person willfully disrupting the orderly conduct of the meeting may be removed from the meeting.

Necessity

Section 11126.5 of the Bagley-Keene Open Meeting Act implies that individuals willfully interrupting a public meeting may be removed from the public meeting. The proposed regulation directly states that a person willfully disrupting the orderly conduct of the meeting may be removed from the meeting.

**Subsection (c) – Concurrence with Government Code Sections 6707 and 6800**

The proposed regulation specifies that the deadlines and due dates in Section 665 shall conform to Sections 6707 and 6800 of the Government Code pertaining to deadlines that fall on Saturdays or holidays.

Necessity

The regulation clarifies that deadlines falling on Saturdays or holidays will be adjusted pursuant to Government Code Sections 6707 and 6800.

**GOALS AND BENEFITS OF THE PROPOSED REGULATION**

The proposed regulation is anticipated to result in increases in

- the openness and transparency of Commission business;
- active public engagement with the Commission;
- Commission responsiveness to the public;
- efficiency of Commission process; and
- consistency of Commission activities.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section 108, Fish and Game Code.

Reference: Section 108, Fish and Game Code; Sections 11125.1 and 11125.7 Government Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Public discussion of the proposed regulation took place at the Commission's February 11, 2015 (Item 6), August 4, 2015 (Item 17(A)), October 8, 2015 (Item 26), and December 9, 2015 (Item 17) meetings.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

See Attachment A. No other alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

- (b) No Change Alternative:

If the proposed regulations are not adopted, Commission goals and objectives for effective meetings would not be realized.

- (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This change will only affect Commission meeting procedures.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment.

The Commission anticipates benefits regarding increased transparency and openness of the Commission's business, efficiency of Commission processes, consistency in Commission activities, public engagement with the Commission, and Commission responsiveness to the public.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

VII. Economic Impact Assessment:

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Commission does not anticipate any impacts on the creation or elimination of jobs, within the State.

This regulatory proposal will amend Section 665, Title 14, CCR, for Commission meeting procedures. None of the changes are expected to affect the number of jobs in the State.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses within the State.

This regulatory proposal will amend Section 665, Title 14, CCR, for Commission meeting procedures. None of the changes are expected to affect businesses in the State.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the State.

This regulatory proposal will amend Section 665, Title 14, CCR, for Commission meeting procedures. None of the changes are expected to affect businesses in the State.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission does not anticipate any benefits to the health and welfare of California residents.

This regulatory proposal will amend Section 665, Title 14, CCR, for Commission meeting procedures. None of the changes are expected to affect the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety:

The Commission does not anticipate any benefits to worker safety.

This regulatory proposal will amend Section 665, Title 14, CCR, for Commission meeting procedures. None of the changes are expected to affect working conditions.

(f) Benefits of the Regulation to the State's Environment:

The Commission does not anticipate benefits to the State's environment.

This regulatory proposal will amend Section 665, Title 14, CCR, for Commission meeting procedures. None of the changes are expected to affect the State's environment.

(g) Other Benefits of the Regulation:

The proposed regulation is anticipated to result in increases in

- the openness and transparency of Commission business;
- active public engagement with the Commission;
- Commission responsiveness to the public;
- efficiency of Commission process; and

- consistency of Commission activities.

## Informative Digest/Policy Statement Overview

Pursuant to Section 206 of the Fish and Game Code, the California Fish and Game Commission (Commission) holds no fewer than eight regular meetings per year in various locations throughout the State. Commission meetings are subject to the requirements of the Bagley-Keene Open Meeting Act (Government Code Sections 11120-11132).

In addition, the Commission's Marine Resources Committee (MRC), Wildlife Resources Committee (WRC) and Tribal Committee each hold approximately three meetings per year. Committees receive in depth information on topics and make recommendations to the Commission on those topics. The Commission may also establish other committees from time-to-time. Committee meetings are also subject to the Bagley-Keene Open Meeting Act if two Commission members are appointed to the committee.

AB 2609, signed into law in September 2012, added Section 108 to the Fish and Game Code. This statute required the Commission to adopt rules to govern business practices and processes.

Current regulations in Section 665, Title 14, California Code of Regulations (CCR), provide that the time allotted for each speaker wishing to address an agenda item shall be set by the presiding Commissioner.

### **PROPOSED REGULATIONS**

This regulatory proposal will amend Section 665, Title 14, CCR, Meeting Procedures, as follows:

- Define the number of members constituting a quorum to conduct Commission and committee meetings, and clarify that a meeting must be immediately adjourned if a quorum is no longer present;
- Provide that no more than two commissioners may attend committee meetings;
- Provide that a motion shall pass or fail only upon a majority vote of the membership present and voting; more than one motion related to an agenda topic may be made and voted upon; and, if no motion receives a majority vote of the membership present and voting, the agenda item shall be continued to a subsequent Commission meeting;
- Establish a deadline for public requests for meeting agenda items;
- Specify that, except for emergency meetings of the Commission, agenda items are approved by majority vote of the Commission; and that agendas for emergency meetings of the Commission are established by the president or president's designee;

- Specify that committee agenda items may not include items scheduled for action by the Commission, unless otherwise directed by majority vote of the Commission;
- Specify that the Commission president or his designee may add item items to meeting agendas;
- Establish deadlines, consistent with the Bagley-Keene Open Meeting Act, for public distribution of agendas;
- Outline the process and timeline for WRC and MRC recommendations;
- Specify the process for public participation in Commission and committee meetings including:
  - when public testimony will be taken;
  - appropriate public forum topics;
  - time limits for public comment at Commission meetings and methods the public may use to receive additional time;
  - when and how to submit written comments;
  - when and how to submit audio and visual presentations and how to receive approval of the presentation from the executive director; and
  - potential consequences of disruptive behavior; and
- Clarify that if any deadline or due date falls on a Saturday or holiday, it shall be adjusted pursuant to Government Code Sections 6707 and 6800.

### **BENEFITS OF THE PROPOSED REGULATION**

The proposed regulation is anticipated to result in increases in

- the openness and transparency of Commission business;
- active public engagement with the Commission;
- Commission responsiveness to the public;
- efficiency of Commission process; and
- consistency of Commission activities.

### **CONSISTENCY WITH EXISTING STATE REGULATIONS**

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt rules to govern its business practices and processes (Section 108, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to the Commission meeting procedures.

