

VI. Summary of Primary Considerations Raised in Opposition and in Support:

No comments have been received in opposition to or in support of the proposed action.

Updated 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.

The revised proposed regulation clarifies the time deadlines for (1) requests for extended time to speak at emergency meetings; (2) submission of audio or video materials for emergency meetings; and (3) submission of written materials for emergency meetings.

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.