

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY
SANCTUARY ADVISORY COUNCIL

Decision-Making and Operational Protocols

Background

On June 23, 2003 a Sanctuary Advisory Council (SAC) subcommittee met to discuss the development of draft decision-making procedures for the Council's consideration. Subcommittee participants included Drew Mayerson, Roberta Cordero, Matt Cahn and Chris Mobley with assistance from Sanctuary staff Mike Murray. The group had been tasked with this assignment by the SAC on May 16, 2003. The subcommittee produced a proposal regarding general operational guidelines for the SAC in seven areas: 1) preference for use of a consensus approach; 2) limited role of Robert's Rules of Order; 3) advance noticing of SAC meeting action items; 4) preference for avoiding day-of-the-meeting surprise votes and actions; 5) voting and absentee clarifications; 6) importance of including minority views in SAC advice; 7) clarifications about SAC letter writing.

At a SAC meeting held on July 18, 2003, the Council considered the Subcommittee's proposal. Suggested additions included clarification on carrying over non-urgent draft letters for final approval at subsequent SAC meetings, and adding clarity on the role of alternates when their views differ from members. Incorporating these changes, the SAC approved by consensus eight protocols, which are presented below. While these protocols have not been added to the SAC Charter, it is the intent of the Council that these procedures and practices provide guidance for SAC operations.

At a SAC meeting held on September 23, 2005, the 2003-adopted protocols were revisited and recommended updates were suggested by the Council Chair, Dianne Meester. The proposed updates complimented the 2003 protocols but reflected greater specificity with regard to issues such as: 1) the use of straw polls, 2) determining the urgency of a proposed letter, 3) the need for early distribution of proposed letters prior to SAC meetings, 4) responsibility for the drafting of minority opinions, 5) the need for a diversity of members to be involved with letter-writing subcommittees, 6) procedures for conducting a deliberative process to finalize a proposed letter. At the SAC meeting on November 18, 2005, the Council discussed and unanimously approved these proposed revisions.

SAC Protocols

1. Use of a Consensus Approach

In its most literal sense, "consensus" means that everyone in a group "consents" to the same decision or course of action. It does not necessarily mean that each one consents with the same degree of fervor. Implied is a commitment to support and not undermine in any way. In general, whenever possible the SAC should strive to reach agreement on advice to be provided by way of seeking consensus. In efforts to reach consensus, all voices should be heard and creative solutions should be sought to resolve issues and craft advice that encompasses the diversity of viewpoints. When considering significant actions, the SAC should utilize straw polls early on to determine where members' are at on a given issue. Additionally, it is important to clearly establish if a SAC decision is needed at a given meeting, or if it could or should be made at a future meeting.

2. The Role of Robert's Rules of Order

As an advisory body, and not a legal decision-making body, Robert's Rules of Order do not apply to the SAC. However, some of the concepts used in Robert's Rules of Order have been and should continue to be used by the SAC. For example, being recognized to speak by the Chair and the use of motions to reach some decisions (offering motions, seconding motions, discussion on a motion, voting on motions) are elements found in Roberts Rules of Order that should continue to be used by the SAC.

3. Noticing of SAC Action Items

SAC draft meeting agendas will be distributed via e-mail to members at least 10 days prior to a meeting. Agenda items that are expected or designed to bring about a Council “action” (i.e. a vote, a letter or other conveyance of advice to the Sanctuary Manager) will be clearly identified as such. Agenda topics that *may* result in a Council action will be labeled as “possible” action items. SAC representatives are encouraged to carefully review the draft agenda and prepare accordingly for expected or possible action items. If a SAC member feels that an agenda item could result in a Council action, but the item is not labeled as such, the SAC member should request of the Chair, Manager or SAC Coordinator an update to the agenda. Similarly, if after distribution of the draft meeting agenda a SAC representative wishes to bring up a new action item at the meeting, that member should immediately bring the request forward in time for an updated agenda to be produced and distributed at least three days prior to the meeting.

4. Introducing Day-of-the-Meeting Actions

In general, the SAC should only take an action (i.e. motions, votes, agreement upon advice to be given to CINMS) on such matters that have been agendized and clearly marked as expected or possible action items. Council actions should not be sought on other issues, unless there is a critical timing issue involved, an emergency concerning the Sanctuary, or in cases where the matter is related to a non-substantive process-issue¹. Determination of what constitutes an acceptable day-of-the-meeting proposed action falls to the Chair.

5. Voting and Absentees

SAC members must be present at meetings to vote. If a member is absent, the appointed alternate may cast a vote, contribute to reaching consensus, and provide input to discussions. If both member and alternate are not at a meeting, the absent seat will not get to vote. Because the SAC Charter states that Council business should be conducted in public, after-the-meeting votes are not allowed. However, when appropriate, SAC actions taken (e.g. the writing of a letter) should reflect that a particular seat was absent (see also #8 below).

6. Minority Views

Whether by way of voting or through efforts to reach consensus, a “minority” view or views may become apparent. All views are important for the Sanctuary Manager to hear. When crafting advice (statements, resolutions, letters, etc.) that communicates a majority position of the SAC, the Council should also seek, where possible, to incorporate or acknowledge minority viewpoints that have been expressed. If there is a minority view or views and it is to be incorporated within or attached to a Council letter, those holding that view should be assigned responsibility for drafting that part of the letter.

7. Role of Non-Government Alternates

As a clarification, alternates to the non-government seats on the SAC may express views and cast votes that are of their own opinion. Non-government alternates are not appointed to the SAC to serve as proxy voters for absent members. While an alternate’s views may agree with and/or be influenced by that of the member’s, their contributions to Council discussions or votes are expressed independently.

8. SAC Letter Writing

Members wishing to propose that a letter be written by the SAC are encouraged to come to meetings with draft language for consideration. Prior to a SAC meeting, every effort should be made to include a draft proposed letter in the meeting packet and/or to send it to members via email at least 1-2 weeks prior to the meeting. Additionally, if appropriate a minority viewpoint should be included within proposed letters. If the

¹ “Substance” or substantive refers to what we’re going to talk about—the issues or the agenda. “Process” issues address how we’re going to talk about what we’re going to talk about,” e.g., who, where, when, behavioral guidelines, how decisions will be made, who has authority to make decisions, determining who the stakeholders are, time constraints, meeting roles, etc.

content of a letter cannot be finalized at a SAC meeting, then the Chair will complete the letter or recommend an appropriate subcommittee. If a letter drafting subcommittee is formed, it should be comprised of representatives holding varying viewpoints on the given issue to allow for a balance of perspectives to be reflected. When the letter being written is based on the results of a SAC vote, it should contain a listing of the voting results (yes, no, abstain) by SAC seat and note which seats were absent.

During Council session, efforts to finalize a proposed letter should involve taking a straw poll early on to see what level of agreement exists, followed by a deliberative process to understand and attempt to address the concerns of those not comfortable with the proposed letter or action. If approval of the letter comes to a vote, those that have contributed to editing the letter should vote first.

Unless otherwise agreed to at a SAC meeting, final draft SAC letters will be distributed to Council members via e-mail prior to being sent. This will assure that everyone on the Council, including those that may have missed the meeting at which a letter was approved to be written, will know that it is going to be sent. This will also provide a final opportunity (generally 3-5 days) for feedback from Council members if something about the draft letter seems inconsistent with the Council's agreement or motion.

If not time sensitive, the Council should also consider that some draft letters can wait until the following SAC meeting for full comment and finalization.