

## Memorandum

To: Stewardship Council

Date: June 18, 2020

From: Policy & Operations Committee

Cc: DCR Director James Montgomery

Re: DCR Stewardship Council Authorizing Statute

We have previously provided to you some potential changes to the authorizing statute for the DCR Stewardship Council. This memo seeks to categorize the changes by ease of adoption and by impact – the categorization is subjective, and as open to discussion as the changes themselves, but hopefully helps to organize our consideration of the potential amendments. The proposed draft changes are attached.

Increased importance or impact ↑	<ul style="list-style-type: none"><li>• Implement staggered terms</li><li>• Limit chair role to 3 consecutive years</li></ul>	<ul style="list-style-type: none"><li>• Reduce councilor term from 7 to 3 years</li><li>• Update annual oversight strategy submittal</li></ul>	
	<ul style="list-style-type: none"><li>• Reduce meeting frequency from 12 to 8 annually</li><li>• Allow for conduct of business electronically</li><li>• Limit councilor service to 9 years</li><li>• Eliminate Fish &amp; Wildlife advisory meetings</li></ul>	<ul style="list-style-type: none"><li>• Adjust composition of stakeholder representative councilors to increase diversity of stakeholder groups</li><li>• Increase limit on councilor county representation from 1 to 3</li></ul>	
	<ul style="list-style-type: none"><li>• Remove unexcused absence certification process</li></ul>	<ul style="list-style-type: none"><li>• Add vice chair to elected council offices</li></ul>	<ul style="list-style-type: none"><li>• Fully address role of council: Control (vs. advisory? Supervisory?)</li></ul>

→ Increased difficulty, complexity or effort

Potential changes to the statute fall primarily into several categories: (1) composition and structure of the Council; (2) role and responsibilities; (3) modernization and miscellaneous updates.

Here are brief descriptions of proposed changes by category:

## **Composition and Structure**

### *Structure of Councilor Terms:*

1. Reduce term from 7 to 3 years. (§ 2) May aid in recruitment of qualified candidates, allow for easier staggering of terms.
2. Institute staggering of terms. (§ 2) Proposed language would do so aspirationally; could also require more explicitly by specific language, which would require an initial (manageable) effort to sort out term expirations for existing councilors.
3. Term limits of 9 years (or three terms, full or partial). (§ 2) This is a “good governance” type provision – does it address an actual or perceived issue?
4. Limit Chair role to 3 years. (§ 2) This measure would, most importantly, help to promote sharing the volunteer workload among the councilors, as well as good long-term planning of councilor resources. It also aids other good governance aims, such as avoiding the potential accumulation of authority too greatly in one individual.

### *Composition of Council Representation:*

5. Allow up to 3 councilors per county. (§ 2A) The current limit of one councilor per county may be impeding the ability of the council to have its seats fully filled. In addition, county distribution requirement and other requirements (urban parks and advocacy group representatives) could create conflicts when there are otherwise qualified candidates ready and able to serve. The stewardship council has not been at its full complement for a meaningful period of time. The “due regard for geographical distribution” instruction would remain.
6. Increase pool of stakeholder organizations for the two “advocacy group” councilor slots. (§ 2A) Two councilor slots are currently allocated to be filled by appointment from six nominees from six specifically designated stakeholder groups. Based on our understanding, these slots have not been filled for some time. This has been partly due to a lack of an agreed upon list of proposed nominees until just months ago. A proposed change could broaden the base of included organizations, and perhaps increase the field of willing and qualified candidates. It would add an additional layer of process by requiring a regular determination of the stakeholder groups to be chosen. This proposed change involves a different type of challenge than some others, as it arguably reduces the rights of particular advocacy organizations (albeit to the benefit of a broader group of engaged and even similarly minded advocates). They might view the promise of filling the vacant slots as a good tradeoff.
7. Include stewardship council chair (or designee) in stakeholder group nominee recommendations. (§ 2A) Currently, the six “advocate” nominees are chosen for recommendation to the governor by the commissioner alone.

## **Roles and Responsibilities**

**Note: For some of these items, the solution might not be a change to the statute, but rather a change to our and the DCR's operations to more closely comply. In those cases, issues of expertise, resources and operational and political practicality are all at play.**

1. Control. (§ 2) What is our role, vis-à-vis the DCR? The statute describes us as a “control” body, yet that is not true in many common senses of the word. We do not appoint the chief executive (or any employee), nor do our policies or actions, with narrowly defined exceptions, have any “teeth.” We appear to be more advisory by the terms of the legislation. And yet some provisions (i.e., RMPs and budget approval) seem to confer an important advisory if not supervisory role. What are we meant to be? What do we want to be? What do we have the resources to be, or what resources could we advocate for in light of our duties imposed by law?
2. Resource Management Plans. (§ 2F) We are not advocating for the removal of our responsibility to adopt resource management plans (RMPs) submitted by the DCR, which is one of our few specifically delineated responsibilities in the statute. Review of our authorizing legislation does highlight the need for us to continue to pursue a strategy, with the commissioner and his staff, to complete this task for all DCR resources. We should perhaps discuss and reaffirm that the council acknowledges this role as within its appropriate purview.
3. Consider frequency and scope of council's mandated annual oversight strategy effort. (§ 2G) The council is required to annually prepare, publish, receive comment on and submit to the Secretary of Environmental Affairs, an oversight strategy of park management plans, capital planning and policy development. As this is due 45 days prior to the submission to the legislature of the governor's annual budget, this seems intended to assist in assessing budgetary needs. Are we equipped to execute this annually? How does this tie in with our role as a “control” body?
4. Eliminate ability to appoint acting commissioner. (§ 3A) This seems an odd power for our council to possess, given that we nowhere else have authority to appoint a commissioner or any other executive or employee of the DCR. Would this not fall to the Secretary of Environmental Affairs?
5. “Better” exercise our approval of the commissioner's budget. (§ 3C) This provision suggests that the commissioner should seek the approval of the stewardship council in his preparation of the annual budget. Of course we want to work collaboratively with the commissioner and to advocate effectively at a legislative level for needed dollars for the benefit of the DCR's treasure of resources for our citizens. How can we best enhance and/or utilize the existing provisions to strengthen our position as advocates for a strong budget? Importance is HIGH as we want to improve our effectiveness in seeking adequate funding for our DCR and its mission.

## **Modernization and Miscellaneous Updates**

1. Reduce frequency of meetings of full council. (§ 2C) Reducing the required minimum number of meetings from 12 to 8 annually would allow the council the flexibility to use some monthly meeting slots for subcommittee work.

2. Remove requirement for annual joint meeting with fisheries, wildlife and recreational vehicles advisory board. In lieu of a regular joint meeting, we believe that it would be appropriate for the council chairperson to coordinate with the fisheries, wildlife and recreation advisory board as he/she deems appropriate (i.e., on a periodic basis). (§ 2C)
3. Allow for reimbursement of reasonable expenses. (§ 2E) Currently, expenses must be “necessary” to be reimbursed. In addition, the full annual expense allocation is limited to \$3,000.
4. Allow certain meeting notice by email.

Some miscellaneous changes are listed in the table as unimportant simply because the risk of harm for noncompliance is relatively low, or mitigated by other customs and practices in state government.