

STAFF SUMMARY FOR JUNE 22-23, 2016

28. MEETING PROCEDURES**Today's Item**Information Action

Adopt proposed changes to meeting procedures regulations.

Summary of Previous/Future Actions

- Discussion Feb 11-12, 2015; Sacramento
- Discussion Aug 4-5, 2015; Fortuna
- Discussion Oct 7-8, 2015; Los Angeles
- Notice hearing Dec 9-10, 2015; San Diego
- Discussion hearing Apr 13-14, 2016; Santa Rosa
- **Today's Adoption hearing** Jun 22-23, 2016; Bakersfield

Background

Per direction received at the Feb, Aug, Oct and Dec 2015 FGC meetings, the proposed regulations will do the following:

- Define the number of members constituting a quorum to conduct FGC 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 FGC meeting;
- Establish a deadline for public requests for adding meeting agenda items;
- Specify that, except for emergency meetings of FGC, agenda items are approved by majority vote of FGC; and that agendas for emergency meetings of FGC are established by the president or president's designee;
- Specify that committee agenda items may not include items scheduled for action by FGC, unless otherwise directed by majority vote of FGC;
- Specify that the FGC president or his/her 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 FGC and committee meetings including:
 - when public testimony will be taken;
 - appropriate public forum topics;
 - time limits for public comment at FGC 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

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- 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.

At the Apr 2016 FGC meeting, FGC authorized publication of a continuation notice to clarify for emergency meetings that: (1) requests for extended time to speak at and submission of audio or video materials must be sent via email to fgc@fgc.ca.gov prior to 5:00 p.m. on the day before the meeting, or in person at the meeting location between one and two hours prior to the beginning of the meeting; and (2) written materials must be received in FGC office prior to 5:00 p.m. on the day prior to the meeting, or in person at the meeting location. The continuation notice was distributed May 10, 2016.

Significant Public Comments

One comment has been received, requesting FGC accept comments on agenda items up to the time the agenda item is called (exhibit 4).

Recommendation

FGC staff: Adopt the changes to the regulation as proposed.

Exhibits

1. [ISOR](#)
2. [ISOR Attachment A – Summary and Response to Public Recommendations](#)
3. [PSOR, including revised proposed regulatory language](#)
4. [Email from Joyce Dillard, received May 17, 2016](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the proposed changes to Section 665, related to meeting procedures.

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 delayWritings 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 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.
- 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.

Proposed Regulatory Language

Section 665, Title 14, CCR, is amended to read:

665. Meeting Procedures

~~(a) Time limits for speakers at commission meetings.~~

~~(1) The time allotted for each speaker wishing to address an agenda item shall be set by the presiding commissioner.~~

(a) Commission quorum, agendas, and meeting procedures.

(1) Quorum. Commission and committee meetings may not be conducted without a quorum present.

(A) Commission meetings require a quorum of at least three commissioners be present to conduct a meeting. A commission meeting must be immediately recessed or adjourned if at least three commissioners are no longer present.

(B) Committee meetings require a quorum of at least one appointed member be present to conduct a meeting. A committee meeting must be immediately recessed or adjourned if at least one appointed member is no longer present.

(2) Commissioner participation at committee meeting.

(A) No more than two commissioners may attend a committee meeting.

(3) Meeting agendas.

(A) Public requests for items to be added to an agenda must be received no later than the commission meeting immediately prior to the desired meeting.

(B) Contents of meeting agendas.

1. Except for emergency meetings of the commission, contents of commission and committee meeting agendas are established by a majority vote of the commission.

2. Contents of agendas for emergency meetings of the commission are established by the president or the president's designee.

3. Committee agendas may not contain items that have been placed on commission meeting agendas, unless otherwise directed by a majority vote of the commission.

4. Notwithstanding subsection (a)(3)(B)1., the president or the president's designee may add an item to the agenda.

(C) Agenda distribution.

1. 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.

2. Agendas for emergency meetings of the commission shall be distributed and posted to the commission website

pursuant to the provisions of the Bagley-Keene Open Meeting Act (Government Code Sections 11120-11132).

- (4) Marine resources committee and wildlife resources committee recommendations. Pursuant to Sections 105 and 106 of the Fish and Game Code, the marine resources committee and wildlife resources committee shall report on their activities from time to time and make recommendations on resource matters before the commission.
- (A) Committees may meet to make recommendations no later than 15 days prior to the first day of the commission meeting at which the commission may consider taking action on the subject of the recommendation.
- (B) Committee recommendations shall be posted to the commission website at least five days prior to the first day of the meeting.

(5) Commission Meeting Voting

- (A) A motion shall pass or fail only upon a majority vote of the membership present and voting.
1. The commission may make and vote on more than one motion related to an agenda item. If no motion receives a majority vote of the membership present and voting, the agenda item shall be continued to a subsequent commission meeting.

(b) Public participation. Except for the department, every person or agency participating in commission and/or committee meetings is subject to the provisions in this subsection.

- (1) Public comment on agenda items. The public may comment on an agenda item before any decision is made regarding the agenda item.
- (A) Public requests to provide comments on a commission agenda item must be submitted to commission staff prior to when the agenda item is announced.
1. A person may voluntarily complete a speaker card furnished by commission staff.
2. A person not completing a speaker card must inform commission staff, orally or in writing, of his desire to comment on the item.
- (B) A person may request to provide comments on a committee agenda item by raising his hand during the discussion of that item.
- (2) Public forum. During the public forum agenda item, any member of 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 other item on the current agenda.
- (3) Allotted time for comments and presentations at commission meetings.
- (A) The time allotted for each person wishing to address an agenda item shall be set by the presiding commissioner at between one

and three minutes per person per agenda item, except as provided in subsections (b)(3)(A)1., (b)(3)(A)2. and (b)(3)(A)3.

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 agenda item is called and forgo their opportunity to speak to that agenda item.
 2. Advanced approval for extended time. The public may request extended time to comment longer than three minutes. The president or designee of the president shall approve or deny the requested time based on relevance to the agenda topic and time available.
 - a. Except for emergency meetings of the commission, requests for extended time must be received in writing no later than 12:00 noon five days prior to the first day of the meeting and must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one method of delivery is necessary.
 - i. The president or designee shall approve or deny the request no later than 5:00 p.m. two days prior to the first day of the meeting.
 - b. 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 to fgc@fgc.ca.gov or delivered in person at the meeting location.
 - i. The president or designee shall approve or deny the request prior to the start of the meeting.
 3. At the request of any commissioner, a person may receive additional time to comment on an agenda item.
- (B) 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.
- (4) Allotted time for comments at committee meetings. The time allotted for each person wishing to address an agenda item shall be at the discretion of the committee chair(s).
- (5) Written comments. All written comments are available to commissioners upon request.
- (A) Except for an emergency meeting of the commission, written comments intended for a commission or committee meeting must be delivered to the commission office via email or by mail, by

courier or in person no later than 12:00 noon five days prior to the first day of the meeting, or in person at the meeting.

1. Written comments received by 5:00 p.m. 13 days prior to the first day of the meeting may be posted to the commission website and may be included in the meeting materials provided to commissioners prior to the first day of the meeting.
2. Written comments received after 5:00 p.m. 13 days prior to the first day of the meeting and before 12:00 noon 5 days prior to the first day of the meeting may be made available to commissioners at the meeting, but are not posted to the commission's website for that meeting.
3. Written comments received in the commission office after 12:00 noon five days prior to the first day of the meeting are only delivered to the meeting if required by the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and are not posted to the commission's website for that meeting.
4. Written comments received in the commission office after 12:00 noon five days prior to the first day of 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 agenda item.
5. Number of copies of written comments delivered in person at a meeting.
 - a. Ten copies of written comments are requested if delivered in person at a commission meeting, except two copies of written comments are requested if delivered in person at a teleconference meeting.
 - b. Five copies of written comments are requested if delivered in person at a committee meeting.
6. Any 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. However, this subsection does not apply to any writing exempt from public disclosure under Sections 6253.5, 6254, or 6254.7 of the Government Code.
7. Writings that are public records under subsection (b)(5)(A)6., 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.

8. Writings that are public records under subsection (b)(5)(A)6., 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.
- (B) 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.
- (C) In the event multiple written comments expressing similar views are received, an example or a summary of the comments may be posted to the commission website and/or included in the meeting materials for commissioners.
- (D) Written comments delivered to the commission office must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one copy and only one method of delivery are necessary.
- (E) Written comments are not accepted if sent to the meeting facility.
- (6) Audio or visual materials for commission and committee presentations must be approved by the executive director.
- (A) Except for emergency meetings of the commission, consideration for approval requires that materials be submitted no later than 12:00 noon five days prior to the first day of the meeting.
- (B) For emergency meetings of the commission, consideration for approval requires that materials be submitted prior to the start of the meeting.
- (C) A request for an audio or visual presentation for a commission or committee meeting may be denied if the material is deemed not relevant to the agenda item, contains inappropriate material, or contains unauthorized copyrighted materials.
- (D) A request for an audio or visual presentation for Commission meetings may be denied if the material cannot be presented in three minutes or less.
- (E) Audio or visual materials for presentations must be submitted via email to fgc@fgc.ca.gov.
- (F) All electronic formats must be Windows PC compatible.
- (7) Prohibited behavior. A person willfully disrupting the orderly conduct of the meeting may be removed from the meeting.
- (c) Concurrence with Government Code Sections 6707 and 6800.** The deadlines and due dates in this Section shall conform to Sections 6707 and 6800 of the Government Code pertaining to deadlines that fall on Saturdays or holidays.

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

Attachment A: Summary and Response to Public Recommendations for Commission and Committee Procedures

Source	Recommendation	Response
Commission Votes		
6/30/15, Eric Mills	If only three of the five commissioners are present, any issue on the agenda should be required to receive a 3:0 vote for passage. [Majority of the entire membership]	Reject: The proposed regulation includes a requirement that a motion shall pass or fail only upon majority vote of the members present and voting; more than one motion may be made and voted upon for each agenda item; and if no motion receives a majority vote, the item will be continued to a subsequent meeting
Public Forum		
6/30/15, Eric Mills	There should be public forum at the beginning and end of each day of each meeting.	Reject: The Commission has already determined that it will include public forum at the beginning or end of each meeting day, but not both; to date public comment has supported public forum at the beginning of the day and the Commission has chosen to accommodate that preference. It is not appropriate to provide the order of agenda items in regulation.
Posting of Materials Prior to Meetings		
12/3/15, Noelle Cremers, California Farm Bureau Federation	Farm Bureau requests that the regulations include the requirement that documents be posted at least five days, if not more, before the initial comment deadline to allow for reasonable review and comment opportunity on the specifics of the agenda item.	Reject: The Bagley-Keene Open Meeting Act requires that meeting materials be made available to the public once they have been distributed to a majority of the Commission members. The proposed regulation provides that the materials will be posted to the Commission's website once the Commissioners receive them. In addition, matters before the Commission usually require at least two meetings for completion; therefore, the public has ample time for comment.
Committees are Subject to the Bagley-Keene Open Meeting Act		
4/14/14 Michel & Associates	Because the Wildlife Resources Committee (WRC) was created by statute and because it includes more than one member, it is subject to the Bagley-Keene Open Meeting Act.	The proposed regulation requires Commission committees to comply with the Bagley-Keene Open Meeting Act.

Source	Recommendation	Response
7/18/14 Bell, McAndrews & Hiltachk	WRC is created by statute, and therefore is subject to the Bagley-Keene Open Meeting Act, regardless of whether it is a decision-making or advisory body.	The proposed regulation requires Commission committees to comply with the Bagley-Keene Open Meeting Act.
7/14/14 Safari Club International	WRC must publish its plan to meet.	Accept: The proposed regulation provides that committee meeting agendas are published at least 10 days prior to the meeting.
7/14/14 Safari Club International	Upon obtaining suggested presentations from the public, WRC should publish its proposed agenda.	Reject: The public may request, but does not assign WRC agenda items. The Commission, not WRC, determines WRC agendas. The proposed regulation provides that committee meeting agendas will be approved at the Commission meeting immediately prior to the committee meeting and that the president or president's designee may add items to the agenda. Consistent with the Bagley-Keene Open Meeting Act, the proposed regulation provides that Commission and committee meeting agendas will be distributed and posted to the Commission website at least ten days prior to the first day of a meeting.
7/14/14 Safari Club International	WRC should give the public adequate opportunity to prepare responses to agenda items and to submit requests to be heard on agenda items.	Accept: Consistent with current practice, the proposed regulation provides rules for submitting written comments and presentations on an agenda item, and rules for making oral comments or presentations at a meeting.
7/28/14 Michel & Associates	A committee meeting is subject to the Bagley-Keene Open Meeting Act if (a) any portion of the meeting relates to one or more matters within the Commission's jurisdiction, and (b) the meeting is attended (whether in person or otherwise) by all of the following: at least one WRC member, and least one Department employee, and at least one person who is neither a member of the Department nor affiliated with the Commission (e.g., non-committee member Commissioners or Commission staff)	Reject: The Bagley-Keene Open Meeting Act defines a meeting as 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. (§11122.5, Government Code)
9/24/15 Michel & Associates	What is the process for arranging a WRC meeting? Who decides the date, and location?	The dates and locations of committee meetings are established annually by the Commission.

Source	Recommendation	Response
9/24/15 Michel & Associates	Who dictates what items will be discussed at WRC meetings? How are issues decided to be placed on the agenda for any given meeting? Is there a process for the public to suggest items for consideration by WRC?	<p>The proposed regulation provides that the Commission will approve committee meeting agenda topics at the Commission meeting immediately prior to the committee meeting.</p> <p>The public may suggest items for consideration by WRC by presenting the request to the Commission.</p>
9/24/15 Michel & Associates	Does WRC comply with the Bagley-Keene Act as it must? If so, does it have established procedures to maintain compliance? Who created those procedures?	<p>The proposed regulation requires Commission committees to comply with the Bagley-Keene Open Meeting Act.</p> <p>WRC currently complies with the requirements of the Bagley-Keene Open Meeting Act. The proposed regulations will codify procedures not duplicative of current laws and regulations. The proposed regulations are being developed by Commission staff as directed by the Commission.</p>
9/24/15 Michel & Associates	Until our questions are answered and the lack of transparency for what WRC is doing is addressed, it is inappropriate for WRC to engage in any more activity related to the Commission's policy making.	WRC meetings are publicly noticed and open to the public. WRC does not make policy decisions on behalf of the Commission, but is directed by statute to make recommendations to the Commission.
Appointments to WRC		
4/14/14 Michel & Associates	WRC should have at least two members.	Reject: WRC is required to have only one member (Section 106, Fish and Game Code); however, the Commission generally appoints two members. It would be inappropriate for more than two members to be on a committee as that would constitute a quorum of the Commission and would turn the committee meeting into a Commission meeting
7/14/14 Safari Club International	The membership of the WRC should be two Commissioners	
4/14/14 Michel & Associates	When the Commission makes its yearly appointment to WRC, it should, to the extent practicable, appoint two WRC members who have different backgrounds (e.g., a hunter and a member with non-hunting interests).	Reject: Committee appointments are dependent upon the background and interest of commissioners. Commissioners are appointed by the Governor (Article 4, Section 20, California Constitution).

Source	Recommendation	Response
7/28/14 Michel & Associates	To the extent feasible, the Commission shall place at least one Commissioner with substantial hunting experience on WRC.	Reject: Committee appointments are dependent upon the background and interest of commissioners. Commissioners are appointed by the Governor (Article 4, Section 20, California Constitution).
7/28/14 Michel & Associates	If WRC has a designee, the name of that designee should be announced at a Commission meeting prior to that designee acting as the designee of WRC.	Reject: It is impracticable to have a regulation requiring that the name of a designee be announced at a Commission meeting prior to a meeting that may not yet have been scheduled. Generally, the designee would be the wildlife advisor or executive director.
Committee Quorum		
7/11/14 Michel & Associates	By law, WRC is only required to have one member, so the claim that two members are needed for WRC meetings is inaccurate.	Accept: The proposed regulation provides that a committee quorum is one appointed member.
7/28/14 Michel & Associates	WRC meetings will be run by at least one of the WRC members or the designee	Accept in part: The proposed regulation provides that a quorum is one appointed member. Statute does not provide that a designee may run a WRC meeting (Section 106, Fish and Game Code).
Non-committee Members' Participation in Committee Meetings		
4/14/14 Michel & Associates	Three Commissioners should never participate in any WRC meeting.	Accept: The proposed regulation provides that no more than two Commissioners may attend a committee meeting.
7/14/14 Safari Club International	Non-committee Commissioners should resist the temptation of attending WRC meetings in any capacity.	Reject: The proposed regulation provides that no more than two Commissioners may attend a committee meeting.
7/28/14 Michel & Associates	Non-committee Commissioners may attend a WRC meeting but should be expressly prohibited from participating in anything other than an observational capacity. Non-member commissioners should not make any comment, either directly or indirectly, during a WRC meeting.	The prohibitions of the Bagley-Keene Open Meeting Act do not apply to 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. (Section 11122.5 (c)(6), Government Code)

Source	Recommendation	Response
Committee Recommendations		
4/14/14 Michel & Associates	Because WRC is required to make recommendations, final decisions will need to be made, which could be problematic if there are two Commissioners sitting on the WRC (e.g., a tie). The regulations should address how any disputes between WRC members shall be resolved.	Reject: Committees are not decision making bodies. Marine Resources Committee (MRC) and WRC are required to make recommendations on matters before the Commission. In addition, the public has an opportunity per the Bagley-Keene Open Meeting Act to request that the Commission consider actions not recommended by a committee.
7/28/14 Michel & Associates	If WRC has two members, any finding or recommendation it makes must be unanimous.	Reject: Committees are not required to have agreement between the members and may forward to the Commission differing recommendations.
7/18/14 Bell, McAndrews & Hiltachk	If WRC members are to operate within their statutory authority as a strictly advisory body, the Commission must provide significant intervening substantive review for all recommendations made by the WRC, and must do so where the deliberations and determinations are open to the public – the Commission cannot simply rubberstamp a recommendation made by WRC. Furthermore, in considering recommendations from WRC, the Commission must adhere to the Administrative Procedure Act and Bagley-Keene Open Meeting Act.	Accept: The proposed regulation provides that the MRC and WRC 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; MRC and WRC recommendations shall be posted to the Commission website at least five days prior to the first day of the meeting; and the public may comment on an agenda item before any decision is made regarding the item.
9/24/15 Michel & Associates	Who decides (or what is the process for deciding) what actions WRC will take, i.e., whether a recommendation will be made to the full Commission?	Committees are not decision making bodies; MRC and WRC are required to make recommendations on matters before the Commission.
9/24/15 Michel & Associates	What happens if one Commissioner disagrees with a recommendation? Is there a record kept of that? Is the Commission or the public informed of the disagreement?	Committees are not required to have agreement between the appointed members and may forward to the Commission differing recommendations. MRC and WRC meetings are currently audio-recorded and Commission meetings are audio- or video-recorded. Commission staff maintains Commission voting records.

Source	Recommendation	Response
9/24/15 Michel & Associates	What form does a recommendation take? Who prepared it?	<p>The proposed regulation provides that MRC and WRC 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; MRC and WRC recommendations shall be posted to the Commission website at least five days prior to the first day of the Commission meeting at which the recommendations will be considered.</p> <p>Recommendations are generally developed by Commission staff under direction of the committees.</p>
Public Participation in Committee Meetings – Written Comments and Presentations		
7/11/14 Michel & Associates	If the purpose of WRC is to have the most enlightened discussion possible...then stakeholders and the public should not be surprised by new information presented for the first time at WRC meetings when there is no opportunity to prepare a rebuttal. If the Executive Director receives a copy of presentation materials a few weeks prior to the WRC meeting, why can't that information be circulated publicly beforehand?	<p>Accept in Part: The proposed regulation provides that written comments received at least 13 days prior to the meeting may be posted to the Commission's website at the same time Commissioners receive them.</p> <p>All writings are made available to the public when distributed to all or a majority of Commissioners. It would be inappropriate for the public to receive information prior to the committee receiving it.</p> <p>Members of the public who plan to submit information at a meeting are not required to share that information prior to a meeting; the exception in this regulation is for audio or visual presentations, which must be submitted to the executive director by noon five days prior to the day of the meeting.</p>
7/11/14 Michel & Associates	If a deadline is applicable to all, it should be publicized.	Accept: The proposed regulation includes deadlines for receipt of written comments and audio/visual presentations.

Source	Recommendation	Response
7/14/14 Safari Club International	WRC must solicit proposed presentations for a meeting from the public generally, and not just from a limited group.	<p>Reject: The proposed regulation provides rules for submitting written comments and presentations on Commission and committee meeting agenda items, with no limitations on who may submit such materials. However, the Commission and committees may ask a certain individual(s) or group(s) to provide information relevant to an agenda item or to work together to develop a collaborative proposal; this would not preclude others from participating in Commission and committee processes.</p> <p>The proposed regulation also provides that members of the public may comment on an agenda item before any decision is made regarding the item.</p>
7/14/14 Safari Club International	WRC should require presentations to be submitted well in advance of the meeting and should share those presentation materials with the public to give the public the opportunity to prepare comments on those presentations.	Accept in Part: The proposed regulation includes a deadline of noon five days prior to the first day of a meeting for receipt of written comments and audio/visual presentations. All writings and presentations are available to the public when distributed to all, or a majority of all, committee members.
7/18/14 Bell, McAndrews & Hiltachk	All members of the public must be given the opportunity to comment and participate in WRC meetings.	Accept: The proposed regulation provides that Commission committees will comply with the Bagley-Keene Open Meeting Act and provides rules for written and verbal participation.

Public Participation in Committee Meetings Should not Preclude Public Participation during Commission Meetings		
7/11/14 Michel & Associates	Clarification is needed whether WRC is going to be the only opportunity for public comment on issues raised at WRC meetings, or if the public will have an opportunity to comment on all issues agendized for Commission meetings, even if that issue was already discussed (or not) at a WRC meeting.	Accept: The proposed regulation provides that the public may comment on an agenda item before any decision is made regarding the item. The Bagley-Keene Open Meeting Act includes an allowance to not take testimony on items discussed in committee, but it is not included in the proposed regulation. (Section 11125.7, Government Code)
7/14/14 Safari Club International	Need to clarify how the Commission and WRC will work together and, in particular, whether a discussion on the WRC agenda will provide the only opportunity for the public to comment on matters that result in WRC recommendations to the Commission.	
7/28/14 Michel & Associates	The ability to speak at a WRC meeting on a particular item should not preclude a member of the public from attending a later Commission meeting and commenting on that item, or a related item, during the Commission meeting but prior to the Commission taking action.	
Subcommittees		
4/14/14 Michel & Associates	WRC needs rules to explain exactly how and when subcommittees will be formed.	Reject: If the Commission desires to move forward with this proposal, staff recommends doing so in a separate rulemaking.
7/28/14 Michel & Associates	WRC should not create any sub-committee or other entity without express approval by the full Commission after the Commission has taken public comment on the issue.	Reject: If the Commission desires to move forward with this proposal, staff recommends doing so in a separate rulemaking.
7/28/14 Michel & Associates	Any subcommittee or other entity created by WRC should only meet as part of a WRC meeting.	Reject: It is impracticable to have a regulation requiring that meetings of a subcommittee only take place as part of a committee meeting, which defeats the purpose of creating such a group.
7/28/14 Michel & Associates	All communications between members of any subcommittee or other entity created by WRC should be treated as public records.	Reject: The Public Records Act dictates the extent to which communications between members of any entity created by WRC are treated as public records.

9/25/15 Michel & Associates	What is the source of authority to create the Predator Working Group (PWG)? Assuming there is such authority, why is it not subject to the official rulemaking process? Would the Commission be able to create a workgroup itself without going through the formal rulemaking process?	Nothing prohibits a deliberative body from engaging the public to help it resolve issues before it. Nothing in the proposed regulations, or in practice, gives workgroups any authority; guidance and information provided by a workgroup is just that. If the Commission determines it is appropriate to adopt a regulation regarding creation of a workgroup, staff recommends doing so in a separate rulemaking.
9/25/15 Michel & Associates	Who has authority to dictate the criteria or process for nominating PWG members? Are such nominations subject to the official rulemaking process?	The Commission publicly approved a proposal to establish a predator policy workgroup. It included criteria and a process for nominating members to the workgroup.
9/25/15 Michel & Associates	Assuming authority exists to establish the PWG, does such authority reside with the Commission or WRC?	WRC serves at the pleasure of the Commission and the Commission directs all work of the committees.
9/25/15 Michel & Associates	Will the public have an opportunity to weigh in on the criteria for nominating PWG members?	The public had an opportunity to provide comment at the August, 2015 meeting when the proposal was discussed.
Minutes, Webcasting and Video Recording Committee Meetings		
4/14/14 Michel & Associates	WRC meetings should be video-recorded and posted on the internet.	Reject: Though it may be desirable to video-record and/or webcast committee meetings, for the foreseeable future the Commission does not have the necessary resources, making a regulation impracticable. WRC meetings are currently audio-recorded and posted on the Commission website. The Bagley-Keene Open Meeting Act does not require public meetings to be audio- or video-recorded or webcast.
7/28/14 Michel & Associates	WRC meetings should be audio-recorded. WRC meetings should be video recorded and broadcast on the internet unless the Commission makes a finding that as to a specific year, funding is not reasonably available for video recording.	
9/24/15 Michel & Associates	Are any meeting minutes or notes of proposed actions prepared? If so, by whom? Are any meeting minutes or notes kept? If so, are they made available?	MRC and WRC meetings are currently audio-recorded and the recordings are posted to the Commission website.

Purpose/Function of Committee Meetings		
7/11/14 Michel & Associates	If WRC meetings will provide for a longer format pre-discussion of a discussion that will take place again before the full Commission, then no binding action (other than perhaps a recommendation to the Commission action) takes place at a WRC meeting. If that is the case, then the Commission should say so unequivocally.	Reject: WRC is established by statute that does not authorize WRC to take binding action on behalf of the Commission.
7/14/14 Safari Club International	Asks for clarification regarding statements made that suggested WRC meetings can operate as official Commission meetings.	Reject: Membership and meetings of committees and the Commission are not interchangeable pursuant to the various requirements of the Bagley-Keene Open Meeting Act.
7/28/14 Michel & Associates	Unless specific situations dictate otherwise, WRC meetings should be structured to provide participants opportunities to engage in detailed discussions with Commission staff, Department staff, the presenter (if applicable), and stakeholders. WRC should strive to provide an informal setting at its meetings where all participants will have an opportunity to provide input into the conversation. However, if required, WRC should retain the option to apply a more structured setting.	Reject: It is not necessary to codify this in regulation. The proposed regulation requires sufficiently less structure and rules for committee meetings than Commission meetings to allow for greater flexibility and less formality.
9/24/15 Michel & Associates	Who decides the format of a WRC meeting?	The format of committee meetings is the discretion of the committee chairs.
Miscellaneous WRC Procedures/Practices		
4/14/14 Michel & Associates	Fish and Game Code Section 106 does not actually authorize or suggest WRC is to perform its own meetings; the Commission should explain to the public why the Commission is going beyond its statutory mandate.	Reject: It is not necessary to codify this in regulation. WRC is required to report from time to time on its activities and shall make recommendations on all non-marine resource matters before the Commission (Section 106, Fish and Game Code); the only logical mechanism for these to occur, per the Bagley-Keene Open Meeting Act, is through public meetings.

4/14/14 Michel & Associates	WRC is, to the extent practicable, to attend meetings of DFW staff, including meetings of DFW staff with interested parties, in which significant wildlife resource management documents are being developed. Are these meetings all going to be open to the public and publicly noticed? Is there going to be a public record of these meetings occurring?	Reject: The Bagley-Keene Open Meeting Act defines public meetings.
7/28/14 Michel & Associates	WRC should strive to adhere to an "equal time" model to the extent practicable, to prevent an unreasonable disparity of non-public WRC meetings being granted to specific parties holding disparate viewpoints.	Reject: This recommendation does not pertain to meeting procedures but to one-on-one meetings between a WRC member and a member of the public.
7/28/14 Michel & Associates	A log should be kept of all WRC-related meetings attended by WRC members or WRC-designee.	Reject: This recommendation is excessive. If questions arise about a specific meeting or document, members of the public have recourse through the Public Records Act.
9/29/15-10/21/15 T. Barton, W. Beck, J. Black, G. Booy, C. Boyer, J. Calabrese, R. Carr, M. Davis, R. Ensminger, T. Garcia, L. Gragg, R. Herniman, D. Hubbard, D. Jeffries, T & D Kuenzi, D. Littlefield, R. Long, macs10, S. Olmstead, C. Rizor, G. Sannar, B. Shaw, L. Simpson, D. Smith, C. Tarlow, S. Wolf	There should be established procedures for WRC.	Accept: The proposed regulations establish procedures for WRC.

Communication Should be Made on Government-Issued Devices

<p>6/5/15 Michel & Associates</p>	<p>The Commission should mandate that all electronic correspondence concerning official Commission matters be conducted through government issued e-mail accounts that are stored on government owned servers or other electronic data storage mechanism.</p> <p>The use of personal email accounts for transmitting communications relating to any government business should be prohibited.</p> <p>The use of text messaging and other technologies that don't create a record should be prohibited or discouraged.</p>	<p>Reject: Inappropriate for meeting procedures. If the Commission desires to move forward with a regulation regarding communication methods, staff recommends doing so in a separate rulemaking.</p> <p>At its October 2015 meeting, FGC referred this recommendation to legal counsel for evaluation.</p>
<p>7/8/15 National Shooting Sports Foundation</p>	<p>The use of personal email, personal cell phones, or any other personal device used for sending or receiving official government communications or business should be strictly prohibited or highly discouraged.</p> <p>The Commission should require all business communications be conducted via government issued technology and stored on government servers/databases, etc.</p>	

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.

Revised Proposed Regulatory Language

Text originally proposed to be added and now proposed to be deleted is shown in single underline/strikeout format.

Text newly proposed to be added is shown in double underline format.

Section 665, Title 14, CCR, is amended to read:

665. Meeting Procedures

~~(a) Time limits for speakers at commission meetings.~~

~~(1) The time allotted for each speaker wishing to address an agenda item shall be set by the presiding commissioner.~~

(a) Commission quorum, agendas, and meeting procedures.

(1) Quorum. Commission and committee meetings may not be conducted without a quorum present.

(A) Commission meetings require a quorum of at least three commissioners be present to conduct a meeting. A commission meeting must be immediately recessed or adjourned if at least three commissioners are no longer present.

(B) Committee meetings require a quorum of at least one appointed member be present to conduct a meeting. A committee meeting must be immediately recessed or adjourned if at least one appointed member is no longer present.

(2) Commissioner participation at committee meeting.

(A) No more than two commissioners may attend a committee meeting.

(3) Meeting agendas.

(A) Public requests for items to be added to an agenda must be received no later than the commission meeting immediately prior to the desired meeting.

(B) Contents of meeting agendas.

1. Except for emergency meetings of the commission, contents of commission and committee meeting agendas are established by a majority vote of the commission.

2. Contents of agendas for emergency meetings of the commission are established by the president or the president's designee.

3. Committee agendas may not contain items that have been placed on commission meeting agendas, unless otherwise directed by a majority vote of the commission.

4. Notwithstanding subsection (a)(3)(B)1., the president or the president's designee may add an item to the agenda.

(C) Agenda distribution.

1. 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.

2. Agendas for emergency meetings of the commission shall be distributed and posted to the commission website

pursuant to the provisions of the Bagley-Keene Open Meeting Act (Government Code Sections 11120-11132).

- (4) Marine resources committee and wildlife resources committee recommendations. Pursuant to Sections 105 and 106 of the Fish and Game Code, the marine resources committee and wildlife resources committee shall report on their activities from time to time and make recommendations on resource matters before the commission.
- (A) Committees may meet to make recommendations no later than 15 days prior to the first day of the commission meeting at which the commission may consider taking action on the subject of the recommendation.
- (B) Committee recommendations shall be posted to the commission website at least five days prior to the first day of the meeting.

(5) Commission Meeting Voting

- (A) A motion shall pass or fail only upon a majority vote of the membership present and voting.
1. The commission may make and vote on more than one motion related to an agenda item. If no motion receives a majority vote of the membership present and voting, the agenda item shall be continued to a subsequent commission meeting.

(b) Public participation. Except for the department, every person or agency participating in commission and/or committee meetings is subject to the provisions in this subsection.

- (1) Public comment on agenda items. The public may comment on an agenda item before any decision is made regarding the agenda item.
- (A) Public requests to provide comments on a commission agenda item must be submitted to commission staff prior to when the agenda item is announced.
1. A person may voluntarily complete a speaker card furnished by commission staff.
2. A person not completing a speaker card must inform commission staff, orally or in writing, of his desire to comment on the item.
- (B) A person may request to provide comments on a committee agenda item by raising his hand during the discussion of that item.
- (2) Public forum. During the public forum agenda item, any member of 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 other item on the current agenda.
- (3) Allotted time for comments and presentations at commission meetings.
- (A) The time allotted for each person wishing to address an agenda item shall be set by the presiding commissioner at between one and three minutes per person per agenda item, except as provided in subsections (b)(3)(A)1., (b)(3)(A)2. and (b)(3)(A)3.
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 agenda item

- is called and forgo their opportunity to speak to that agenda item.
2. Advanced approval for extended time. The public may request extended time to comment longer than three minutes. The president or designee of the president shall approve or deny the requested time based on relevance to the agenda topic and time available.
 - a. Except for emergency meetings of the commission, requests for extended time must be received in writing no later than 12:00 noon five days prior to the first day of the meeting and must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one method of delivery is necessary.
 - i. The president or designee shall approve or deny the request no later than 5:00 p.m. two days prior to the first day of the meeting.
 - b. Requests for extended time for an emergency meeting of the commission must be received ~~prior to the start of~~ no later than 5:00 p.m. the day prior to the first day of the meeting and must be sent by email to fgc@fgc.ca.gov or delivered in person at the meeting location between one and two hours prior to the start of the meeting.
 - i. The president or designee shall approve or deny the request prior to the start of the meeting.
 3. At the request of any commissioner, a person may receive additional time to comment on an agenda item.
 - (B) 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.
 - (4) Allotted time for comments at committee meetings. The time allotted for each person wishing to address an agenda item shall be at the discretion of the committee chair(s).
 - (5) Written comments. All written comments are available to commissioners upon request.
 - (A) Except for an emergency meeting of the commission, written comments intended for a commission or committee meeting must be delivered to the commission office via email or by mail, by courier or in person no later than 12:00 noon five days prior to the first day of the meeting, or in person at the meeting.
 1. Written comments received by 5:00 p.m. 13 days prior to the first day of the meeting may be posted to the commission website and may be included in the meeting materials provided to commissioners prior to the first day of the meeting.

2. Written comments received after 5:00 p.m. 13 days prior to the first day of the meeting and before 12:00 noon 5 days prior to the first day of the meeting may be made available to commissioners at the meeting, but are not posted to the commission's website for that meeting.
 3. Written comments received in the commission office after 12:00 noon five days prior to the first day of the meeting are only delivered to the meeting if required by the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and are not posted to the commission's website for that meeting.
 4. Written comments received in the commission office after 12:00 noon five days prior to the first day of 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 agenda item.
 5. Number of copies of written comments delivered in person at a meeting.
 - a. Ten copies of written comments are requested if delivered in person at a commission meeting, except two copies of written comments are requested if delivered in person at a teleconference meeting.
 - b. Five copies of written comments are requested if delivered in person at a committee meeting.
 6. Any 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. However, this subsection does not apply to any writing exempt from public disclosure under Sections 6253.5, 6254, or 6254.7 of the Government Code.
 7. Writings that are public records under subsection (b)(5)(A)6., 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.
 8. Writings that are public records under subsection (b)(5)(A)6., 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.
- (B) Written comments intended for an emergency meeting of the commission must be received ~~prior to the start of~~ no later than 5:00 p.m. the day prior to the first day of the meeting or in person at the meeting location.

- ~~(C)~~ In the event multiple written comments expressing similar views are received, an example or a summary of the comments may be posted to the commission website and/or included in the meeting materials for commissioners.
- ~~(D)~~ Written comments delivered to the commission office must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one copy and only one method of delivery are necessary.
- ~~(E)~~ Written comments are not accepted if sent to the meeting facility.
- ~~(6)~~ Audio or visual materials for commission and committee presentations must be approved by the executive director.
 - ~~(A)~~ Except for emergency meetings of the commission, consideration for approval requires that materials be submitted via email to fgc@fgc.ca.gov no later than 12:00 noon five days prior to the first day of the meeting.
 - ~~(B)~~ For emergency meetings of the commission, consideration for approval requires that materials be submitted via email to fgc@fgc.ca.gov no later than 5:00 p.m. the day prior to the first day of prior to the start of the meeting or delivered in person at the meeting location between one and two hours prior to the start of the meeting.
 - ~~(C)~~ A request for an audio or visual presentation for a commission or committee meeting may be denied if the material is deemed not relevant to the agenda item, contains inappropriate material, or contains unauthorized copyrighted materials.
 - ~~(D)~~ A request for an audio or visual presentation for Commission meetings may be denied if the material cannot be presented in three minutes or less.
 - ~~(E)~~ Audio or visual materials for presentations must be submitted via email to fgc@fgc.ca.gov.
 - ~~(F)~~~~(E)~~ All electronic formats must be Windows PC compatible.
- ~~(7)~~ Prohibited behavior. A person willfully disrupting the orderly conduct of the meeting may be removed from the meeting.
- (c) Concurrence with Government Code Sections 6707 and 6800.** The deadlines and due dates in this Section shall conform to Sections 6707 and 6800 of the Government Code pertaining to deadlines that fall on Saturdays or holidays.

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

From: Joyce Dillard [REDACTED]
Sent: Tuesday, May 17, 2016 11:55 AM
To: FGC
Subject: Comments FGC Meeting Procedures due 5.17.2016 NOON

Regulatory issues have deadlines associated with Public Notice requirements. In this regulation you extend the meaning of the Administrative Procedure Act to include Bagley-Keene meetings. By doing so, you have limited public speech (First Amendment) by limiting receipt of written comments.

Comments should be accepted up to the time the agenda item is called.

Joyce Dillard
[REDACTED]