

Members accept the responsibility of attending council meetings. In the event the member cannot attend, the designated alternate member will represent the member.

6. Council Officer Elections and Terms:

- a. The council shall elect one member to serve as chair, and one member to serve as vice-chair. The vice-chair shall act as chair in the absence of the chair. Terms of the chair and vice-chair are two years. The chair and vice-chair may serve a maximum of two consecutive terms if reelected.

A chair or vice-chair may leave his/her term to run for another council officer position if desired. If the chair or vice-chair is elected to a new position, the council shall nominate and elect a new representative for the vacated position. Council members, including non-voting members, may nominate individuals for the council officer positions (except the NOAA representative and/or their designee). Any primary member of the council, including government seats and non-voting seats (with the exception of the NOAA representative) may be nominated and elected as a council officer. Election for all positions is by majority vote of all council members, including the non-voting members, and votes shall be made by written ballot. Members who will not be present at the time of the election may submit their vote in writing to the NOAA representative prior to the meeting.

If a council officer resigns, the council should hold an election at the next regularly scheduled council meeting. If the newly elected individual feels comfortable they may begin serving in their position immediately upon being elected, otherwise they may begin serving at the next meeting. If the chair resigns, the vice chair acts on their behalf until the new chair assumes their position. If the vice-chair resigns, the position may remain vacant until the new vice chair assumes their position.

In extraordinary circumstances, if both council officers resign at the same time, the council can agree to allow another council member to serve as interim chair until the new officers are elected; new officers should be elected at the next scheduled council meeting.

- b. Roles of Council Officers:

- i. Chair: The chair schedules and sets agendas for all council meetings with the approval of the NOAA representative, presides over all meetings of the full council and ensures that meetings are run according to accepted meeting practices, signs all correspondence and documents authorized by the council, and generally represents the council's interests and concerns to the public. The chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.
- ii. Vice-Chair: The vice-chair serves as chair in the absence of the chair and assists as necessary in performing executive duties of the council. The vice-chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

APPOINTMENTS

Recruitment and appointment of non-governmental council members shall follow the process outlined in the ONMS Sanctuary Advisory Council Implementation Handbook (currently Part II: Policy and Procedural Guidance, section C.2, Selection of Non-Governmental Members). Public notice shall be provided as to the vacancy of constituent group seat(s) and at-large representatives. Applications for ensuing terms for vacant seats shall be submitted to the NOAA representative directly. Copies of all applications and nominations for each seat will be submitted by the NOAA representative to the preliminary review panel to obtain recommendations on selections. Any preliminary panel member that has a conflict of interest (financial, personal, self-nomination, etc.) shall recuse him/herself from making a selection for the vacant seat. Selection from among those recommended by the panel, or from among other applicants or nominees, shall be made by the NOAA representative with the approval of the director. The NOAA representative may choose to re-advertise the vacant seat(s) if adequate candidates are not available after the first recruitment process. In all cases, submission of written statements of particular interest, qualifications, and experience shall be requested. Guidelines for applying shall be supplied at the appropriate time.

ADMINISTRATION

1. Members of the council shall serve without pay except that each member may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of Title 5, U.S.C., for travel to and from official council meetings. Reimbursement is at the discretion of the NOAA representative and dependent upon budgetary considerations and constraints. No members of working groups or subcommittees (defined below) may receive travel expenses for their group activities or meetings, in accordance with the ONMS Sanctuary Advisory Council Implementation Handbook (currently Part II, section B.6, Council Subunits). Travel expenses for governmental members of the council may be provided by their own agencies.
2. The ONMS may make available such staff, information, administrative services, or assistance as the NOAA representative determines are reasonably required to enable the council and its subcommittees/working groups to carry out their functions.

OPERATION

1. Meetings

- a. Meetings are held at the call of the chair and the NOAA representative.
- b. Decisions (e.g., recommendations) made by the council shall be made by majority vote of those present, provided there is a quorum (one more than half of the voting members). A recorded vote may be requested by the chair or the NOAA representative. In a member's absence, an alternate member shall assume the rights and privileges of the member for the purposes of a quorum.
- c. Each meeting shall be open to the public.
- d. Interested persons shall be permitted to present oral or written statements on items on the agenda, or other pertinent topics.
- e. Emergency meetings may be held at the call of the chair or presiding officer and the NOAA representative.
- f. Timely notice of each council meeting, including the time, place, and agenda of each meeting, shall be provided to the local media and additional notice may be given by such other means as will result in appropriate publicity to interested groups. This requirement shall not apply to workshops scheduled by the council to address strategic planning, administration, or specialized technical issues. The council may not vote at any meeting for which the above public notice has not been issued. The council may not vote on any agenda item for which notice was not provided.
- g. The council shall meet as frequently as necessary, not to exceed once per month (the meetings should be in different months, but do not have to be precisely 30 days apart) for voting meetings, but at least once every six months. The council meeting place may be rotated among various locations adjacent to the sanctuary and meeting sites shall be chosen to accommodate anticipated public attendance and be reasonably accessible to those interested in attending.
- h. Minutes of each meeting shall be kept by a person specified by the NOAA representative and contain a summary of attendees and matters discussed; such minutes shall be available to the public.

2. Procedures for Providing Advice: The following procedures shall be used to provide advice:

- a. The council may provide advice on a sanctuary related issue or topic to the NOAA representative. Requests for information, assistance, or advice from the ONMS, other NOAA offices, or other agencies shall be made in writing and be coordinated through the NOAA representative.
- b. Any matter that a council member wishes to raise to the attention of the sanctuary shall be brought to the attention of either the NOAA representative or the council chair so that it might be placed on the agenda as a discussion topic. The NOAA representative and the council chair shall discuss topics for the agenda. The NOAA representative approves a topic to be placed on the agenda.
- c. The council shall provide advice directly to the NOAA representative via a written recommendation or a motion passed by the council and be reflected in the minutes. Draft recommendations and verbal discussions shall be considered by the NOAA representative as additional background information and shall be included in the minutes.

- d. Any advice, correspondence, or information the council wishes to offer or express beyond the NOAA representative shall be voted on and approved by the council prior to sending. Because the council was established specifically to provide advice to the Secretary, and operates through the NOAA representative, the NOAA representative must also approve any advice, correspondence or information that goes outside the sanctuary prior to sending.
- e. The council shall base its advice on a vote of the council with negative votes and abstentions, noted or on consensus reached during discussion with minority opinions noted. A quorum shall be present when the vote is taken or a discussion to reach consensus is conducted.
- f. Any information or advice resulting from discussions in subcommittees or working groups that is requested by the council shall be presented to and considered by the full council and as appropriate incorporated into the council's recommendation to the NOAA representative. If the council does not incorporate information or advice of a subcommittee or working group, it shall inform the NOAA representative and explain in its advice or information the reasons for not incorporating the subcommittee's or working group's advice or information.

3. Conduct of Individual Members

- a. Council members are expected to be familiar with the processes and regulations governing the sanctuary and to keep themselves informed of sanctuary-related events and issues. Expectations include regular meeting attendance and familiarity with the council charter and the ONMS Council Implementation Handbook.
- b. When speaking to the public or writing about any matter regarding the sanctuary in a document for distribution beyond council membership, the NOAA representative, or NOAA staff, a member shall clearly distinguish those recommendations, opinions, or positions officially adopted by the council as a body from those he or she may have as an individual. In no case shall a member represent individual opinions as those of the council, the NOAA representative, NOAA staff, or NOAA.
- c. Any council member that has an interest (financial, personal or business interest) in any matter before the council or a subcommittee or working group shall identify such interest prior to discussion and voting on such matter. No member shall cast a vote on any matter that would provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under federal law. An affected member who may not vote on a matter may participate in council deliberations relating to the decision after notifying the council of the voting recusal and identifying the interest that would be affected. These same guidelines apply to members of working groups who are not members of the council.
- d. All council members are expected to conduct themselves in a civil fashion, showing courtesy and respect to other council members, NOAA staff, and any other individuals present at the meeting.
- e. Any sanctuary advisory council member that has entered into a professional relationship (i.e. contractual, financial, service, business, etc.) with the sanctuary, NOAA, or another council member, shall provide written detail and notice to the

NOAA representative within 30 days of the establishment of that relationship. Written notice of said relationship shall be provided to all council members by the NOAA representative within 30 days of either 1) receipt of such written notice from a council member, or 2) establishment of a professional relationship by a council member with the sanctuary. The establishment of such a professional relationship shall be recorded in the public record of the council at the end of the minutes of the next council meeting following said notice. The NOAA representative, also shall forward the written detail and notice to the Director of the ONMS. The Director of the ONMS shall review and determine if the SAC representative should be disqualified from further service.

4. Conduct of the Council as a Body

- a. Any correspondence or other written documents that are intended to speak for the council as a body shall be coordinated with, and approved by, the chair and the NOAA representative prior to sending.
- b. The following disclaimer shall be placed in all documents and communications originating from the council: "The council is an advisory body to the NOAA representative. The opinions and findings of this publication do not necessarily reflect the position of the Mallows Bay-Potomac River National Marine Sanctuary or the National Oceanic and Atmospheric Administration."

5. Council Letterhead

The council shall, with the assistance and approval of the NOAA representative, design and use its own letterhead. All correspondence from the chair or other members of the council, or the council as a body, shall be on this letterhead. The council shall not use official NOAA or DOC letterhead for any correspondence or other purpose.

6. Subcommittees and Working Groups

- a. Subcommittees: The chair, in consultation with the council as a whole and with the concurrence of the NOAA representative may establish such subcommittees as necessary to fulfill the council's duties. Subcommittees shall be composed solely of members of the council; at the NOAA representative's discretion, alternates may also serve on subcommittees. The subcommittee must be chaired by a voting member of the council. Subcommittees shall be recognized as official subunits of the council. Subcommittees are subject to all requirements of this charter.
- b. Working Groups: The chair, in consultation with the council as a whole and with the concurrence of the NOAA representative, may establish working groups for specific purposes or topics that need focused attention that cannot be accomplished by a subcommittee. Their work will be limited to functional areas and discrete issues relating to individual sanctuaries. Working groups may be composed of members and alternates of the council and persons outside the council. Working groups shall be chaired by a voting member of the council and shall function under the purview of the council. Working groups established by the council to address specific issues

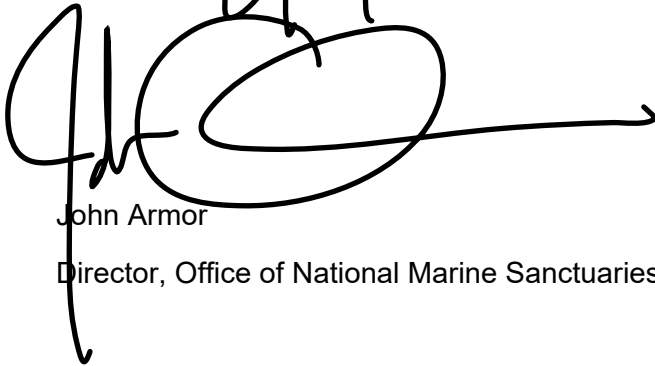
shall disband once the final advice on the particular matter is submitted to the council.

OTHER TERMS OF THIS CHARTER

1. The council shall operate pursuant to the terms of this charter.
2. This charter shall remain in effect for a period of five years from the date of signature.
3. Six months prior to the expiration of this charter, the need for the council will be evaluated by the ONMS, with input from council members, to determine whether to renew the charter.
4. Revisions to the charter may be made as determined necessary by the ONMS with input from the council.

Dated:

5/8/2020

A large, stylized handwritten signature in black ink, consisting of a large loop and a long horizontal stroke.

John Armor

Director, Office of National Marine Sanctuaries

**MALLOWS BAY-POTOMAC RIVER NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL CHARTER**

AMENDMENT #1

The following revisions are made to the charter as signed on May 8, 2020, and hereby amended on date of amendment indicated below:

Members, Alternates, and Officers, Section 4a is revised to read:

4. There is one category of seats for which voting members are appointed. The following procedures shall govern the application, nomination, and appointment of council voting members:

a. Non-governmental Seats (15). A representative and alternate of each of the following activities, which are integrally affected by the management goals of the sanctuary:

- Maritime History and Archaeology
- Cultural Engagement
- Cultural Engagement
- Recreation
- Recreation
- Recreational Fishing
- Commercial Fishing
- Education (K-12)
- Education (Higher)
- Tourism
- Business and Economic Development
- Conservation
- Research, Science, and Technology
- Citizen At-Large
- Communication

All other terms of the charter remain in full force and effect.



John Armor
Director, Office of National Marine Sanctuaries

10/31/2023

Date