

Limit on Consecutive Terms for Non-Governmental Council Members

Purposes and Policies:

Sanctuary advisory councils are community-based advisory groups established under the National Marine Sanctuaries Act to provide advice and recommendations to NOAA's Office of National Marine Sanctuaries.

Non-governmental council members are selected by the ONMS through a public and competitive process, with recommendations from a preliminary review subcommittee of the larger sanctuary advisory council.

During the selection process the sanctuary superintendent always strives to balance institutional memory and experience on the council with infusions of fresh perspectives and ideas. The intent is to always have a diversity of individuals on the council to engage fully in the discussions.

The ONMS will limit the number of consecutive terms any non-governmental council member can serve on a council to ensure councils have the benefit of new ideas and diverse perspectives in a manner that ensures the continued effective operation of the council consistent with the original intent and purpose of councils.

Opportunities abound for community engagement in national marine sanctuaries above and beyond membership on a sanctuary advisory council. ONMS encourages all members of the public to attend and provide comment during council meetings. Council working groups and sanctuary volunteer programs are also excellent forums to engage interested members of the public.

Definitions (Note: This section will be included in the front of the Council Handbook):

1. **Seat:** The slot on the council that is set aside for a certain agency, tribe, user or stakeholder group. Seats are defined in the charter for each council. Examples include: Conservation Seat, Recreational Fishing Seat, City of Alpena Seat, United States Coast Guard Seat, and the Quileute Tribe Seat.
2. **Council member:** The individual that is selected or appointed to fill a particular seat on a council. When the handbook mentions "council members" it refers to the primary members of the council. Alternates are always referred to explicitly.
3. **Alternate:** The individual who is selected or appointed to fill a particular seat in the absence of the council member. Government agencies may appoint alternates for their primary representatives. At his or her discretion, a sanctuary superintendent may also allow non-governmental seats to have alternates. Non-governmental alternates are chosen by ONMS through the same competitive process as primary council members. When representing a seat in the absence of the primary member, the alternate for the seat holds the same privileges as the council member. See Part II, B3 Use of Alternates section in Handbook for more details.
4. **Governmental members:** Council members appointed by a government agency are not

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subject to the competitive application process. Governmental members serve as long as their agencies include participation on the council as part of their duties. This includes local, state, and federal government agencies, as well as territorial and tribal governments. Governmental members may be primary or alternate, and voting or non-voting, pursuant to the council charter.

5. Non-governmental members: All council members excluding governmental members. Non-governmental members are subject to term limits and are selected for seats as part of an advertised, competitive process. This includes fishers, divers, citizens-at-large, business people, teachers, protected area managers, scientists, and others. Non-governmental members may be primary or alternate. With the exception of the youth seat, all non-governmental seats are voting.
6. Term: The length of time an individual is allowed to serve in a seat on the council after selection. Non-governmental members serve terms that are either two or three years, pursuant to the language in each council charter, and may compete for reappointment. This does not apply to governmental members.
7. Position: This refers very specifically to the council, the seat and primary or alternate status. For example: Thunder Bay NMS Advisory Council, Higher Education Seat, Alternate position.

Policy:

It is the policy of the ONMS that non-governmental council members will not be selected to serve more than three consecutive terms on a sanctuary advisory council subject to the following provisions:

- Terms may be either 2-year or 3-year, pursuant to the applicable council charter.
- This policy is not retroactive. The policy will be written into council charters as they expire and are reviewed and revised. Upon approval of a revised council charter, each current council member will be considered to be serving in his/her first term for purposes of computing term limits.
- The policy only applies to seats that go through the advertised, competitive process. As such this policy does not apply to appointed governmental seats.
- The policy applies to the seat (e.g. Olympic Coast NMS Advisory Council conservation seat or Monterey Bay NMS Advisory Council research seat) and not the position. For example, this would allow an individual to serve one term as the diving alternate and two terms as the diving primary member, for a total of three terms. If qualified, the same individual may also apply for another seat on the council (e.g. citizen-at-large) once they are term-limited on the research seat.

In implementing this policy, ONMS will consider the following:

- It is the responsibility of each sanctuary superintendent to track council member term length and the number of terms served, implement this policy, and post current information to this effect on the sanctuary's website.

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- Sanctuary superintendents should advise all council members and alternates of this policy and the intent before every recruitment takes place. Term-limited individuals should be notified and reminded individually as well and should be asked NOT to submit an application for the term-limited seat but encouraged to participate in other ways as noted in the “purposes and policies” section above.
- The impact of the policy on council leadership needs to be considered by sanctuary superintendents and council members before establishing leadership positions.
- In the event a council member becomes seriously ill or suffers a serious injury that precludes regular meeting attendance or requires an extended absence, the sanctuary superintendent may opt not to count this period of time against the council member’s term limit.

Waivers:

The ONMS Director may waive the limit on the number of consecutive terms for non-governmental council members in the following three circumstances. The waivers and the process as it relates to the council member recruitment and selection process are described below. A waiver is permissible in the following circumstances if:

Waiver #1: It is determined that continuity of membership is deemed critical by the superintendent (e.g. at a critical juncture in the management plan review or designation process). The request for this waiver should be made at least two months prior to the expiration of the subject seat/s.

- **Process:** This waiver applies to the entire council, not a specific seat. A superintendent will be aware of this situation well in advance of recruitment and should send a memo to the ONMS Director requesting the waiver for a certain length of time and providing a justification as to the need. The signed memo should be posted on the website.

Waiver #2: It would be deemed culturally inappropriate (e.g. Village Chiefs in American Samoa) to impose the policy.

- **Process:** A superintendent will be aware of this exceedingly rare situation well in advance of recruitment and should send a memo to the ONMS Director requesting the waiver and providing justification as to the need. The signed memo should be posted on the website. The superintendent should then simply invite the term-limited individual to apply as usual. The signed memo should accompany the application through the entire process from the preliminary review subcommittee to the regional director and ONMS HQ. See Part II, C Selection of Council Members section in the Handbook for a full description of the recruitment and selection process.

Waiver #3: It is a seat that is historically challenging to fill due to the remote location of the sanctuary and distance from population centers, or a limited applicant pool for a particular seat has been shown to limit the number of available candidates to fill a vacancy in a timely and efficient manner and may disrupt or prevent a council from fulfilling its responsibilities.

Process: The term-limited individual should be advised of the situation and advised not to apply during the first round of recruitment. If after adequate advertising there are no qualified applicants in the first round of recruitment, the superintendent will send a memo to the ONMS

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Director requesting the waiver and providing justification as to the need. The signed memo should be posted to the website. The term-limited individual will then be allowed to submit an application during the second round of recruitment (re-advertising). The application will then be reviewed by the preliminary review panel on an equal footing with any other applications submitted during the second round; the signed memo should accompany the application through the entire process from the preliminary review subcommittee to the regional director and ONMS HQ. See Part II, C Selection of Council Members section in the Handbook for a full description of the recruitment and selection process.