

R657. Natural Resources, Wildlife Resources.

R657-39. Wildlife Board and Regional Advisory Councils.

R657-39-1. Purpose and Authority.

This rule is established under the authority of Sections 23-14-2, 23-14-2.6(7), 23-14-3, and 23-14-19 to provide the standards and procedures for the operation of the Wildlife Board and regional advisory councils.

R657-39-2. Definitions.

(11) Terms used in this rule are defined in Section 23-13-2.

(22) In addition:

(a) "Anchor location" means the physical location from which:

(i) an electronic meeting originates; or

(ii) the participants are connected.

(b) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.

R657-39-3. Regional Advisory Council Memberships -- Terms of Office.

(1)(a) There are created five regional advisory councils which shall consist of at least 12 members and not more than 15 members each from the wildlife region whose boundaries are established for administrative purposes by the division.

(b) Regional advisory councils shall be established as follows:

(i) two members who represent agriculture;

(ii) two members who represent sportsman;

(iii) two members who represent nonconsumptive wildlife;

(iv) one member who represents locally elected public officials;

(v) one member who represents the U.S. Forest Service;

(vi) one member who represents the Bureau of Land Management;

(vii) one member who represents Native Americans where appropriate; and

(viii) two members of the public at large who represent the interests of the region.

(c) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall appoint additional members to the councils, up to a total of 15 per region, if deemed necessary to provide adequate representation of local interests and needs.

(d) Members of the councils shall serve a term of four years, except members may be appointed for a term of two years to ensure that the terms of office are staggered.

(e) Members may serve no more than two terms, except:

(i) members representing Native Americans may serve unlimited terms;

(ii) members filling a vacancy under Subsection (3) for two years or less will not be credited with having served a term; and

(iii) members who have served two terms may be eligible to serve an additional two terms after four years absence from regional advisory council membership.

(f) Members' terms expire on July 1 of the final year in the appointed term.

(2) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, may remove

members of the councils from office for cause, but may not do so without a public hearing if requested by the member.

(3) If a vacancy occurs, the executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall appoint a replacement to serve the remainder of the term from a list of nominees submitted by the respective interest group, agency, or the public at large.

(4)(a) Each council shall appoint:

(i) a chair to conduct meetings and present council recommendations to the Wildlife Board; and

(ii) a vice chair to conduct meetings in the absence of the chair.

(b) The chair and vice chair shall serve for a two year term of office, the regional advisory council may re-appoint the chair and vice chair to serve a second two year term.

(i) neither the chair nor the vice chair may serve more than two terms.

(5) Regional supervisors of the division shall serve as executive secretary to the councils and shall provide administrative support.

(6) Each new member shall attend an orientation course provided by the division to assist them in the performance of the duties of the their office.

(7) Any member who fails to attend two consecutive, previously scheduled meetings without contacting the chair shall be considered to have resigned and shall be replaced as provided in this section.

R657-39-4. Regional Advisory Council Meetings.

(1) Meeting dates and times may be proposed by the Division of Wildlife Resources, but shall be determined by the chair upon at least ten days notice or upon shorter notice in emergency situations.

(2) Meeting locations may be proposed by the Division of Wildlife Resources, but shall be determined by the chair and must be held within the council's regional boundary.

(3) Meetings should be conducted in accordance with Robert's Rules of Order.

(4)(a) Each council shall provide not less than 24 hours' public notice of the agenda, date, time, and place of each of its meetings.

(b) Public notice is satisfied by:

(i) posting written notice at the regional division office; and

(ii) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the council, or to a local media correspondent.

(c) When because of unforeseen circumstances it is necessary for a council to consider matters of an emergency or urgent nature, the notice requirements in this section may be disregarded and the best notice practicable given. No such meeting shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting.

(5) No formal decisions or recommendations may be made at any meeting unless there is a quorum present consisting of a simple majority of the membership of the council.

(6) Written minutes shall be kept of all council meetings pursuant to Section 524-7. Such minutes shall include:

- (a) the date, time and place of the meeting;
 - (b) the names of members present and absent;
 - (c) the substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
 - (d) the names of all citizens who appeared and the substance in brief of their testimony;
 - (e) any other information that any member requests be entered into the minutes.
- (7)(a) All council meetings shall be open to the public except that a council may hold a closed meeting as authorized in Utah Code Sections 52-4-4 and 52-4-5.
- (b) A record of all closed meetings shall be kept and maintained consistent with Utah Code Section 52-4-7.5.

R657-39-5. Regional Advisory Council Recommendations.

- (1) Each council shall:
- (a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;
 - (b) gather information from staff, the public, and government agencies; and
 - (c) make recommendations to the Wildlife Board in an advisory capacity.
- (2) The chair of each council or his or her designee shall submit a written recommendation to the Wildlife Board and present its recommendations orally to the Wildlife Board during an open public meeting.
- (3) Councils may not make formal recommendations to the Wildlife Board concerning the internal policies and procedures of the division, personnel matters, or expenditure of the division's budget.

R657-39-6. Wildlife Board Electronic Meetings.

- (1) Utah Code Section 52-4-207 authorizes a public body to convene or conduct an electronic meeting provided written procedures are established for such meetings. This rule establishes procedures for conducting Wildlife Board meetings by electronic means.
- (2) The following provisions govern any meeting at which one or more Wildlife Board members appear telephonically or electronically pursuant to Section 52-4-207:
- (a) If one or more board members participate in a public meeting electronically or telephonically, public notices of the meeting shall specify:
 - (i) the board members participating in the meeting electronically and how they will be connected to the meeting;
 - (ii) the anchor location where interested persons and the public may attend, monitor, and participate in the open portions of the meeting;
 - (iii) the meeting agenda; and
 - (iv) the date and time of the meeting.
 - (b) Written or electronic notice of the meeting and the agenda shall be posted or provided no less than 24 hours prior to the meeting:
 - (i) at the anchor location;
 - (ii) on the Utah Public Notice Website; and
 - (iii) to at least one newspaper of general circulation within the state or to a local

media correspondent. These notices shall be provided at least 24 hours before the meetings.

(c) Notice of the possibility of an electronic meeting shall be given to board members at least 24 hours before the meeting. In addition, the notice shall describe how a board member may participate in the meeting electronically or telephonically.

(d) When notice is given of the possibility of a board member appearing electronically or telephonically, any board member may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the board.

(i) At the commencement of the meeting, or at such time as any board member initially appears electronically or telephonically, the chair should identify for the record all those who are appearing telephonically or electronically.

(ii) Votes by members of the board who are not at the physical location of the meeting shall be confirmed by the chair.

(e) The anchor location, unless otherwise designated in the notice, shall be at the offices of the Utah Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah.

(i) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected.

(ii) The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

R657-39-7. Wildlife Board Emergency Meetings.

(1) There are times when, due to the necessity of considering matters of an emergency or urgent nature, the public notice provisions of Sections 52-4-202(1) cannot be met. Pursuant to Section 52-4-202(5), the notice requirements in Section 52-4-202(1) may be disregarded when unforeseen circumstances require the wildlife board to meet and consider matters of an emergency or urgent nature.

(2) The following procedure shall govern any emergency meeting:

(a) No emergency meeting shall be held unless an attempt has been made to notify all of the members of the board of the proposed meeting and a majority of the convened members vote in the affirmative to hold such an emergency meeting.

(b) Public notice of the emergency meeting shall be provided as soon as practicable and shall include at a minimum the following:

(i) Posting of the date, time, and place of the meeting and the topics to be considered:

(A) at the offices of the division;

(B) on the division's web page; and

(C) at the location where the emergency meeting will be held.

(ii) If members of the board appear electronically or telephonically, notice shall comply with the requirements of R657-39-6(2) to the extent practicable.

(c) In convening the meeting and voting in the affirmative to hold such an emergency meeting, the board shall affirmatively state and find what unforeseen circumstances have rendered it necessary for the board to hold an emergency meeting to consider matters of an emergency or urgent nature such that the ordinary public notice of meetings provisions of Utah Code Section 52-4-202 could not be followed.

KEY: terms of office, public meetings, regional advisory councils

Date of Enactment or last Substantive Amendment: November 10, 2008
Notice of Continuation: January 9, 2006
Authorizing, and Implemented or Interpreted Law: 23-14-2.6(7);
23-14-19

Proposal