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EXXON VALDEZ OIL SPILL SETTLEMENT

TRUSTEE COUNCIL

OPERATING PROCEDURES

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

1. BASIC GOVERNING PROCEDURES:

The current edition of Roberts Rules of Order Revised will be used as the basic governing procedures of the Council. All provisions of these rules of order will apply to Council deliberations except when they are amended by unanimous agreement of the Council.

2. MEMBERSHIP:

The Council will consist of one member to be designated from each of the following agencies: the United States Departments of Interior, Agriculture and Commerce (National Oceanic and Atmospheric Administration) and the Alaska Departments of Fish and Game, Environmental Conservation, and Law. It is the intent of these procedures that the member designated by each agency shall sit at Council meetings. Each agency shall designate an alternate member to sit at Council meetings and exercise voting privileges on behalf of the agency's Council member in the event a vacancy in the position designated as Council member, illness, or other reason precludes a member from attending. Such designation shall be made in writing delivered to the Co-chairs.

3. QUORUM:

A quorum of two-thirds (2/3) of the total Council membership, i.e. four Council members, including two state members and two federal members, shall be required to convene a meeting and conduct business. Provided, that all decisions as described in section 5, shall be made by the unanimous agreement of the Trustee Council members, or their properly designated alternates, who have not abstained.

4. PRESIDING OFFICER:

The presiding officer of Council meetings shall alternate between two Co-chairs, one selected by the federal Council members and one selected by the state Council members. The Co-chairs, including the Co-chair presiding at a meeting, may participate in discussion and debate at Council meetings and shall vote on all questions coming before the Council.

5. ACTION/RULES OF VOTING:

All matters coming before the Council which require a vote of the Council to take an action, make a recommendation, approve or disapprove an item or otherwise render a decision shall require the unanimous approval of all of the Council members or their properly designated alternates who have not abstained pursuant to this paragraph. Council action shall be taken at a duly convened meeting, except as provided in Paragraph 11.

Abstaining from voting shall not be permitted by any Council member unless there is an affirmative vote of all members of the Council and either of the following conditions exists: (a) there is an apparent, or declared, conflict of financial interest on the part of a Council member or (b) voting by the member would constitute a violation of applicable federal or state law. In the event a Council member believes he or she must abstain from participating in a Council decision, the Council member may request that the decision be deferred until that member has an opportunity to designate an alternate who is eligible to vote.

6. MEETINGS:

Meetings of the Council shall be held at times and locations determined by the Council.

The Council Co-chair who will chair the next meeting shall prepare a proposed agenda and circulate it to the Council at least three weeks prior to the meeting. The final agenda for the meeting will be determined at the meeting by the Council. The agenda for each meeting will include a reasonable opportunity for public comment.

Notice of each meeting and the proposed agenda shall be given to the public prior to the meeting by publication of a notice and the proposed agenda in one or more newspapers of general circulation in at least the following cities: Anchorage, Chenega, Cordova, Fairbanks, Homer, Juneau, Kenai, Kodiak, Seward, Tatitlek, Valdez

and Whittier and by distribution of the notice and proposed agenda to one or more radio stations in each of these cities.

Meetings of the Council shall be open to the public, except for matters considered in executive session. Teleconferencing will be used to the extent feasible to allow public participation in the cities listed above.

7. EXECUTIVE SESSIONS:

Executive sessions shall be kept to a minimum and shall be used only for discussion of matters concerning confidential personnel issues, litigation or legal advice, confidential archaeological information, confidential fisheries information or such other matters included under AS 44.62.310(c) or other applicable laws.

8. COUNCIL MINUTES:

Council minutes shall be maintained by the Co-chairs, at the direction of the Co-chair who chairs a particular meeting. All meetings of the Council shall be recorded electronically or by court reporter, and said recordings shall, along with the written, approved minutes, constitute the official record of the Council's actions.

9. MAILING LIST AND PUBLIC NOTIFICATION:

The Council shall maintain a basic mailing list including each member of the Council, each Council staff member and each member of the Public Advisory Group. In addition, the Co-chairs shall

develop a listing of other interested government agency officials, Native organizations, private and public interest groups, and individuals. This general mailing list shall be organized and used to facilitate participation in Council decisions and recommendations by those parties who are directly affected by Council decisions and actions.

10. WORK ASSIGNMENTS:

The Co-chairs, with the unanimous consent of the Council, shall determine appropriate means of accomplishing the work of the Council and shall employ its resources accordingly.

11. INTERIM EMERGENCY ACTION:

In the event of an emergency requiring Council action before a meeting can be held in accordance with the procedures described herein, the Co-chairs may poll the Council and take action by unanimous agreement. This shall be done jointly by the Co-chairs and may be accomplished by teleconference or other method of contacting each member.

12. JOINT TRUST FUND PROCEDURES:

A joint trust fund shall be established and administered by the Council. All settlement monies designated for the joint trust fund shall be deposited in the Court Registry Investment System (CRIS) and otherwise handled in compliance with applicable court orders.

13. RESOURCE RESTORATION COORDINATION GROUP:

There is established a Resource Restoration Coordination Group (RRCG). Each Council member shall designate one member of the RRCG. The duties of the group shall include:

- a. Restoration planning, including plan development and evaluation;
- b. Facilitation of public participation in planning and plan implementation;
- c. Oversight of scientific needs and scientific content of restoration, including peer review as needed;
- d. Through agency counsel, identification of legal requirements for project completion;
- e. Implementation, oversight, evaluation and monitoring of restoration activities;
- f. Oversight of Oil Spill Information Center (OSPIC), including, if appropriate, the transfer to an alternate facility;
- g. Maintenance of necessary administrative records;
- h. Budgetary assistance to the Council, including tracking internal and project costs and expenditures;
- i. Interaction and coordination with pertinent state and federal financial teams and agencies regarding fiscal matters; and
- j. Such other duties as are assigned by the Council.

The Council shall appoint an administrative director of the RRCG. The duties of the administrative director of the RRCG shall include:

- a. Coordination of budgetary and contractual matters with financial teams and the Council;
- b. Acting as liaison with the Council and the Public Advisory Committee;
- c. Supervision of administrative staff;
- d. Participation on the RRCG as non-voting chair;
- e. Interaction with the public and public officials; and
- f. Such other duties as are assigned by the Council.

14. AMENDMENT OF PROCEDURES:

These operating procedures may be modified by unanimous agreement of the Council at any time.