

**Resolution 2005-02**  
**Exxon Valdez Oil Spill Trustee Council**  
**Public Advisory Committee**  
**January 27, 2005**

**A Resolution on Open Meeting Deliberations**

**Whereas;** the chartering documents of the *Exxon Valdez* Oil Spill (EVOS) Trustee Council require public participation in all phases of the administration of the Restoration Fund, and

**Whereas;** the Memorandum of Agreement and Consent Decree establishing the federal and state co-trustees of the fund provides that *"the trustees shall agree to an organizational structure for decision making under this MOA and shall establish procedures providing for meaningful public participation in the injury assessment and restoration process;"* and

**Whereas;** the Restoration Plan echoes this requirement by declaring that, *"restoration must include meaningful public participation at all levels-planning, project design, implementation and review;"* and

**Whereas;** the Secretary of the Interior of the United States has appointed Alaska Citizens from spill impacted areas to the EVOS Trustee Council's Public Advisory Committee (PAC), which was created to provide a mechanism for meaningful public participation in the restoration planning, project design, implementation and review; and

**Whereas;** consistent with these mandates, the General Operating Procedures of the EVOS Trustee Council require the council to review work plan proposals in the following manner:

*"After expiration of the period for public review and comment, the Trustee Council, in open session and with additional opportunity for public comment, shall review the Executive Director's recommendations on which proposals should be funded;"* and

**Whereas:** during its brief deliberations on work plan proposals, and after a "closed door" executive session discussion at its August 23, 2004 meeting, the council failed to review recommendations regarding the 2005-07 Work Plan in open session and with additional opportunity for public comment, and

**Whereas;** State and federal law are clear that agency decisions are void for violating agency procedures

**Now therefore be it resolved:**

That the Public Advisory Committee to the EVOS Trustee Council finds that,

- 1 On August 23, 2004 the Trustees appeared to have violated the General Operating Procedures of the EVOS Trustee Council
2. That apparent failure to comply with the General Operating Procedures severely damaged the trust relationship between the Trustees, the Public Advisory Committee, and the people of the spill impacted areas.
- 3 That according to State and federal law, this violation appears to void actions taken at the meeting.

**And be it further resolved:** That the Public Advisory Committee requests that the EVOS Trustee Council reconsider all submitted proposals following the public process mandated in their charter, and adopt a new 2005-2007 Work Plan in a manner consistent with the General Operation Procedures of the EVOS Trustee Council;

**And be it further resolved:** That the Public Advisory Committee requests that the EVOS Trustee Council conduct review and deliberations on future work plans in open session with ample opportunity for public, Scientific/Technical Advisory Committee, and Public Advisory Committee comment.

This resolution was presented at a regularly scheduled meeting of the EVOS Trustee Council Public Advisory Committee with a quorum established, and was,

Approved and Adopted this 27<sup>th</sup> day of January, 2005.

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Dr John Gerster, Chairperson  
Public Advisory Committee  
EVOS Trustee Council

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Date