

COMMISSION ON MARINE RESOURCES

WORK SESSION

wednesday, October 24, 2018
2:00 p.m.
MDMR 6th Executive Conference Room for Training
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Richard Gollott

Natalie Guess

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

1 COMMISSIONER BOSARGE: I'll call the meeting to
2 order.

3 Does the agenda look okay to everybody?

4 COMMISSIONER GOLLOTT: Yes.

5 COMMISSIONER BOSARGE: Do we have a motion to
6 approve the agenda?

7 COMMISSIONER HAVARD: I make a motion we approve
8 the agenda.

9 COMMISSIONER BOSARGE: Do we have a second for
10 that motion?

11 COMMISSIONER DANIELS: Second.

12 COMMISSIONER BOSARGE: A motion and a second.

13 All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Motion carries.

16 JOE SPRAGGINS: Are we taping this?

17 BRIAN SHERWOOD: Yes, sir.

18 COMMISSIONER BOSARGE: Next is the Executive
19 Director's report.

20 JOE SPRAGGINS: Yes, sir. Just a quick -- one
21 of the things that was brought up at the end of the
22 meeting last week was talking about having peer
23 committees.

24 I went back and I got Sandy and I said, let's
25 look at this and let's look at what we have and see where

1 we are.

2 There was the program put together in 2013, and
3 it was put together, and I think that Joe Luntrell
4 (phonetic) was one of the ones that helped put this in for
5 Dr. Asper.

6 The thing that happened there -- we looked at it
7 and the question was is it in the minutes and it was. It
8 was in the minutes and we talked about it.

9 Then, the next question was did they adopt it to
10 the handbook and, no, it was not.

11 I just gave you a copy of that so you can read
12 it if you want to, but, basically, it talks about it.

13 They had the three committees that they talked
14 about and they did appoint people to the three committees,
15 as you said.

16 I don't know that, but I wasn't here then, but
17 the point was it had to come back by April with the
18 report.

19 Sandy looked through the -- we went through the
20 March and April minutes and it was not in there, so it
21 basically died at that point.

22 what I would suggest, if you don't mind, is that
23 we maybe have a work session, at some time in the very
24 near future, to be able to sit down and take these
25 committees, if you would like to do that, still do it, and

1 look at the committees, and, then, go back and look at
2 what the committees really would want to do now because a
3 lot of things have changed, since that meeting in February
4 of 2013.

5 Number one, we didn't have an outside audit.
6 That was not going on.

7 There were several other things in the state
8 that weren't happening.

9 As a matter of fact, I gave you copies. I just
10 got them for you. Y'all may already have them, but I got
11 them for you, if you didn't.

12 It talks about the agency assessment that was
13 done in 2013, in June of 2013. This was an agency
14 assessment and it talks about some of the things that we
15 talked about, and it talks about some of the things that
16 they wrote us up about using certain things and having
17 reports and other things.

18 A lot of those things have already been done.

19 COMMISSIONER BOSARGE: They talk about a lot of
20 oversight.

21 JOE SPRAGGINS: That's right. They sure do.

22 what I would like -- rather than try to take up
23 the whole time here, I would like to maybe, if y'all would
24 entertain doing this, is have a special session where
25 there is a workshop to put it together, and, then, just

1 sit down and put it together and talk about it, of how you
2 want to look at this.

3 I'm all for oversight. I have no issue at all
4 with doing any of this. I'm all for the oversight. As a
5 matter of fact, I wouldn't even mind having more
6 oversight.

7 COMMISSIONER BOSARGE: I honestly don't want to
8 do it, but I know we need to do it because Richard and me
9 both, like I said, I've told you before. I can remember.
10 As a matter of fact, it was in this room, but it wasn't
11 quite -- it's different -- when that man pointed his
12 finger at me and said, "why didn't y'all stop this?", and
13 he was serious.

14 JOE SPRAGGINS: I understand, and I'm a
15 Commissioner at the airport and I understand that. We
16 have oversight. We have oversight on certain things.

17 One of the things Sandy and I were talking about
18 and we can get into it in more detail in that workshop, if
19 you want to, but rather than say that they have got to
20 approve every contract, or anything, maybe we just list
21 every contract and show you what it was every month there
22 were any contracts and how much money it was and who it
23 went to and what the process was. Things like that so you
24 see the contracts.

25 COMMISSIONER BOSARGE: I don't think anybody

1 here wants to get involved in contracts. We just want to
2 make sure they are done the way they should be.

3 JOE SPRAGGINS: That is perfectly fine with me.
4 The dollar figure, you may say I don't want to
5 fool with ten thousand. Maybe you want another number,
6 but what it is, now, up to five thousand dollars, it
7 basically just requires that you get somebody to give you
8 a quote.

9 Now, over five thousand to fifty thousand, if
10 it's a commodity, it requires you to get two quotes.

11 If it's a service, it's up to seventy-five
12 thousand.

13 Then, anything over those two figures, if it
14 goes over fifty as a commodity and over seventy-five as a
15 service, it has to go to Jackson to a board, and Jackson
16 has to approve it through the board, and it has to go
17 through a process there, just like we do a lot of
18 different things.

19 That went in place in 2013. So there are a lot
20 of things that weren't in place in 2013, when y'all sat
21 down and looked at this and said, we really need this. It
22 is still needed, but there is a lot of it already being
23 done.

24 I know you don't want to be redundant on it, but
25 you want to have -- you need to have -- as a Commissioner,

1 you need to, in my mind, be brought in on a day-to-day
2 basis of what is going on.

3 Mr. Gollott got onto me because I didn't call
4 him and he is right.

5 COMMISSIONER GOLLOTT: Just text, if you don't
6 want to call.

7 JOE SPRAGGINS: Text, or something, about the
8 ten million dollars, I should have done that. We didn't
9 do that, Crystal. We will get better at that and we will
10 put that out.

11 You ought to be involved. You ought to be
12 involved every day.

13 COMMISSIONER GOLLOTT: We should be able to give
14 them an answer, if they ask why this happened.

15 JOE SPRAGGINS: I agree one hundred percent.

16 We should be able to get that information, any
17 type information that you want, and there ought to be an
18 access to where you can get it in just a matter of
19 seconds. It shouldn't take forever to get it anyway, if
20 you ever need access to something.

21 Now, if we've got to run a report, that's a
22 different story. It is going to take us more than a few
23 minutes to do that, but we will do most of the things, but
24 I think you need that access.

25 I think that the oversight, when we talk

1 oversight, I personally have no issue with any of it.

2 I have looked at this and I have looked at this.
3 I have looked at these things and went back and looked at
4 them (indicating documents).

5 I have no issues with any of it, and I think it
6 is all good to do.

7 COMMISSIONER BOSARGE: I don't want to be into
8 the day-to-day operations of this agency. Just make sure
9 that the big things are being done correctly.

10 These others are good in that they tell us where
11 we are and they tell us what the problems are so we get
12 some idea of what we need.

13 JOE SPRAGGINS: Well, we get more than just that
14 audit. We get audited by the Feds on a regular basis.
15 Especially since that happened in 2011-2012, we have
16 gotten quite a few audits from the Federal Government
17 because just about every time there is an audit coming
18 around, they pick DMR to do one.

19 COMMISSIONER BOSARGE: In my opinion, that is
20 something that we need to know because we know where to
21 look.

22 JOE SPRAGGINS: Right, and we probably need to
23 send you copies of it, once we get it.

24 COMMISSIONER BOSARGE: Well, I don't know if you
25 could actually do that.

1 You know what I'm saying?
2 We just need to be made aware of what is going
3 on.

4 JOE SPRAGGINS: I don't have a problem with you
5 having a copy of the audit.

6 COMMISSIONER BOSARGE: I don't know if that's --

7 COMMISSIONER GOLLOTT: (Interposing) You could
8 make it available to them, if they wanted it.

9 SANDY CHESNUT: Right. It's public record.

10 JOE SPRAGGINS: It's public record. It's out
11 there on the public drive. I would think that you could
12 get it, and it's not an issue to have that.

13 I'm just going by, you know, once again, a lot
14 of different places are run different ways, but most of
15 them will have the same sense of it in Commissions.

16 If you want a copy of anything that we do, there
17 is no reason you should not be able to have it. I don't
18 know of a reason because you are a Commissioner.

19 It's not like the public. They can get it.

20 So why couldn't you get it?

21 The only thing, I guess, I can't give you is
22 that actual trip ticket and I can't do that. I have
23 learned that more than one way. I cannot give you that
24 trip ticket, right now.

25 Now, I can give you a redacted trip ticket, but

1 I can't give you that trip ticket.

2 Other than that, I think you ought to be able to
3 do it.

4 would that work?

5 would y'all like to have a workshop on this?

6 COMMISSIONER BOSARGE: I would.

7 JOE SPRAGGINS: That way you can sit back, and
8 you may even have a different way you want to say it. It
9 may not even be those three committees. It may be three
10 entirely different, or four different, committees, or
11 something else.

12 It may be that y'all want to put together
13 something entirely different which is fine with me.

14 COMMISSIONER BOSARGE: I just don't want to get
15 -- we just don't need to get to where -- we all have jobs
16 and things we have to do.

17 I personally want to see some oversight, but we
18 can't quit what we are doing out there to do this.

19 JOE SPRAGGINS: But we can do some things,
20 though.

21 Just say that two of you were doing anything to
22 do with a contract, or anything. When we do a contract,
23 there is no reason we couldn't send those two
24 Commissioners a copy of what we are doing and tell them
25 this is what we are doing because we send it everywhere

1 else.

2 why couldn't we do that?

3 It would just take a matter of clicking a button
4 is all it does, and, then, they would have that access and
5 there is the oversight right there. You can look at it,
6 and, then, at the end of the month, when we have a
7 Commission meeting, we can come back and say, we did these
8 contracts, A, B, C, D, E, F, whatever, and this is what
9 the amount was and this is what it was for.

10 I don't see a reason why we couldn't do that and
11 that way, you know what is going on a hundred percent.

12 If we buy new vessels, or new equipment, we
13 ought to tell you so you know about it, and it shouldn't
14 be a problem with that.

15 If we hire new people, we ought to let you know
16 who is being hired.

17 Of course, I mean, we can do quite a bit, but we
18 can, at least, put it on the thing.

19 COMMISSIONER GOLLOTT: Sometimes it keeps you
20 out of trouble.

21 JOE SPRAGGINS: It doesn't keep me out of
22 trouble. I'm going to try to stay out every way I can.

23 The point I'm getting at is if we put the names
24 out there of the personnel that are being hired this
25 month, or whatever, then, you will know and what job they

1 are in. It tells you, also, the turnover that we have.

2 That is something else that gives you, as a
3 Commissioner, an insight of what is going on. It tells
4 you we have problems with turnover, and I can tell you the
5 problems with turnover, ninety percent of it is because of
6 money. We don't have enough money to pay them.

7 COMMISSIONER BOSARGE: That is always a problem.

8 JOE SPRAGGINS: I mean, you can't blame a
9 scientist that comes in and has a Master's degree, and pay
10 thirty-five thousand dollars and they get a job paying
11 seventy.

12 what would you do?

13 There is not much I can do about that.

14 If that is okay, I will sit down and maybe after
15 the holidays, after Thanksgiving, we could do it because
16 we've got a meeting right after Thanksgiving, but maybe
17 sometime the first of December, we can sit down and have
18 just a workshop to go over this, and, in the meantime, if
19 y'all have got any issues on it, something that you would
20 like us to bring to the workshop, or something, let us
21 know and we will get that, and we will try to put together
22 some stuff, if that's all right.

23 COMMISSIONER BOSARGE: BKD, are they doing the
24 audit this year?

25 JOE SPRAGGINS: They are right now. Matter of

1 fact, I asked about it and it will probably be here about
2 that time, sometime in December. We could have the fresh
3 audit, and you can look at it.

4 COMMISSIONER GOLLOTT: This audit goes to the
5 legislature, doesn't it?

6 JOE SPRAGGINS: It does.

7 COMMISSIONER GOLLOTT: They approve it every
8 year?

9 JOE SPRAGGINS: No, sir. They don't have to
10 approve the audit. We give them insight to it as to what
11 goes on, but that is basically it. They don't have to
12 approve the audit itself, but they do get to see the
13 audit, if they have the capability to do it, and everyone
14 should, but it was ordered by them to be done.

15 COMMISSIONER GOLLOTT: I was trying to think
16 back. I thought we were the ones that volunteered to have
17 this audit done.

18 JOE SPRAGGINS: I think they put it in the
19 legislation.

20 COMMISSIONER GOLLOTT: And, then, they put it in
21 afterwards.

22 JOE SPRAGGINS: That's what I said. Y'all may
23 have. I'm not trying to say you didn't do that.

24 COMMISSIONER GOLLOTT: I'm guessing. I mean,
25 I'm trying to remember and it's been a long time.

1 JOE SPRAGGINS: But they put it in legislation
2 in like --

3 SANDY CHESNUT: (Interposing) It was part of
4 the reorganization.

5 JOE SPRAGGINS: Yes. It was that we would have
6 an audit every year, an outside independent audit.

7 Now, we also get an audit every year which I
8 think you already knew on our equipment, and anything that
9 we have, accountable items, they are audited every year by
10 the state. We just had that one in April, and it came
11 back and we had zero items that were missing, or not
12 accountable for, and we have always had that.

13 We have had some that we had to go back and find
14 that they couldn't find when they came through, but we
15 were able to find them.

16 COMMISSIONER GOLLOTT: Let me say this. I think
17 anything we can stay out of -- and I liked Dr. Walker. He
18 was a friend of mine and he did a lot of good and he made
19 a couple of mistakes, but that's the way it was, but the
20 threat that we were under is they were trying to disband
21 this outfit and put it under wildlife and Fisheries.

22 I think if we have a scandal like that again, it
23 will be disbanded and they will put this whole outfit
24 under wildlife and Fisheries, or another agency, to get
25 rid of us on the Coast because we have some legislators

1 down here that want to move it back to Jackson.

2 JOE SPRAGGINS: And, once again, I have lived
3 under audits and under oversight all my life so it does
4 not bother me one bit.

5 I would rather have more eyes on it. The more
6 eyes I've got on it the better chance I've got of making
7 sure there is not anything wrong, and I don't have a
8 problem with any of that.

9 Anything I do, travel, or anything that I do,
10 you are more than welcome to everything that I do. You
11 can see a copy of it because I don't want anybody to think
12 that anything is going on.

13 I definitely don't want to go to jail, and I
14 know y'all don't want to either.

15 COMMISSIONER BOSARGE: No, sir.

16 JOE SPRAGGINS: If that is all right with you,
17 we will do that.

18 That's all I have on that and I will just set it
19 up.

20 Sandy -- there is one other thing, too -- she
21 went back and there is some rule about we can't have two
22 together.

23 SANDY CHESNUT: well, we are going to go over
24 that at the meeting in Jackson.

25 JOE SPRAGGINS: That may be an issue, when we go

1 to doing these committees.

2 SANDY CHESNUT: Right.

3 COMMISSIONER GOLLOTT: Well, I had a couple of
4 legislators tell me that really wasn't true. Two
5 Commissioners can sit down and talk about anything.

6 JOE SPRAGGINS: That's what I thought.

7 COMMISSIONER GOLLOTT: And they do in the
8 legislature is what they are telling me.

9 Now, if you have more than that, if you have a
10 quorum, that's in violation.

11 JOE SPRAGGINS: That's right. That's what I
12 have always thought, too.

13 I will let her go over that.

14 SANDY CHESNUT: Up until 2017, that was the
15 rule.

16 JOE SPRAGGINS: I will let the lawyers tell you
17 that. I'm going to stay out of it.

18 SANDY CHESNUT: All these documents, by the way,
19 are on our website and available to the public.

20 COMMISSIONER BOSARGE: So this is all public
21 information?

22 JOE SPRAGGINS: Yes, sir.

23 SANDY CHESNUT: This is all public information,
24 yes.

25 The other thing that wasn't in place, when all

1 of this happened, was Faye. This is Faye James. She is
2 with the Attorney General's office, as well. She came in
3 specifically to review contracts and procurement and a
4 bunch of other things. She is very specialized in what
5 she does and she reviews all the contracts to make sure
6 that everything is done just right and I can tell you,
7 from experience, she is a very detailed person.

8 COMMISSIONER BOSARGE: When did you start here?

9 FAYE JAMES: August 20, 2015.

10 JOE SPRAGGINS: We also have a procurement
11 department and a contracting department, and all of them
12 are being certified by the state. You send them to the
13 school to be certified. They just got out of a big
14 conference that ended yesterday. We are making sure they
15 are certified in everything that they do.

16 SANDY CHESNUT: And Faye comes to us with a lot
17 of experience. She was Chief of Staff at the State
18 Personnel Board.

19 FAYE JAMES: At the State Personnel Board.

20 SANDY CHESNUT: So she has been in some very
21 important positions. We are very lucky to have her.

22 I also wanted to introduce to anybody that
23 hasn't been introduced, Kim Papania. We are very lucky to
24 have Kim. She is going to be doing all of our courtroom
25 stuff. We are very happy to have her, as well.

1 How long have you been here?

2 KIM PAPANIA: Four months.

3 JOE SPRAGGINS: I don't know if you remember
4 Drew who used to work with us. Drew Papania handled all
5 our facility stuff and all. That is her father. As a
6 matter of fact, he retired.

7 KIM PAPANIA: Before I came here, I was just on
8 my own doing mostly criminal defense stuff. I love being
9 in the courtroom. That's right up my alley. If there is
10 lots I can do, I will be happy doing it.

11 COMMISSIONER GOLLOTT: Tell me how you are going
12 to solve the problem of two Commissioners talking?

13 I'm sorry to go back to that.

14 Sandy, are you going to put that on hold, or
15 what it is?

16 SANDY CHESNUT: Well, we are going to go over
17 the Open Meetings Law, so we will discuss that during that
18 section.

19 COMMISSIONER GOLLOTT: Okay.

20 COMMISSIONER BOSARGE: So we will move on. Up
21 next will be Office of Attorney General's office.

22 SANDY CHESNUT: Yes.

23 COMMISSIONER BOSARGE: That will be you, Sandy,
24 review of the Commission Handbook?

25 SANDY CHESNUT: Yes. We are going to review the

1 Commission Handbook.

2 I sent out the audio before. I don't know.

3 Did everybody have a chance to look at it?

4 COMMISSIONER GOLLOTT: I don't think I've seen
5 that.

6 COMMISSIONER DANIELS: Almost all of it.

7 SANDY CHESNUT: Almost all of it?

8 COMMISSIONER DANIELS: Yes.

9 JOE SPRAGGINS: Can everybody see that okay?

10 COMMISSIONER BOSARGE: Yes.

11 SANDY CHESNUT: We can just flip through it,
12 since everybody is familiar with it.

13 There are some mistakes in the handbook I
14 noticed. We do need to talk about amending those mistakes
15 and, if there are any other ideas you might have for
16 amending, we can also do that at a Commission meeting, the
17 regular Commission meeting.

18 This first slide just shows all the statutes
19 that are pertinent to the things y'all really need to be
20 familiar with in your position.

21 Now, there are going to be some others mentioned
22 which are the Conflict of Interest, the Open Meetings Act
23 and things like that, but these statutes are very specific
24 to your position as a Commissioner.

25 The Commission Handbook was adopted originally

1 in June of 1995. It has been amended five times. The
2 last time it was amended was March of 2014, and I won't go
3 into that.

4 COMMISSIONER BOSARGE: Ernie Zimmerman.

5 SANDY CHESNUT: Yes.

6 COMMISSIONER BOSARGE: If I remember correctly,
7 he changed the time, the length of time that we had to get
8 all of our meeting materials in.

9 Isn't that what it was, he changed it?

10 SANDY CHESNUT: Yes. He wanted more notice of
11 the agenda items.

12 COMMISSIONER BOSARGE: Yes.

13 SANDY CHESNUT: It just addresses the general
14 authority and function of the Commission and the
15 relationship between the Commission and the Director.

16 In the event of a conflict between the handbook
17 and statutes, or regulations, statutes and regulations
18 always control. The hierarchy is statute, next is
19 regulation, and, then, any kind of handbook you might
20 have.

21 Now, we have incorporated the handbook actually
22 into the regulation book, so we might want to work on that
23 wording a little bit because it has now been elevated to
24 the level of a regulation. These are some things that we
25 need to look at as housekeeping things.

1 Of course, exercise common sense and reasonable
2 judgement, and legal counsel is going to be here to help
3 you with that.

4 Conflict of Interest statutes are in 25-4-101
5 through 119, and almost every time a new Commissioner is
6 appointed we do have some conflict questions come up, and
7 those are good statutes to be familiar with, but you don't
8 have to be. All you have to do is call us and we will
9 research it and make sure you are not going to be in
10 conflict of anything.

11 Basically, you are talking about not using your
12 position for any kind of pecuniary benefit for yourself,
13 or for your business, is what the big conflict there is.

14 Financial statements. You are required to
15 submit financial statements, and that is talked about in
16 25-4-25 through 25-4-31.

17 State property. We can assign you state
18 property, and, then, you are responsible for keeping up
19 with it, combined with the audits and things like that.

20 Then, the handbook outlines the officers, the
21 Chairman and Vice Chair elected by a majority, one year
22 term, and those elections are held in July.

23 Then, the next part is Chairman, chairman's
24 duties, residing over the meetings, assigning special
25 responsibilities, executing documents, performs other

1 duties as delegated, ensures Commission members adhere to
2 the Commission rules and other policies, and, then, the
3 vice chair performs those duties in the absence of the
4 chair.

5 Regular monthly meetings are the third Tuesday
6 of each month at 9:00 o'clock, and the handbook says
7 "normally", so that gives the Commission the authority to
8 change that time, date and location upon majority vote.
9 Special meetings are called, when they are justified.

10 All members are strongly encouraged to attend.
11 A member who doesn't attend three consecutive regular
12 meetings shall be subject to removal by majority vote of
13 the Commission.

14 That is not mandatory. That is a discretionary
15 thing. We don't keep roll, or keep tabs. If someone is
16 sick and they miss three in a row, we are not going to
17 automatically bring that up.

18 COMMISSIONER GOLLOTT: We overlooked this for
19 Ernie Zimmerman. I think he had cancer and he was out six
20 months, or something, but we weren't that cruel.

21 SANDY CHESNUT: Right.

22 COMMISSIONER BOSARGE: He made that last
23 meeting, though.

24 COMMISSIONER GOLLOTT: Yes, he did.

25 SANDY CHESNUT: The other thing is if you are

1 out of town on travel, or something, you can participate
2 by phone.

3 COMMISSIONER DANIELS: That's what I learned in
4 that video that I didn't know about.

5 SANDY CHESNUT: Right. You can participate by
6 phone. The deliberations and all have to take place in a
7 public meeting, but, as long as you are plugged in and
8 your vote is on the phone, we can do that. That way, if
9 you get caught out on travel and if you are in a place
10 where you can get on the phone, that is an option for you.

11 It talks about called special meetings made by a
12 Commissioner, any Commission member, or the Executive
13 Director. Requests are directed to the chairman. You
14 need to specify the reason for the special meeting.
15 Conducted at times and locations designated by the
16 chairman.

17 The chairman, or his designee, telephones each
18 member to let them about the special meeting and the
19 notice must comply with 25-41-13 and be posted on the door
20 outside the regular meeting room, and this meeting may
21 commence after providing four hours advance notice.

22 A simple majority of the Commission is a quorum.
23 Each member has one vote. The act of a majority will
24 constitute a Commission action.

25 Again, telephone votes, we talked about that.

1 If you are out, you can participate by phone.

2 The agenda governs the conduct of the meeting.
3 The Commission, in consultation with the Executive
4 Director, establishes the agenda. A tentative agenda is
5 sent out to the Commissioners no later than seven days
6 prior to each regular meeting.

7 I think that might be what we changed when
8 Commissioner Zimmerman was here.

9 COMMISSIONER BOSARGE: I think so, yes.

10 SANDY CHESNUT: Each agenda shall include the
11 item "other business".

12 The minutes. We have to take the minutes of our
13 meetings. We must show members present and any final
14 actions.

15 We go a step further and we just transcribe the
16 whole meeting. A lot of other bodies, they just say what
17 happened, but we just go ahead and transcribe everything.

18 It is available for public inspection on the DMR
19 website and any material related to the matter requiring
20 Commission approval is maintained with those minutes and
21 that is also public record.

22 Open meetings. All meetings of the Commission
23 are declared to be open and shall be open to the public,
24 unless executive session is declared. 25-41-1 through 25-
25 41-17 provides the open meeting requirements.

1 We are going to get into more specifically in
2 the next presentation, but the philosophy is that all
3 deliberations, decisions and business of all government
4 boards and commissions, unless specifically excluded by
5 statute, shall be open to the public.

6 The next slide talks about there is no doubt
7 there are occasions when board members would speak more
8 frankly on matters, if only the board members were
9 present, but it is of far greater importance that all
10 public business be open to the public. This was in a
11 decision by the Supreme Court.

12 We have to bear in mind the spirit of the Act is
13 that a citizen spectator, including any representative of
14 the press, has just as much right to attend the meeting
15 and see and hear everything that is going on as any member
16 of the board, but we can keep in mind that the citizen
17 spectator, or news reporter, is not a participant. They
18 have no right to intrude, or interfere, in any manner with
19 the discussion, deliberation, or decision-making process,
20 but they do have a right that is enforceable at law to be
21 there and see and hear everything.

22 Now, there are exceptions to the Open Meetings
23 Act, and that is when you go into executive session. This
24 is under 25-41-7 and these are very specific exceptions:
25 when you are discussing personnel matters,

1 perspective litigation, security personnel, or devices,
2 investigative proceedings, extraordinary emergencies
3 posing immediate harm, or damage, perspective purchase,
4 sell, or leasing of lands, location, relocation, expansion
5 of business, or industry.

6 The ones we typically use that fit are needs are
7 personnel matters, perspective litigation and, of course,
8 we had to use the investigative proceedings that one time.
9 We hope we don't have to use that one again.

10 Then, there are certain procedures that have to
11 be followed to go into executive session, and I had
12 someone from another agency comment one time that we are
13 the only agency that he has ever seen actually do it
14 right.

15 COMMISSIONER GOLLOTT: That's better to be in
16 that position than the other.

17 SANDY CHESNUT: Right, and we do this always.
18 We close the meeting, in order to make that determination
19 to go into executive session and we vote to go into
20 executive session and we announce that they are in
21 executive session and we limit the discussion to those
22 things that are announced as what we are discussing.

23 Then, we reopen the meetings, and, then, I give
24 an overview of what happened. If there were any final
25 actions taken in that meeting, then, I put those on the

1 record as well.

2 Conduct of people attending the meetings. The
3 meetings must be orderly and courteous, and the Commission
4 may make rules and regulations for the conduct of the
5 persons attending its meetings.

6 There is a provision for you guys to conduct
7 formal hearings into matters under your purview. That is
8 spelled out more in another regulation. It's Title 20.

9 Access to the Commission. The public shall have
10 access to the Commission on matters within their purview.
11 Individuals may contact the Commission in writing, or by
12 mailing correspondence to the Commission in care of the
13 executive director.

14 If someone desires to present a matter to the
15 Commission at a scheduled meeting, they contact the
16 director in advance so that the matter may be placed on
17 the agenda.

18 Requests must be in writing and received by the
19 Executive Director at least ten days in advance of the
20 Commission meeting, and the Commission may limit the
21 number of people that may address the Commission at each
22 meeting and may limit the time of each presentation.

23 If they haven't previously submitted the matter
24 to be placed on the agenda, then, they can fill out the
25 public comment sign-in sheet and they can bring up their

1 matter during the public comments period.

2 If they have a public comment pertaining to an
3 agenda item, they do their public comment then. If it's
4 not anything that is on the agenda, then, they do it under
5 the general public comment section, and, then, the
6 chairman can announce the length of time each individual
7 will be allowed.

8 COMMISSIONER BOSARGE: Sandy.

9 SANDY CHESNUT: Yes.

10 COMMISSIONER BOSARGE: We used to do public
11 comment in different ways where we did all public comment
12 at the first of the meeting, and, then, we got to where we
13 do them at the end of the meeting.

14 Did this change?

15 I'm just curious, because, now -- I mean, I like
16 the way we do it, now, where it's during -- it works, but
17 I was just wondering how did we go from where we were to
18 where we are?

19 SANDY CHESNUT: Because of the way it is set up
20 to where if they want to comment on a matter that is on
21 the agenda they go during that time, we just thought it
22 would be better to go ahead and get all of that, and,
23 then, just put the regular non-agenda items at the end.

24 COMMISSIONER GOLLOTT: Nobody made a motion for
25 it and brought it up to change it. You just changed it

1 with the agenda.

2 COMMISSIONER BOSARGE: Because Richard and I, we
3 remember. We did public comment at the very end, or
4 beginning, and, then, we went to the very end, and, now,
5 we do it differently.

6 SANDY CHESNUT: Yes. It's just a matter of
7 setting the agenda, and that is between you and the
8 executive director.

9 what we were finding, when we did them before
10 the agenda items, is people would come up and comment on
11 things that were going to be discussed.

12 COMMISSIONER BOSARGE: Yes, and they would get
13 us off to the side.

14 SANDY CHESNUT: It's just a matter of setting
15 the agenda. If that's not the way you want it, then, tell
16 the executive director.

17 COMMISSIONER BOSARGE: No. I like the way it
18 is. I was just curious as to how we went from where we
19 were to where we are because it's an improvement.

20 COMMISSIONER GOLLOTT: Let's get this out of the
21 way because I'm sitting here thinking about it and my mind
22 is going to (indicating).

23 It is my feeling, since I've been on this, that
24 any Commissioner can put something on the agenda. If the
25 rest of the Commission doesn't like it, they can take it

1 off.

2 Is that right, you can call Joe and say, put
3 this on the agenda, or do you have to wait and put it on
4 the agenda to where we do it after a motion is made, a
5 second and all that, or can any Commissioner call Joe and
6 say, how about putting this on the agenda?

7 COMMISSIONER BOSARGE: It was always my
8 understanding, yes, any Commissioner had the right to ask
9 for something to be placed on the agenda, but it had to be
10 ten days prior to the meeting. That's what I remember.

11 JOE SPRAGGINS: Just say that Commissioner
12 Gollott called me and said, I would like to have this put
13 on the agenda. What I would do is send it to the chairman
14 and say, this is what we would like to put on the agenda.

15 If that's not the way you want it done, I have
16 no heartburn either way, but it was just easier for me
17 because it says, I think, that the chairman and the
18 director will set the agenda.

19 It wasn't like you couldn't ask for it to be on
20 the agenda. You can send anything to me and say, I would
21 like to have this on the agenda, and I would just send it
22 over to you, or whoever the chairman is, and say, we would
23 like to put this on the agenda.

24 COMMISSIONER BOSARGE: I don't have a problem.

25 JOE SPRAGGINS: I don't think anybody would have

1 a problem. I haven't seen anything have a problem.

2 Is there something, Commissioner, that you are
3 talking about, sir?

4 COMMISSIONER GOLLOTT: Well, I have called and
5 asked that and they said, only the chairman can put
6 something on the agenda, and I said, no, no, that's not
7 the way it is.

8 COMMISSIONER HAVARD: Doesn't it say only the
9 executive director?

10 SANDY CHESNUT: Well, it says the Commission, in
11 consultation with the executive director, is responsible
12 for establishing the agenda, and, then, the tentative
13 agenda has to go out to the Commission seven days prior.

14 COMMISSIONER HAVARD: Yes.

15 JOE SPRAGGINS: And that's the one that we send
16 electronically?

17 SANDY CHESNUT: Yes.

18 COMMISSIONER GOLLOTT: I agree with you.

19 If there a hot issue going on and you would save
20 a lot of hard feelings and everything and say, let's put
21 it on the agenda, sure, run it by the chairman.

22 JOE SPRAGGINS: I have not -- I don't know of
23 one that I said we couldn't put on the agenda.

24 Now, if it is the day of, or something like that
25 --

1 COMMISSIONER GOLLOTT: (Interposing) If it's
2 the day of, then, you could make the motion at the
3 Commission meeting.

4 JOE SPRAGGINS: Yes, make the motion in the
5 meeting itself.

6 COMMISSIONER GOLLOTT: Yes.

7 JOE SPRAGGINS: Like we did last week, we talked
8 about changing the agenda.

9 COMMISSIONER BOSARGE: I'm with Richard. I
10 don't have a problem with anybody adding something to the
11 agenda.

12 I know we go back and forth, but adding
13 something to the agenda and making it an action item, that
14 is something that, in the past -- I say in the past.
15 Years in the past, we never really made a habit of that
16 that I remember, and the reason being because, when you
17 make it an action item, there has to be action taken,
18 whether you go up, or down, whatever. It's an action
19 item.

20 COMMISSIONER GOLLOTT: I don't think so. You
21 don't have to take action because it's an action item.
22 You have the option to do that.

23 SANDY CHESNUT: The action that we usually take
24 is bring it back to the Commission for their
25 consideration.

1 COMMISSIONER BOSARGE: And that's what I say.

2 SANDY CHESNUT: Now, we have in the past, I have
3 to admit. We would sit there right in the Commission
4 meeting and type that Notice of Intent and y'all would
5 pass it, and we would have to send it out like that.

6 We stopped that because that is messy. It
7 doesn't give the staff time to look at the proposed
8 action.

9 COMMISSIONER BOSARGE: That's what I say. You
10 have got to give the staff time to work on things.

11 COMMISSIONER GOLLOTT: When Mark gets the
12 tentative agenda and he sees something he wants to put on
13 there, he should be able to pick up the phone and say,
14 Joe, I want to put this on there.

15 COMMISSIONER BOSARGE: I agree, but I don't
16 think we should be able to put something on the agenda,
17 and, then, do an action on it right then.

18 In other words, it needs to go through the chain
19 of command.

20 SANDY CHESNUT: I don't think we have been doing
21 that lately. We did it in years past.

22 JOE SPRAGGINS: I think what happened here and I
23 think that what you are trying to get at, too, is the way
24 that we looked at was, if Natalie, at this next meeting,
25 walks in and she had thought about something that she

1 wanted to put on the agenda, but it just came up, and she
2 said, I would like to have this put on the agenda and
3 asked to have it amended and put on and ask for a vote to
4 be able to do that.

5 Now, the only action I would see, at that point,
6 unless it's an emergency, would be that we would take it
7 and it would be brought to the staff, and, then, the staff
8 would come back and bring something to the Commission for
9 the next meeting. That's an action, but it's not a voting
10 action.

11 COMMISSIONER BOSARGE: It would be like these
12 oversight committees. If I asked to put that on the
13 agenda and I said, we are going to do this set in stone,
14 going to make a motion, this is the way it is going to be.

15 No. No. We all need to talk about it.

16 JOE SPRAGGINS: And I agree.

17 COMMISSIONER BOSARGE: See what I'm saying?

18 That's what I don't want to see happen. It
19 needs to go through the chain of command.

20 JOE SPRAGGINS: I guess what I'm saying, though,
21 is if something is brought up and it is added to the
22 agenda, or anything, and it is something that wasn't up,
23 my understanding is the only thing that we work off of --
24 tell me if I'm wrong -- is that if y'all have given the
25 staff something in a meeting and said that we want you to

1 do this, that is an action, and the staff goes back and
2 does it.

3 Now, if it requires a Notice of Intent, we go
4 out, prepare a Notice of Intent, come back to the next
5 meeting and ask y'all to approve it.

6 COMMISSIONER BOSARGE: Right.

7 JOE SPRAGGINS: We don't go out with a Notice of
8 Intent, before we come back to the next meeting.

9 COMMISSIONER BOSARGE: That's right.

10 JOE SPRAGGINS: And when we come back to the
11 next meeting, we do that.

12 Now, the only thing that I would see that would
13 make any difference from that is if it was an emergency,
14 if it was something that happened.

15 If I'm wrong, y'all please tell me.

16 COMMISSIONER GOLLOTT: If Natalie comes in next
17 month and says, I've changed my mind, I want to look at
18 the grass beds around Ship Island, in order to accelerate
19 it, if it's an action item, it comes in a month earlier
20 than if you take it up the normal chain.

21 See what I'm saying?

22 COMMISSIONER BOSARGE: Me, I would just like to
23 see, if you've got an issue and you want to put it on,
24 that's fine. Then, you alert the staff that this is what
25 the issue is. Now, let's work on it.

1 COMMISSIONER GOLLOTT: How do y'all feel about
2 it?

3 NATALIE GUESS: I don't see any issue with that,
4 as long as it's -- especially when they don't vote upon
5 anything without --

6 COMMISSIONER BOSARGE: (Interposing) That's
7 what I'm saying, and we did do some of that with Chief
8 Davis whenever we did the administrative penalties. We
9 made a motion at that particular meeting to take action.

10 Even on something like that, I remember saying,
11 hold on. Let me think about this just a minute.

12 You know what I'm saying?

13 In my opinion, we are moving a little too fast.
14 Let's slow it down and make sure that everybody is on the
15 same page.

16 JOE SPRAGGINS: And I don't know -- Sandy, tell
17 me. I don't know that anything in the handbook says that
18 they do it either/or ways.

19 SANDY CHESNUT: That's correct, and, if y'all
20 want to add some very specific language on specific
21 procedures, that's another thing we could look at amending
22 the handbook to include specific procedures.

23 COMMISSIONER BOSARGE: I'm like Richard.
24 Anybody who wants to put anything on the agenda, I'm good
25 with it.

1 COMMISSIONER GOLLOTT: I just want...

2 COMMISSIONER BOSARGE: But I think that even up
3 to the day before the meeting, it's on the agenda before
4 we walk in and everybody knows what the agenda is.

5 JOE SPRAGGINS: What we would do on that -- and
6 this is just the way we normally do this, but, if the
7 agenda had been sent out, the draft agenda, and it came
8 back, if there were any changes to the agenda, I would
9 talk to the chairman before that and say, these are the
10 changes that we would like to make to the agenda, and,
11 then, at the meeting, at the very start of the meeting
12 make the vote to change those and not change them just in
13 writing. It would be voted on at that point and everybody
14 says, yes, we agree to change the agenda. That is what we
15 have done in the past.

16 That's all right with y'all?

17 COMMISSIONER BOSARGE: Yes.

18 COMMISSIONER GOLLOTT: The question is, can it
19 be an action item, or not?

20 A lot of times somebody is trying to get
21 something done to protect something, say, and it will take
22 another month --

23 JOE SPRAGGINS: (Interposing) I agree.

24 COMMISSIONER GOLLOTT: -- if you don't make it
25 an action item, but, if it's on the agenda, you bring it

1 up and, if somebody disagrees with having it an action
2 item, they can make a motion right there to take it off
3 and postpone it until the next month.

4 COMMISSIONER BOSARGE: When you say an action --
5 the only thing in my mind that it infers is when you say
6 action item, is there something going to have to be done
7 with it.

8 whereas, if it is just on the agenda, we always
9 -- when you ask the staff to look at it, you have to make
10 a motion for that, but you don't have to do anything. You
11 can do one way, or the other.

12 when you are actually making an action item,
13 that says, okay --

14 COMMISSIONER GOLLOTT: (Interposing) I disagree
15 with you. I don't think you have to do anything, if it is
16 an action item, unless somebody wants to, and, then, it
17 gives them the option to bring it up and lay their case
18 out, this is the reason I want it to be an action item.

19 If somebody hears it and they don't like it,
20 that gives them another month to fight it, or something
21 like that.

22 JOE SPRAGGINS: How about we do this?

23 why don't we put together a couple of wordings
24 to bring to y'all and let you look at them and say that we
25 either want to add this, or not this, or change this, or

1 change that, to change how an item can be put on the
2 agenda easier, as far as the action, or non action.

3 COMMISSIONER GOLLOTT: Do you agree that
4 something has to be done if it is an action item, Sandy?

5 SANDY CHESNUT: I'm not exactly sure of what you
6 mean by something has to be done.

7 COMMISSIONER BOSARGE: I know whenever we get
8 the agenda and always out to the side it will say, just
9 like right here, "Approve the agenda, chairman, action".

10 In other words, there is going to be something
11 done on this agenda item, and that is what we have always
12 gone through.

13 Now, if it doesn't say "action" beside it --

14 COMMISSIONER GOLLOTT: (Interposing) You can
15 take action, if it doesn't say "action" beside it, the way
16 I understand.

17 JOE SPRAGGINS: Vote to take action on it.

18 COMMISSIONER BOSARGE: We can still take action
19 on it. We couldn't go in there and say, okay, we are
20 going to make a law that whatever, but we could always
21 say, okay, staff, go look at this and come back and tell
22 us what we can do. We always make those kinds of motions,
23 to the best of my knowledge, but we can't make a motion
24 that is a permanent action.

25 You see what I'm saying?

1 SANDY CHESNUT: Because it would have to go
2 through the procedures.

3 COMMISSIONER GOLLOTT: The only thing we are
4 talking about is cutting it a month shorter to go through
5 an action.

6 COMMISSIONER BOSARGE: Well, the motion would be
7 to go out for Notice of Intent, before anybody has had a
8 chance to work on it.

9 You see what I'm saying?

10 COMMISSIONER GOLLOTT: In other words, you can't
11 make a motion to change something, if it doesn't say
12 "action" along the side of it.

13 Is that right, Sandy, or am I miss interpreting
14 something?

15 COMMISSIONER BOSARGE: Just look at that and see
16 what you think.

17 JOE SPRAGGINS: I think I see both sides of what
18 you are talking about here.

19 Number one, if it is something that you feel
20 like needs to be done in the next month, is there a
21 procedure, and I don't think it is in the handbook, but is
22 there a procedure to say that a Commissioner can say I
23 would like to bring this up and I would like to have
24 action taken on it symptoms this meeting, so we don't
25 delay another month, and it could be anything.

1 Now, if it is something that requires a lot of
2 input to it, or anything else, as a Commissioner y'all can
3 say, well, we would rather delay that because of this, and
4 make the action for the staff to bring this back to us.
5 There is always that option to do that.

6 I think that is what you are asking,
7 Commissioner Gollott.

8 Is that right?

9 COMMISSIONER GOLLOTT: Yes.

10 JOE SPRAGGINS: One would be if there is
11 something, and I don't know what it is; Joe Spraggins has
12 to drive a red truck. You make that statement, and there
13 is something that has to happen now.

14 COMMISSIONER BOSARGE: When you put "action"
15 beside, then, to me, that says --

16 COMMISSIONER GOLLOTT: (Interposing) It boils
17 down to whether we put action along side of it. If it
18 doesn't have action, you can take action, or you don't
19 have to take action.

20 would that be okay?

21 COMMISSIONER BOSARGE: It would be, like, if he
22 said Joe Spraggins has to drive a red truck and it says
23 "action" beside it, we have got to vote on whether he is
24 going to have to drive that red truck, or not.

25 COMMISSIONER GOLLOTT: That's not the way I look

1 at it.

2 (Inaudible. Attendees talking at same time.)

3 COMMISSIONER DANIELS: Oyster season for
4 December would be a good example here. We are talking
5 about a possible oyster season in December.

6 If that wasn't on our agenda going into the
7 November meeting, that's not in there. We've got to vote,
8 or not vote, on it, if it somehow got overlooked and left
9 off the agenda.

10 JOE SPRAGGINS: Let's say that something came up
11 and the relay got delayed, then, we could say to put it
12 into an action item to be brought on the agenda that day
13 to vote on, to say we want to move that day to this day
14 because of what happened here and not have to take another
15 month for everything to go through. I think that's what
16 you are talking about.

17 Right?

18 COMMISSIONER DANIELS: Exactly.

19 JOE SPRAGGINS: But, now, if there is something
20 that you want to do a study, or you want the staff to
21 bring something back to you, that is still an action item.

22 COMMISSIONER GOLLOTT: Yes, but it is going to
23 take months to do it.

24 JOE SPRAGGINS: That is still an action item.
25 The action is that the staff has to bring back to you a

1 report, or the staff has to bring back to you a Notice of
2 Intent.

3 COMMISSIONER GOLLOTT: Why are we putting
4 "action" alongside of anything anyhow?

5 I mean, if you could take --

6 COMMISSIONER BOSARGE: (Interposing) well,
7 there are things that are presented to us that there is no
8 action needed and there is no action. In other words, it
9 is just information, so it doesn't have "action" beside
10 it.

11 COMMISSIONER GOLLOTT: If something comes before
12 us, just like your scenario here, and somebody wants to
13 make a motion, we still --

14 COMMISSIONER BOSARGE: (Interposing) No.

15 COMMISSIONER GOLLOTT: Yes, we did.

16 COMMISSIONER BOSARGE: But it's not -- the
17 action would be like with Mr. Joe. There is no action
18 beside it. We can't go there and say Mr. Joe has got to
19 drive a red truck.

20 We can go to the staff and say, staff, we want
21 you to look at this and come back and tell us if he wants
22 a red, or a blue, truck.

23 You see what I mean?

24 We can't actually go and say, yes, you've got to
25 drive a red truck, but, if it says "action" beside it, we

1 can tell him, yes, you've got to drive a red truck.

2 SANDY CHESNUT: A lot of times when they do
3 updates, they will bring up issues that the Commission
4 says, well, we would like more information about this.

5 JOE SPRAGGINS: Right.

6 SANDY CHESNUT: You vote on it. Staff brings it
7 back. It is not listed as an action item on the agenda,
8 but you have taken action on it because you voted to bring
9 back more information.

10 COMMISSIONER GOLLOTT: But you can't say, I want
11 this to change, the staff, if possible. You can't do
12 that, if it doesn't say action beside it.

13 JOE SPRAGGINS: If it requires a Notice of
14 Intent, we have to do certain things anyway.

15 SANDY CHESNUT: Right.

16 JOE SPRAGGINS: Now, the only thing I could see
17 there that you could change something that would help you
18 at all on that was for the staff to bring back to you the
19 wording for a Notice of Intent, if you knew that the
20 wording was an error, it was very simple.

21 If it was something very simple, like, if it was
22 anything, you know, to change something, and we could do
23 that, and, then, we would save a month by not going
24 through that, and that is what you are talking about, it
25 would be a month that you wouldn't have to, but, if it is

1 something that the staff needs to review to do it, then,
2 it would probably be the way you are talking about.

3 COMMISSIONER BOSARGE: In the past, to the best
4 of knowledge, that is the way it has always.

5 JOE SPRAGGINS: Right, unless it's something
6 that --

7 COMMISSIONER BOSARGE: (Interposing) We
8 couldn't take action. We couldn't take immediate action
9 on something that was added to the agenda.

10 You see what I mean?

11 Now, if it was added prior to the meeting and it
12 says "action" beside it, we can take action, but, if it is
13 added at the meeting, to the best of my knowledge we never
14 really ever added --

15 COMMISSIONER GOLLOTT: (Interposing) I've seen
16 it as an action item. If you say, I want to make a motion
17 that we put this on the agenda, it would be an action
18 item.

19 JOE SPRAGGINS: I guess what I'm saying there,
20 if you voted on it, like, at the very first and you came
21 in and said, we've got these three things we want to add
22 to the agenda, then, you are doing no different than the
23 agenda was printed before. You are approving the agenda,
24 but you are not going to approve the agenda until after
25 you make that statement.

1 Then, once the agenda is approved, you might
2 have a different story there.

3 If I come up and say, I would like for y'all to
4 look at this, well, I'm not sure if we can do that.

5 COMMISSIONER BOSARGE: What I worry about is
6 when things come up and nobody has had a chance to think
7 about it. You walk into a meeting and you've got three
8 additional items on the agenda that you are not familiar
9 with. You don't know anything about it.

10 COMMISSIONER GOLLOTT: Any Commissioner could
11 say, I haven't had a chance to look at this. I would like
12 to table it until next month so I can study it.

13 COMMISSIONER BOSARGE: And we have done that
14 quite often.

15 COMMISSIONER GOLLOTT: We have.

16 COMMISSIONER BOSARGE: But if it is an action
17 item, that would be the only way you could. You would
18 have to table it.

19 COMMISSIONER GOLLOTT: That's what I'm saying.
20 Do you really want to be pushed into an action because it
21 says "action" alongside of it, or would you rather table
22 it and look at it?

23 JOE SPRAGGINS: Sandy, why don't we look at this
24 and make sure what the rules exactly say about any of that
25 and we give it to them for the next meeting?

1 We can send it to you prior to the next meeting.

2 SANDY CHESNUT: The only thing the handbook says
3 about it is that a Notice of Intent has to be reduced to
4 writing, and that is why we were actually pounding out
5 Notice of Intents in some meetings because the subject
6 came up, they wanted us to do it right then and there, and
7 we did it, and they voted on it, but, like I said, we have
8 changed that. We have stopped doing that. We stopped
9 drafting Notice of Intents at that particular meeting.

10 They tell the staff to go research this, give us
11 some options, come back with your proposed Notice of
12 Intent at the next meeting.

13 That gives everybody a chance to look at it and
14 figure out what is the best way to go.

15 JOE SPRAGGINS: Once again, unless it has
16 something to do with something that would cause --

17 COMMISSIONER BOSARGE: (Interposing) Yes, if it
18 is an emergency.

19 JOE SPRAGGINS: Or if it really needs to be
20 done.

21 SANDY CHESNUT: Like with the oyster season.

22 COMMISSIONER GOLLOTT: You are making a decision
23 now that you might want to change two, or three, months
24 from now, action, or not action.

25 COMMISSIONER BOSARGE: Right.

1 COMMISSIONER GUESS: Doesn't action just mean to
2 table it?

3 SANDY CHESNUT: It could.

4 COMMISSIONER GUESS: If it an action item and it
5 says action, our action could be to table it.

6 COMMISSIONER GOLLOTT: If it's a non-action
7 item, then, you can't do anything with it.

8 SANDY CHESNUT: Here's the thing. We put
9 "action" on the agenda on those things that are going to
10 require a vote. That doesn't mean that if it is a non-
11 action item, that you can't take a vote. If something
12 comes up you want to vote on, you can do that.

13 JOE SPRAGGINS: would it be better if we put
14 "vote required" out beside the item?

15 If it is an item that requires a vote, we put
16 "vote required" and, that way, it would eliminate the
17 action and non-action?

18 SANDY CHESNUT: Yes.

19 JOE SPRAGGINS: And, then, the only thing that
20 would have that is something that required a vote that day
21 guaranteed, and the others could get a vote, but it
22 doesn't require it.

23 SANDY CHESNUT: And, then, the other items would
24 be vote optional.

25 JOE SPRAGGINS: It could have vote optional, or

1 action optional. We could make it that way.

2 would that help any?

3 COMMISSIONER DANIELS: Do we have a problem with

4 --

5 JOE SPRAGGINS: (Interposing) I don't know that
6 we have had any.

7 COMMISSIONER GOLLOTT: Yes. To be honest with
8 you, maybe some time ago I had called and asked them to
9 put something on the agenda, and they said, no. The
10 chairman doesn't want to do that.

11 I said, wait a minute. I said, as long as I
12 have been on here, any Commissioner can put something on
13 the agenda. It has never been a problem.

14 And, then, we banged it out and finally -- I
15 think we decided -- they decided that I needed to make the
16 motion at the meeting to put it on the agenda which you
17 almost have to explain why you want to put it on the
18 agenda, and you are really killing time.

19 If you just put it on the agenda, and, then, it
20 comes up, then, you argue it out, or whatever you want to
21 do with it.

22 Everybody has got to make a decision, or --

23 JOE SPRAGGINS: (Interposing) The only thing I
24 see there, sir, is if you call on Friday and the meeting
25 is on Tuesday and you say, I want to put this on the

1 agenda and we put it on the agenda and it comes out, when
2 y'all walk in on Tuesday, you are going to --

3 COMMISSIONER GOLLOTT: (Interposing) Can't you
4 send an email out?

5 JOE SPRAGGINS: We could. We could send out an
6 additional and what we have, right now, some of the things
7 that we have done is we put in that changes can be made up
8 to this point.

9 As a matter of fact, I think noon on Monday is
10 what we used, until we could get it out to everybody and
11 the electronic versions of it so we could get it to them
12 electronically by noon on Monday, and, then, there is
13 always that option, you know, when you walk in the door
14 when the chairman says, I would like to approve the
15 agenda, if you don't like that, you can say, I don't like
16 this item. I would like to talk about it before we
17 approve it, or whatever. You can always bring that up.

18 COMMISSIONER GOLLOTT: You are killing a lot of
19 time that way.

20 JOE SPRAGGINS: Well, if you don't want it on
21 the agenda is what I'm saying.

22 COMMISSIONER GOLLOTT: Yes.

23 SANDY CHESNUT: Well, the other thing to think
24 about is when we publish the agenda to the public, then,
25 that puts the public on notice of what we are going to be

1 talking about, and to change it --

2 JOE SPRAGGINS: (Interposing) When do we
3 publish that?

4 CRYSTAL MATTA: The Wednesday-Thursday before.

5 JOE SPRAGGINS: The Commission meeting?

6 CRYSTAL MATTA: Right.

7 JOE SPRAGGINS: I'm not trying to muddy the
8 water, but, if you do like we did last meeting and you
9 walk in and, before the agenda is approved, if there are
10 changes proposed to go on the agenda and it is voted that
11 it's okay we want to put that on there, then, that's fine.

12 If you send me something and say, Joe, I want to
13 put this on the agenda, then, I just send it out to the
14 rest of the Commissioners and say, he wants to put this on
15 the agenda. We may add it that day. Y'all can add it
16 that day.

17 Is that a problem?

18 That way, everybody would have as much notice as
19 anybody else about it.

20 COMMISSIONER GOLLOTT: One more thing, and,
21 then, I'm going to shut up. One more thing.

22 The last meeting, I got to looking and listening
23 to killing the grass beds on Cat Island, and I said, I
24 would like to put this on the agenda.

25 JOE SPRAGGINS: And we did.

1 COMMISSIONER GOLLOTT: We did, but it was an
2 argument before.

3 Know what I'm saying?

4 But we put it as an action item, or did we?

5 How did we handle that?

6 COMMISSIONER BOSARGE: You asked me could we add
7 it, and I said, yes, sure, we will put it down as K-5, or
8 we'll put it --

9 JOE SPRAGGINS: (Interposing) We put it as K-7.

10 COMMISSIONER BOSARGE: K-7, I think it was, yes.

11 SANDY CHESNUT: Then, you had to make the
12 motion.

13 COMMISSIONER GOLLOTT: But suppose you wouldn't
14 have wanted it on there?

15 COMMISSIONER BOSARGE: Well, I mean, I learned
16 later that the chairman has that option of denying it, but
17 I would never do that. If you think it's something --

18 COMMISSIONER GOLLOTT: (Interposing) The whole
19 time I was chairman, it never crossed my mind that I would
20 not put on the agenda.

21 COMMISSIONER BOSARGE: That's the same here.
22 You asked me and I said, okay, yes, let's put it on there.

23 SANDY CHESNUT: I don't think the chairman has
24 the option of doing that.

25 COMMISSIONER GOLLOTT: I don't think so either.

1 SANDY CHESNUT: It's the Commission.

2 COMMISSIONER GOLLOTT: Right.

3 JOE SPRAGGINS: Either way about it, if the
4 chairman said, I don't want to, you could always bring it
5 up when it came time for approval of it and say,
6 discussion, and you could ask for a vote right then.

7 You could always ask for a vote to put it on
8 and, if the majority voted to put it on, the chairman
9 could be overruled at that point.

10 COMMISSIONER BOSARGE: I don't have a problem
11 adding anything anybody wants to add, as far as that goes.

12 As long as it's something that -- like I say, we
13 don't want to go adding grass beds, and, then, at that
14 same meeting, you say, I want to go out for Notice of
15 Intent with this.

16 In other words, no, no, no. We need to let the
17 staff -- just like we did the last time. You put it on
18 there and we went to the staff and said, okay, come back
19 and tell us about it.

20 See what I'm saying?

21 COMMISSIONER GOLLOTT: Why wouldn't you want to
22 go ahead and take an action?

23 COMMISSIONER BOSARGE: Because we all need time
24 to look at it and read what is --

25 COMMISSIONER GOLLOTT: (Interposing) well,

1 Notice of Intent and you've got a whole month before that
2 comes back up.

3 COMMISSIONER DANIELS: The problem with that is
4 I still don't know what your framework, or your ideas are
5 on that.

6 How is that going to work?

7 COMMISSIONER BOSARGE: Well, that's what I'm
8 saying. We need time.

9 COMMISSIONER DANIELS: I mean, we have got to
10 have a better idea, other than just saying no motors
11 around Cat Island. I don't even know if you are talking
12 about we are going to post that around those grass beds?
13 Can they idle? Can I go in there with anything but a
14 recreational license?

15 COMMISSIONER GOLLOTT: In Florida, they have
16 taken areas and posted that you can't use anything but a
17 trolling motor for the manatees, where the manatees are
18 located.

19 COMMISSIONER DANIELS: I'm with you on that, but
20 we need to understand that before we vote on it.

21 I still don't know fully. I have had a lot of
22 people -- my phone was boiled over with that particular
23 item and I don't know what to tell them. I tell them --

24 COMMISSIONER GOLLOTT: (Interposing) For next
25 month, you can have --

1 COMMISSIONER DANIELS: (Interposing) It's all
2 right. I get it. I see what you are saying.

3 If there was a way to give a week, but the
4 nature of the beast is we have a meeting next month.

5 COMMISSIONER BOSARGE: Not to get too far off
6 the subject, do you see what I'm saying, Richard?

7 In other words, there is a group of us here and
8 we all need to know. We all need the staff to look at it
9 and be able to come back to us and tell us what they see
10 and what they have learned and not be able to go into a
11 meeting and put it on the agenda and be able to bring it
12 for Notice of Intent at that same meeting, go out for
13 Notice of Intent.

14 I know you are not going to write the Notice of
15 Intent, but, in other words, there are too many times, in
16 my opinion, that that is going to cause trouble.

17 If that is what you have on your mind, then, we
18 need to give the staff time to research it and come back
19 to all of us and tell us what they found where we can all
20 make logical decisions on it.

21 COMMISSIONER DANIELS: Is there a procedure
22 where -- let's say someone has something they want to see
23 at the November meeting, can we ask for information from
24 the staff in the middle of the month and have that sent to
25 all the Commissioners?

1 JOE SPRAGGINS: Sure.

2 COMMISSIONER DANIELS: And, then, we are
3 informed whenever we get to that meeting. Even ten days
4 out, or seven days out, we will at least know a framework
5 on what we are talking about.

6 COMMISSIONER BOSARGE: That's right and had
7 Commissioner Gollott known about it and made his mind up
8 ahead of time and let us all know, then, we could, at that
9 time, ask the staff to work on it, and, then, at the
10 meeting, the same meeting where you added it to the
11 agenda, we would have had the information to make a
12 decision on it, and it could be anything.

13 COMMISSIONER DANIELS: We could notify Ms. Sandy
14 and say, could you preliminarily draft me up what we need,
15 in case we voted on it.

16 JOE SPRAGGINS: I don't want to drag this on,
17 but the thing that you were talking about, the grass beds,
18 you had kind of talked to me a little bit about it one
19 time before.

20 So we said, let's look at this, and we went back
21 and I had asked Dr. Mickle to go in and tell me what it
22 would do about nets in the grass beds.

23 Then, when you said "motors", I said uh-oh, we
24 can't do that, now. We've got to add the motors to it, so
25 that's what we were talking about, and I had asked Paul to

1 go back now and give me any type of operation in the grass
2 beds. Tell me what it would do. Tell me what the effect
3 is. Tell me what you can get on it, and that is what we
4 are trying to do to have for you on the 27th. Hopefully,
5 we can do that.

6 Now, I don't know that that requires a Notice of
7 Intent, if we do that. I don't know if it does, or not.

8 Does it?

9 SANDY CHESNUT: I'm not following you.

10 JOE SPRAGGINS: If they come back and say that
11 we want to ban the use of any type -- say we are going to
12 ban the use --

13 COMMISSIONER GOLLOTT: (Interposing) Believe me
14 when I tell you this. I have no agenda behind this. It's
15 just that if we are destroying those grass beds, it is
16 great habitat for the little speckled trout. It has
17 nothing to do with fishing. It has more to do with the
18 speckled trout and trying to protect that area and make
19 more grass grow and more habitat.

20 COMMISSIONER DANIELS: I'm not arguing with you
21 on anything that is said here. It's just that we have got
22 to have all the information before we make a decision.

23 (Talking at once.)

24 JOE SPRAGGINS: where are we?

25 SANDY CHESNUT: we are on public comments.

1 The chairman can set the length of time each
2 individual has to make public comments, based upon how
3 many requests he has. An individual may not allocate
4 their time to another individual. The chairman can make
5 any additional decisions, orders, and/or rulings,
6 regarding procedure which, in his judgement, are necessary
7 to maintain order and provide a fair and efficient
8 meeting.

9 The next slide, Rules or Order.

10 The handbook says that the Commissions are
11 guided by parliamentary procedure in general conformity
12 with Roberts Rules of Order. The failure to strictly
13 comply with Roberts Rules of Order is not cause for the
14 reversal of a Commission action, and only Commissioners
15 can raise a point of order and must do so
16 contemporaneously with the objectionable action.

17 I want y'all to know up front, I am not an
18 expert on Roberts Rules of Order. If y'all want to follow
19 Roberts Rules of Order strictly, then, I am going to have
20 to go get some training and we are going to have to change
21 the handbook. It is a general guideline that we use to
22 take votes and things like that.

23 COMMISSIONER GOLLOTT: well, I think the way
24 we've been doing it for the last number of years since
25 I've been on here has been all right. we pretty much

1 conform to the same thing and we all have the same
2 understanding. If somebody has a problem, let them bring
3 it to us and we will see if we can work it out.

4 SANDY CHESNUT: Commission-Executive Director
5 relationship. The flow of authority for the management of
6 the department shall pass through the executive director
7 and the executive director shall be the connecting link
8 between the Commission and the department.

9 The executive director submits all policies
10 formulated by the department to the Commission for their
11 review to keep the Commission informed of the plans and
12 programs, responsible for carrying out all policies
13 adopted by the Commission, exercising judgment in
14 executing his duties and faithfully performing his duties
15 and implementing Commission policies.

16 Now, we are going to get into the difference
17 between policies and directives in a moment.

18 The Commission coordinates requests for
19 assistance from department personnel through the executive
20 director -- there is another amendment we probably need to
21 make, since we don't have a deputy director anymore. We
22 don't have that position -- or, if the executive director
23 is not available, directly through the appropriate office
24 director.

25 The Commission acknowledges that the executive

1 director must exercise judgment, gives the executive
2 director latitude of judgement and discretion that is
3 required, and offers guidance to the executive director
4 and evaluates the director's performance.

5 The executive directors functions are generally
6 described in 49-15-305. He supervises and directs all
7 administrative technical activities; he selects the
8 qualified personnel for the operation of the agency;
9 coordinates all studies in the state with the supply,
10 development, use and conservation of marine resources;
11 prepares and submits a full report of the department's
12 work and recommendations to be submitted to the
13 legislature and the governor each year and at such times
14 as may be required by the legislature, or the governor.

15 I think that is always done at the legislative
16 forum each year.

17 JOE SPRAGGINS: And we do an annual report, too.

18 COMMISSIONER GOLLOTT: I'll tell y'all a funny
19 story, and only Steve and myself were there.

20 when we hired Jamie Miller, the first time he
21 came in, one of the Commissioners, Shelby Drummond, looked
22 at him and said, "Jamie, we can fire you. You know that?"

23 He said, Yes, sir, I realize that."

24 COMMISSIONER BOSARGE: That was his first day on
25 the job.

1 COMMISSIONER GOLLOTT: Yes, that was the first
2 thing that came out of his mouth.

3 COMMISSIONER BOSARGE: Right in this room here,
4 Shelby looks at him and says, "Just want you to know we
5 can fire you."

6 (Inaudible. Attendees talking at same time.)

7 SANDY CHESNUT: The executive director can also
8 establish cooperative agreements with Federal or State
9 agencies; public or private institutions or persons,
10 corporations, or associations, for studies regarding
11 marine resources, in an amount within that appropriated by
12 the legislature.

13 The executive director enforces the rules and
14 regulations and policies adopted by the Commission and all
15 licenses and permits issued by the Commission; exercises
16 necessary powers not specifically conferred on the
17 Commission; manages all fishing seasons and resources
18 authorized by the Commission and by regulation; issues
19 orders and public notices on behalf of the Commission to
20 facilitate actions taken by the Commission.

21 The procedures for enacting regulations. This
22 is the nutshell version here. The process is the Notice
23 of Intent is presented to the Commission.

24 There is a mistake on your handout. The comment
25 period is a minimum of twenty-five days, instead of thirty

1 days, and that is also a mistake in the handbook. That is
2 another thing that needs to be updated.

3 The final adoption of that regulation is upon
4 Commission's vote. That final version is filed with the
5 Secretary of State's office, and, then, that new rule is
6 effective thirty days after filing.

7 It can be effective at a later date. It just
8 can't be effective any sooner than thirty days.

9 There is a procedure for the public to file a
10 petition for review of any regulation, or action, that is
11 taken by the Commission, and that is in Title 20 I do
12 believe.

13 COMMISSIONER GOLLOTT: Sandy, how long does it
14 take?

15 Is it three meetings, or what?

16 Normal procedure, it comes before the
17 Commission, the Commission makes a motion, it goes out for
18 public comment.

19 Right?

20 SANDY CHESNUT: Yes.

21 COMMISSIONER GOLLOTT: And they have twenty-five
22 days.

23 So we are looking at right before the next
24 Commission meeting.

25 SANDY CHESNUT: Yes.

1 COMMISSIONER GOLLOTT: Then, we have final
2 adoption.

3 What is it, another month before it can be
4 effective?

5 COMMISSIONER BOSARGE: That's right.

6 SANDY CHESNUT: Yes.

7 COMMISSIONER GOLLOTT: So it takes three months
8 to get an ordinance passed.

9 SANDY CHESNUT: That's correct.

10 JOE SPRAGGINS: Pretty much. The first month is
11 when you ask to draft the Notice of Intent, the second
12 month is when you approve the Notice of Intent, and the
13 third month is when you approve the amendment, or whatever
14 it is.

15 SANDY CHESNUT: Right.

16 JOE SPRAGGINS: And it takes thirty days from
17 that time.

18 COMMISSIONER GOLLOTT: To do that?

19 SANDY CHESNUT: Yes.

20 JOE SPRAGGINS: If you wanted to start it
21 November 1st, it would take until the end of January
22 basically.

23 COMMISSIONER BOSARGE: Ninety days.

24 SANDY CHESNUT: Yes.

25 The members of the public can ask for a review.

1 A petition for reconsideration is what we call it. When a
2 regulation has been passed that they are not in agreement
3 with, they do have to have standing for that. They have
4 to have commented on it at a public meeting, or submitted
5 a written objection to that proposed regulation.

6 Notice of Intent. Specifically --

7 COMMISSIONER GOLLOTT: (Interposing) Wait.

8 Back up one more. Excuse me for breaking order here.

9 what happens if they ask for a public hearing in
10 this?

11 Is that in the twenty-five days?

12 SANDY CHESNUT: No. That will extend it
13 probably because you can't schedule a public hearing less
14 than twenty days, or something like that.

15 JOE SPRAGGINS: We just did that with the
16 speckled trout and the nets.

17 SANDY CHESNUT: Yes.

18 JOE SPRAGGINS: And I'm trying to remember. I
19 want to say we came out in July, and, then, we did it in
20 June and August, and we had the Notice of Intent, and we
21 were able to do the public hearing prior to the next
22 Commission meeting because we had to be able to do it
23 prior to the Commission meeting so you could hear the
24 comments yourselves and they could be brought to you by
25 public comments, and that was before you voted on it. It

1 really didn't take any additional time I don't think.

2 COMMISSIONER GOLLOTT: So it's possible to do it
3 without taking additional time.

4 JOE SPRAGGINS: It's possible. If we delay too
5 much in getting the word out, that's where our problem is.
6 As long as we get the word out immediately after the
7 Commission meeting, then, we can pretty much do it.

8 Unless we change the Commission meeting early
9 and moved it earlier in the month, then, we would probably
10 have that issue.

11 COMMISSIONER GOLLOTT: I'm sorry, Sandy.

12 SANDY CHESNUT: No. That's fine.

13 If the Commissioner just goes in and says, this
14 is the issue we really want the public to comment on, they
15 can just go ahead and say, we want a public hearing.

16 JOE SPRAGGINS: Yes, and we did that.

17 SANDY CHESNUT: Right, and that speeds the
18 process up.

19 Now if they say, no, we don't --

20 JOE SPRAGGINS: (Interposing) And there is also
21 if we get at least ten of the comments that come back and
22 ask for a public hearing, then, we have to act on that.

23 COMMISSIONER GOLLOTT: It's in the law.

24 SANDY CHESNUT: Yes, it's in the law.

25 JOE SPRAGGINS: And that happened, too, on the

1 last one.

2 SANDY CHESNUT: Specifically in regard to the
3 Notice of Intent, as we have discussed, the proposed
4 changes have to be presented to the Commission, and no
5 proposed changes shall be acted upon by the Commission
6 until the proposal is reduced to writing.

7 Now, if there is an emergency situation and we
8 have to go ahead and do something at that meeting, then,
9 we will pound it out right there in front of you at the
10 meeting, but it won't go out until it is on the board in
11 writing.

12 Changes to existing regulations must be
13 submitted to the Commission in advance and in context so
14 the Commission can fully evaluate the proposed amendment.

15 The foregoing requirements may be waived, if
16 three-fifths of the members find a compelling need to
17 proceed immediately.

18 If the Commission votes to adopt the Notice of
19 Intent, the Notice of Intent is filed with the Secretary
20 of State's office, designating a contact person for
21 comments.

22 As we have said before, the comment period is a
23 minimum of twenty-five days. A public hearing is
24 conducted if required by statute, or is requested by the
25 Commission, or the executive director, and, then, Title

1 22, Part 15, sets out the procedures for offering
2 comments, or contesting the proposed rules.

3 After the comment period has ended, the
4 department reports to the Commission on the proposed rule
5 and recommends any changes to the proposed amendment.

6 The Commission shall vote on whether to adopt
7 the rule with, or without, changes.

8 Here's the thing. If there are substantive
9 changes recommended, then, the regulation must go back out
10 for public comment. The process starts over.

11 COMMISSIONER GOLLOTT: How much change has it
12 got to be, before that happens?

13 SANDY CHESNUT: It depends. If it is just,
14 like, a wording change, or a little --

15 JOE SPRAGGINS: (Interposing) Just to give you
16 an idea, if we had gone in there the other day when we did
17 the first thing that brought up some conversation, when it
18 was brought up that we were going to ban the haul seine
19 net after we had done the public comment, and y'all said,
20 no, we want to ban all nets, then, we would have had to go
21 right back out because that is a substantial change in
22 what we are talking about.

23 COMMISSIONER GOLLOTT: So that's where we depend
24 on Sandy.

25 JOE SPRAGGINS: well, I mean, it was a

1 substantial change at that point.

2 SANDY CHESNUT: Yes.

3 JOE SPRAGGINS: Whatever the wording is, if you
4 change the scope of what you are talking about.

5 SANDY CHESNUT: Now, if you put "shall", or
6 "may", that is not going to have to go back out, but, if
7 it is going to affect another user group, or something
8 like that, then, we have to go back out.

9 JOE SPRAGGINS: That's true, or if it is going
10 to affect another area, or whatever.

11 SANDY CHESNUT: Right. Exactly.

12 JOE SPRAGGINS: If you went speckled trout, and,
13 then, you put Red Drum in it, yes, you would have to go
14 back out.

15 SANDY CHESNUT: Right.

16 Then, we discussed how long it takes to become
17 effective and we discussed emergency rules.

18 Emergency rules and regulations become effective
19 immediately upon filing with the Secretary of State, if
20 the Commission finds that immediate adoption is necessary
21 because of eminent peril to the public health, safety, or
22 welfare, and we did get into that during the oil spill.
23 we have done that before.

24 Petitions for review, we talked about that. Any
25 person that opposes a rule, or regulation, can file a

1 petition for review within fourteen days after the
2 Commission's final adoption. That is the date that the
3 vote is taken. It's not the date that the amendments are
4 approved. They have fourteen days after the meeting where
5 it is adopted, and they must have standing.

6 Like I said, they must have already objected to
7 the proposal before then.

8 Commission actions on petitions for review. The
9 Commission may make final disposition by either granting,
10 or denying, the requested action without further argument;
11 they can request a response from the appropriate division
12 of the department, prior to making a final disposition;
13 they can set the matter for an evidentiary hearing; or
14 they can make such further order as deemed appropriate
15 under the circumstances. That's the catchall phrase.

16 The differences between policies and directives.

17 There is a lot of reference to policies and
18 things like that, in the handbook.

19 Policies are general principles to guide the
20 executive director and the department in the management of
21 their duties and the public, there is no time limit, and
22 it is guidance to the department regarding the
23 Commission's expectations on DMR operations.

24 These are formally adopted by the Commission and
25 reduced to writing; requires a two-thirds vote; effective

1 immediately upon adoption at a regularly scheduled
2 meeting; maintained, compiled and indexed by the executive
3 director in a handbook of Commission policies.

4 That being said, I know of no policies that have
5 been issued by the Commission, regarding the department.
6 I'm not aware of any.

7 Directives are just like y'all do on a regular
8 basis. You direct the staff to bring something back for
9 review to provide information to you. Those are time-
10 limited and those expire with the completion of the duty,
11 or task.

12 Those are tracked by the executive director and
13 reported to the Commission. Those are effective upon
14 adoption at a regularly scheduled meeting and requires a
15 majority vote.

16 Commission handbook amendments. The handbook
17 serves as the working bylaws of the Commission. They
18 should be amended when there is a compelling need. Only
19 the Commission can amend the handbook. Proposals to amend
20 must be submitted to the Commission at regularly scheduled
21 monthly meeting. The proposed amendments shall not be
22 considered for final action by the Commission until the
23 next scheduled meeting. Three-fourths of the full board
24 must vote in favor of the proposal, and amendments shall
25 be effective the following month after final action.

1 COMMISSIONER DANIELS: Are you going to make us
2 a list of the things that you said in there that need to
3 be changed that we can bring forward at the next meeting?

4 SANDY CHESNUT: Yes. Actually, what I think we
5 should probably do is wait until we have the workshop on
6 the peer review and see if there is any other proposed
7 amendments that come out at that time, and, then, we can
8 do it all at once maybe at the December meeting, or
9 January, and get it all pounded out. That will give y'all
10 some more time to review it, as well.

11 All right. Y'all get to listen to me a little
12 bit more, and, then, you get to the fun stuff with the CMR
13 portal.

14 The Open Meetings Act, 25-41-1 et seq., which
15 means the rest of the chapter.

16 25-41-1 is the legislative declaration. It
17 being essential the fundamental philosophy of the American
18 constitutional form of representative government and to
19 the maintenance of the democratic society that public
20 business be performed in an open and public manner; that
21 citizens be advised of and be aware of the performance of
22 public officials and the deliberations and decisions that
23 go into the making of public policy, it is hereby declared
24 to be the policy of the State of Mississippi that the
25 formation and determination of public policy is public

1 business and shall be conducted at open meetings, except
2 as otherwise provided.

3 In Hinds County Board of Supervisors versus
4 Common Cause of Mississippi in 1989, the Supreme Court
5 held that every member of every public board and
6 commission in this state should always bear in mind that
7 the spirit of the act is so the citizen spectator,
8 including any representative of the press, has just as
9 much right to attend the meeting and see and hear
10 everything that is going on, as has any member of the
11 board, or commission, and this is enforceable at law.

12 The Code section provides for a fine of five
13 hundred dollars on your first offense, and a fine of a
14 thousand dollars on your second offense.

15 COMMISSIONER GOLLOTT: What would cause you to
16 have an offense?

17 SANDY CHESNUT: We are getting there.

18 COMMISSIONER GOLLOTT: Oh, okay.

19 SANDY CHESNUT: The basics are that public
20 meetings must be open to the public; executive sessions
21 must follow specific procedures -- we have already gone
22 over that when we were talking about the handbook --
23 notice of meetings must be given and minutes must be kept;
24 and there is an exception for social gatherings that are
25 not meetings, unless official business is discussed at the

1 social gathering.

2 Now, those are the exceptions that we talked
3 about before, so I'm not going to rehash those.

4 The enforcement of the Open Meetings Act is a
5 complaint would be filed with the Mississippi Ethics
6 Commission, and, then, the public body would be able to
7 respond to the complaint.

8 The Ethics Commission can dismiss the complaint,
9 they can make preliminary findings, or they can hold a
10 hearing, and they may order a public body to comply with
11 the law.

12 Like I said, they can impose a five hundred
13 dollar fine for first offense and one thousand for
14 subsequent offense, and that fine doesn't go to the public
15 body necessarily. It can go to the individuals. Keep
16 that in mind.

17 The definition of a meeting is a gathering of a
18 quorum, regardless of the medium, whether in person,
19 phone, email, text, or smoke signal, to discuss any matter
20 under the authority of the public body, and the public
21 body is the Commission on Marine Resources.

22 If you will notice, when I send out emails to
23 you-all -- and I have also talked to our staff about this,
24 and I hope they are doing it. When I send out an email, I
25 blind copy all of you guys. So it only goes to you. You

1 can only reply to me, or whoever sends the email, or
2 whoever I "cc" on the email. That way, if you hit "reply
3 all", it is not going to go to all the rest of the
4 Commissioners.

5 JOE SPRAGGINS: And I am very bad at not doing
6 it correctly because I will hit "cc" thinking I have done
7 it and it --

8 COMMISSIONER BOSARGE: (Interposing) You are
9 going to get a spanking.

10 JOE SPRAGGINS: I won't get a spanking because
11 I'm admitting it. I try not to do it wrong, but I do it.

12 SANDY CHESNUT: If the director, or any other
13 staff member, messes up and sends it and cc's you-all,
14 push "reply" and not "reply all". That will keep you from
15 being in violation of the Open Meetings Act.

16 JOE SPRAGGINS: My question is -- I saw
17 something on here and it just popped up in my mind.

18 with the social media that it is today and with
19 twitter and Facebook and anything else, if people are
20 Facebook friends and say that three of the Commissioners
21 are Facebook friends and they bring something up, is that
22 considered?

23 SANDY CHESNUT: Yes. I would not be putting
24 Commission business on social media.

25 JOE SPRAGGINS: I mean, if they say something

1 about anything to do with the Commission?

2 SANDY CHESNUT: Yes.

3 when Ronnie came on, he called and said, is it
4 okay if I set up a Facebook page and have all my
5 constituents that I represent, the charter boat captains,
6 members of that Facebook page?

7 I said it is absolutely fine for you to get that
8 page set up and get their input from them. Don't discuss
9 business through that Facebook page.

10 JOE SPRAGGINS: Well, I guess what you are
11 saying is if Natalie is on Facebook and two others are on
12 Facebook with her, just don't respond, if Natalie puts
13 something out there that is hot and you know it's hot.

14 If you don't respond to it, it doesn't matter.

15 COMMISSIONER GUESS: I would think it is
16 inappropriate to set up a private message.

17 SANDY CHESNUT: Right.

18 COMMISSIONER GUESS: Or to put something we are
19 discussing on Facebook where everyone is commenting. That
20 would be inappropriate.

21 SANDY CHESNUT: On an open Facebook page.

22 COMMISSIONER GUESS: Right.

23 COMMISSIONER DANIELS: Like mine in particular
24 is closed. The only people that can see it are licensed
25 charter boat operators. None of the other Commissioners

1 are privy to that information, so I can ask for opinions,
2 or anything like that, because no one can see that, except
3 for me, unless someone was to copy it, or something like
4 that.

5 COMMISSIONER BOSARGE: Share it.

6 COMMISSIONER DANIELS: well, they can't share
7 anything that is on a private page. They can't share
8 that.

9 COMMISSIONER GUESS: They can set up a screen
10 shot.

11 COMMISSIONER DANIELS: Yes, they could take a
12 screen shot, but, even if they tried to click "share",
13 only the people inside of that group would be able to see
14 it.

15 COMMISSIONER GUESS: So what did you do, you
16 sent invites to charter...?

17 COMMISSIONER DANIELS: Charter operators that I
18 knew, and, then, I asked them to invite anybody else who
19 is a licensed captain, and, then, I got a list and I
20 checked that list against the invites, and some people got
21 declined. They didn't have a valid charter license.

22 COMMISSIONER GUESS: I'm just curious.

23 You are asking them their opinion on --

24 COMMISSIONER DANIELS: (Interposing) For
25 instance, at the last meeting, Matt Hill, on the Tails n'

1 Scales for trout said we have a way to get the opinions of
2 the charter captains. That's what he was talking about.

3 COMMISSIONER GUESS: Okay.

4 COMMISSIONER DANIELS: He is wanting me to put
5 the information that he is proposing on there, set up
6 basically a poll which we have done in the past with some
7 other things, and let them chime in. They can indicate
8 yes, or no, and they can make comment if they want to, and
9 that gives me a pulse on the charter industry as whole,
10 without having to have a formal meeting, or something like
11 that, outside of the charter-for-hire.

12 COMMISSIONER GUESS: But if you wanted to have a
13 formal meeting, or --

14 COMMISSIONER DANIELS: (Interposing) well, we
15 have the charter-for-hire task force. I've got all of
16 them. They have got my phone number and email. If they
17 want to meet face-to-face, I will let them do that, but,
18 then, we also have the charter-for-hire meetings where we
19 get together and can talk, but I've only got sixty, or
20 seventy, maybe a hundred.

21 SANDY CHESNUT: what brought this up and why is
22 Jamie actually had asked me to do this training in the
23 latter part of 2017 because the Supreme Court issued this
24 opinion, the Columbus City Council versus The Commercial
25 Dispatch.

1 Now, I can give you a copy of that, if any of
2 you would like. I didn't think you would want it, so I
3 just gave you a synopsis.

4 what happened was the City of Columbus held four
5 different prearranged nonsocial sub-quorum gatherings to
6 discuss city business over the course of two months.

7 what the did is they had three Commissioners
8 come in each time because their Commission is six members,
9 so three was not a quorum for them -- now, for us, three
10 would be -- and no notice was given to the public. A
11 newspaper reporter requested to attend and his attendance
12 was refused.

13 They said that the subjects discussed didn't
14 fall under any statutory exceptions, they didn't follow
15 the procedures to go into executive session and things
16 like that.

17 The Supreme Court held that the facts of this
18 case illustrated the City's intent to circumvent, or
19 avoid, the requirements of the Open Meetings Act.

20 Admittedly, we used to do this at times because
21 that has always been kind of the practice in government.
22 The way to get to the Commissioners for training and stuff
23 like this would be two at a time, but, since this opinion
24 came out, I no longer recommend having meetings of the
25 Commission, like, two at a time, or three at a time. I

1 always want public notice to go out.

2 That is what we are looking at. When we were
3 talking about the Peer Review Committees with you guys
4 having two meeting with the staff conducting business, I
5 can't tell you whether the Supreme Court would say that
6 that is a violation because everything is so fact
7 specific.

8 what I would prefer to see on the committees
9 like that is the committees tell the department what
10 information -- once you have had a chance to review those
11 audits and things like that, tell the department what
12 information you want brought before the Commission and
13 that information be brought at a public meeting.

14 There is really no reason to discuss anything
15 outside of the public meeting, in my opinion. Everything
16 is public record anyway.

17 If you have a specific report on Tidelands
18 Funds, or Federal grants, or things like that, that you
19 want brought out, then, tell the department and have that
20 included in the financial report.

21 JOE SPRAGGINS: The Supreme Court, is that the
22 State Supreme Court?

23 SANDY CHESNUT: Yes, that's the State Supreme
24 Court.

25 JOE SPRAGGINS: Have they changed the rules for

1 the open meetings because of that?

2 SANDY CHESNUT: No. They said that that is the
3 interpretation.

4 JOE SPRAGGINS: Yes, but that was the
5 interpretation of one event.

6 SANDY CHESNUT: That's right.

7 JOE SPRAGGINS: That was not the interpretation
8 of every event.

9 SANDY CHESNUT: It is fact specific and, like I
10 said, there is no way that we can say what they would and
11 would not say violated the Open Meetings Act.

12 COMMISSIONER BOSARGE: Surely there are some
13 other Commissions that have these committees.

14 Have you looked to see how they operate?

15 SANDY CHESNUT: I don't know of any.

16 JOE SPRAGGINS: Even the county and the cities
17 don't operate with this because, if they have less than a
18 quorum, then, they can sit down and talk about something
19 and they do it on a regular basis.

20 SANDY CHESNUT: And you can, too. You can.

21 Two of you guys sit down and talk about
22 business. That is perfectly fine because you are not a
23 quorum.

24 Once one of you goes and talks to the third
25 person and says, Mark and I decided we were going to vote

1 this way and we want you to vote this way, you have
2 violated the Open Meetings Act.

3 JOE SPRAGGINS: I guess what you are saying --

4 COMMISSIONER GOLLOTT: (Interposing) You said
5 if you didn't tell him Mark was going with you. If you
6 say, why don't you go with us like this -- okay. Not us.
7 I want you to vote with me on this thing.

8 SANDY CHESNUT: I wouldn't advise that.

9 JOE SPRAGGINS: Let me ask a question.

10 Just say that Ronnie goes to Mark and they sit
11 down and they talk about something, and, then, one of the
12 two of them is talking to Steve and they say, what do you
13 think about this, and don't give any indication of what
14 anybody else has said. It's just those two talking.

15 COMMISSIONER BOSARGE: I think if you are
16 talking about the same issue.

17 JOE SPRAGGINS: If it's the same issue, then,
18 that is what you are talking about?

19 SANDY CHESNUT: If you talk about the same
20 issue, you --

21 JOE SPRAGGINS: (Interposing) Say the mayor of
22 the city wanted to meet with the council, with the
23 committee and they said, can two of you come at the same
24 time and sit down and talk to me individually?

25 SANDY CHESNUT: Are they talking about city

1 business?

2 JOE SPRAGGINS: Yes, something that the city is
3 wanting to do, but they are not going back and talking.

4 SANDY CHESNUT: They violated.

5 COMMISSIONER BOSARGE: With these committees --
6 that's the part I hate about the Open Meetings Act -- you
7 have to have all of these discussions in public.

8 I could see on these committees, whether it be
9 contracts, where two of the members need to look at this
10 and have a discussion with him about it, before we have
11 that discussion in public.

12 In other words, if we see an issue and we are
13 concerned about it, I wouldn't want to bring that issue up
14 to the public.

15 COMMISSIONER DANIELS: I wouldn't want to throw
16 it out in front of the public, without getting a little
17 clarification. To me, that is just like a slippery slope
18 for us.

19 JOE SPRAGGINS: Does that mean that they can't
20 pick up the phone and talk to one another?

21 SANDY CHESNUT: No.

22 JOE SPRAGGINS: They can't have a three-way?

23 SANDY CHESNUT: Right.

24 COMMISSIONER GOLLOTT: Or you can't have a two-
25 way, and, then, a one-way?

1 SANDY CHESNUT: Right.

2 JOE SPRAGGINS: I can't even talk to another
3 one. There are only three of us, and we can't even really
4 talk to each other about business.

5 SANDY CHESNUT: The decision says, once a matter
6 of public business has been discussed between enough board
7 members to constitute a quorum, the Open Meetings Act has
8 been violated.

9 COMMISSIONER GOLLOTT: Can I tell you a little
10 secret?

11 The legislators that passed this law don't do
12 that. They get in a room and they all talk about
13 something, before it ever gets out.

14 JOE SPRAGGINS: And they go over there and sit
15 at the bar.

16 SANDY CHESNUT: The other thing to remember is
17 you can't use staff to circumvent the Open Meetings Act.
18 You can't get somebody on the staff to say, you talk to
19 Natalie and Mark and Ronnie and tell them about this.

20 JOE SPRAGGINS: Let me ask you a question.
21 If there is an issue that comes up, as the
22 Executive Director, can I talk to each one of them
23 individually?

24 SANDY CHESNUT: Yes. You can talk to them
25 individually because you don't vote, but you can't tell

1 them how the others feel about it, or how they are going
2 to vote on it.

3 JOE SPRAGGINS: As long as I just talk to them
4 individually about it.

5 If something came up, if we had an issue that
6 was coming up that I wanted to talk to y'all about and let
7 you understand that this is happening, I could pick up the
8 phone and call them individually and talk to them?

9 SANDY CHESNUT: You can because you do not vote.

10 COMMISSIONER DANIELS: Like in our executive
11 session last week, do those notes becomes public
12 knowledge?

13 After that is over with, is that public
14 knowledge, what we talked about?

15 If someone asked me a question about what went
16 on in there, we can't say a word about that.

17 Right?

18 SANDY CHESNUT: Absolutely. No.

19 The only thing that is public is what I read
20 into the record, when we go back in.

21 COMMISSIONER DANIELS: Okay.

22 SANDY CHESNUT: Executive session discussions
23 are confidential.

24 JOE SPRAGGINS: None of it is taped?

25 SANDY CHESNUT: No.

1 JOE SPRAGGINS: Whatever Sandy writes is what it
2 is, and that is what is written in.

3 SANDY CHESNUT: Any other questions?

4 COMMISSIONER GOLLOTT: Could we take a quick
5 restroom break?

6 COMMISSIONER BOSARGE: Yes.

7 MEETING STANDS IN RECESS

8 COMMISSIONER BOSARGE: On the record.

9 The Commissioners, when can we sit down and just
10 talk?

11 JOE SPRAGGINS: You can sit down and talk to
12 another Commissioner, but you just can't get up and go
13 talk to another Commissioner about the same thing.

14 The whole idea that they are trying to keep from
15 happening is the fact that, say, you talk to Natalie and
16 y'all talk about something, and, then, you turn around and
17 you go talk to Ronnie and y'all talk about the same thing,
18 and you say, this is the way we talked about it.

19 COMMISSIONER DANIELS: As long as I don't say
20 what me and Natalie talked about, we're good?

21 COMMISSIONER GUESS: She said no.

22 I find that very difficult, in terms of just how
23 we feel as a Commission.

24 JOE SPRAGGINS: The Commission that I'm on, two
25 of my best friends are on the Commission with me and there

1 are only three of us, and two of us go to the games
2 together all the time. We can't even talk. We just try
3 to make sure we don't open our mouths about anything, but
4 Auburn football.

5 COMMISSIONER GUESS: I just feel like if I had
6 been on the Commission longer. I mean, I understand the
7 point, but I will be honest. The only thing people are
8 asking me about is the netting. When are y'all going to
9 vote on the netting issue because? Now, y'all have are
10 five? What are you thinking?

11 COMMISSIONER BOSARGE: We're working on it.

12 COMMISSIONER GUESS: Or they are trying to tell
13 me how to vote.

14 Sorry, you know, but it gets hard not to --

15 JOE SPRAGGINS: (Interposing) Make up your own
16 mind.

17 BRIAN SHERWOOD: Well, it sounds like it just
18 needs to be a more structured process. To meet those
19 requirements, you just need to have a regular working-
20 session type thing so y'all can hash it out.

21 COMMISSIONER HAVARD: I just don't want to argue
22 in a public setting. I feel like we are arguing with each
23 other, when we could have had forty-five minutes and had
24 an adult discussion about it and, hopefully, I know where
25 everybody sits, they know where I sit, whatever the case

1 is.

2 JOE SPRAGGINS: Mark, that's fine, except data
3 is here is isn't for the rest of the people that are
4 honest. It's for the people who weren't honest.

5 (Inaudible. Attendees talking at same time.)

6 JOE SPRAGGINS: Mark, here's the deal. My
7 brother-in-law needs this contract. That's where it all
8 comes from.

9 Then, the next thing you know, we've got three
10 votes over here, or, whatever, that said we are going to
11 vote for Joe because his brother-in-law needs it.

12 COMMISSIONER HAVARD: It's a good-ole-boy
13 system, then.

14 (Inaudible. Attendees talking at same time.)

15 JOE SPRAGGINS: The idea is people can socially,
16 verbally and everything other way chastise every word you
17 say.

18 If you make enough meetings, you have to have a
19 1099 filed on you. That is even worse.

20 COMMISSIONER GOLLOTT: Listen. We used to sell
21 automobiles for a living. You don't need to worry about a
22 1099.

23 (Inaudible. Attendees talking at same time.)

24 JOE SPRAGGINS: Where are we?

25 what have we got, now?

1 COMMISSIONER GOLLOTT: Has Sandy still got the
2 floor?

3 SANDY CHESNUT: No. I'm done. It's Brian's
4 turn.

5 JOE SPRAGGINS: We are back to the chairman.

6 COMMISSIONER BOSARGE: Yes, sir.

7 Next on the agenda is Office of Information
8 Technology, CMR portal review, Brian Sherwood.

9 BRIAN SHERWOOD: As many of you are aware, Joe
10 directed us a few months to kind of really try to
11 modernize your way of communicating and your way of
12 getting this Commission information so we get away from
13 these printouts, these binders.

14 Obviously, it is a challenge to keep them
15 updated. It is a challenge for y'all to know what you are
16 actually going to be seeing the day of the Commission
17 meeting, as things change rapidly, sometimes right up to
18 the night before.

19 Our attack on that was basically we are going to
20 give you what we call a CMR portal. It's just a website
21 that will pretty much be the clearing house for all things
22 CMR related, and it is what you have seen already on these
23 tablets that you have seen at Commission meeting. It
24 looks just like the Commission agenda. It's got the
25 hyperlinks to all the presentations.

1 From your perspective, it was designed to be
2 really super straight forward and easy. It is what you
3 are already used to seeing. We are changing all of our
4 back-in processes to make that happen.

5 One of the changes that went along with that is
6 that because it is part of our infrastructure -- and it
7 was really the right thing to do for lots of reasons -- we
8 went ahead and created email addresses for each one of you
9 that is a CMR email address.

10 With discussions with counsel, that is probably
11 something that should have happened a long, long time ago
12 because of just that nightmare of using your personal
13 email addresses. If the Feds ever wanted to come and do a
14 subpoena, they could literally go get your home computer
15 and everything else you have ever emailed on because it's
16 your personal email. There is literally no separation.

17 Now, you can debate about whether there is ever
18 a separation really, even on a state-issued device, or
19 anything else, but that was just the worse way to do it is
20 personal email.

21 As part of this new email address that you've
22 got, our hope will be that you will be able to use that as
23 your official Commissioner communication method for any
24 and all things Commission related.

25 We are going to have internal staff start using

1 those exclusively. Like when Joe sends out his, his
2 address book for Commissioners will be changed to all
3 those DMR email addresses, Fisheries, Joe Jewell and all
4 those people that you normally communicate with.

5 It will be easy for us to say, DMR, don't ever
6 send anything to the Commissioners that is not on their
7 DMR email address. Obviously, it will be much more
8 difficult for y'all to get anybody out in the public.

9 It is just like changing your personal email
10 address, from Comcast, or Gmail, or something. It takes
11 years because people will always be trying to email you to
12 the old one and you will be like, email my new one, don't
13 use this one, but, at least, it is a step in the right
14 direction.

15 When Sandy sent that email out a few days ago
16 about the training video, that was kind of your first pass
17 into that email account. It's just first name dot last
18 name at dmr.ms.gov, and that really is your one login to
19 everything. It gives you access to your email. It gives
20 you access to the Commissioner portal. It will give you
21 access to pretty much anything and everything that we need
22 to be able to get out to you guys; the stuff that Joe was
23 talking about, like, for peer review, or any of those
24 kinds of documents. It will just be a great place for us
25 to stick anything related to y'all so that you always

1 know.

2 If it is related to CMR, I can go to this
3 portal. There is no more of this having to dig through
4 email looking for something from Crystal, or something
5 from Joe, or anything else. It is just all going to be in
6 one place.

7 Hopefully, it is going to make your lives a lot
8 easier, trying to just deal with this information.

9 Internally, what Joe has told staff is that --
10 the time lines really haven't changed. Crystal always
11 sent out an email saying ten days, or whatever it was,
12 ahead of time we get the agenda, we start locking the
13 agenda down. That way, each department and office can
14 start circling on their presentations, getting the
15 PowerPoints ready, getting all of that information ready.

16 That has not changed at all. They will continue
17 to do that. They will just be submitting it straight into
18 the portal.

19 As soon as Director Spraggins has seen it and
20 approved it, then, it will be visible to y'all, so you
21 will just know.

22 Once Director Spraggins has approved everything
23 on that first pass, Crystal will send out an email that
24 says, it's ready for review.

25 Then, we've got some flexibility on how we do

1 things moving forward. Like, if there is an item that you
2 are particularly interested in, if it's a topic that you
3 care about, if that presentation were to change three days
4 later, you might not get notified. Fisheries updated
5 their presentation, or something.

6 It will just be much more dynamic and flexible
7 for y'all to see this information and always see the
8 latest information.

9 COMMISSIONER BOSARGE: There are some of us that
10 don't sit in front of a computer all day long.

11 BRIAN SHERWOOD: Sure.

12 COMMISSIONER BOSARGE: I like it when she sends
13 texts because most of us have a phone on us. If it is
14 possible to send a text saying, everything is up on the
15 portal. You can see it now.

16 You see what I'm saying?

17 I try to do my emails first thing in the morning
18 and late in the evening. Sometimes late in the evening is
19 like...

20 BRIAN SHERWOOD: Well, I will tell you from a
21 technology perspective, the world is going full mobile.
22 You can debate on when it is going to happen, but mobile
23 devices have already surpassed desktop devices in general
24 computing.

25 when people design web sites, it is called

1 mobile first. You just design it around mobile use.
2 There will always be that information worker, the task
3 worker that needs a full keyboard and screen, but ninety-
4 nine percent of the time, you are just reviewing things,
5 so a mobile device be it an iPad, or a phone, is perfectly
6 viable for that.

7 COMMISSIONER BOSARGE: Or maybe you can push
8 alerts, or something.

9 BRIAN SHERWOOD: Sure. That's why we designed
10 it this way was so that it will be friendly on any device.
11 Again, since it is a website, of course, you can view it
12 on your home computer, or your office computer.

13 COMMISSIONER GUESS: You are putting it the
14 phone.

15 Right?

16 BRIAN SHERWOOD: Yes, for sure.

17 COMMISSIONER GUESS: So I get a text
18 notification every time an email comes through telling me
19 there is something on email?

20 COMMISSIONER DANIELS: That was my question.

21 The emails go into that portal, so it's not
22 going to be like my phone where I get a little
23 notification down here on my email thing saying that there
24 are new emails?

25 BRIAN SHERWOOD: It's two things. The login is

1 one login for all of this, but email and the portal are
2 two separate things. It's just that you are using one
3 login to get to both of them.

4 what Natalie is referring to is all of us have
5 emails set up on our phones for whatever accounts we
6 currently have. Our hope is that we will be able to put
7 the Outlook app on each one of your phones. Outlook is
8 the Microsoft app. It's our standard default app for
9 email, and it is really nice for even people in the
10 building here. You can use one phone for both work and
11 personal because, then, they just know, if I go into
12 Outlook, that's work.

13 I might have the normal mail app on my iPhone
14 for Gmail, or for whatever else I'm doing, but if I'm
15 going into the Outlook app, it is going to be work. That
16 is what we do with Natalie's.

17 COMMISSIONER GUESS: Yes, I have it set up that
18 way.

19 (Inaudible. Attendees talking at one time.)

20 COMMISSIONER GUESS: I have the regular email
21 where I have all my other work, personal, and, then, the
22 Outlook app (indicating phone).

23 COMMISSIONER DANIELS: So you get the little red
24 notification on the Outlook?

25 COMMISSIONER GUESS: Yes.

1 BRIAN SHERWOOD: Yes.

2 COMMISSIONER DANIELS: Okay. That's what I
3 wanted to know because if I had to go in every three hours
4 to look and see if I got an email, that's...

5 BRIAN SHERWOOD: Again, because this stuff is
6 tied together, our hope, as we are walking through these
7 potential work clothes, is that you would see that
8 notification in the Outlook app for presentations, as
9 opposed to Crystal sending an email, or whatever, and you
10 click on that link and it takes you right into the portal
11 so you can start seeing stuff, and you have never left
12 your phone.

13 Now, if it is someone like me who I can't see
14 two feet in front of me anymore, then, I would say, I need
15 to go look at this on my computer because it's too small
16 and it is going to kill me.

17 The option is there. If you are trying to
18 review something remotely, you can do it from any device.

19 JOE SPRAGGINS: Just for the ones that are about
20 my age in this group, there will still be hard copies
21 coming for the foreseeable future.

22 (Inaudible. Attendees talking at same time.)

23 COMMISSIONER GUESS: This is where all my other
24 email lies, and this is the Outlook app (indicating
25 phone).

1 COMMISSIONER GOLLOTT: This is on an app,
2 outlook?

3 BRIAN SHERWOOD: Yes.

4 JOE SPRAGGINS: We've got to have a chance to
5 work on it.

6 BRIAN SPRAGGINS: If you've got the time today,
7 we will set this up on all your phones and make it super
8 easy.

9 Honestly, we have tried to streamline this, and
10 I know this is just the first step of many, but, like
11 public comments. For twenty years, public comments have
12 been coming into whomever the issue is about, so it only
13 really came to a head a couple of months ago when that
14 huge net issue came up and Joe Jewell was getting three,
15 or four, hundred auto-generated public comments from the
16 CCA website, and he was like, this is killing me.

17 I'm like, what about a public comment email
18 address that just all these things dump into? That way,
19 from a legal perspective, we don't have to worry about it
20 being missed in somebody's inbox, when we are doing a
21 records request on things. This is just another step to
22 make it easier for us to capture stuff.

23 Again, the nice thing about this stuff is that
24 all technology options are on the table.

25 If you want it on your phone, we will put it on

1 your phone. If you are not comfortable with it on your
2 phone, Joe is ready to offer these tablets that we have,
3 although they are not the most robust tables, but, if
4 someone wants to take one, they can certainly do that.

5 COMMISSIONER GOLLOTT: On our own private table,
6 can they come in and subpoena your tablet, if you've got
7 this app and all that stuff on it?

8 BRIAN SHERWOOD: Yes.

9 COMMISSIONER GOLLOTT: So you are opening
10 yourself up to...?

11 BRIAN SHERWOOD: You are, but, again, in a very
12 practical sense, you are already there because the first
13 question the Feds are going to ask you is, have you ever
14 sent an email about anything Commission related on this
15 other device already, and you will be like, of course, I
16 have, so they've got your device already, but it doesn't
17 make it any worse.

18 JOE SPRAGGINS: Just don't email.

19 COMMISSIONER DANIELS: It's too late.

20 JOE SPRAGGINS: with that being said, if you
21 have ever made a phone call related to a Commission thing
22 on your personal phone, it's the same thing.

23 COMMISSIONER GOLLOTT: I've never done that.

24 JOE SPRAGGINS: And if you have ever sent a text
25 message related to a Commission thing.

1 BRIAN SHERWOOD: There are, obviously, lots of
2 reasons to issue state devices to people. The one reason
3 you don't do it is for that perceived separation from a
4 legal perspective because it doesn't exist really. It is
5 just a common illusion to think that they won't come after
6 your personal device.

7 In y'all's case, since you have used your
8 personal email before, you are already there.

9 For a new employee starting at the agency, we
10 could say, don't ever use your personal email. You could
11 maybe say, in that scenario, you could separate the two.

12 JOE SPRAGGINS: The whole idea for this was two
13 things.

14 Number one, it costs a lot of money to print
15 these things out every month and send them out, especially
16 when we are doing full color.

17 I can tell you, unless it has to have color on
18 it, in the future, when we do send it out, it won't have
19 color.

20 I mean, if it is a graph, or something, and you
21 need color to see it, then, that's a different story, or
22 something like that.

23 The other thing is changes. Crystal sends
24 something out seven days prior, or ten days, and, then, by
25 the time it gets there, there may be these ten changes on

1 a presentation, before it gets to time for the meeting.

2 well, here, we can update the presentation
3 immediately and say, there was a change here. Look at it.
4 This is what the change was. It gives you that option to
5 see the change in the presentation, so you don't walk in
6 there looking at one thing and seeing another.

7 That is another option and, even though a couple
8 of us in here aren't into the new age, it is going to get
9 there one day. It is coming every day, so we've got to
10 move with the times.

11 BRIAN SHERWOOD: I'll tell you what. I was
12 amazed on our first pass when a few minutes into you
13 having your tablet, Commissioner Gollott was saying, I
14 want to go search last month's transcript for whatever.

15 Just your ability to go in there and, in five
16 minutes, go through four hundred pages of transcript and
17 find that thing that you wanted to talk about again --

18 COMMISSIONER GOLLOTT: (Interposing) That makes
19 a lot of difference.

20 BRIAN SHERWOOD: It does, and it's huge. It is
21 really huge.

22 JOE SPRAGGINS: And we are going to put
23 monitors.

24 BRIAN SHERWOOD: Obviously, Crystal is wanting
25 to kick you under the table for talking about printing

1 anymore.

2 Because these tablets obviously are, even for my
3 eyes, not great, our goal is to, hopefully before this
4 next Commission meeting, get some nice twenty-four inch
5 monitors up on the dais so you will actually be able to
6 see it in a much larger format.

7 JOE SPRAGGINS: You will still be able to have
8 your tablets to go back and research things, and make it
9 work on the monitor.

10 Right?

11 BRIAN SHERWOOD: I think my goal certainly,
12 because of the time frame, is just that we are going to
13 tether the monitors off these tablets. We will just have
14 a line coming out. You will literally be able to sit
15 there and still be able to search and all that stuff. You
16 will see it up on the big screen. It will be easier to
17 deal with.

18 Again, all of this stuff is completely up to
19 whatever works for you guys. It is just our best guess as
20 to what is going to work.

21 COMMISSIONER GOLLOTT: We are moving into the
22 future, now.

23 BRIAN SHERWOOD: Yes, and, again, I really think
24 that with y'all having that one central repository, like,
25 for Sandy's information, for Crystal's supporting

1 information, for that ability to never be looking at a
2 presentation that is not current.

3 That is my biggest fear. I have heard it too
4 many times already where something is changing and you get
5 to the Commission meeting and you're like, this is not
6 what I looked at last night.

7 JOE SPRAGGINS: Our goal here is up to noon on
8 Monday, we will change something. After that, it won't be
9 changed. If we need to do it, it will be brought up
10 individually at the Commission meeting.

11 That gives you at least eight, or ten, hours to
12 look at it and the possible change on anything.

13 BRIAN SHERWOOD: That's really our expectation
14 is worse case, if you haven't had a chance to look at
15 anything, the night before you can punch on it and it will
16 all be current and you won't have to worry about it.

17 You have seen the portal. My presentation was
18 super easy.

19 The portal is exactly what you have seen as a
20 Commission. The tablets, we have already put hyperlinks
21 on them to get to them. Again, we will do them on your
22 devices as well because it really is just a URL. You
23 know, iPhones have that nice ability to where you can
24 create what looks like an app on your home screen, but
25 it's really just a web link.

1 Like, on mine, I've got the CMR portal and all
2 it really does is launch Safari to that web page. That is
3 kind of a nice feature.

4 This is the same thing y'all have seen before.
5 This basically will update. As soon as Crystal gets the
6 agenda in a week, or so, we will update this.

7 Now, none of the hyperlinks will be live
8 because, of course, in the background, what you will know
9 is happening is offices are submitting to Director
10 Spraggins. He is reviewing. Once he has approved it,
11 then, the hyperlink goes live.

12 If you see an item on the agenda and there is no
13 hyperlink, it just means it's not ready for you to see it,
14 but it is coming.

15 COMMISSIONER GOLLOTT: Show me what a hyperlink
16 is?

17 BRIAN SHERWOOD: The difference between
18 something like this that you can't click on and do
19 anything, and one of these underlines that actually takes
20 this --

21 COMMISSIONER GOLLOTT: (Interposing) Hyperlink?

22 BRIAN SHERWOOD: Yes, sir. That's what takes us
23 to the pdf.

24 COMMISSIONER GOLLOTT: Forgive me for my
25 ignorance.

1 BRIAN SHERWOOD: My apology, sir. Ask me
2 anything.

3 JOE SPRAGGINS: It's easy to do.

4 SANDY CHESNUT: As far as legal notices, titles,
5 parts, those are all on our website. You may want to make
6 those a part of that, also.

7 BRYAN SHERWOOD: It's up to y'all.

8 Like I say, our goal on the first pass for this
9 was really just to recreate what you are getting in paper
10 digitally. This is step one forever. It is whatever you
11 want.

12 Really, the only change for you guys will be you
13 are going to have to deal with this new email address
14 which, again, for like communicating with the anglers and
15 all this kind of stuff, that will be a process that may
16 take forever, but we will certainly do everything we need
17 to do internally here to make that happen, and, again,
18 however you want to get this on your devices.

19 I told Director Spraggins, because I'm used to
20 dealing with boards, you pretty much just commit to making
21 it accessible wherever. Wherever they are used to working
22 already, like, I do everything I do on this computer at my
23 house, I'm going to go to your house and make sure you can
24 do it. If that's not the way you work, then, that's fine.

25 I think the mobile way makes it so nice just to

1 put it on your device and away we go, but, again, it is
2 whatever you need to do to be able to access this through
3 your normal process.

4 COMMISSIONER BOSARGE: I work off this most of
5 the time, but, if I don't have to, I'm like you I need a
6 bigger screen to see it on the laptop, or the PC in the
7 office.

8 BRYAN SHERWOOD: Again, this doesn't require any
9 software to be installed. The Outlook app is not
10 required. Obviously, you could just literally go to your
11 email in a browser, but it's nice to have the Outlook app
12 because, then, you get those notifications.

13 CRYSTAL MATTA: What is great is I will have a
14 way to also send y'all calendar invites so you can have
15 it. The Outlook app supplies a calendar within itself.
16 It is its own calendar. I could even include y'all on
17 those kinds of things, and you can check the calendar for
18 future events.

19 COMMISSIONER BOSARGE: That's like the
20 legislative forum. I remember we talked about it. I
21 don't remember the date and time, now.

22 JOE SPRAGGINS: Five December.

23 BRIAN SHERWOOD: Do y'all have any questions?

24 COMMISSIONER GOLLOTT: Is that coming with the
25 tablets you are offering us?

1 In other words, I have just gone through that.
2 I just bought a new tablet and I have written all that
3 stuff on it. Come to find out, there was somebody trying
4 to hack me the other day, and it cost me a ton to try to
5 get all that off of there and start again.

6 BRIAN SHERWOOD: The tablet is a Windows ten
7 device, so it's not an Apple device. It's not running
8 IOS. It's not running Android. It's a Windows ten
9 tablet. It's got our standard normal desktop anti-virus
10 solution.

11 It is configured as a standard DMR desktop
12 machine, not really anything specific for Commissioners,
13 but, really, since all this stuff is web based, it didn't
14 really have to be anything specific on that tablet.

15 You will see. When you crank it up, it's just
16 like what you are used to at Commission meetings. It's a
17 blank desktop with three icons that go to web links. It's
18 no different, and I would expect, once you get to office,
19 or your house, or whatever, you are going to put those
20 same two, or three, shortcut links on your desktop and you
21 are done.

22 JOE SPRAGGINS: One thing. If they take these,
23 they need to bring them back for each meeting, if they
24 want to have that access.

25 Right?

1 BRIAN SHERWOOD: For this next one, right,
2 because my goal is to just have the monitors there and we
3 will just tether them.

4 We may get to a point to where we don't even use
5 tablets.

6 COMMISSIONER GOLLOTT: Can you blue tooth it
7 into your monitor?

8 BRIAN SHERWOOD: No. That is probably as much
9 as we will be able to do before this next meeting.

10 We really started this thought -- Crystal and
11 Jamie and I started this two years ago about monitors for
12 the dais, and it was just something that -- again, when
13 you say, okay, we are going to take a very simple concept
14 of taking paper to digital, it just kind of opens up lots
15 of other doors. You kind of want to make sure you don't
16 pigeonhole yourself into a technology solution that can't
17 do all the other things.

18 I like the way we are starting, right now.
19 These tablets are super inexpensive. Believe me, I'm
20 finding the cheapest table on the planet.

21 COMMISSIONER GOLLOTT: How are they on speed?

22 BRIAN SHERWOOD: They are good at pulling up a
23 web page. You will not be playing Fortnite on these
24 tablets.

25 COMMISSIONER BOSARGE: To me, I like to have the

1 monitors, but that tablet tends to be right the way a lot
2 of times. You are trying to move stuff around and this
3 thing falls over.

4 BRIAN SHERWOOD: You're right. That's what we
5 needed to learn is what actually works up there for y'all.

6 Now, once you get the three-ring binders out of
7 the way, you will have a little bit more real estate, I
8 think. It will just be easier to deal with.

9 COMMISSIONER BOSARGE: I don't think we will
10 ever get rid of the three-ring binders. Some of old
11 school folks still like to have it on paper.

12 BRIAN SHERWOOD: This is step one of a much
13 bigger process. Right now, we are leveraging software and
14 licensing that is already part of our DMR subscription.
15 but, to your point, people who are really used to paper,
16 or who love to annotate stuff, when you go digital, that
17 is one of those things you kind of lose is the ability to
18 write notes along the edge. That is going to be something
19 that you are going to have to shift.

20 COMMISSIONER DANIELS: We'll have sticky notes
21 all over the screen.

22 JOE SPRAGGINS: We might have to get
23 Commissioner Bosarge one of those things like Crystal's
24 got, where you can write on it.

25 CRYSTAL MATTA: I have an Apple iPad and Apple

1 pencil. I like to write on paper with pen and take notes,
2 so this is what I have been doing. I will be happy to
3 give you a presentation on this.

4 BRIAN SHERWOOD: That's what I'm saying. Right
5 now we don't have that functionality, but, if y'all say
6 this has been great, but I really need to start annotating
7 this stuff in some digital way, there are solutions that
8 we can start implementing.

9 CRYSTAL MATTA: And it saves what I write in the
10 program, just as if it was on a desktop computer.

11 COMMISSIONER GOLLOTT: Just out of curiosity,
12 how cheap did Joe get with this?

13 CRYSTAL MATTA: I actually bought this for
14 myself.

15 JOE SPRAGGINS: No. He's talking about these
16 others.

17 BRIAN SHERWOOD: The little tablets?

18 JOE SPRAGGINS: They were under a hundred,
19 weren't they?

20 BRIAN SHERWOOD: A hundred and nine.

21 COMMISSIONER GOLLOTT: That is cheap.

22 BRIAN SHERWOOD: I found one, like, for a
23 hundred and fifty that is actually made of plastic. These
24 are pretty much made of paper mache.

25 JOE SPRAGGINS: He made the bad mistake of

1 saying that I've got the cheapest price.

2 (Inaudible. Attendees talking at same time.)

3 BRIAN SHERWOOD: Again, if y'all have the time -
4 - I know it's 4:16 -- we would love to spend a few minutes
5 with you getting the Outlook app on your phone.

6 COMMISSIONER GOLLOTT: I thought I had one on my
7 phone.

8 BRIAN SHERWOOD: We've got a hotspot here. The
9 cell signal in this building is really horrible. If you
10 want to connect up to our hotspot, it might allow you to
11 download the Outlook app faster.

12 (Inaudible. Attendees talking at same time.)

13 JOE SPRAGGINS: Couple of things. When you
14 questioned about not letting y'all know some of the
15 things, I got to thinking about it.

16 We've got a thing every day that Charmaine puts
17 out and it's called "The News".

18 Y'all don't get it, do you?

19 BRIAN SHERWOOD: It is actually already in their
20 mailbox. When they open up their email, they are going to
21 see it.

22 JOE SPRAGGINS: That should help keep you
23 abreast of what is going on, too, so we can keep up with
24 that.

25 Now, we will send out messages on other stuff.

1 The morning of five December is when we have our
2 legislative forum here. If you can make that, it is going
3 to be here downstairs. We will have breakfast.

4 It starts at what, eight?

5 CRYSTAL MATTA: Yes.

6 JOE SPRAGGINS: It's the legislative forum that
7 we have every year. We would love to have each of you
8 here, if possible, to do that. It is basically sit down
9 and brief them.

10 If you have any legislative things you want to
11 see us change, or brought forth for the agency, please get
12 them to me so we can get them worked up before then.

13 That way, we can give it to them on that day to
14 be able to look at.

15 If you have something that you would like to see
16 changed, a regulation, or rules, or anything, just give me
17 an idea and we will work it up and we will try to make
18 sure we can get the right paperwork done on it and get it
19 to legislation.

20 BRIAN SHERWOOD: I'm glad you mentioned that,
21 Joe. Your email addresses have actually been in existence
22 for a few weeks, now, because we were building these
23 tablets up. Actually, I think it was before last
24 Commission meeting.

25 what he is referring to is when Charmaine sends

1 out these -- it's a DMR everyone, so we have these all
2 employees communications. They go out for various things.
3 HR will send them out for hiring. Charmaine, of course,
4 sends one out every day. Crystal will send things out.

5 I just logged into Ronnie's email and you will
6 see he has never been in it, but he has already got emails
7 from Charmaine. Every day, the daily news briefs have
8 been coming in. You will see some other stuff floating
9 around in there as well. It has been working.

10 JOE SPRAGGINS: If there is something that we
11 are not getting information to you, please let us know.

12 We will try to do better about getting more
13 information out.

14 Once again, if there is such a word as
15 "transparent", I would love for this agency to be that
16 way, as much as possible, and I definitely want y'all
17 involved in any and everything that you want to be
18 involved in.

19 BRIAN SHERWOOD: Now, for the last thing,
20 because we created all these email addresses for you,
21 please set a default password which I do not want you to
22 walk out of this room with because it is the same for
23 everybody.

24 As part of doing this, we will go ahead and have
25 each one of you login to your tablet. That way, we can

1 change the password on our network and it will filter out
2 to the Cloud and all that kind of good stuff, and that way
3 we don't know what your password is. Only you know it. I
4 don't want to know it. Right now, they are all the same.

5 COMMISSIONER DANIELS: Do I need to take a
6 tablet?

7 BRIAN SHERWOOD: No. If you don't want to take
8 it, don't take it.

9 JOE SPRAGGINS: You don't have to.

10 CRYSTAL MATTA: You can use your own device, if
11 you want to.

12 BRIAN SHERWOOD: Yes. Joe just wanted to make
13 it accessible to y'all, if you wanted to take one, but you
14 are under no obligation to take it with you. If you think
15 you can do it without it, that is totally your call.

16 COMMISSIONER GOLLOTT: I'm just wondering if it
17 would be legally worth it, if somebody comes to subpoena
18 you and you hand them that, rather than them taking all of
19 your computer and all your information and everything.

20 BRIAN SHERWOOD: Again, I'm not the lawyer, but
21 unfortunately I have done this for thirty-five years and
22 because you have ever done stuff on your personal email
23 address, yes.

24 SANDY CHESNUT: Let's adjourn the meeting
25 because I'm going to go.

1 COMMISSIONER BOSARGE: Yes. I need a motion to
2 adjourn.

3 COMMISSIONER HAVARD: I make a motion we adjourn
4 the meeting.

5 COMMISSIONER GUESS: Second.

6 COMMISSIONER BOSARGE: All in favor aye.

7 (All in favor.)

8 COMMISSIONER BOSARGE: Meeting adjourned.

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I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcription of the video of the October 24, 2018, work session of the Commission on Marine Resources, to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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