

2.4 OFFICERS AND TERMS OF OFFICE

2.4.1 General

- (a) A Chair and a Vice Chair shall be elected annually at the first Council meeting following the seating of new Council members (on or after August 11 of each year) by the voting members of the Council present and voting; each such officer shall serve for a period of one year and until a successor is elected.
- (b) Officers may succeed themselves.
- (c) The Council may elect other officers as it deems necessary.

2.4.2 Nominations

The Chair shall appoint a Nominating Committee, who shall make its nominations (at least two for each office) at the beginning of the election process. Following the Committee's nomination, any voting member may nominate additional candidates from the floor. When nominations are closed the election shall be held.

2.4.3 Elections

- (a) The election of Chair will be held first, followed by the election for Vice Chair. If only one candidate accepts the nomination for an office, the Chairman of the Nominating Committee shall cast all votes for that candidate. If there are two or more candidates, the election shall be by a secret ballot with the votes tabulated by two or more Tellers appointed by the Council Chair.
- (b) The Tellers shall use the following rules to determine the winning candidate:
 - (1) To win, a candidate must receive a majority of the votes cast.
 - (2) If no candidate receives a majority of the votes, the Tellers shall declare no election. If there are more than two candidates, the candidate receiving the lowest number of vote shall be dropped from consideration and a vote will be taken for the remaining candidates. This process will continue until a candidate receives a majority of the vote cast.
 - (3) Those preferring not to vote for any candidate shall check "ABSTAIN" on the ballot.
 - (4) The number of ballots cast for an individual shall not be announced. Any Council member who questions the result may review the ballots. The ballots will not identify which Council member cast a particular ballot.

2.4.4 Special Elections

In the event that the Chair cannot fulfill the Chair's obligations for the balance of the Chair's term, a special election will be held at the next scheduled Council meeting to fill the position of Chair. In the event that the Vice Chair cannot fulfill the Vice Chair's obligations for the balance of the Vice Chair's term, a special election will be held at the next scheduled Council meeting to fill the position of Vice Chair. The procedures for nominations and elections set forth above will be followed for special elections.

2.4.5 Authority of the Chair

- (a) The Council Chair shall be the chief executive officer of the Council. Subject only to the authority of the Council, the Chair shall have general charge and supervision over, and responsibility for the business and affairs of the Council. Unless otherwise directed by the Council, the Chair may enter into and execute in the name of the Council, contracts or other instruments in the regular course of business or contract or other instruments not in the regular course of business which are authorized, either generally or specifically, by the Council. The Council Chair shall have the general powers and

duties of management usually vested in the office of the Chair of the Board of a corporation.

(b) The Council Chair shall have the authority to appoint and dissolve committees of Council members, name their officers and membership, and describe their functions, duties, and responsibilities consistent with the Charter of the Council, the Act, and other applicable law.

(c) The Council Chair shall also have the full authority to call meetings as necessary for the conduct of the Council's business.

(d) The Council Chair shall have the authority to authorize reimbursement of travel expenses and/or compensation of any eligible members of the Council, its committees or subpanels except that proper notification, at the direction of the Chair, in the Federal Register of a regular meeting of the Council or one of its committees or subpanels shall constitute authorization for travel expenses and/or compensation to be paid to eligible members.

(e) The Council Chair shall have the authority to authorize, approve, or disapprove all meetings of Council subpanels or committees.

(f) In the event of the absence or inability of the Council Chair to serve or fulfill the Chair's obligations, the Council Vice-Chair shall assume authority and duties of the Chair.

2.5 Designees

(a) The Act authorizes only the principal State officials, the Regional Administrator, and the nonvoting members to designate individuals to attend Council meetings in their absence. The Chair of the Council must be notified in writing, in advance of any meeting at which a designee will initially represent the Council member, the name, address, and position of the individual designated. A designee may not name another designee. However, such officials may submit to the Chair, in advance, a list of several individuals who may act as designee, provided that the list designates who would serve if more than one designee is in attendance.

(b) Only a full-time state employee of the state agency responsible for marine and/or anadromous fisheries shall be appointed by a constituent state Governor as the principal state official for purposes of Section 302(b) of the Act.

(c) A principal state official may name his/her designee(s) to act on his/her behalf at Council meetings. Individuals designated to serve as designees of a principal state official on a Council, pursuant to Section 302(b)(1)(A) of the Act, must be a resident of the state and be knowledgeable and experienced, by reason of his or her occupational or other experience, scientific expertise, or training, in the fishery resources of the geographic area of concern to the Council.

(d) New or revised appointments by state Governors of principal state officials and new or revised designations by principal state officials of their designee(s) must be delivered in writing to the appropriate NMFS Regional Administrator and the Council Chairman at least 48 hours before the individual may vote on any issue before the Council. Written appointment of the principal state official must indicate his or her employment status, how the official is employed by the state fisheries agency, and whether the official's full salary is paid by the state. Written designation(s) by the principal state official must indicate how the designee is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council, the county in which the designee resides, and whether the designee's salary is paid by the state.

(e) Reimbursement of travel expenses to any meeting must be limited to the member, or authorized designee; in any case, one person.

2.2 Oath of Office

As trustees of the nation's fishery resources, all voting members must take an oath specified by the Secretary as follows:

I, [name of the person taking oath], as a duly appointed member of a Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the Nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to balance competing private or regional interests, and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is given freely and without mental reservation or purpose of evasion.