

# Charter: Game and Fish Fund Citizen Oversight Committees

Calendar year 2022

Affirmed by Budgetary Oversight Committee (BOC) on 01/27/2022

Item	Description
<b>Purpose and Scope of Activity</b>	<p><b>PURPOSE STATEMENT:</b></p> <p>Game and Fish Fund citizen oversight committees meet with managers and staffs of the Minnesota Department of Natural Resources (DNR) to review DNR's annual Game and Fish Fund Report, including expenditures, budgets, spending plans and other information related to the Game and Fish Fund.</p> <p><b>FUNCTIONS AND SCOPE:</b></p> <p>The <b>Fisheries Oversight Committee (FOC)</b> reviews fisheries funding and expenditures, including activities related to trout and salmon stamps and walleye stamps.</p> <p>The <b>Wildlife Oversight Committee (WOC)</b> reviews wildlife funding and expenditures, including activities related to migratory waterfowl, pheasant, and wild turkey management and deer and big game management.</p> <p>These two committees:</p> <ul style="list-style-type: none"> <li>Review annual reports of revenue and expenditures, and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.</li> <li>Make recommendations to the commissioner for outcome goals from expenditures (added in 2000).</li> <li>Make biennial budget plan recommendations to the commissioner by August 15 of each even-numbered year. At a minimum, this is accomplished by including general budget recommendations in the annual oversight report.</li> </ul> <p>The <b>Budgetary Oversight Committee (BOC)</b> is composed of the chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee and four additional members from each committee. Tasks for this committee are:</p> <ul style="list-style-type: none"> <li>Coordinate integration of the fisheries and wildlife committees' reports into an annual report to the legislature;</li> <li>Recommend changes on a broad level in policies, activities, and revenue enhancements or reductions;</li> <li>Provide a forum to address issues that transcend the fisheries and wildlife committees; and</li> <li>Develop recommendations for a biennial budget plan and report for expenditures on game and fish activities and, by August 15 of each even-numbered year, submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources.</li> <li>May also make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources for outcome goals from expenditures.</li> </ul>
<b>Authorization</b>	<p><b>SOURCE OF COMMITTEE'S AUTHORITY:</b></p> <p>These committees are authorized under Minnesota Statutes, section 97A.055, subdivision 4b.</p>
<b>Membership</b>	<p><b>MEMBERS:</b></p> <p><b>HOW MEMBERSHIP IS DETERMINED:</b></p>

Item	Description
	<ol style="list-style-type: none"> <li>1. Under the statutory authority, the commissioner appoints the committee members and the BOC Chair, and sets the terms and conditions of appointment.</li> <li>2. The BOC Chair appointment is reviewed every year and is renewable by mutual agreement of the BOC Chair and the DNR Commissioner. See Minn. Stat. § 97A.055 (e).</li> <li>3. Commissioner Strommen appoints committee members for terms of up to two years through an open application process.</li> <li>4. Members appointed under an open application process are eligible to serve up to six consecutive years. A member with maximum consecutive service becomes eligible to apply again for appointment after a two-year break. Current members interested in another term must apply again and members are not guaranteed another consecutive term.</li> <li>5. The commissioner can appoint additional members for a term of up to two years to enhance the mix of experience and demographics in a committee, regardless of an appointee's total consecutive service.</li> <li>6. The commissioner may terminate an appointment if the member does not meet the expectations for a member in good standing. DNR communicates a termination of appointment to the member by email or letter. A member may voluntarily withdraw from their term of appointment by notifying their DNR manager liaison or the DNR commissioner by email or letter.</li> <li>7. A member's appointment is subject to review by the DNR Commissioner, notwithstanding their initial term of appointment. An oversight committee may ask the commissioner to review a member's appointment by a vote of that committee. The commissioner will take the following expectations into account when reviewing a member's appointment.</li> </ol> <p><b>EXPECTATIONS FOR A MEMBER IN GOOD STANDING:</b></p> <p><b>Regular attendance.</b> Members agree to schedule of committee meetings and are expected to attend those meetings. Participation via remote conferencing technologies is considered regular attendance. Members must notify the Chair or DNR manager liaison when weather or other difficulties prevent their attendance. An oversight committee member must demonstrate a willingness and ability to contribute to the committee's responsibilities and activities. Members disclose potential conflicts of interest as they arise.</p> <p><b>BOC representation.</b> BOC members represent their respective committees, seek to understand the positions and priorities of others, and strive to make decisions as a group.</p>
<b>Roles and Responsibilities</b>	<p><b>MEETING SCHEDULE:</b></p> <p>The FOC and WOC set their own meeting schedules. The BOC meets monthly from January to May each year, and can add additional meetings as needed. The BOC sets a calendar for committee reports and other deliverables each year. FOC and WOC chairs are responsible for delivering committee reports to the BOC.</p> <p><b>SCHEDULING, AGENDAS, FACILITATION:</b></p> <p>Each committee sets its own meeting schedule. Members must do their best to accommodate the availability and preferences of their fellow members so that all members can participate in and contribute to the committee's oversight function and activities. Committee chairs are responsible for preparing or approving meeting agendas.</p> <p>DNR provides technical staff support, hosts committee meetings, and offers support for meeting planning and logistics, communications, and report production. A DNR facilitator is assigned to assist the BOC with work planning, effective meetings, group decision-making, and production of reports and other communications. DNR managers and commissioners are available for BOC meetings.</p> <p><b>COMMUNICATIONS:</b></p> <p>Since FY 2002, DNR has posted on the DNR's website its annual Game and Fish Fund expenditures reports, BOC reports and correspondence, and other information about citizen oversight of the Game and Fish Fund.</p>

**OPEN MEETING LAW:**

The Minnesota Open Meeting Law [Minn. Stat., Ch. 13D] does not apply to the budgetary oversight committees for the Game and Fish Fund. However, oversight meetings should follow an “open door” approach. DNR lists the meeting calendars on its website.

**LEADERSHIP**

1. The fisheries and wildlife oversight committees (FOC and WOC) must choose their own committee chair for the year [Minn. Stat. § 97A.055 (e)] before the first BOC meeting of each annual round of work. If a chair becomes unable to continue in that role, the committee must choose a new chair at its earliest opportunity. Duties of FOC and WOC chairs include leading meetings, ensuring production of annual reports, and assisting the BOC Chair.
2. The fisheries and wildlife committee chairs plus four other members designated by each committee must form a Budgetary Oversight Committee (BOC) [Minn. Stat. § 97A.055 (c)], which is chaired by an eleventh person appointed by the DNR Commissioner. The BOC Chair is a voting member of the BOC. The BOC Chair conducts BOC meetings, coordinates with other committee chairs outside of meetings, and ensures that oversight products are delivered pursuant to statute.

**EXPENSES**

Oversight members are entitled to mileage reimbursement by request, but not a per diem.

**Decision Process****HOW THIS COMMITTEE MAKES DECISIONS:**

**Quorum:** A BOC quorum is **6 out of the 11** members present at a BOC meeting. A quorum for the fisheries and wildlife committees is two-thirds (2/3) of the members present at a committee meeting (such as 7 out of 10). A quorum is necessary for making decisions. Lack of a quorum does not preclude discussions from taking place.

**Majority:** A two-thirds (2/3) majority vote of members present (with a minimum of a quorum) at a scheduled meeting is required for a decision. Reference tables:

BOC number present	BOC majority vote		FOC   WOC number present	FOC   WOC majority vote
6	4	-	9	6
7	5		10	7
8	6		11	8
9	6	-	12	8
10	7		13	9
11	8		14	9

**Voting outside of a meeting:** An e-mail vote is permissible, and the above quorum rule is applied. If at least a quorum of votes is received, then the above majority rule applies to the decision. All e-mail votes must include a reasonable deadline.

**Maintenance****CHARTER MAINTENANCE SCHEDULE:**

DNR and BOC must review and approve this charter annually and update it as necessary.

**Ethical standards****USE OF POSITION AND STATE PROPERTY**

Oversight members may not use or attempt to use their position to secure benefits, privileges, exemptions, or advantages for themselves, their family, or an organization with which the member is associated that are different from those available to the general public. Any oversight member found to have engaged in illegal discrimination, sexual harassment, or other harassment may be subject to removal.

**MINNESOTA GOVERNMENTAL DATA PRACTICES**

The Minnesota Governmental Data Practices Act (Act) [Minn. Stat., Ch. 13] governs the classification and public access to government data. All oversight-related documents and data are presumed to be accessible to the public, regardless of where it is maintained, unless state or federal law classifies the data as private or

confidential. A member's written or electronic communications related to oversight matters may be public data that is accessible to the public even if it is stored on a home computer.

Where the law classifies documents or information as private or confidential, members may not disclose the data. Disclosure of data classified as private or confidential violates the Act and can result in legal liability for members. Willful violation of the Act is a misdemeanor.

More information and resources are available at [Data Practices Office, Minn. Department of Administration](#).

### **CONFLICT OF INTEREST**

A commissioner's appointment to provide citizen oversight of department funds calls for both related knowledge and independent judgment. Agency leaders and staff have an affirmative duty to recognize and address potential conflicts of interest. A potential conflict of interest exists when:

- 1) Your employment involves the administration of activities funded by the Game and Fish Fund, OR
- 2) Your source of income includes Game and Fish Fund monies (directly or indirectly), OR
- 3) Your job or self-employment competes with the state in the provision of services funded through the Game and Fish Fund, OR
- 4) Your job or self-employment requires the use of state time, facilities, or supplies funded through or related to the Game and Fish Fund.

#### **Scenario #1:**

The appointee accepts a job that involves the administration of activities funded by the Game and Fish Fund.

*Solution:* This relationship creates a potential conflict of interest. The appointee may withdraw, or the commissioner may terminate the appointment. may terminated

#### **Scenario #2:**

An appointee or prospective appointee is employed by an organization that has a promotional or advocacy role related to activities funded by the Game and Fish Fund.

*Solution:* This relationship does not by itself automatically constitute a conflict of interest.

#### **Scenario #3:**

An appointee who has an influence over evaluating the performance of DNR regarding its use of the certain funds also receives money directly from DNR and is subject to evaluation by DNR personnel. The possible conflict is either DNR personnel feeling compelled to provide a positive evaluation of the work of the appointee to avoid retaliation by the appointee, or collusion by the two to provide positive evaluations.

*Solution:* The responsible staff must review the degree of separation between the prospective appointee and the funding source under oversight, and advise the commissioner about the potential for problems. There is no clear correct solution for all such situations. The correct action by staff is to provide the decision maker with sufficient information and possibly a recommendation.

#### **Scenario #4:**

An appointee wants to be a DNR volunteer while serving on a citizen oversight committee.

*Solution:* A volunteer activity under the direct supervision of the Fish and Wildlife Division and/or associated with activity within the scope of the budgetary oversight review could be perceived as a conflict of interest. The appointee should choose a volunteer activity with that in mind and maintain a "clean separation" to avoid the appearance of a potential conflict.