

# **BOARD OF GAME AND INLAND FISHERIES**

## **GOVERNANCE MANUAL**

**Revised October 19, 2017**

### **I. PURPOSE**

The Board of Game and Inland Fisheries for the Virginia Department of Game and Inland Fisheries has established this Governance Manual in accordance with §29.1-102, Paragraph B, of the Code of Virginia to provide guidance and structure for the deliberations and decisions necessary for it to fulfill its statutory responsibilities and to accomplish its mission. It fully recognizes that the General Assembly has given stewardship responsibilities for the Commonwealth's wildlife and boating resources to the Department on behalf of Virginia's citizens and has entrusted the Board with the moral ownership of the Department on behalf of the public. Therefore, the Board will strive to understand the public's values regarding wildlife and boating resources and shall govern its actions based on those values.

### **II. AUTHORITY**

Section 29.1-102 of the Code establishes the Board of Game and Inland Fisheries, delineates the composition and selection of its members, and provides basic instructions regarding the structure and function of the Board. Section 2.2-2100 of the Code defines a supervisory board as one that is responsible for agency operations, including approval of appropriations requests, appointment of the agency Director, and compliance by the agency Director with all Board and statutory directives. The responsibilities and authorities of the Board are set forth in §29.1-103 and in other sections of Title 29.1. The Board is accountable to the purposes and provisions of Title

29.1 of the Code of Virginia and has specific authorities as summarized below:

A. Administration

**The Board shall:**

Serve as trustee of the Lifetime Hunting and Fishing Endowment Fund (§29.1-101.1).

Adopt rules and procedures for the conduct of its business that shall be set forth in a Governance Manual. The Board may establish committees to assist with its duties and responsibilities. All decisions by a committee shall be reviewed by the Board, and shall only take effect if approved by the Board (§29.1-102.B).

Elect one of its members as its chairman whose duties shall be limited to (i) presiding at all regular and called meetings of the Board; (ii) serving as Board liaison to the Director, other Board members, and the Secretary of Natural Resources; and (iii) the other duties set forth in the Governance Manual as approved by a majority of the Board. The Board shall also elect a vice-chairman to preside in the absence of the chairman. Any additional duties of the vice-chairman shall be set forth in the Governance Manual. The Board shall annually elect one of its members as chairman and one of its members as vice-chairman (§29.1-102.C).

Meet at least once every quarter of the calendar year for the transaction of its business, and other meetings may be called if necessary by the chairman or at the request of any three

members. The majority of the members shall constitute a quorum (§29.1-102.D).

Meet in Richmond or at such other places within the Commonwealth as may be necessary (§29.1-102.D).

Appoint the Director, subject to confirmation and reconfirmation every four years by the General Assembly, to head the Department and to act as principal administrative officer and ensure his compliance with statutory and Board directives. The Director is subordinate to the Board (§§2.2-2100, 29.1-109.B, and 29.1-103.1).

Approve requests for appropriations (§2.2-2100).

Manage gifts of property or money in such a way as to maximize their value to the citizens of Virginia (§29.1-104).

Reduce all rules, resolutions, regulations, and policies of the Board to writing for the Director; these writings shall be public documents and shall be available to the public on request (§29.1-107).

Open minute books and other records of the Board to examination by the Governor, members of the General Assembly, and Auditor of Public Accounts, or their representatives, at all times. The accounts of the Board shall be audited in the manner provided for the audit of other state agencies. In addition, the Board shall ensure that the Auditor of Public Accounts, or an entity approved by him, conducts an annual audit of a fiscal and compliance nature of the accounts

and transactions of the Department. The Board may order such other audits as it deems necessary and desirable (§29.1-108).

Pay twenty-five percent of the proceeds from timber sales on lands owned by the Board to the locality in which the timber was located (§29.1-111).

Enter into a cooperative agreement with the United States Forest Service to define the means and methods to improve the fish and wildlife resources of the national forests in Virginia and shall program the expenditure of all funds derived from the sale of the national forest stamp (§29.1-411).

Designate (Board Chairman) a Motorboat Committee with three members from the Board (§29.1-701).

**The Board is authorized to:**

Designate funds to the Capital Improvement Fund and may transfer an amount equal to fifty percent or less of the revenue generated annually from the sales and use tax which has been deposited in the Game Protection Fund pursuant to subsection E of § 58.1-638 (§29.1-101.01).

Adopt resolutions or regulations conferring upon the Director all such powers, authorities, and duties as the Board possesses and deems necessary or proper to carry out the purposes of Title 29.1 (§29.1-103.12).

Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to Article 1.1 (§29.1-101.2 et seq.) of Chapter One of this title (§29.1-103.13).

Receive gifts, grants, bequests, and devises of property, real or personal, and money, which, if accepted, shall be taken and held for any uses prescribed by the donor, grantor, or testator and in accord with the purposes of Title 29.1 (§29.1-104).

Enter into contracts, with the approval of the Governor, for the lease of lands or buildings owned by the Board (§29.1-105).

Enter into reciprocal agreements for sport-fishing licenses with adjoining jurisdictions having inland waters adjacent to Virginia (§29.1-535).

Perform all such acts as may be necessary for the establishment and implementation of cooperative wildlife restoration projects and fish restoration and management projects, as defined in the provisions of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. § 669 et seq.), as amended, and to the provisions of the Federal Aid in Sport Fish Restoration Act of August 9, 1950 (16 U.S.C. § 777 et seq.), as amended, and the implementing regulations promulgated thereunder. Revenues derived from license fees paid by hunters and fishermen, as well as interest, dividends, or other income earned on such revenues, shall not be diverted and shall be used solely for the administration of the Department's fish and wildlife programs (§29.1-103.2.)

B. Acquisition

**The Board is authorized to:**

Acquire by purchase, lease, or otherwise lands and waters in the Commonwealth and to establish buildings, structures, dams,

lakes, and ponds on such lakes and waters (§29.1-103.2); lands and waters for game and fish refuges, preserves or public shooting and fishing, and establish such lands and waters under appropriate regulations (§29.1-103.4); lands and structures for use as public landings, wharves, or docks, to improve such lands and structures, and to control the use of all such public landings, wharves, or docks by regulation (§29.1-103.5).

Pursuant to Chapter 906 of the 2007 Virginia Acts of Assembly, the Board shall act in accordance with the policy of the Commonwealth that there shall be no net loss of those public lands managed by the Department that are available for hunting in Virginia (§29.1-103.2).

C. Conservation of Wildlife

**The Board is authorized to:**

In consultation with the Virginia Department of Agriculture and Consumer Services, the State Veterinarian, and representatives of appropriate agriculture agencies and organizations, to promulgate regulations pertaining to diseases in wildlife populations (§29.1-103.1.).

Conduct operations for the preservation and propagation of game birds, game animals, fish and other wildlife in order to increase, replenish, and restock the lands and inland waters of the Commonwealth (§29.1-103.3).

Acquire and introduce any new species of game birds, game animals, or fish on the lands and within the waters of the Commonwealth, with the authorization and cooperation of the

local government for the locality where the introduction occurs (§29.1-103.6).

Restock, replenish, and increase any depleted native species of game birds, game animals, or fish (§29.1-103.7).

Control land owned by and under control of the Commonwealth in Back Bay, its tributaries, and the North Landing River from the North Carolina line to the North Landing Bridge (§29.1-103.10).

Exercise powers it may deem advisable for conserving, protecting, replenishing, propagating, and increasing the supply of game birds, game animals, fish, and other wildlife in the Commonwealth (§29.1-103.11).

Determine when dams or other obstructions interfere with the free passage of anadromous and other fish within the streams of the Commonwealth and also to determine “suitable fishways” (§29.1-532).

Take such regulatory or other action as it may determine to be necessary to enable the Commonwealth to become a party to the Interstate Wildlife Violator Compact, as authorized in Article 2.1 (§ 29.1-530.5) of Chapter 5, and to implement the Compact in the Commonwealth (§29.1-103.17).

D. Education

**The Board shall:**

Establish regulations and rules to administer and enforce a hunter education program (§ 29.1-300.2)

Establish one full-time hunter education coordinator position per administrative region of the Department (§29.1-300.2).

**The Board is authorized to:**

Have educational matter pertaining to wildlife published and distributed (§29.1-103.8).

Hold exhibits throughout the Commonwealth for the purpose of educating school children, agriculturists, and other persons in the preservation and propagation of wildlife in the Commonwealth (§29.1-103.9).

E. Regulations and Rules

**The Board shall:**

Regulate or prohibit by regulation any drilling, dredging, or other operation designed to recover or obtain shells, minerals, or other substances on land owned by and under control of the Commonwealth in Back Bay, its tributaries and the North Landing River from the North Carolina line to North Landing Bridge to prevent practices and operations which would harm the area for fish and wildlife (§29.1-103.10).

Conform its regulations regarding the hunting of migratory game birds with the regulations of the United States government in regards to open seasons and bag limits (§29.1-515).

Promulgate regulations necessary to carry out the provisions of Chapter 6 of Title 29.1 pertaining to the licensing and operation of shooting preserves (§29.1-600.1).



**The Board is authorized to:**

Promulgate regulations pertaining to the hunting, taking, capture, killing, possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish and the feeding of any game, game animals, or fur-bearing animals as defined in § 29.1-100, or the feeding of any wildlife that results in property damage, endangers any person or wildlife, or creates a public health concern. (§29.1-501).

Prescribe the seasons and bag limits for hunting, fishing, trapping, or otherwise taking such wild birds, animals, and fish in the Commonwealth (§29.1-506) and on lands and waters owned or controlled by the Board (§29.1-508).

Close or shorten open seasons under certain conditions by giving public notice (§29.1-507).

Promulgate regulations to change the shotgun shell capacity (§29.1-519).

Adopt regulations permitting trappers to visit traps less frequently than at least once every 72 hours under specified conditions (§29.1-521).

Promulgate regulations establishing model ordinances for hunting with firearms that may be adopted by counties or cities (§29.1-528).

Promulgate regulations establishing model ordinances for hunting with bow and arrow that may be adopted by counties or cities (§29.1-528.1).

Prescribe distances less than 500 yards between waterfowl hunting blinds and the use of such blinds with restrictions (§29.1-351).

Establish a practical system of identification of trout offered for sale for table or other uses that it prescribes (§29.1-531).

Declare endangered and threatened species of fish and wildlife and to prohibit the taking, transportation, processing, sale, or offer of sale within the Commonwealth (§29.1-566).

Declare birds and animals as predatory and undesirable or nonindigenous aquatic nuisance species and control the importation and possession of such animals (§§29.1-542, 29.1-573).

F. Fees, Licenses, and Permits

**The Board shall:**

Establish by regulation a procedure for selling bonus deer permits and set the fee for this permit according to some restrictions (29.1-305.1).

**The Board is authorized to:**

Establish and collect admittance, parking or other use fees at certain Department-owned facilities according to certain restrictions (§29.1-103.14).

Establish and collect a use fee through the issuance of an annual hunting stamp required to hunt on private lands

managed by the department with certain requirements (§29.1-103.15).

Revise, as it deems appropriate, through the promulgation of regulations, the fees charged for hunting, fishing, and trapping licenses with certain restrictions (§29.1-103.16).

Adopt regulations to carry out the provisions of the apprentice hunting license statute (§29.1-300.4.)

Designate agents for the sale of hunting and fishing licenses and appoint agents for the sale of licenses and permits via telephone and electronic media (§§29.1-323 and 29.1-337).

Create a separate special license for the hunting of bear in the Commonwealth according to fees and requirements (§29.1-305).

Impose daily use fees and issue permits to fish in specially stocked trout streams (§29.1-318).

Administer a permit system to allow certain privileges for the collection, holding, etc. of wildlife according to regulations, reports, and fees as it may prescribe (§29.1-413).

Grant permits to bona fide field trial clubs and associations to hold field trials with dogs under regulations and fees that it establishes (§29.1-422).

Issue permits to raise, purchase, release, and hunt pheasant on private lands under rules, regulations, and seasons that it may require (§29.1-514).

Recognize persons, companies, or corporations with canneries or processing plants in other states that are duly licensed to operate such facilities in those states so that those entities can possess, transport, sell, etc. wild animals, birds, fish that are packaged in a can, tin, pot or other receptacle outside of the Commonwealth (§29.1-543).

Permit the taking and possession, etc. of endangered or threatened (§29.1-568), predatory and undesirable (§29.1-542), and nonindigenous aquatic nuisance (§29.1-575) species under special conditions.

Adopt revisions to the fees charged for motorboat registration and title certificates (§29.1-701.1).

G. Boating

**The Board shall:**

Promote the interest of retail buyers of watercraft and may prevent unfair methods of competition and unfair or deceptive acts or practices (§29.1-802).

**The Board is authorized to:**

Make rules and regulations as it deems necessary and proper for the effective administration of Chapter 7 of Title 29.1 concerning boating laws (§29.1-701.E).

Allow exceptions to the requirement to display decals showing the expiration date of motorboat registrations on the side of motorboats (§29.1-703).

Adopt regulations as it deems appropriate for the safe and reasonable operation of vessels and for proper equipment (§29.1-735).

Promulgate regulations to implement a boating safety education program for all motorboat and personal watercraft operators to meet boating safety education requirements (§29.1-735.2).

Promulgate regulations applicable to the commercial operations of parasail operators on waters of the Commonwealth (Acts of Assembly Chapter 625 of the 2007 Session).

Promulgate regulations governing the takeoff, landing, and taxi of seaplanes on impoundments located on the inland waters of the Commonwealth (§29.1-735.1).

Establish special or general rules regarding safe and reasonable operation of vessels on any waters within any political subdivisions of the Commonwealth upon application from that subdivision or on its own motion (§29.1-744).

Promulgate regulations within the provisions of the Watercraft Dealer Licensing Act (§29.1-805).

### **III. PRINCIPLES**

#### **A. COMMITMENT**

The Board is devoted to accomplishing the Department's mission and fulfilling its vision, as follows:

**Mission:** To manage Virginia's wildlife and inland fish to maintain optimum populations of all species to serve the needs of the Commonwealth;

To provide opportunity for all to enjoy wildlife, inland fish, boating, and related recreation and to work diligently to safeguard the rights of the people to hunt, fish and harvest game as provided for in the Constitution of Virginia;

To promote safety for persons and property in connection with boating, hunting, and fishing;

To provide educational outreach programs and materials that foster an awareness of and appreciation for Virginia's fish and wildlife resources, their habitats, and hunting, fishing, and boating opportunities.

**Vision:** The Board of Game and Inland Fisheries seeks to provide long-term direction and resources to the Department to firmly establish and maintain it as a leader among wildlife and boating agencies within the Nation. The Board's deliberations and decisions will be based on sound scientific principles and procedures, as developed, researched, recognized, and accepted within the bounds of comprehensive professional wildlife resource management, and will focus on excellence in service to the citizens of Virginia. The Board will strive to provide an environment that fosters ethical behavior, teamwork, professional development, and distinction in performance among its members and the employees of the Department. The Board is fully committed to excellence in governance and in

fulfilling its responsibilities as stewards of these most valuable resources.

B. APPROACH TO GOVERNANCE

1. To achieve its vision for the Department, the Board will govern according to the following values:
  - a. An outward vision;
  - b. A long-term perspective;
  - c. A proactive approach to governance;
  - d. Strategic leadership;
  - e. Consideration of multiple viewpoints during deliberations, integration of ideas or consensus building in decision-making, and accord following decisions; and
  - f. Clear distinction between the roles and actions of the Board and those of the staff, particularly in regards to the role of the Director.
  
2. The Board will be guided by the following principles in all of its deliberations, decisions and actions:
  - a. The Board will convey its organizational values and perspectives to the Department with the development of broad policies that are founded on the principles of openness, integrity, and accountability.
  - b. The Board's focus will be on long-term goals, expressed as "Ends" statements, that address the

Department's mission, and not on the operational approaches or "means" of attaining those goals.

- c. The Board will develop policies in four areas as follows:

Ends – properly targeted, mission-related goals, results, impacts or outcomes;

Executive Limitations – articulation of limits and boundaries for staff actions;

Board-Executive Relationship – delegation of authority to the Director and evaluation of how that delegated authority is used within the context of the Department's mission and the Board's policies; and

Board Process -- the way that the Board governs itself and provides leadership and direction to the organization.

- d. While the Board expects staff recommendations regarding Board policy requirements, the Board will initiate policy development according to its needs. Additionally, the Board will review and update its policies as a part of its three-year review of the Governance Manual or at any other time it determines to be necessary. The Board will be responsible for excellence in governing.



- e. The Board will apply self-discipline as necessary to govern with excellence. Discipline will apply to all aspects of Board activities, such as preparation for meetings, interactions with the public and staff, behavior and attendance at Board events, policy-development principles, and adherence to Board processes as established in Board policies. Board members will interact with staff to enhance their understanding of Department programs and their ability to perform their duties, but will provide direction to the Department via Board actions to the Director.
  
- f. The Board recognizes that it is ultimately accountable for all aspects of the Department and will conscientiously strive to accomplish its obligations to the citizens of the Commonwealth. It will allow no officer, individual, or committee of the Board to usurp this role or hinder this commitment.
  
- g. Officers and committees will be established to assist the Board with its responsibilities. Major decisions and actions of the Board will occur at the Board level, and when appropriate, by a vote of the entire Board.
  
- h. The Board will monitor and regularly assess its own policies and performance and will make

adjustments as necessary to maintain and/or improve its governance of the Department.

- i. Furthermore, it will ensure the continuity and advancement of its governance skills through training and development of all Board members and through thorough orientation of new Board members.

#### IV. STRUCTURE AND FUNCTION OF THE BOARD

##### A. COMPOSITION

1. The members of the Board are appointed and serve in accordance with §29.1-102 of the Code of Virginia, which provides, inter alia:
  - a. The Board shall consist of 11 members. The members appointed shall be citizens of the Commonwealth and shall be knowledgeable about wildlife conservation, hunting, fishing, boating, agriculture, forestry, or habitat. Each Department region, as constituted on July 1, 2014, shall be represented by two members, and three members shall be members-at-large, each representing a different Department region. Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms which expire in the same year. An appointment to

fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive four-year terms.

- b. The Governor appoints Board members, subject to confirmation by the General Assembly.
  - c. The Governor may remove Board members from office during their respective terms.
2. All new Board members must complete an orientation program in conjunction with the first regularly scheduled Board meeting following the announcement of their first appointment to the Board or as soon as practicable following the announcement of their first appointment to the Board if orientation cannot be completed in association with the first Board meeting. The Executive Director shall be responsible for developing and presenting the orientation program, and the Board Secretary will distribute an extensive orientation manual to new Board members upon announcement of the appointments.
3. All Board members shall be required to sign an affirmation pledging to uphold both the letter and spirit of The Board of Game and Inland Fisheries' Code of Ethics and Conduct within ninety (90) days of the date of their appointment to the Board or within thirty (30) days of the adoption of these policies, whichever comes later.

B. OFFICERS

Officers of the Board will consist of a Chairperson and a Vice-Chairperson (§29.1-102.C). The Chairperson will appoint a Nominations Committee that will develop a slate of candidates for both positions and present it to the Board at a Board meeting in the last quarter of the fiscal year. The Chairperson will entertain a motion to accept the Committee report and open the floor for additional nominations. After the membership has had ample opportunity to make nominations, the Chairperson will accept a motion to close the nominations. The Board will elect officers from the candidates for both positions by majority vote during its meeting in the last quarter of the fiscal year. New officers will assume the responsibilities of their positions on July 1 and will serve through June of the next year. The term of office is one year for both positions. The Chairperson and Vice-Chairperson shall not be eligible to be re-elected to their respective positions and no person shall serve more than one year as Chairperson and one year as Vice-Chairperson during a four-year term. The Vice-Chairperson does not assume the Chairperson's position; however, the Vice-Chairperson can be nominated for and elected to become the Chairperson.

In the case of unexpected vacancies, the Board may install duly elected officers by majority vote at its next meeting. If incoming officers have not been selected, the Board may nominate and elect a member to fill the vacant position by a majority vote. Installation of the officer will occur immediately after he/she is elected by vote of the Board.

C. CHAIRPERSON

The Chairperson is charged with ensuring the openness, integrity, and accountability of the Board's process; motivating the Board members to focus on the long-term, mission-related "Ends" for the Department and to fulfill their responsibilities and duties toward those Ends; and to oversee the operation of Board meetings to optimize the effectiveness and efficiency of those meetings. Towards these ends, the Chairperson:

1. Works with the Director to develop agendas for Board meetings;
2. Presides over meetings of the Board;
3. Votes on motions as other members, except that the Chairperson shall not be required to cast his or her vote before hearing or counting the votes from the other members (Note: Robert's Rules of Order, which the Board has adopted, normally requires that the Chairperson does not vote, except in certain situations. However, since each member represents an administrative region, all should cast their votes on the public's behalf.)
4. When required, certifies actions taken by the Board;
5. Communicates to outside interests on behalf of the Board regarding specific decisions or actions made by the Board;
6. Appoints members to standing committees including a Motorboat Committee (§29.1-701) and to ad hoc committees created by the Board, subject to confirmation by the Board. The Chairperson may serve on standing

committees, but shall not serve as a chair of a standing committee;

7. Communicates regularly, but at least quarterly, with the Secretary of Natural Resources to inform him/her regarding activities and programs of the Board and Department and to receive information on initiatives by the Administration;
8. Designates one member of the Board, who may include the Board Chair or Vice Chair, to serve as liaison to the Wildlife Foundation of Virginia; and
9. Performs such additional duties as prescribed within this policy or as may be established by resolution of the Board.

D. VICE-CHAIRPERSON

The Vice-Chairperson is a member of the Board, elected by a majority vote of the Board according to the procedures for the election of officers. The duties of the Vice-Chairperson are as follows:

1. Preside over Board meetings if the Chairperson is unable to do so as per §29.1-102.C;
2. Serves on standing committees as appointed by the Chairperson;
3. Provide guidance and interpretation on Board meeting procedures according to the rules (§29.1-102) within the current edition of *Robert's Rules of Order, The Modern Edition*.

4. Perform such additional duties as prescribed within this policy or as may be established by resolution of the Board.

E. SECRETARY

The Board instructs the Director to designate a staff member with acceptable credentials to serve as the Board Secretary. Following the Board's appointment of this individual as Board Secretary, this person shall serve in this capacity until such time as he or she is unable or unwilling to continue to do so, or until such time as the Board terminates the appointment. The Secretary to the Board has the following duties and responsibilities:

1. To maintain a current list of the membership of the Board and of each committee;
2. To notify Board members of Board and committee meetings;
3. To coordinate and disseminate information to the members of the Board;
4. To prepare correspondence for the Chairperson when he/she is communicating on behalf of the Board;
5. To maintain official minutes and records of all proceedings of the Board;
6. To coordinate the response to requests received by the Board under the Freedom of Information Act;
7. To ensure timely filing of reports with the Secretary of the Commonwealth under the State and Local Government Conflict of Interests Act;

8. To prepare, prior to each meeting of the Board and its committees, advertisements of the meeting and to place them in the appropriate media outlets, in accordance with the requirements of the Administrative Process Act.
9. To prepare, prior to each meeting and in coordination with the Board or committee Chairperson and the Director, an order of business (agenda) that lists all known issues to be addressed at the meeting, in their exact order of presentation;
10. To coordinate agendas and presentations for the Board;
11. To prepare a calendar of events for the Board to insure compliance with all Board requirements and deadlines; and,
12. Perform such additional duties as provided herein or as may be set by resolution of the Board.

F. MEETINGS/ATTENDANCE

The Board drafts and approves a regular meeting schedule in advance of each calendar year. Meetings will occur at least once every quarter in accordance with §29.1-102.D. The schedule may be amended by agreement of a majority of the Board. The Board may schedule additional meetings, if deemed necessary, after giving appropriate notice to all members of the Board and to the public. The Chairperson will schedule a meeting upon the request of three members of the Board and will notify the Director of the called meeting. The request may be made verbally during a duly convened Board meeting or in writing to the Board Chairperson at other times. In all cases, the



purpose of the meeting must be clearly stated, and those three or more members making the request must be clearly identified.

Members are expected to attend all meetings unless there are mitigating conditions that preclude a member's presence. In such cases, the member must notify the Board Chairperson and Board Secretary in advance of the meeting and give the reason for his/her absence.

#### G. PROCEDURAL STANDARDS

1. The Board will use the current edition of *Robert's Rules of Order, The Modern Edition*, to govern the proceedings of all of its Board and committee meetings insofar as they are applicable and not inconsistent with law or any of the policies adopted by the Board. All meetings of the Board and its committees shall comply with the provisions of the Virginia Freedom of Information Act (Title 2.2, Chapter 37 of the Code of Virginia).
2. Voting by proxy is prohibited by law.
3. A majority of members of the Board shall constitute a quorum at Board meetings (§29.1-102.D).
4. Approval of an action or decision shall be by a majority of a quorum of the Board.

#### H. RESPONSIBILITIES AND DUTIES OF THE BOARD

To accomplish its trustee and administrative duties, the Board shall perform the following duties:

1. The Board shall establish the strategy for and approve all actions regarding the following policy-related items:

a. General Duties

1. Ends policies
2. Decision-making structure
3. Governance manual
4. Annual budget
5. Wildlife and boating regulations
5. Financial reporting system
6. Internal control system

b. Administration-Related Duties

1. Agency mission and vision
2. Strategic plan and objectives
3. Executive limitations policies
4. Board/Secretary of Natural Resources/Director relationships
5. Board/Director relationship policies
6. Director selection and performance evaluation processes

2. The Board shall approve all actions and decisions regarding the following areas of policy implementation and Department operations:

a. General Duties

1. Creation and appointments to Standing, Advisory, and Ad Hoc Committees
2. Mandate and appointment of the Director

3. Audit function
  - b. Administration-Related Duties
    1. Educate constituents regarding Board policies and strategic plans for the Department
3. The Board shall monitor the following elements to ensure compliance with, and continued appropriateness of, Board policies and guidelines:
- a. General Duties
    1. Ends policies
    2. Decision-making structure and governance manual
    3. Financial reporting system
    4. Budget
    5. Internal control system
    6. Legislation
    7. Audit function
  - b. Administration-Related Duties
    1. Plan vision and mission
    2. Strategic Plan and objectives
    3. Executive limitations policies
    4. Board/Secretary of Natural Resources/Director relationship
    5. Board/Director relationship policies
    6. Director performance evaluation processes

4 The Board shall oversee each of the following and take such action as is necessary and/or appropriate:

a. General Duties

1. Implementation of Ends policies
2. Effectiveness of governance policies

b. Administration-related Duties

1. Effectiveness of executive limitations policies
2. Effectiveness of Board/Secretary of Natural Resources/Director relationship
3. Effectiveness of board/director relationship policies
4. Performance of the Director

**V. RELATIONSHIP BETWEEN THE BOARD AND THE SECRETARY OF NATURAL RESOURCES**

The Board recognizes that the Department is an agency within the Natural Resources Secretariat and understands that the governance structure of the Department is unique for this cabinet of state government. While this structure is different, the Board is committed to insuring that the Department operates effectively and appropriately within this important unit of state government. Therefore, the Board will focus on its statutorily mandated responsibilities as expressed within its mission statement and will also seek to establish and maintain regular communications and coordination of efforts with the Secretary of Natural Resources in regards to initiatives of the

Administration and government-wide procedural and process-related requirements. The Board will pursue the following actions to insure compliance with initiatives of the Administration and government-wide requirements.

- A. The Board directs the Chairman via this governance manual to communicate regularly with the Secretary of Natural Resources to keep him/her informed of Board initiatives and to receive updates on issues and directives from the Administration and the requirements of government-wide procedures.
  
- B. The Board will solicit input from the Secretary of Natural Resources when it develops performance plans for the Director and as it evaluates the Director's performance. The Board will specifically request that the Secretary of Natural Resources forward information regarding special initiatives or performance measures required by the Governor so that they can be incorporated into the Director's performance plan.
  
- C. The Board will place requirements upon the Director to meet regularly with the Secretary of Natural Resources to discuss issues relative to the Department and to provide regular, written updates to the Secretary of Natural Resources regarding initiatives, programs, and activities of the Department. The Director will provide summaries of those reports to the Board, and the Board will solicit feedback from the Secretary of Natural Resources as to the Director's performance in this regard.

## VI. RELATIONSHIP BETWEEN THE BOARD AND DEPARTMENT OPERATIONS

All authority delegated from the Board to the staff will be delegated through the Director; thus, all authority and accountability of Department operations and staff performance rests with the Director.

- A. The Board will instruct the Director to achieve certain results for its constituents through the development of Ends policies. The Board will institute limitations on the Director's latitude for accomplishing these Ends via the establishment of Executive Limitations policies. These policies will spell out the practices, methods, conduct, and other "means" that are available to the Director as he directs the operations of the department.
- B. As long as the Director adheres to a reasonable interpretation of the Ends and Executive Limitations policies, he/she is authorized to create additional policies, make all decisions, take all actions, establish all practices, and develop all activities.
- C. The Board recognizes that changes to its Ends and Executive Limitations policies will shift the boundary between the Board and the Director as well as the Director's latitude in executing the Department's operations. The Board will recognize delegations that are in place at such times and will respect and support the Director's choices.
- D. The Director is bound only to decisions of the Board acting as a body.

- E. Decisions or instructions of individual Board members, officers, or committee are not binding on the Director except in rare occasions when the Board has specifically authorized such exercise of authority.
- F. The Board will routinely monitor the Department's performance relative to the Ends and Executive Limitations policies and will consider the results in the evaluation of the Director's performance.
- G. DIRECTOR

Pursuant to §29.1-103, §2.2-2100, and §29.1-109.B, the Board shall appoint a Director to head the Department and to act as principal administrative officer. The Director shall have the following powers as defined in the Code of Virginia or by regulations and policies of the Board:

- 1. Administration

**The Director shall:**

Regularly brief the Secretary of Natural Resources on initiatives, programs, and activities of the Department. The Director shall meet with the Secretary of Natural Resources or his/her representative at least once every month and shall submit written reports to the Secretary on significant Department activities as requested by the Secretary. He/she shall seek guidance from the Board on mission-related matters and obtain counsel from the

Secretary in regards to government-wide procedural and process-related matters and on initiatives of the Administration. The Director shall brief the Board on interactions and issues with the Secretary of Natural Resources at each of the Board's regularly scheduled meetings.

Accept service of process on behalf of the Board.

**The Director is authorized to:**

Employ persons necessary for the administrative requirements of the Board and to designate the official position and duties of each (§29.1-109.B.3).

Perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife projects with the federal government as prescribed by Congress and in compliance with rules and regulations promulgated by the Secretary of the Interior (§29.1-109.B.4).

Make and enter into all contracts and agreements necessary or incidental to the performance of his/her duties and the execution of his/her powers, including, but not limited to, contracts with the United States, other state agencies, and governmental subdivisions of the Commonwealth (§29.1-109.B.5).



Sign on its behalf, documents, leases, and conveyances previously approved by the Board (via Board policy).

Employ special counsel approved by the Governor to defend any Conservation Police Officer appointed by the Director who is prosecuted on any criminal charge arising out of any act committed in the performance of his official duties (§29.1-218).

Grant and acquire interests in land and water through minor land leases, easements, and contracts subject to the necessary state approvals. For the purposes of this policy only, minor land leases, easements, and contracts include utility crossings, access to properties, administrative buildings, antenna sites, boat landings, and wildlife lands; and furthermore, the value of each such minor lease, easement, or contract shall not exceed \$5,000 or a total of \$200,000 per fiscal year for all such leases, easements and contracts (via Board policy).

Recommend to the Board any policy changes that should be made (via Board policy).

Enter into agreements with individuals and entities regarding the commercial use of DGIF facilities and to establish a fee schedule for such use (via Board policy).

2. Conservation of Wildlife

**The Director shall:**

Appoint regular and special Conservation Police Officers as he may deem necessary to enforce the game and inland fish laws and shall issue a certificate of appointment to each Conservation Police Officer (§29.1-200).

**The Director is authorized to:**

Enforce or cause to be enforced all laws for the protection, propagation, and preservation of game birds and game animals in the Commonwealth and all fish in the inland waters thereof (§29.1-109.B.1).

Initiate prosecution of all persons who violate such laws, and seize and confiscate wild birds, wild animals, and fish that have been illegally killed, caught, transported, or shipped (§29.1-109.B.2).

On request of any employer owning more than 500 acres, the Director may appoint as special Conservation Police Officers persons employed by the owner. On request of two or more adjoining landowners who own 1,000 or more contiguous acres, the Director may appoint as special Conservation Police Officers persons employed by one or more of the landowners (§29.1-217).

When practicable, consult with, and keep informed, wildlife and boating constituent organizations so as to

benefit Virginia's wildlife and natural resources, and accomplish the Department's mission (§29.1-109.B.6).

Manage, harvest, and sell timber on lands owned by the Board in accordance with the best timber and game management practices (§29.1-111).

Approve the use of drugs on vertebrate wildlife (§29.1-508.1).

Allow employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit conibear-style body-gripping traps that are completely submerged at least once every 72 hours or as otherwise permitted by regulation (§29.1-521).

Register deer enclosures in certain instances (§29.1-525.1.D).

Authorize the feeding of bear, deer, or turkey on national forest lands and department-owned lands (4 VAC 15-40-281).

Approve nontoxic shot for waterfowl hunting (4 VAC 15-260-140).

Designate waters as "designated stocked trout waters" (4 VAC 15-20-190) and Trout Heritage Waters (4 VAC 15-330-10).

Designate waters to be included within the Urban Fishing Program (4 VAC 15-330-200).

3. Regulations and Rules

**The Director is authorized to:**

Propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§29.1-501 and 29.1-502 of the Code of Virginia (4 VAC 15-20-130).

Establish and post rules governing certain activities on Department-owned or controlled lands (4 VAC 15-40-280).

Develop rules necessary for the enforcement of the Board's policy concerning the use of boat ramps (via Board policy).

4. Fees, Licenses, and Permits

**The Director shall:**

Deliver licensing materials to license agents or clerks before the first day of the license year, must account for unused, annually expiring material and unsold licenses, and shall determine and supply equipment and materials

needs for suppliers of electronic license sales outlets (§29.1-330).

Approve all permits for threatened and endangered species issued on behalf of the Board according to Board policy.

**The Director is authorized to:**

Authorize the acceptance of methods of payment of licenses and permit fees (§29.1-112).

Enter into an agreement with the State Forester (Department of Forestry) so the Department can sell permits for hunting and trapping in state forests (§10.1-1152).

Permit special fishing permits for certain veterans (§29.1-312).

Issue at a regular fee up to 25 state resident fishing licenses in the name of any state institution operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for use by patients of the institution (§29.1-313).

Issue special fishing permits for certain handicapped persons (§29.1-314), school classes (§29.1-315), youth camps (§29.1-316), and juveniles (§29.1-317).

Issue complimentary hunting and fishing licenses to certain representatives from federal, state, and non-governmental organizations (§29.1-339).

Determine an electronic or computerized means for the submission of applications for waterfowl blind licenses (§29.1-348).

Require fur permit holders to submit detailed activity reports (§29.1-405).

Issue permits for the killing of deer or bear when damaging crops, livestock, etc. This authority includes the killing of deer over bait within the political boundaries of any city or town, or any county with a special late antlerless season; this authority also includes the option of using non-lethal control measures for bear and elk (§29.1-529).

Permit the importation, possession, purchase, receipt, or transportation of a nonindigenous aquatic nuisance species and to obtain warrants if necessary to enter and inspect property for the presence, seizure, or eradication of such species (§29.1-574-577).

Issue and revoke licenses for shooting preserves under certain conditions (§§29.1-600 and 609).

Obtain licenses, permits, stamps, or records from license agents as necessary to administer the Department's licensing program (4 VAC 15-20-110).

Appoint new consignment agents based on provisions of 4 VAC 15-20-120.

Administer the Department's license agent program via 4 VAC 15-20-120.

Set permit schedules, permit conditions, delegate signature authority, establish protocols for handling appeals to permit decisions, and for establishing policy for re-issuance of permits to individuals whose previous permits have been revoked or denied (4 VAC 15-30-5).

Issue special permits to reduce or control animal populations by licensed hunters or licensed trappers on areas designated by department wildlife biologists (4 VAC 15-40-240).

Issue permits and establish special rules according to procedures in 4 VAC 15-320-140.

Authorize or renew permits to allow existing boat docks and piers on the Department's public fishing lakes (via Board policy).

5. Boating

**The Director shall:**

Furnish annual lists of boat registrations to commissioners of revenue (§29.1-707).

Insure that the Department has an enhanced enforcement effort from Memorial Day through Labor Day at Smith Mountain Lake that is commensurate with the level of boating activity (§29.1-739.2.).

**The Director is authorized to:**

Designate agents for temporary boat registration agents (§29.1-703.2).

Award certificate of boat registration numbers directly or to authorize others to act as agents and award certificates of numbers (§29.1-706).

Approve or disapprove requests for placement of “no wake” buoys or other markers for private individuals upon application from a local governing body (§29.1-744, E).

Require and approve materials provided to individuals renting a personal watercraft (§29.1-749.3).

Conduct hearings, inspect records of a licensed watercraft dealer, and to take action in the name of the Commonwealth regarding complaints and violations of



the Virginia Watercraft Dealer Licensing Act (§§29.1-803, 804, and 806).

Administer the watercraft dealer licensing system pursuant to provisions of Article 2, Chapter 8, in Title 29.1 of the Code of Virginia.

To allow exemptions to the requirement that decals signifying the last month and year during which the certificate of number is valid must be displayed on each side of a motorboat as per §29.1-703. (Board Resolution, November 29, 2005).

The Director may delegate other responsibilities, duties and authority, not specified above, to members of the administrative staff of the Department to improve or advance the efficiency of the Department's operations.

## VII. COMMITTEES

### A. STANDING COMMITTEES

The Board may establish standing committees that it deems necessary to assist it in carrying out its responsibilities and fulfilling its mission. The purpose of a standing committee must be clearly stated to avoid overlap in responsibilities with other Board committees, the Board's officers, and the Director.

After it is instituted, a standing committee shall remain in existence until dissolved by appropriate action of the Board.

Additionally upon establishment, a standing committee shall develop a committee charter that will include a purpose statement, an overview of the committee's responsibilities and duties, its operating procedures, and its composition. The committee charter will be presented to the Board for review and approval. Committee Charters shall be reviewed as a part of the Board's three-year review of the Governance Manual or at any other time the Board or the committees determine necessary and will be attached to the Board's Governance Manual.

All standing committees of the Board are subject to the following principles and guidelines, unless specifically given other guidance by vote of the Board:

1. Standing committees are to assist the Board in fulfilling its responsibilities, and in doing so, will frequently interact with the Department's staff. In those interactions, the committees may offer advice or suggestions to staff, but will not provide specific instructions or directions to staff.
2. A standing committee may not act or speak for the Board, unless the Board specifically authorizes such representation for specific purposes.
3. Standing committees will normally focus on the development of policy within specific topical areas and will provide policy alternatives and associated implications to the Board for deliberation and action. These committees will not intrude into operational issues

or decision-making that are in the Director's realm of responsibilities.

4. All standing committees shall notify all members of the Board regarding the time and place of all committee meetings. Any Board member may attend the meeting of any standing committee and participate in its discussions; however, only members of the committee may vote on items under consideration by that body.

The Board has established standing committees as follows:

1. **FINANCE, AUDIT, AND COMPLIANCE COMMITTEE**

The purpose of the Finance, Audit and Compliance Committee is to conduct initial and continuing reviews of issues regarding internal and external audits, and the financial conditions, both short- and long-term, of the Department. While financial expertise is not a requirement for appointment to the Board, the Board Chairperson shall consider the financial background of members in making appointments to the Committee. Audit reviews will include compliance with Board policies, accounting practices and auditing procedures, adequacy of financial reports and disclosures, the Director's expenses, and violations of law. Financial evaluations will focus on implementation of the Department's annual budgets as approved by the Board as well as the Department's long-term funding needs. The Committee will develop and submit reports, draft policies, and/or

recommendations regarding audits and the finances of the Department to the full Board for its consideration.

**2. EDUCATION, PLANNING, AND OUTREACH COMMITTEE**

The purpose of the Education, Planning, and Outreach Committee is to evaluate its educational, planning, and outreach needs relative to the statutory mandates, mission, and strategic plans of the Board, and to develop and submit reports, draft policies, and recommendations regarding those needs, as necessary, to the full Board for its consideration. The Committee will regularly evaluate the Department's mission, the Board's policies, its long-term planning requirements, and Governance Manual and develop recommendations regarding mission and vision statements, policy and governance changes, and strategic planning for the Board. The Committee will also investigate reported breaches of The Board's Code of Ethics and Conduct and report its findings to the Board.

**3. NOMINATIONS COMMITTEE**

The Nominations Committee will interact with the membership of the Board to develop candidates for the officers of the Board for consideration by the full Board. The Committee will report its slate of candidates at a Board meeting in the last quarter of the fiscal year.

#### **4. WILDLIFE, BOAT, AND LAW ENFORCEMENT COMMITTEE**

The purpose for the Wildlife, Boat, and Boat Law Enforcement Committee is to evaluate the long-term needs of the Commonwealth's wildlife and boating resources, as well as the Department's Law Enforcement resources, and to draft recommendations and/or policies addressing those needs for consideration by the entire Board and to serve as the Motorboat Committee in accordance with §29.1-701 of the Code of Virginia. This Committee will also assess the needs, desires, and impacts of the users of these resources and provide guidance to the full Board as described above.

#### **B. ADVISORY COMMITTEES**

The Board may appoint advisory committees as it deems necessary to assist the Board in fulfilling its responsibilities on behalf of the citizens of the Commonwealth for the proper stewardship of the state's wildlife and boating resources and the operation of the Department. The Board will establish the purpose, composition, and qualifications for membership of each advisory committee prior to its creation. The recommendations of an advisory committee are not binding upon the Board. The Board may instruct the Director to provide staff support to an advisory committee, but the committee will provide its reports and/or recommendations directly to the Board for its consideration.

C. SPECIAL (AD HOC) COMMITTEES

The Board may establish special (ad hoc) committees, as needed to carry out specified tasks. A special committee shall cease to exist upon completion of its assignment and presentation of its final report and/or recommendations to the Board. A special committee may not be established to carry out an assignment that overlaps existing functions of any standing or advisory committee.

VIII. **RELATIONSHIP WITH THE PUBLIC**

The General Assembly established the Board of Game and Inland Fisheries to represent the public's interest in the wildlife and boating resources of the Commonwealth and to oversee the operations of the Department of Game and Inland Fisheries. The Governor appoints the members of the Board to serve as stewards of those resources and the Department. As the public's trustee in these matters, the Board will conduct its business in an environment that not only allows, but also invites, public scrutiny. The Board of Game and Inland Fisheries shall operate in full compliance with both the letter and the spirit of the Virginia Freedom of Information Act (VFOIA) and the State and Local Government Conflict of Interests Act.

A. PRINCIPLES

1. The Board and the Department shall maintain open communications with the public, its constituent groups and partners in wildlife conservation, and the news media.

2. The Board and the Department will disseminate information, as appropriate, to the public through appropriate channels in an expeditious manner and will, when justified, protect the confidentiality of its transactions on the public's behalf.
3. All meetings and records of such meetings of the Board shall be open to the public except for such meetings that are closed pursuant to, and in accordance with, the provisions of Title 2.2, Chapter 37 of the Code of Virginia.
4. Board members will not engage in discussions with the public or the press about investigations or litigation. All attempts to pursue such contacts, oral or written, shall be strongly discouraged. Each member shall keep a record of any such occurrences and shall forward notice of them to the Director, who will seek guidance from the Office of the Attorney General when appropriate.
5. Because its regulatory actions are subject to review, Board members receiving *ex parte* contacts during official, public comment periods for pending regulatory actions will encourage the contacting party to place his or her comments into the public record and shall refer all such contacts, in writing, to the Director for inclusion in the public record.

B. COMMUNICATIONS WITH THE MEDIA

1. The Board speaks through its resolutions, and Board members are free to communicate with the media regarding those decisions.
2. The Board may designate the Chairperson or other member to be the spokesperson for specific issues or resolutions and will refer the media to the designated spokesperson in those cases. The Board herewith authorizes the following delegation:
  - i. The Director is authorized to act as spokesperson regarding administrative and operational matters.
3. The Board Chairperson shall review all official press releases regarding Board policy, activities, or other Board-related matters prior to release.

#### **IX. OPINIONS OF THE ATTORNEY GENERAL**

According to §2.2-505.A of the Code of Virginia, The Board Chairperson or the Director shall make written requests for official advisory opinions from the Attorney General. The Director shall notify the Board Chairperson upon requesting an official opinion from the Office of the Attorney General and shall notify the full Board at its next meeting.

#### **X. AMENDMENT OF GOVERNANCE MANUAL**

The Governance Manual of the Board of Game and Inland Fisheries may be amended by a majority vote of the Board as long as the



proposed amendment is provided to the Board at its preceding, regular meeting.

If urgent and/or extraordinary circumstances warrant immediate action by the Board, the Board may amend an element or provision at the meeting when the proposed amendment is introduced, provided that the Board approves such action prior to consideration of the proposed amendment.

In addition to the foregoing provisions, the Education, Planning, and Outreach Committee shall evaluate the Governance Manual every three years to ascertain whether refinements or changes are needed. The Committee shall report its findings and recommendations to the Board, which will take action on the recommendations at its next regularly scheduled meeting.

## **XI. VALIDITY OF GOVERNANCE MANUAL**

If any of the policies or provisions of the Governance Manual are found to be in conflict with any provisions of the Code of Virginia, the statutory provisions of the Code shall apply instead of the policy or provision in the Governance Manual. In the event that any element or provision of the Governance Manual is invalid due to a conflict with the Code of Virginia, the remaining provisions of the Governance Manual shall continue in full force and effect. The Board will initiate its process to amend its Governance Manual to conform to the provisions of the Code at its next regularly scheduled meeting according to the provisions in article IX above.

Reviewed for posting to the VDGIF Web Site - July 31, 2008

Reviewed for presentation to the Education, Planning and Outreach Committee per the required 3-year review and evaluation – September 4, 2008

Amendments approved by the Education, Planning, and Outreach Committee on September 16, 2008 and the Board of Game and Inland Fisheries on October 23, 2008 (first action) and February 27, 2009 (final action). These amendments were the result of the required 3 – year review and evaluation

Reviewed for presentation to the Education, Planning and Outreach Committee per the required 3-year review and evaluation—April 2, 2012

Amendments approved by the Education, Planning, and Outreach Committee on May 16, 2012 and the Board of Game and Inland Fisheries on June 12, 2012. These amendments were the result of the required 3 – year review and evaluation

Reviewed for presentation to the Education, Planning and Outreach Committee per the required 3-year review and evaluation—February 10, 2015

Amendments approved by the Education, Planning, and Outreach Committee on March 3, 2015 and the Board of Game and Inland Fisheries on March 17, 2015. These amendments were the result of the required 3 – year review and evaluation