

**ALABAMA GULF COAST RECOVERY COUNCIL MEETING
OCTOBER 17, 2012 AT 1:00 P.M. CENTRAL TIME
FAIRHOPE, ALABAMA**

A meeting of the Alabama Gulf Coast Recovery Council was held at the time specified above. Governor Robert Bentley, Chair of the Council, chaired the meeting.

COMMENTS: Gov. Bentley opened the meeting thanking Congressman Bonner and Senators Shelby and Sessions along with the State of Alabama's entire congressional delegation for their hard work in getting the Restore Act passed. Governor Bentley then led a discussion regarding the settlement process being conducted by the Department of Justice. After a full discussion thereof, upon a roll call, attendance by the following members of the Council was confirmed:

PRESENT: Governor Robert Bentley, Director Jimmy Lyons, Commissioner Bob James, Commissioner Connie Hudson, Mayor Jeff Collier, Mayor Robert Craft, Mayor Sam Jones, Mayor Tim Kant, and Mayor Tony Kennon.

ABSENT: Mayor Stan Wright.

AGENDA:

On a motion by Commissioner Hudson and seconded by Commissioner James, the Council voted unanimously to approve the agenda circulated in advance of the meeting.

OLD BUSINESS:

Governor Bentley reminded the Council that the By-Laws needed to be reviewed and approved. Mr. Lyons stated there have been three letters received regarding possible changes to the By-Laws, one from the Mobile County Commission's attorneys, one from the Baldwin County Commission and one from the City of Gulf Shores. Mr. Lyons recommended that the comments and suggestions be brought up individually to the Council for a vote to see if there is a consensus to incorporate the changes, or if the Council feels it is something that doesn't need to be in the By-Laws.

The first suggestion which was mentioned in both the Mobile County Commission's letter and the Baldwin County Commission's letter has to do with increasing the notice provision from 7 days to 10 days. Discussion ensued as to changing the notice provision to 10 days for regularly scheduled meetings and a three day notice provision for emergency meetings.

On a motion by Mayor Kant and seconded by Mayor Craft, the Council voted unanimously to approve the change in the notice provision to 10 days for regularly scheduled meetings and 3 days for emergency meetings.

Discussion ensued as to how a meeting can be called in the event the Chairman doesn't call a meeting. Mayor Craft requested that the By-Laws reflect that a majority of 6 of the Council may petition the Chairman to call a meeting.

On a motion by Mayor Craft and seconded by Mayor Collier, the Council voted unanimously to approve the change to the By-Laws to allow a petition by a simple majority of 6 of the Council to petition the Chairman to call a meeting.

Discussion ensued as to the hiring of a project manager/administrator/fiduciary agent. It was decided by the Council that a committee should be appointed to review names of entities and make recommendations to the Council at a later date. Governor Bentley appointed Commissioner Connie Hudson, Jimmy Lyons, and the Commissioner from Baldwin County for the purpose of reviewing names of entities to be appointed as a project manager/administrator/fiduciary agent, and to report back to the Council with their recommendations.

Discussion ensued as to the section in the By-Laws that has to do with the ability of the Council to change the mailing offices in the By-Laws written as "unanimous" to "simple majority".

On a motion duly made and seconded, the Council voted unanimously to approve the change in the By-Laws to allow the Council to change the mailing address of the Council by vote of a simple majority.

Discussion ensued as to payments for reimbursement of expenses for members attending meetings outside the coastal zone, and if this reimbursement should be limited to just the coastal zone. It was decided by the Council that this language should remain in the By-Laws as written.

Discussion ensued as to the participation in meetings by proxy voting or telephonic voting for meetings. Mr. Lyons addressed the Council that proxy voting is not allowed by law, but that there may be occasions when members of the Council may have to call in to meetings for the purpose of voting, but not for the purpose of making a quorum, that there should always be a physical quorum present at the meetings.

On a motion by Jimmy Lyons and seconded by Mayor Craft, a majority of the Council voted to approve the change in the By-Laws to allow members of the Council to call in to meetings for the purpose of voting, but not for the purpose of making a quorum, and that there should always be a physical quorum present at the meetings. Commissioner James opposed.

Discussion ensued as to the appointment of a secretary and/or treasurer, upon the approval of the Council. Governor Bentley charged the committee as previously appointed to look into the appointments and to report back to the Council with their recommendations. It was decided by the Council to table this discussion for the next meeting.

Discussion ensued as to the dissolution and termination of the Council, and whether it is automatic at some time in the future once all the money has been distributed, should there be a meeting of the Council to dissolve. It was decided by the Council that the language in the By-Laws regarding the termination of the Council should remain as written.

Discussion ensued as to whether or not the Council is subject to the Alabama Open Meetings Law. The Council was advised by Will Givhan, legal counsel for the Alabama State Port Authority who drafted the bylaws, that the Council was not subject to the Open Meetings Law. Governor Bentley addressed the Council to advise that it was his intent that all meetings of the Council would be open to the public even though the Council is not subject to the Alabama Open Meetings Law, but that there may be some occasions when the public may be asked to leave the meetings.

Discussion ensued as to the delivery of notice by First Class Mail and if it should be stricken from the By-Laws. All members of the Council agreed that delivery of notice by First Class Mail be stricken in the By-Laws.

Discussion ensued as to the types of committees the Council needs to establish. Mr. Lyons requested each member of the Council to think about the committee structure, the types of committees necessary, the types of entities to be on the committees, and then report back to the Council at the next meeting. It was decided by the Council to table this discussion for the next meeting.

Discussion ensued as to whether or not the Council is required to establish some preformed structure as to the selection process of projects. It was discussed that all the projects should have meaningful public input, but there is no specific structure or specific committees that are to be set up. It was decided by the Council to table this discussion for the next meeting.

Discussion ensued as to how grants are submitted and if someone from the state government could come to a Council meeting and brief the members. It was decided by the Council to table this discussion for the next meeting.

NEXT MEETING DATE: Governor Bentley advised the Council that multiple dates will be circulated to the Council members to choose a convenient date for the next meeting.

ADJOURNMENT:

The meeting adjourned at 3:10 p.m. Central Time.

ALABAMA GULF COAST RECOVERY COUNCIL

By: Robert Bentley
Governor Robert Bentley
Its Chair

ATTEST:

By: [Signature]
James K. Lyons
Its Vice Chair