

**Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee
Draft Operating Procedures
January 16, 2013**

I. Introduction

On April 3, 2012 the Department of the Interior published in the Federal Register the notice establishing the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee (Committee). The Committee was established to advise the Secretary of the Department of the Interior (Secretary), through the Director (Director) of the National Park Service (NPS), on the development of a specific reuse plan and on matters relating to the future uses of historic buildings at the Fort Hancock Historic Landmark District (Fort Hancock) within the Sandy Hook Unit of Gateway National Recreation Area (Gateway). The Committee is expected to provide guidance to the National Park Service in developing a plan for reuse of more than 30 historic buildings that the NPS has determined are excess to its needs and eligible for lease under 16 U.S.C. 1 *et seq.*, particularly 16 U.S.C. 1a-2(k), and 16 U.S.C. 470h-3, or under agreement through appropriate authorities.

II. Objective and Scope

The Committee provides advice to the Secretary of the Interior through the Director of the NPS on the development of a reuse plan and on matters relating to future uses of the Fort Hancock Historic District of Gateway National Recreation Area. The Committee will act solely in an advisory capacity to NPS. The Committee will meet over a period not exceeding two years, to carry on dialogue in pursuit of its objective. The Committee will take into consideration comments submitted to the Committee by members of the public or by any subcommittees established by the Designated Federal Officer (DFO).

III. Membership

- A. **Members:** The Secretary of Interior has appointed 20 members to the Committee to serve a 2-year term concurrent with the duration of the Committee. Members are appointed as individuals and serve at the discretion of the Secretary. Any changes in membership will require a new appointment and the appropriate appointment process to arrive at that appointment. The members include:

Business Community

- Arthur J. Imperatore, Jr., Romulus Development Corp and NY Waterway
- Bill Wilby, Community Foundation of New Jersey

Cultural Resources

- Mary Ellen Fourett, Monmouth County Arts Council, Red Bank
- Daniel D. Saunders, Historic Preservation Office, NJ Department of Environmental Protection
- Colonel Shawn A. Welch, Army Staff, Pentagon

Education Community

- Linda Cohen, Ocean Discoveries

Hospitality Organizations

- Margot Walsh, Jersey Shore Partnership and Jersey Shore Partnership Foundation

Municipalities

- Lillian Burry, Monmouth County Board of Chosen Freeholders
- George Conway, Borough of Sea Bright
- John Edkal, Mayor, Borough of Rumson

- Anthony Fiore, Mayor, Township of Middletown
- Frank Nolan, Mayor, Borough of Highlands

Natural Resource Community

- Dr. Howard Parish, New Jersey City University

Real Estate Community

- Guy Hembling, Charles B. Hembling & Son. Inc.
- Michael Holenstein, MAI Real Estate Appraisal
- Karlyn Wray, GMS, Prudential, Zack Shore Properties

Recreation Community

- Tim Hill
- John Reynolds
- Lynda Rose, Eastern Monmouth Area Chamber of Commerce

Scientific Community

- Gerard Glaser, National Science Foundation

B. **Alternates:** No alternates have been appointed.

C. **Designated Federal Official (DFO):** The Secretary also has appointed Linda Canzinelli, Superintendent of Gateway National Recreation Area, NPS, as the Designated Federal Official. The DFO is a full time Federal employee appointed in accordance with Agency procedures. The DFO will approve all Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

D. **Co-Chairs.** The Committee will select two co-chairs. The responsibility of Co-Chairs will be to assist with agenda development, help the Committee keep on track with its work plan, help move discussions forward in meetings, and work with the facilitators to problem solve around impasses, *tensions*, and *conflicts*.

IV. **Decision-Making**

A. **Consensus:** The Committee will strive to operate by consensus.

1. Consensus is defined as _____ [e.g. unanimous concurrence or unanimous concurrence minus x] of the members after Committee discussion. Members may choose to “abstain.” Abstention is a non-vote, and therefore does not count against consensus. *[Note: the Committee will discuss the definition of consensus at the first meeting.]*
2. If a Member disagrees with a proposal, he or she should make every effort to offer an alternative satisfactory to all members. Members should not block or withhold consensus unless they have serious objections to the proposal. Consent means that members can *accept*, even if reluctantly, the agreement that emerges. The goal of the Committee is to reach consensus, recognizing that not all members will be equally satisfied with the outcome.
3. All agreements reached during negotiations are understood to be tentative until the Committee reaches formal consensus (“tentative consensus” or “provisional consensus”). Once final consensus is achieved, Committee members may not thereafter withdraw their consensus (“final consensus”).

4. On matters of process (agenda setting, changing the agenda, sequencing issues, and other process decisions), should the Committee reach an impasse, the DFO after consultation with the Co-Chairs and the facilitators will render a decision to move the proceedings forward.
5. Changes or modifications to these Operating Procedures may be made by an affirmative vote of ___ [e.g. 11, 13, or 15] of the 20 Committee members. All changes or modifications will be reflected in writing.

B. Addressing Impasse.

1. If the Committee is unable to reach a provisional consensus as noted above and is unable to move the issue or issues forward, the Committee shall appoint a small representative group, or the Co-Chairs, to seek to deliberate on the issue between meetings, develop a recommendation or options for resolution, and bring such recommendations back to the Committee at the following meeting.
2. If the Committee is unable to reach a final consensus, the Committee may report out areas of agreement and disagreement as noted in the "Agreement" section just below.

C. Agreement. Agreement shall constitute and be described as follows.

1. The goal of the Committee is to develop a Consensus Agreement Report that reflects a final consensus by the Committee.
2. If the Committee reaches consensus it will transmit its report(s) to the Secretary through NPS. The report(s) will contain the Committee's recommendations for NPS and Gateway to consider when developing plans or guidelines or entering into concessions for reuse of historic buildings or future uses at Fort Hancock.
3. On issues where consensus is reached, Committee members will refrain from opposing or commenting negatively on the consensus-based language and will encourage their constituents to do the same.
4. If the Committee does not reach consensus, Committee members will determine what to report to NPS about the Committee's efforts.
5. If the Committee reaches final consensus on some but not all of the issues, Committee members may oppose or comment negatively on those aspects of proposed action that are not based on a final consensus.

V. Committee Meetings

The Committee will be conducted in accordance with the Federal Advisory Committee Act (FACA).

- A. **Notification and Public Attendance:** All meetings of the full Committee will be announced in the Federal Register and on the Fort Hancock website (www.forthancock21stcentury.org) prior to the meeting and will be open to the public. All members of the public are welcome to attend Committee meetings and may sign in on the day of a meeting. Members of the public also are encouraged to pre-register for logistics purposes.
- B. **Public Comment:** Opportunities for oral public comment will be provided during each Committee meeting. The Co-Chairs, or in their absence the DFO, shall determine the time and manner of these comments. The Committee is not expected to respond to comments during the oral public comment period. Members of the public will be permitted to file written comments to the Committee through the DFO, before or after meetings.

Written comments will be reviewed and discussed by Committee members as appropriate. Comments provided to the Committee will become part of the public record.

- C. **Agendas:** The Co-Chairs, with support from the DFO and facilitators, are responsible for developing an agenda for all meetings of the Committee that will be distributed ahead of time. This agenda will be developed in accordance with FACA and posted prior to each meeting for the public. Meeting agendas will contain clear times for beginning and start times each day and major agenda items. All members are expected to be present for the full meeting times and to be active and engaged. Cell phones, emails, conference calls, and other unrelated Committee activities should take place at breaks, at lunch, and in the evenings.
- D. **Caucuses:** Members may request caucuses by and among subgroups of Committee members at any time. The facilitators and Co-Chairs also may request caucuses. No decisions, however, can be reached outside of full and public Committee deliberations.
- E. **Subcommittees:** The Committee, in consultation with the Co-Chairs, may form subcommittees or work groups to advance discussion, compile information, conduct research, or develop options or preliminary proposals. A subcommittee or work group is not a decision-making body. Subcommittees and work groups must report their recommendations for the full Committee for consideration. In addition, subcommittees must not provide advice or work products directly to NPS or Gateway. Subcommittees or work groups, including membership, must be created by the full Committee, have a clear charge, and be approved by the DFO. The chair or lead for a subcommittee must be a Committee member. Others may be invited to participate on subcommittees by agreement of the Co-Chairs. Subcommittees and workgroups are not subject to the meeting notice or recordkeeping requirements of the Committee.
- F. **Technical Assistance:** Upon agreement of the DFO and Co-Chairs, the Committee may accept technical assistance from its members' own organizations or may also seek technical assistance from representatives of other organizations. Technical advisors have no authority to make decisions on behalf of the Committee, nor can they report directly to the Department of the Interior (DOI). The Committee may invite technical advisors to make presentations at Committee meetings.
- G. **Minutes:** The detailed minutes of each of Committee meeting as mandated by FACA will be prepared by the facilitators and, after review and approval by the Committee, will be made available to the public on the Fort Hancock website (www.forthancock21stcentury.org). The minutes will generally be written without attribution. Draft minutes will be prepared by the Facilitators and distributed to the Committee within ___ weeks of a Committee meeting. The Committee will provide comments generally within one week of receiving the draft and finalize the minutes at the next Committee meeting.

VI. Committee Member Responsibilities

- A. All members must act in good faith in all aspects of the Committee's deliberations and work. Members commit to regularly prepare for and attend Committee, subcommittee and workgroup meetings. In the event a Committee member is unable to be present for all or part of a meeting, the member commits to communicate with the Co-Chairs, facilitator or other Committee members to ensure he or she is prepared for the next meeting. Members agree that proposals made and ideas discussed in open meetings and candid problem solving conversations will not be used against any other member in future litigation or public relations. Committee members will not represent their own personal views as views of the entire Committee, and the views and opinions they express in the Committee deliberations will consistent with the views they express in other forums.
- B. Members commit to the principles of decency, civility, and tolerance. Committee representatives must exercise leadership within their respective constituencies to foster a climate of joint problem solving on the Committee

and publicly, engage with their constituencies to keep them informed, and to ensure their constituents support rather than undermine the process.

- C. Committee members will not attribute statements to others involved in the Committee process, seek to present or represent the views or position of other members, nor attempt to speak on behalf of the Committee as a whole in or to the media.
- D. Media requests will be directed to and addressed by the Committee's Co-Chairs, or other single point of contact designated by the Committee, using the Committee's agreed upon process. "Media" for these purposes includes: print, television and radio; websites; social media sites (Facebook, Twitter, etc.); and any other public information distribution mechanism. Committee members will abide by these operating procedures in all communications during the process in and out of Committee meetings.
- E. The DFO and Co-Chairs will periodically review and assess the Committee's progress to determine if the process is meeting their needs and the interests of the participants.
- F. The Co-Chairs and facilitator will ensure compliance with these operating procedures.
- G. Orderly conduct of meetings.
 - 1. Personal attacks, name calling, inappropriate gesturing, and other such negative behaviors will be addressed immediately, either privately or publicly, by Committee members and the facilitators.
 - 2. The Committee may recommend to the DFO or Co-Chairs sanctions for violations of these operating procedures.
 - 3. Poor attendance, lack of participation, not participating in good faith, or other significant violations of these operating procedures are grounds for the DFO to recommend to the Secretary that a member be removed from the Committee. The Secretary may fill the seat to represent that interest within the FACA approval process for membership.
- H. Any member of the Committee may withdraw from the Committee at any time by notifying the DFO and Co-Chairs in writing. The member also must communicate to the Committee the reasons for withdrawal and make an effort to address the concerns or issues he or she has raised to the Committee.
- I. The Co-Chairs will be the official spokespersons for the Committee with the NPS. The Co-Chairs and a designated lead from a subcommittee will be the go-between for Committee members in requesting information from, or providing information to, the NPS.

VII. Facilitator Responsibilities

The facilitators serve at the discretion of the full Committee. The DFO, Co-Chairs, and facilitators are responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing and distributing draft and final summaries, generating draft agreements, and helping the parties resolve their differences and achieve consensus on the issues to be addressed by the Committee.

- A. The facilitators have no decision-making authority and cannot impose any solution, settlement, or agreement among any or all of the parties.
- B. The facilitators will abide by the Ethical Standards of the Association of Conflict Resolution. In part, these standards require that: "The neutral must maintain impartiality toward all parties. Impartiality means freedom

from favoritism or bias either by word or by action and a commitment to serve all parties as opposed to a single party.”

- C. The facilitators may use any number of techniques to help ensure that everyone has the opportunity to speak, that comments are kept to a reasonable length of time, and that subjects under discussion are provided sufficient time and focus for progress.
- D. The facilitators may be available to facilitate Committee sessions, caucus deliberations, subcommittee meetings, and work groups.
- E. The facilitators will be available to consult confidentially with Committee participants during or between meetings. Facilitators, if asked, are required to hold confidences even if that means withholding information that the facilitators would prefer to be made available to the full group. Confidentiality protections do not extend to threats or reports of criminal action.
- F. The facilitators may engage in shuttle diplomacy among various parties during the negotiation. Within the bounds of the FACA, these deliberations may be conducted in confidence.
- G. Parties will express any concerns about the facilitators’ role or action: first, to the facilitators directly; or, as needed to the DFO or Co-Chairs.

VIII. Committee Duration and Termination

These operating procedures may be amended by the Committee and are subject to biennial review and will terminate two years from the date the Committee’s Charter is filed unless, prior to that date, the Charter is renewed under the provisions of Section 14(a)(2) of FACA. The Committee’s charter is currently scheduled to end on _____, 2014.

IX. Consistency

These operating procedures are intended to be consistent with the Committee Charter and all applicable laws and regulations. In the event of any inconsistency or conflict, the statute, regulation, or the Committee’s Charter shall govern.