

AMENDED AND RESTATED BYLAWS OF THE BOATING ADVISORY COUNCIL

Pursuant to the majority of members of the Council's votes approving these Amended and Restated Bylaws of the Boating Advisory Council ("Boating Advisory Council" or "Council"), the Council hereby adopts the following:

ARTICLE I – LEGAL AUTHORITY

Section 1.1. Statutory and Regulatory Authority. Utah Code § 73-18-3.5 provides the Division of Outdoor Recreation ("Division") may "after notifying the [Outdoor Adventure C]ommission, [...] appoint an advisory council that includes [...] representation of boating interests" and that "among the advisory council's duties" shall be the duty to "mak[e] recommendations on state boating policies." Utah Administrative Code R650-202-1 further provides that:

The [D]ivision, after notifying the [C]ommission, shall appoint a nine-member advisory council to make recommendations to the division on state boating policies [and that t]he council shall consist of one member from each of the following boating interests: boating safety and education organizations, sailing users, boating anglers, marine dealers, personal watercraft users, outfitting companies, paddle craft users, water sports users, and motorboat users.

ARTICLE II – COUNCIL MEMBER QUALIFICATIONS AND TENURE

Section 2.1. Council Membership. Council members shall be members who are active in the boating industry/community and are to represent a particular user group that make up the nine main members of the council: Boating Safety and Education, Sailing, Paddlecraft, Water Sports, Marine Dealers, Personal Watercraft, Boating Anglers, Outfitting Companies, and Motorboats Users. In each of these categories, council members shall meet the qualifications outlined below:

- ◀ **2.1.1. Boating Safety and Education.** This seat is reserved for those who have experience in boating safety and education programs. Having an understanding of best practices when it comes to boating safety and educational initiatives and trends that are taking place in the boating industry.
- ◀ **2.1.2. Sailing.** This seat is reserved for those who are involved in sailing activities. This person could be a competitive sailor, instructor, and or enthusiast but must be able to represent the interests and needs of the sailing community.
- ◀ **2.1.3. Paddlecraft.** This seat is reserved for those who are involved in kayaking, canoeing, and or paddle boarding. This person should know about paddlesport safety, trends, and regulations.
- ◀ **2.1.4. Water Sports.** This seat is reserved for those who are involved in various towed water sports activities and they should have a broad understanding of water sports needs and challenges.

- 2.1.5. Marine Dealers.** This seat is reserved for those who are involved in marine dealering which would involve selling, purchasing and distributing watercraft. This person should have knowledge on sales, distribution and trends on watercraft.
- 2.1.6. Personal Watercraft.** This seat is reserved for those who are involved in powersports dealing, particularly personal watercraft (jet ski, sea-doo, and or mechanically propelled personal hydrofoil) users and their interests. Having an understanding of personal watercraft operation, safety, and regulations.
- 2.1.7. Boating Anglers.** This seat is reserved for those who are involved in fishing or angling from boats; they should possess knowledge of boating-specific angling techniques from boats, rules, and conservation efforts.
- 2.1.8. Outfitting Companies.** This seat is reserved for those who are involved in outfitting and equipping boating activities. They should understand the boating market and trends.
- 2.1.9. Motorboat Users.** This seat is reserved for those who are involved in motorized boats for recreational purposes and who understand boat operations, rules, regulations and safety.

Section 2.2 Terms. Council members shall be appointed by the Division and approved by Council for an initial three-year term. Upon expiration of the initial three-year term, a member may, upon application to DOR and approval by the Council, serve one additional three-year term. A member's term shall begin upon their approval by the Council.

Section 2.3. Absenteeism. Missing three scheduled meetings in a row, or a total of 8 during any 4-year term, without an accepted excuse approved by the Chair of the Council shall result in dismissal from the Council.

Section 2.4. Ongoing Boating Involvement. Failure to continue active involvement in the boating industry or community without an accepted excuse approved by the Council shall result in dismissal from the Council.

Section 2.5. Interests of Represented Group. Failure to effectively communicate the interest of represented group to the Council, or failure to effectively communicate Council issues and activities to the members represented group, shall result in dismissal from the Council.

Section 2.6. Resignation. Council members may voluntarily resign their Council position at any time.

Section 2.7. Release of Council Member. A Council member may be released from the Council prior to the expiration of their term for any of the following reasons: (i) failure to attend regularly scheduled meetings without prior approval by the Chair; (ii) failure to maintain

engagement with the boating community and to represent appointed user demographics; (iii) failure to participate in council operations; (iv) failure to represent the Division and Council in a positive light and image; or (iv) upon other good cause as determined by the Division of the Council.

ARTICLE III – COUNCIL DUTIES

Section 3.1. Boating Grant Review. The Council shall review Boating Grant applications and make recommendations to the Division for allocation of Boating Grant funding.

Section 3.2. Boating Plans and Policies. The Council shall review the boating program's strategic plan and Division boating policy and shall make recommendations to the Division regarding the plan and Division policies.

Section 3.3. Position Papers. The Council may prepare position papers pertaining to issues affecting boating recreation for the Division's consideration.

Section 3.4. Advise on Current Boating Laws and Rules. The Council shall occasionally review the Boating laws and rules and make recommended for changes to the Division.

Section 3.6. No Lobbying. Neither the Council nor its members in their roles as members of the Council shall lobby Utah State Legislative Members or Committees absent prior written approval from the Division.

ARTICLE IV – COUNCIL OPERATIONS AND MEETINGS

Section 4.1 Chair and Vice Chair. A Chair and Vice-Chair shall be elected annually by the Council members.

Section 4.2. Chair Duties. The Chair shall (i) preside at each Council meetings and may call special meetings. have general and active control over the affairs and business of the Council, (ii) shall preside at all meetings of the Council; (iii) see that all acts and decisions of the Council are carried into effect; and, (iv) perform all other duties incident to the office of Chair.

Section 4.3. Vice Chair Duties. The Vice-Chair shall act as the Chair in the Chair's absence. If the Chair's term expires, the Vice-Chair shall serve as Chair until a new Chair is elected by the Council. If neither the Chair nor the Vice-Chair is present and able to serve at any meeting, the quorum present may select a temporary presiding Council member to conduct the business of the meeting.

Section 4.5. Meetings. Members of the Council shall meet at such time and in such places as may be determined by the Chair, upon written notice of the hour, date, and place of meetings to each member of the Council not less than twenty-four hours prior to the meeting time.

Section 4.6. Quorum. A majority of the individuals then appointed to serve on the Council shall constitute a quorum. A quorum of Council members is necessary to conduct any approved Council business.

Section 4.7. Voting. At any meeting of the members of the Council, each Council member present at such meeting shall have one (1) vote on any matter before the Council.

Section 4.8. Proxy Voting. If a Council member is unable to attend a meeting, the Council member can assign a written proxy vote to the Chair for voting purposes.

Section 4.9. Meetings Open to Public. Meetings shall be open to the public. The Chair will determine when and if members of the public will be permitted to speak in Council meetings.

Section 4.10. Roberts Rules of Order. At any meeting of the members of Council, the members shall follow the parliamentary procedures set out in Roberts Rules of Order.

ARTICLE V – ROLE OF DIVISION STAFF

Section 5.1 Division Support. Subject to the availability of funds, the Division shall provide staff support to the Council, provide meeting places, copying, mailing services and other office support, and provide information, analysis, reports or other necessary information for the Council's operation.

ARTICLE VI – AMENDMENT OF BYLAWS

Section 6.1. Amendment of Bylaws. These Bylaws may be amended, altered, changed, added to, or repealed by an affirmative vote of a majority of the members of the Council in attendance at any regular meeting of the Council.

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CHAIR'S ATTESTATION

I, the undersigned, being the Chair of the Boating Advisory Council, do hereby attest the foregoing to be the Amended and Restated Bylaws of the Boating Advisory Council, as adopted by a majority of the quorum of the Council present at the regular meeting of its Council, held on the _____ day of _____, 20____.

(Name Printed), Chair

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DPAY