

Memorandum

To: Administrative Record

From: Massachusetts SubCouncil (MA SubCouncil) of the
Housatonic River Natural Resource Trustee Council

Date: 9 February 2005

Re: Clarification of Ex Officio Roles on MA SubCouncil

After obtaining additional guidance from Department of Interior legal counsel, the MA SubCouncil has developed this clarification for the roles and responsibilities of its Ex Officio delegates.

Ex Officio delegates are defined by the Memorandum of Agreement as "non-governmental citizens." Therefore, the delegates have been invited to serve on the MA SubCouncil as individuals and as private citizens. They have been invited to serve due to their recognized and relevant expertise, their involvement in this issue over time in various capacities (professional as well as personal), and their ability to provide valuable contributions to the roles and responsibilities of the MA SubCouncil.

The fact that Ex Officio delegates serve as individuals does not discount their knowledge of, contributions to, and involvement with the issue in their official capacities with their respective affiliations. Rather, the Trustees acknowledge that their value to the process extends beyond their official capacities with their respective affiliations.

Ex Officio delegates should be formally identified by their name, their current affiliation (i.e., [name], currently of [affiliation]), and/or any role that is relevant. Ex Officio delegates may provide publicly available information to and receive information from the groups with which they work. They must not divulge the content of internal discussions, deliberations, and/or documents to persons external to the MA SubCouncil. After the outcome of internal discussions, deliberations, and/or documents is made public, Ex Officio delegates shall continue to hold in confidence the content of internal discussions that have not been made public.

When documents and meetings are public, Ex Officio delegates may provide comment in any capacity (e.g., as an individual, as the representative of a group) on the contents of the public documents and meetings. If they provide comment as the representative of a group, they must stipulate to the public and to the MA SubCouncil that they are speaking in that capacity. However, in these comments, they must not reference internal discussions, deliberations, and/or documents that have not been provided to the public.