

PROPOSED CRITERIA FOR CERTIFICATION AS A REGIONAL ASSOCIATION (6/24/04):

GOVERNANCE: “Proof of a governance structure that can deliver an integrated and sustained system by incorporating, enhancing and supplementing existing infrastructure and expertise in the region.”

1. Documentation of a legal structure:

- a. Established pursuant to articles of incorporation under the laws of the state in which the Regional Association is headquartered; **or**, if not a corporation, pursuant to a binding agreement between or among two or more existing corporations, government agencies, partnerships, or similar organizations, each with legal authority to enter into such an agreement; and
- b. That provides for (i) a fiscal agent with final responsibility for acceptance and expenditure of funds according to the rules of grantors of the funds; and (ii) the ability to enter into enforceable contracts.
- c. That is insurable, unless the regional coastal ocean observing system is deemed an instrumentality of the United States with respect to any act or omission committed by the system or any employee thereof.

2. Adoption of a membership policy:

- a. That specifies one or more categories of members, qualifications for membership, and rights and responsibilities of members, including those of partners who are not full members;
- b. That specifies the manner in which members may enter into or be removed from the Regional Association;
- c. That provides for membership from all geographic areas of the region as well as stakeholder organizations, and including, where appropriate, non-voting representation from adjacent Regional Associations and organizations from neighboring countries.
- d. That ensures diverse membership from regional user and provider groups including the private sector, federal agencies and regional federal science and management organizations, state and local agencies, Native American communities and tribal governments, research organizations, academic institutions, and non-governmental organizations, and others as may be appropriate for the functioning of the Regional Association.

3. Creation of a governing board:

- a. That is established through bylaws, signed articles of agreement, or similarly binding documents;
- b. That is public in all transactions of the board, consistent with applicable state and federal laws;
- c. That provides for representation of the Regional Association to the National Federation of Regional Associations and ensures conformity to binding guidelines established by the National Federation of Regional Associations;
- d. That appoints a Chief Administrative Officer or executive body with signatory authority, and describes the duties and authority of such person or body to implement the decisions of the governing board and carry out the purposes of the Regional Association;
- e. Is bound by procedures, as set forth in bylaws, articles of agreement, operations manual, or similar document, to be followed in calling meetings of the board and in reaching decisions that are to be executed by or on behalf of the Regional Association;
- f. Develops metrics to monitor, analyze, and improve system performance;
- g. Exercises at least the following powers and responsibilities to ensure its autonomy:
 - i. to adopt and carry out a business plan, including a budget;
 - ii. to authorize the execution of grants, contracts, and cooperative agreements;
 - iii. to determine the distribution of funds provided to or raised by the Regional Association for the purposes of an ocean observing system using a well-defined system for measuring performance and setting priorities for funding;
 - iv. to establish the policies of the Regional Association:
 - v. to amend the bylaws; and
 - vi. to carry out other such powers and responsibilities designated by law or by terms of agreement(s) between or among the parties comprising the Regional Association.
- h. That includes, as Board members, representatives from diverse user and provider groups in the region, including the private sector, federal agencies and regional federal science and management organizations, state and local agencies, Native American communities and tribal governments, research organizations, academic organizations, non-governmental organizations, and others as may be appropriate for the management of the Regional Association.

- 4. Formally involves users or their representatives who will use the data and information products generated by the Regional Association or its component organizations and who will provide similar data and information products, as evidenced by:**
- a. A panel advisory to the governing board that includes representatives of a significant share of sectors identified as primary users and private sector data and product providers in the Regional Association's business plan, along with a description of how the advisory panel will be used; and
 - b. An active, ongoing outreach and marketing program, detailed in the Regional Association's business plan, that:
 - i. includes a person or entity assigned responsibility for education, communication, and education who reports to the Regional Association's governing board, chief administrative officer, or executive body;
 - ii. documents the design and deployment of the observing subsystem of the Regional Association or its component organizations that is responsive to the needs of the users and private sector data and product providers; and
 - iii. establishes processes by which the needs of users and private sector data and product providers are frequently gauged and the provision of pertinent information is evaluated on a regular and continuing basis.