

**CAPE COD REGIONAL GOVERNMENT
CHARTER REVIEW COMMITTEE**

Minutes of November 13, 2013

Call to Order:

Chairman BERGSTROM: Good evening. Welcome to the November 13th session of the Cape Cod Regional Government Assembly of Delegates Charter Review Committee. I'll call this meeting to order.

Attendance:

We have a quorum with five of our members present. [Present: Chair Ronald Bergstrom, Ann Canedy, Linell Grundman, Suzanne McAuliffe and Julia Taylor. Absent: Bill Doherty and Austin Knight.]

Meeting Minutes 10-30-13 for Approval:

We'll start with approval of the minutes of our last meeting of October 30th. You should have received copy of the Minutes.

Ms. MCAULIFFE: Move the approval of the Minutes.

Ms. GRUNDMAN: Second.

Ms. CANEDY: May I?

Chairman BERGSTROM: Sure.

Ms. CANEDY: I did have some corrections and I'm sorry I did not bring them.

Could we possibly --

Ms. MCAULIFFE: Defer approval.

Ms. CANEDY: -- defer approval until the next meeting?

Chairman BERGSTROM: Okay. So in order to do that --

Ms. MCAULIFFE: I will withdraw my motion.

Chairman BERGSTROM: All right.

Ms. GRUNDMAN: And I withdraw my second.

Chairman BERGSTROM: Okay. And then we have to move to --

Ms. MCAULIFFE: Move to defer approval of the minutes to our next meeting.

Ms. CANEDY: Second.

Ms. GRUNDMAN: Second.

Chairman BERGSTROM: All those in favor say "Aye."

(Motion to defer carried.)

Ms. CANEDY: Thank you.

Chairman BERGSTROM: I hate to be a stickler for process but --

Ms. MCAULIFFE: Better safe than sorry.

Chairman BERGSTROM: Okay. Moving on. Approval of the Charter -- well, before we move on, I have a little business to attend to.

There's been a controversy as to whether or not the Assembly can approve these recommendations by a simple majority vote or by a super majority of two-thirds.

And there seems to be a disagreement between the County Counsel, Mr. Troy, Attorney Troy, and our Counsel, Attorney Curran, and I'm going to ask Mike if he wants to give us his reasoning. Are you interested?

Mr. CURRAN: Well, it seems to me that the language although it's not as plain as it could be is reasonably plain. It is to me. And I set it out in my memory --

Chairman BERGSTROM: Yes. Did you all get that memorandum? I never can tell whether it's sent to me or to --

Ms. GRUNDMAN: Yes.

Mr. CURRAN: It breaks down into three ways in which a question can appear on a ballot. One by electing a Charter Commission which can end up putting a question on the ballot, and that can be on anything.

The second method is by a vote of the Assembly of Delegates, but that's limited to matters that don't relate to the method of election -- mode of election or appointment of Executive and Legislative branch essentially.

They can go on by a majority vote or a vote of two-thirds of the members of the full - two-thirds of the members of the full Assembly. I think that's the language. It's unclear whether it would be the percentage vote or just 10 of the 15 Delegates.

But in any event, that will put on a question directly on the state election ballot. It's sufficient authority to authorize the Secretary of State to put those questions on the ballot.

The third method is by a vote of the Assembly of Delegates, a vote of the majority of the population of the County is what the paragraph requires. This agreement between the County Counsel and myself, Mr. Troy, and we did talk about it, is paragraph three of the four -- five paragraphs that constitute -- you already read my memorandum. I don't want --

Chairman BERGSTROM: Yeah. Mike, are you saying that this -- a recommendation from the Assembly or a vote of the Assembly on a petition can go directly to the ballot without having to go to the Legislature?

Mr. CURRAN: Yes, that's what the second paragraph provides. It's a method -- the Assembly as itself votes, and it's sufficient authority to put it on the ballot for the next biannual state election.

Chairman BERGSTROM: Okay. And that doesn't have to -- and that, in turn, does not have to be approved by the Commissioners according to the language?

Mr. CURRAN: No.

Chairman BERGSTROM: Okay.

Mr. CURRAN: But that can't relate -- there's a long sentence clause --

Chairman BERGSTROM: Oh, I see. It can't relate to the composition and mode of election, yes. Okay, now I --

Mr. CURRAN: The kind of things -- yeah, the major things you're talking about doing here --

Ms. TAYLOR: So it's not really relevant to this.

Chairman BERGSTROM: No. Since you got the memorandum from Mike and also from Troy, I'll tell you how I'm going to treat this.

I'm going to treat it as though it needs a simple majority vote. Mike is the counsel for the committee, so I think that he, basically, his advice -- but also as a practical matter, all right, if it needs -- it does not get a two-thirds vote, all right, and the lawyers up in Boston say that it does, it's going to fail.

Okay. So it doesn't really matter. If you insist on a two-thirds vote, you're simply taking this out of one possibility of it passing; do you know what I'm saying?

So as a practical matter, if they're going to insist on a two-thirds vote and it doesn't get it, then it's not going to pass. So we'll go with the simple majority until we're told otherwise by the people in Boston, you know, who probably have no idea what they're doing anyway so.

That being said --

Ms. TAYLOR: Could I interject?

Chairman BERGSTROM: Do you want to comment?

Ms. TAYLOR: Well not on that. I was going to move on to the issue of the --

Chairman BERGSTROM: The report.

Ms. TAYLOR: -- the three pieces of paper that I have and that you have. And really I think they need to be voted with slightly different titles.

Chairman BERGSTROM: Okay.

Ms. TAYLOR: So if we look at paper number one, "Model Recommended for Structure of County Governance," that could be voted as the recommendation of the Charter Review Committee.

Chairman BERGSTROM: Okay.

Ms. TAYLOR: So we title that "Recommendation of Charter Review Committee."

Ms. CANEDY: So moved.

Ms. GRUNDMAN: Second.

Chairman BERGSTROM: Well, why don't we --

Ms. TAYLOR: But then, number two, could be not voted, but I just wrote it because I think there's quite a lot of confusion not particularly on this committee but among people in general between what the significance -- and we, of course, having been educated by Mr. Curran about the difference between an elected County Executive and an appointed County Administrator.

And an appointed County Administrator is someone who, in theory, is under the policymaking power of the other group: the Council, the Assembly, the Legislature, whatever you call it. That's the policymaking group, not the Administrator.

Whereas in the system of an elected County Executive, that's more similar to what we have now where we have an Executive -- happen to have three people, and we have a Legislative branch.

So I just wanted to make people understand that because there are some significant differences and people might want to know them. But that's not necessarily something we need to vote if you wouldn't object to my simply -- we could vote it but, you know, you get what I'm -- I just thought that was somewhat educational.

Chairman BERGSTROM: Linell.

Ms. GRUNDMAN: I was at the Assembly meeting last week. I think we should vote it. I think we should vote it as part of Julia's report. We did authorize Julia, sorry, to make the report or to make -- to present the recommendation to the Assembly and create the report.

So I think that Mike's statement I think is a logical part of your report because it gives legal explanation. And I think it's important for people to remember that it was our plan from the beginning to make a recommendation on governance only. But this does provide clarity to the model that we propose. So I'm in favor of voting this.

Chairman BERGSTROM: All right.

Ms. TAYLOR: So then we went to the third piece of paper, I would cross off the title of that. I would cross off the first sentence, and then it would be titled instead, "Attorney Michael Curran's Summary of Charter Review Committee."

And then it would say before proceeding, blah, blah, blah, "The Committee is seeking your reaction to its preliminary conclusions by presenting these ideas."

Chairman BERGSTROM: Yes.

Ms. TAYLOR: And it would be clear that this was written by Michael Curran, but that we agreed with it, and understood it, and recommended it to people as --

Ms. GRUNDMAN: Absolutely.

Chairman BERGSTROM: Let me just jump in here for a minute because if you listen to some of the points that the Assembly was bothered by, you have to -- in my humble opinion, you have to say that the report from the committee is actually a report of the activities of the committee.

You can't segue into why we think it's a great idea. You really have to say this is, you know, you can say it was said at the committee that this would do this. In other words, or it was pointed out that this would be a better -- but you can't go into an argument in the report and -- at least is my opinion.

Ms. TAYLOR: Well I've never read a report that didn't make a case.

Chairman BERGSTROM: Well, a report is saying this is what we decided and this is why we decided it.

Ms. TAYLOR: Yes.

Ms. CANEDY: That's what this is.

Ms. TAYLOR: That's what -- I think that's what both do.

Chairman BERGSTROM: It's a fine line. You know you have to say -- this isn't something -- we're not giving you a report and telling you why you should do this. We're giving you a report and telling you what was the basis of our decision; do you know what I'm saying? There's a little subtle difference there.

Ms. MCAULIFFE: That's what this says.

Ms. GRUNDMAN: Yes.

Chairman BERGSTROM: You should give the report and then once the report is submitted, then you can go into it and we think it's a great idea for this, that, and the other thing. Well I don't know if it says that exactly but -- when I was reading it.

Ms. CANEDY: Don't you think the recommendation of the Charter Review Committee which starts out "Model Recommended for Structure of County Governance" does what you suggest?

Chairman BERGSTROM: So if you say points in support of this recommendation, you have to say these were the points that were made in support of this recommendation.

Ms. CANEDY: Okay.

Chairman BERGSTROM: Do you know what I'm saying?

Ms. TAYLOR: All right. So points the committee --

Chairman BERGSTROM: Discussed or deliberated on.

Ms. TAYLOR: -- discussed in support of this recommended -- sure. Fine.

Ms. MCAULIFFE: That's fine.

Ms. TAYLOR: And then "Michael Curran's summary of the Charter Review Committee's discussion," that could also be the title.

Chairman BERGSTROM: I mean I don't know if anybody would object, but I'm a stickler for process so.

Ms. CANEDY: What if we make this all one document?

Ms. TAYLOR: Well it would be its just those are different titles on the top.

Ms. CANEDY: What if we did make this all one document? Start it with this, the recommendation by the Charter Commission with your amendment. These points were discussed in support of the recommended structure.

Chairman BERGSTROM: Yes.

Ms. CANEDY: Then on the same page move into a title, "Attorney Michael Curran's Summary of the Charter Review Committee's Recommendations," and put this all together.

And then you could put on the same document “Informational compilation system appointed Administrator -- administration or compilation of system of appointed Administration -- administrator for information purposes.”

And have it all of one document instead of several pieces of paper.

Chairman BERGSTROM: I mean you can attach anything you want. You could attach every document we ever got -- received from anybody. But the report has to be --

Ms. CANEDY: Make this all, yes, one.

Chairman BERGSTROM: The report has to be what we did.

Ms. CANEDY: Right.

Ms. CANEDY: Make this a running document.

Ms. TAYLOR: Yes, well, obviously, I think that’s true of that third point, the Council as the policymaker. We did discuss that at great length.

Chairman BERGSTROM: Yes.

Ms. TAYLOR: And we were sympathetic to that idea. It’s just that we decided again to recommend something different. But I think it’s important to understand those distinctions because I am pretty sure most people aren’t fully -- haven’t got that fully in their mind since we didn’t.

Chairman BERGSTROM: Well, can we mark up the document in such a form that we can get it to Janice to understand what it is and vote on it?

Ms. TAYLOR: Yes.

Chairman BERGSTROM: That’s a concern.

Clerk O’CONNELL: Well I think I have a lot of it now if I read some of it back.

Ms. TAYLOR: All right. What --

Chairman BERGSTROM: I’m glad somebody did.

Ms. TAYLOR: All right. So the first page that says, “Model Recommended for Structure of County Governance,” that can be just as it is; right?

Ms. O’CONNELL: I was going to say the title’s going to be, “Recommendations of the Charter Review Committee.”

Ms. TAYLOR: Committee, right.

Clerk O’CONNELL: And then we’ll have that model paragraph.

Ms. TAYLOR: Then it moves on to attorney, which I’ve written, “Attorney Michael Curran’s Summary.”

Clerk O’CONNELL: Okay. So you want --

Ms. TAYLOR: I have it written down.

Clerk O’CONNELL: But you want that immediately next? Did you want that next paragraph from the first page?

Ms. TAYLOR: That comes after the first thing.

Clerk O’CONNELL: Okay.

Ms. MCAULIFFE: But there’s also a change in that -- there’s a change. Instead of “Points to support,” we changed it to “These points were discussed in support.”

Ms. O’CONNELL: “These points” -- I want to make sure I get it right because if not there will be trouble.

Ms. TAYLOR: I’m writing it down. I’m writing it down.

Ms. GRUNDMAN: Well, we have to vote on it.

Ms. TAYLOR: I know.

Ms. GRUNDMAN: We need to vote on it.

Ms. TAYLOR: Then I’ll read it aloud. “Points discussed” --

Ms. MCAULIFFE: “In support of this recommendation.”

Ms. TAYLOR: “In support of this recommended structure.” Yes.

Clerk O’CONNELL: Okay. Got that.

Chairman BERGSTROM: That makes me happy. I’m happy.

Ms. TAYLOR: Okay. So we start with the recommendations but I’ve got it written out, Janice, so you don’t have to.

But for the vote, I’m going to move that we have recommendations of the Charter Review Committee and then that will be as we have it, “Model recommended for structure” etcetera, “Points discussed in support of this recommended structure.”

Then it goes to “Attorney Michael Curran’s Summary of Charter Review Committee Recommendations.”

Ms. CANEDY: Recommendations, crossing off the first one.

Ms. TAYLOR: And then it eliminates the first sentence there and then it changes the “we” to the “Committee” is seeking your reaction addressed to the Assembly to its preliminary conclusions by presenting the ideas in plain language.

And, lastly, additional -- no.

Ms. CANEDY: A compilation.

Ms. TAYLOR: “A compilation of system of appointed Administrator.”

Ms. CANEDY: “Administrator for informational purposes.”

Clerk O’CONNELL: Could you repeat that, Julia?

Ms. TAYLOR: Well I’m writing it down.

Clerk O’CONNELL: All right.

Ms. TAYLOR: “Compilation of system of appointed Administrator for informational purposes.”

Chairman BERGSTROM: All right. You guys are going to have to do me a favor now. Whenever you speak about the “committee” or “we,” you’re going to have to put in a majority of the committee believes.

Ms. TAYLOR: Well we can --

Chairman BERGSTROM: Because I’m prepared to vote for the report even though I didn’t support the recommendations because basically what it’s saying is this is what we did and this is how the vote came in.

Ms. TAYLOR: All right. Then why not on the right under recommendations of the Charter Review Committee we add “This recommendation passed” --

Ms. MCAULIFFE: On a vote 5 to 1.

Ms. TAYLOR: -- “on a 5 to 1 vote.”

Chairman BERGSTROM: Yes, but you can say that -- you can simply say a majority of the committee believes or you can do whatever you want.

Ms. TAYLOR: Yes.

Ms. CANEDY: Didn’t you end up voting to -- with everybody to move it forward?

Chairman BERGSTROM: Well, in other words, a report is a report. The report said this is what we did and this is how we voted.

Ms. TAYLOR: This is the recommendation though.

Chairman BERGSTROM: So if I were to vote against it, I would say, “No, that’s not what we did.” But that is what we did; do you know what I’m saying?

Ms. TAYLOR: Right, so --

Chairman BERGSTROM: But that’s why I’m trying to get away from the idea of the report itself being, you know, well, anyway. You understand where I’m coming from.

Ms. O'CONNELL: It passed 5-1.

Chairman BERGSTROM: Yes.

Ms. MCAULIFFE: Yes.

Clerk O'CONNELL: But you voted those two issues separately.

Chairman BERGSTROM: Yes.

Ms. MCAULIFFE: Right.

Clerk O'CONNELL: And different people voted 5-1.

Chairman BERGSTROM: Right. Bill voted against the Executive.

Ms. O'CONNELL: The Executive and then the districts. So it was 5-1 but not exactly the same people voting 5-1 on those. So are you going to say it passed by 1 and just --

Ms. TAYLOR: "These recommendations passed on two 5 to 1 votes"?

Ms. MCAULIFFE: Yes.

Ms. TAYLOR: Two 5 to 1 votes. Okay. These recommendations, there are two of them.

Chairman BERGSTROM: See even though it might be parsing the language, but I mean if you want to say "we believe" instead of having to go and say well a majority of the committee believes that -- you basically have to say "we voted to" or "we agreed to" by a majority vote to do a certain thing.

Ms. TAYLOR: Well that's what I said. These recommendations, which are these two up here, passed on two 5 to 1 votes.

Chairman BERGSTROM: Okay.

Ms. TAYLOR: And it's not committing you to anything other than these recommendations that were made.

All right. I'm moving – a motion -

[Document text]...

Recommendation of the Charter Review Committee

Model recommended for structure of County governance:

- **Strong Executive, elected Cape-wide, (replaces Board of Commissioners) assisted by an appointed Administrator**
- **Legislative body representing 11 Regional Districts of equal size (elected non-partisan)**

This recommendation passed on two 5-1 votes.

Points discussed in support of this recommended structure:

- Proposed legislature and executive will encourage a regional approach
- District Representatives would represent and serve citizens versus towns
- Creates equal Legislative representation so that everyone has the same vote – much more in line with "one man-one vote" constitutional mandate. Two or three people cannot hold most of the power of the legislative branch
- Elected Executive would continue the present system of checks and balances
- Elected Single Executive will provide, leadership, visibility, and accountability with a mandate to promote regional policies to the public

- Legislature compliments the Cape Cod Commission structure where individual towns are represented

**Attorney Michael Curran's Summary of Charter Review Committee
Summary of Charter Review Committee Recommendations**

Before proceeding to the preparation of the formal text of the charter amendments 'fleshing out' the provisions we are considering, the committee is seeking your reaction to its preliminary conclusions by presenting the ideas in 'plain language.'

The recommendations fall into three divisions: first, changes in the executive administrative branch of the government; second, changes in the legislative branch of the government; and third, changes in other charter provisions.

1: Changes in the Executive-Administrative Branch of the Government

The Charter Review Committee is considering the elimination of the present three member Board of County Commissioners and to establish, in its place, the position of County Executive, a single person who would perform all of the functions now exercised by the three commissioners, acting jointly.

The principal function of the Board of County Commissioners is to act as 'policy makers' for the county. It has been said that: "When two or more people agree all the time and on all the issues, that is clear evidence one person is doing all the thinking." It is natural, and appropriate, for a multiple member body to have disagreements but these lead to agreements based on compromise, which in the main, dilute or distort policy decisions.

The charter review committee intends to retain the position of County Administrator.

The Charter Review Committee believes the County Executive position, because it will be elected by the voters of Barnstable County, will give a focus and sense of direction to the county and the conduct of its business that, until now, has been lacking, inconsistent, or even, at times, at odds with itself.

The Charter Review Committee believes the County Executive position would fill at least these three (sorely needed) facilitative roles:

(1) to coordinate the activities of other county officers, officials and employees, by serving as liaison between the appointed County Administrator and the members of the legislative branch, fostering a sense of cohesion among the members of the legislative branch and executive branch and in educating the public concerning the needs and prospects of the county

(2) to provide policy guidance through the setting of goals for the legislative branch and advocating the adoption of policies that address the county's problems and opportunities to the legislative branch and to the county's voters;

(3) to act as an ambassador to promote the county through public appearances, and through the communications media; to represent the county in its dealings with the state and federal governments in seeking financial and other assistance; to explain the unique problems and special needs of Barnstable County; and to meet regularly (and often) with the governing officials of the towns which comprise the county.

2: Changes in the Legislative Branch of the Government

The charter review committee believes that in consideration of the broad scope of powers given to the legislative body that the charter must provide for a legislative body which is truly representative of the people who make up the county.

The charter review committee recognizes the strong tie to the existing system of town-based representation in the legislative branch, and it respects this view. It has, however, reluctantly, concluded that the 'one person-one vote' requirements of the state and federal constitutions would be better served by the substitution of a system of districts containing a reasonably equal number of inhabitants, each member casting a vote of the same weight and significance as that cast by every other member.

The town based system, and its concomitant necessity to use 'weighted voting', has also been criticized because of the possibility that exists that a small number of 'urbanized' towns (as few as four) could dominate the voting and out vote the other 11 towns, at their will. That it has not happened routinely to date, is no assurance it will never happen. The towns of the lower cape are highly vulnerable and exposed under the existing system. Logic and fairness demand that the voters of these towns be given the same, equal ability to participate in the affairs of the county in the legislative branch as do the voters of every other town.

The charter review committee believes that legislators chosen from districts containing an essentially equal number of inhabitants would be superior to our present system which substitutes representation of a unit of government for representation of the people who comprise the county.

On a national basis, the single member district system is widely recognized as the most representative way in which to elect members to the county governing body. The single member district system, with each district containing relatively equal number of inhabitants, has been recognized by the courts as the system most likely to be in accord with the one person-one vote doctrine.

If there is another regional government in the United States which employs a legislative representation system like that used in Barnstable County, the committee has been unable to find it.

3: Changes in other provisions of the Barnstable County Charter.

(a) Simplification: The County Charter has been criticized because some of its provisions have details that might better be contained in an ordinance. The Charter Review Committee intends to review these provisions and to make appropriate recommendations.

(b) Enforcement: The County Charter has been criticized because its provisions are not always followed. The Charter Review Committee intends to review the charter provisions and these criticisms. The Charter Review Committee will make appropriate recommendations to address this problem.

(c) Recall: The County Charter has been criticized because it does not contain a "recall" provision. The Charter Review Committee will make appropriate recommendations to address this problem.

(d) Name Change: The County Charter has been criticized because it names the legislative branch as the Assembly of Delegates. This title seems to contribute to the legislators being seen to be representatives of the municipality rather than as representatives of voters. Many, because the title is so misunderstood, don't understand what functions and duties the body is responsible to provide. The Charter Review Committee intends to recommend the name be changed, possibly to County Council.

Compilation of System of Appointed Administrator for Informational Purposes

Charter Review Committee Original Model/Alternative to Elected County Executive

Council: Eleven (11) District Representatives (one elected from each Cape district) non-partisan, with an equal vote – becomes the policy-making body for the County, responsible for appointing the County Administrator

PROS:

- citizens could be more “invested” in their district representation than in the current Cape-wide County Commissioners
- district representatives would serve citizens versus towns
- would create equal representation (no weighted vote) on Council
- would create a single policy-making body to increase efficiency and eliminate “turf battles” between executive and legislature

- creates more opportunity to think ‘regionally’ and could increase visibility as each district would have equal power and thus generate more electoral interest in some areas especially if representatives were paid more than current Assembly members
- would work well with and in contrast to the Cape Cod Commission where every town has an equal individual vote
- County Administrator would be a single focal point with increased visibility for promoting (not making) policies of the regional government

Ms. CANEDY: Second.

Ms. TAYLOR: These papers as amended.

Ms. CANEDY: Second.

Ms. TAYLOR: As representing what happened and what was discussed.

Chairman BERGSTROM: Okay. So it's been moved and seconded. Is that where we are now?

Ms. CANEDY: Yes.

Chairman BERGSTROM: And we know what we're doing?

Ms. GRUNDMAN: Word-by-word.

Chairman BERGSTROM: You look hesitant.

Clerk O'CONNELL: I'm a little gun shy.

**Chairman BERGSTROM: Okay. In that case, all those in favor say “Aye.”
“Opposed?”**

(Motion carried.)

Chairman BERGSTROM: All right. The only other question before us is how this is going to play out in the time frame of what's a realistic time frame? We present this report to the Assembly at our next meeting, okay, which would be?

Ms. MCAULIFFE: The 20th.

Chairman BERGSTROM: The 20th. And we reasonably expect a vote on the 6th or the 4th or, you know, that's my issue. I've always tried to say that that's a reasonable time frame, but I don't know if anybody will pop up and object to that, but that's how I see it playing out.

Ms. CANEDY: Just a logistical question about the meetings. Is the meeting on the 20th a meeting of the full Assembly or are we having a separate meeting after or before the Assembly meeting?

Chairman BERGSTROM: I would think that if we have a meeting on the 4th that the Assembly would -- that the entire committee be present or as much of us can make it at the Assembly.

So we can either have this discussion before the Assembly convenes or we can suspend the rules and have a discussion with the Charter Review Committee because I don't think that either I or anybody who's on the -- or Julia or for that matter Suzanne should be the point person on this. I think these are committee recommendations so I'm expecting -- I mean Suzanne is the vice chairman. Julia did most of the work, so I suspect that poor Julia was the point person last week and it didn't work out as well as we hoped.

Ms. MCAULIFFE: My turn?

Chairman BERGSTROM: Now we're going to put Suzanne on the hot seat. Don't worry; we'll have security at hand.

Ms. CANEDY: Do you want me to submit the minute suggestions in writing ahead of time? Would that be easier?

Chairman BERGSTROM: Yes. Okay. We'll submit the minutes. Yes.

Ms. GRUNDMAN: Ron, did I hear you suggest that maybe the committee should be there to answer questions as well or to make points?

Chairman BERGSTROM: Well just to be in support. I mean we've done -- how long have we gone through this? It would be -- rather than just kind of walk away and say okay, I mean --

Ms. GRUNDMAN: Oh no. I personally think that the whole committee should be there and make points and take questions and not let it be poor Suzanne.

Ms. MCAULIFFE: That's only if they suspend the rules though.

Chairman BERGSTROM: Well, it's actually --

Ms. TAYLOR: But it could be presented by one of you at the beginning of the meeting.

Chairman BERGSTROM: That's what I'm thinking. You could present it from that desk right there while we're sitting here.

Ms. MCAULIFFE: That's right.

Ms. GRUNDMAN: That's a good idea.

Chairman BERGSTROM: It's probably --

Ms. TAYLOR: And you can both speak and so could Bill if he is there.

Ms. GRUNDMAN: I think that might be a good way to do it.

Ms. TAYLOR: Yes. That's would be what I think would be very good.

Chairman BERGSTROM: That's probably the best way to do it.

Ms. MCAULIFFE: And just present what you've written.

Ms. GRUNDMAN: When is this, Ron?

Clerk O'CONNELL: When are you going to do this?

Ms. TAYLOR: This is the 20th; right?

Chairman BERGSTROM: Weren't we going to do it on the 20th?

Ms. O'CONNELL: The 20th?

Chairman BERGSTROM: Yes.

Ms. TAYLOR: Yes.

Clerk O'CONNELL: Okay. All right.

Chairman BERGSTROM: I know we've got some other stuff on the 20th too.

Clerk O'CONNELL: All right.

Chairman BERGSTROM: But it's not written in stone until we approve --

Ms. O'CONNELL: I just wanted to --

Ms. TAYLOR: Well I gathered last time that you were thinking of not having a vote on the 20th. And, certainly, there were some people who said they didn't want to. They just wanted discussion, some discussion on the 20th.

Chairman BERGSTROM: Well, the best case scenario is that we present it to the committee on the 4th. All right? We could have a vote to move forward on a petition, excuse me, on the 20th.

So what we're looking for is the go ahead. Then we have to go into the next phase which is to rearrange the existing Charter.

Ms. TAYLOR: But I'm talking about are you interested in a vote by the Assembly on so-called "white paper" that would send it forward or not?

Chairman BERGSTROM: Yes.

Ms. TAYLOR: On what date are you thinking for that at this time?

Chairman BERGSTROM: Well I guess that would have to be -- you're right. That

would have to be pushed ahead to the 4th.

Ms. TAYLOR: I think so.

Chairman BERGSTROM: Okay. Yes.

Ms. GRUNDMAN: Just having been here at the last Assembly meeting, I really think that what they're voting on is the recommendation. I think the "white paper" maybe is a confusing term.

Because as we've stated from the beginning, it has been our intention to make a governance recommendation knowing that everything kind of comes from that.

Chairman BERGSTROM: Yes.

Ms. GRUNDMAN: So I think that that --

Ms. TAYLOR: Yes.

Ms. GRUNDMAN: -- and how we present it and how we talk about, I think that we need to be very clear that this is our recommendation and this is what we're asking them to vote on.

Chairman BERGSTROM: Yes.

Ms. TAYLOR: It just isn't the final thing, of course.

Ms. GRUNDMAN: Well, yes. Ron's been very good I think about expressing that we have to write Legislative language, and of course the Commissioners have to weigh in on this too.

Chairman BERGSTROM: Yes. That could push us off to God only knows.

Ms. CANEDY: And I had inquiry again this week about whether or not we're going to be talking about other Charter changes, and we should reiterate to the public that this is what we wanted to do first.

Chairman BERGSTROM: Yes.

Ms. CANEDY: And that we anticipate looking at the Charter.

Chairman BERGSTROM: Well, Mike has explained if we get past governance, there's an easier way of dealing with some of the other issues.

Ms. CANEDY: Right.

Chairman BERGSTROM: So once we get past the governance recommendation, the time constraints if it doesn't have to go to the Legislature, we're freed of those time constraints. We can discuss things like recall. We can discuss changing, you know, moving things around in the Charter into the Manual of Governance.

Ms. CANEDY: Right.

Chairman BERGSTROM: We can talk about moving around the -- some of the language on other extraneous -- extraneous stuff that has wandered into the Charter that I think is extraneous anyway.

Ms. CANEDY: Yes. I agree with you on that.

Chairman BERGSTROM: So if we get by the governance thing, then we have time. And that's when Mike is going to do a lot of the work and basically with our guidance.

Ms. CANEDY: We're still getting the emails about, gee, you've been remiss. You haven't tackled these issues.

Chairman BERGSTROM: Well --

Ms. CANEDY: And I responded by saying that this is the most important issue and that's what we decided to do first.

Chairman BERGSTROM: This is the issue that's going to require the most process to achieve. And where time is of the essence because we have in the past missed the time

frame on a couple Charter Review things back in -- and it created havoc so.

Ms. O'CONNELL: Ron, I think for logistical purposes, as well, I mean when you're sick and you can't come to a meeting, you can't make it.

But there are some people who have had other commitments that have notified me, the Clerk, that they would be absent from the Assembly meeting.

Chairman BERGSTROM: YS.

Clerk O'CONNELL: And I think to think about voting for anything a week from today doesn't give those people enough time to adjust if they had to. The 4th is a few more weeks out there --

Chairman BERGSTROM: Yes, that's --

Clerk O'CONNELL: -- and people had to adjust because if someone wants to participate remotely, we have to give them the opportunity to do that and that's a whole logistical thing to try to figure out too because we've never done that.

Chairman BERGSTROM: Well it was always my intention to have -- to present the - - to present this to the Assembly on the -- at the next meeting on the 20th.

Ms. O'CONNELL: The 20th.

Chairman BERGSTROM: The reason that we got into that discussion last week is because we had a report from the committees, and we couldn't just stand there mute and say we're not going to tell you anything.

So once we explained what we had done, we opened up the door. But it was always my intention to have -- the 20th would be the formal presentation. The 4th would be I guess the vote to go ahead, you know, or not to go ahead.

Ms. O'CONNELL: So on the 20th, you will have committee members here?

Chairman BERGSTROM: Yes.

Ms. O'CONNELL: I just want to, for agenda purposes, when we get to that point tomorrow.

Chairman BERGSTROM: Okay. All right. Is there any other points we have to clear up here and --

Mike, do you understand where we are and what we're trying to do?

Mr. CURRAN: Yes, I think.

Chairman BERGSTROM: -- what we're failing to accomplish.

Okay. I'm trying to think if there's anything else that we have to discuss. Well, hopefully, you'll notify Janice of your availability at the next meeting, which is the 20th. It's coming right up.

Ms. MCAULIFFE: Yes, next week.

Ms. GRUNDMAN: And is it at 4 o'clock?

Chairman BERGSTROM: Yes. It's a regular Assembly meeting at 4 o'clock.

Ms. GRUNDMAN: Okay.

Chairman BERGSTROM: And Bill's wife is not doing well, so we'll have to keep her in our prayers and hopefully he can make it.

Ms. MCAULIFFE: Move to Adjourn.

Ms. GRUNDMAN: Second. What am I sitting here?

Chairman BERGSTROM: Okay. All those in favor, say "Aye." "Opposed?"

Whereupon, it was moved, seconded, and voted to adjourn the Charter Review Committee Meeting at 5:25 p.m.

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates