

Charter Commission Minutes

Organizational Meeting

December 13, 2019

Members Present:

X	Bofia, Phil	X	LaLiberty, James
X	Brown, Lutie	X	Merrill, Ron
X	Burdick, Samantha	X	Nale, Tom
X	Finch, Rien	X	Payne, Julian
X	Koch, Hillary	X	Weeks, Cathy

Others Present: City Solicitor Lee, City Clerk Dubois

The meeting was called to order at 5:00 p.m. After introductions, City Clerk Dubois administered the oath of office to the members in attendance.

City Solicitor Lee explained the Commission's charge and emphasized to them that they must work towards a consensus in order to have the best chance for passage by the voters. Mr. Lee explained that his role was to act as legal counsel to the Commission by reviewing the proposed changes and answering questions that arise during the review process.

Mr. Lee stated that the members were tasked with selecting a Chair and Vice-Chair, but that previous Commissions had agreed to have Co-Chairs that could be assigned certain tasks and responsibilities. Lee explained that state statute does not prohibit this and that it had worked well for previous Commissions.

Mr. Lee urged the members to strive to complete their work in time to get their changes before the voters in November 2020, since approval of changes to a Charter require a minimum number of votes to be cast to exceed at least 30% of the turnout in the last gubernatorial election with a majority of which voting in the affirmative.

Solicitor Lee pointed out that substantial changes are a revision to the Charter whereby voters are asked to consider all of the changes to the document in one up-or-down vote. Lee said that minor changes are categorized as amendments and can be sent to the voters as individual ballot questions. Commissioner Nale asked is amendments can be recommended with a simple majority vote, to which Mr. Lee answered in the affirmative. Commissioner Finch questioned whether the Commission could make a report with no changes to the Charter being recommended, which was answered in the affirmative by Solicitor Lee. Commissioner Payne asked whether the City would still be a City if the Mayor's position was removed. Mr. Lee answered that it would.

Commissioner Finch questioned whether the records and emails from this group would be subject to FOIA. Mr. Lee answered that all records and emails would be subject to FOIA rules and urged caution to the group when communicating via email. Commissioner Nale expressed concern over the possibility of compromising the confidentiality of the clients at his law firm, to which Mr. Lee said that only emails pertaining to the work of this board would be subject to FOIA.

Commissioner Nale pointed out that the public is concerned about transparency and that the people want to see something come from this process that will be passed by the voters. Commissioner LaLiberty asked whether there was a duty to preserve its records. Mr. Lee said that handwritten notes that are retained by members would be subject to release in a FOIA records request. Lee added that the minutes and agenda, once finalized, would become the official records.

Motion was made and seconded to nominate Tom Nale and James LaLiberty as Co-chairs and Samantha Burdick as secretary. Motion made and seconded to nominate Rien Finch as Secretary. Commissioner Koch expressed concern that the nominations of Nale, LaLiberty and Burdick represented members who were appointed, rather than those who were elected and that the Co-Chairs should reflect the elected members as well. Commission Payne noted that there were no prohibitions to prevent these nominations. Motion made and seconded to nominate Cathy Weeks as Secretary.

At this point, it was pointed out that the group should first vote as to whether they support the concept of having Co-Chairs. The group voted 9-1 to support having Co-Chairs.

Motion Made and Seconded to nominate Commissioner Bofia as Co-Chair. Motion made and seconded to Nominate Nale and LaLiberty as Co-Chairs. Votes in favor of Bofia as Co-Chair were 2-8. Votes in Favor of Nale as Co-Chair were 9-1. Votes in favor of LaLiberty as Co-Chair were 9-1.

The votes for Rien Finch and Cathy Weeks for Secretary were tied at 5-5 each. After some discussion, it was agreed that both would serve as Secretaries and that Commissioner Weeks would prepare the agenda and minutes and Commissioner Finch would track changes to the electronic version of the City Charter. All members present were in favor.

The members voted 10-0 in selecting the date for the Public Hearing as January 8, 2020 at 7 p.m. at the Chace Forum. The group agreed to set a meeting schedule to be the 2nd and 4th Tuesdays of each month at 7:00 p.m. Clerk Dubois noted that the IT Room was available for the January meetings, but will confirm meeting locations going forward.

There being no further business, the meeting was adjourned at 6:25 p.m.