

3/25/08

Cumberland County Charter Commission

Members present: Claude Morgan (co-chair), Lisa Villa (co-chair), John Eder, Steve Gorden, Kathleen Babeu, David Lunt, Richard Feeney

Members absent: Meredith Burgess, Neil Jamieson

Others present: Elizabeth Trice (staff)

Quorum Established.

Mission Statement

1. Lunt, Feeney move to approve minutes. Minutes approved unanimously.

Public comment period - no public in attendance.

2. Gorden, Lunt move to substitute Gorden's revised mission statement (including Mission, Goals, Strategy and Comments) for review, approved unanimously

3. Lunt, Feeney, move to substitute "authority" to "statutory", approved unanimously.

1. Original motion approved unanimously

*Mission statement can be posted to website immediately.

Mission: The Mission of the Cumberland County Charter Commission is to create and present a Charter to the citizenry that defines, initiates, and maximizes Cumberland County self-governance.

Goals: To create a Charter that may:

- Define the framework, roles, structures and processes of County government
- Enable citizens to request and receive broad, efficient, cost-effective and self-sustaining services
- Be dynamic, flexible, responsive, transparent and changeable
- Best serve the unique needs of the 28 constituent municipalities
- Maximize the statutory opportunities of the County
- Be presented for enactment through a public process on November 2, 2010.

Strategy:

- Create a participative public process that actively seeks open and active public discussion about ways to improve and modernize County government

Comments:

- The CCCC is an independent body elected by the voters
- We believe the process of creating Cumberland County's first region-specific charter is a unique opportunity to shape the region in which we live

Legal Questions, Email access

This response from the county's attorney Pat Dunn:

"1.) Can we, through the process of creating a Charter, fully empower the County Commissioners to make material changes to the structure of county government as needs arise? In other words, can we authorize the Commissioners to make some of the very same changes in the future that we might propose as a Charter Commission today? Put another way: Can we authorize a blank check for substantive changes to be made by Commissioners in the future?"

Title 30-A MRSA § 1301 states that a county charter may determine the officers of the county, their relationship to the administrative structure necessary to perform county functions and the organization of county government, subject to the limits of the Constitution of Maine. It is not permissible for the Charter to delegate these matters to the Commissioners, so you can't authorize the Commissioners to make substantive changes in the future.

2) Can we empower the County Commissioners to amend the Charter as needs arise? Again, doing some of the same work we might accomplish as a Charter Commission?

Pursuant to Title 30-A MRSA §1321, any revision (that would include amendments) of an adopted charter can only be through creation of another charter commission that would recommend changes that would then have to be approved by the voters.

3) Some members of the Commission express an interest in working online to increase our productivity. To what degree is this permissible? My sense is that members are not inquiring so much about actionable items, policy decisions, voting, etc.-but rather floating drafts of relatively benign subjects, such as the organization of our outreach efforts, draft letters to editorial boards, correspondence with constituents and interested parties. I'm hoping to report back with some rough parameters, if indeed any are available to us. For ex: Transitive v substantive discussions... Please don't go to town on this item. We'll take your common-sense advice in lieu of a legal opinion.

While you clearly understand that you can't hold meetings via e-mail, you need to be concerned as to whether any communications, drafts and etc that are sent via e-mail will be considered public documents within the meaning of Title 1 MRSA § 402 (3) and thus subject to public inspection and copying. Anything that concerns the commission's business whether it is drafts to review, suggestions on how to organize and etc, is a public document, unless there is a statutory provision that makes it confidential. Certainly any correspondence with constituents by e-mail is public documents.

Further, depending on the content of the e-mails, the e-mails may be subject to "records retention requirements" under state law. Therefore, if you do utilize e-mail for the commission's work, you will have to have some way of retaining those e-mails that are public documents - either by saving them in electronic form in one location or by printing them off and retaining them in a file. You will need a policy on how the e-mails are to be kept so that if you receive a request to inspect the Commission's public documents you can provide access to the documents and the policy that shows the official policy on document retention. If you have public documents on your private e-mail accounts and computers, you run the risk that you might be required to produce all of your e-mails or access to your computer to while a determination as to whether public documents are stored on your computer is made.

If you want to use e-mails for commission work, I suggest you set up separate e-mail accounts that you use for commission business (the county may be able to provide you with such accounts) and that you have a separate file in your computer for commission business. If you don't set up a separate e-mail account,

you should make sure you save e-mails in your file on commission business on your computer.”

Suggestion to set up a folder a “dead box” ie email address that all correspondence is cc’d to. In meantime, each individual member needs to round up any previous emails and send to the county (to the “dead box” or otherwise) Theoretically information could be made available on the website.

Gorden as secretary would be officially responsible for FOIA requests, most likely Trice would have access to server and do any necessary legwork.

Lunt requests way for public to send any ideas through website (and charter commission members would like to be notified immediately of any new comments)

*Gorden, Morgan and Trice will meet with county IT staff to determine and select options and set up FOIA and email input for public.

Editorial Meetings

Portland Press Herald Meetings are Thursdays 12-1

Could simultaneously make press release with mission statement.

Should have up site and/or email to send suggestions.

*Domain name can be purchased by Morgan and reimbursed if county is unable to purchase within a few days.

Eder, Feeney, move to give outreach committee authority to initiate contact with editorial boards generally. Unanimously approved.

Gorden requests that any meetings are reported back to full group.

Lunt requests “cheat sheet” one pager on county and talking points regarding the commission immediately. Trice created draft for members to review, any page should include unique achievements by county including CDBG program.

Budget

Draft budget proposed by county administration:

\$10,000 legal

\$1,000 supplies

\$2,000 travel

\$4,000 media and public notices

Charter Commission has authority to create its own budget. This year appears to be more about outreach rather than legal fees, recommends moving sizable portion from legal into outreach fund. Will have to make request for more money for 2010.

*2010 budget request should be submitted to county manager in June.

*Feeney will find out what account funds are currently being drawn from.

Lunt, Eder move to move \$8,000 from legal to outreach, approved unanimously.

*Morgan will check on timeline for budget requests.

*Morgan will check on statute regarding county’s responsibility to fund charter commission, ballot request, and ballot printing.

Committee Assignments

Outreach: Eder (chair), Morgan, Lunt, Babeu

Government Relations: Need charter members to speak to selectpeople, representatives, chamber of commerce, COG, PROP, County grant recipients etc. Villa (chair), Feeney

Strategy: need to look at goals and back-time to ensure that goals are met. Gorden (chair), Babeu

Steering Committee; open agenda for anyone to come, but definitely including members of various subcommittees. These meetings can be informal, over coffee. Morgan (chair)

*Committee chairmen need to be thinking about their activities for 2010 in order to bring proposed budgets to May workshop and meeting so that requests can be given to county in June.
*Place committees on website.

Meeting Schedule

6-8pm works for everyone except Jamieson, who has problems with Wednesdays

Trice can only commit to one Wednesday/night/month

Suggestion to have large group meet once/month and have another meeting as workshop or subcommittee

Eder, Babeu move to have following meeting schedule: (unanimously approved)

Next Workshop: Wednesday, April 8th, 6-8pm, 2nd Wednesdays thereafter

Next Public Meeting: April 29th 6-8pm, and 4th Wednesdays thereafter

Technical distinction between workshops and public meetings: no actionable items at workshops.

Public comment would be allowed at workshops when it would not impede work.

* Trice will ensure public notice will be given for both workshops and meetings.

*Gorden requests that group works on timeline at next workshop.