



TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE CHARTER REVIEW COMMISSION MEETING HELD ON OCTOBER 23, 1998

I. CALL TO ORDER

Chairman Doyle Rogers called the ninth meeting of the Charter Review Commission to order at 9:00 A.M. on Friday, October 23, 1998, in the Town Council Chambers.

II. ROLL CALL

Deputy Town Clerk Susan Eichhorn called the roll, and the following Commission Members were found to be in attendance: Chairman Doyle Rogers, Vice-Chairman James McC. Wearn, Rodney Fink, and William Guttman. Commission Member Jeanne Habicht was absent from the meeting. Also in attendance for all or a portion of the meeting were: Town Manager Robert Doney, Assistant Town Manager Peter Elwell, Town Attorney John Randolph, Attorney Clay Brooker (from the Town Attorney's law firm of Jones, Foster, Johnston & Stubbs, P.A.), and Deputy Town Clerk Susan Eichhorn.

III. APPROVAL OF AGENDA

Mr. Fink moved approval of the Agenda. The motion was seconded by Mr. Guttman, and carried unanimously.

IV. APPROVAL OF REPORT OF THE CHARTER REVIEW COMMISSION MEETING ON APRIL 30, 1998

Mr. Guttman moved approval of the Report of the Charter Review Commission Meeting on April 30, 1998. The motion was seconded by Mr. Fink, and carried unanimously.

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CLARIFICATION: Assistant Town Manager Peter Elwell announced that there had been some question raised regarding the cover memorandum from Town Manager Doney to the Charter Review Commission, dated October 9, 1998, in the back-up package for this meeting. He advised that he had drafted that memorandum for Mr. Doney and in the last paragraph on the first page there was a statement regarding the Council's intentions on the further discussion and consideration of goal setting and performance evaluation. He explained that he had misunderstood the Town Council's action at its September 28th meeting, but through formal clarification by the Town Council at its October 13th meeting it was now clear that the Town Council had intended that there were no boundaries on the consideration of the Charter Review Commission. He stated that the Town Council had indicated that it wanted the Charter Review Commission to report back with recommendations on any and all matters that may require consideration for change in the Town's Charter. The only thing the Town Council had intended to restrict in the action taken on September 28th was to have the proposed visit from Dr. Larry Gross scheduled at some future time to address the Town Council instead of the Charter Review Commission.

V. COMMENTS OF DR. JAMES H. SVARA, PROFESSOR OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION, NORTH CAROLINA STATE UNIVERSITY

Chairman Rogers introduced Dr. James H. Svara, Professor of Political Science and Public Administration, of North Carolina State University.

Dr. Svara commended the Charter Review Commission in their undertaking of a very challenging task, considering the basic structure of the government under which the community was operating, and he hoped that his comments would be of assistance in any deliberations.

Dr. Svara began with some general comments about forms of government used by cities as background information, and as clarification of some basic assumptions which would be brought to specific discussion of the role of the Mayor. The basic choices in the United States were Mayor-Council form of government or Council-Manager form. The Mayor-Council form was actually quite diverse because of individual differences within specific cities, which usually grouped into two sub-categories: Strong Mayor with an elected executive as the driving force of the city government, with the Council more of a checking force within the government; or a weak version of the Mayor-Council form, in which authority was quite widely divided over many officers, with the Mayor having some

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executive powers shared with the Council, Boards and Commissions. Mayor-Council governments were based on the American principle of separation of powers; a form that was designed to ensure that no one would have too much power and abuse it. An intention of the founding fathers in designing the Constitution was to use the off-setting powers, the checks and balances, as a way of using conflict to control and contain the activities of any single official or branch of government. One consequence of separation of powers was that the conflict among officials was quite common. In addition, it was not as clear in the Mayor-Council form exactly where professional administrators fit in the process: would they only be accountable to the Mayor, or do they have a joint accountability to the Mayor and to the Council?

The Council-Manager form, in contrast to the separation of powers principle, was based on the model of integrated authority, with all authority assigned to members of the city council to provide leadership as a collective body. The council then would hire a city manager, an appointed executive, who would be responsible for directing the city's organization. The Council-Manager form blends the collective political leadership of the council with the professional leadership of the manager and staff, and it was this combination that provided for its unique capability. One element that had not been well defined in Council-Manager government was where one would find a focal point for political leadership; the form in its original version stressed the council as a whole would provide collective leadership, choosing one of its members as Mayor. In order to understand how that form operates, the behavior and actual experience with Mayors and Council-Manager cities had been observed.

Dr. Svara distributed copies of Handout #1, "Distribution of Forms of Government by Size of City," illustrating that cities over 10,000 in population through cities up to 500,000 in population most commonly chose the Council-Manager form of government. In very small cities the Mayor-Council form was more commonly found, which was usually the weak Mayor version; in very large cities, over 500,000 in population, the majority used the Mayor-Council form, which was usually the strong Mayor version. The Council-Manager form was used by cities in a wide range of population sizes.

Dr. Svara remarked on how officials interact with each other within government, as he believed it was important for background and understanding the nature of the Mayor in the Council-Manager form of government. It was very common for people to assume that the interaction of officials within government was characterized by conflict; that officials bring opposing ideas and come head to head, often suffering impasse as they are unable to work through and resolve these differences. If the governmental process was viewed as one based on conflict, then the issue of power becomes a concern, because conflict was often resolved by the power over other officials, or the power to pull together the resources in order to make a compromise. Separation of powers reinforces this conflict, and makes the powers of the

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officials particularly important. He noted that when he moved to North Carolina in the early 1970's, from New Haven, Connecticut, he had been struck by the difference in the nature of local politics; it was not just a regional difference, but there was also an important difference that had to do with the nature of the government used in Greensboro, North Carolina, compared with New Haven, Connecticut. The Council-Manager form of government was used in Greensboro, and New Haven had a very well known, and very successful strong Mayor. What he finally had come to realize was that many governments were characterized not by conflict, but by cooperation; that officials generally were seeking to work together with shared goals and coordinated action among officials, particularly elected officials and administrators. In a Council-Manager city it was common to find all officials moving in the same direction, trying to work together. He expressed that what it took to overcome the absence of cooperation was very different from what it took to overcome the presence of real conflict. When looking at government as a cooperative process, power was not the primary concern; another quality of leadership was very important—the characteristic of facilitative leadership, that he had identified as the role of the Mayor in Council-Manager cities.

Dr. Svara explained that leaders are often thought of as officials that have power, and if government is essentially characterized by a cooperative process, power was less important, and the key source of leadership for a Mayor in a Council-Manager city was what he called the "strategic location" that the Mayor occupies: the Mayor occupies a critical position on some important pathways of communication. The Mayor is the center of a series of interaction links between the council, the city manager, the public, and other governments. When the Mayor was the center of these interactions, there was a great deal of information that the Mayor would have that would give a unique opportunity in promoting good exchange of information to ensure that the parts of the system were interacting smoothly. The Mayor also had a unique opportunity to promote goals and objectives; to provide content of his/her own in these interactions, and to help ensure that people were not only communicating well, but communicating towards a purpose. He stressed that as specific features and roles were discussed, it was important to keep in mind that these roles were drawing upon the general strategic position occupied by the Mayor, and when Mayors took advantage of the potential of this strategic location, they could provide effective leadership that makes the system work better. The Council-Manager government had characteristics that provide for some distinct advantages, in comparison with other forms of government. Those potential advantages were all enhanced when the Mayor provides the focal point of leadership that otherwise may be absent.

Dr. Svara then discussed the idea of facilitative leadership, distributing Handout #2, entitled "Attributes of the Facilitative Leader in Local Government," which specified three broad dimensions:

Attitude Toward Other Officials: The facilitative leader does not attempt to control, but

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rather empowers other officials by drawing out their contributions and helping them accomplish their goals. It was very important that the leader maintain mutual respect and trust in order to accomplish the other dimensions of the leadership role.

Kinds of Interactions Fostered: The leader promotes open and honest communication among officials. The leader seeks to manage conflict and resolve differences in a way that advances the mutual interests of all officials. The leader is willing to share leadership and form partnerships. The leader fosters understanding of distinct roles and coordinated effort among officials.

Approach To Goal Setting: The leader fosters the creation of a shared vision incorporating his or her own goals and the goals of others. The leader promotes commitment to the shared vision. The leader focuses the attention and efforts of officials on accomplishing the shared vision.

Dr. Svava noted that it was important to realize that the basic relationship among officials in the Council-Manager form of government can be cooperative, and was not a matter of overcoming other powerful contending forces, but rather working together toward common ends.

Dr. Svava distributed Handout #3, entitled "Checklist of Roles for Council-Manager Mayors," which detailed specific common roles for Mayors. The checklist was divided into three groups: Traditional/Automatic Roles; Active Coordination and Communication; and Policy and Organizing Roles. Dr. Svava explained that the first group was one that was typically built into the job—the Mayor would do these things without having to think much about it. Included in the first group were Ceremonial Tasks, Link to Public, Presiding Officer, and Representative/Promoter. He noted that this group did not apply to all cities that used the Council-Manager form of government, and Palm Beach was an interesting example of a city that departed from that typical approach, since the presiding officer role had been separated from the roles that the Mayor fills. The second set of roles, Active Coordination and Communication included: Articulator/Mobilizer; Liaison and Partnership With Manager; and Team Relations and Network Builder. A strong partnership between the Mayor and the manager would help to ensure that there were not disagreements or problems in coordination that were not handled. The third set of roles, Policy and Organizing Roles included: Goal Setter; Delegator/Organizer; and Policy Initiator. The Mayor, more than any other single official, can and should pay attention to the process of goal setting and try to make sure that the process is working as well as possible. As one aspect of the delegator/organizer role it can be determined whether the city manager is bring the right kind of information to the council, and the Mayor has a special opportunity to pay attention to that process, and look at ways to improve it.

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Dr. Svava distributed Handout #4, entitled "Mayoral Leadership, Relationships, and Performance Of Officials in Council-Manager Cities," which presented survey data measuring the leadership of the Mayor from 198 managers in cities of North Carolina. The Mayors were classified in terms of two items that the managers were asked to address: A) Effectiveness in promoting communication within the council and a positive relationship between the council and the manager; and B) Effectiveness helping the council set goals and adopt policies. The breakdown among the North Carolina cities showed that there was a lot of variation in the effectiveness of the Mayors on these two dimensions.

Mr. Guttman asked Dr. Svava to explain why he believed political leadership was important in local government?

Dr. Svava replied that political leadership brings the ability to identify those issues of primary concern to a community, helping to bring them into a form that people can understand as a set of issues that results in an agenda for the community. Political leadership also involves trying to move people along toward resolving those issues on the agenda.

Mr. Guttman asked what problems Dr. Svava saw with divided political leadership in Palm Beach between the President of the Town Council, who presides at meetings, and the fact that there was also a popularly elected Mayor?

Dr. Svava responded that he believed that it interfered with the basic strategic position that he had discussed as the foundation for a Mayor's effectiveness. It was not just the separate roles that the Mayor fills that was important, but the combination of those roles, and in this case the sum is greater than the whole of the parts. To separate one of those key aspects of the Mayor's overall leadership; to pull the presiding officer role out means that if a Mayor has been working the other ways that had been discussed to bring things to a point of resolution in the council, and he is not then the presiding officer he cannot guide the discussion of those matters. He cited the research of Gary Halter, of Texas A & M, who had students use indicators to rate the council meeting performance and the effectiveness of the Mayor as presiding officer. They had found that not only was there a difference in how well the council functioned as a group at its meetings when the Mayor provided good leadership, but it carried over into other general indicators of the effectiveness of city government outside the council's performance. He commented that the role helps the Mayor help the council work through its business and come to a decision, and if it is pulled out it leaves the Mayor incomplete.

Mr. Guttman asked Dr. Svava which was most important: the individual personal characteristics of a public policy leader, or the structural framework of the office itself?

Dr. Svava replied that they were certainly inter-related, and that one could look at structural

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features as either promoting or enabling effective leadership on the one hand, or impeding it on the other. Personal characteristics were obviously very important, and structure can either stand in the way or can help to ensure that the personal characteristics will have an impact.

Mr. Guttman stated that he was intrigued by the Checklist of Roles for Council-Manager Mayors handout, and asked whether Dr. Svava thought there were any structural provisions in the Town Charter that would inhibit or constrain the fullest possible dimensions of mayoral leadership?

Dr. Svava responded that he thought there were several, including the division between the Mayor's overall role and the presiding officer role. The next feature that created some confusion regarding the role of the Mayor had to do with the veto. The facilitative leader is a part of and promotes the effectiveness of the council as a whole. One should look carefully at any provision that serves to set the Mayor apart from the rest of the council; certainly a provision that sets the Mayor over the council, as the veto does, can be one of those impediments to make it more difficult for the Mayor to be a leader of the council, because the Mayor may be viewed as a leader over the council, and less able then to bring the council together. The role of the Mayor in voting is somewhat more controversial in terms of the limited research that has been done on its impact. Some argue that giving the Mayor, as presiding officer, limited voting power means that the Mayor can rise above the differences on the council and does not have to take a position on every issue. Based on a single study done in South Carolina, evidence suggested that not voting, or only voting to break ties, serves to make the Mayor be viewed as not really a part of the council. The Mayor does not have to provide his or her opinion on all questions, as do the other members of the council, and the Mayor is then viewed as having an insulated role. That research suggested that when the Mayor did have the voting power there was closer cohesion between the Mayor and the Council then when the Mayor only voted to break ties or had no voting power at all.

Mr. Fink commented that he found some contradiction in what Dr. Svava had said today, and his article entitled "Understanding the Mayor's Office in Council-Manager Cities." In that article he had said that the Council-Manager Mayor was analogous to a company Chairman of the Board--important, but not crucial to the organization's operation.

Dr. Svava replied that was an unfortunate choice of words, and that he was glad that his article had been read so carefully. He explained that the distinction he was trying to make in his article was between the Chairman and the Chief Operating Officer who was involved in the ongoing operation. Clearly when there was an elected executive that person was crucial in the success of the government. The facilitative mayor makes a different kind of contribution. Cities can function well and adequately even if there was low mayoral leadership, and in that sense the mayor was not crucial. There was a stability provided by

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the collective leadership of the whole council, and the professional leadership provided by the town manager. In that sense, the ability of the mayor does not leave the city adrift, but the presence of effective leadership makes the city better able to meet its needs and address its future. He noted that if he were writing that article today he would not use that same phrase.

Mr. Rogers referred to Section 3.05 of the Town Charter, Mayor and Powers, where it said that the Mayor shall have the responsibility to see the faithful enforcement and execution of all Town ordinances and laws, and asked Dr. Svara if he saw any conflict with that and the manager's position as the chief administrative officer?

Dr. Svara replied that he thought it was confusing, and was inconsistent with the other descriptions of the Mayor's position as well. That phrase would normally suggest that the Mayor has some real executive powers, where in the rest of the Charter it is clear that the Mayor cannot do that, except as the leader of the Council. The Mayor and all the members of the Council should ensure that the Town is run effectively and laws are effectively carried out in the way that they oversee the manager's performance and give direction to the manager.

Mr. Rogers referred to the Sunshine Law, noting that it was very difficult for any councilman to speak with another, so the manager would really have as much sense as to how the other council members feel as the Mayor would.

Dr. Svara responded that he thought that was a feature of the Sunshine Law in Florida which was unfortunate, and flies in the face of the way real people perform in carrying out complex responsibilities.

Mr. Rogers asked Dr. Svara if he thought it was perceived that a political leader, such as the Mayor, must preside at meetings in order to be considered the political contact for the Town?

Dr. Svara replied that he believed that would be a feature that would be likely to impede the view of the Mayor as political leader by other communities.

Mr. Fink referred to Item 7(a) of the Synthesized Charter Agenda Proposals ["Should the powers, duties and functions (job description) of the Mayor be expanded, reduced or left intact?"], and asked the opinion of Dr. Svara?

Dr. Svara responded that the reference to ensuring that the laws are faithfully executed was a confusion and contradiction with other features of the Charter. He added that the reference to the ombudsman role was unusual, in that it was not a feature that was included in any other charter that he had seen, and the use of the term "ombudsman" seemed not to be the

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best term, given the other parts of that provision.

Mr. Guttman referred to Section 3.06(g) of the Charter, which addressed the responsibilities of the Mayor in intergovernmental activities, and noted that the provision was written so that the Council could override the Mayor's representational role in intergovernmental activities, and he asked whether Dr. Svara thought that would diminish, enhance, or was neutral in terms of the Mayor's political clout in dealing with other governmental entities outside the borders of Palm Beach?

Dr. Svara replied that he thought it would raise questions about the role of the Mayor, and seemed to suggest a constraint attached to the Mayor, and yet the Council reserves the right to contradict. In any case where those interactions with other communities involved any policy decision of the council, the policy would express its will and determine what the Town's policies would be. It seemed to convey a mixed message about the role of the Mayor in intergovernmental relations.

Mr. Guttman referred to Handout #4 (Mayor Leadership, Relationships, and Performance of Officials in Council-Manager Cities), and asked if the chart should be interpreted to mean that there was a statistical relationship between a high degree of mayoral leadership, and good focus on long term policy issues by the council?

Dr. Svara responded that there was a strong association, and that Mayors providing those qualities of leadership did promote those qualities. He stressed that he was not trying to diminish the performance of council members when he pointed out these contrasts—it was a tough job being on a council, and there were many pressures that cause council members to be concerned about the problems that real people were bringing to the council. The challenge was how to fill the obligation to be a representative of constituents, but also to be a steward of the community. The mayoral leadership he described helps the council do more than it would if it simply was responding to the pressures of the position and the normal dynamics of community politics.

Mr. Fink asked Dr. Svara to comment on whether he felt that the Mayor or the President of the Town Council should preside over Town Council Meetings?

Dr. Svara replied that if one wanted to promote the linkage of the roles, so that there would be a composite of leadership with each part reinforcing another part, it would be very important for the Mayor to be the presiding officer over the Council. The challenge was how to put specific actions into a broad context, and how to make today's decisions part of a coherent movement in the direction that the Town wants to go. The presiding officer role was an important part of that overall challenge.

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Mr. Rogers asked if Dr. Svara thought the Mayor should have the right to delegate someone to go in his place to meet with leaders of another community, as opposed to the Town Council delegating someone?

Dr. Svara responded that he thought that the Mayor should be the person who would do that, and that it would be a practical necessity, when one looks at the range of meetings and activities that occur in a complex metropolitan area.

Mr. Rogers asked who should be responsible for appointing committees and commissions?

Dr. Svara replied that there was variation on this subject, and that the whole Council would probably be better, so that the Mayor would provide the same kind of leadership to the Council in its collective decisions about these memberships that the Mayor would do in other kinds of decisions. Some charters would provide for the Mayor to have the authority to make appointments to some boards and commissions.

Mr. Rogers referred to the provision in the Town Charter that the Council, together with the Manager, appoints Department Heads, and asked the opinion of Dr. Svara in this regard?

Dr. Svara responded that was an unusual feature in terms of the normal practice in Council-Manager government. The City Manager was normally viewed as being the Chief Executive Officer responsible for the direction of the organization, including the appointment of Department Heads. An underlying philosophy of Council-Manager government was that the Manager would be held ultimately responsible for the overall performance of the government. The consequence of that seemed to be that the Manager needed to have the tools and the authority in order to effectively manage the organization.

Mr. Fink asked Dr. Svara if the Town Manager should have unrestricted authority to hire and remove all Town administrative appointed personnel (Item 22(c))of the Synthesized Charter Agenda Proposals)?

Dr. Svara replied that would normally be the expectation for a City Manager.

Mr. Guttman asked whether the removal provision had the potentiality for some confusion, and asked Dr. Svara what he would envision the Council doing in trying to decide whether to remove a Department Head, and how would a decision to go against the Town Manager affect the Manager's ability to be a leader in an administrative or executive sense?

Dr. Svara responded that an underlying principle of the Council-Manager form of government was the idea of unity of command--that there would be a clear line of authority

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and responsibility so that the Manager was responsible to the Council alone for appointment and removal. That same principle would then apply to the Manager's relationship with Department Heads. The potential for confusion would come from a Council that would override a Manager's decision about removing a Department Head, which would then suggest a double line of responsibility, i.e., would that Department Head now be more responsible to the Council than to the Manager? It would certainly raise questions about the Council's faith in the Manager's overall ability, and would also raise questions in the minds of other staff members about their relationship to the Manager.

Mr. Rogers asked if a Council person or the Mayor could go privately to the Manager and discuss the performance of a Department Head?

Dr. Svara replied that he thought that kind of informal interaction did occur, if there was clear responsibility of the Manager to appoint and remove. The Manager keeps the Council informed about critical staff appointments, and tries to get a sense of qualities that the Council is looking for. The Manager would also keep the Council apprised of a key personnel change or removal. He noted that he believed informal communication could be relied upon, rather than the Town Charter language which would literally give the Council the authority to reject a recommendation coming from the Manager, either for appointment or removal.

Mr. Guttman referred to the discussion with William Cassella, wherein two possible ways of choosing a Mayor had been discussed: one by popular election, and one by and from the Council. He asked Dr. Svara if he believed one of those methods enhanced the opportunity for the Mayor to exercise a leadership role?

Dr. Svara replied that Palm Beach was part of a large majority of cities and towns that do directly elect the Mayor in the Council-Manager form of government. He stated that he thought there were trade-offs that needed to be examined in regard to the method of selection. Direct election promotes the key linkage to the public, however, there are other ways that the Mayor is linked with the public, and having the Mayor chosen from the Council would not eliminate the ceremonial functions, the contact the citizens have with the Mayor, etc. He said that direct election would strengthen the linkage between the Mayor and the public, and provides the opportunity for the election to be used as a forum for identifying key issues and getting some general kind of mandate from the voters with regard to how the Town should proceed with regard to those key issues. That may help the Mayor in the policy leadership dimension of the position as well. Certainly it could help the Mayor in terms of the educational dimension of the position. The downside of that approach is that the people may choose a Mayor who is not necessarily in sync with the rest of the council and who does not necessarily work well with the other members of the council. Having selection from within the council, as long as it is not on a rotating system, would promote the linkage

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between the Mayor and the council, ensuring that the Mayor is viewed positively by the other members. He added that he thought it was incumbent upon the Mayor, if directly elected, to recognize that he/she would not have impact strictly as an individual. The Mayor would be an effective political leader only by bringing the council together, and if there were differences between the preferences of the Mayor and the preferences of the majority of the council, the effective facilitative leader has to try to reconcile these differences.

Mr. Guttman asked Dr. Svara to describe how a rotation system would work and what the pros and cons were?

Dr. Svara replied that when selection of a Mayor is made within the council it did not necessarily have the positive qualities that he had described, because very often there is some other formula used for choosing the Mayor--it is not the person who has the best leadership qualities; it's the person whose turn it is--that would be the standard rotational system. Everyone would then serve a period of time as Mayor, rotating through all the members of the council. There is thus the risk that it will rotate to people who are not as effective in filling these roles as others; it does not permit someone to gain experience and effectiveness by filling the office for sometime and continuing in it when you have an automatic turnover. Another kind of formula that can be applied is for the council to choose the highest vote getter in the election. That creates confusion, because as people are voting for members of the council they are not necessarily picking the person who would be Mayor. It can promote a kind of competition among the council members to fill that position in the way they run for office, and then leave candidates who are, in effect, opponents on the council not necessarily working very well together.

Mr. Rogers commented that it sounded to him like the opinion of Dr. Svara was that in order to give the Mayor more prestige and a standing in the community among other communities that he should preside at meetings, and should be popularly elected directly by the citizens.

Dr. Svara agreed with that statement. He added that one thing that had been done in North Carolina was to organize an orientation session for new Mayors one week after the election with the League of Municipalities, to discuss the very issues discussed today.

Mr. Wearn stated that he would like to supplement what Mr. Rogers had expressed about government in the Sunshine, and its, perhaps, beneficial effect by having a Mayor with at least limited voting to facilitate communication--communication not only just going from one person, the Town Manager, but also flowing to two people, which is a good check and balance on the communication result or conclusion that the Town Manager reaches after a communication. The second aspect that he raised was that over the past number of years the local governments in Florida had been burdened with what were called "quasi-judicial" proceedings, which put the Town Council expressly in the position of being judges, and

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severely prohibiting their communication with the public on various matters that come in front of them that are clearly beyond the legislative function. He asked Dr. Svava if there was that same impediment in North Carolina?

Dr. Svava replied that was fairly common across the country--there would be certain functions that have the "quasi-judicial" nature, and they introduced a very artificial limitation on the communication between council members and their constituents for those matters that would not normally apply.

Mr. Wearn commented that the effect that he had seen so far in Palm Beach had been that the Mayor's position that he occupies under the Charter seems to facilitate and provide an outlet for citizen communications, which might not otherwise occur if he were required to preside over the Council and required to vote.

Dr. Svava responded that was an interesting point that he had not thought about, and that would be one area in which the structure of the Charter would have advantages.

Mr. Rogers asked if Dr. Svava was suggesting that if the Mayor did not preside and did not vote that he would not be under the rule of the Sunshine?

Mr. Wearn explained that he was talking about quasi-judicial proceedings, and inhibition in communications from the public on matters which the Town Council was bound to act like judges.

Mr. Guttman referred to the Marie Crozier situation, where, in fact, the Town Council did sit in a quasi-judicial situation, and the Mayor, because one council member was absent, cast a vote. He remarked that it seemed that a Mayor could not avoid that problem even in the present system.

Mr. Wearn replied that he believed that there would always be instances of exception, but from the general standpoint, the Mayor was facilitated in his communications with the public by not being clearly, legally, impeded in his ability to communicate with the public, because he would otherwise be clearly impeded if he were the President of the Council, or performing that role, or was clearly required to vote in all instances.

Mr. Guttman asked Town Attorney Randolph how he thought the Sunshine Law effected the issue of the Mayor presiding or not presiding, in terms of his ability to communicate with residents, or having a vote or not having a vote in terms of his ability to communicate with residents.

Mr. Wearn explained that he was not raising the government in the Sunshine question; but

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was raising the question of quasi-judicial proceedings.

Mr. Guttman clarified that he also meant the quasi-judicial context as well.

Town Attorney Randolph commented that if the Mayor was going to be involved at all in the vote, then he would have the same impediment that others would have from a quasi-judicial standpoint. He clarified that he thought what Mr. Wearn was saying was that there may be an exception in the instance where he has to vote to break a tie vote. He noted that if there were going to be instances where there might be exceptions, then he would have the same impediment as everyone else on the Council. He explained that he did not look on the quasi-judicial situation as an impediment anymore; at least under the manner in which the Town of Palm Beach had dealt with. It used to be an impediment before the legislature modified the legislation so as to allow declaration of ex-parte communication, but now he did not think there was any impediment against speaking to constituents as long as the fact that the conversation took place, as well as the nature of the conversation, was declared. He summarized that he did not see quasi-judicial, ex-parte communication, as an impediment to anyone's role on the Council, or as Mayor, anymore, although he did not know what was going to happen regarding the proposed Constitutional revision in that regard.

Mr. Wearn stated that his question would be to the Mayor, and to the Councilmen, and to the public, whether they perceive it as an impediment?

Mr. Randolph replied that he did not know if they did or not, as he could not speak for them. He added that certainly when declarations of ex-parte communications had been requested in the past, they had been given without reluctance.

Mr. Wearn asked if he was correct in his understanding and assumption that Dr. Svara's discussions and comments today had been predominately underpinned, and have a foundation of the Council-Manager form of government, and comments about the Mayor in that form of government?

Dr. Svara replied that was correct.

Mr. Wearn then commented that as he viewed Handout #1 (Distribution of forms of Government by Size of City), it appeared that in a town which had the size of the second category, 5000-9999, which is the number of electorate in Palm Beach, that about 50% were in the Mayor-Council form of government and 38% were in the Council-Manager form of government. He asked why the Mayor-Council form of government was selected more frequently?

Dr. Svara responded that there was still a greater retention of the Mayor-Council form of

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government, which was the traditional form, and there was still a greater tendency to retain that form in cities that size, rather than adopting the Council-Manager form.

Mr. Wearn commented that it appeared that the Mayor-Council form of government was predominately selected for municipalities 10,000 and under and 500,000 and above.

Dr. Svara explained that there were two different dynamics at work; in small communities there had been some resistance to the idea of Council-Manager form in part because of the perceived difficulty of attracting professional managers to come to the community. Those national figures cover up a great deal of variation by State. In North Carolina there was no town over 5,000 that did not use the Council-Manager form, for example. In smaller communities there had been a preference for a more hands-on approach. In the very large cities, there was a different dynamic, and that was the combination of political leadership and the executive position in the hands of one person. In doing that there are some negative consequences that come too. In dealing with the pressures and conflicts in very large cities, it can be an advantage to have that Mayor as a driving force, who has greater control over all of the resources of the organization in dealing with conflict and bringing parties together to reach agreements when it is difficult to do so. He mentioned that it was interesting to note that there used to be no very large cities, over 500,000, that used Council-Manager form, and now there are some, and that number is increasing as cities have grown into this very large category, and continue to use the Council-Manager form. He commented that if one were to compare the form in small cities that use the Mayor-Council form, one would usually not find a strong executive form there. It is the weak Mayor form, where there is a wide division of authority among many actors, which reflects the retention of a traditional approach that was very common in the 19th century, to have many hands involved in doing the work of government. The other observation that he had noted in North Carolina as well, was that often the governments of towns along the coast are larger than they seem from their permanent population. They face issues where they have the need to deliver services that are more characteristic of cities in larger sized categories, than an isolated rural community of the same size. He added that he suspected that Palm Beach faced similar challenges, when at some times of the year it was much larger in population than others.

Mr. Rogers noted that the Town of Palm Beach had actually evolved from a weak Mayor system, as it had formerly been closed up for 4- 6 months of the year.

Mr. Wearn then referred to Handout #3 (Checklist of Roles for Council-Manager Mayors), and asked if there were a checklist available for roles in the Mayor-Council form that might compare to the same subjects?

Dr. Svara replied that he did not know of any such comparable list. The reason why he had developed the checklist was for research purposes, and for training purposes in working in

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educational programs for elected officials. The nature of the Mayor's office in the Mayor-Council form was much more clear cut and evident. One could start with the Charter in the Mayor-Council form of government, and have a good deal of specification about the nature of the Mayor's position, as it would spell out the policy initiating and directing roles that the Mayor would play. For Council-Manager cities, the charters usually exhibited several things: the ceremonial function of the Mayor, and sometimes emergency powers. He noted that the checklist had been designed to fill that void, and say that these were things that Mayors often do, and they could make up a list of leadership demands. The practical consideration for putting it together was for use in settings like the school for newly elected Mayors. It was to provide a way of helping the Mayor understand the full range of challenges that the Mayor would face in the office. In interacting with Mayors, Dr. Svava remarked that he had found that there were a few Mayors who had an intuitive grasp of the position, and they sense what the potential was, but for most Mayors there was more confusion with the roles of the office.

Mr. Rogers asked Dr. Svava if there was a training course for council members or mayors to attend in North Carolina?

Dr. Svava responded that there were two kinds of opportunities: one was the school for newly elected council members provided by the Institute of Government after each municipal election cycle, which was voluntary. Interestingly, he noted that some experienced council members often go back and find that they absorbed part of it the first time, but learned more by going back to the three day session. The other new program that was offered was the program for newly elected mayors, held as close to the election as possible to talk about some of the issues that they would be confronting right away. Some of them were very practical matters, like how to hold the first meeting, or what kinds of training and orientation should be provided for other members of the council.

Town Manager Robert Doney commented that there was an orientation process in place in the Town, which was held for newly elected officials, where the Code of Ordinances and the Town Charter were explained, and where the Town Attorney addressed the newly elected officials to explain their responsibilities under the Sunshine Law, the Public Records Act, and under all the laws of Florida. In addition, there was the opportunity to bring any concern forward at any monthly Town Council Meeting, and also during the policy deliberation process of preparing the budget. He remarked that he thought it was important to understand that each elected official had the opportunities he had mentioned.

Mr. Rogers referred to Item 7(b) of the Synthesized Charter Agenda Proposals, [Should the presentation of an annual "state of the town" message be added to the Mayor's list of Charter duties?], and asked Dr. Svava for his comments.

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Dr. Svara replied that he thought the practice was a very positive one, whether it was Charter language, or whether it was adopted as a practice within the community—it could be done either way.

Mr. Rogers referred to Item 6 of the Synthesized Charter Agenda Proposals, [Should the Mayor be given authority to nominate the deputy presiding officer? (Currently: President Pro-Tem)], explaining that there had been a recent situation where no one nominated the President Pro-Tem, and the person nominated himself, and he asked Dr. Svara to comment.

Dr. Svara responded that if the Mayor became more fully a normal member of the council, presiding officer, and one who votes and is otherwise involved in the council activities, presumably that would also then flow from that. Usually presiding officers do not give up their rights as members of the group.

Mr. Rogers asked Dr. Svara to respond to Item 9 of the Synthesized Charter Agenda Proposals [If the Mayor presides, should he also be entitled to vote?].

Dr. Svara replied that he had already discussed that, and that there were trade-offs here, but the limited evidence available from some research seemed to suggest that voting sort of cements the relationship of the Mayor and the council. There could also be some advantages to the Mayor not having the vote as well.

Mr. Rogers mentioned that discussion had revealed that the public seemed to call the Mayor more than anyone else, because he is directly elected by all of the people.

Dr. Svara replied that when the Mayor was the only at large elected official, then that would reinforce that position; the Mayor had visibility, and the Mayors would receive a wide array of calls.

Mr. Rogers commented that many individuals should go to the Town Manager and they go to the Mayor.

Town Manager Doney commented that most individuals that reside in the Town of Palm Beach were not born in the Town, and had come from all parts of the country. They thus perceive the Mayor as being the point of initial contact in terms of resolution of their questions, and try to make the Mayor unilaterally responsible for solving the issue. He explained that the Mayor in Palm Beach interacts with 38 municipalities, plus the Board of County Commissioners, so the Mayor certainly understands what he/she may do unilaterally, versus what the Town Council needs to act upon in policy direction and then carry that forward. He mentioned that he had seen the Mayor tell a governing body that the Town Council meets once per month, and has not yet had the opportunity to deliberate on a matter,

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or staff writes a letter for the Mayor so that it can be responded to with a date when the Town Council can deliberate on the matter and respond. He stated that he thought that allowed the Mayor to take a proactive role in setting forth the position of the Town. He indicated that the Mayor could unilaterally attend any meetings of other governing bodies, but the Mayor also understands that if the Town Council has spoken to a policy issue the Mayor relates that policy action, even though the Mayor may not fully agree with the decision of that governing body.

Mr. Rogers referred to Item 13 of the Synthesized Charter Agenda Proposals, [Should the Mayor retain his power to veto ordinances (laws)?], and asked for the comment of Dr. Svara.

Dr. Svara replied that virtually any combination was possible; a little over 10% of Mayors have veto power, and there were some cases where they both vote and can veto.

Mr. Rogers commented that the Mayor had veto power, and then the Council had the authority to override his veto, so that would cause further discussion on an issue; thus it would not necessarily be a bad idea.

Dr. Svara responded that it gives the Mayor a power to say that something would not happen until it had been discussed again, and there was a larger vote in favor of it. The potential downside of that was that it could serve to put the Mayor in a position to be separate from the council and at odds with the council, which could diminish the leadership that the veto provides. He added that there was a provision originally in the Charlotte City Charter which served only to have that delaying function; the Mayor could cause any matter to be considered again; it didn't take a higher vote to override it; it simply said that this matter would not be put into effect until it had been brought back to the council. He noted that he believed the city had now dispensed with that and the mayor now did have a limited veto power in Charlotte.

Mr. Rogers remarked that it seemed that if the Mayor did not have a vote it would be more logical that he should have a veto power.

Dr. Svara agreed that would be more logical, but the Mayor was then in a position to review, and perhaps override the actions of the council, rather than being a party to the decisions made by the council.

Mr. Guttman asked how the Mayor not having a vote, and having the power to veto impacted mayoral leadership, in particular the dimension of trying to enhance collegiality on the council? He stated that if the Mayor had a vote on a 5-member council, he had 1/5 power; if the veto power was expanded to cover resolutions as well as ordinances, it seemed to him that the Mayor would have super voting power, because now he could veto anything and

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everything, except he couldn't be overridden unless there was a 4/5 vote that wanted to override him. He wondered how that situation would affect his collegiality dimension?

Mr. Rogers commented that nothing had been said about vetoing resolutions.

Mr. Guttman responded that the proposal was to extend it from ordinances to resolutions, but he would limit his question to just ordinances.

Dr. Svava replied that was the trade-off that needed to be recognized; it served to set the Mayor apart, and may make it harder for the Mayor to be viewed as the leader of this collegial body. It was hard to bring the council into a cohesive position as it is, and if that provision serves to cause the Mayor as being viewed as being separate, that could be an impediment.

Mr. Rogers commented that if the Mayor handles it, as he should as a presiding officer, and gives good reasons for making his veto, then he did not see why that should necessarily cause friction.

Dr. Svava replied that argument could be made, as well as the counter argument that if the Mayor was effective at bringing the council together in making decisions in the first place then he/she would not need to use a veto. The personal qualities and behaviors that are brought to the performance would have an impact on the consequences of any of these provisions.

Mr. Rogers referred to Item 32 of the Synthesized Charter Agenda Proposals [Should the Charter give the Mayor a little more leeway than the Council members in terms of dealing with giving orders publicly and privately?], and asked for comment from Dr. Svava.

Dr. Svava replied that he thought the Charter does not currently, and should not, give the Mayor as an individual elected official, or any other member of the council, any special provision for providing orders publicly or privately; the principle of working collectively through the manager was an important underlying principle in Council-Manager government.

Mr. Rogers referred to Item 35 of the Synthesized Charter Agenda Proposals [Consider redrafting the language in Section 3.05(f), Emergency Powers, to have one responsible individual.], and asked for comment from Dr. Svava. He explained that the Charter was currently set up where the Mayor, a council member, and the Town Manager met regarding emergency powers, which was in conflict with the Sunshine Law.

Town Manager Doney commented that if there was a hurricane or other imminent emergency, even for fearing death, he would call the Mayor and the Council President and they would

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talk and make a decision and take collective action. He mentioned that there was a Storm Preparedness Plan that was relied upon as well. He stressed that there was a need for communication between the Mayor, Council President, and Town Manager in a dire emergency.

Mr. Doney then remarked that the Mayor and council members were unpaid, and that when remuneration was made the ground rules were changed, and it was a different playing field, and requested Dr. Svara's comments on that issue.

Dr. Svara replied that there were different scales related to form of government, and certainly the Mayor's office in the Mayor-Council form was a regularly paid position, with some normal full time salary. Council members may or may not be paid. In Council-Manager governments the scale was generally much lower, and it was unusual for a community of the size of Palm Beach for there to be no pay at all for council members; remuneration was more of a symbolic gesture of the service being provided and is commonly offered. He stated that he did not think that in itself would change the character of people who want to run for office. Where there was a more serious policy debate was whether officials in Council-Manager government should receive something that would be more equivalent to full time pay, and in some very large cities that has been an issue, particularly for the Mayor.

Mr. Doney commented that having the Mayor in a full time position was another key issue. He noted that terms in Palm Beach were for two years, with the Mayor and council members elected every two years, which was a potential new ball game every February. The continuity in terms of those who wish to serve and who are elected is crucial.

Mr. Fink asked Dr. Svara to discuss the apathy on the part of residents to run for office.

Dr. Svara responded that it was a circumstance that many cities were facing--the positions were demanding and the range of people willing to run for office has been more limited. In part, that could be controlled, and in part it was beyond control. He stated that he thought council members should look carefully at their process and see if there are ways that the process can be designed so that it was compatible with the way they served. It would have to do with the kinds of issues that were brought to the council, and how they were resolved. The positions could be made more appealing to a wide range of candidates depending on the time constraints and the kinds of matters that members of the council address. He said that he did not know of any councils that had actually done that, and as a consequence have undertaken any systematic change in their process, but certainly across the country, as positions become more demanding and pressures on the office become greater, fewer people are interested in running.

Mr. Rogers announced that questions from the public would now be heard. He also asked

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Town Attorney Randolph if there was a constitutional amendment concerning the Sunshine Law in the upcoming election?

Town Attorney Randolph replied that the amendment was primarily concerning quasi-judicial communications; it was meant to address concerns from governmental officials about the lack of them being able to represent their constituents in quasi-judicial matters. The Constitutional Amendment would simply state that it would not be a violation of law for governmental officials to have ex-parte communications in those quasi-judicial matters. As he understood it, the amendment would merely codify the law within the constitution as it now existed by statute.

Mr. Rogers asked if there were any forums to discuss constitutional changes that would be on the election ballot?

Mr. Randolph replied that he did not know of any specific forum, however, he did know that there were many materials that had been distributed on the items included on the ballot, which would be available for citizens to review.

Former Mayor Yvelyne de Marcellus Marix commented that she had experienced eight years as a council member and ten years as Mayor. She remarked that Palm Beach was an extraordinary town, and had maintained its unique character, lovely way of life, and its beauty because it had been founded by some unusual people, and very unusual people had served on the council and as mayor. They were completely different as people. She mentioned that it was very distressing to see that some people wanted to change things. She gave her assurance that the Mayor in Palm Beach can and should enter into any conversation while the Town Council members are asking questions or deliberating. If the Mayor were presiding over a meeting, the presiding officer does not voice an opinion throughout, which meant that the Mayor would not be able to. Regarding training, she remarked that any person interested in becoming Mayor of Palm Beach should certainly have taken a great deal of interest in what goes on in various meetings held, and should know what they are doing before they run for election. It was also very important to bear in mind that if the Mayor becomes too close with the Council, the role of ombudsman would be hurt, because people do go to the Mayor to bring up concerns. If the Mayor would be voting on these issues, a lot of that feeling of freedom to talk to the Mayor would be gone.

Mrs. Marix asked Dr. Svava if he had ever been given any reasons why so many of the charter recommendations had been endorsed by the Civic Association?

Dr. Svava replied that he had not been given any reasons for the proposed changes, and had presumed that the Town was involved in a period of review, as many communities did periodically.

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Mrs. Marix replied that the review was not sponsored by the Town, but by the Civic Association. She referred to the synopsis of the previous elected officials opinions, and she questioned if Dr. Svava had read the minutes, because every single previous elected official who had spoken to the Charter Commission, and the previous Town Manager, unanimously rejected the idea of changing the Charter. The problems in the Town did not stem from, or be cured by, changing the Charter. She asked Dr. Svava if he had been able to talk to any of the previous elected officials as to why they were so much against the proposed Charter changes?

Dr. Svava responded that he had not. He pointed out that he had merely tried to reflect in his remarks what seemed to be some important dimensions of Council-Manager government, the roles that Mayors could play in that form, and would leave that information with all of those present to choose whether it would help them resolve any choices to be made.

Mrs. Marix replied that the presentation of Dr. Svava was very interesting and well done, however, she did not feel that it quite answered some of the things, when none of the people who previously worked within the Charter felt that it needed change.

Dr. Svava responded that the role of any outsider could provide two things: one, a perspective based on experience elsewhere, and secondly, a very literal reading of the Charter. In the abstract, what are the potential impacts of this provision? No outsider could substitute for the judgments of the people in Town who knew what that feature had done in the past, or what impact it might have in the future.

Mr. Rogers and Mrs. Marix discussed the objectives of the Charter Review Commission.

Mr. Wearn referred to the synopsis of remarks of former Mayors and former public officials who had acted under the current Charter, and asked Dr. Svava if he had an opportunity to review those?

Dr. Svava replied that he had looked most closely at the reports of meetings that were held earlier this year, and had only glanced at the others.

Mr. Wearn predicated his remarks by recognizing that there were exceptions and risk in what he was going to say, and that was from a general standpoint the overall Charter position of former Mayors and elected officials was that no major or significant changes needed to be considered or made. He asked Dr. Svava if that was the conclusion that he had reached?

Dr. Svava responded that was the general impression he had.

Mr. Wearn asked what weight Dr. Svava would attribute to the views of the public officials

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that was namely the Mayors and Town Councilmen, and their expressions that he had read?

Dr. Svava replied that he would not comment on the weight, because that was a decision that needed to remain local. He stated that he thought their testimony was very important, and did testify to the ability of people of good will and determination to make whatever structure they have work as well as possible, and he had not read their comments closely enough to be able to comment on the substance of their points. He stated that he knew there was the view expressed "if it ain't broke, don't fix it," and insofar as that suggests that change should not be undertaken for its own sake, that was very wise advice. Again, he stressed that he was not trying to comment on the specific position taken by anyone who had testified before. He remarked that a slightly different way of viewing that approach was to consider that one approach to change was essentially a reactive one--when something is broken, then you do fix it; clearly you don't ignore problems that occur. A proactive approach to change can take the view that change is not taken just to make things different if they are working smoothly, but, rather, a proactive approach would consider how to ensure the best possible performance for the organization as it moves forward, and question if there was any element in the current structure that could impede strong performance going forward. As an outsider coming in, without the knowledge of local history and traditions, Dr. Svava noted that he could only look at the language of the Charter itself, compare that with what most other cities do, and ask if there were some potential performance problems that could be resolved. He said that there could be in a number of areas that had been identified. Another kind of question asked was how to best anticipate and meet future challenges? That was another way of looking at the existing provisions. One would not want to learn from experience that change should have been made at some time in the past for the failure to anticipate challenges that were coming. He elaborated on his comments on the role of the Mayor--in a sense, if one were going to analytically describe the approach that was incorporated in the current Charter, it was a unique position for the Mayor. It did provide for an office called Mayor, more as a counselor, adviser, monitor, and potentially a checker, someone who could block actions that had been taken. That did not necessarily mean that the Mayor was not active and not involved in the deliberations and discussions of the Council. In terms of the Charter language itself, Dr. Svava stated that it struck him that one was asking the Mayor to play a different kind of role vis-a-vis the Council and the ongoing decision making of the city, than one would find in most cities. There could be some interesting advantages from having this kind of actively participating, but somewhat detached, advisor, counselor, monitor. He stated that consideration should be given to the way the Mayor's office should be conceived of as the Town moves forward, or is it a different conceptualization that links the Mayor more directly and more actively to the decision making process of the Council, interactions with the community, and interactions with the manager?

Mr. Rogers thanked Dr. Svava for his appearance and comments.

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VI. DISCUSSION OF MEETING SCHEDULE FOR 1998-1999 SEASON (REMINDER: THE DATE AND TIME FOR THE NEXT MEETING OF THE CHARTER REVIEW COMMISSION IS NOVEMBER 13, 1998, AT 9:00 A.M.)

Assistant Town Manager Peter Elwell noted that the next meeting was scheduled for November 13, 1998, where Dr. Susan MacManus would appear to address electoral systems.

Mr. Guttman questioned the timing of when consideration of the merits or debate on the various proposals would take place? He expressed that if that would occur right after the November 13th meeting, and he hoped that the report of the presentation of Dr. Svara would be available before the debate began, as he believed it was helpful for the Commission to have the record of all proceedings available before starting that process. He also advised that he had grouped the various proposals in thematic sequence form so that the proposals that were related to each other could perhaps be discussed together, and distributed a handout that he had created listing the proposals in groupings for consideration of the Commission. He explained that he had tried to take all of the items and reduce them to 20 groups, and that other members of the Commission may have better ideas as a way of grouping the items. He addressed the completion of the process undertaken by the Commission, stating that he hoped that it could be completed by year end. He suggested that perhaps four meetings could be planned in order to debate the merits of each proposal, noting that the thematic approach may expedite the process.

Mr. Wearn concurred with the thoughts of Mr. Guttman, suggesting that the November 13th meeting may be a good time for the Commission to consider a thematic joinder of issues, and at that time Ms. Habicht would also be presented. He suggested that, after hearing from the last presenter, it may be a good time to link the items thematically and set further meetings for their discussion, hopefully having both sets of minutes (from today and from November 13th) available before discussion of the items began. Future meetings could be scheduled at the November 13th meeting.

Mr. Rogers stated that he visualized that once all presenters had been heard there would be several meetings in a week, where some conclusions could be made on any recommendations.

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Mr. Guttman shared the view of Mr. Wearn that it would be very helpful, before any debate was held on the substance of each proposal, that the minutes of the meeting of today, and November 13th be available.

Mr. Doney asked the Commission to keep in mind the Town Council imposed requirement that no meetings be scheduled the week before the Town Council meets monthly.

Mr. Guttman asked Mr. Doney if he could get a sense from the Town Council as to the pace that they would like the Commission to move on their recommendations?

Assistant Town Manager Elwell commented that when the clarification discussion had taken place at the past Council meeting, there was sentiment expressed that the report of the Charter Commission was eagerly awaited. If more specific direction from the Council was required, it would be appropriate to put it on the Agenda for the November Town Council Meeting. He commented that the sense of the Town Council, from the discussion that had already occurred in the public setting, was that they were looking forward to progress being made this season and a recommendation forthcoming.

Mr. Rogers replied that the Commission wanted to finish as soon as possible also, and needed to have a record of all of the proceedings before final conclusions were made.

Mr. Guttman commented that if it was the desire of the Town Council to make an exception to the rule of not having meetings the week prior to the Town Council Meeting, there would be a better chance of completing the work by the end of the December.

Mr. Elwell asked for confirmation that the meeting of the Charter Review Commission on November 13th would include hearing from Dr. Macmanus, discussing the thematic linking of the charter proposals, and then addressing the scheduling more specifically. The Commission agreed.

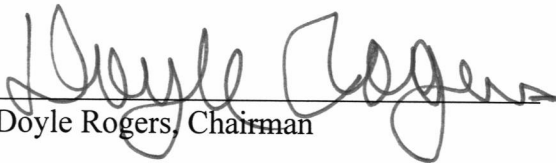
VII. ANY OTHER MATTERS

There were none.

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VIII. ADJOURNMENT

The meeting was adjourned at 12:05 P.M.


Doyle Rogers, Chairman

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