

Draft Process Options and Potential Governance Document Language for Addressing Signatures on EC Directives

REVISED AS PER DISCUSSION AT OCT 8 GIT 6 MEETING

December 3, 2019 Draft

BACKGROUND	
PSC	<p>May 9 Meeting</p> <ul style="list-style-type: none"> <u>Decision</u>: The PSC decided that Executive Council (EC) directives must be signed before the EC meeting by all of the members of the EC (and not their designees).
Management Board	<p>June 13, 2019 Meeting</p> <ul style="list-style-type: none"> <u>Action</u>: While the Principals' Staff Committee (PSC) decided that, "Executive Council (EC) directives must be signed before the EC meeting by all of the members of the EC (and not their designees)," there was no clear decision by the PSC on whether missing EC member signatures would preclude a directive from advancing to the EC meeting. PSC staff will follow-up on this decision. The MB's charge to GIT 6 was to recommend Governance Document language that would address the policy for situations in which a PSC member commits to receiving their EC member's signature on a Directive in advance of the EC meeting, but that signature is not obtained in advance of the EC meeting – is the Directive then discarded or is there another option and, if so, what?
CURRENT POLICY	
Current Governance Document Language	<p>"Over the 30-year history of the Chesapeake Bay Program, the partners have signed four agreements, and numerous directives, resolutions, adoption statements and other documents that create cooperative action to protect and restore the Bay watershed. This complex and challenging endeavor has relied upon collaborative decision-making. Consensus-building among the Program partners (all parties can live with the decision) remains the preferred decision-making approach. A consensus decision-making process is a group decision-making process that not only seeks the agreement of most participants, but also the resolution or mitigation of minority objections. The goals of consensus decision-making are to be:</p> <ul style="list-style-type: none"> Inclusive, of as many members as possible, Participatory, actively soliciting the input and participation of all, Cooperative, striving to reach the best decision for the group, rather than the majority,

	<ul style="list-style-type: none"> • Egalitarian, with all afforded, as much as possible, equal input into the process, and • Solution-oriented, emphasizing common agreement over differences and reaching effective decisions using compromise to resolve mutually-exclusive positions. <p>There are, however, situations in which consensus is inappropriate or in which consensus is not necessary for progress to be made....</p> <ul style="list-style-type: none"> • Decision-making at the EC, PSC, and MB is done through consensus by signatory representatives. As a last resort, if consensus cannot be reached, a supermajority vote will be utilized.” <p>(pages 17-18)</p> <p>-----</p> <p>(e) EC Operations</p> <ul style="list-style-type: none"> • “<i>Decision-Making</i>: Decision-making at the EC will be done by members or their representatives through a unanimous or consensus based approach. If after substantial discussions consensus cannot be reached, a supermajority vote by full members or their designees will be utilized, <u>requiring at least seven out of nine “yea” votes.</u>” <p>(page 7, underline added)</p>
<p style="text-align: center;">PROPOSED FUTURE POLICY</p> <p>The following is proposed NEW Governance Document language regarding the process for issuance of EC Directives. This language would appear as a stand-alone section in the “process” portion of the Governance Document beginning on page 17.</p>	
<p><i>Management Board is asked to choose either</i></p>	<p><u>“Process for Issuance of Executive Council Directives:</u></p> <p>EC Directives specify the will of the EC on future actions that The Partnership should undertake. EC Directives do not necessarily represent a commitment of resources by any individual signatory, but rather define the collective desire of the EC for work by the Partnership.</p> <p>Proposed EC Directives are first submitted to MB for discussion. If approved by MB, the directive is then forwarded to the PSC for discussion. The proposed Directive must be received by the PSC at least 2 weeks in advance of the PSC meeting at which it will be discussed. After discussion, all PSC members will be polled for the record on their EC signatory’s position on issuance of the Directive as per the CBP Consensus Continuum.</p> <p>If the PSC approves the Directive <i>unanimously</i>:</p> <p><u>Option 1</u>: All nine signatory member signatures must be obtained one month in advance of the EC meeting or the Directive is not issued.</p>

<p><i>Option 1 or Option 2 for inclusion in the Governance Document.</i></p> <p><i>GIT 6 recommends Option 1</i></p>	<p><u>Option 2:</u> If at least seven of the nine member signatures have been obtained one month in advance of the EC meeting, the Directive may still be issued at the EC meeting without the final signatures. The final two signatures may be obtained either at the meeting or up to two months after the meeting. If the final signatures are not obtained within two months after the EC meeting, the Directive will be considered final and the unsigned signature lines will be struck from the document.</p> <p>If less than seven of the nine signatures are obtained two weeks in advance of the EC meeting, the Directive will not be issued.</p> <p>If the PSC approves the Directive <i>without unanimity</i> as per the Consensus Continuum (i.e. not all members support the Directive, but <u>no member</u> “Holds” or “Stops” the Directive):</p> <p>The Directive may still move forward for signature by those members who support its issuance at the EC meeting. Signatures of all signatory members who agreed to sign it must be obtained one month in advance of the EC meeting or the Directive is not issued.”</p>
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