

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

October 2, 2019 Draft

BACKGROUND	
PSC	<p><b>May 9 Meeting</b></p> <ul style="list-style-type: none"> <li><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).</li> </ul>
Management Board	<p><b>June 13, 2019 Meeting</b></p> <ul style="list-style-type: none"> <li><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 on whether missing EC member signatures would preclude a directive from advancing to the EC meeting. PSC staff will follow-up on this decision.</li> </ul>
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....</p> <p>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"> <li>Inclusive, of as many members as possible,</li> <li>Participatory, actively soliciting the input and participation of all,</li> <li>Cooperative, striving to reach the best decision for the group, rather than the majority,</li> <li>Egalitarian, with all afforded, as much as possible, equal input into the process, and</li> <li>Solution-oriented, emphasizing common agreement over differences and reaching effective decisions using compromise to resolve mutually-exclusive positions.</li> </ul> <p>There are, however, situations in which consensus is inappropriate or in which consensus is not necessary for progress to be made.... Decision-making at the EC, PSC, and MB is done through consensus by signatory</p>

	<p>representatives. As a last resort, if consensus cannot be reached, a supermajority vote will be utilized.” (pages 17-18)</p> <p>-----</p> <p><b>(e) EC Operations</b></p> <ul style="list-style-type: none"> <li>• <i>Decision-Making:</i> Decision-making at the EC will be done by members or their representatives through a unanimous or <u>consensus</u> 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>”</li> </ul> <p>(page 7)</p>
<b>PROPOSED FUTURE POLICY</b>	
<p><b>Proposed Governance Document language for EC Directive approval process.</b></p> <p><i>Management Board is asked to choose either Option 1 or Option 2 for inclusion in the Governance Document</i></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.</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 two weeks in advance of the EC meeting or the Directive is not issued.</p> <p><u>Option 2:</u> If at least seven of the nine member signatures have been obtained two weeks 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> (i.e. by supermajority vote or by non-unanimous consensus as defined by the Consensus Continuum):</p> <p>The Directive may still move forward for signature and issuance at the EC meeting. Signatures of all signatory members who agreed to sign it must be obtained two weeks in advance of the EC meeting or the Directive is not issued.”</p>