

**EXECUTIVE COMMITTEE (EXCOM) MEETING MINUTES
THURSDAY, JULY 19, 2018**

PRESENT	Rosemarie Kraeger	Rhode Island Commissioner	Chair
	Pete LuPiba	Ohio Commissioner	Vice-Chair
	Bob Buehn	Florida Commissioner	Treasurer/Finance
	Mary Gable	Maryland Commissioner	Rules
	Kate Wren Gavlak	California Commissioner	Past Chair
	Don Kaminar	Arkansas Commissioner	Training
	Daron Korte	Minnesota Commissioner	Compliance
	Shelley Joan Weiss	Wisconsin Commissioner	Comm & Outreach
	Kathy Facon	DoD Military Representative/DODEA	Ex-Officio
	Cherise Imai	Executive Director	Secretary
Rick Masters	General Counsel		
Lindsey Dablow	Training and Operations Associate		
Richard Pryor	Communications Associate		

ITEM 1 – CALL TO ORDER

1. Chair Rosemarie Kraeger (RI) called the meeting to order at 2:00 PM EDT. Roll call was conducted by Executive Director Cherise Imai.

ITEM 2 – AGENDA AND MINUTES

2. The agenda as modified was motioned for approval by Commissioner Shelley Joan Weiss (WI) and seconded by Commissioner Don Kaminar (AR). Motion carried.

3. The minutes of the July 11, 2018 meeting were motioned for approval by Commissioner Kaminar and seconded by Commissioner Mary Gable (MD). Motion carried.

ITEM 3 – REPORTS

3. **Finance** – Commissioner Bob Buehn (FL) indicated there was no change to the status of the investments. Commissioner Buehn provided a brief overview of MIC3’s FY2019 budget as approved at the last Annual Business Meeting (ABM). Executive Director Cherise Imai will provide an update on the Kentucky Retirement System (KRS) during her report. Commissioner Buehn provided members with the Affiliate Financial Contributions to CSG in FY2017. MIC3 contributed \$77,220 total to the Counsel of State Governments (CSG) for fiscal year 2017. Commissioner Buehn asked ED Imai to clarify what “Affiliate non-restricted direct costs” were and she stated those are indirect costs affiliate’s pay to CSG for rent, etc. Commissioner Buehn stated he wanted the members to know what costs are associated with having the National Office at CSG. The Finance Committee is prepared to present the Dues Structure at ABM and will move on to a discussion about establishing a foundation. Accounting is closing out Fiscal Year 2018 so those numbers will available soon. Commissioner Pete LuPiba (OH) asked if the Finance Committee would have a recommendation regarding the Foundation by ABM, and Commissioner Buehn did not think so because the committee’s current focus is passing the Dues Structure change.

4. **General Counsel** – Counsel Masters reported there was no change to the status of the legal matters negating the need for an executive session. Chair Kraeger asked for an update on the Dues Formula Increase – notice of proposed bylaw changes and ED Imai interjected New Jersey’s litigation is

closed due to the appointment of new Commissioner Tony Trongone. The other item, to Chair Kraeger's point, is the public notice of the proposed bylaws change to the dues structure. ED Imai stated this item was for review only and did not require a note. It will be released after the EXCOM meeting to give the states time to discuss prior to ABM.

5. Counsel Masters proceeded to the letter of grievance submitted by Commissioner Laura Anastasio (CT). Commissioner LuPiba asked if Commissioner Deanna McLaughlin's email should also be attached since it is referenced in the letter and Counsel Masters responded that the initial communication was sent to all Commissioners, so everyone had the opportunity to read it. Chair Kraeger interjected the email was not germane to the issue raised by Commissioner Anastasio's letter and Counsel agreed.

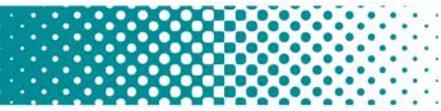
6. General Counsel Masters recommended this issue be addressed by alternative dispute resolution through mediation. The parties involved, being the Commissioner from Connecticut and the Commissioner from Ohio whom she complained against, be invited to participate in a voluntary mediation to resolve the issue. General Counsel Masters recommended the EXCOM use the services of Retired Judges Arbitration and Mediation Services as an impartial facilitator if both parties are willing to participate in the mediation process. This recommendation is consistent with the Compact's statute and bylaws. The fee is around \$300 per hour which is not excessive and would provide closure. The total cost is estimated at \$900 for 3 hours.

7. Commissioner LuPiba asked if Commissioner McLaughlin had been informed of the letter since her email communication is referenced in the letter, to which Counsel Masters replied he did not know if she had been informed. Counsel Masters offered to include Commissioner McLaughlin in the mediation if she felt she had been aggrieved.

8. Chair Kraeger opened the floor to discussion. Commissioner Shelley Joan Weiss (WI) asked whose responsibility was it to share the letter with Commissioner McLaughlin. Counsel Masters was willing to contact Commissioner McLaughlin but felt it was equally acceptable for the Executive Director or Chair of EXCOM to share the letter from Commissioner Anastasio with her. Following member discussion regarding the notification of parties General Counsel Masters clarified the mediator would review the materials and determine who to contact and include in the mediation process, but it would not hurt to include all parties and resolve all issues at one time.

9. Chair Kraeger asked for a point of order. Since the Commissioner from Ohio is one of the parties should he have to recuse himself from the discussion. Counsel Masters responded that Commissioner LuPiba could speak during this portion of the meeting but would not be allowed to vote according to Robert's Rules of Order.

10. Commissioner Weiss motioned ExCom follow General Counsel's recommendation on this matter and Commissioner Mary Gable (MD) seconded the motion. Commissioner Daron Korte (MN) clarified the motion was to follow counsel's recommendation to bring the matter to a mediator and allow them to decide who should be involved in the mediation. General Counsel Masters confirmed Commissioner Korte's summation. Commissioner Korte supported having Commissioner McLaughlin as part of the mediation since her email in response to the Leadership Development Committee's (LDC) email initiated the phone call from the Ohio Commissioner to Commissioner Anastasio. Her involvement would bring the issue full circle, as well as, asking the Chair of the LDC Commissioner Kate Wren Gavlak (CA) to participate. Commissioner Gavlak could speak for the LDC and address any questions the mediator might have.



11. Chair Kraeger discussed appointing two Commissioners as impartial observers to communicate and receive the mediator's report. Commissioner LuPiba asked where those Commissioners would be appointed? Commissioner Weiss asked for a point of order relating to her motion to follow the recommendation of counsel in this matter and then after a vote the addition of impartial observers could be addressed. General Counsel concurred with the Commission from Wisconsin.
12. Commissioner Don Kaminar (AR) asked counsel to clarify the mediation is addressing Commissioner Anastasio's complaint against Commissioner LuPiba, but it also addresses Deana McLaughlin's complaint against the LDC. Counsel Masters confirmed he did not think the mediator could address one without understanding the context. Ultimately the mediator will decide if it is helpful to include Commissioner McLaughlin and Commissioner Gavlak.
13. Chair Kraeger asked General Counsel about documentation who stated he would provide the mediator with all pertinent documents including the LDC report, Commissioner McLaughlin's email, and Commissioner Anastasio's letter. Commissioner LuPiba asked if his email to EXCOM would be included and General Counsel confirmed it would. General Counsel reminded the members that mediation is a voluntary process and good faith attempts will be made to reach a resolution, but if at any time those involved decide they no longer wish to participate.
14. General Counsel Masters said documentation and information will be provided to the mediator for review. Chair Kraeger called for the vote which was follow General Counsel's recommendation in this matter. Motion carries unanimously. Commissioner LuPiba recused himself from the vote as he is a named party in the case.
15. General Counsel Masters stated that Chair Kraeger may appoint two Commissioners to oversee the process and to receive the mediators report to bring to the EXCOM. He added that another option was appointing an Ad Hoc committee to do this, however it would require a vote by the EXCOM.
16. **Mid-Year Survey** – Chair Kraeger reported that the national office received 13 responses out of 46 members. On average, we normally receive a 50% response. Based on this low response rate, she recommended extending the deadline to allow for additional members to respond. Commissioner Weiss said she liked the survey and said she agreed with resending it out to the Commission. She asked members to think about the answers and how it aligns with our strategic plan. She added that once it is completed, that it would be wise to send out the key points and results to the Commission for awareness. The committee agreed to extend the deadline to the third week of August. Commissioner Korte recommended that a separate meeting be scheduled to review the survey results. The date selected in between August and September EXCOM meetings. Chair Kraeger asked the national staff to send an email thanking those that participated in the survey.
17. **MISA Summer Conference** – Chair Kraeger asked that we pre-survey the school districts on the Compact. The districts asked the Commission to develop resources for schools, providing training. Kathy Facon asked about developing resources, if they are aware of resources that exist. Imai responded that schools said they utilized the website and our collaterals, though they were not asked to identify which resources they would like to the commission to develop on the compact.
18. **Compliance Report** – Commissioner Korte deferred to Commissioner Gable on the status of the proposal on state councils.

19. **Rules Report** – Commissioner Gable reported that the committee added the field to allow the DOD to submit unique cases to the Commission. She also reported that the proposal on state council discussion was robust and it was tabled for their next meeting. She asked Commissioner Korte to attend their July meeting to provide an additional background and justification.

20. **Training Report** – Commissioner Kaminar said they are collecting materials for their training session at the Annual Business Meeting. He thanked the national staff for the seamless transition on staffing the committee and for their hard work.

21. **Leadership Development Report** – Commissioner Wren Gavlak reported that the committee will be sending out the application process for people who want to run for the upcoming year for elections in Ohio. Every commissioner that is interested may apply and the process includes floor nominations. Member will have time to meet the candidates, and they will have the opportunity to speak to the Commission meeting. Commissioner Weiss had questions on the process

ITEM 4 – OLD BUSINESS

22. **Annual Business Meeting** – ED Imai reviewed the Commissioner Weiss motioned to approve the Overall Itinerary, Commissioner Only Agenda and General Session Agenda as modified, seconded by Commissioner LuPiba. The committee asked that the Military Identifier item be moved to the Tier Group discussion. Over concern over a lobbying agency presenting at the business meeting, they requested the item on Impact Aid be removed. Motion carried. Commissioner LuPiba reported that he is pending response to a letter to the Governor of Ohio requesting his presence at the Annual Meeting.

ITEM 5 – ADJOURNMENT – With no further business to conduct, Chair Kraeger adjourned the meeting at 3:12 PM EDT.

Respectfully submitted by,
Cherise Imai
Secretary/Executive Director