

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES  
CHARTER RECALL PROVISION SUBCOMMITTEE  
MEETING MINUTES  
AUGUST 21, 2019**

**Call to Order**

The Charter Recall Provision Subcommittee meeting convened at the Eastwing Conference Center, 3195 Main Street Rt. 6A, Barnstable, Massachusetts and was called to order at 3:05 p.m. by Committee Member Deborah McCutcheon.

**Attendance**

Present: Mary Chaffee, Elizabeth Harder, Deborah McCutcheon, and Susan Moran.

**Selection of Committee Leadership**

**Chair: Motion made by Mary Chaffee to appoint Susan Moran as Chair. Unanimous.**

**Vice-Chair: Motion made by Elizabeth Harder to appoint Mary Chaffee as Vice-Chair. Unanimous.**

**Summary of Discussion, Review of Reference Materials, and Questions Related to a Charter Recall Provision**

Chair Moran distributed reference materials to committee members. An email from E. McManus dated 2/6/18 would be added to the materials under review and previously received by the subcommittee.

Through the clerk, the subcommittee would like to ask permission from the Charter Review Committee Chair to forward Charter Counsel Troy all subcommittee questions. The clerk will inquire and if permission is granted will forward the subcommittees questions to Charter Counsel Troy. The subcommittee would like to receive Counsel's responses prior to the next meeting of the subcommittee.

The subcommittee raised the following topics, questions and concerns that they would like addressed and answered by Charter Counsel Troy based on his experiences and background:

- 1. Timeframe and process for a Charter Recall Provision for inclusion on the November 2020 ballot:**
  - A. Would a Charter Recall Provision require legislative action (such as a petition) and/or Assembly action (such as a proposed ordinance)? What form(s) would it take?
  - B. Who sponsors and guides a Charter Recall Provision process through the legislature (the path forward)?
  - C. What is the timeframe for action on a Recall Provision (calendar and deadlines)?
  - D. What is the estimated cost of a Recall Process Election (for various towns)?
  
- 2. Proposed Ordinance 17-16 and State Elections Legal Counsel Comments**
  - A. Subcommittee would like Counsel to consider a re-drafting of Proposed Ordinance 17-16 with State Elections Legal Counsel comments incorporated into the re-draft with annotations to explain any changes suggested or addressed by Charter Counsel or State Legal Counsel.
  - B. Subcommittee would like to know if House Bill 590 filed by R. Hunt in 2013 was fully vetted?

- C. Proposed Ordinance 17-16 as to Section 7-6..... Items listed as follows:
- Item (a):* Language may need to be changed to read Cape Cod Regional Government versus Barnstable County so as to make sure the Sherriff is excluded from this process.
- Item (b):* Number of registered voters referenced is 1000 (House Bill 590 referenced 150 voters) and might want to consider a percentage of voters for County Commissioners and Assembly Delegates recall petition. What percentage would Counsel suggest for recall of an Assembly Delegate as compared to a County Commissioner?
- Items (c) through (f):* Language related to the County Clerk and involvement in the recall process appears complicated and might benefit from some clarification and simplification of process (reference State Elections Legal Counsel comments regarding this section of the Proposed Ordinance 17-16).
- Item (g):* Is the language contained here that mentions the Board of Selectmen necessary and binding on the Selectmen; and if a County Commissioner is the subject of a possible recall action what would be the preferred process - would it go to the Assembly or would 2 out of 3 County Commissioner make the decision?
- Item (h):* Can you have a recall election that is separate from an election that would replace the recalled individual? Can a recalled individual appear on the same ballot to replace that individual?
- Item (i):* Can a Board of Selectmen make an interim appointment for the remaining term while separating the recall provision from the next election to replace the individual?

**3. Censure of a County Commissioner and/or Assembly Delegate**

- A. What are the cost/benefit considerations to using a censuring process as compared to using a recall election process?
- B. Are there any election or other timing issues related to a censuring process versus a recall election process?
- C. Are there any practical aspects to using a censuring process versus a recall election process?

**Next Meeting**

No specific date set but consideration given to 9/18/19 prior to the Assembly meeting. Clerk will get back to subcommittee on date and time specific for next meeting pending a response from Charter Counsel Troy to subcommittee questions.

**Adjournment**

**Motion made by Deborah McCutcheon to adjourn the meeting at 3:45 p.m. Unanimous.**

**Submitted by:**

**Janice O'Connell, Clerk  
Assembly of Delegates**

**List of Subcommittee Reference Materials:**

- **Subcommittee Meeting Notice and Agenda for 8/21/19**
- **Proposed Ordinance 17-16 submitted to Assembly on 12/6/17**
- **County Counsel Troy's Memo dated 12/7/17 regarding Proposed Ordinance 17-16**
- **Letter to Editor dated 12/13/17 regarding Recall**
- **Email from E. McManus dated 2/6/18 to S. Moran regarding Proposed Ordinance 17-16**
- **Recall Information and Worksheet from L. Cakounes dated 3/12/18**
- **State Elections Division Legal Counsel Tassinari's comments dated 3/16/18 regarding Proposed Ordinance 17-16**
- **House Bill 590 of 1/15/13 petitioned by R. Beaty and presented by Rep. R. Hunt**