

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
CHARTER RECALL PROVISION SUBCOMMITTEE
MEETING MINUTES
SEPTEMBER 18, 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 3:00 p.m. by Committee Chair Susan Moran.

Attendance

Present: Mary Chaffee, Elizabeth Harder, Deborah McCutcheon, and Susan Moran.
Charter Counsel Robert Troy also in attendance.

Approval of Meeting Minutes of 8/21/19

Motion made by Elizabeth Harder to approved meeting minutes of 8/21/19 with corrections. Seconded by Mary Chaffee. Unanimous.

Summary of Continued Discussion Regarding Questions of Charter Counsel

Chair Moran invited Charter Counsel Troy to address the committee and respond to questions from the committee listed in the meeting minutes of 8/21/19.

Charter Counsel noted that it may make more sense and provide a more efficient use of committee time and resources, to suggest Charter changes related to a potential recall provision after recommendations or decisions might be made regarding theoretical changes to the county government structure. Changes to governmental structure would go through the legislature process first and then on the ballot.

The Chair is of the opinion that the committee will want to consider making a recommendation on a recall provision even if there are no recommendations made to change the county governmental structure. The committee discussed the process associated with the submission of ballot questions with Charter Counsel Troy. It may be possible to submit more than one Charter amendment question for consideration on the ballot. The committee will try and reach a consensus regarding recommendations to the Charter Review Committee.

Charter Counsel Troy responded to several questions submitted by the committee.

The committee asked if language related to a Charter Recall Provision require legislative action and what form would it take? Charter Counsel referenced Charter Section 9.1 paragraph 4. As an example, creating and submitting a Charter Recall Provision for the Charter would not require the same process as other types of Charter changes such as changes to the governmental structure. A Charter Recall Provision could be submitted as a petition to the legislature for the filing of a special law, would not be subject to the county's ordinance process, and would not appear on a ballot.

The committee asked what the estimated cost of a Recall Process Election might be? Charter Counsel suggested each committee member contact their town clerk for this information as it will be different for each town. The committee chair invited members with comparative cost information to report back to the committee at the next meeting. Charter Counsel pointed out

that expenses associated with a recall election process for a two- year term versus a four-year term might not be well supported. Consideration might be given to terms of equal duration for Commissioners and Assembly Delegates.

It was suggested by Charter Counsel that the county start to refer to itself as Cape Cod Regional Government and eliminate any reference in the Charter to Barnstable County government. This could minimize public confusion and create a positive and more favorable opinion of the work done by the county.

Charter Counsel also provided some information-based research to answer committee questions centered around the censuring of elected officials. As a general rule, one branch of government does not typically have the authority to censure an elected member of another branch, and the authority to do so is very questionable. The Charter affords the Assembly broad and flexible powers and provisions, not subject to review by the Commissioners, when language suggests it's an internal affair issue or an opinion of the Assembly.

It was reported by the Clerk that House Bill 590 filed by R. Hunt in 2013 did not receive any legislative action and died in committee when the legislative session ended.

Next Meeting

In conjunction with the Charter Review Committee Chair, the Clerk will verify dates, times, and agenda topics, to avoid conflicts, for a future meeting and will notify committee members.

Adjournment

Motion made by Deborah McCutcheon to adjourn the meeting at 4:00 p.m. Unanimous.

Submitted by:

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

List of Subcommittee Reference Materials:

- **Recall Subcommittee Meeting Notice and Agenda for 9/18/19**
- **Recall Subcommittee DRAFT Meeting Minutes of 8/21/19**