

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
CHARTER REVIEW COMMITTEE
APPROVED MEETING MINUTES
September 4, 2019**

Call to Order

The Charter Review Committee (CRC) meeting convened at the Eastwing Conference Center, 3195 Main Street Rt. 6A, Barnstable, Massachusetts and was called to order at 4:45 p.m. by Committee Chair E. Suzanne McAuliffe.

Attendance

Present: Mary Chaffee, J. Terence Gallagher, Lilli-Ann Green, Elizabeth Harder, James Killion, Suzanne McAuliffe, Susan Moran, Thomas O'Hara, John Ohman, Brian O'Malley, Randi Potash, Patrick Princi, Linda Zuern (via remote participation due to distance).

Absent: Christopher Kanaga, Deborah McCutcheon.

Charter Counsel Robert Troy in attendance.

Approval of 8/7/19 CRC Meeting Minutes

Motion made by Mary Chaffee to approve the draft minutes. It was seconded.
Unanimous.

Summary of Topics Discussed for Potential Consideration

Censure

- Censure and recall were identified as separate topics with recall being a topic currently under consideration by the Recall Subcommittee. No report has yet been made to the CRC.
- Delegates expressed ideas and opinions regarding the creation of a censuring mechanism and process for county elected public bodies. At the request of the Chair, Charter Counsel Troy confirmed that Charter Section 2.8.(b) provides broad language related to resolution powers that are available to the Assembly. It was also stated that under Charter Section 2.5.(b) procedural matters related to internal affairs can be handled outside of the weighted vote structure. Section 2.5.(c) provides that a weighted vote mechanism must be used to take any official action. Charter Counsel Troy will research additional cases relevant to censure and whether the issue of censure could be considered a procedural matter outside of the weighted vote required of Section 2.5.(c).
- Specific or separate Charter language pertaining to a censure process would not be required for the Assembly. The Assembly could add specific language to the Charter that would allow for a censure mechanism to be non-weighted.
- Additional language or language changes would be necessary in order to allow the Commissioners the same process opportunity as the Assembly.

Term Limits

- Delegates expressed opinions both for and against the establishment of term limits.
- The general consensus is that no current problem exists with term structure. Terms of office are short and typically addressed by the voters during a re-election process.

Weighted versus Non-Weighted Vote

- Charter Counsel Troy cited several legal cases where the weighted voting process was upheld by the courts.
- Moving away from a weighted vote process mechanism for the Assembly may create constitutional challenges.
- Matters surrounding internal operations of the Assembly have been decided and based on one-person one-vote versus a weighted vote. Examples cited: Election of Assembly leadership and Assembly election to fill unexpired Commissioner position.
- Delegates expressed opinions both for and against the creation of weighted voting districts for the Assembly, Commissioners, and ideas related to weighted votes based on financial commitments.
- Consensus of CRC was to keep the Assembly weighted structure as it is.

Section 2 Charter language review

- Suggestions brought forward by the Clerk pertaining to potential Charter language changes under consideration that would create consistency and clarification.
- Suggested changes are subject to review by Charter Counsel Troy and there may be additional suggestions coming forward.

New Business: Committee Correspondence

Chair McAuliffe acknowledged receipt of email correspondence dated 8/8/19 from Commissioner Beaty. Commissioner Bergstrom and Flynn were invited to submit comments, but none have been received to date.

Future agenda items for potential consideration:

- Governmental restructure
- Recall
- Compensation / Health insurance
- Additional Charter sections for language changes

Next meeting

No date selected for next meeting. Chair will advise the Clerk on date for next meeting.

Adjournment

Motion made Susan Moran to adjourn the meeting at 5:50 p.m. Unanimous.

Submitted by:

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

List of materials used at the meeting:

- **9/4/19 meeting notice and agenda**
- **8/7/19 draft meeting minutes**
- **8/29/19 Clerk's notes - Section 2 Charter language review**
- **8/8/19 Email from Commissioner Beaty**