

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
CHARTER RECALL PROVISION SUBCOMMITTEE
MEETING MINUTES
JANUARY 15, 2020**

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 3:10 p.m. by Committee Chair Susan Moran.

Attendance

Present: Mary Chaffee via remote participation due to distance, Elizabeth Harder, Deborah McCutcheon and Susan Moran.

Charter Counsel Robert Troy also in attendance.

Approval of Meeting Minutes of 12/18/19

Motion made by Elizabeth Harder to approved meeting minutes of 12/18/19. Seconded by Deborah McCutcheon. 4-0-0. Unanimous.

Summary of Continued Discussion Regarding Charter Draft Recall Provision and Extension of Assembly Delegate Term of Office

Chair Susan Moran called the meeting to order and asked Chart Counsel Robert Troy to proceed with a summary and review of a revised draft Charter Recall Provision of 1-14-20.

Charter Counsel Robert Troy outlined the sequence and process that was followed for draft development that incorporated suggestions made by previous committees, petitions to the state legislature, the current committee and comments from the Secretary of State's Office regarding procedural and timing issues including: a recall provision that's applicable to both branches of county government, complexities and expenses related to a recall election, incorporation of an effective timing sequence for a recall, and reasons for a recall. Additional comments from the Secretary of State's Office could be forthcoming within in next few weeks. The committee also wanted to consider the extension of an Assembly Delegate term of office from 2 to 4 years to be consistent with Board of County Commissioner term of office. Residents have asked for a Charter Recall provision.

The following were provided to the committee for reference purposes related to committee discussions on how the draft recall provision would work:

- Example of how the calendar related to the timing for a recall election would work using the upcoming election date of November 2020; and
- Example of an amendment to Charter Section 2-1 (c) to change the Assembly term of office from 2 to 4 years

Chair Moran suggested Counsel Troy provide the committee with a summary and explanation for each provision or section in the draft document. The committee followed up with comments and questions on Sections 1 through 4 of the draft recall provision resulting in the following consensus:

- Sentence 1: add at the end of the sentence "elected by the voters."
- Section #1 & #2: add at the end of the section heading "elected by the voters."

- Section #3: (no changes to language in this section)
- Section #4:
 - add at the end of the first sentence “for offenses committed during the term of office.”
 - remove the term *misfeasance*
 - remove the term *incompetence*
 - add to term malfeasance *including impropriety, misbehavior, misconduct*
 - remove the language *conviction of a misdemeanor or felony involving moral turpitude*
 - remove the word permanent and retain remainder of language to read *inability to perform official duties*

Work on the remaining sections of the revised recall provision draft document will continue at the next scheduled meeting.

Next Meeting

No specific date was set for the next meeting.

Adjournment

Motion made by Member Harder to adjourn the meeting at 4:00 p.m. Unanimous.

Submitted by:

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

List of materials used at the meeting:

- **Recall Subcommittee meeting notice and agenda for 1/15/20**
- **Unapproved Recall Subcommittee meeting minutes of 12/18/19**
- **1-14-20 Revised Draft of Recall Provision**
- **Example of Recall Provision Timing Calendar**
- **Example of Amendment to A of D Term Extension**