

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
CHARTER RECALL PROVISION SUBCOMMITTEE
MEETING MINUTES
FEBRUARY 5, 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 3:00 p.m. by Committee Chair Susan Moran.

Attendance

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

Charter Counsel Robert Troy also in attendance.

Approval of Meeting Minutes of 1/15/20

Motion made by Elizabeth Harder to approved meeting minutes of 1/15/20 as amended. Seconded by Mary Chaffee. 3-0-0. 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.

Charter Counsel Robert Troy referred to the example of the recall time-frame referenced at the last meeting. It was corrected by the Clerk to reflect the November 2020 election time frame going forward as an example of how a recall would be scheduled based on a two-year state election ballot cycle.

Counsel and committee members continued to work on the red-line amendment to the Charter to create a Recall Provision beginning where the committee left off last meeting with Section 5.

Committee arrived at a consensus and suggested the following changes to the red-line working draft:

- Section 5.a.: Citizens Request for a Recall Election of a Commissioner - suggested signatures of at least 120 voters with a minimum of 20 each from five different municipalities.
- Section 5.b.: Citizens Request for a Recall Election of an Assembly Delegate - suggested signatures of at least 40 voters from the municipality.
- Section 6:
 - Following the date of issue of Recall Petition Forms - suggested 45 days be allowed to return the forms to the Clerk.
 - Recall Petition for a Commissioner – should be signed by 3% of the total number of registered voters in the county.
 - Recall Petition for an Assembly Delegate – should be signed by 3% of the total number of registered voters in the municipality.
- Section 7: Language was suggested to clarify and reflect that it should be the responsibility of petitioners to file for certification of signatures and return certified petition to the Clerk.

- Section 8:
 - Language added to clarify that person sought to be recalled shall be notified within 10 days of certification of signatures.
 - Remove last sentence in this section.
- Section 9: Suggested language to reflect that after signatures are certified person sought to be recalled be allowed 10 days from receipt of notification to file statement, limited to 300 words or less, with Clerk and posted with petition on the county website.
- Section 10: Suggested language to reflect that after signatures are certified the person sought to be recalled may resign within 15 days from receipt of certified copy of petition.

Committee Member Mary Chaffee suggested changes that would improve clarity, the public understanding of the document, and address inconsistencies and streamline language with regards to titles, references and sentence structure. Mary Chaffee volunteered to cleanup language in the red-line and will forward the document to the Clerk. The Clerk and Charter Counsel will continue to work on the red-line draft and prepare a revision with all recommendations and suggestions for consideration by the committee at its next meeting.

Committee considered a comment received from Commissioner Beaty dated 1/22/20 regarding the potential for a conflict between the Clerk and a person being sought for recall if the person was an Assembly Delegate or the Speaker. Although a legitimate concern, the committee, following consultation with County Counsel, concluded there was no legal conflict of interest. The Regional Clerk would be following a clear objective process outlined in suggested recall provision and this issue is adequately being addressed in the suggested change to language in Section 7 that is being suggested.

Next Meeting

No specific date was set for the next meeting.

Adjournment

Motion made by Mary Chaffee to adjourn the meeting at 4:00 p.m. It was seconded. Unanimous. 3-0-0.

Submitted by:

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

List of materials used at the meeting:

- **Recall Subcommittee Meeting Notice and Agenda for 2/5/20**
- **Unapproved Recall Subcommittee Meeting Minutes of 1/15/20**
- **Working red-line amendment to the Charter for a Recall Election Provision**
- **Email comment from Commissioner Beaty dated 1/22/20**

