

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES  
CHARTER REVIEW COMMITTEE  
MEETING MINUTES  
March 4, 2020**

**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 6:00 p.m. by Committee Chair E. Suzanne McAuliffe.

**Attendance Roll Call:**

*Present:* Mary Chaffee, J. Terence Gallagher, Lilli-Ann Green, Elizabeth Harder, Christopher Kanaga (left @ 6:10 PM), Suzanne McAuliffe, Deborah McCutcheon, Susan Moran, Thomas O'Hara, John Ohman, Brian O'Malley, Randi Potash (left @ 6:10 PM), Linda Zuern (remote participation due to distance).

*Absent:* James Killion and Patrick Princi.

**Approval of 11/6/19 CRC Meeting Minutes**

Motion made by Brian O'Malley to approve the draft minutes. It was seconded. Unanimous. 13-0-0.

Voting "YES": Mary Chaffee, J. Terence Gallagher, Lilli-Ann Green, Elizabeth Harder, Christopher Kanaga, Suzanne McAuliffe, Deborah McCutcheon, Susan Moran, Thomas O'Hara, John Ohman, Brian O'Malley, Randi Potash, Linda Zuern.

**Approval of 2/19/20 Recall Subcommittee Meeting Minutes (by committee members only)**

Motion made by Mary Chaffee to approve the draft minutes. It was seconded. Unanimous by committee members. 4-0-0.

Voting "YES": Mary Chaffee, Elizabeth Harder, Deborah McCutcheon, Susan Moran.

**Summary Discussion on Agenda Related Topics**

a.) Change in Term of Office of Assembly Delegate from two to four years. Delegates shared their opinions regarding the change in term.

- L. Green – is of the opinion that moving towards a four year term might look like an Assembly power grab. Would support keeping a two year term for Assembly Delegates and consider a recall amendment for Commissioners only.
- T. O'Hara – is of the opinion that a two year term is enough and four years would be a bigger commitment. Not convinced a recall amendment is needed at all.
- M. Chaffee – as a member of the subcommittee, supported a change in term and was concerned with developing a process that would be fair to both branches of government. The change to a four year term offered a solution to problems and hurdles associated with implementing a recall for a two year delegate term.
- L. Zuern – is not in favor of extending the term from two to four years. A two year term affords the public the opportunity not to re-elect a person on a two year cycle if they are unhappy with their performance. It is more like a natural recall.
- E. Harder - as a member of the subcommittee, supported a change in term and wanted to be fair and equal for both branches. Consideration could be given to reducing a Commissioners term from four to two, would be fair and therefore a recall amendment would not be necessary for either branch.

- S. Moran - as a member of the subcommittee, supported a change in term that would provide a way to restore the public's confidence in the work done by the county and its ability to address problems that are more than short term issues.
- T. Gallagher – questioned if any consideration was given to a 6 month exclusion from recall in order to accommodate the shorter two year term for a delegate.
- J. Ohman – in support of a two year term for Assembly Delegates and has worked for a long time. Executive and legislative branches are separate and different. If public is not happy with the person elected to office they have the option not to re-elect in the next election cycle.
- D. McCutcheon - as a member of the subcommittee, supported a change in term and cautioned about writing legislation that is being driven by only one person. Expects that constituent's would not support someone who is not doing their job.
- B. O'Malley – in favor of leaving the term at two years and of the opinion that a recall amendment would not be necessary for a two year term.
- E.S. McAuliffe – commented, when the Charter was created the state legislature intentionally removed a recall provision for either branch and structured the legislative branch with a two year term the same as the state. Consideration might be given to remove Delegate recall language and go forward with a recall amendment that would apply to Commissioners only and leave delegates with a two year term

b.) Recall Amendment recommended by Recall Subcommittee

Recall Subcommittee Chair Moran provided a summary of the background and the process surrounding the development of the Recall Amendment. Constituents from various towns around the cape have expressed a great deal of interest in a Recall Amendment to the Barnstable County Charter.

Chair Moran stated several models were under considered. There were practical and economical concerns cited by the subcommittee that were used to guide their decision and recommendation. Considerable and thorough consideration was also given to a list of grounds required for the recall of an elected official and the list was based on case law and supported by legal definitions. The subcommittee consulted with Charter Counsel during the amendment development process that would logically and legally support an appropriate signature and percentage threshold for the Recall Amendment. The administrative process involving the Regional Clerk was also clarified and streamlined. The Recall Amendment as submitted reflects a three step process.

Several members of the Charter Review Committee thought the number of signatures and percentages required for a recall election was too low and the grounds for a recall too subjective.

Charter Review Committee Chair McAuliffe and other members expressed appreciation for the time, effort and thoroughness that was put into the development and submission of the Recall Amendment by the subcommittee.

Chair McAuliffe will schedule the following items for consideration and a vote at the next meeting on 3/18/20.

- a.) Change in Term of Office of Assembly Delegate from two to four years; and
- b.) Recall Amendment

**New Business**

No new business was brought forward.

**Next meeting**

3/18/20 at 5:00 p.m.

**Adjournment**

**Motion made by Susan Moran to adjourn the meeting at 6:45 p.m. It was seconded. Unanimous. 11-0-0.**

**Submitted by:**

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

**List of materials used at the meeting:**

- **3/4/20 CRC meeting notice and agenda**
- **11/6/19 DRAFT CRC meeting minutes**
- **2/19/20 DRAFT Recall Subcommittee meeting minutes**
- **2/19/20 Drafted Recall Amendment**