

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES
CHARTER REVIEW COMMITTEE
DRAFT MEETING MINUTES
August 5, 2020**

Call to Order

The Charter Review Committee (CRC) virtual meeting convened and was called to order at 5:00 p.m. by Committee Chair E. Suzanne McAuliffe.

Attendance Roll Call:

Present: Douglas Brown, Mary Chaffee, J. Terence Gallagher, Lilli-Ann Green, Elizabeth Harder, Christopher Kanaga, James Killion Suzanne McAuliffe, John Ohman, Brian O'Malley, Patrick Princi, and Linda Zuern.

Absent: Deborah McCutcheon, Thomas O'Hara, Randi Potash.

Charter Counsel Robert Troy was also present and members of the public viewing the virtual meeting.

Approval of 7/15/20 CRC Meeting Minutes

Motion made by Committee Member Brian O'Malley to approve the draft meeting minutes. It was seconded. 12-0-0.

Summary Discussion

Discussion regarding agenda item related to a change of term of office for Assembly Delegates from 2 to 4 years. No motion was made but the consensus of the committee was to keep the Assembly term at 2 years. It was also noted that a recall for a 2 year term would be costly and time consuming for towns and clerks and would not be needed for a two year term.

Chair McAuliffe suggested structuring a recall amendment using a proposed ordinance format. This would provide an opportunity for a public hearing and submission to the Commissioners for consideration and approval.

Chair McAuliffe introduced and provided some background regarding the draft Recall Amendment that is under consideration.

Committee Member Zuern indicated she was not in favor of the grounds for a recall as stated in the draft Recall Amendment, item #3, and felt it was too vague. Committee members commented on and discussed how the grounds for recall as detailed in item#3 were developed.

Committee Member Green noted that the changes she proposed to the draft removed the Assembly from a recall provision and would leave a recall amendment that would only apply to Commissioners.

Committee Member Kanaga indicated he was not in favor of using the terms impropriety and misbehavior as grounds for a recall, item #3, citing these terms as problematic, difficult to define and to use.

Several delegates offered their opinions regarding the deletion of the terms impropriety and misbehavior from the draft Recall Amendment.

Charter Counsel Troy explained to the committee that the Recall Subcommittee reviewed and considered various provisions used by other jurisdictions and decided on these terms. He also noted that a Recall Amendment going forward will be subject to vetting, review and approval by the state legislature and the judiciary and then be placed on the ballot.

Committee Member Kanaga motioned to remove the terms impropriety and misbehavior from the draft Recall Amendment, Grounds for Recall, item #3 and specify only four separate bulleted items....malfeasance, misconduct, neglect of duty, and inability to perform official duties. It was seconded. 7-5-0. Amendment to drafted Recall Amendment was approved.

Committee Member Green motioned to submit an amended Recall Amendment to the full Assembly that reflects a recall provision applicable to County Commissioners only with no changes to the term of office for Assembly Delegates. It was seconded. 12-0-0. Recall Amendment applicable to County Commissioners only, including amendment to grounds for a recall, was approved.

New Business

No new business was brought forward.

Next meeting

As determined by the Chair pending committee interest in making other Charter change recommendations.

Adjournment

Motion made by Elizabeth Harder to adjourn the meeting at 5:35 p.m. It was seconded. Unanimous. 12-0-0.

Submitted by:

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

List of materials used at the meeting:

- **8/5/20 CRC meeting notice and agenda**
- **7/15/20 DRAFT CRC meeting minutes**
- **2-19-20 Proposed Recall Amendment**
- **Recall Subcommittee 2/19/20 meeting minutes**
- **Proposed changes to draft Recall Amendment submitted by Committee Member Green**

