



TOWN COUNCIL
Charter Review Committee
Selectmen's Conference Room

Thursday April 2, 2015
MEETING MINUTES

Vice President Ann Canedy
Councillor Jennifer Cullum **Chair**
Councillor Will Crocker Jr.
Councillor Frederick Chirigotis **Vice Chair**
Councillor Paul Hebert

I. BUSINESS

A. Roll Call:

Members present: Vice President Ann Canedy, Councilor Frederick Chirigotis, Councilor Will Crocker Jr., Councilor Jennifer Cullum, Councilor Paul Hebert, **Also present:** Jessica Rapp Grassetti, President, Town Attorney, Ruth Weil, Town Council, Acting Administrator Cynthia A. Lovell.

President Grassetti discussed the purview of the committee explaining to the committee that the Charter has not been viewed for changes since 1995. There are no time constraints with this committee, so suggestion was made to take time in viewing all areas of the Charter. The committee was urged to reach out to the community for their membership on this committee.

President Grassetti asked Town Attorney Ruth Weil to also explain the process of the Charter and the steps this committee will have to take in order to change or amend anything within the Charter. There are two ways to amend the Charter. (1) Home Rule Process (2) Special legislation. Attorney Ruth Weil will send out a document to the committee to view for the process of changing the Charter.

Attorney Weil outlined the process to be followed in amending the Charter of the Town of Barnstable to assist the Charter Review Committee in its deliberations.

Section 9-1 of the Charter states that "[t]he charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any laws of the Commonwealth enacted to implement said constitutional amendment." This response only addresses amendment(s) which will be initiated "in-house" by the Council itself, rather than by initiative processes from the voters or through the full Charter Commission process.

PETITION TO GENERAL COURT FOR A SPECIAL ACT

Under Mass. Const. amend. Article II §4, a local charter may be amended upon a proper petition to the general court for Special Legislation. **Please note that charter amendments dealing with the composition, mode of selection or term of office of the Town Council or the Town Manager, can be achieved only through Special Legislation or the full Charter Commission process.**

"HOME RULE" PROCESS

The process to be followed is set out in section 4 of Article 89 of the Amendments to the Constitution of the Commonwealth and elaborated upon in sections 10 and 11 of chapter 43B of the General Laws. A charter amendment would be introduced according to the Council's regular processes. It should be subjected to a public hearing ordered within three months, to be held within four months of its introduction. The hearing may be held by the full Council or by a committee selected or established by it for the purpose. Seven days' notice of the hearing should be published in a newspaper of general circulation in the Town. If the Council votes to "propose" the amendment to the voters by a two-thirds roll-call vote,

taken as final action within six months after its filing with the town clerk, that order does not become effective for four weeks, during which time it must be sent to and considered by the Attorney General of the Commonwealth for consistency with the constitution and laws of the state. It goes on the ballot at the next regular "city" election at least two months after the vote of the Council becomes effective. The Council must cause a copy of the amendment to be delivered to each residence of one or more registered voters not later than two weeks before the election at which it is to be voted on. The Town Attorney prepares a concise summary of the amendment to be used as part of the ballot question. If the amendment is adopted, certified copies must be sent to the Attorney General, the Secretary of State and the Department of Housing and Community Development and, of course, kept by the Town Clerk.

Translating the foregoing to the situation the Town of Barnstable is in now, the next town election we are dealing with is, of course, the November 3, 2015 town election. Final Council action would have to be taken by August 2, 2015, give or take a day. As a practical matter, June action should be the furthest target date, because any delays caused by glitches would put voter action off until November, 2017.

Below, for quick reference, is a checklist of the steps in the above process. STEPS IN LOCAL CHARTER AMENDMENT PROCESS

1. Introduction to Council
2. Public Hearing (7 days' notice published in paper)
3. Final action (Two-thirds roll-call vote)
4. Submission to Attorney General
5. Distribution to Voters (At least two weeks prior to election)
6. Adoption/Rejection by Voters (Regular municipal election, minimum of approximately three months after final Council action, ballot summary prepared by Town Attorney)
7. Notice of Adoption to State officials

Councilor Cullum asked if there was an easier way between the two options. Is it easier for Special Legislation vs. Home Rule? Town Attorney Ruth answered it's a process in which the Town Council chooses, both have steps that need to be taken.

Vice President Canedy asked if there were sections of the Charter that could be put to the Town Council without going through the process mentioned above. Town Attorney stated that the process needs to be followed regardless if you are changing a section or a word, a change would be a change and that needs the process to be followed.

President Grassetti asked that who ever becomes chair of this committee, she would like to see that person reach out to the community for membership on this committee.

The discussion continued on some of the articles within the Charter that need to be looked at for clarity, an example of this is Charter Objections, n one has a clear answer as to when to use this option.

Vice president Canedy also stated that another part of the Charter that needs clarification is term limits and other election processes.

The Committee next voted for a Chair of the Committee; the floor was opened up to nominations.

1. The first nomination came from Councilor Chirigotis who nominated Councilor Cullum
2. Councilor Cullum nominated Councilor Chirigotis
3. Councilor Will Crocker nominated Councilor Cullum
4. Vice President Canedy nominated Fred Chirigotis

The elected Chair of the Committee is Councilor Cullum, and Vice Chair is Councilor Chirigotis.

There was no public comment.

ADJOURNED AT: 5:37

Next Meeting: April 15, 2015 5:30 pm