

**Cape Cod Regional Government  
Assembly of Delegates**

**CHARTER REVIEW  
2019 – 2020  
SUMMARY REPORT  
AND  
ACTION MATRIX**

**November 4, 2020**

**Submitted by:  
Janice O'Connell, Clerk  
Assembly of Delegates**

## **A. Charter Review Committee: Formation, Structure and Charge**

On June 19, 2019, the Assembly of Delegates adopted Resolution 19-02 to establish a Charter Review by the Assembly of Delegates for the purpose of determining if any amendments or revisions to the Barnstable County Home Rule Charter were necessary or desirable and submitted in accordance with Section 9-4 (a).

The Resolution directed that all Assembly Delegates be seated as members of the Charter review Committee. Members were Douglas Brown (appointed – July 2020), Mary Chaffee, Terence Gallagher, Lilli-Ann Green, Elizabeth Harder, Christopher Kanaga, James Killion, Suzanne McAuliffe (Chair), Deborah McCutcheon, Susan Moran (Vice-Chair – resigned May 2020), Thomas O’Hara, John Ohman, Brian O’Malley, Randi Potash, Patrick Princi, and Linda Zuern. The committee’s membership reflects representation by municipal officials of the county.

The Resolution also identified Assembly Clerk Janice O’Connell and Cape Cod Regional Government Legal Officer Robert S. Troy as individuals to assist the Charter Review Committee.

## **B. Charter Review Committee: Process, Actions and Duration**

- Committee met in open sessions between August 2019 and August 2020
- Committee conducted several public hearings and comment opportunities independently and in conjunction with the Assembly of Delegates between July 2019 and September 2020
- Charter Recall Provision Subcommittee was appointed by the Charter Review Committee Chair and tasked to explore and report back to the committee on a Recall Provision for the county Charter
- Charter Recall Provision Subcommittee members appointed by the Charter Review Committee Chair were Mary Chaffee (Vice-Chair), Elizabeth Harder, Deborah McCutcheon, and Susan Moran (Chair – resigned May 2020)

## **C. Charter Recall Provision Subcommittee and Charter Review Committee: Recommendations and Related Actions**

- Charter Recall Provision Subcommittee met in open sessions between August 2019 and February 2020
- February 2020 the Charter Recall Provision Subcommittee recommended to the Charter Review Committee an amendment to the Barnstable County Home Rule Charter for a recall ballot question that would provide for the removal from office of any member of the governing legislative or executive branch of county government elected by the voters
- Due to the COVID19 Pandemic and related cancellation of several meetings, necessary action on other pressing items and revisions to the proposed amendment, action by the Charter Review Committee on a final version was delayed until August 2020

- August 2020 the Charter Review Committee recommended to the Assembly of Delegates an amended Charter Recall Provision for a recall provision applicable to County Commissioners only, no change to term of office for Assembly Delegates, and several other minor language changes to the final version that was submitted by the Charter Recall Provision Subcommittee in February 2020
- Proposed Ordinance 20-17: Charter Recall Amendment was submitted to Assembly of Delegates in August 2020 to revise and amend the Barnstable County Home Rule Charter in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter by amending the Charter to include a Recall Provision for the removal from office of a member of the Board of Regional Commissioners and authorizes the filing of a Petition to the General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners
- September 2020 Assembly of Delegates adopted the proposed ordinance and submitted it to the Board of County Commissioners for approval as Ordinance 20-10: Charter Recall Amendment

**D. Supplemental Documents and References**

- Action Matrix related to Charter Review Committee and Charter Recall Provision Subcommittee are attached to this report as an addendum
- Meeting agendas, minutes and reference documents are available on-line and located at the following county web page link:  
[https://www.barnstablecounty.org/2019\\_2020\\_charter-review/](https://www.barnstablecounty.org/2019_2020_charter-review/)

**Assembly Charter Review Committee and Recall Subcommittee  
Review Matrix**

Date	Action	Actions Taken		Approve		Discussions and Considerations
		Y	N	Y	N	
06/19/19	Resolution 19-02	Assembly votes to establish a Charter Review Committee membership consisting of all Assembly Delegates representing municipal officials of the county.		Y		Review to be conducted in conjunction with Clerk Janice O'Connell and County Legal Officer Robert Troy.
07/03/19	Notice of Public Hearing	Ad placed in CCT to solicit public comment related to Charter changes.		N/A	N/A	
07/10/19	Notice of Public Hearing	Ad placed in CCT to solicit public comment related to Charter changes.		N/A	N/A	
07/12/19	Charter Change Suggestions	Committee Members submit to Chair suggested Charter changes for consideration by committee.		N/A	N/A	Comments and suggestions submitted to Clerk from 5 committee members: L. Green, E. Harder, J. Killion, B. O'Malley, and L. Zuern.
07/17/19	Public Hearing	Assembly conducts public hearing @ 4:15 p.m. to solicit comments regarding Charter changes.		N/A	N/A	Comments and suggestions received from 4 citizens/groups: R. Beatty, J. Glynn, S. Brock, and J. Thomas (for League of Women Voters Cape Cod Area).
08/07/19	CRC Meeting	E. Suzanne McAuliffe selected as Chair. S. Moran selected as Vice-Chair. Chair McAuliffe appoints Recall Subcommittee to study and make recommendations. Recall Subcommittee Members: M. Chaffee, E. Harder, D. McCutcheon, and S. Moran.		Y		<p>Topics for consideration:</p> <ul style="list-style-type: none"> <li>A. Government Restructuring of Existing Model</li> <li>B. Governmental Restructure to Alternative Model such as a Council for Regional Services (example Franklin County model)</li> <li>C. Recall Provision for Elected County Officials: Chair appointed subcommittee</li> <li>D. Term Limits for Elected County Officials</li> <li>E. Language Changes to Existing Charter for Accuracy and Consistency</li> </ul>
08/21/19	Recall Subcommittee Meeting	S. Moran selected as Chair. M. Chaffee selected as Vice-Chair.		Y		<p>Subcommittee forwards questions to County Legal Officer:</p> <ol style="list-style-type: none"> <li>1. Timeframe and process for a Charter Recall Provision for inclusion on the 2020 November Ballot</li> <li>2. Proposed Ordinance 17-16 and State Electors Legal Counsel Comments</li> <li>3. Censure of a County Commissioner and/or Assembly Delegate</li> </ol>
09/04/19	CRC Meeting					<p>Committee considerations:</p> <ul style="list-style-type: none"> <li>Censure</li> <li>Term Limits</li> <li>Weighted vs. Non-Weighted Vote</li> <li>Charter Language Changes</li> </ul>

**Assembly Charter Review Committee and Recall Subcommittee  
Review Matrix**

09/18/19	Recall Subcommittee Meeting				Committee continued discussions regarding topics under consideration at 8/21/19 committee meeting. Committee will wait for CRC decision regarding restructuring before moving forward with suggested Recall Provision language.
10/02/19	CRC Meeting				Committee consideration of various government restructuring models. Public comment session suggested by committee for consideration of restructuring models.
10/16/19	Public Comment	CRC conducts a public comment session regarding potential proposal to restructure the Executive Branch. Comments provided and received from 8 citizens/groups: R. Beaty, P. Blowers, J. Glynn, S. Hitchcock, F. Penn, E. Sommerberg, J. Thomas, S. Brock (for League of Women Voters Cape Cod Area).	N/A		
10/16/19	CRC Meeting				Committee discussed pros and cons to structural changes and requested a vote on proposals be scheduled for next meeting.
11/06/19	CRC Meeting	Committee votes to approve and recommend to fill Assembly the restructure of Executive Branch with elimination of Commissioners and replacement with a strong appointed Administrator. 8-4-0	Y		Committee considered 4 proposals for restructuring. 1. Restructure the Executive Branch by eliminating County Commissioners and replacing with strong appointed Administrator PASSED 2. Increase Commissioners from 3 to 5 members FAILED 3. Restructure to strong elected administrator. no Commissioners; no Assembly and replace both branches with 11 representative equal voter districts FAILED 4. Restructure to strong appointed administrator. no Commissioners; no Assembly and replace both branches with 11 representative equal voter districts FAILED
12/18/19	Recall Subcommittee Meeting	Committee votes to draft a Charter Recall Provision for consideration at next meeting. 3-0-0 Recall provision should be applicable to both branches of a change of Assembly Delegate term from 2 to 4 years. 3-0-0	Y		Deadline for Charter change amendments voted by Assembly is 6/5/20. Deadline for state ballot questions is 8/5/20. Draft Recall provision will outline the reasons and process for recall of an elected official.
01/15/20	Recall Subcommittee Meeting				Committee worked on the Revised Draft Recall Provision Sections 1 through 4. Red-line of the document with suggested changes will be prepared for the next meeting. Committee will complete its review at the next meeting.
01/15/20	CRC Meeting	CANCELLED			

**Assembly Charter Review Committee and Recall Subcommittee  
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02/05/20	Recall Subcommittee Meeting		Committee continued its work on the Revised Draft Recall Provision Sections 5 through 14. Red-line of the document with suggested changes will be prepared by delegate Chaffee and the Clerk for the next meeting. Committee expects to complete its review at the next meeting.
02/19/20	Recall Subcommittee Meeting	Committee concluded its work and finalized a recall amendment. Committee votes 4-0-0 to forward amendment to Charter Review Committee for consideration.	Final document review with minor changes from previous version. Recommends Assembly term change from two to four years and specifies percentages required for recall affidavit. Amendment will be applicable to Executive and Legislative Branches.
03/04/20	CRC Meeting		Committee Members discussed pros and cons to a change in assembly term from 2 to 4 years. Committee members also discussed the signature threshold and percentages recommended in the Recall Amendment document. Chair will schedule a vote at the next meeting on both issues.
7/1/2020	CRC Meeting	Cancelled - insufficient time for adequate discussion of topics.	
7/15/2020	CRC Meeting	Approved meeting minutes of 3/4/20.	Committee will review suggested re-line changes from Delegate Green of the final version of Recall Charter Amendment from subcommittee. Will also consider length of term and who the recall provision would apply to at the next meeting given sufficient time for discussion and vote. Vote would recommend changes to full Assembly and the next session of the Assembly due to the fact it is too late to place on the November 2020 ballot for consideration.
8/5/2020	CRC Meeting	Approved meeting minutes of 7/15/20. Approved submission to full Assembly of Recall Amendment for Commissioners only. Proposed ordinance will be drafted.	Concensus not to move forward with Recall Committee recommendation to extend Assembly term from 2 to 4 years. Discussion and vote on Recall Amendment for Commissioners only.