

1. Agenda

Documents:

[20200812_CHARTER_REVIEW_COMMISSION_MEETING.PDF](#)

2. Agenda - Revised

Documents:

[20200812_REVISIED_CHARTER_REVIEW_COMMISSION_MEETING.PDF](#)

3. Minutes

Documents:

[MINUTES_CHARTER_REVIEW_COMMISSION_8-12-2020.PDF](#)



RECEIVED

20 AUG 10 AM 11:55

AMESBURY CITY CLERK

AMESBURY

CITY HALL
62 Friend Street
Amesbury, MA 01913

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A §§18-25
Version 7.1.10

Amesbury Charter Review Commission (ACRC) Meeting

**Wednesday, August 12, 2020 at 7:00 PM
Virtual Meeting**

NOTICE: This meeting will be conducted under the 'Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20', signed on March 12, 2020. The public can view this meeting on ACTV Channel 12, the ACTV website or their Facebook Page:

www.facebook.com/AmesburyCommunityTelevision

PUBLIC PARTICIPATION: To submit a public comment, you can email the ACRC staff liaison, Paul Fahey, ahead of time at faheyp@amesburyma.gov, or submit a comment on the Facebook Live feed, by beginning your comment with PUBLIC COMMENT.

Agenda:

Call to Order/Roll Call

Review and Approval of Minutes from July 23, 2020 Meeting

Continued Discussion of Collins Center Report

Other Business

Public Comment

Next Meeting Date

Adjournment

**AMESBURY**

CITY HALL
62 Friend Street
Amesbury, MA 01913

MEETING NOTICE (REVISED)

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A §§18-25
Version 7.1.10

Amesbury Charter Review Commission (ACRC) Meeting

Wednesday, August 12, 2020 at 7:00 PM
Virtual Meeting

NOTICE: This meeting will be conducted under the 'Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20', signed on March 12, 2020. The public can view this meeting on the City of Amesbury Facebook page: <https://www.facebook.com/amesburyma>

PUBLIC PARTICIPATION: To submit a public comment, you can email the ACRC staff liaison, Paul Fahey, ahead of time at faheyp@amesburyma.gov, or submit a comment on the Facebook Live feed, by beginning your comment with PUBLIC COMMENT.

Agenda:

Call to Order/Roll Call

Review and Approval of Minutes from July 23, 2020 Meeting

Continued Discussion of Collins Center Report

Other Business

Public Comment

Next Meeting Date

Adjournment

MINUTES - Amesbury Charter Review Commission (ACRC)

Wednesday, August 12, 2020, 7:00pm, Virtual Meeting (via GTM and ACTV)

COMMISSIONERS IN ATTENDANCE

Rob Chamberlain
Nick Wheeler
Jonathan Sherwood
Anne Ferguson

ABSENT

Peter Frey
Christian Scorzoni
Kate Currie

OTHERS IN ATTENDANCE

Paul Fahey, Chief of Staff, Office of the Mayor (Staff Liaison)
Marilyn Contreas, Collins Center
Steve McGoldrick, Collins Center

CALL TO ORDER/ROLL CALL Nick Wheeler called the meeting to order.

REVIEW AND APPROVAL OF MINUTES FROM JULY 23, 2020 Minutes were dispensed and continued to the next meeting due to absence of quorum.

CONTINUED DISCUSSION OF COLLINS CENTER REPORT

Nick Wheeler invited Marilyn to start the discussion regarding citizen participation initiatives.

Marilyn Contreas expressed concerns about many of the items in section 8. The language is incomplete and will not be helpful to either the city or petitioners. Detailed discussions of these items should be present in charters to dictate who does what and when for each part of the process.

Marilyn Contreas proposed sending a standard, generic provision for citizen initiatives to work from as a starting point. A test run provision is a possibility for petitioners to collect an initial smaller number of signatures and get review and approval for it to move forward before a larger number of signatures is required.

Marilyn Contreas suggested the requirement for 20% signatures is high and only one other community has such a high requirement and is broken up into a two-stage process.

Paul Fahey stated that ACTV is not on the Facebook page and clarified where the meeting would be getting aired.

Marilyn Contreas continued the discussion saying that a voter turnout requirement at the same percentage as signatures required is odd. The signature requirement is normally lower than the voter turnout requirement.

Marilyn Contreas touched on concerns regarding provisions related to matters not subject to referendums and capital improvement programs being included.

Steve McGoldrick added that capital improvement program plans are not subject to referendum.

Nick Wheeler clarified that the concern stemmed from looking at other community charters that did not have similar provisions. Items that are put on the CIP are inherently prevented from being brought to referendum. This has been an issue in the past related to the funding for the library project.

Steve McGoldrick responded that normally the CIP extends out 5 years and is constantly revised based on shifting priorities and the addition of further years. Allowing citizen initiatives could hold up the overall CIP activities by extending the process.

Nick Wheeler detailed another situation with the elementary school and a free petition that was submitted asking the site selection for the school to be changed. If this had been done either as a citizen initiative or a referendum, the attempt would have failed because the replacement of the school is part of the CIP. It is unclear if the intent is to keep people from objecting to things being placed on the CIP or to stop people from objecting to items because they are included on the CIP.

Steve McGoldrick asked if the school and library were subject to debt exclusion votes. Debt exclusion processes have a robust mechanism in place for public referendum.

Nick Wheeler detailed that people were not happy with how votes around the school went and they felt disenfranchised. The charter review commission would like to plan for future situations.

Steve McGoldrick responded that the Collins Center would think more on this knowing these facts and provide additional input on these topics.

Marilyn Contreas referred to the requirement for such efforts requiring signatures of 20% of registered voters as something the commission should closely look at and consider revising. Another concern is that there is usually a time limit for signatures to be collected. For Amesbury's charter, the signature drive could proceed indefinitely.

Nick Wheeler asked if Marilyn had the list of questions that had been sent about a month ago. Specifically, the 150-voter threshold for non-binding free petitions seems high when looking at comparable communities.

Marilyn Contreas agreed that this seemed like a high threshold for a city the size of Amesbury.

Nick Wheeler continued with discussion of section 8.2a for restrictions on citizen initiative procedure. MA state general law suggests 15% threshold versus the 20% threshold required in Amesbury.

Marilyn Contreas stated that she thinks this needs to be lower and should be paired with a timeline for signatures to be obtained.

Rob Chamberlain asked what the typical time frame would be.

Marilyn Contreas stated that day one would be considered when blanks are issued for signatures to be collected and typical time frames might be 30, 45, or 60 days.

Nick Wheeler suggested Newburyport's charter might be a good example to consider because it includes an initial signature collection that is reviewed before requiring a larger number of signatures.

Marilyn Contreas expressed concerns over a section of 8.2 where one voter may object to the signatures. This does not appear in any other initiative provision that the Collins Center is familiar with. This is in the last paragraph of clause a.

Steve McGoldrick explained that the signatures already need to go to the clerk's office to be certified. This possibility for a single voter to override this does not make sense.

Jonathan Sherwood clarified the recommendation would be to strike the lines related to the possibility of an objection. The clause should focus on the certification by the registrar of voters.

Nick Wheeler continued to section 8.3 concerning citizen referendum procedures. The timeline needs to be reviewed against MGL chapter 43 section 42.

Marilyn Contreas said this is not necessary because chapter 43 is not uniform and if the charter has been found to be in line with state law, then the charter guidelines are acceptable.

Nick Wheeler found that the Newburyport and Melrose charters have their percentage of voters and timelines in line with MGL.

Marilyn Contreas confirmed that this is up to each municipality.

Nick Wheeler continued to section 8.6 titled "Submission of Proposed Measures to Voters". Is it possible to add language to clarify that non-binding poll questions can be added to special or regular municipal elections?

Marilyn Contreas stated Newton revised their charter to add the possibility for public opinion advisory referendums in a special election. This language could be added.

Nick Wheeler requested draft example language for this topic from the Collins Center.

Nick Wheeler continued to section 8-8h for recall elections. Amesbury has not had this situation recently, but the city should be prepared for situations in the future. The example of Fall River's mayoral recall was brought up to make sure there is not an issue with Amesbury's charter that allows a recalled official to immediately run for re-election.

Marilyn Contreas responded that under the constitution of Massachusetts, any individual cannot be barred from running for office. It is not possible to stop someone from being a candidate.

Paul Fahey pointed out that the mayor of Fall River won with a plurality in the special election. Is it possible to require a majority for the candidate?

Marilyn Contreas pointed out that the vacancy would be filled by an appointed person in line with the charter. A situation with a four-year mayoral term would be more complicated because the current charter stipulates the council president would serve as mayor in the vacancy until the next regular election.

Jonathan Sherwood and Nick Wheeler pointed out provisions that handle the vacancy of mayor. If the vacancy occurs in the first half of the term, the council president serves until there is a special election. In the second half of the term, the president would serve until the next scheduled election.

Marilyn Contreas suggested this language be adjusted if a four-year term for mayor is added.

Nick Wheeler reviewed the related stipulations for city councilor vacancies where the person filling the vacancy would be another candidate from the previous election that had 30% of the votes.

Marilyn Contreas asked if election records had been reviewed to show that this 30% requirement would be viable in most situations.

Nick Wheeler clarified this is for 30% of the votes cast and there have been several recent vacancies where this clause has worked. In other cases, appointments have been necessary.

Rob Chamberlain stated that the confusion in the charter comes from with how to handle nulls and blank votes.

Paul Fahey confirmed that the Collins Center has provided suggested language to handle this issue in the charter.

Nick Wheeler confirmed that adding language barring recalled officials from running for re-election does not warrant further discussion or consideration.

Marilyn Contreas pointed out that 20% of voter participation is required for initiatives and referendums and 30% is required for recall. It is typical for one number to be consistently used. This may be something that the commission can consider.

Nick Wheeler brought up the draft list of significant topics to capture public feedback for. Two of the topics on the list related to voter and petition thresholds have been discussed so far.

Marilyn Contreas suggested the charter include a definition of the city website in the definitions section.

Paul Fahey also suggested that question number four on the list asking if the city should be able to gauge public interest with non-binding referendums is also relevant to the discussion. It was asked of the Collins Center if this is typically included in charters for other cities.

Marilyn Contreas responded that it is usually not in the charter and is utilized via MGL chapter 53 section 18a. It was a special act amending Newton's charter several years back.

Anne Ferguson referenced a specific situation where an official went through a recall vote but due to the vote not meeting the 30% threshold, it was deemed invalid.

Jonathan Sherwood said this had happened just prior to the previous charter review. One observation had been that the charter may have worked as intended to make it significant enough to recall an official. At the time, there was no recommendation made for a change.

Marilyn Contreas suggested the uphill or challenging part of the process may make more sense to be in the percent required for the petition part of the process. Amesbury's 10% requirement is lower than most.

Anne Ferguson pointed out that there was a major effort put forth by people not wanting the individual to be recalled telling people not to vote.

Marilyn Contreas said this was also the situation in Fall River.

Jonathan Sherwood asked if the approach should be to reduce the percent requirement for the recall vote while increasing the requirement for the petition to go before voters.

Nick Wheeler asked for clarification if the 20% threshold for initiatives and referendums is too low.

Marilyn Contreas stated she felt that this was too low and suggested a 25% voter requirement. Most recall petitions require 20% of voter signatures within 28 days.

Rob Chamberlain pointed out a line in section F is where the 30% threshold mentioned is higher than typical.

Jonathan Sherwood said it was instructive where a recall effort did make it on to the ballot. Then retaliatory recall efforts for other councilors did not make it on to the ballot. In the review of the situation, it was felt that the threshold might have worked as intended to prevent 3 simultaneous recall efforts.

Rob Chamberlain suggested that increasing the requirement for the petitions could have the same impact.

Paul Fahey asked if longer terms for generally result in more robust recall provisions.

Marilyn Contreas referred to several communities with four-year mayoral terms that do not have recall provisions.

Nick Wheeler confirmed Newburyport's charter does not have a recall ability in article 8.

Steve McGoldrick recalled this was a very controversial topic during the charter review for Newburyport but ultimately the commission did not want a recall option.

Rob Chamberlain pointed out this is pertinent point that keeping two-year terms and having a low threshold for recall petitions does not make sense. The recall clauses should be revisited and considered once a decision is reached on terms for office.

Nick Wheeler asked if there were other topics for consideration with the Collins Center outside of section 8.

Steve McGoldrick raised the topics of signatures requirements to run for office as being on the lower side. This is in section 7.2A on page 16.

Nick Wheeler suggested this could be examined in relationship to the election competitiveness comparison. Many candidates run un-opposed with low signature requirements for candidates.

Marilyn Contreas noticed in city wide races that there is no requirement for minimum number of signatures from each district. Such a requirement would provide an indication that a candidate has reached out to and has support from voters outside of their own district.

Anne Ferguson asked if this was something included in Newburyport's charter.

Marilyn Contreas was not sure about Newburyport but stated that this is a requirement in some other communities and would be applicable for any city-wide positions.

Rob Chamberlain suggested that this be considered in context with minimizing barriers for people to run for office.

Nick Wheeler found Newburyport's charter required fifty signatures for all positions but no requirement for different districts.

Steve McGoldrick pointed out Amesbury's charter does not have a provision to review districts and their populations.

Anne Ferguson stated that Amesbury did re-district after the last census. This was practiced but is not defined in the charter.

Nick Wheeler thanked Marilyn and Steve for assisting with the discussion.

OTHER BUSINESS

Paul Fahey reminded the commission he sent out the latest memo from the Collins Center and the word document of the city charter.

PUBLIC COMMENT

Paul Fahey clarified there can be confusion with where the meeting is broadcast by Amesbury Community TV. The location changes based on how many other meetings are going on at the time.

NEXT MEETING DATE Thursday, August 27 at 7pm via GoToMeeting.

ADJOURNMENT Jonathan Sherwood moved to adjourn, seconded by Rob Chamberlain. Unanimous vote to adjourn. Meeting adjourned at 8:20 PM.

Respectfully prepared and submitted by Peter Frey, Secretary, Amesbury Charter Review Commission