

## **Minutes**

### **Amherst Charter Commission meeting of February 22, 2017**

Members present: Andy Churchill, Tom Fricke, Meg Gage (departed 9:22pm), Nick Grabbe, Mandi Jo Hanneke, Julia Rueschemeyer, Diana Stein, Gerry Weiss (departed 7:42pm). Members absent: Tom Fricke, Irv Rhodes. Collins Center: Tanya Stepasiuk. In attendance: Maurianne Adams, Gabor Lukacs.

## **Agenda**

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Deliberating on & deciding on language of Citizen Participation/Relief elements of draft Charter (approx. 1 hour, 30 minutes)
3. Public comment (15 minutes)
4. Deliberating on & deciding on language of School Committee and Other Elected Offices elements of draft Charter (approx. 1 hour, 20 minutes)
5. Discuss & comment on one-page summary of current draft charter for workshops (15 minutes)
6. Begin conceptual discussion of administrative organization article of draft Charter (approx. 30 minutes)
7. Listening sessions update (5 minutes)
8. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
9. Adjourn

## **CALL TO ORDER, APPROVE AGENDA, APPROVE MINUTES**

Churchill: The meeting is called to order at 5:33pm. May hold off on school committee section of Charter. Hanneke created a one-pager for workshops. Moment of silence for Larry Kelley.

Grabbe: Knew Larry Kelley for 35 years and posted remembrance on social media. Advised honoring Kelly by advancing mayor-council government in Amherst. Regrets that statement and believes it inappropriate to politicize death of Kelley.

Rueschemeyer: Seeks to clarify prohibitions on advocating and lobbying regarding Charter proposal. Stepasiuk: There is no case law. "General brush strokes" advise education rather than advocacy. Education can be broad, you can explain why you made a vote, you can advocate for that vote and for that direction of Charter. Advises not to start any sort of organization. Charter Commission is considered a government body through 30 days after election.

Hanneke: Looked into details. Massachusetts Attorney General has good FAQ regarding matter. Reduced guidelines to a 9-page document which she will send to members. Commission has "broad leeway" as individuals for public and private speech. Elected as opposed to appointed distinction grants extensive freedom of speech to commissioners. Stepasiuk: When speaking you should make it known that views reflect only that of yourself and not that of whole Commission.

Rueschemeyer: This bleeds over into Open Meeting Law. Stepasiuk: If there's a group that's where Open Meeting Law comes into play. Don't have a back-and-forth blog posting between members regarding things on agenda.

Gage: My understanding from before being elected is that members can't lobby. Lobbying is a particular kind of advocacy, lobbying means specific pending legislation. Because Select Board has a set date for the vote, there is pending legislation. What is the specific prohibition on individuals lobbying? Hanneke: Lobbying is when private individuals encourage public employees or elected officials to vote a certain way. What Gage is discussing would be electioneering.

Gage: Sure that what Hanneke has proposed as being permitted is actually lobbying, as it concerns influencing voters. Hanneke: Attorney General website addresses pending ballot questions, and in fact commissioners could even join ballot question committees. Weiss: That is surprising, and contradicts what Lauren Goldberg said.

Churchill: We will seek further information, but be careful about what you say, illegal or not. Gage: Suggests agreeing not to advocate for or against proposal. Stepasiuk: Understands people want to talk in private life, and that's permitted: commissioners can explain rationale behind votes. It's considered educational.

Churchill: What about posting on social media, as long as you are not going back and forth between members? Stepasiuk: Don't see problem in that. You can send me an email if you have a specific concern that "feels on the edge."

Grabbe: Commission could do more education in town, as there is inadequate public awareness. Weiss: It comes down to educating vs. advising people to vote a certain way. Goldberg said influencing votes was prohibited. Stepasiuk: Surprised that Goldberg said that. Will double check that.

Gage: What changes when there is a ballot question? Grabbe: When we issue the final report there is no difference in what members can and can't say. Stepasiuk: Agreed. Hanneke: Everything is considered election activity now that election has a specified date.

Churchill: If people have specific questions they can send to me. Reviews previous minutes and asks for further corrections. Minutes are approved by acclamation.

Gage: Regarding tonight's agenda, I had requested discussion about an alternative proposal. Churchill: We have an agenda and that isn't on it. In discussing the next agenda, we can include it. Hanneke: We can't add to agenda once it's posted. Rueschemeyer: What about putting it in topics not reasonably anticipated? Also, Weiss won't be at next meeting. We can discuss minor School committee issues now or next time. Hanneke: Haven't heard back from anyone on school committee. Churchill: We can discuss it when we discuss the agenda for next meeting.

## **DELIBERATING ON & DECIDING ON LANGUAGE OF CITIZEN PARTICIPATION/RELIEF ELEMENTS OF DRAFT CHARTER**

Stepasiuk: Prior to getting started, I want to remind members what the article discusses. It lays out specific steps for residents to go through to get Council to act a certain way, change their decision, or recall an elected official. There are 4 main sections, the first one is the citizen petition. One person or group of people get together to ask Council or school committee to do something. If a certain number of people come together the government body has to hold a hearing. Essentially the "lowest bar to get your elected representatives to do something." The second section, the citizen initiative measure, is the most complicated. You need to decide the number of people to get it started. It then goes to the town attorney. Then more people get involved. Then, if council/committee doesn't act it can go on the ballot, after even more signatures. The third section is the referendum, which is opposite of the initiative. It is used when voters want to reverse decision of a council/committee. The fourth and last section is recall provisions.

Stein: If people are gathering signatures, and then it goes to the town attorney, this is not a good way of doing things. Their proposal may not be legal in the first place. Stepasiuk: First set of signatures is a low bar, but high enough not to waste attorney and citizen time. You can change specific numbers of signatures. The general language is based on state statute regarding initiatives.

Stein: Currently, the town moderator will help you craft an article. I don't want citizens to waste time on something inappropriate. Hanneke: Suggests lowering the number of signatures.

Weiss: On the referendum, can you change it so that citizens can protest a no vote? Stepasiuk: The referendum is exclusively used for protesting an approval. Hanneke: The initiative eventually goes town-wide.

There is clarification and discussion over whether these measures are different from what Amherst currently has. Stepasiuk states that the measures have different wording, and are slightly different processes than what Amherst currently has. It is concluded that the measures essentially allow citizens to overturn an action or an inaction by the Council or school committee.

## **Section 1: Petitions**

Stepasiuk: First paragraph of Section 1 of this article simply regards individual petitions: council/committee has total discretion to take up citizen's issue.

Hanneke: Library Trustees currently hire the library head. Are trustees included in this? Stepasiuk: They will be included in Boards section. The recall provision will apply to them.

Hanneke: Should we allow people to petition trustees? Churchill: The budget coordinating group and joint capital planning include Library Trustees. Hanneke: They have a somewhat separate budget. Stepasiuk: I have never seen allowing people to petition trustees included in a Charter. Hanneke: Maybe people want to go directly to trustees. Churchill: They can write to trustees.

Hanneke: What can you petition the school committee for? If citizens don't have reason to bring petitions to Library Trustees, what reason do they have to petition the school committee. There is clarification and discussion over the library budget and what control the Commission has over the Trustees.

It is concluded that petitions could ask library trustees to do something, on a topic such as library renovations. Grabbe: There was a big issue in the past over Jones Library selling a valuable painting. Stepasiuk: There is no harm in putting this in the Charter. Do you want me to add Library Trustees to all articles? Rueschemeyer: The town attorney may weigh in at a certain point. Stepasiuk: I'll put it in for now.

Regarding group petitions: a group can come together and ask for public hearing. This section outlines how long bodies have to act, and where the notice will take place. The decision point is the number of signatures. Most common number is 100 people. High bar vs. low bar for action is theme of entire article.

Hanneke: 100 is what we do for special town meeting. How does this number relate to part a)? Stepasiuk: It's a mixed bag in terms of other Charters. There have been 50, 250, 500 signatures needed to get citizen initiative measure started. One Charter with 50 signatures for individual petition had 100 signatures for group petition. Stein: Seeks a low bar. Northampton has high bar and they rarely get citizen petitions. Weiss: What is a low bar? Stein: 25 signatures. Maybe it should be a different number between individual and group petitions.

Grabbe: Is this unrelated to a referendum? Stepasiuk: Yes. The council/committee must hold a hearing though, when the second signature goal is completed. Grabbe: Happy to have low bar if there's no vote involved.

Rueschemeyer: What if, for example, someone wants the school committee to enact a dress code policy. You could write to a member to put it on agenda. But if you get the target number of signatures, they have to hold a hearing on it. Hanneke: 50 is the signature total necessary for running for town-wide office. Maybe keep it equal to that.

Rueschemeyer: Do citizens in Amherst currently have recourse like the petition? Stepasiuk: No. Grabbe: What is the cost of setting a low bar? Stepasiuk: If you have 25 friends you can keep bringing something up again and again. There is discussion that it might become inefficient to have the bar too low.

Rueschemeyer: Do the signatories have to be voters? Stepasiuk: I am researching the question of what "voter" indicates. Churchill: The town clerk must be able to certify signatures. Gage: Does this initiative require clerk certification? Stepasiuk: This part doesn't.

There is discussion and clarification over whose signatures in Amherst would be valid for these issues. It is resolved to leave language as "voters" for now, and revisit in future.

Stepasiuk: I will put 50 signatures in for now.

Stein: I have a question about part b). It says that action by body has to commence 3 months after petition goes through. Can we change to 6 weeks? Stepasiuk: You want to ensure government body has enough time to fulfill obligations. Churchill/Grabbe: 3 months may be necessary. Hanneke: 6 weeks might be tight because then the body has to call a special meeting. There is clarification over whether the hearing can be part of normal meeting. It is concluded that it can be. Churchill: 2 months may be okay. Rueschemeyer: 75 days? There is consensus is to change to 2 months. There is discussion on what the hearing entails, and if it needs to be defined in the Charter.

## **Section 2: Citizen Initiative**

Stepasiuk: Regarding the citizen initiative: You collect signatures. The attorney okays the proposal. You collect more signatures, and then the council has to act. If they act in a way you don't like, you get more signatures, and a town-wide vote ensues.

Churchill: You can currently run language by moderator, who can help improve language. Hanneke: Cites Charter language that says attorney has to explain reasoning for saying no. Rueschemeyer: What if attorney says no, but petitioners disagree. Stepasiuk: That is a probable lawsuit, since you can't get something on the ballot if attorney says no. That situation would hopefully occur rarely or not at all.

In section a), I have pasted most of the language from Framingham. It says how many signatures must come from each district, but you don't need that section. I have seen everything from 50 to 500 signatures. You can use percentages or absolute numbers. There is discussion over how low the amount of signatures to bring initiative to attorney should be. It is decided to go with 50 signatures.

Churchill: What is the number required to force referendum in other towns? Stepasiuk: It can be 5%-10% of registered voters. East Longmeadow has only 50 additional voters. Stein: Seeks to avoid percentage of population language. Hanneke: Advocates for a number different from group petition, so people aren't confused.

Rueschemeyer: Can you give example of difference between types of petitions? Stepasiuk: You may have a feeling of what the government body will do. If you feel they are resistant, you might go straight to initiative. Grabbe: Can you do both petition and initiative at once? Stepasiuk: Yes. Churchill: It can be a

way to pressure a government body. Rueschemeyer: Why would anyone do a group petition? Hanneke: The initiative is more labor-intensive.

There is clarification/discussion over the difference between petition and initiative. It is resolved that the initiative essentially gives the option for a government body to head off a referendum, but includes the option of taking it to a town-wide vote. The petition simply forces a hearing by the council.

Stepasiuk: Citizens can start the processes in tandem. Likely voter rationale: If council is favorable, use group petition. If council is unfavorable, use citizen initiative.

There is clarification on whether the initiative has a faster timeline to action from the government body. The conclusion is that it depends.

Churchill: For clarity, can we call the “referendum” a citizen veto?

There is a consensus to call it a citizen veto process.

Stepasiuk: We return to the initiative. You must decide the first number of signatures.

Hanneke: You need 100 to get a special town meeting, and we get 2-3 petitions at special town meetings every year. For annual town meeting, with a 10 signature bar, there is a lot more action. 100 isn't an insurmountable barrier. Believes 75 is reasonable. Churchill: Shouldn't spend a lot on attorney fees. Makes sense to have different number. Doesn't think 75 is onerous. Stepasiuk: This should be relatively rare. Gage: Doesn't think 75 is very many. Grabbe: Moves to use 75. Motion is approved.

Hanneke: Can we eliminate the voters from each precinct requirement? Stepasiuk: Yes. Gage: Some issues will affect certain precincts disproportionately. Hanneke: Please change language to “certified by town clerk” from “certified by town clerk by each district.”

Also, how does the clerk certify non-voters? Rueschemeyer: Do you need clerk to certify signatures? Grabbe: How does clerk differentiate between fake signature and non-documented resident? Gage: What about non-citizen residents voting in Amherst? The state has disallowed this thus far. Weiss: Can non-citizens bring petition to town meeting?

There is discussion on who can bring something up and who can sign it. Issue is still unresolved, but will be researched by Stepasiuk.

Stepasiuk: Suggests renaming town counsel, to avoid confusion with town council; suggests “attorney”.

The next decision point is: how many days does town attorney have to get back to petitioners? Commission decides the attorney has three weeks to get back to petitioners.

Stepasiuk: The Charter states the clerk provides blank forms with concise summaries of measure. The decision points are the number of days petitioners have to bring back additional signatures, and the number of additional signatures. Suggests 60 days. I have seen as low as 50 additional voters necessary, to 10% of registered voters.

There is discussion regarding the current language of Amherst charter.

Rueschemeyer: Why limit it to 60 days? Stepasiuk: You don't want things lingering for too long. Stein: Don't want to raise bar too high. Grabbe: Do the initial signatures count? Stein: Suggests another 50 signatures. There is discussion over how many additional signatures are necessary.

Stepasiuk: You don't want to bog down town council too much by having a low number. There is further discussion over how many additional signatures are necessary. Stepasiuk: You want to show council how serious initiative is. Churchill: Wants to differentiate between this and other measure. Rueschemeyer: Citizens want to bring something that might get approved.

There is further discussion/clarification over why voters would choose petition over initiative. Hanneke: If initiative is something bigger than petition, I suggest 5% voter signatures first, then 5% after. Sees initiative as saying "do it to save town money" to town council, since if town council doesn't concede, there will be a referendum. There is no reason it should be difficult to get that many signatures if the issue is that serious. With 75 signatures, we at least shouldn't let them take 2 months to collect them.

Rueschemeyer: Feels the discussion is taking a punitive tone on citizens bringing measures forward. Hanneke: Currently you need 5% of voter signatures in 5 days to put something on the ballot. Rueschemeyer: Is the worst thing about taking it to voters that it is expensive? Grabbe: Time and energy. Stein: Costs a lot of money. Grabbe: Costs \$12,000. Suggests making the first 2 steps in the initiative easy, but making getting it on the ballot hard.

There is consensus to change to 150 total signatures necessary in 30 days in order to force council/committee to vote. 75 the first time, and 75 the second time.

Stepasiuk: Part d) is the number of days government body has to act. The most popular is 30 days. 30 days is maintained per Commission consensus. Part e) is the additional number of days and additional number of voters necessary to put on ballot. Urges somewhat of a high bar. Stein: Suggests doubling initial number of signatures.

There is clarification on what is occurring here. There is consensus to include clause specifying exactly what is happening in part e).

Weiss: Inquires as to why council isn't required to vote. Wants council to vote. What if we make it so the measure passes if the council doesn't vote? Rueschemeyer: In the group petition, council is required to act. Stepasiuk: We can require that council acts, but if they don't, we don't want a lawsuit as recourse.

There is discussion/clarification over changing pocket veto to pocket approval. Consensus that group wants council to be forced to take action.

Stepasiuk: Cautions signature bar to be higher for citizen initiative.

There is further discussion on including a mechanism for forcing council to act.

Stepasiuk: Don't want to overburden council by forcing them to act too frequently. Hanneke: I don't see a hearing requirement on the citizen initiative.

There is consensus to extend the window the government body has to vote to 60 days. There is discussion about re-using signatures from petition on initiative, and about whether a council vote can be overturned at its next meeting.

Stepasiuk: If the proposal is rejected you can't bring something too similar for 2 years. We need a decision on the length of time and number of voters necessary to force a referendum. 5% of registered voters is fairly common. Few hundred signatures to 10% of voters is the spectrum.

It is established that Amherst currently necessitates around 900 signatures to enact a referendum.  
Hanneke: Seeks percentage of voters instead of exact number.

There is an agreement to necessitate 5% of voters' signatures for the citizen initiative to go on the ballot, just like in the current Charter.

Hanneke: Suggests 30-day window. Rueschemeyer: Why not be more generous? Stepasiuk: Clarifies that the total amount of signatures will be 5% plus 150 voters. Changes language to eliminate requirement for each district. There is discussion over whether original signatories can re-sign on the final 5% list of signatures. It is concluded they can re-sign.

Stepasiuk: Part f) regards the publication of the initiative measure. Between 7 and 21 days is the spectrum. 7 to 21 days adopted by consensus. Part h) is time to take effect. It will be effective immediately per consensus. Changes language so that town attorney is solicitor.

### **Section 3: Citizen Veto Procedures**

Stepasiuk: The citizen veto can reverse council decision. It is common to allow 21 days to get signatures together after a measure has passed. You want a fairly high amount of signatures in this section.

There is consensus to make it 5% of voters.

Stepasiuk: You want to ensure the council is comfortable knowing decisions they make are final.

There is consensus to allow 21 days to obtain signatures to potentially reverse a decision.

Stepasiuk: The measure is temporarily suspended as soon as the 5% signatures go through, and the council must reconsider the vote. If they don't rescind the measure, it goes to voters in a referendum.  
Hanneke: The mayor has 10 days to veto, so there may be 11 days while it is in effect. Weiss: What if it's a zoning measure, and someone submits something in that window?

There is discussion about extending the window of time before anything goes into effect. There is consensus to provide 21 days after council approves something before it can go into effect.

Stepasiuk: After the 5% of signatures are collected, the attorney takes a look to see if people can lawfully protest. Then the Charter goes into detail about the publication of the question and the form of the question for the citizen veto. If it goes on the ballot, and a majority votes for the council's original position, that original position is effective immediately. Stein: It is bothersome that it goes to attorney only after 5% of signatures are collected.

There is clarification/discussion about the "ineligible measures" voters can't contest, and if the attorney can weigh in earlier. Stepasiuk: If a council passes an emergency measure, it would be ineligible to contest.

There is further clarification/discussion on attorneys' role regarding measures.

Hanneke: Section 3 has been titled citizen veto procedures. Can we make sure that “referendum” is eliminated throughout the whole section? Stepasiuk: Yes. Cautions against including an attorney role before 5% of signatures are collected.

There is further discussion over when the attorney should get involved. Rueschemeyer: Seeks aspirational language saying town attorney can make best efforts to review legitimacy of measure. Stepasiuk: Nervous about authorizing citizens to use attorney frivolously. Hanneke: Can Stepasiuk specify in the document which measures we are referring to?

Rueschemeyer: Municipal budget and school committee budget can't be protested? Hanneke: Budgetary protests can delay budget implementation. Stepasiuk: Having no budget is hugely problematic. Stein: Perhaps you can protest part of the budget. Stepasiuk: The council votes on budget as a whole.

There is discussion/clarification on how school committee budget can be contested. Theoretical examples are discussed to try to figure out what could be contested and what couldn't, and whether they would realistically be contested or not. There is conclusion that even if a budget is uncontestable, a citizen could still begin an initiative to reinstate funding for something,

Stepasiuk: The last part of this section concerns authorizing the council to send something for approval or rejection by voters. Rueschemeyer: Trustees, council, or school committee can put something on ballot for voters.

#### **Section 4: Recall Measures**

Stepasiuk: Clarifies that if 2 initiatives are concurrent and there are conflicting parts, the one with the most number of votes takes effect.

Regarding recall provisions: anyone in municipal office can be recalled. Rueschemeyer: Northampton mayor didn't like that at all. Stepasiuk: The Northampton mayor himself can't be recalled. Rueschemeyer/Hanneke: Do we want to politicize the years in between elections?

There is discussion/clarification on who should be able to be recalled. Should it be based on how long the term is, or what the position is? The electorate may have different opinions of the mayor and council. Stepasiuk: The most recent mayoral recall was in Fall River.

There is discussion over how long it should be before a mayor can be recalled. Members are wary of opposition recalling mayor immediately. Recall for 2-year positions may not be reasonable at all. There is consensus to make it difficult to recall 2-year positions, but still provided for by Charter. There is further involved discussion and clarification over general recall provisions.

Stepasiuk: Framingham, albeit a larger town, needed 400 signatures to start recall process. Part c) is the section where you decide the number of days allowed to collect total number of signatures. Framingham had 30 days and 15% of total number of voters. You should need at least 10% of voters. 15% is common. Section b) is the affidavit putting people on notice that recall process is starting. Hanneke: Perhaps we should keep the affidavit number low to prevent system being exploited by people collecting large numbers of signatures in infinite timeframe.

There is discussion over how high the initial bar should be, and if the affidavit is necessary. Stepasiuk affirms the necessity of affidavit. Members question why affidavit is necessary for this but not for petition, and how to establish responsibility for all the measures.



Stein: Suggests 50-100 signatures for affidavit, 10% to put recall on ballot. Grabbe: Why did Framingham want 400? Stepasiuk: This process mirrors process in Massachusetts general law. There are arguments for either side.

There is consensus for 15% voter signatures necessary to get recall on ballot within 30 days.

There is discussion/clarification on how many signatures are needed to get the recall going with the affidavit. There is consensus on 250. There is discussion of what could be so egregious someone would need to be recalled immediately. Potentially an issue such as sexual harassment. If a larger number is required initially, it could help someone exploit the system by having a long time to get those signatures and using them toward the 15% total. There is consensus that no recall affidavit can be filed within 9 months of election, and the recall election can't occur within 6 months of upcoming election. There is a final consensus to necessitate 250 people to start recall process with the affidavit, and 15% of voters' signatures to put on ballot. Stepasiuk asks how long the Commission wants the Board of Registrars to have to act? Consensus is for 10 days. Stepasiuk states giving an officer a period of time to resign is normal. Consensus is for 5 days. There is also a consensus that a special election will occur no less than 35 and no more than 90 days after signature goal is reached.

Stepasiuk: Moving on to f). If official hasn't resigned after the 5 days, he/she continues to hold office. If the citizens vote to recall, the offending official is recalled upon certification of results. If not recalled, the official continues on normally. Part h) filling of vacancy: some cities have people running on the recall ballot. It is common for modern charters to state if mayor is recalled, council holds special election to elect a new mayor. Vacancy provisions from earlier sections will apply if citizens recall a position. Part i) states an official can't hold a position again within 2 years of being recalled.

## **PUBLIC COMMENT**

Maurianne Adams: Is there an override of mayoral veto?

Commission affirms.

Adams: Very glad that school committee and library trustees are included in language. The third important group is the Planning Board, which proposes initiatives that affect Amherst. We will no longer have Town Meeting to vet Planning Board proposals. Planning Board issues may be amenable to council but not to voters. Seeks Planning Board included with schools and library in relevant sections. Seeks voter feedback and vetting on planning board recommendations.

Churchill: Any bylaw from Planning Board must be approved by council. Citizens can recall if council does something wrong. Maurianne: So why include schools or library? Rueschemeyer: Council doesn't vote on school or library policy.

Adams: Regarding signatures, you can certify residents through records. Believes it perfectly feasible to have voters and residents specified wherever you want in charter. More voices rather than fewer would be healthy for town. Suggests including residents who aren't voters. Commends idea of pocket approval, but is there a way to stop council from reversing pocket approval?

Churchill: Can council reverse vote? Stepasiuk: Yes. Adams: Town attorney has disagreed with other lawyers in the past. Believes town attorney has been given much unchallenged authority to make big decisions. Seeks alternate route for contesting town attorney decisions.

Gabor Lukacs: In the situation of having 2 people run for 2 spots in town council, where there is no competition for either spot: what if one gets in with very few votes, and one gets in with a large amount of votes? Seeks consideration regarding maintaining the same one-year protected window for someone who was voted in with a very small amount of votes.

Members state they will look into that in the election provisions of Charter.

## **DISCUSS & COMMENT ON ONE-PAGE SUMMARY OF CURRENT DRAFT CHARTER FOR WORKSHOPS**

Gage: We are having a workshop next Tuesday, and then it is a month before the next one.

There is discussion over what needs to occur with outreach measures.

Gage: We need to decide what type of notes to keep during meetings. Do people have specific questions to get feedback on? I don't want workshops to turn into love/hate town meeting dichotomies. Seeks community involvement with commission quandaries. Suggests having facilitators. Should discuss the idea of doing more talking in the meetings, and having them videotaped.

Rueschemeyer: We need the whole commission there. The previous goal was to hear from as many people as possible. Grabbe: Now the goal is feedback for specific proposal.

There is consensus that part of the goal is to let community know where commission is at in work, and part of the goal is to get feedback.

Churchill: If this one-pager is a tool for feedback, maybe we can create a mechanism for community input. Reviews document: on page one there is summary of local government, including service delivery, planning, laws and policies, etc. Then there is explanation of different branch functions. The proposal itself is summarized in terms of legislative, executive, and new public engagement elements. The 5-4 vote for council and 6-3 vote for mayor are indicated. Other elements under consideration are included. The third piece is another page delineating roles of different groups in town: staff, elected officials, volunteers, voters, and residents. There is a lot of information included but it is fairly brief and complete.

Gage: Edits right now? Hanneke: I can edit if people send them via email and there is no deliberation.

Rueschemeyer: Substantive edits should be brought up now. Gage: Participatory budgeting is not explained, and it is misleading to place it as part of the Capital Plan. There might be too much information on page one for a 2-hour session. Rueschemeyer: The back will likely not be discussed. Maybe put on separate sheet? Churchill: Explanation of executive and legislative branches provides context. Gage: Seeks stating Commission goal of increasing efficiency, creating more accountability, and stimulating a high level of participation. Grabbe: Should we have something about council ability to override mayor veto? [There is consensus to include that.] Rueschemeyer: Should we divide into groups during the upcoming listening session?

It is established that Churchill, Grabbe, Hanneke, and Stein are the members able to attend the February 28 workshop.

Hanneke: Suggests explaining one-pager, splitting into small groups, and asking for feedback. If someone asks a commissioner about his/her decision, he/she can explain and solicit feedback. There is discussion over what questions Commission seeks to pose to voters. Churchill: Offers to compile list of questions for listening workshops. Grabbe: A commissioner should explain why we are doing this.

Rueschemeyer/Churchill: People have different opinions on that. Gage: To make it dynamic, we can put

questions on boards. It will feel more interactive. Rueschemeyer: Some questions posed to citizens should be open ended.

There is further discussion over how to structure workshops. Churchill: Do we need multiple small groups? Rueschemeyer: Fears presentation without time for feedback. There is discussion over the name of workshops. Currently called "workshop." Don't want to speechify but do want to listen. Consensus name change to feedback sessions. Gage: We shouldn't have the working group scramble to meet, but we should include them further along. Churchill: How to take notes during workshops? Consensus is that a commissioner must take notes, and that videotaping is not necessary. It is established that the first session will be a learning experience. It is also established that Hanneke and Grabbe will be there at 12.30pm to set up, and that Stein will arrive at 1.30pm.

## **TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS PRIOR TO THE MEETING**

Churchill: We need to set the agenda for next meeting.

Gage: I have written one more attempt at compromise that goes further than last proposal. Trying to bridge divide between pro- and anti-town meeting. Seeks to discuss at next meeting and vote at meeting after. Grabbe: Have you discussed with minority members?

It is established that Rueschemeyer and Stein reluctantly support the measure.

Gage: Had meeting to plan minority report. Pained at fueling 2 sides of well established controversy. Final compromise proposal is mayor with 60-person council. Hanneke: That's not a full proposal. Still, I'm not against revisiting size of town council. Suggests resolving other parts of the charter, and when returning to legislative article, discussing size of council. Would fit better into agenda processes. Gage: Simply trying to succeed with hybrid and doesn't mind when it fits into commission schedule. Seeks mayor with professional management.

Rueschemeyer: To follow up, this is a question to the 5-person majority. Do you want to pursue compromise? Churchill: But isn't there disagreement over executive in the proposal? Gage: Could be persuaded on executive if there is legislative compromise. Hanneke: Resolved to figure out professional management at later date.

There is brief discussion over professional management in Northampton. Hanneke: Proposes not dealing with it next week, but ensuring not to ignore it. Grabbe: Expresses appreciation to Gage for keeping at compromise. Gage: It was a group effort, thank you. Appreciates Hanneke's support. Happy to receive feedback. Believes it best for Commission and for town. Grabbe: Can we give comments by email? Gage: Yes. Churchill: We can put it on the March 29 meeting agenda.

Stepasiuk: Thought we would get further today. The working groups can push for nice versions of some articles. Can we do 2 articles in one meeting? Probably not, but maybe 1.5 articles in one meeting.

There is a discussion over specific dates and times of upcoming meetings. March 2 is the next long meeting. Stepasiuk: On March 2, we will finish other elected offices and other administrative positions and possibly finance. Churchill: Will put continuing deliberations on article language on agenda.

## **DELIBERATING ON & DECIDING ON LANGUAGE OF SCHOOL COMMITTEE AND OTHER ELECTED OFFICES ELEMENTS OF DRAFT CHARTER**

Stepasiuk: The first page discusses the current school committee. You can leave everything as is, or change it. Rueschemeyer: School committee has 5 members, with 3-year terms. Received an email raising point about changing school committee. Could there be advantages to Amherst through expanding school committee? Stepasiuk: It's a possibility. Suggests discussing directly with school committee. More voices mean more deliberation. It may not be substantially beneficial. Churchill: There may be conflict with the Regional committee if you expand Amherst school committee. Rueschemeyer: We could have the mayor on regional committee. Grabbe: Mayor would be involved in many educational questions in that case. Gage: Would having mayor on regional committee violate regional agreement? Hanneke: Roots for skipping school committee section tonight. There are many complicated issues we should ask committee about. Rueschemeyer: As a former school committee member, Churchill can answer many of those questions. Hesitant to ask people entrenched in positions how they could be done differently.

There is further discussion regarding the school committee. It is established that the regional agreement states Amherst can't increase percentage of members on regional school committee. Churchill: How does a mayor interact with regional school committee? Gage: Likes subcommittee of Amherst school committee being on Regional committee. There is little deliberation on Commission and in Select Board because you have to stick to agenda. Is therefore drawn to sub-committees which allow people to become involved with nitty-gritty details of issues. Rueschemeyer: Might have more of a monolithic vote when you only have 5 people. Churchill: Regional committee has been less monolithic? Rueschemeyer: Northampton has wards.

Stepasiuk: Will preview upcoming article. It states what elected offices will exist, who is eligible to run, and prohibits simultaneously holding multiple offices. The vacancy provision holds that a vacancy will trigger a special meeting of town council. It states that if an office is compensated, it is included in the town budget. The Commission also has the ability to change the number of school committee members as well as their term lengths. Those are the general provisions of the article.

Churchill: 2-year and 4-year terms for council and mayor will end on off years from presidential and gubernatorial terms. Align school committee likewise? Stepasiuk: You have the ability to change terms for school committee, Library Trustees, Housing Authority, Redevelopment Authority, and Elector for Oliver Smith Will, although that last one is slightly specialized. Stein: Is there any reason to change anything besides school committee?

There is discussion about changing term length for Library Trustees. It is said that with 3-year terms, the learning curve makes 2 terms likely, while 2-year terms provide flexibility and accountability. There is discussion over Housing Authority and Redevelopment Authority member term lengths. Commission seeks to reduce terms to 4 years. There is clarification on whether these two authorities have a substantial function. It is suggested that they currently don't do very much in town, and that according to one listening session's feedback, Housing Authority appears to be disliked by Amherst residents. There is a consensus to extend Elector for Oliver Smith Will term length to 2 years.

There is a language change to add "any" in front of "compensation" to indicate there may not be compensation for aforementioned positions. It is clarified that 2/3 of council members would need to vote yes in order to increase/begin compensation for these positions. It is established that continued deliberation on Charter articles will be placed on next meeting's agenda, and in particular, administrative organization and finance will be discussed.

**Meeting is adjourned by acclamation at 9:39pm.**

Documents presented: -Info for Workshops, List of Upcoming Workshops, Gage Hybrid Proposal #2