

Charter Commission Meeting  
September 25, 2017, Final Meeting of the Amherst Charter commission

Present: Andy Churchill, Mandi-Jo Hanneke, Julia Rueschemeyer, Tom Fricke, Diana Stein, Meg gage, Nick Grabbe and Irv Rhodes. Gerry Weiss arrived at 6:45.

Churchill called the meeting to order at 6:15

Mike Ward documented changes to the Charter, so these notes report only on substantive discussion.

Minutes approved for meetings September 7, 14, and 18. Unanimous vote on each

Discussion about our disappointment in receiving input from the Town counsel less than an hour before our very last meeting. Gage encouraged the chair to communicate our disappointment to the Town Manager.

Discussion of various edits proposed in document, by Hanneke, Town counsel and the Town Manager.

Discussion of 3.4 Powers of Suspension and Removal: Discussion about whether to specifically note the right of fired employees to appeal. Because of collective bargaining agreements and the personnel policy, it seems terminated employees are protected. Also concern that Charter not limit or contradict or complicate collective bargaining and our Personnel Policy. Voted to keep this language as it is.

Discussion about 2.11, Town Council Confirmation of Certain Appointments: MMA and Town manager Paul Bockelman have concerns about Manager not being able to appoint team s/he wants. Discussion. Mike Ward reported on what he learned from other towns which are all over the map. Discussion. Churchill questions MMA input because their mission is to support Town Managers. Gage supports MMA and Bockelman position so Manager has authority to lead and to support the rigorous work of search committees. Stein would like Council to approve the Police and Fire Chiefs. Rhodes doesn't see this as encroaching on Town Manager's power because the Manager recommends whom he would like. Hanneke sees point of MMA and the Town Manager, but feels this is one of the ways the Council can have a check on the Manager since there aren't many others. 2 weeks is a normal amount of time for Council to consider candidates. Weiss described example from Amherst past when Manger didn't hire candidate recommended by the search committee. Council able to approve hiring is micro-managing the Town Manager. Council doesn't have information the search committee has. Mike Ward does not know of any other city that has a search committee where the Council can also veto recommended candidate.

In favor of keeping 2.11 the same: Rueschemeyer, Hanneke, Churchill, Fricke, Stein, and Grabbe  
Against: Weiss and Gage

Discussion of 3.3 (a): Appointment of the Search Committee: Discussion about having Town Manager appoint search committees. Hanneke proposed language which Mike Ward captured.

Unanimous support

Discussion 6.2(a), Principles in Appointing and Promotions: Paul Bockelman concerned about appointments being diverse vs having merit, and about what 'diversity' means. Hanneke proposes adding a (c) section that requires a diverse pool, language captured by Mike Ward.

Discussion of 3.3(c) Powers of Appointment: discussion of the difficulty of knowing how best to have committees represent the diversity of the town. Agreement on language that Mike Ward captured.

Discussion of 8.3(d) Initiative Measures, and 8.4 (a) Voter Veto Procedures: Agreed to leave the reference to "registered" voters rather than "active" voters. Unanimous

Ranked Choice Voting: We have been encouraged to include Ranked Choice Voting as a part of Town government rather than mandate a study committee because otherwise it might have to go to the voters and never happen. Stein: let's go for it, to make sure it happens. Churchill: we have strong language already assuring it will go forward. Discussion about whether lack of clarity about what it actually is and whether there are variations we should know about first vs. being decisive and putting it in the Charter.

Unanimous agreement to maintain the language we have.

Discussion about Final Report:

Hanneke suggested 2 edits which were accepted.

Stein also had small edit that was not accepted.

Rueschemeyer objected reference to manager- council being common in Massachusetts, which it is not. It is common nationally but not in Massachusetts

Voting:

1. Vote on the Charter:

Hanneke moved and Rhodes second adopting the Charter as amended this evening

Discussion and comments: Everyone made short comments.

Yes: 5 (Churchill, Fricke, Rhodes, Grabbe, Hanneke)

No: 3 (Weiss, Rueschemeyer, Gage)

Abstain: 1 (Stein)

2. Vote to adopt Final Report including statement from Stein, the abstaining member

Mandi moved and Gerry seconded

Yes: 6 (Churchill, Fricke, Rhodes, Grabbe, Hanneke, Stein)

No: 3 (Weiss, Rueschemeyer, Gage)

3. Vote on submitting the Charter proposal to the Select Board  
Hanneke moved and Weiss seconded  
Yes: Unanimous
  
4. Motion for Churchill and Hanneke to make scrivener and consistency edits before it is sent to the Select Board  
Hanneke moved and Weiss seconded.  
Yes: Unanimous

Churchill thanked everyone, celebrated the end of a noble process, distributed a token of appreciation to each member and a button "Amherst Charter Commission SURVIVOR".  
Churchill moved and Stein seconded adjournment, All in favor.

Adjourned approximately 9:00pm

Respectfully Submitted,  
Meg Gage