



Memorandum

To: Town Council Members
From: Mandi Jo Hanneke, Chair, Governance, Organization and Legislation (GOL) Committee
Date: July 16, 2019
Re: Report by the Chair of GOL Committee to the Town Council

Summary:

Since our last report of June 24, 2019, the GOL Committee has met once, on July 10. At this and previous meetings, GOL discussed and voted on recommended revisions to the Town Council Rules of Procedure, based upon the list of referred items from the Rules of Procedure Ad Hoc Committee and other items brought to GOL's attention by Councilors and Town staff.

Discussion:

Items Referred at the Request of the Rules of Procedure Ad Hoc Committee

GOL began reviewing the list of referred items at its June 5th meeting. It began with the items that might result in revisions to the newly adopted Town Council Rules of Procedure, then moved onto the items that wouldn't necessarily result in revisions to the Rules. This report will address all items discussed and voted on as of the July 10 GOL meeting.

Proposed Revisions to the Town Council Rules of Procedure

On July 10, 2019, GOL voted unanimously to recommend revisions to the Town Council Rules of Procedure, as outlined in the document titled "Rules of Procedure-adopted-2019-05-20 - proposed GOL amendments – Rev. 2019-07-10". The following is a summary of those revisions.

1. Table of Contents: GOL has inserted a table of contents for ease of navigation.
2. Footer: GOL has added page numbers to the Rules for ease of navigation.
3. Throughout: GOL inserted hyperlinks for references to the Charter, MGL, and CMR, as appropriate.
4. Rule 1.1: Revisions to correct scrivener's errors.
5. Rule 2.2(h): GOL voted unanimously to add "Rule 2.2(h): serve as spokesperson of the Council for all inquiries and correspondence addressed to the full Council." GOL members wanted to clarify who speaks on behalf of the full Council when there is a request for comment from the Council and wanted to provide guidance to Councilors as to when it is appropriate for them to reply to press inquiries or other correspondence. In debating this language, GOL sought to be non-restrictive of Councilors' ability to respond to inquiries and correspondence provided they do so as individual Councilors and not on behalf of the Council.
6. Rule 3.5.b.4: On June 19, by consensus, GOL added this section to clarify how and when the Council will determine whether executive session minutes are able to be disclosed. This section was added at the request of former Clerk of the Council, Ms. Nartowicz. GOL members generally believed it wise to set forth how frequently the review should happen and who would have the authority to complete the review. GOL chose to keep the authority with the full Council, instead



of delegating it to the Council President, which was an option (and one that Northampton follows).

7. Rule 4.4: GOL added, by consensus at the June 19 meeting, the language “taken by roll call” to clarify the statutory requirements for entering executive session.
8. Rule 5.4, third bullet point: Revision to the Charter reference to correct scrivener’s error.
9. Rule 8.2.c: On June 19, by consensus, GOL revised the language on automatic referrals for Financial Measures. If the revised language is adopted, all measures that authorize a loan, levying a tax, or expending money, except for budgets submitted under Charter Section 5.5, will be automatically referred to Finance. The current language does not permit any automatic referrals. GOL discussed three options, including keeping the language as it is, adopting the proposed language, or adopting language that would automatically refer all financial measures, including the budgets submitted under Charter Sec. 5.5. GOL believed that automatic referral for as many financial measures as possible would allow the Council to better control work flow at Council meetings. GOL exempted budgets submitted under Charter Section 5.5 because otherwise, they would be automatically referred on May 1, when submitted by the Manager, which would then require Finance to report and present its recommendations to the Council prior to May 30, per Charter requirements. Given that the Council’s regular meetings are on the 1st and 3rd Mondays of the month and the last Monday in May is generally a legal holiday, GOL feared that such a timeline would unduly strain Finance to either report on the budget in under three weeks from receiving it or require the Council to schedule a non-Monday meeting to comply with Charter requirements, neither of which was believed to be wise.
10. Rule 9.4: There are a few additions to this section. The first is a more complete list of when a roll call vote is required. The second is moving two items (both financial) to the section requiring 9 votes in favor from the section that stated that 2/3 voting in favor was required. This was done after clarification was received from the Town Attorney about legal requirements for certain votes.
11. Rule 10.3 and Appendix B: On June 5, GOL voted to delete Appendix B (attaching committee charges) and instead add hyperlinks to the charges directly into Rule 10.3. This will allow the Rules to remain current, even if the charges are revised.
12. Rule 10.6.j and k: On June 5, by unanimous vote, GOL removed the current Rule 10.6.j, which resulted in current Rule 10.6.k being re-lettered to 10.6.j. GOL believe that the removed language was not consistent with the language of the other parts of the Rule. The other parts all address concrete actions that have definite ways to comply and to be enforced. Current Rule 10.6.j was more of a value statement that did not have a means of enforcement. Further, GOL believed that Rule 1.1 and Appendix A, Statement of Values, covered the removed language.
13. Rule 10.7: Revisions to correct scrivener’s errors.
14. Rule 10.10: On June 19, by consensus, GOL revised the language to set forth a process for the appointment of non-voting Finance members. GOL chose this language in order to keep the Rule relatively general, given that the process may change over time. As proposed, the Rule would satisfy the Charter’s requirement in Section 5.5 that Council rules “address the appointment of such members”, clearly stating that the Council is the appointing authority, not the President.



15. Appendix C: GOL voted unanimously to recommend removal of Appendix C: OCA Appointment and Appointment Confirmation Process. GOL felt that since OCA is likely to revise their process in the near term, that revision may be an iterative process going forward, and that future OCA membership may change the process, Appendix C would require continuous updates.

GOL discussed other items for which it did not recommend revisions. Specifically, it discussed a suggestion to revise Rule 1.6, changing the word “read” to “reviewed”. GOL declined to do so, favoring the word “read” as consistent with similar sentences in the Charter. It also declined to add a “Scope” section to the Rules, believing that the title of the document and Rule 1.2 give sufficient clarity as to the scope of the document. GOL declined to insert an Index into the Rules. GOL believed creating an index would be onerous (even with the automated function in Word), selection of the words to index would be arbitrary, and the current format with a Table of Contents is sufficient.

Other Items on the List:

1. The Town Council asked GOL to advise it on whether the Council should adopt a standardized Council Committee policy for approval of minutes or leave it up to each Council Committee. **GOL advises the Council that the manner of approving committee minutes should be left up to each committee.** However, GOL believes the Council needs to adopt a standard format for committee minutes and will be addressing that in a future report.
2. The Town Council asked GOL to advise it on whether the Council should seek a further legal opinion regarding the appointing authority for hybrid committees that aren't mentioned in the charter (i.e. created by the Council - like ECAC). **GOL advises the Council not to seek a further legal opinion,** believing that the current legal opinion clearly describes the appointing authority for such committees, and that it would not be a good use of our Attorney’s time to seek a further opinion.
3. Rule 10.5: GOL discussed writing rules for Rule 10.5: Work Groups at the June 19 and July 10 meetings. That deliberation is ongoing as GOL continues consideration of what differentiates Work Groups, how members might be appointed, and whether this additional committee type is necessary or whether the objectives can be accomplished within the current structure of the Council. GOL expects to have a recommendation for the Council at a future Council meeting.

Other Items

On July 10 GOL reviewed the “Resolution Affirming Support for Access To Safe And Legal Abortion In The Commonwealth Of Massachusetts And Across The United States”. GOL recommended minor edits, including changing “Administrative Assistant” of the Council to “Clerk of the Town Council”. GOL voted unanimously to declare that the resolution as amended is clear, consistent, and actionable.

In response to the Council’s July 1 referral to GOL to advise on a policy to comply with Charter Sec. 7.6: Publication of candidate statements, GOL Chair and Vice Chair composed an email to the Town Manager and Town Council President requesting an opinion from Town Attorney on whether the Town Bulletin Board is permitted under state campaign and political finance laws to publish statements created by



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candidates regarding their candidacy. GOL came to consensus that a Town Attorney opinion on whether Charter Sec. 7.6 is possible would be useful prior to GOL spending time developing a process.

Future agenda and discussion items include:

- follow up on the Council's request to Town Committees to update their charges.
- continued discussion on the items referred by the Council at the request of the Rules of Procedure Ad Hoc Committee.
- revisiting the public ways policy to consider policy for raising of flags and commemorative flags.
- discussion of policy concerning proclamations, resolutions, citations, and commemorations.
- discussion of Town Committee organization and structure.

In addition, GOL will consider the Percent for Art bylaw once both CRC and Finance are completed with their reviews.

Committee Members:

Pat DeAngelis
Mandi Jo Hanneke, Chair
Evan Ross, Vice Chair
George Ryan
Steve Schreiber

Attachments:

None (Referenced Rules revisions are provided separately)