

## **CHARTER COMPLIANCE COMMISSION**

Meeting Date: May 26, 2021

Meeting Location: Conference Call

Meeting Time: 2:02 pm

### Attendees:

Members - Oriana Conklin, Robert Klytta, Julia Perry

Moderator - Emmett Catanese

Public – David Gardner, Alex Morse

The Charter Compliance Commission for the Town of Provincetown held a Public Meeting on Wednesday, May 26, 2021, at starting at 2:01 p.m. The meeting was held by conference call pursuant to Governor Baker's March 12, 2020, "Order Suspending Certain Provisions of the Open Meeting Law". Emmett Catanese, Town Clerk, served as Moderator. Robert Klytta as Chair read order and instructions and called role.

### Agenda Items:

#### 1. Election of Officers

Motion and second (Julia/Oriana) to nominate Robert Klytta as Chair, passed 3-0-0.

Motion and second (Julia/Robert) to nominate Oriana Conklin as Vice Chair, passed 3-0-0.

Motion and second (Robert/Oriana) to nominate Julia Perry to serve as Secretary, passed 3-0-0.

2. Public Statements - David Gardner and Alex Morse welcomed Oriana to the Board.

3. Review role of Charter Compliance Commission (Charter, Chapter 1, Section 4.)

Continue conversation about offer to play an educational role as provided in the Charter. Previously postponed due to Covid lockdown, now possible with potential reopening of town buildings.

David Gardner recommends a more targeted distribution of the Charter to those without computer access. Suggests Charter training to Town Staff and the Boards as part of annual training or for new Board members (Ethics/Open Meeting).

Bob suggested possible use of PTV.

Emmett will serve as our contact for a proposal. Julia will draft a Proposal and forward to Bob and Oriana for review.

4. Clarify the following question from a Select Board member:

What sets the start date for the sixty-day time period the Select Board has to make appointments before the authority to appoint transfers to the Moderator per the Charter at Chapter 5, Section 7.e.1?

Emmett confirmed that Thomas Biggert resigned in writing from the HDC on March 30. Bob proposed that resignation would start the sixty-day time period in this instance. Julia and Oriana agreed. Julia was directed to write this determination up and forward it to Bob and Oriana for approval.

5. Review Charter Compliance Commission's Consideration and Decision 2021-1 and subsequent discussion by Town Staff, Select Board and Town Counsel at Select Board Meeting February 22, 2021 @ 6 pm.

The Acting Town Manager requested an opinion from Town Counsel regarding the Charter Compliance Commission's C&D 2021-1. Town Counsel's opinion suggested that the CCC stepped beyond its authority in finding that Acting Town Manager Sumner conducted an "investigation". The Commission points out that it did not characterize what happened as an investigation - that was the term used in the internal documents.

The Charter Compliance Commission is an elected body authorized by the Charter. Its role is advisory only - intended to educate and potentially stimulate a discussion as to whether the Charter should be modified to correct or clarify an understanding. David Gardner suggested that the Town Counsel's opinion addressed the potential need for action by the Select Board against the Town Manager based on the C&D.

The Commission agreed to let the matter rest once it had voiced its concern at its C&D being addressed by Town Counsel.

6. Any other business that may come before the commission.

None was raised.

The Commission is scheduled to meet again on Tuesday, June 1, 2021.

The Meeting adjourned without objection at 2:47 pm.

Secretary: Julia L. Perry