

**Recommendations to the Board of Selectmen
for Charter Amendments
from 2018-2019 Charter Review Committee #4
July 22, 2019**

Introduction

The Charter Review Committee presents the following 26 recommended amendments for the Charter. We will work with the Board through hearings and any resulting revisions or reorganization in order to make the most effective presentation of articles for the November Town Meeting.

We also intend to work on a range of suggestions to the Board that arose from our discussions with citizens and government participants, both volunteers and employees. Many valuable ideas did not fall within the scope of Charter changes. We expect to complete this added task about the time that Town Meeting will be taking its actions in November. We hope, then, to have a final report for you by mid-December, 2019.

The 26 recommended amendments are listed below in the order of their impact on the sections and subsections of Charter language. However, they were developed in the context of six primary purposes or themes:

1. alignment and consistency of major Town planning functions, and clarity of meeting processes needed to achieve them;
2. clarity and operations of committees, boards and all the other multi-member bodies achieving public purposes for the Town;
3. clarity of working relationships between the Board of Selectmen/Town Manager (executive) and Town Meeting (legislative);
4. gender-neutrality;
5. clarity and consistency of terminology; and
6. accuracy of information;

We wish to express our appreciation for the time and energy of the Town Counsel and the Town Clerk and for the expenditure of Town resources to support our work.

Note on terminology: For the purposes of this document, we attempt to keep the currently-used Charter terms in place; rather than assuming their approval:

- a) except at the amendment specifically recommended to make the change, and
- b) except when entirely new wording is being proposed that requires the term.

Respectfully submitted,

Peter Clark, Chair
Judith Fenwick, Vice Chair
David Garrison, Secretary
H. Carter Hunt
Charles McCaffrey
Flannery du Rivage Rogers
Daniel H. Shearer

1. Amendment for Sec. C1-3

To see if the Town will vote to adopt the following proposed amendment to Section C1-3, Form of Government, of the Falmouth Home Rule Charter, so as to read:

Sec. C1-3. Form of government.

This Charter provides for the Representative Town Meeting/Selectmen/Town Manager form of government and it shall be known by the title "Falmouth Home Rule Charter." Governmental bodies, both elected and appointed, may be used to perform a public purpose.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

Sec. C1-3. Form of government.

This Charter provides for the Representative Town Meeting/Selectmen/Town Manager form of government, and it shall be known by the title "Falmouth Home Rule Charter." **Governmental bodies, both elected and appointed, may be used to perform public purposes.**

Explanation

One of the underlying CRC themes has been attending to the importance of citizen participation on governmental committees, boards, and other groups. This article adds recognition of these bodies as a part of the basic form of government.

2. Amendment for new Sec. C1-6

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter:

to transfer the present language in Article IX, *General and Transitional Provisions*, section C9-12, *Definitions*, in its entirety, to Article I, *Incorporation, Form of Government and Powers*, to be a new section C1-6, *Definitions*; and to adopt changes to the following defined terms:

.....

Governmental Body

Any multi-member body or subcommittee thereof within the Town, whether elected, appointed or otherwise constituted, and established to serve a public purpose, and whether or not specifically mentioned in this Charter, with the exception of Town Meeting. The provisions of this Charter apply to all Governmental Bodies within the Town unless specifically exempted herein.

.....

Master Plan

The definition of Master Plan is deleted.

.....

Local Comprehensive Plan

The definition of Local Comprehensive plan in place of the definition of Master Plan is added as follows:

The Local Comprehensive Plan is the community vision of the future of the Town, including issues of growth, economic and community development, historic community character, civic improvements and resource conservation.

.....

B. Word usage

(1) He/His.

This section is deleted.

.....

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; bold = addition)

C9-12 Definitions

.....

GOVERNMENTAL BODY

Any ~~A~~ multi-member **body** ~~board, committee, commission~~ or subcommittee thereof within the Town, ~~however created,~~ elected, appointed or otherwise constituted, and established to serve a public purpose, whether or not specifically mentioned in this Charter, with the exception of Town Meeting. The provisions of the Charter apply to all governmental bodies within the Town unless specifically exempted herein.

~~MASTER PLAN~~ **LOCAL COMPREHENSIVE PLAN**

~~The Master Plan, sometimes referred to as t~~ **The Local Comprehensive Plan**, is the community vision of the future of the Town, including issues of growth, economic and community development, historic community character, civic improvements and resource conservation.

B. Word usage.

(1) ~~He/His. The masculine noun and pronouns used in this Charter shall be taken to mean both the masculine and feminine.~~

(2) **Counting of Days.** "Working days" shall include every day, except Saturdays, Sundays and holidays. "Days" shall mean calendar days.

Explanation - One goal has been to enhance the clarity and consistency of terminology. A new prominent location for the Definition section places this information in the first article rather than the last one to increase awareness of terms. Within that section is the adoption of "governmental bodies" to replace a variety of names of groups which work to fulfill public purposes; It does not apply to town departments or groups of employees. Also "Local Comprehensive Plan" is the accurate title for the Town's principal planning document, rather than Master Plan. The "he/his" word usage language is no longer needed if a recommendation for C2-14 is adopted.

3. Amendment to globally insert – “Governmental Body” and “Local Comprehensive Plan”

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter.

**By striking out the words “committee,” “council,” “board,” and all other terms for multimember bodies wherever they appear as common nouns and inserting “governmental body(ies).”
By striking out the words “Master Plan” wherever they appear and thereafter the town’s principal planning document shall be referred to as the “Local Comprehensive Plan.”**

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because the new language above will be used throughout the Charter where appropriate.

Explanation

This recommendation implements the use of “governmental body(ies) and “Local Comprehensive Plan” for the reasons stated in number 2 above.

4. Amendment for C1-3 and to selectively delete – “Representative” Town Meeting

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter.

By striking out the word “Representative” wherever it appears before the words Town Meeting, except in section C1-3 and in the caption of Article II, and thereafter the town’s legislative body shall be referred to as Town Meeting.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because the deletion above will be occur throughout the Charter where appropriate.

Explanation

This article achieves simplicity and consistency in the use of the term “Town Meeting” in the Charter, while still respecting the “representative” form of Town Meeting.

5. Amendment for Sec. C2-1A

To see if the Town will vote to adopt the following proposed amendment to Section C2-1A, Composition, membership and eligibility of the Representative Town Meeting of the Falmouth Home Rule Charter, so as to read:

Sec. C2-1A. A Representative Town Meeting of not more than two hundred and fifty two (252) members shall be elected for three year overlapping terms as determined by Chapter 349 of the Acts of 1935 and any amendments thereto.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article II The Representative Town Meeting

C2-1 Composition, membership and eligibility

A.A Representative Town Meeting of not more than two hundred fifty-two (252) members shall be elected for three-year overlapping terms. The total number of Town Meeting members shall be fixed by ~~by law~~ **Chapter 349 of the Acts of 1935 and any amendments thereto.**

Explanation

To correct an historical inaccuracy, this article cites the correct source for the maximum number of Town Meeting members and for the process of arriving at the actual number of elected members.

6. Amendment for Sec. C2-3A and 3B

To see if the Town will vote to adopt the following amendments to Article II, The Representative Town Meeting, sections C2-3A and 3B of the Falmouth Home Rule Charter by amending said sections to read as follows:

A. Town Meeting shall be held twice annually, in the spring on a date in April to be fixed by the Board of Selectmen and in the fall on a date to be fixed by the Board of Selectmen.

B. These town meetings will consider and act upon, as required, with or without amendments, all proposed operating and capital improvement budgets, appropriations, borrowings and other matters that may properly come before them.

Or do or take any other action on this matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article II The Representative Town Meeting

C2-3 Procedures.

A. ~~The Town Meeting shall be held~~ **twice** annually: in the spring **in April**, on a date to be fixed by the Board of Selectmen ~~by law, and in the fall on a date chosen by the Board of Selectmen.~~ ~~to consider and act upon, with or without amendments, all proposed operating and capital improvement budgets, bond issues and all other issues that may properly come before the Meeting.~~

B. ~~The Town Meeting shall also meet annually in the fall, on a date chosen by the Board of Selectmen, to consider and act upon matters that may properly come before the Meeting.~~ **These meetings** ~~and~~ will consider and act upon, as required, with or without amendments, all proposed operating and capital improvement budgets, **appropriations, borrowings** ~~bond issues~~ and all other issues that may properly come before them.

Explanation

This corrects an inconsistency between Charter language and current practice. The new language supports the Town's current approach of considering the capital improvement budget at the Fall Town Meeting while the operating budget is taken up at the spring Town Meeting. This change also provides future flexibility in placing budget issues before Town Meeting. Further, language is amended to put "borrowings in place of "bond issues" because Town Meeting votes to authorize the former.

7. Amendment to create Sec. C2-6D, 6E and 6F, and delete Sec. C4-2B, 2C and 2D.

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter

by transferring the present sections of Article IV, Other Elected Town Boards and Officers, Moderator, sections C4-2B, 2C and 2D, in their entirety, to Article II, The Representative Town Meeting, to be new sections C2-6D, 6E and 6F, Moderator.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C2-6 Moderator.

- A. A Moderator shall be elected as provided in § **C4-2**.
- B. The Moderator shall preside at all sessions of the Town Meeting and shall have no vote unless the members present and voting are equally divided.
- C. The Moderator shall establish and promulgate written procedures for the orientation of new Town Meeting members and shall conduct an annual meeting at which time said orientation shall take place.
- D. The Moderator, in consultation with the Town Clerk, shall prepare simplified rules of parliamentary procedure, which shall be made available to all elected Town Meeting members.
- E. The Moderator shall appoint ad hoc committees of the Town Meeting as provided in § **C2-12B**.
- F. The Moderator shall preside at any public hearing to discuss the suspension or removal of the Town Manager.

C4-2 Moderator.

- A. A Moderator shall be elected at the Annual Town Election for a three-year term.
- ~~B. The Moderator, in consultation with the Town Clerk, shall prepare simplified rules of parliamentary procedure, which shall be made available to all elected Town Meeting members.~~
- ~~C. The Moderator shall appoint ad hoc committees of the Town Meeting as provided in § **C2-12B**.~~
- ~~D. The Moderator shall preside at any public hearing to discuss the suspension or removal of the Town Manager.~~

Explanation

This article unifies in one location the Charter information about the moderator's responsibilities with no actual change in wording.

8. Amendment for Sec. C2-14.

To see if the Town will vote to adopt the following proposed amendment to Section C2-14, Watchman of the Warrant, of the Falmouth Home Rule Charter so as to read :

Sec. C2-14. Watcher of the Warrant.

The Moderator, or a person designated by the Moderator, shall act as Watcher of the Warrant and shall present a written progress report on each passed action article of Town Meeting to be printed in the Annual Town Report.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article II The Representative Town Meeting

C2-14 ~~Watchman~~ **Watcher of the Warrant**

The Moderator, **or a person designated by the moderator** ~~or his designee~~, shall act as the ~~Watchman~~ **Watcher** of the Warrant and shall present a written progress report on each passed action article of Town Meeting to be printed in the Annual Town Report.

Explanation

To achieve gender neutrality, two changes are needed: using the term “watcher” for “watchman” and removing “his designee:” This also allows deleting word usage language in the Definition section.

9. Amendment for new Sec. C2-15

To see if the Town will vote to adopt the following proposed amendment to Article II, Representative Town Meeting, of the Falmouth Home Rule Charter,
by adding a new section C2-15 so as to read:

C2-15. Finance Committee.

- A. The Finance Committee shall consist of fifteen (15) members, who shall be nominated by the Town Moderator and from the floor of Town Meeting, and elected by Town Meeting for three year overlapping terms at the Annual Town Meeting in the spring of each year.**
- B. No member of the Finance Committee shall be an employee of the town or hold any other elected or appointed town office, except the office of Town Meeting member. Members of the Finance Committee may serve on advisory boards in a non-voting capacity.**
- C. Any vacancy in the membership of the Finance Committee shall be filled as follows: replacement members shall be nominated by the Town Moderator and from the floor of Town Meeting and elected by Town Meeting to complete the term of the departed member at any Annual or Special Town Meeting.**
- D. The Finance Committee shall review and make recommendations to Town Meeting on 1) the town budget and any amendments thereto and 2) articles requesting an appropriation of money or having financial consequences for the Town. It shall further have the authority to approve any transfers from the reserve fund. For this purpose, the Finance Committee may request the attendance of any department head or other town official and take public comment.**

And further, upon the approval of this amendment to the Falmouth Home Rule Charter, sections C8-2A and C8-2B shall be deleted.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

~~**C8-2 Finance Committee.**~~

- ~~A. A Finance Committee of fifteen (15) members shall be established as provided by bylaw.~~
- ~~B. No member of the Finance Committee shall be an employee of the town or hold any other elected or appointed town office, except the office of Town Meeting member. Finance Committee members may also sit on advisory boards in a nonvoting capacity.~~

Explanation The Finance Committee is clearly placed within the “legislative” branch of government (Town Meeting) by creating a new C2-15 A and B and deleting C8-2A and B. While there is no wording change for B, new language in Parts A and C clarify member selection and allow expeditious filling of openings by the Town Meeting. Part D provides a clear Charter definition of the role of the Finance Committee.

10. Amendment for new Sec. C3-2E

To see if the Town will vote to adopt the following proposed general amendment to the Falmouth Home Rule Charter.

By striking out the words “Board of Selectmen” and “Selectman” or “Selectmen” wherever they appear and inserting in place thereof, in each instance, the words “Select Board” where the reference is to the body and “member” where the reference is to an individual ; and to insert a new sub-section C3-2E to read as follows:

C3-2E. The Select Board shall have all the powers and authority of a Board of Selectmen, and its members and officers shall have all the powers and authority of members and officers of a Board of Selectmen, under any general or special law of the Commonwealth of Massachusetts, any bylaw, rule or regulation of the Town or any contract or agreement of the Town.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because the new words “Select Board” will be used throughout the Charter where appropriate; C3-2E is a new addition to the Charter.

Explanation

This change of terms helps make the Falmouth Charter gender-neutral while still maintaining a connection with established terminology. The new C3-2E defines the needed legal connection between the old and new terms.

11. Amendment for Sec. C3-3B

To see if the Town will vote to adopt the following amendment to Article III, Board of Selectmen, Section C3-3B, Policy Leadership, of the Falmouth Home Rule Charter, so as to read:

B. The Board shall, before the start of each calendar year, publish a schedule of public meetings with such other governmental bodies as it deems necessary for consideration of the town's Master Plan and other planning initiatives, and shall hold them jointly for the consideration of the Local Comprehensive Plan and other local planning and policy initiatives.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C3-3 Policy leadership.

B. The Board shall, **before the start of each calendar year, publish an annual schedule for** ~~hold a joint meeting, at the very least twice per year, with the Planning Board devoted exclusively to~~ consideration of the town's Master Plan and other planning initiatives. **The Board shall also hold joint meetings, as needed, on other significant policy initiatives with any other governmental body.**

Explanation

The strongest alignment of plans and integration of thinking and decision-making requires discussion between the Board of Selectmen and other governmental bodies. The continuation of the effective efforts of the current Board of Selectmen to hold joint meetings with appropriate groups is encouraged by this new Charter language.

12 Amendment for Sec. C3-6B and C.

To see if the Town will vote to adopt the following proposed amendment to Article III, Board of Selectmen, of the Falmouth Home Rule Charter, by amending subsections B and C of section C3-6, Powers of Appointment, so as to read:

B. The Board shall also have the power to appoint governmental bodies that are listed in Article VII.

C. The Board shall also have the power to appoint other governmental bodies and define their duties, set the limits for the scope of their responsibilities and the terms of their existence.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C3-6 Powers of appointment.

A. The Board shall appoint:

- (1) A Town Manager, as provided in Article V.
- (2) A Town Accountant for a term of three (3) years in accordance with MGL c. 41, § 55.
- (3) Three (3) members of a Board of Registrars.
- (4) Election officers.
- (5) Town Constables.

B. The Board shall also have the power to appoint ~~town board as provided~~ **governmental bodies as listed** in Article VII.

C. The Board shall also have the power to appoint ~~ad hoc committees and to multi member~~ **other governmental** bodies and define their duties, set the limits for the scope of their responsibilities and the terms of their existence. ~~Any such committee having a planning function shall coordinate its activities with the Planning Board at least once a year.~~

Explanation

The changes clarify that B applies to listed bodies, which often have State-defined authorities but are locally appointed, and C applies to the majority of governmental bodies which are both defined by and appointed by the Board.

13. Amendment for new Sec. C3-7H

To see if the Town will vote to adopt the following proposed amendment to Article III, Board of Selectmen, of the Falmouth Home Rule Charter, by adding a new subsection H to section C3-7, Specific Powers, so as to read:

H. The Board shall have the power and authority, after public hearing and publication, to adopt rules and regulations for the conducting of town business, the use of town real and personal property and other matters within its jurisdiction and set the penalties for violations thereof.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because C3-7H is a new addition to the Charter.

Explanation

This new subsection creates a broad definition of the general authority of the Board of Selectmen, through a defined process, to make rules and regulations for the effective operation of Town government.

14. Amendment for Sec. 4-6B

To see if the Town will vote to adopt the following proposed amendment to Article IV, Other Elected Town Boards and Officers, of the Falmouth Home Rule Charter by amending subsection B of section C4-6, Planning Board, so as to read:

B. The board shall make recommendations as it deems necessary on all matters concerning the physical, economic and environmental development of the town to the Board of Selectmen and to the parties directly involved through the Town Planner, who acts as the Board's Administrator. At the request of the Planning Board, any town agency dealing with significant public improvements relating to the physical, economic and environmental development of the town shall report the status of such plans or developments to the Planning Board so as to be evaluated for consistency with the Local Comprehensive Plan.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C4-6 Planning Board.

B. The Board shall make recommendations as it deems necessary on all matters concerning the physical, economic and environmental development of the town to the Board of Selectmen and to the parties directly involved through the Town Planner, who acts as the Board's Administrator. **At the request of the Planning Board any town agency dealing with significant public improvements relating to the physical, environmental, or economic development of the town, shall report the status of such plans or developments to the Planning Board so as to be evaluated for consistency with the Local Comprehensive Plan.**

Explanation

The added language provides the Planning Board with the authority to request information from other Town agencies to evaluate the consistency of significant public improvements with the Local Comprehensive Plan.

15. Amendment for Sec. C4-6D.

To see if the Town will vote to adopt the following proposed amendment Article IV, Other Elected Town Boards and Officers, Planning Board, of the Falmouth Home Rule Charter, by amending section C4-6D to read:

D. The Planning Board shall recommend proposed amendments to the Zoning Bylaw and shall provide detailed written explanation of its recommendations and the extent to which such recommendations are consistent with the Local Comprehensive Plan.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

D. ~~Whenever~~ The Planning Board **shall** recommends proposed amendments to the Zoning Bylaw, ~~it~~ **and** shall provide detailed written explanations of its recommendations and the extent to which such recommendations are consistent with the Master Plan.

Explanation This change strengthens the Planning Board responsibility to recommend amendments to the Zoning Bylaws and to show how the proposed changes are consistent with the Local Comprehensive Plan.

16. Amendment for Sec. C4-6E(2).

To see if the Town will vote to adopt the following proposed amendment to Article IV, Other Elected Boards and Officers, Planning Board, of the Falmouth Home Rule Charter, by amending section C4-6E(2) to read:

(2) Meet with the Board of Selectmen as scheduled under section C3-3B or at least twice a year.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C4-6 Planning Board.

E. The Planning Board shall possess and exercise all powers given to it under the Constitution and Laws of the Commonwealth and shall have and exercise such additional powers and duties as may be authorized by the Charter, bylaw or vote of the Town Meeting. It shall also:

(2) Meet with the Board of Selectmen **as scheduled under C3-3B** at least twice a year.

Explanation This wording change implements the scheduled coordination of meetings between the Board of Selectmen and the Planning Board to better align town planning.

17. Amendment for Sec. C4-7

To see if the Town will vote to adopt the following proposed amendment to Article IV, Other Elected Boards and Officers, section C4-7, Housing Authority, of the Falmouth Home Rule Charter, so as to read:

C4-7. Housing Authority

A Housing Authority shall be established consisting of five (5) members to be selected in accordance with the laws of the Commonwealth. All members shall serve five-year overlapping terms.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article IV Other Elected Town Boards and Officers

C4-7 Housing Authority.

A Housing Authority shall be established consisting of five (5) members. ~~Four (4) members shall be elected by and from the voters at large, and the fifth member shall be appointed to be selected in accordance with the laws by the Secretary of Communities and Development of the Commonwealth.~~ All members shall serve five-year overlapping terms.

Explanation This amendment eliminates a contradiction between the Charter and state law.

18. Amendment for Sec. C6-9(C)

To see if the Town will vote to adopt the following proposed amendment to Article VI, Citizen Participation: Elections and Recall, section C6-9(C) Referendum, of the Falmouth Home Rule Charter,

by striking out the words "Registrars of Voters" wherever they occur and substitute the following words "Board of Registrars."

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article VI Citizen Participation: Elections and Recall

C6-9 Referendum

C. The Town Clerk shall, within one (1) working day of receipt of said petition, submit the petition to the **Board of Registrars of Voters** in the town, and the **Board of Registrars** shall within fourteen (14) working days certify thereon the signatures which are names of registered voters. If the petition shall be found and certified by the **Board of Registrars of Voters** to be sufficient, the Town Clerk shall within one (1) working day submit same with a certificate so stating to the Board of Selectmen. The Selectmen shall within seven (7) working days order a special election to be held on a date fixed by them, which shall not be less than sixty (60) nor more than eighty (80) days after the date of the Town Clerk's certificate that a sufficient petition has been filed.

Explanation To improve clarity and consistency, the term Board of Registrars is applied throughout the Charter.

19. Amendment for Sec. C7-2A

To see if the Town will vote to adopt the following proposed amendment to Section C7-2, General Provisions (Appointed Town Boards), of the Falmouth Home Rule Charter, by amending subsection A so as to read:

Governmental bodies established in this Article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this Charter, by-law or vote of Town Meeting. This Charter names those governmental bodies which 1) are mandated or authorized by the laws of the Commonwealth and 2) exercise regulatory or other authority.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C7-2 General provisions.

A. Governmental bodies established in this article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of Town Meeting. **This Charter names those governmental bodies which 1) are mandated or authorized by the laws of the Commonwealth and 2) exercise regulatory or other authority.**

Explanation With over 40 elected and appointed governmental bodies, the new language creates a clear delineation of which should be listed in the-Charter.

20. Amendment for Sec. C7-2G

To see if the Town will vote to adopt the following amendment to Article VII, Appointed Town Boards, Section C7-2G, General Provisions, of the Falmouth Home Rule Charter, so as to read:

G. The unexcused absence, without good cause, of a member from one half (1/2) of the total number of meetings during any twelve month period, or from four (4) or more consecutive meetings of any such board shall serve to vacate the office. The vacancy shall be determined by the chairperson of the board and affirmed by a majority vote of all the members of the board. When such vacancy has been so determined, it shall be filled in accordance with the General Laws.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C7-2G. The unexcused absence, without good cause, of a member from one-half (1/2) of the total number of meetings during any twelve-month period or from four (4) or more consecutive meetings of any such board shall serve to vacate the office, **as determined by the chairperson and confirmed by vote of the board**. When such a vacancy has been created, it shall be filled within thirty (30) days or in accordance with General Law.

Explanation The new language clarifies that the chairperson is responsible to initiate action when a member of a governmental body has had excessive unexcused absences.

21. Amendment for Sec. C7 -3

To see if the Town will vote to adopt the following proposed amendment to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter

by deleting section C7-3 relative to the change in composition of appointed town boards.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C7-3 Change in composition of appointed boards.

~~The Representative Town Meeting may, by bylaw, enlarge or decrease the number of persons to serve as members of appointed town multimember bodies; provided, however, that all such bodies shall always consist of an odd number of members.~~

Explanation Deleting the language in C7-3 eliminates a contradiction between the authority of the Board of Selectmen to establish appointed committees as a management function in C7-1A and this type of decision by Town Meeting.

22. Amendment for Sec. C7- 5.

To see if the Town will vote to adopt the following proposed amendment to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter, by amending section C7-5, Board of Assessors, so as to read:

C7-5. A Board of Assessors of three (3) members shall be appointed whose appointment shall be exempt from the provisions of section C7-2H relative to term limits.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C7-5 Board of Assessors.

A Board of Assessors of three (3) members shall be appointed **whose appointment shall be exempt from the provisions of section C7-2H relative to term limits.**

Explanation Members of this Board, alone among all the many bodies serving the Town, must take and pass a State course within two years of appointment to continue their duties. This inhibits the ability to recruit new members and adds special value to cumulative experience. Without an active Board the Town cannot set a tax rate that meets State standards.

23. Amendment for Sec. C7 – 10, 11, 12 and 13C

To see if the Town will vote to adopt the following proposed amendments to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter

by deleting section C7 – 10 relative to the Recreation Committee, section C7 – 11 relative to the Waterways Committee, section C7 – 12 relative to the Beach Committee and section C7- 13 relative to the Human Services Committee.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C7-10 Recreation Committee.

~~A. A Recreation Committee of seven (7) members shall be appointed.~~

~~B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding comprehensive year round, indoor outdoor recreation policies and programs. Such policies and programs shall be designed to meet the recreational needs of children, youth, adults and the elderly.~~

C7-11 Waterways Committee.

~~A Waterways Committee of seven (7) members shall be appointed. Six (6) members shall be appointed by the Board of Selectmen, one (1) member shall be appointed by the Board of Health. The Harbormaster shall serve as a non-voting ex-officio member.~~

~~C7-12 Beach Committee.~~

~~A. A Beach Committee of five (5) members shall be appointed.~~

~~B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding the use and maintenance of all public town beaches.~~

~~C7-13 Human Services Committee.~~

~~A. A Human Services Committee of nine (9) members shall be appointed.~~

~~B. The Committee shall be responsible for recommending policies to the Board of Selectmen relating to human services provided by the town.~~

Explanation With more than 40 governmental bodies of various kinds a delineation has been recommended that sets two qualifications for being specifically named in the Charter: those both mandated or authorized by state law and also carrying independent decision-making from the Board of Selectmen. Four committees currently listed in the Charter carry out an advisory role to the Board as governed by C3-6C and C7-1, giving the Board of Selectmen authority to set up and appoint advisory bodies. Removal should not change the operations of these committees, but as long-standing bodies advising on areas significant to the well-being of the Town, the CRC recommends that the Board of Selectmen codify their existence in by-law language or by other means.

24. Amendment -- new Sec. C7-16 and C7-17.

To see if the Town will vote to adopt the following proposed amendment to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter, by adding new subsections C7-16 and C7-17 so as to read:

C7-16. Community Preservation Committee.

A Community Preservation Committee shall be appointed as provided by the provisions of Massachusetts General Laws, Chapter 44B, and applicable Town by-law.

C7-17. Economic Development and Industrial Corporation.

An Economic Development and Industrial Corporation shall be appointed as provided by the provisions of Massachusetts General Laws, Chapter 121C and applicable vote of Town Meeting.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes)

No current Charter language changes because C7-16 and C7-17 are new additions to the Charter.

Explanation

The Community Preservation Committee is authorized by State law and exercises independent authority in recommendations on the use of CPFund resources to Town Meeting, fulfilling the delineation of governmental bodies to be named in the Charter, contained in the proposed amendment to C7-2A. Similarly, the EDIC is authorized by State law and exercises independent authority in contracting and accruing and managing funds.

25. Amendment for Sec. C8-6A.

To see if the Town will vote to adopt the following proposed amendment to Article VIII, Financial Provisions and Procedures, of the Falmouth Home Rule Charter, by amending subsection A of section C8-6, Capital improvement plan, so as to read:

The Town Manager shall prepare a five-year capital improvement plan which shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired; and an analysis of the consistency of each capital improvement project that is a significant public improvement related to the physical, economic and environmental development of the town with the Local Comprehensive Plan and the Long Range Plan. The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C8-6 Capital improvements plan.

A. The Town Manager shall prepare a five-year capital improvements plan which shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired **and an analysis of the consistency of each capital improvement project that is a significant public improvement relating to the physical, environmental, or economic development of the Town with the Local Comprehensive Plan and the Long-Range Plan..** The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.

Explanation The language added to the development of the Capital Improvement Plan achieves a strong alignment and consistency relative to the Local Comprehensive Plan and Long-Range (Strategic) Plan.

26. Amendment for Sec. C9-9.

To see if the Town will vote to adopt the following proposed amendment to Article IX, General and Transitional Provisions, section C9-9, Revision of Bylaws:

C9-9. Revision of Bylaws.

The Board of Selectmen shall ensure that the town bylaws are reviewed periodically, in whole or in part, and prepare any appropriate or necessary revisions or amendments.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C9-9 Revision of bylaws.

The Board of Selectmen shall ensure that the town by-laws are reviewed, **periodically, in whole or in part,** and prepared for any necessary revision or amendment ~~at least every five (5) years.~~

Explanation The amendments create more flexible guidance on the need for and the timing of periodic revision of bylaws.
