**Charter Revision Report**

**Scott Sauyet's Notes**

Thank you to the Commission Members who have spent many evenings in the past few months trying to improve our little town!

This is a list of concerns regarding the Charter Revision Proposal dated July 17, 2024 and not found on the town website, but by calling the town clerk's office. They are the personal notes of Scott Sauyet. It is an update to some earlier notes, as many of the concerns were not addressed. Below are some section-by-section notes, covering everything from the trivial to the serious.

But first some overall concerns about the process:

**Process Concerns**

* This seems to have been a very hurried process. That we should have this in front of voters for the Presidential election sounds more like an excuse. If that was the goal, why not start it earlier? Why were the volunteers who were not selected for the committee never notified? (I spoke to one such volunteer last week about the Commission, only to be asked, "Oh yeah, when's that starting?")

The biggest concern is that none of the latest proposed changes were not available on the town website as of noon on the day of the Town Meeting.

* According to the town Attorney and the First Selectman, this will be broken up into reasonable-sized chunks.

**Notes**

* **105-H**: Below I'll discuss the content of this general change. But here, this new text does not belong. This is the section on definitions. The new text is not a definition.  **Not fixed:** This is still not a definition. It does not belong in the definitions section.
* **203-A, 203-C, 203-D**: Yes. This is the simple, obvious, and necessary change. The old election dates should be updated. My question is whether the charter should include them directly or just defer to state law?
* **203-B, 701**: If Carol is in favor of this, then . Carol has remained studiously neutral, but I've come to the conclusion that I disagree either way. I *like* the fact that the Town Clerk's authority is independent of the Select Board and the Town Administrator.
* **203-D**: Is there a legal requirement that this happens so quickly? It seems to me that a slightly slower transition would be useful. Why not Jan 1? **Not changed**: Not a big deal, but I would still like a longer period between being elected and assuming office. Jan 1 sounds like a good idea.
* **210**: Is there a requirement that we have this section? Why do we need to have a provision that simply states that we'll follow the law?  **Not changed**: I simply don't see any reason for this.
* **301, 304-H, 304-H, 304-J, 402-A, 402-B**: This feels like a significant power-grab. More on that below. But technically, this part is simply a mess:

The Board of Selectmen shall have legislative authority for all matters not specifically enumerated hereinafter in Section 304, including but not limited to [...] and also those powers formerly assigned to the Town Meeting per Section 304D of this Charter. (**301, ¶ 1**)

So, we're not deleting the section assigning certain responsibilities to the Town Meeting, and we're not enumerating them as part of the responsibilities of the BOS, but simply saying, "You know that section coming up below? We don't really mean it."  **Made worse**: This revision simply deletes **304**. So now we're saying that the BOS has legislative authority for all matters not specifically enumerated in a section *that doesn't exist*! Huh? What?

* **301-A-2**: What happens if the ordinance has its own effective date? (E.g., "As of October 1, 2024...") How does the 45-day threshold affect this?  **Minor**.
* **301-A-2**: Why would the special referendums for those ordinances successfully petitioned not happen fairly quickly, instead of waiting for May or November? If an ordinance is important enough that it should take effect in 45 days, shouldn't it warrant a quicker resolution? **Minor**.
* **301-A-5**: The 10% threshold is backward. If not even 10% of the voters can be bothered to turn out in favor of a provision, then it should *not* become the law of the town.  **Not fixed**: more power-grab material.
* **304-G**:   **Fixed**: Likely illegal language removed.
* **802-B**: Why do we have the specific date (October 15th) in **802-B** but "150 days before the end of the Fiscal Year" here? Can't we choose one format or another?  **Fixed**
* **802-C, 802-D**: Typo. It looks like the word "Year", which should be at the end of **802-D** ("to the end of the Fiscal Year") has jumped to the first line of **802-C** ("Duties of the Town Administrator ".)  **Fixed**: Typo cleaned up
* **802-E-1**: 85 is an unusual number. Is there a technical reason it can't just be 90?  **Not changed**: Still at 85, but that may be required by calendar.
* **805-B** This text is extremely misleading or at least confusing:

Any supplemental appropriation which exceeds or is equal to 2.5% or $200,000.00 whichever is greater, of the current year budget excluding the amount appropriated for Region 8 Board of Education, approved by the Board of Finance...

Can I suggest we flip the amounts like this?

Any supplemental appropriation which exceeds or is equal to $200,000.00 or 2.5% of the current year budget excluding the amount appropriated for Region 8 Board of Education, approved by the Board of Finance, whichever is greater...

**Not fixed**: Very confusing text kept in place

Also technically is there some legal requirement to include pennies in such dollar figures? "$200,000" reads much better. **Also not fixed**

More substantively, why are we using "approved by the Board of Finance" rather than something like "approved at referendum"? Isn't that the final source of truth of the budget? **Not fixed**

* **1008**: Yes, a minimum of six months for a Charter Revision Commission sounds right. I think the short time of this committee's incarnation is significantly problematic.

**Commentary**

Obviously the most significant provision here is to move large parts of the legislative authority from the Town Meeting to the Board of Selectmen. I see no need. What emergencies have we had that required immediate action beyond the current emergency ordinance provision of the current charter? (**Section 406**)? I know of none.

And if it's not to cover some real problems we've had, but only for the convenience of the BOS/Town Administrator, then my response is simple: Democracy is messy. No one said it was supposed to be easy. The New England Town Meeting is one of the most pure forms of democracy still around. To sacrifice it because sometimes it's a bit slower than we like would be tragic.

I'm especially irked by the petition process for overturning a BOS-authored ordinance. Overall, it's fine; it sounds like most petition processes. But the failure of reaching even the relatively small quorum of 10% should mean a failure of the proposal, not its automatic acceptance.

I also see no reason to move the Town Clerk's position to an appointed one. The Town has been faithfully returning the incumbent to office since I moved into town more than 25 years ago. Carol is undoubtedly the most popular elected official in Andover. Diluting her authority -- now granted by the voters -- by putting her under the authority of the BOS and Town Administrator can do nothing to improve her diligence and competence. It can only harm it. If this is about eventual succession, then there's a simple solution: increase the pay of the Assistant Town Clerk so that we can stop losing them to surrounding towns who pay better. (And while we're at it, the salary for the Town Clerk is also ridiculously low!)

**Fixed**