

NOTICE OF MEETING

COMMITTEE: Greenfield Charter Chapters 7-7 & 7-8 Review Ad Hoc Committee  
PLACE: Zoom Conferencing System  
DATE: Wednesday, March 22, 2023  
TIME: 6:00 PM

**To join via Zoom:**

<https://greenfield-ma-gov.zoom.us/j/94132828298?pwd=RFoyOytUcEZ6ME1DYlRRWHZPSHRuZz09>  
Meeting ID 941 3282 8298

**To join via phone:**

Dial by your location  
+1 646 558 8656 US (New York)  
+1 646 931 3860 US  
+1 301 715 8592 US (Washington DC)  
+1 305 224 1968 US  
+1 309 205 3325 US  
+1 312 626 6799 US (Chicago)  
+1 669 900 9128 US (San Jose)  
+1 689 278 1000 US  
+1 719 359 4580 US  
+1 253 205 0468 US  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 360 209 5623 US  
+1 386 347 5053 US  
+1 507 473 4847 US  
+1 564 217 2000 US  
+1 669 444 9171 US

Meeting ID: 941 3282 8298 Passcode: 655969

Find your local number: <https://greenfield-ma-gov.zoom.us/j/94132828298>

AGENDA: **(Please note: All items listed on this agenda may not be considered or discussed at this meeting and may be addressed at future meetings.)**

1. Call to Order

**CHAIRS STATEMENT:** This meeting is being recorded by the Charter Chapters 7-7 & 7-8 Review Ad Hoc Committee. If any other persons present are doing the same you must notify the chairperson at this time. In accordance with MGLc 30A SS 20(g) “No person shall address a meeting of a public body without permission of the Chair and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.”

2. Roll Call

3. Accept minutes – January 12, 2023
4. Public Hearings – None.
5. Discussion
  - Amendment Proposals submitted by Committee members for Charter Chapter 7-7: Citizen Initiative Measures
    - Councilor Katherine Golub
    - Al Norman (Scrivener’s error correction included)
    - Chief of Staff Danielle Letourneau
    - Isaac Mass
    - David Singer
6. New Business
7. Old Business
8. Meeting Schedule – To be determined.
9. Adjournment

**EXECUTIVE SESSION MAY BE CALLED**

*Please note that the list of topics was comprehensive at the time of posting, however, the public body may consider and take action on unforeseen matters not specifically named in this notice. Posted in accordance with M.G.L.c 30A § 18-25.*

GREENFIELD CHARTER CHAPTERS 7-7 & 7-8 REVIEW AD HOC COMMITTEE  
MINUTES

January 12, 2023

Zoom Conferencing System

6:00 p.m.

**CALL TO ORDER** Chairperson Singer called the meeting to order at 6:00 p.m.

**PRESENT** Chairperson Singer, Councilor Golub Committee Members Letourneau, Mass and Norman.

**ABSENT** Councilor Helie.

**CHAIRPERSON STATEMENT:** This meeting was being recorded by the Ad Hoc Committee. If any other persons present were doing the same they must notify the chairperson at this time. In accordance with MGLc 30A SS 20(g) "No person shall address a meeting of a public body without permission of the Chair and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting."

**ALSO PRESENT** Members of the public.

**ACCEPTANCE OF MINUTES:** On a motion by Committee Member Norman, second by Committee Member Letourneau, it was,

**MOVED: TO ACCEPT THE AD HOC COMMITTEE MINUTES OF NOVEMBER 29, 2022.**

**DISCUSSION:** It was noted the minutes stated the vote on Chapter 7-8 was made a year and a half ago when in actuality it was approximately 1 year ago. A friendly amendment was accepted to correct the language.

It was unanimously,

**VOTED: TO ACCEPT MINUTES OF NOVEMBER 29, 2022, AS AMENDED.**

Chairperson Singer opened discussion:

- When comparing other surrounding City and Towns policies and procedures for Citizen's petitions and initiatives, consideration would need to be made in terms of population, percentages, time frames, etc.
- Some Communities similar to Greenfield were researched as guidance tools including Winthrop, Southbridge, Longmeadow, Montague, Amherst and Amesbury.
- Signatures collected should be from all registered voters and not a percentage of voters who had voted in the last election.
- Charter should have plain language and list the total number of signatures needed instead of a percentage required.
- Time frame to collect signatures needed for a Citizen's initiative/referendum should be forty (40) days.
- Suggestion was made for an initiative/referendum to be considered by the Council within sixty (60) days. If no action was taken by the Council on this measure it could be forwarded to the ballot.
- The rules on initiatives and referendums were not constitutional but statutory rules.
- A significantly small percentage of voter signatures should not dictate how an issue was placed on the ballot.
- There should be a higher threshold of signature gathering for a citizen to place an issue on the ballot than for someone who was running for local office.
- To place an item on the ballot should not be the narrow goal of a citizen without making a serious effort to place an item before the Council for serious discussion and consideration.

- Citizens have just as much right to disagree with the same officials they elected to make decisions on their behalf and should be provided an avenue where they can take their issue to the next level if they feel the elected officials are not taking their issue to heart.
- How to reach that threshold to encourage Councilors to engage and compromise and doesn't undermine the process.
- Moving forward from tonight's conversation to provide a proposal(s) the Committee could use as a starting point to establish language that would be fair and easy for residents to follow.
- Suggestion was made for 60 days to hold a public hearing and 120 days for the Council to vote on the petition.
- Confer with the City Clerk as to whether ballot questions could be placed on State ballots.
- At the next meeting, the Committee members were to present their proposals on the procedure and time frames when an initial petition was submitted to when it would be placed on the ballot.

The next meeting scheduled for Thursday, February 23, 2023, 6:00 pm, via Zoom.

All proposals would need to be submitted to the Clerk's office by Wednesday, February 15, 2023, in order for them to be distributed through the agenda packet.

It was the consensus of the Committee to adjourn the meeting at 8:00 pm.

SECTION 7-7: CITIZEN INITIATIVE MEASURES

(a) Commencement -

- Initiative procedures shall be started by the filing of a proposed initiative petition with the Town Clerk.
- The petition shall be addressed to the Town Council or to the School Committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by not less than ten (10) voters of the Town.
- The petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form and shall indicate which member shall serve as clerk of the petitioners committee.

(b) Referral to Town Attorney -

- The Town Clerk shall, following receipt of each such proposed petition, deliver a copy of the petition to the Town Attorney.
- The Town Attorney shall, not later than fifteen days after receipt of a copy of the petition, in writing, advise the Town Council or the School Committee, as may be appropriate, whether: (1) the measure as proposed may lawfully be proposed by the initiative process; (2) whether, in its present form it may be lawfully adopted by the Town Council or the School Committee; and (3) whether the Town Clerk may issue blank forms as provided pursuant paragraph 7-7 (c). If the opinion of the Town Attorney is that the measure fails in any respect the reply shall state the reasons for that opinion, in full.
- A copy of the opinion of the Town Attorney shall also be mailed to the person designated as clerk of the petitioners committee.

(c) Submission to Town Clerk -

- If the opinion of the Town Attorney is that the petition is eligible pursuant to Section 7-7 (b),
- the Town Clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the Town Attorney, together with the names and addresses of the first ten (10) voters who signed the originating petition.
- No later than ninety (90) days following the date the blank forms are issued by the Town Clerk, the petitions shall be returned and filed with the Town Clerk signed by **150 voters not less than ten percent (10%) of the total number of voters voting in the most recent biennial Town election, but not less than five percent (5%) of all registered voters on the same date.**
- Signatures to an initiative petition need not all be on one (1) paper, but all such papers pertaining to a measure shall be fastened together and filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.
- Not later than ten (10) days after the filing of the petition, the Board of Registrars of Voters shall ascertain by what number of voters the petition has been signed, ~~and what percentage that number is of the total number of voters as of the date of the most recent regular biennial Town election.~~
- The Town Clerk shall attach to the petition a certificate showing the results of the Town Clerk's examination and shall return the petition to the Clerk of the Council or the secretary of the School

Committee according to how the petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as Clerk of the petitioners committee.

(d) Action on Petitions –

- Not later than sixty (60) days **(but not less than two consecutive City Council or School Committee meetings, whichever comes later)** after the date a petition is returned to the Clerk of the Council or the secretary of the School Committee by the ~~Town~~ **City** Clerk, and after publication in accordance with section 2-9(c), the ~~Town~~ **City** Council or the School Committee shall **hold a public form act** with respect to each initiative petition.
- **Not later than sixty (60) days (but not less than two consecutive City Council or School Committee meetings, whichever comes later) after the public hearing, the City Council or the School Committee shall act by passing the initiative** without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. ~~The passage of a measure which is in lieu of an initiative measure shall be considered a rejection of the initiative measure.~~
- If the ~~Town~~ **City** Council or the School Committee fails to **hold a hearing act** with respect to any initiative measure which is presented to it not later than sixty (60) days after the date it is returned to it by the Town Clerk, the measure shall be considered to have been rejected on the 60th day.
- If an initiative measure is rejected, the Town Clerk shall promptly give notice of that fact by certified mail to the person designated as Clerk of the petitioners committee.

(e) Supplementary Petitions -

- Not later than ~~sixty (60)~~ **ninety (90)** days after the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the ~~Town~~ **City** Clerk by the petitioner's committee as determined in section 7-7(a).
- The supplemental initiative petition shall be in the same form as the initial petition and signed by a ~~number of 450 additional voters including 50 voters from each precinct, which is equal or greater than five percent (5%) of the total number of voters voting in the most recent regular biennial Town election, but not less than two and one half percent (2 ½ %) of all registered voters as of the same date.~~
- If the number of signatures to a supplemental petition is found to be sufficient by the Town Clerk, the Town Council shall call a special election to be held on a date fixed by it that is not less than one hundred and twenty (120) nor more than one hundred eighty (180) days after the date of the certificate of the ~~Town~~ **City** Clerk that a sufficient number of voters have signed the supplemental initiative petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, that if the next regular biennial ~~Town~~ **City** election is to be held not later than one (1) year after the date of the certificate, the ~~Town~~ **City** Council may omit the calling of a special election and cause the question to appear on the election ballot at the approaching election for determination by the voters at that election.

(f) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the ~~Town~~ **City** Clerk.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by voters in an initiative petition, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners committee, and approved by the Town Attorney)

\_\_\_\_\_ YES \_\_\_\_\_ NO

(h) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent (20%) of the total number of voters have voted at the election at which the question has been voted upon.

New language is in **bold**.

Al Norman 2/15/23

## SECTION 7-7: CITIZEN INITIATIVE MEASURES

- (a) Definition, Summary and Commencement – The words “initiative measure” shall mean a measure proposed by voters through the initiative process provided under this charter. The process may be used by voters to request passage of a particular measure by the City Council or the School Committee.**

Initiative procedures shall be started by the filing of a proposed initiative petition with the ~~Town~~ **City** Clerk. The petition shall be addressed to the ~~Town~~ **City** Council or to the School Committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by not less than ten (10) voters of the ~~Town~~ **City**. The petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form and shall indicate which member shall serve as clerk of the petitioners committee.

- (b) Referral to ~~Town~~ City Attorney** - The ~~Town~~ **City** Clerk shall, **within five (5) days** following receipt of each such proposed petition, deliver a copy of the petition to the ~~Town~~ **City** Attorney. The ~~Town~~ **City** Attorney shall, not later than ~~fifteen~~ **ten (10)** days after receipt of a copy of the petition, in writing, advise the ~~Town~~ **City** Council or the School Committee, as may be appropriate, whether: (1) the measure as proposed may lawfully be proposed by the initiative process; (2) whether, in its present form it may be lawfully adopted by the ~~Town~~ **City** Council or the School Committee; and (3) whether the ~~Town~~ **City** Clerk may issue blank forms as provided pursuant paragraph 7-7 (c). If the opinion of the ~~Town~~ **City** Attorney is that the measure fails in any respect the reply shall state the reasons for that opinion, in full. A copy of the opinion of the ~~Town~~ **City** Attorney shall also be mailed to the person designated as clerk of the petitioners committee.

- (c) Submission to ~~Town~~ City Clerk** - If the opinion of the ~~Town~~ **City** Attorney is that the petition is eligible pursuant to Section 7-7 (b), the ~~Town~~ **City** Clerk **shall have up to fifteen (15) days to** provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, **prepared by the petitioners committee, as determined by and approved by the ~~Town~~ City Attorney**, together with the names and addresses of the first ten (10) voters who signed the originating petition. No later than ~~ninety (90)~~ **forty (40)** days following the date the blank forms are issued by the ~~Town~~ **City** Clerk **to the clerk of the petitioners committee**, the petitions shall be returned and filed with the ~~Town~~ **City** Clerk signed by not less than ~~ten percent (10%) of the total number of voters voting in the most recent biennial Town election, but not less than five percent (5%) of all registered voters on the same date~~ **400 voters**. Signatures to an initiative petition need not all be on one (1) paper, but all such papers pertaining to a measure shall be fastened together and filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

Not later than ten (10) days after the filing of the petition, the Board of Registrars of Voters shall ascertain by what number of voters the petition has been signed. ~~and what percentage that number is of the total number of voters as of the date of the most recent regular biennial Town election.~~ The ~~Town~~ **City** Clerk shall attach to the petition a certificate showing the results of the ~~Town~~ **City** Clerk's examination and shall return the petition to the Clerk of the Council or the secretary of the School



Committee according to how the petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as Clerk of the petitioners committee.

(d) *Action on Petitions* – Not later than ~~sixty (60)~~ **seventy-five (75)** days after the date a petition is returned to the Clerk of the Council or the secretary of the School Committee by the ~~Town City~~ Clerk, and after publication in accordance with section 2-9(c), the ~~Town City~~ Council or the School Committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered a rejection of the initiative measure, **unless within fifteen (15) days from the passage of an in lieu of initiative measure the first ten (10) voters who signed the originating petition in section (a) indicates in writing that it has, by a four-fifths (4/5ths) majority, voted to accept the in lieu of initiative measure the Council has passed.** If the ~~Town City~~ Council or the School Committee fails to ~~act~~ **take any action** with respect to an initiative measure which is presented to it not later than ~~sixty (60)~~ **seventy-five (75)** days after the date it is returned to it by the ~~Town City~~ Clerk, the measure shall be considered to have been rejected on the ~~60<sup>th</sup>~~ **75<sup>th</sup>** day. If an initiative measure is rejected, the ~~Town City~~ Clerk shall promptly give notice of that fact by certified mail to the person designated as Clerk of the petitioners committee.

(e) *Supplementary Petitions* – Not later than ~~sixty (60)~~ days after the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the Town Clerk by the petitioner's committee as determined in section 7-7(a). The supplemental initiative petition shall be in the same form as the initial petition and signed by a number of additional voters, which is equal or greater than five percent (5%) of the total number of voters voting in the most recent regular biennial Town election, but not less than two and one half percent (2 ½ %) of all registered voters as of the same date. If the number of signatures to a supplemental petition is found to be sufficient by the Town Clerk, the **Submission to Voters: Not later than thirty (30) days after the date an initiative petition has been rejected pursuant to the provisions of section (d), the Town City Council shall set a date for the submission of the proposed measure, without alteration, to the voters for determination at the next regular city election, or call at a special election to be held on a date fixed by it that is not less than one hundred and twenty (120) ninety (90) nor more than one hundred eighty (180) days after the date of the rejection of the initiative measure; certificate of the Town City Clerk that a sufficient number of voters have signed the supplemental initiative petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, that if the next regular biennial Town City election is to be held not later than one (1) year after the date of the certificate rejection, the Town City Council may omit the calling of a special election and cause the question to appear on the election ballot at the approaching election for determination by the voters at that election.**

(f) *Publication* - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the ~~Town City~~ Clerk.

(g) *Form of Question* - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by voters in an initiative petition, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners committee, and approved by the ~~Town~~ **City** Attorney)

\_\_\_\_\_ YES \_\_\_\_\_ NO

(h) *Time of Taking Effect* - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent (20%) of the total number of voters have voted at the election at which the question has been voted upon.

**(i) The number of voter signatures required in section (c) for an initiative measure, and the timeframe within which such signatures must be collected may be updated at the decennial review of this charter.**

New language is in **bold**.

AI Norman 2/15/23

SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) *Petition, Effect on Final Vote* - If, not later than thirty (30) days after the date on which the Town Council or the School Committee has voted to approve **or disapprove** a petition which was addressed to the ~~Town~~ **City** Council or to the School Committee...\*

**AI Norman**

Tammy- please share with the Citizen Initiatives subgroup members this revised proposed amendment to section 7-8.

\*The text I sent on Feb 15 contained a scrivener's error. I left out the words "of any measure." The City council votes on measures, not petitions, so the amendment I seek should reflect the language currently in section 7-8.

Here is the corrected version with the language change in **bold**:

SECTION 7-8 **Citizen Referendum procedures**

(a) *Petition, effect on final vote*: If, not later than 30 days after the date on which the City Council or the School Committee has voted to approve **or disapprove** *of any measure*, a petition which was addressed to the City Council or to the School Committee and signed by a number of voters...

## Chief of Staff Danielle Letourneau

### SECTION 7-7 Citizen Initiative Measures.

#### (a)

Commencement. Initiative procedures shall be started by the filing of a proposed initiative petition with the City Clerk. The petition shall be addressed to the City Council or to the School Committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by not less than 10 voters of the City. The petition shall be accompanied by an affidavit signed by five voters and containing their residential address, stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form and shall indicate which member shall serve as clerk of the petitioners committee.

#### (b)

Referral to City Attorney. The City Clerk shall, following receipt of each such proposed petition, deliver a copy of the petition to the City Attorney. The City Attorney shall, not later than 15 days after receipt of a copy of the petition, in writing, advise the City Council or the School Committee, as may be appropriate, whether: (1) the measure as proposed may lawfully be proposed by the initiative process; (2) whether, in its present form it may be lawfully adopted by the City Council or the School Committee; and (3) whether the City Clerk may issue blank forms as provided pursuant Paragraph 7-7(c). If the opinion of the City Attorney is that the measure fails in any respect the reply shall state the reasons for that opinion, in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated as clerk of the petitioners committee.

#### (c)

Submission to City Clerk. If the opinion of the City Attorney is that the petition is eligible pursuant to Section 7-7(b), the City Clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the City Attorney, together with the names and addresses of the first 10 voters who signed the originating petition. No later than 60 days following the date the blank forms are issued by the City Clerk, the petitions shall be returned and filed with the City Clerk signed by not less than 5% of registered voters. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to a measure shall be fastened together and filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

Not later than 10 days after the filing of the petition, the Board of Registrars of Voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent regular biennial City election. The City Clerk shall attach to the petition a certificate showing the results of the City Clerk's examination and shall return the petition to the Clerk of the Council or the Secretary of the School Committee according to how the petition is

addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.

**Comment [DL1]:** I believe this step may be unnecessary if the changes are made.

**(d)**

Action on petitions. Not later than 60 days after the date a petition is returned to the Clerk of the Council or the Secretary of the School Committee by the City Clerk, and after publication in accordance with Section **2-9(c)**, the City Council or the School Committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered a rejection of the initiative measure. If the City Council or the School Committee fails to act with respect to any initiative measure which is presented to it not later than 60 days after the date it is returned to it by the City Clerk, the measure shall be considered to have been rejected on the 60th day. If an initiative measure is rejected, the City Clerk shall promptly give notice of that fact by certified mail to the person designated as clerk of the petitioners committee.

**(e)**

Supplementary petitions. Not later than 60 days after the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the City Clerk by the petitioner's committee as determined in Section **7-7(a)**. The supplemental initiative petition shall be in the same form as the initial petition and signed by a number of additional voters, which is equal or greater than 5% of all registered voters as of the same date. If the number of signatures to a supplemental petition is found to be sufficient by the City Clerk, the City Council shall call a special election to be held on a date fixed by it that is not less than 120 nor more than 180 days after the date of the certificate of the City Clerk that a sufficient number of voters have signed the supplemental initiative petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, that if the next regular biennial City Election is to be held not later than one year after the date of the certificate, the City Council may omit the calling of a special election and cause the question to appear on the election ballot at the approaching election for determination by the voters at that election.

**(f)**

Publication. The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than 14 days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the City Clerk.

**(g)**

Form of question. The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by voters in an initiative petition, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners committee, and approved by the City Attorney)

\_\_\_\_\_ YES \_\_\_\_\_ NO

**(h)**

Time of taking effect. If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than 20% of the total number of voters have voted at the election at which the question has been voted upon.

**SECTION 7-8 Citizen referendum procedures.**

Comment [DL2]: Not addressing this section yet.

**(a)**

Petition, effect on final vote. If, not later than 30 days after the date on which the City Council or the School Committee has voted to approve of any measure, a petition which was addressed to the City Council or to the School Committee and signed by a number of voters equal to 10% of the total number of voters voting in the most recent regular biennial City election, but not less than 2 1/2% of all registered voters as of the same date, the petition is filed with the City Clerk, protesting against the measure or any part thereof then the effective date of such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired. The School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council, shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City Election; provided, however, that pending such submission and determination, the effect of the measure shall continue to be suspended.

**(b)**

Certain initiative provisions to apply. The petition described in this section shall be termed a "referendum petition" and, insofar as applicable, Subsection (a) of Section 7-7 describing the manner in which a petition is prepared and filed, Subsection (b) of said Section 7-7 providing for referral to the City Attorney for a legal opinion, Subsection (f) of said Section 7-7 providing for publication of the text of the measure and Subsection (g) of said Section 7-7 providing for the form of ballot question shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said Subsections (a), (b), (f) and (g) of said Section 7-7, each time it appears, and the word "referendum" shall be deemed to replace the word "initiative" in said Subsections (a), (b), (f) and (g) of said Section 7-7, each time it appears.

**(c)**

If not placed before the voters at a regular biennial election, in order for the referendum to be binding upon the City, 25% of the registered voters of the City shall vote on the measure or issue placed before the City by citizens' referendum procedure.

SECTION 7-7: CITIZEN INITIATIVE MEASURES

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the City Clerk. The petition shall be addressed to the City Council or to the School Committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by not less than ten (10) voters of the Town. The petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form and shall indicate which member shall serve as clerk of the petitioners committee.

(b) *Referral to City Attorney* - The City Clerk shall, following receipt of each such proposed petition, deliver a copy of the petition to the City Attorney. The City Attorney shall, not later than fifteen days after receipt of a copy of the petition, in writing, advise the City Council or the School Committee, as may be appropriate, whether: (1) the measure as proposed may lawfully be proposed by the initiative process; (2) whether, in its present form it may be lawfully adopted by the City Council or the School Committee; and (3) whether the City Clerk may issue blank forms as provided pursuant paragraph 7-7 (c). If the opinion of the City Attorney is that the measure fails in any respect the reply shall state the reasons for that opinion, in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated as clerk of the petitioners committee.

(c) *Submission to City Clerk* - If the opinion of the City Attorney is that the petition is eligible pursuant to Section 7-7 (b), the City Clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the City Attorney, together with the names and addresses of the first ten (10) voters who signed the originating petition. No later than ninety (90) days following the date the blank forms are issued by the City Clerk, the petitions shall be returned and filed with the City Clerk signed by not less than one hundred and fifty 150 registered voters on the same date. Signatures to an initiative petition need not all be on one (1) paper, but all such papers pertaining to a measure shall be fastened together and filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

Not later than ten (10) days after the filing of the petition, the Board of Registrars of Voters shall ascertain by what number of voters the petition has been signed. The City Clerk shall attach to the petition a certificate showing the results of the City Clerk's examination and shall return the petition to the Clerk of the Council or the secretary of the School Committee according to how the petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as Clerk of the petitioners committee.

(d) *Action on Petitions* – Not later than sixty (60) days after the date a petition is returned to the Clerk of the Council or the secretary of the School Committee by the Town Clerk, the Town Council or the School Committee shall hold a public hearing with respect to the initiative petition and send 10 days notice of the same to the Clerk of the petitioner's committee. Not later than ninety (90) days after the date a petition is returned to the Clerk of the Council or the secretary of the School Committee by the

City Clerk, and after publication in accordance with section 2-9(c), the City Council or the School Committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered a rejection of the initiative measure. If the City Council or the School Committee fails to act with respect to any initiative measure which is presented to it not later than ninety (90) days after the date it is returned to it by the City Clerk, the measure shall be considered to have been rejected on the 90th day. If an initiative measure is rejected, the City Clerk shall promptly give notice of that fact by certified mail to the person designated as Clerk of the petitioners committee.

(e) *Supplementary Petitions* - Not later than ninety (90) days after the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the City Clerk by the petitioner's committee as determined in section 7-7(a). The supplemental initiative petition shall be in the same form as the initial petition and signed by five hundred (500) additional registered voters. If the number of signatures to a supplemental petition is found to be sufficient by the City Clerk, the City Council shall call a special election to be held on a date fixed by it that is not less than one hundred and twenty (120) nor more than one hundred eighty (180) days after the date of the certificate of the City Clerk that a sufficient number of voters have signed the supplemental initiative petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, that if the next regular biennial City election is to be held not later than one (1) year after the date of the certificate, the City Council may omit the calling of a special election and cause the question to appear on the election ballot at the approaching election for determination by the voters at that election.

(f) *Publication* - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the City Clerk.

(g) *Form of Question* - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by voters in an initiative petition, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners committee, and approved by the City Attorney)

\_\_\_\_\_ YES \_\_\_\_\_ NO

(h) *Time of Taking Effect* - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty-five percent (25%) of the total number of registered voters have voted at the election at which the question has been voted upon.

#### SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) *Petition, Effect on Final Vote* - If, not later than forty-five (45) days after the date on which the City Council or the School Committee has voted to approve a petition which was addressed to the City

Council or to the School Committee and signed by six hundred and fifty registered voters, the petition is filed with the City Clerk, protesting against the measure or any part thereof then the effective date of such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired. The School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council, shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City election; provided, however, that pending such submission and determination, the effect of the measure shall continue to be suspended.

(b) *Certain Initiative Provisions to Apply* - The petition described in this section shall be termed a "referendum petition" and, insofar as applicable, subsection (a) of section 7-7 describing the manner in which a petition is prepared and filed, subsection (b) of said section 7-7 providing for referral to the City attorney for a legal opinion, subsection (f) of said section 7-7 providing for publication of the text of the measure and subsection (g) of said section 7-7 providing for the form of ballot question shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said subsections (a),(b),(f) and (g) of said section 7-7, each time it appears, and the word "referendum" shall be deemed to replace the word "initiative" in said subsections (a),(b),(f) and (g) of said section 7-7, each time it appears.

(c) If not placed before the voters at a regular election, in order for the referendum to be binding upon the City, no less than twenty-five percent (25%) of the registered voters of the City shall vote on the measure or issue placed before the City by citizens' referendum procedure.



David Singer

*Intro: I have had the privilege of working on the original city charter and the amendments to Sections 7-7 and 7-8. I wish to share with you my institutional knowledge. One thing I have learned is that there must be an objective standard by which a charter is drafted. From my experience, the standard for drafting a local democracy city charter is: The delegated power of governing must be balanced and be in equilibrium within all sources of power, including the voters who delegated their power. Delegated power gets the first nod to govern, and if they fail the voters, then the voters reserve the power to adjust accordingly.*

Democracy in our local government derives its power from our city charter approved by the voters. The city charter delegates voter decision power to representatives (“city council”), while at the same time reserving rights to petition the government directly if necessary. Those reserved petition rights provide a balance of power and equilibrium within the charter structure whenever the delegated power is invoked by the city council.

Presumably the elected representatives represent the will of the voters who elected them and are expected to listen to all the voters and deliberate with each other before voting and deciding on a measure.

When that does not happen, there is a power imbalance. The voters' power is rebalanced by the reserved petition power. This power safeguards the voters against votes and decisions by the city council that are deemed against the will of the voters and therefore unacceptable. This reserved process is in the charter to safeguard the voters, to ensure their power can be used as a balance but is not reserved as a primary or alternative way to govern.

Now let's look at Section 7-7 as it is currently written. 7-7 allow citizens to petition and seek approval of legislation directly from its elected representatives. In other words, instead of the city council initiating legislation, voters initiate. The first petition under 7-7 is the request for the city council to vote upon the petition. 7-7 requires at least 5% of registered voters to cause the city council to act. The idea of at least 5% is to insure up

front that there exists a significant voter interest in the matter that the council is required to vote on (by comparison, voters can get a public hearing before the city council under 7-6 with 100 voters). Once the petition is received, the city council must go through its customary procedures before voting, including committee vetting and voter input.

If the city council rejects, or amends the initiative petition, then under 7-7, a supplemental petition with at least an additional 2.5% of all registered voters is required to place the matter on the ballot. Why the supplemental petition and why new voters? In order to balance the process. When the city council votes to accept, reject or amend the petition, then the decision is like any other city council decision. Those petitioners have been heard by the city council. A new level playing field has been established. From the level playing field the second petition provides the right to take the matter to the ballot (by contrast the first petition was filed to have the matter voted upon).

In addition, if the city council approves the petition, that decision is subject to another reserved right, the right to referendum petition reserved in Section 7-8. In other words, there are other voters who may not agree with the initial petition and its approval. Another balance of power moment. 7-8 requires at least 2.5% of all registered voters to sign a referendum petition, at which point the matter is eligible for the ballot.

At this power moment, when an initiative petition is before the city council, and before a decision is made, three separate power sources in power equilibrium are working to either have the city council get to a decision that is agreeable to all the power sources by voting yes, no or producing a compromise, or if no compromise is reached, the matter can then be decided by the ballot.

The city charter has therefore established within its balance of power, and its reservation of rights by the voters, an equilibrium, ie it takes the same amount of voters in 7-7 and 7-8 to place the matter on the ballot once the city council acts on the first petition.

It has been suggested that once an initiative petition is rejected by the city council, it should go directly to the ballot, since the first petitioners have worked hard to get to the city council in the first place, and being turned down should automatically move the decision to the ballot. In my view, allowing an initiative petition to go directly to the voters if rejected creates a power imbalance which reduces the power of the elected body to do its work. There needs to be power in the legislative body to seek compromise and allow it to legislate in the first instance. This is accomplished when the petitioning voters are obligated to get more signatures before the matter is put on the ballot, in this case equal to the number needed for a referendum petition. The petitioning voters (both initiative and referendum) then understand that they, and the city council have equal power in the process. The equilibrium in power allows for all powers to negotiate, and hopefully reach compromise, one of the hallmarks of a well-functioning democracy. **See Diagram attached illustrating my discussion.**

*Conclusion. The objective of this sub-committee is to try and reach consensus to determine whether or not Section 7-7 should be amended, based on the ballot vote in*

November, 2021. I recommend, based on what I have shared, that we vote not to amend at this time. I recommend we also provide, for the record, our list of recommendations for change for a future Charter review.

