

GREENFIELD CHARTER CHAPTERS 7-7 & 7-8 REVIEW AD HOC COMMITTEE
MINUTES
July 11, 2023

Zoom Conferencing System

6:00 p.m.

- CALL TO ORDER** Chairperson Singer called the meeting to order at 6:02 p.m.
- PRESENT** Chairperson Singer, Councilor Golub and Helie, Committee Members Mass and Norman.
- ABSENT** None
- ALSO PRESENT** Members of the public.

CHAIRPERSON STATEMENT: This meeting is being recorded by the Charter Chapters 7-7 & 7-8 Review 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.”

ACCEPTANCE OF MINUTES: On a motion by Committee Member Mass, second by Councilor Golub, it was by roll call, 5 yes, 0 no,

VOTED: TO ACCEPT THE AD HOC COMMITTEE MINUTES OF MAY 8, 2023.

Chairperson Singer noted this was the final meeting and provided an introduction on why the agenda was produced in this manner. If no one objected, the discussion would begin with Committee Member Al Norman’s proposed changes to Charter Chapters 7-7 & 7-8 and the Committee would be given the opportunity to make amendments to any part of his proposal. Committee member Mass noted he received the proposed drafts today and was unable to have a thorough review.

Committee Member Norman presented his proposal. Comments included:

- The additional language (printed in blue) was an attempt to address what was considered a fairly unusual possibility to what happened if a [initiative] petition was filed and the City Council voted to amend language the petitioners would approve of; however, another group may come forward and submit a referendum on the revised version.
- The version under discussion came as a result to the comments people had made in regards to the important role of the Petitioners’ Committee and the important role of negotiation in situations where citizens want to address the Council on alternatives to their vote.
- For the first time in 23 years, the Greenfield Charter would include a process allowing petitioners and a Council subcommittee to mediate, negotiate and discuss an issue the Council previously voted on.
- The addition was a public hearing process; therefore, someone could file a request under Charter Chapter 7-7 or Chapter 7-8.
- Question as to whether the referendum process should require a supplemental petition.
- This proposal would include language that would be similar in both Chapter 7-7 & 7-8.
- Citizens who bring forward a petition had no direct interaction with the Council; which hinders any discussion and/or negotiation process.

Comments/responses made by Committee members:

- No other charter in the Commonwealth did not contain a process similar to what Mr. Norman had proposed. It may be considered undemocratic to give one group of people a special standing to participate in the legislative process without giving equal access to people who may be opposed to a petition. At the next meeting the Council would do
- Who would represent the people who had opposition to the petition.
- What processes and procedures were available to citizens once the Council makes a decision. If the initiative was submitted and the Council made a decision, the initiative group had a choice: they could obtain other signatures and place their request on the ballot. At the same time, if the Council amended it, and other people in the community were opposed to it, they could file a referendum petition and place it on the ballot as a protest to what had been. So, if the group for the initiative appeared and negotiated with the Council, if they succeeded in convincing the Council to amend the petition to their satisfaction, at the next meeting the Council worked it out with the initiative committee. Consider the proposed language in blue were to say at that time the group that filed the referendum and the group that had filed an initiative both sat down and negotiated with the Council and as a result neither of those petitions were listed on the ballot.

MOTION: On a motion by Committee Member Norman, second by Councilor Golub, it was,
MOVED: APPROVE COMMITTEE MEMBER NORMAN'S PROPOSED CHARTER CHAPTER 7-7
IN THE CORRECTED VERSION AS PRESENTED:
SECTION 7-7: CITIZEN INITIATIVE MEASURES

Introduction.—This section allows voters to bring forward a proposed ordinance or measure and petition the City Council or School Committee to put the citizen's initiative on the ballot for the voters to decide upon.

The words "citizen initiative measure" shall mean a proposed ordinance or other measure presented directly by voters to the City Council or the School committee for their adoption.

(a) Commencement, Petitioner's Committee- City Clerk shall provide a blank template for a petitioner's committee to use to commence a citizen's initiative, **along with an affidavit for the formation of a petitioners' committee. The petitioners' committee shall write their proposed initiative petition using the template, addressing the petition to the City Council or to the School Committee, and requesting a particular measure.**

The initiative petition shall be accompanied by an affidavit signed by ten (10) voters who have signed the petition, 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 for negotiating with the City Council or the School committee regarding an amended measure pursuant to the provisions of section (e). The petitioner's committee shall indicate which member shall serve as clerk of the petitioners committee.**

The citizen's initiative petition shall be addressed to the City Council or to the School Committee, and shall contain a request for a particular measure, including the exact wording of the motion to be adopted, along with a fair, concise summary of what a Yes or No vote on the proposed initiative means. prepared by the petitioners committee. The petitioner's committee shall return the proposed citizen's initiative and affidavit to the City Clerk.

(b) Referral to City Attorney - The City Clerk shall, within five (5) days following submission of a proposed initiative petition, deliver a copy of the petition to the City Attorney. The City Attorney

shall, not later than ten (10) days after receipt of a copy of the petition, advise the City Council or the School Committee, as may be appropriate, in writing 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. (3) whether the wording of the motion to be adopted, as well as the summary of what a Yes or No vote on the proposed initiative means, as prepared by the Petitioner's Committee, is a concise summary of the measure, along with any recommended edits from the City Attorney. 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 be mailed to the City Clerk, and to the person designated as Clerk of the petitioner's committee.

(c) Certification by the 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 attach to the petition a certificate showing the results of the City Attorney's examination and within five (5) days shall submit 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 City Attorney's opinion shall also be mailed to the person designated as Clerk of the petitioners committee.

(d) Initiative Petition Gathering of Signatures-Within thirty (30) days after mail receipt from the City Clerk of the petition certification in step (c), the petitioners committee shall circulate the initiative to Greenfield registered voters, and shall return all petitions to the City Clerk signed by not less than **one hundred and fifty (150)** registered Greenfield 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.

The City Clerk shall ensure that all petition templates shall contain the following disclaimer: "The petitioner's committee which is sponsoring this petition is authorized and empowered to negotiate with the City Council or the School Committee to accept or reject an amended measure offered by the City Council or the School Committee in lieu of the proposed citizen initiative as originally commenced by the Petitioner's Committee."

Not later than fifteen (15) 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 initiative 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.

(e) Action on Petitions, Public Hearing – At the next scheduled City Council or School Committee meeting which falls at least thirty (30) days after the date the City Clerk submits the initiative petition to the Clerk of the Council or the Secretary of the School Committee, the City Council or the School Committee shall schedule a public hearing for the purpose of gathering public opinion on the initiative petition as proposed by the petitioner's committee. Notice of said public hearing shall be published once in a local newspaper at least 14 (fourteen) days in advance of the hearing, and posted on the City Bulletin Board, with the full text of the proposed initiative petition.

(f) Negotiations after the Public Hearing- Not later than thirty (30) days after the date of the public hearing, the City Council or the School Committee shall act with respect to the 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. Upon the passage of a measure which is in lieu of a referendum measure a subcommittee of the City Council appointed by the Council President, or a subcommittee of the School Committee appointed by the Chairperson of the School Committee, shall meet with the petitioners committee within fourteen (14) days to determine if the amended measure is acceptable to the petitioners. If the petitioners and the Council subcommittee or the School subcommittee support an agreed upon amended measure, the Council or School Committee shall take up the measure as amended at its next meeting, or at special meeting called by the Council President, of the School Committee Chair, and shall act with respect to the amended measure by passing it, or by rejecting it.

If the City Council or the School Committee has voted to pass an amended measure, which the initiative committee has supported, and within 30 days of that vote a referendum petitioner's committee of ten (10) persons is formed to oppose the vote of the Council or School Committee on the amended measure, the City Council President or the School Committee Chairperson, within fifteen (15) days of the filing of a referendum petitioner's committee, shall invite the initiative petitioner's committee and the referendum petitioner's committee to meet with same subcommittee of the Council formed above in this section (f) to see if the two petitioner's committees can agree to language that allows the measure to be resolved without requiring supplementary petitions under section (g). If no agreement between the Council and the two petitioner's committee can be reached within fifteen (15) days of convening negotiations, the Council or the School Committee shall refer the referendum petitioner's to section (g) for further signature gathering. . If the two petitioner's committees and the Council subcommittee or the School subcommittee support an agreed upon amended measure, the Council or School Committee shall take up the measure as amended at its next meeting, or at special meeting called by the Council President, of the School Committee Chair, and shall act with respect to the amended measure by passing it, or by rejecting it.

If the City Council or the School Committee fails to act take any action with respect to an initiative petition which is presented to it not later than seventy-five (75) days after the date it is submitted to it by the City Clerk, the measure shall be considered to have been rejected on the 75th 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.

(g) Supplementary petitions. If the City Council or the School Committee are unable to agree on an amended measure with the Petitioner's committee, not later than forty-five (45) days after the date an initiative petition has been rejected by the Council or the School Committee, a supplemental initiative petition may be filed with the City Clerk by the petitioner's committee as determined in Section 7-7(a). The petitioner's committee is authorized to use supplemental initiative petitions which shall be in the same form as the initial petition and signed by four hundred and fifty(450) additional voters. The signatures will be certified by the City Clerk pursuant to the provisions of section 7-8(c).

(h) Submission to the voters— Not later than fifteen (15) days after the City Clerk has certified that sufficient petitioner's supplemental signatures have been submitted, the City Council or the School Committee 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 ninety (90) nor more than one hundred eighty (180) days after the date of the rejection of the initiative measure; provided, however, that if the next regular City election is to be held not later than one (1) year after the date of the measure's rejection in section (d), 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.

(i) **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.

(j) **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 the voters, be adopted by the City Council (or the School Committee)?”

(Insert here the full text of the proposed initiative measure, along with a fair, concise summary of what a YES vote means, and what a NO vote means, prepared by the petitioners committee, and approved by the City Attorney) _____YES _____NO

(k) **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 a special election called pursuant to section 7-7 (h) at which the question has been voted upon.

DISCUSSION: A precedent should be set for a supplemental process in which there was communication and discussion between the petition committee(s) and City Council in order to propose an amendment that would be acceptable to all parties and not require a petition to go onto the ballot. Other comments included:

- Question as to whether this committee was charged with drafting the proposed ordinance as opposed to providing recommendations to the Council.
- The Rules of Procedure followed by the Council prohibit them from engaging the public who come before them. Citizens could exercise their rights once the Council had made their decision.
- Suggestion was made for a petition group to go before the Community Relations Committee for discussion. Once they collect the 150 signatures required they should be able to present their case, along with any opposition, at the next City Council meeting during a public hearing.
- The proposed language could be construed as a very creative and futuristic way of conducting government business in a community the size of Greenfield. However, it also gave a small number of citizens who brought the initial petition got to decide whether there would be a supplemental petition. The main goal would be to resolve the petition(s) to everyone’s benefit so it wouldn’t need to be placed on the ballot.
- The bigger issue was a legal problem in which a petitioner went to collect signatures an agreement made between petitioner and signer that this petition was going to be brought forward to the City Council. If the Council rejected it the petitioner got to decide whether to bring forth a supplemental. If ten people negotiate on behalf of the signers and decide on language that was not presented or agreed upon by the signer, an agency was created that was not created by this Charter. The petitions committee now had power which was not in any other charter except to move forward.
- Recommend to the City Council to give people an opportunity to speak to the Council before petitions could end up going to the ballot.
- There was language in the ordinance that stated if the City Council amended a motion it was rejecting it.
- Rationale for the submission of a secondary gathering of signatures if the Council did nothing after.
- As the legislative body, the Council was the only entity with the authority and decision making. The proposed changes to Charter Chapters 7-7 & 7-8 was to give the petitioners the opportunity to have

meaningful dialogue and negotiations with the Council in order to resolve issues Councilors voted on.

- Placing an issue on the ballot for residents to vote on versus a handful of Councilors/School Committee members and citizens discussing and negotiating on an issue that may or may not be accepted by the full Council/School Committee.
- The process did not allow for citizens who were opposed to the proposed petition to present their rationale and therefore would cause a more one sided/non educated decision made by the Council/School Committee.
- The process could include an option of the citizen's petition group, if the Council/School Committee made the decision to amend the petition, to gather more signatures on the amended petition within forty five days and resubmit it to the Council which could bring about a public hearing.
- Simplify language in 7-7(f) to say there was a public hearing along with discussion between the petitioner's committee and subcommittees of the full body.
- Concern that the questioning of citizens from Councilors could be seen as an intimidating factor; making it less likely for citizen's to come forward and share their views.
- Summary of steps as understood: Step 1 – Gather 150 signatures; Step 2 – Public hearing at the City Council; Step 3 – dialogue with either the Appointments & Ordinances or Economic Development Committee. The Charter would state at that meeting, before the vote; which meant the chair would have to recognize the petitioners committee at the meeting, and the discussion piece would mean there'd be a two-sided conversation, it would be forwarded to the Council having had the process.
- If the petitioner's committee was not satisfied with Councilor's amendment or rejection, they had two choices: Take the initiative to the ballot and obtain 450 signatures, or they could start from the beginning and have another public hearing and open dialogue with the subcommittee.
- Addressing the issue of the opposition to a petition, would the open dialogue also include other citizens who were opposed or was not a signer on the petition to voice their opinion/input. The subcommittee would then forward a recommendation to the full Council.
- All dialogue, including proposed amendments, should be addressed at the same subcommittee meeting as the public hearing/conversation with the petitioner's committee.
- Once the entire process was completed, the Council would either accept the initiative; propose amendments, which would not open further dialogue between the petitioner's committee and City Council; or reject the petition. If the Council voted to amend the petition, the petitioners could file a supplemental which would put it on the ballot, or the petitioner's committee could go back to the beginning.
- At the subcommittee level, if they propose amendments to the petition, the subcommittee would forward their recommendation, along with any proposed amendments to the full Council. If the full Council decided to make amendments as well, the petitioner's committee could exercise their options to supplement to place on the ballot or begin the process over.
- The subcommittee would be the end of the interaction between the petitioner's committee and council - citizens could still speak at the public comment section of the City Council – and then the full Council discusses and votes. The citizen's group could accept the vote, start at the beginning of the process, or file a supplemental to place on the ballot.
- The process would be codified that the petitioner's group had standing at the subcommittee meeting within the reasonable rules that were fashioned in accordance with the same rules followed by the Council.

MOTION: On a motion by Councilor Golub, second by Chair Singer, it was,
MOVED: AMEND CHARTER CHAPTER 7 SECTION 7(F), THAT AFTER THE PUBLIC HEARING THERE IS A MEETING OF THE APPROPRIATE COUNCIL COMMITTEE WHERE THE PETITIONERS COMMITTEE HAS A DIALOGUE WITH THE GIVEN COMMITTEE, IN WHICH THEY DISCUSS AS WITH ANY OTHER COMMITTEE MEETING THE CHAIR HAS THE DISCRETION TO AT THE BEGINNING OF THAT MEETING RECOGNIZE PUBLIC COMMENT FROM THE PUBLIC AS THEY WOULD HAVE THAT DISCRETION AT ANY MEETING. AT THE END OF THAT DISCUSSION, WHEN THE DISCUSSION IS COMPLETE, THAT COMMITTEE TALKS AMONGST THEMSELVES ABOUT WHAT PROPOSAL THEY WANT TO PUT FORWARD TO THE FULL COUNCIL/SCHOOL COMMITTEE.

DISCUSSION: The petition would then go to a committee designated by the president of the council, and that committee would have to meet within a certain period of time with the petitioner's committee to have a dialogue between the Councilors and the petitioner's committee. There would need to be a definition that the dialogue isn't that the Councilors talk to themselves and the petitioners talk to themselves. After that meeting occurs, it could be adjourned for additional meetings to allow the subcommittee flexibility if it was determined the dialogue and related discussion would not be completed after one meeting. Once that dialogue has been concluded, now the charter provision moves along as the Council will vote to do what they're going to do. If it's not accepted then the petitioners have the right to go out within whatever time frame is given, and the blue language would be stricken.

- On subsection (g) add: If the petitioners are not satisfied with the amended measure passed by the Council, they have the right to gather the second supplemental petition. They then could file the supplemental petition and it goes to the ballot. The petitioners committee could let the 45 days go by and not do anything and in the meantime come back and file an initiative petition that's a little bit different and start the process over again which gives them the same rights in a, b, c d, e and f.
- Amend motion to "Strike Section 7(f) in its entirety, and to amend as it comes before the committee for a dialogue between the Councilors and the petitioner's committee, and then the second thing is that the Council votes.
- Question as to why the Committee was attempting to draft language when the discussion was in regards to fundamental principles. A recommendation should be made on accepting the fundamental principles that the Committee agreed upon and allow someone else to do the drafting at a later time.

MOTION: On a motion by Committee Member Mass, second by Councilor Helie, it was,
MOVED: TO TABLE THE MOTION BEFORE THE FLOOR AND TAKE UP THE OTHER ACTION ITEMS AND ALLOW COMMITTEE MEMBERS TO MAKE ADDITIONAL PROPOSALS BASED ON THE DIALOGUE THE COMMITTEE HAD AT THE END OF THEM.

It was noted motions to table were non-debatable; however the Chair would allow a discussion.

DISCUSSION: Committee Member Norman noted in past experiences, lawmakers requested draft language to be prepared for review.

It was by roll call 2-3: Helie and Mass voted yes; Singer, Golub and Norman voted no,

DEFEATED: TO TABLE MOTION.

Original motion was still on the floor: AMEND CHARTER CHAPTER 7 SECTION 7(F), THAT AFTER THE PUBLIC HEARING THERE IS A MEETING OF THE APPROPRIATE COUNCIL COMMITTEE WHERE THE PETITIONERS COMMITTEE HAS A DIALOGUE WITH THE

GIVEN COMMITTEE, IN WHICH THEY DISCUSS AS WITH ANY OTHER COMMITTEE MEETING THE CHAIR HAS THE DISCRETION TO AT THE BEGINNING OF THAT MEETING RECOGNIZE PUBLIC COMMENT FROM THE PUBLIC AS THEY WOULD HAVE THAT DISCRETION AT ANY MEETING. AT THE END OF THAT DISCUSSION, WHEN THE DISCUSSION IS COMPLETE, THAT COMMITTEE TALKS AMONGST THEMSELVES ABOUT WHAT PROPOSAL THEY WANT TO PUT FORWARD TO THE FULL COUNCIL/SCHOOL COMMITTEE.

DISCUSSION: It was noted the latest draft on this section had not been seen by some Committee members until today before the meeting, and to approve specific language that was not submitted in a timely manner to allow Committee Members to review was unacceptable. There was a mutual agreement this meeting would be the last for this Committee to meeting and discussion these issues. More than likely the legislature was never given 24 hours or less to review proposed legislation and expected to submit an educated vote.

- Suggestion was made to a motion to suspend the discussion regarding Committee Member Norman's initiative, followed by a more general motion in regards to the consensus of what the Committee had agreed upon.
- It was noted the motion made previously was a reflection on the supposed consensus of the Committee to the principle of the importance of an open dialogue between the petitioner's committee, any opposition or other interested party(s), and the Council/School Committee.
- The Committee would present to the Appointments & Ordinance Committee a consensus of their agreement to the process proposed for Charter Section 7-7: Step 1 – Gather 10 signatures affidavits to the clerk. The clerk sends it to the lawyer, attorney approves and says it's legal. Step 2 – Gather 150 signatures, it gets sent to the City Council where there's an open public meeting so they can hear from petitioners, opposition and other party(s), at which time the Council President would assign the petition to the appropriate subcommittee. Step 3 – The subcommittee would deliberate with the petitioners on the direction for the proposal. Step 4 – Subcommittee would review all information and comments provided and make a recommendation to the petitioners, at which point the petitioners would have the ability to come back to the subcommittee and say yes or no to any amendments. Step 4 – Subcommittee would forward a recommendation to the Council and if the petitioners do not agree with the outcome, they can obtain the required amount of signatures to place the issue on the ballot.
- The Committee should provide guidelines to the Appointments & Ordinances Committee and not legal language or how it should be interpreted.
- It was not ethical to present a hybrid of proposed language and principals to the City Charter, which is a legal document and the most important language to the City.
- Suggestion was made to another motion to table this discussion and address the other items on the agenda which encompassed everything that's in this ordinance except that dialogue provision, which can be added.
- Suggestion was made that Councilors Golub and Helie would work to create language that mirrors the principles of the Committee. Committee Member Norman stated "I have no problems with that. Though I would like there to be something in the motion that you and Derek agree to write language for the Council." Councilors Golub and Helie agreed that they would work together to draft language for the Council that mirrors the principals that the subcommittee puts forth.

MOTION: On a motion by Chair Singer, second by Council Member Mass, it was by roll call 4-1: Singer, Golub, Helie and Mass voted yes; Norman voted no,

VOTED: TO TABLE THE MOTION BEFORE THE FLOOR AND TAKE UP THE OTHER ACTION ITEMS AND ALLOW COMMITTEE MEMBERS TO MAKE ADDITIONAL PROPOSALS BASED ON THE DIALOGUE THE COMMITTEE HAD AT THE END OF THEM.

MOTION: On a motion by Councilor Golub, second by Chair Singer, it was,
MOVED: THAT A PETITIONER'S COMMITTEE IS FORMED OF TEN (10) PEOPLE, THAT BRING THE LANGUAGE THAT THEY WANT TO BE PUT FORWARD TO THE CITY CLERK, THE ATTORNEY VETS IT, ONCE IT'S APPROVE THEY HAVE TO GATHER 150 SIGNATURES. ONCE THOSE SIGNATURES ARE VETTED BY THE BOARD OF REGISTRARS, THEN THE PROPOSED INITIATIVE GOES IN FRONT OF THE ENTIRE BODY OF THE CITY COUNCIL OR THE SUBCOMMITTEE FOR A PUBLIC HEARING. THEN THERE IS A DIALOGUE WITH A COMMITTEE OF THE COUNCIL THAT IS APPROVED BY THE PRESIDENT OR CHAIRPERSON. THE DIALOGUE HAPPENS IN THAT COMMITTEE, AND THEN IT GOES TO AN ENTIRE VOTE. IF WHAT IS PASSED IS NOT THE INITIAL PROPOSED INITIATIVE AND IS NOT AMENDABLE TO THE PETITIONER'S COMMITTEE, THEY THEN CAN DECIDE, WITHIN FORTY FIVE (45) DAYS, TO HAVE A SUPPLEMENTAL SIGNATURE COLLECTION, AND IF THEY COLLECT 450 ADDITIONAL SIGNATURES FROM VOTERS THAT ARE VETTED BY THE BOARD OF REGISTRARS THEN IT GOES TO A BALLOT WITH PRECISION AROUND THE TIMING.

DISCUSSION: It was suggested to increase the number of signatures required for a question to be placed on the ballot from 450 to 600.

- It was understood the motion to be made was in regards to [Charter 7 Section 7] (f) and Committee Member Norman's proposed language and a principle would be given on having the citizens' committee have a hearing at a subcommittee of either the Council/School Committee and codify that one issue and not all of the other proposals. When was needed to be sent to the Council are recommendations on issues where there's controversy and disagreement.
- What would be the point of deliberating about an issue specifically assigned to this Committee if they did not include a discussion concerning a proposed number of votes or days to obtain signatures.
- Suggestion was made to withdraw the motion currently on the floor and the Committee could taking anything you believe we get left off at the end, there may not be an issue with additional things and go through what's on the agenda and if additions need to be made.

Councilor Golub agreed to withdraw her motion. Discussion continued on this former motion.

It was noted that Chair Singer, who seconded the original motion made by Councilor Golub, did not withdraw his second.

MOTION: On a motion by Chair Singer, second by Councilor Helie, it was by roll call 4-1: Singer, Golub, Helie and Mass voted yes; Norman voted no,
VOTED: TO TABLE MOTION.

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was,
MOVED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT THE TOTAL NUMBER OF SIGNATURES TO REACH THE BALLOT IN SECTIONS 7-7 AND 7-8 BE THE SAME.

DISCUSSION: Rationale was intent to decide whether or not there should be symmetry in the two sections regardless of what the ultimate decision about what the appropriate number of signatures is to get to the ballot.

- Due to the fact a number of signatures had not been specified or agreed upon by the Committee there was no reason to support this.

- It was noted that some of the Committee members do not want to amend or alter section 7-8 at all or have the section be more involved than the process for 7-7. The question then becomes does the Committee believe the number of signers be the same for both sections. It was irrelevant what the number of signatures should be assigned, it was whether you believe access to the ballot should be equal.

It was by roll call 3-1-1: Singer, Helie and Mass voted yes; Norman voted no; Golub abstained,
VOTED: TO ACCEPT RECOMMENDATION.

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was,
MOVED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT 7-7 AND 7-8 BOTH HAVE A BIFURCATED PROCESS IN ORDER TO ALLOW THE COUNCIL TO FIRST CONSIDER OR IN THE CASE OF 7-8 RECONSIDER THE PROPOSED MEASURE.

DISCUSSION: The issue with the bifurcation process was the referendum petition was different from the initiative petition due to the fact it's more time sensitive, which could slow down the process.

It was by roll call 4-1; Singer, Golub, Helie and Mass voted yes; Norman voted no [without providing rationale, even though his initial proposal included a bifurcated process for both 7-7 and 7-8],
VOTED: TO ACCEPT RECOMMENDATION.

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was by roll call, 5 yes, 0 no,
VOTED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT IT BE REQUIRED TO HOLD A PUBLIC HEARING ON MEASURES BROUGHT UNDER 7-7.

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was,
MOVED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT THEY SHOULD SET A TIMEFRAME THAT ALLOWS THEM TO ADEQUATELY CONSIDER, HOLD ADVERTISED PUBLIC HEARINGS, BRING IN EXPERTS MUNICIPAL OR OTHERWISE TO TESTIFY OUTSIDE A PUBLIC HEARING BUT SET A DATE FROM FILING NO LESS THAN 60 DAYS AND NO MORE THAN 90 DAYS FOR ACTION.

DISCUSSION: Clarification was made the time frame was for the Council to render their decisions. It was also noted the time frame was extended to allow for a public hearing and open dialogue between the Petitioner's Committee and Council.

It was by roll call, 5 yes, 0 no,
VOTED: TO ACCEPT RECOMMENDATION.

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was by roll call, 5 yes, 0 no,
VOTED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT THE INITIAL THRESHOLD TO INITIATE A PROCEEDING UNDER 7-7 BE 150 AND SIGNATURES.

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was,
MOVED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT UPON ADOPTION OF AN AMENDED VERSION OF THE PROPOSED MEASURE THE PETITIONER'S COMMITTEE SHOULD HAVE 15 DAYS TO FILE A WRITTEN NOTICE SIGNED BY SIX MEMBERS OF SAID COMMITTEE INDICATING AN INTENT TO BRING THE

MEASURE AS PROPOSED TO BALLOT, HAVING FAILED TO DO SO THE PROPOSED MEASURE SHALL BE DEEMED APPROVED AS AMENDED.

DISCUSSION: Rationale was the purpose of this is to be made aware of a finality the citizen's committee would have 15 days to decide amongst themselves whether or not they wanted to take the next step; otherwise, that process remains open for the totality of the period of time in which they have to collect signatures.

- Chair Singer noted the Committee had agreed on a different process.

It was by roll call 0-4-1: Singer, Golub, Helie and Norman voted no; Mass abstained,
DEFEATED: TO ACCEPT RECOMMENDATION.

MOTION: On a motion by Committee Member Mass, no second, it was,
MOVED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT THE TOTAL NUMBER OF SIGNATURES, INCLUDING THE ORIGINAL AMOUNT SET FORTH IN MOTION 5, BE SET AT 650.

It was the consensus of the Committee to return to the motion at a later time.

MOTION: On a motion by Committee Member Mass, no second, it was,
MOVED: SHALL IT BE RECOMMENDED THAT THE TIME ALLOTTED FOR COLLECTION OF THE ADDITIONAL SIGNATURES BE NO MORE THAN THE PERIOD SET FOR ACTION BY THE CITY COUNCIL OR SCHOOL COMMITTEE, BUT NO LESS THAN 60 DAYS AND NO MORE THAN 90 DAYS UNDER 7-7.

DISCUSSION: Preference was made to Committee Member Norman's proposal of not more than 45 days to avoid drawing out the process.

- As before, Committee Member Norman stated that until an exact number of signatures was agreed upon, he could not vote on this issue. He said that he would scale the number of days to the number of required signatures. For example, if it was 450 signatures, he would make it 45 days; if it was 350, he would say 35 days; if it was 600, he would say 60 days.
- Chair Singer argued that he wanted to make it 60 days to give people all the time they need to gather signatures. Councilor Golub stated that she agreed with Chair Singer's rationale.

MOTION: On a motion by Chair Singer, second by Committee Member Mass, it was by roll call 4-0-1: Singer, Golub, Helie and Mass voted yes; Norman voted to abstain [because "he didn't know the number of signatures."],

VOTED: TO AMEND RECOMMENDATION TO RETAIN THE NUMBER OF SIXTY (60) DAYS AS CURRENTLY LISTED IN THE CHARTER.

Chair Singer acknowledged that "Al (Committee Member Norman) went through a tremendous amount of trouble to write these two ordinances with a good faith effort and, I understand why he was pi**ed off, I just didn't want it to go too far. With an incredible good faith effort to meet our group halfway or further; which resulted in a conversation which, I heard, and I think you all heard, that we all agreed on how to amend Section 7-7, except maybe for the numbers which we're going to talk about now. But, in concept, I don't have any problem with what you said, Isaac (Committee Member Mass), about what you needed; and Al, I don't have any problem with you feeling frustrated by suddenly this all going in another direction. So, if we're going to talk about the numbers next, I am going to make a motion that Al's documents be given weight in what the Council considers to be the language. Because he, in my view, he took the language what's in the Charter now and he just added provisions and we've deleted many of the provisions that he added by just adding the idea that there'd be a dialogue. So, his proposal is really [Charter Chapter] 7-7 all

over again; and I feel like the shifting gears and I could see Al's body language, I apologize for how it all went down. But, there was no way I just wanted to get these other motions done because they had to get done, and now I'm going to circle back. If we're going to have a conversation about signatures, I am going to think hard about the fact that what Al did has to be incorporated into this discussion. Not everything he wrote, I'm not into the exact language that he wrote, the point is that what he wrote deserves to be in the record in some form that has some value for the Council going forward. And if there are objections to particular paragraphs, then let's note them, that we don't agree on them, but let's also recognize that the rest of the work has merit."

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was,

MOVED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT THE TOTAL NUMBER OF SIGNATURES, INCLUDING THE ORIGINAL AMOUNT SET FORTH IN MOTION 5, BE SET AT 650.

DISCUSSION: Committee member Mass stated his rationale for the number 650 (150 for the initiative and 500 for the supplemental) signatures were numbers that are regularly used for ballot collection for candidates that people who collect signatures are familiar with and know what's required in the effort to collect that many signatures.

- Committee Member Mass stated that the purpose of changing the numbers was to give clarity to those people who were considering a proposal to know what they would have to do and that they will have a real understanding of what that means based on experience in other ballot collection initiatives.
- Committee Member Mass also stated that 650 has consistently been the middle ground throughout the months that the ad hoc subcommittee has been discussing the numbers, the even place between the people who wanted much higher numbers and the people who wanted much lower numbers.
- Chair Singer stated that if we take the charter as it is written today, and we have the maximum amount of votes that would come out of a 10% of the people that show up for an election and we codify it, it will be 600 for Mayoral election and maybe 250 for an off election.
- The way the Charter is written now for 7-7 is 250 (signatures) on the off election (10% of 2500 or 2700) brings it to 325 in 7-8 and it also creates odd numbers.
- If the Committee is trying to do symmetry, it's not really helpful to have these two different voting times.
- Chair Singer stated that Committee Member Norman would argue is that the most that would ever happen with 10% of voters showing up at an election is 600; so Committee Member Norman said, "Okay, I'll agree with 600 people." Chair Singer said he thinks that's a good faith effort based on real numbers, the maximum.
- Chair Singer shared that there's another prospective which is that the Charter used to be written as 5% of all registered voters, which increased the number to 675 or 700. So if people are into going back to the way it was, their preferred number would be more 675 or 700.
- So, Chair Singer said, we have 600 on one side and 675 or 700 on the other side, and would 650 a compromise that people would be willing to make?
- Chair Singer asked Committee Member Norman if he was willing to let 650 be a compromise. Committee Member Norman said no. Chair Singer asked why.
- Committee Member Norman stated that in November of 2021 when the "No on 1" campaign was voted on citizens rejected a 7 1/2% of total voters and the number remained the same, which at the time was approximately 338.
- 10% of voters voting was likely to be between 500 to 600 signatures total this coming November. The next election, which was a non mayoral election, will decrease to 300 to 400 range.
- He stated that 600 was the highest number he was willing to entertain.

- Committee Members Mass stated that Committee Member Norman continued to reference the referendum in which voters rejected 10% of registered voters and agreed that voters did reject that and wanted a lower number, but 10% of all registered voters is 1350, and this is less than half of that.
- Committee Member Norman said that the language that was in the statute was 10% of voters voting, not 10% of total voters.

Note: This is the language that voter voted on in 2021:

<u>Question 1</u>	
E	
>	SHOULD THE GREENFIELD CITY COUNCIL
>	SEEK TO AMEND SECTION 7-8 OF THE CITY
>	CHARTER TO CHANGE THE REQUIRED
>	NUMBER OF SIGNATURES FOR CITIZEN
>	REFERENDUM PETITIONS BY CHANGING
>	THE CURRENT CHARTER LANGUAGE FROM:
E	
>	"A NUMBER OF VOTERS EQUAL TO TEN
>	PERCENT (10%) OF THE TOTAL NUMBER OF
>	VOTERS VOTING IN THE MOST RECENT
>	BIENNIAL CITY ELECTION, BUT NOT LESS
>	THAN TWO AND ONE HALF PERCENT (2 1/2
>	%) OF ALL REGISTERED VOTERS AS OF THE
>	SAME DATE"
>	TO:
>	
>	"A NUMBER OF VOTERS EQUAL TO SEVEN
>	PERCENT (7%) OF THE TOTAL NUMBER OF
>	VOTERS REGISTERED TO VOTE IN THE
>	MOST RECENT BIENNIAL CITY ELECTION
>	THAT OCCURRED PRIOR TO THE DATE
>	WHEN SAID SIGNATURES ARE FILED WITH
E	THE CITY CLERK"?
>	
	Yes <input type="radio"/>
	No <input type="radio"/>

- There were 13,511 registered voters as of the date of the most recent city election.
- 2.5% of that is 337.78.
- 7% of that is 945.77
- 2,859 voters voted in the previous city election.
- 10% of that is 285.9.
- Chair Singer argued that the proposal is right in the middle between what the two groups wanted and he thought the community would vote for this in a heartbeat.
- Councilor Helie stated that he agreed and that when the Spanish teacher at the middle school was terminated, his daughter collected 100 signatures in four days.
- Councilor Golub stated that she's heard repeatedly from constituents that want both higher and lower and that many people who argue that in between is the right place to be. She stated that the fact that everyone has come toward the center is a victory.
- She also stated that she'd originally proposed no more than 100 votes per precinct and that she'd been okay with 600 when that was the calculation. She stated that she heard at previous meetings that Committee Member Norman did not want that and was willing to let go of that and move to 650 as a compromise.

It was by roll call 4-1: Singer, Golub, Helie and Mass voted yes; Norman voted no,
VOTED: TO ACCEPT RECOMMENDATION.

- Chair Singer stated that he wanted a motion that the language that Committee Member Norman drafted would be incorporated and used by City Council as a basis for them beginning the conversation.
- Committee Member Mass stated that he didn't know what that means.

MOTION: On a motion by Councilor Golub, second by Chair Singer, it was by roll call, 5 yes, 0 no,
VOTED: SHALL IT BE RECOMMENDED TO THE GREENFIELD CITY COUNCIL THAT AFTER THE PUBLIC HEARING, IN EITHER THE CITY COUNCIL OR THE SCHOOL COMMITTEE TO DISCUSS THE CITIZEN'S INITIATIVE, THE SUBCOMMITTEE OF THE COUNCIL OR THE SCHOOL COMMITTEE APPOINTED OR SELECTED BY THE CHAIR OR PRESIDENT, HAVE A MEETING IN WHICH THEY HAVE A DIALOGUE WITH THE CITIZEN'S INITIATIVE COMMITTEE.

MOTION: On a motion by Committee Member Mass, second by Chair Singer, it was by roll call, 5 yes, 0 no,
VOTED: THAT THE DRAFTED PREAMBLE (INTRODUCTION) SUBMITTED BY COMMITTEE MEMBER AL NORMAN BE RECOMMENDED TO BE INCLUDED IN THE CHARTER FOR 7-7 & 7-8.

Greenfield Subgroup
Citizen Initiatives and Citizen Referendum
Draft for Discussion proposed by Al Norman for July 11, 2023 Subgroup meeting

SECTION 7-7: CITIZEN INITIATIVE MEASURES

Introduction.—This section allows voters to bring forward a proposed ordinance or measure and petition the City Council or School Committee to put the citizen’s initiative on the ballot for the voters to decide upon.

The words “citizen initiative measure” shall mean a proposed ordinance or other measure presented directly by voters to the City Council or the School committee for their adoption.

SECTION 7-8: CITIZEN REFERENDUM PETITIONS.

Introduction: This section describes how citizens can put a referendum question on the ballot for a direct vote by the electorate to decide whether or not to reverse a measure voted upon by the City Council or the School Committee. Whether the City Council or School Committee has approved or disapproved a motion, citizens can petition to have a measure overturned using the referendum process.

MOTION: On a motion by Chair Singer, second by Committee Member Mass, it was, **WITHDRAWN:** IN CHARTER CHAPTER 7-8, THE TIMELINE FOR GETTING SIGNATURES BE INCREASED FROM THIRTY (30) DAYS TO THIRTY-SEVEN (37) DAYS, AND THAT THE LANGUAGE THAT WAS SENT FROM THE CHARTER COMMITTEE 2020 THAT GAVE THE LAWYER FOUR (4) DAYS AND THE CLERK THREE (3) DAYS TO GET DOCUMENTS TOGETHER FOR THAT COMMITTEE TO HAND IT TO THEM SO THAT IN ESSENCE IT WOULD BE SEVEN (7) DAYS TO GET EVERYTHING TOGETHER AND THEN THE COMMITTEE WOULD BE ABLE TO GO OUT FOR THIRTY (30) DAYS TO GET 650 SIGNATURES. AND THAT ANY DELAY CAUSED BY THE LAWYER OR THE CLERK’S OFFICE IN MEETING THOSE NUMBERS OF FOUR AND THREE WOULD MEAN THAT THE TIME PERIOD FOR BRINGING THE SIGNATURES BACK WOULD BE INCREASED BY EACH DAY THAT THERE’S A DELAY.

DISCUSSION: Committee Member Norman stated that the proposal he submitted stated that nothing that the Clerk or lawyer did would take away from the time that petitioners had to gather their signatures.

- Chair Singer agrees.
- Committee Member Norman stated that 30 days to gather 650 signatures was unnecessarily difficult.
- Chair Singer stated that the bifurcated phase was 60 days.
- Committee Member Norman asked if Chair Singer was talking about giving 37 days to gather 150 signatures.
- Chair Singer said that the way [Charter Chapter] 7-8 is currently written is that the citizen’s committee only has 30 days to gather signatures and he wants them to have more time.
- Committee Member Norman stated that 150 signatures in 30 days is doable.
- Chair Singer said he doesn’t accept a bifurcated 7-8.
- Committee Member Norman stated that we just voted for a bifurcated 7-8.
- Chair Singer said he knows he did and that bifurcation could be that there can be a committee that agrees to talk to the Council. He also stated that there’s no currently room for people to come to the Council in a referendum like in an initiative. Currently, you have to get you 650 signatures, then you ask the Council if they’ll change.
- Committee Member Norman asked why Chair Singer asked for a bifurcated process.
- Chair Singer said that he doesn’t agree with it, but he’s okay with letting the Council figure it out and that it’s fine if they want that but that he thinks that the way the Charter is written should be 650 signatures in 37 days.

- Committee Member Norman stated that in his language, he took out the lawyer and Clerk and then started the clock. He would like to see 60 days for 600 signatures.
- Councilor Golub stated feeling confused because Chair Singer voted for a bifurcated process and that Committee Member Norman had sent this language several weeks prior.
- Chair Singer stated that the idea of 150 signatures and then 500 signatures had never come up until the last two weeks.
- Councilor Golub said that we've had the language for two weeks and we just voted for a bifurcated process.
- Committee Member Norman state that we also voted to have symmetry.
- Chair Singer and Councilor Golub state that the vote was on symmetry of numbers.
- Councilor Golub stated that we voted to have a bifurcated process.

Chair Singer withdrew his motion; Committee Member Mass withdrew his second.

- Committee Member Mass stated that part of why the Committee haven't discussed 7-8 throughout this entire sort of committee process was due to the fact it was repeatedly said by Chair Singer, over the objection of many members, that the Committee could not discuss 7-8, even though it's part of what the Committee was appointed to do.
- Committee Member Mass stated that he does believe that we should have a bifurcated process on 7-8 where there is 150 signatures, 30 days for people to come back to Council for a citizen initiated motion for reconsideration, and an additional 30 days after that for action of the Council.

MOTION: On a motion by Committee Member Mass, second by Councilor Golub, it was, **MOVED:** THERE SHOULD BE A BIFURCATED PROCESS ON 7-8, THERE SHOULD BE A PROCESS THAT A MINIMUM NUMBER OF SIGNATURES, IT SHOULD BE A SHORT AMOUNT OF TIME THAT ALLOWS PEOPLE TO COME BACK TO THE COUNCIL FOR A CITIZEN INITIATED MOTION FOR RECONSIDERATION, WHICH SHOULD BE 150 VOTES SYMMETRY AND THE COMMITTEE SHOULD DISCUSS HOW LONG THAT IS, NO OBJECTION TO 30 DAYS, AND THEN AN ADDITIONAL 30 DAYS AFTER THE ACTION OF THE COUNCIL, AND THAT ANY DELAY CAUSED BY THE LAWYER AND/OR THE CLERK'S OFFICE IN MEETING THOSE NUMBERS OF FOUR AND THREE, RESPECTIVELY, WOULD MEAN THAT THE TIME PERIOD FOR BRINGING THE SIGNATURES BACK WOULD BE INCREASED BY EACH DAY THAT THERE'S A DELAY.

DISCUSSION: Committee Member Mass shared example of a bifurcated system would be as follows: The City Council of its own initiative passes a noise ordinance and a group of citizens opposed it, they file a 7-8 petition, ask for the Council to reconsider their vote and change their minds, that goes back to the Council, the Council has one opportunity to vote and reconsider after hearing this may be going to the ballot. More than likely, the citizen's petition would not likely convince the Council to reconsider their vote, but they are given an opportunity to. Then if the Council does not change their vote, the Citizens can collect the additional 500 votes and put it on the ballot.

- He added that there could be an instance where there is information that did not come to light during the whole public deliberation that might be brought to the Council afterwards that might change their mind; or, as you are aware, many times individual Councilors who filed motions for reconsideration within one month, Councilors have changed their vote.
- The Council would have to take this up immediately the next month.
- Then, the citizen's committee has 30 days to gather 500 votes to put it on the ballot.
- Committee Member Norman stated that in his proposed language, it stated that "within thirty (30) days after the mail receipt from the City Clerk of the petition certification step (b)."
- He suggests people have 30 clean days.

- Committee Member Mass agrees.
- Committee Member Norman stated that for 450 signatures collected for the supplementary would be forty five (45) days. He stated that he didn't understand why you'd give the same amount of time to gather three times the first amount of signatures.
- Committee Member Mass stated that reason why not more time is that you can still be collecting signatures as the Council continued to deliberate; so you have 30 days plus 30 days after the Council acts, and the petitioners would have time in between, so this time is not necessary.
- Committee Member Norman stated that citizens might not choose to gather signatures while hoping that the Council would change their minds.
- Committee Member Mass stated that people might act in different ways.
- Chair Singer said it would actually end up being 90 days total – to gather signatures, get it on the Council agenda, and then gather the additional signatures. So, for example, the library people would be waiting for 90 days to tell their funder what's going to happen. Chair Singer said that he doesn't like the total 90 days, but he sees the spirit of the proposal and is willing to vote for it. He asked for all people to compromise.
- Councilor Golub stated that if our processes reflect each other, then we also have a public hearing and a conversation with the citizen's committee.
- Committee Member Mass stated that the public hearing and citizen's committee conversation doesn't happen in [Charter Chapter] 7-8, just 7-7. He stated that it doesn't make sense to have a public hearing because in most cases, we already had a public hearing before the Council passed the measure.
- Committee Member Norman argued then symmetry is gone.
- Councilor Golub reminded Committee Member Norman that the vote on symmetry was about symmetry in numbers.
- Committee Member Mass reminded the group that the current charter allows for only 30 days.
- Chair Singer proposed that idea that there could be two options – One is that you want to get 150 people to ask the Council to reconsider, since the Council has to vote again anyways when you currently file a referendum petition. Under the referendum you go to the Council, if the Council does not change their vote it is placed on the ballot.
- Committee Member Mass stated that the 30 days for the additional 500 signatures would start on the day that the Council rejects the measure. And that he disagrees with the dialogue process in 7-8 because the dialogue process should have happened before the measure was initially passed by Council.
- Committee Member Norman stated that he doesn't understand how the process is bifurcated without a dialogue with the committee. He wants symmetry of process, though the group never voted on that.
- He said that he thinks Committee Member Norman wants the bifurcated process in 7-8 to be that - the 150 signatures give a petitioner's committee an opportunity to come before the Council, similar to 7-7, and have a dialogue with the Council in regards to why the Council should reconsider their vote. Committee Member Norman said that is correct. Chair Singer said, then, a conversation is had, the 150 signatures had been collected, they go back to the City Council and the Council can vote the same way. If they vote no, bifurcation means you have to then go get 500 signatures to put it on the ballot.
- Committee Member Norman stated that in the proposed language submitted by Committee member Norman, the referendum petition gathering of signatures was 30 days after mail receipt; then for the second phase, supplemental petition 450 signatures collected within 45 days. This is similar to what was proposed in 7-7.
- Chair Singer asked committee members' opinions about the idea that in a referendum mode, 150 signatures would be gathered in a period of time, 30 days. As a result of that petition, the City

Council committee has to meet with that group within the next 30 days to talk about whatever they need to talk about, have their dialogue, they come back to the City Council and they decide how they're going to proceed and they vote.

- Committee Member Mass expressed opposition to this suggestion because the deliberations should have taken place prior to the initial vote of the Council and secondarily because it also stretches out the process too long by adding sixty (60) days because you have to have a subcommittee meeting and a full Council meeting. Now the passage to time was being stretched even further, plus the signature gathering on the other side. He has no objection to eliminate the bifurcated process on 7-8, and proceed to 650 votes and the Council would have to vote up or down the way it is now. But he expressed that he thinks it makes more sense to give perhaps a bifurcated process, some time and opportunity to weigh in with Councilors and make their case in the court of public opinion. Because the Council had already deliberated, it was not the same as an initiative petition which puts forth language that has never been considered.
- Committee Member Norman stated that in the proposed language submitted by Committee Member Norman: “**(g) Supplementary petitions. If the City Council or the School Committee are unable to agree upon an amended measure with the Petitioner’s committee, not later than forty-five (45) days** after the date a referendum petition has been rejected **by the City Council or the School Committee**, a supplemental referendum petition may be filed with the City Clerk by the petitioner's committee as determined in Section **7-8(a)**. The petitioner’s committee is authorized to use supplemental referendum petitions which shall be in the same form as the initial referendum petition and signed by **four hundred and fifty (450)** additional voters.”
“**Not later than fifteen (15) 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 pursuant to the provisions of section 7-8(d).**” He stated that the difference between 45 days for 450 signatures and 30 days for 600 signatures. He asked how you explain to people how you have 30 days for collecting 150 signatures on the front end, and then 30 days for 500.
- Committee Member Mass that people could collect 650 in 30 days. Committee Member Norman said that doesn’t happen.
- Chair Singer stated that his idea of bifurcation was that after a large group of people submit a petition saying they’re going to have a referendum, that they be able to say to the City Council that they have 650 signatures and ask if they’re willing to reconsider, knowing that if they don’t, they’re going to go to the ballot.
- He stated that if the referendum vote was spread out the way it was suggested by Committee Member Norman’s proposal, every vote by the City Council would never reach closure, and you’d keep going on and on and the City Council would lose the ability to take a vote on anything without thinking that only 150 people could hinder the Council’s ability to address other issues. He said it stops the Council from doing their business.
- Committee Member Norman recalled Committee Member Mass saying that the difference between people who voted yes on one and no on none was only about 150 people.
- Chair Singer said that he’d be more willing to give the citizens 60 days to collect 650 signatures that he would to bifurcate the process.
- Committee Member Mass said he had no objection to that.
- Committee Member Norman said that was fine with him that that would mean no dialogue.
- Chair Singer said he’d be happy that after 45 days to collect 650 signatures for people to be given a chance to sit before a committee and tell them what they think because they now have 650 signatures to back them up and either the City Council is going to listen or it’s going to go to the ballot. But that Committee Member Norman’s timeline is too drawn out.
- Committee Member Norman said he’s pleading for more time for people to knock on doors.
- Committee Member Mass reminded Committee Member Norman that he’d offered him 90 days.

- Councilor Golub stated that we're discussing two things: 1) the number of days and 2) whether to add the hearing and dialogue into the referendum process. She stated that one hand, she holds a commitment to dialogue and on the other hand, she's imagining a process in which an ordinance is proposed, the Council has gone through the process of having a public hearing and listening to the community and responding, and then having the process by prolonged even further. She reminded the group that she abstained from voting on symmetry because she's not convinced that 7-7 and 7-8 should be precisely the same.
- Chair Singer suggested to leave the conversation where it is and let the Council figure it out.
- Councilor Golub requested that the group bring forward a precise proposal to the Council.
- Committee Member Mass asked Committee Member Norman if he would prefer for 7-8 to have a single period of time to collect signatures.
- Councilor Golub asked him how many days he wanted.
- Committee Member Norman stated that he's fine with having one signature gathering, no discussion with anybody, and 55 or 60 days to collect signatures.
- Committee Member Mass stated that what Committee Member Norman is proposing is less than what Committee Member Mass proposed because his initial proposal interrupted the timeline for Council action. He said he was okay with 60 days for the 650 signatures; understanding that the Council is going to be on notice from the Clerk already that there's a petition being collected and they can of their own accord bring something back.

Committee Member Mass restated his motion: **THAT THE ~~BIFURCATED~~ SUPPLEMENTAL PETITIONS** *[friendly amendment]* **WOULD ONLY APPLY TO 7-7 AND THAT THE TOTAL NUMBER THAT THE TOTAL PERIOD OF TIME TO COLLECT THE SIX HUNDRED AND FIFTY (650) SIGNATURES WOULD BE 60 DAYS.**

DISCUSSION: Committee Member Norman made a friendly amendment that we strike the language "bifurcated process" and replace it with "supplemental petitions." Committee Member Mass accepted.

- Chair Singer asked for clarification to Committee Member Mass and Councilors Golub and Helie willingness to give a group of people 60 days to collect 650 signatures for a referendum petition.
- Councilors Golub and Helie and Committee Member Mass stated yes.
- Chair Singer stated that then once it's filed, the Council has a chance to reconsider, which would be another 30 days.
- Committee Member Mass stated that he recognizes that controversial issues could be held up in the process.
- Chair Singer stated it's very possible to gather 650 signatures in 30 days but that if this group, which represents leader in the community are willing to extend the timeline.
- Chair Singer stated that with a referendum petition, at least the traditional feeling of it, was that it had to be hard to get signatures; otherwise, every time the City Council votes people are just going to go out and referendum it. So, if you give people 30 days to get out there and collect these signatures and if people really care that this is a bad issue, they'll sign the petition and if they don't care they won't and then the thing will never go forward.
- If you give people 60 days to sign a petition, it's not going to be hard to do. Sooner or later, you're going to get 650 people to sign the petition.
- Chair Singer asked Committee Member Norman again if he would agree to the 650 signatures if the committee agrees to 60 days.
- Committee Member Norman said yes, no supplemental gathering of signatures just a straight out gathering of 650 signatures in 60 days.
- Committee Member Mass applauded the committee's efforts.
- Chair Singer agreed to not stand in the way and to make the vote unanimous.

It was by roll call, 5 yes, 0 no,

VOTED: THAT THE SUPPLEMENTAL PETITIONS WOULD ONLY APPLY TO 7-7 AND THAT THE TOTAL NUMBER THAT THE TOTAL PERIOD OF TIME TO COLLECT THE SIX HUNDRED AND FIFTY (650) SIGNATURES WOULD BE 60 DAYS.

- Councilor Golub noted a question has not been resolved in regards to approving or disapproving a referendum.
- Committee Member Norman stated that he wants a referendum to be brought for citizens after a Council has approved or disapproved of a measure because they both have the same impact in tangible results that people could be upset by they should have the right to have a referendum on a vote.
- Committee Member Mass asked if there is any other City that allows that and expressed that he doesn't think there is.
- Chair Singer said no because he thought that the arcane system saw the initiative and the referendum like as being kind of organic. So you had your remedies one way or the other, and so the disapproval meant you had to take another path. He stated that we probably need a legal opinion on this issue. He stated that if it was legal, he would support a motion that language would be added to "disapprove or approve" to 7-8.
- Committee Member Norman stated that when the Council comes up with language, we recommend that all the language be vetted by an attorney, the City attorney, to answer conclusively if it's possible to do disapprovals as well as approvals.

MOTION: On a motion by Committee Member Norman, second by Chair Singer, it was,

MOVED: TO ALLOW APPROVAL AND DISAPPROVAL OF A REFERENDUM VOTE IN 7-8 AND THEN BE VETTED BY AN ATTORNEY.

DISCUSSION: Committee Member Mass stated that when the Council passes a measure that means life has changed; when a Council doesn't pass a measure that means everything exists exactly as it did before so nothing has changed. If you choose not to do an initiative process, if you choose to put your faith in the City Council and then the City Council does not come through for you, that's your opportunity after they failed to do it for you to start the initiative process, that's the answer.

- Committee Member Norman stated that the difference is if you go back to the referendum on the library vote by the Council on March 20, 2019, if the Council had failed to get nine votes that day, they would have had no right to appeal the decision of the City Council to reject a new library and there would have been no ability to have a referendum on that and maybe they could have tried to start an initiative petition but that wasn't going to work they were sunk and the project was dead. If people on the French King zoning vote, if the City Council had continually said they would not rezone the French King and reject it time after time, there would have been no possibility to have a referendum so the result would be that there would be no industrial zoning on the French King versus there would have been. So in each case, there's a significant difference in reality that is affected by that vote.
- Committee Member Mass said that as the deciding vote on the library, and he disagrees that anything that needs a super-majority vote on the Council should be able to be overturned by a simple majority of the public. There are some things that need larger consensus than just a simple majority. For example, zoning requires a two-thirds vote by Council, and Committee Member Norman wants zoning to be able to be changed by a simple majority of the voters.
- Committee Member Norman expressed that he thinks a simple majority of voters are enough.
- Councilor Golub expressed that although she initially agreed with Committee Member Norman's language, she hadn't considered.

- Chair Singer stated that once the Council votes something down, Council rules state that the issue cannot be brought up for another nine months. So the referendum for disapproval would mean that the citizens would be able to overcome by referendum what they can't do by initiative. They can't initiate anything for nine months because it's been voted down so the referendum would allow that to go to the ballot; whereas with the initiative, you have nine months to wait.
- Committee Member Mass disagreed and stated that whereas City Council rules prohibit the Council from bringing up an issue again for nine months, the Charter doesn't prohibit citizens from bringing forward an issue.
- Chair Singer stated that zoning is statutory, so a zoning proposal cannot be brought back for two years after it is defeated.
- Councilor Helie said that if the vote requires 2/3 of the Council (9 members), it should require 2/3 vote of the voters.

It was by roll call 2-1-2: Singer and Norman voted yes; Mass voted no; Golub and Helie abstained,
VOTED: TO ALLOW APPROVAL AND DISAPPROVAL OF A REFERENDUM VOTE IN 7-8 AND THEN BE VETTED BY AN ATTORNEY.

Chair Singer stated that he would send the minutes around to the Committee members once they are processed and then submit it to the City Council with a cover letter.

ADJOURNMENT: On a motion by Committee Member Mass, second by Committee member Norman, it was unanimously,

VOTED: TO ADJOURN THE MEETING AT 10:11 P.M.