

### **Call to Order**

Committee Chair Mr. Stumpf called the meeting to order at 4:03 pm. TGSC members all participated remotely via WebEx, able to see and hear each other and share documents for all to see. A feed from the WebEx was broadcast live on Andover TV, by which members of the public could observe the meeting.

Mr. Stumpf also reviewed the agenda for this meeting.

### **Participants**

The following were online on WebEx for the meeting: Town Clerk & Chief Strategy Officer Austin Simko (ex-officio); Sheila Doherty (ex-officio); TGSC Committee members David Floreen, Richard Fox, Andrew McBrien, Dara Obbard and John Stumpf; Finance Committee Liaison Paula Colby-Clements (non-voting); and John Petrin and Bernie Lynch of Community Paradigm Associates. Ms. Doherty and Ms. Obbard had not joined at the time the meeting was called to order, and both joined 4:29pm once it was in progress.

TGSC Committee members Gail Ralston and Sandy Stapczynski apologized in advance for their absence from the meeting.

#### **1. Approval of Minutes of the Committee's Meeting of August 30<sup>th</sup>, 2021.**

Mr. Floreen had submitted a number of minor, non-substantive corrections by email to Mr. McBrien prior to the meeting. Mr. McBrien confirmed that he would amend the minutes with all these corrections. Mr. Floreen moved that the minutes be approved as amended, Mr. Simko seconded. The TGSC voted by roll call 6 in favor, none against and no abstentions to accept the minutes as amended, with Ms. Doherty and Ms. Obbard not voting (not yet joined the meeting).

#### **2. Current Focus of the Committee**

Mr. Stumpf summarized the current focus of the TGSC as follows:

The TGSC has completed its consideration of the items in Tier 1, comprising Committee Appointment processes, Committee Structure, whether any committee or boards should be subsumed, retired or added, term limits, whether the Select Board should be involved in appointments of town staff, and communications between the Town and residents.

The TGSC turned its attention to those items in Tier 2 in July; had reached conclusions on the degree to which strategic planning be required by charter or bylaw, Financial Processes, and Government Business Processes, and DEI; and still had to complete discussion date of Town elections, whether a recall mechanism for elected officials should be adopted, whether the residency requirement for Town officials should be removed, and Ranked choice voting. The outstanding issues would be the subject of this meeting.

#### **3. Public Comment**

Ms. Doherty and Ms. Obbard both joined the meeting at the commencement of this topic.

Mr. Simko informed the committee that the small group convened to discuss options for the date of Town Meeting had reached out for comment to two residents who had previously submitted Articles to Town Meeting on this matter. Bob Pokress of 3 Cherrywood Circle, Andover had responded. Mr. Simko proposed to wait until the discussion of election dates to read his response. Mr. Pokress' email was distributed in full to all members prior to the meeting.

#### **4. Tier 2 Topics Study Presentations and Discussion**

##### **4.1 Should elections be moved to June?**

Mr. Simko read those parts of Mr. Pokress' email that related to election dates.

Mr. Simko informed the committee that a small group had convened to discuss the three options suggested at the August 30<sup>th</sup> meeting and brainstormed pros and cons of each. Mr. Simko reported on behalf of this group as follows:

1. Status Quo: Election and Office-Taking Followed by ATM
  - **Con** – Newly elected officials may be uninformed on the ATM warrant articles.
  - **Con** – Newly elected officials won't be the "players" who formulated ATM warrant articles.
2. Change Election to After ATM
  - **Pro** – No newly elected officials who may be uninformed on the ATM warrant articles.
  - **Pro** – No newly elected officials are not the "players" who formulated ATM warrant articles.
  - **Con** – Putting the election after ATM injects intense electoral politics into ATM.
  - **Con** – An election in May or June (i.e., after ATM) may run up against spring scheduling conflicts.
3. Keep Election Before ATM and Change Effective Date of Office-Taking to After ATM
  - Proposed Sequencing:
    - Election – 1<sup>st</sup> Tuesday in May or keep at 4<sup>th</sup> Tuesday in March
    - ATM – 2<sup>nd</sup> Monday in May
    - Effective Date of Offices– 3<sup>rd</sup> Monday in May
  - **Pro** – No newly elected officials who may be uninformed on the ATM warrant articles.
  - **Pro** – No newly elected officials are not the "players" who formulated ATM warrant articles.
  - **Pro** – By keeping the election first, it keeps ATM from becoming a campaign rally for local candidates.
  - **Con** – Elected officials may be defeated at the election and therefore be a "lame ducks" at ATM. But all levels of government allow defeated officials to exercise authority after the election and before they take office.

During discussion, no new pros or cons were raised and none of those listed above were challenged. Discussion focused on members' opinions of the relative importance of the pros and cons, and focused onto the relative importance of the benefit of option 3 preventing ATM

becoming a campaign rally compared to the disadvantage that option 3 would allow for lame duck officials as the major deciding factor.

Mr. Simko moved to recommend option 3 and to record the pros and cons of all three options in the narrative of the TGSC's final report. Mr. McBrien seconded. Mr. Simko, Ms. Doherty, Mr. Floreen, Mr. McBrien, Ms. Obbard and Mr. Stumpf voted by roll call in favor (*i.e.* 6 in favor), with Mr. Fox voting against (*i.e.* 1 against) and no abstentions.

#### **4.2 Should we have a recall mechanism for elected officials?**

Mr. Lynch summarized the report that Paradigm Associates had presented at the previous meeting, and reiterated the key points.

Mr. Simko reminded members that Mr. Pokress' email included remarks about recall.

Some members remained of the opinion that Andover should adopt a general recall mechanism but with very high barriers to initiation to prevent inappropriate, intemperate or malicious recall attempts. Others remained outright opposed to Andover adopting a general recall mechanism at the outset of this discussion. Even these members were of the view that a recall mechanism would be not just tolerable but valuable in very specific cases, for example, if an elected official were convicted of a serious criminal offense. After discussion, it was agreed that this would not be feasible. To continue with the previous example, it would be improper to initiate a recall unless and until that official had been convicted, which may be long after the alleged offense. It is even a legal gray area whether such a recall would contravene offenders' rights. As another example, while repeated abusive or disruptive behavior during meetings would seem to be reasonable grounds for recall, it would not be possible to define in legislation what would constitute these behaviors.

Thus, the committee agreed that a general recall mechanism with a very high barrier to initiation should be recommended. However, it was also agreed that simply saying "a very high barrier" would be insufficient as this is very open to interpretation. Rather, the recommendation should include an unambiguous statement of what this barrier should be.

After some discussion, it became apparent that this question would require more time to resolve, and the TGSC agreed to remand this to a group who would bring forth a recommendation to the next full TGSC meeting. Members were asked to inform Mr. Simko if they wished to participate in this group.

#### **4.3 Should the residency requirement for Town officials be removed?**

Mr. Lynch summarized the report that Paradigm Associates had presented at the previous meeting, and reiterated the key points. Discussion focused on three points:

- It was agreed that the historic drivers for the residency requirement are obsolete and moot. Robust modern technology enables a Town official to communicate with colleagues in the

event of an emergency, and some parts of Andover are much more accessible from adjacent communities than from some of the outlying areas of the town itself.

- TGSC members who had previously served on search committees reiterated that they had seen instances where well-qualified candidates were not willing to relocate and therefore had to be removed from consideration.
- Some members felt that officials who live in Andover would have more ownership and that the residency requirement is desirable. Some residents had also communicated to the Committee that they believed that the residency requirement should be retained. Other members felt that officials might act more objectively if they didn't live within the Town, as they had no personal vested interest in the outcome. As this was a largely subjective discussion based on personal opinion, no consensus was reached.

Mr. McBrien moved to recommend that the residency requirement be withdrawn, Ms. Obbard seconded. Mr. Simko, Mr. Floreen, Mr. Fox, Mr. McBrien, Ms. Obbard and Mr. Stumpf voted by roll call in favor (*i.e.* 6 in favor), with Ms. Doherty voting against (*i.e.* 1 against) and no abstentions.

#### **4.4 Ranked choice voting**

During this topic, Mr. Stumpf left the meeting for approximately 5 minutes due to a fire alarm. Ms. Obbard took over the Chair. Mr. Stumpf was present when the vote was taken.

Mr. McBrien summarized the report that he had presented at the previous meeting, and reiterated the key points. He proposed that the TGSC select between one of two recommendations, either that RCV not be considered further for Andover at this time, or that a dedicated study be established to study RCV in detail. Further, he reiterated the findings of the analysis of 29 Select Board and School Committee elections over the last 14 years. RCV could only have mathematically led to a different outcome in 4 of these elections, and in practice, 1 or at most 2. Mr. McBrien did note that he had reduced his estimate from the 2 to 3 he stated in the previous meeting on further analysis.

In a brief discussion, the TGSC confirmed that the data show that there have been too few local elections in which RCV might have affected the outcome to justify further consideration. Mr. Simko moved to recommend that ranked-choice voting should not be considered further for Andover local elections at this time, Ms. Obbard seconded. The TGSC voted unanimously in favor with no abstentions.

**5. Next Steps**

- a. Anyone interested in participating in the group developing the recommendation for the barrier for the recall mechanism should contact Mr. Simko who shall coordinate any meetings required.
- b. The Committee shall meet in the second week of October to finalize the recommendation on recall. This meeting shall be focused on this one topic.
- c. Mr. Simko laid out the proposed milestones for report-writing
  - i. The report-writing team shall provide a first draft to Committee members by October 18<sup>th</sup>
  - ii. Committee members shall submit any comments or edits back to the report-writing team by late October (date TBD). These comments and edits shall not be re-distributed back to the Committee as a whole so Open Meeting Law is not violated.
  - iii. The Committee shall discuss the comments and edits in an open meeting in mid-November.
  - iv. The final draft shall be delivered to the Select Board in early December, December 3<sup>rd</sup> is the current target.
- d. The report-writing team confirmed that they have no asks of the Committee at this time.
- e. The meeting to discuss recall shall be held remotely
- f. No new business was introduced.

**Adjournment**

Ms. Doherty moved that the meeting adjourn, Ms. Obbard seconded. The committee voted by roll call 7 in favor, none against and with no abstentions. The meeting adjourned at 5:55pm

Respectfully submitted,

Andrew McBrien, Clerk