

AGENDA

Wednesday

November 18, 2015

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Wednesday, November 18, 2015
3:00 p.m.**

Location: Timothy Smith Room

Work Session:

1. Finance Committee Appointment ByLaw – Discussion of Proposed Charter Amendments – Steven Cole, Town Moderator
2. Water System Regulations and Meters – Continuing Discussion of Regulations for Meters, Fees, Vaults, and Pits for Commercial or Oversize Meters
3. Minutes:
 - October 19, 2015 – Regular Session
 - October 21, 2015 – Work Session
 - November 2, 2015 – Regular Session
 - November 4, 2015 – Work Session
 - November 9, 2015 – Work Session
 - November 9, 2015 – Executive Session
 - November 12, 2015 – Work Session

The listing of matters includes those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Upcoming Meetings:

<i>Monday, December 7, 2015</i>	<i>5:00 p.m.</i>	<i>Regular Meeting</i>
<i>Wednesday, December 9, 2015</i>	<i>3:00 p.m.</i>	<i>Work Session</i>

TO: Board of Selectmen
cc: Sheila Vanderhoef, Mike Hackworth
FROM: Steve Cole, Moderator
RE: Proposed bylaw amendment regarding Finance Committee vacancies
DATE: October 21, 2015

I wish to recommend that the BOS include on the 2016 warrant a charter revision making a needed improvement to the procedure for filling vacancies on the Finance Committee.

Background

Different appointing authorities appoint the nine members of the Finance Committee. The BOS appoints three, the Finance Committee appoints three, and the Moderator appoints three, each appointing authority making one appointment per year.

Generally, when vacancies arise on appointed committees in Eastham, the usual procedure is for the original appointing authority to fill the vacancy for the remainder of the unexpired term. This makes sense.

There is a different and confusing procedure set forth in the town bylaws for filling FinCom vacancies. Since at least 1968 the bylaws have provided as follows:

“§ 49-4

Filling of vacancies.

[Amended 3-6-1968 ATM by Art. 61]

A.

In the event of a vacancy or vacancies occurring in the Finance Committee, the remaining members thereof and the Selectmen of the Town shall fill such vacancy or vacancies, and the person or persons so appointed shall perform the duties of the office until the next annual Town Meeting, when the office shall be filled by vote of combined appointing authority for the unexpired term thereof.

B.

In each instance the majority of the officers entitled to vote shall be necessary for such appointment, and for the purpose of this bylaw each member of a board or committee shall be deemed an officer entitled to vote.”

So, under this provision, when a FinCom vacancy occurs, there is a two-step process required. First, the individual members of BOS and FinCom vote on an appointment to fill the vacancy until the next town meeting, and then the “combined appointing authority” again fill the vacancy for the remainder of the unexpired term. It is not clear, at least to me, if the “combined authority” is any different than the BOS and FinCom members voting individually.

In any event, unlike usual procedures for other committees, the original appointing authorities for FinCom do not fill vacancies arising when their own appointees create the vacancy – there is

a larger group that gets involved. And, it appears, the Moderator has no role whatsoever in filling vacancies arising when his own appointees create a vacancy.

I perceive no reason for this anomaly. It is cumbersome and time consuming, and what is worse, it leaves one appointing authority – the Moderator -- totally out of the picture, even though at the expiration of the term he will be required to make the appointment.

Recommended procedure

I recommend that each appointing authority -- BOS, FinCom and the Moderator -- be the entity that fills vacancies for unexpired terms, exactly the procedure used for other appointed committees. In addition to being clearer and more streamlined and efficient, it increases the likelihood that an interim appointee who has done a good job might be reappointed to a full term by the appointing authority, since that authority would have appointed the person in the first place.

I recommend that the BOS include in the 2016 warrant a revision to the charter that would replace section 49-4 with the following:

“Whenever a vacancy occurs on the Finance Committee, the original appointing authority for that position, the Board of Selectmen, Finance Committee or Moderator, shall make an appointment to fill the unexpired term.”