

ARTICLE 18:

ARTICLE 18: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Delete in its entirety, Chapter 2, Section 10, 10-1, 10-2, and 10-3, of the Town Charter as follows:

~~Chapter 2: Section 10 Conflict of Interest~~

~~2-10-1 Notwithstanding any general or special law to the contrary, any representative town meeting member who also holds a position of employment by the town shall be prohibited from voting on any town meeting article in which such employee, or such employee's department, has a financial interest. Such representative town meeting member shall notify the Town Clerk, in writing, prior to the representative town meeting session or during such session at such time as such member becomes so aware, as to any articles giving rise to such financial interest. This section shall apply to the annual budget article, or any later amendment thereto, as follows: The representative town meeting member is prohibited from voting on the budget line item for his or her department or agency, but shall not be prohibited from voting on any other line item, or from voting on the overall budget appropriation. 7~~

~~2-10-2 Notwithstanding any general or special law to the contrary, no representative town meeting member shall vote on any town meeting article in which an immediate family member, or any business or organization in which the representative town meeting member serves as an officer, director, partner, or employee, or has a financial interest.~~

~~For purposes of this section, "immediate family member" shall be defined as the representative town meeting member, his or her spouse and each of their parents, children, brothers, and sisters. Any such representative town meeting member shall notify the Town Clerk, in writing prior to the representative town meeting session, as to any articles giving rise to such financial interest.~~

~~2-10-3 For the purposes of Section 10 of Chapter 2 of this Charter, the "financial interest" of a representative town meeting member shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions, which are hereby incorporated by reference.~~

~~The "financial interest" of a department shall be defined as any particular warrant article and related motions or votes which specifically refer to said department.~~

~~Or take any other action relative thereto.~~

CHARTER REVIEW COMMITTEE

RECOMMENDATION: Not Approved (6-7-0)

The Advisory & Finance Committee recommends Town Meeting NOT approve Article 18. Article 18 proposes to delete the entire Conflict of Interest section from the Charter. The majority of the Committee believes the Conflict of Interest provision in the Charter should be retained. This provision, added to the Town's Charter in 1999, does not provide an enforcement mechanism but the Committee believes it is useful in establishing a behavioral expectation for Town Meeting members. Retaining this Charter provision demonstrates that Conflict of Interest is a subject of importance within Plymouth and worthy of thoughtful reflection by all participants in Town government.

Plymouth Charter Review Committee 2015

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~~interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions, which are hereby incorporated by reference. The "financial interest" of a department shall be defined as any particular warrant article and related motions or votes which specifically refer to said department.~~

The Committee voted 7-2 to recommend that town meeting delete the section in its entirety.

There is existing Massachusetts law governing the conduct of town meeting representatives with respect to conflict of interest.

The current charter sections appear redundant in relation to state law, questionable enforcement provisions, and confusing to many representatives.

The consensus among the seven committee members who voted to remove this section (from the Charter) is this matter belongs before town meeting, and the representatives should vote on this section.

The committee recommends a roll call vote, recorded and published.

CHARTER REVIEW COMMITTEE 2015

- Tom Baratka
- Tiffany Cessero
- Tim Grandy
- Karen Keane, Committee Clerk
- Mike Lincoln, Committee Chair
- Douglas O'Roak, Committee Vice Chair
- Anita M. Rocheteau
- Craig Sander
- Scott Stephenson