

Memorandum to Commission on Charter Revision
November 6, 2013

It is with profound disappointment and regret that the undersigned decline to endorse the final report of the Charter Revision Commission, both on procedural and substantive grounds.

We feel there was a systemic failure to adequately research and discuss the central issue of our budgetary process after the Commission was reconvened in the wake of the problematic 2013 ATBM. Additionally, we believe the work of the Commission was unduly rushed in an attempt to hastily put the Charter revision on the November 5, 2013 ballot.

In particular, there was a lack of discussion of *Gilson v. Town of Weston*. It appears that it was determined by some Commissioners, without discussion with the full Commission, that the decision was irrelevant, despite its specificity with regard to the Town of Weston and to quorum requirements. The minutes of the Commission reflect that this issue was not even discussed in public session for over two years. More disturbing is that one of the members of the Commission had a copy of the *Gilson* decision and only revealed that fact during what was to be the last meeting of the Commission on September 11, 2013. Only upon the request of the undersigned was it shared.

Why is this so important? If a Town Meeting fails to meet the new quorum requirement, it will be adjourned and the public's only input in the budget approval process will be an up or down vote by machine ballot. The quorum requirement may indeed spell the demise of the historic Annual Town Budget Meeting as voters give up attending in frustration. At the Board of Selectmen's public hearing on the report on October 17, 2013, more than half of the attendees spoke against the quorum requirement, but to no avail. It appears that the decision had been heavily politicized.

According to the last census, fewer than half the town households include children under the age of eighteen. It is likely a portion of even these households do not, in fact, have children enrolled in the schools, either because they are under age five, are home schooled, or attend private schools. The Commission effectively disenfranchised the households which do not have children enrolled in the schools by "restating" the Charter on September 4, 2013 in subtle ways that favor those who would limit the public right to vote to reduce any budget at the ATBM. Our concern is that while the author of these changes had the benefit reading the *Gilson* decision, the balance of the Commission did not. The undersigned are not willing to endorse a Charter revision developed in a less than open and transparent manner.

When reasonable people disagree, compromise is generally sought. A compromise position offered by us to accept a quorum requirement but to reduce it to a more reasonable level was summarily rebuffed. As a result, we feel the process by which the Charter revision evolved was so flawed as to prevent a fair outcome on issues of substance. In addition to the lack of transparency, we regret the lack of cooperation and willingness to compromise.

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