



# Charter Compliance Commission

## Consideration and Decision, 2019-1

The Charter Compliance Commission met on Monday, September 23, 2019 at 12:00 pm in Caucus Hall at Town Hall, 260 Commercial St., Provincetown, MA 02657, to consider a Request for Interpretation of the Charter. The authority of the Commission in this matter is stated at Chapter 1, Section 4.b.:

The Commission shall provide its written interpretation of the Charter on the written request of any resident or official of the Town. The Commission's interpretation is advisory only and for educational purposes and shall not be the basis for any legal action. A copy of the request and the proposed response shall be provided to the Board of Selectmen and the Town Manager for review prior to being issued.

The Request was: "I was wondering if you could clarify something for me with respect to the Finance Committee: Are non-resident, property owners allowed to serve?"

In reviewing the matter, the Charter Compliance Commission referred to Chapter 5, Section 7.c., which states:

If the Appointing Authority determines that there are an inadequate number of registered voters who are willing to serve as members or alternates on appointed non-regulatory Boards, then the Appointing Authority may appoint part-time residents to serve as alternates, as long as the majority of members are registered voters. Individuals who are not registered voters shall be appointed to a non-regulatory Town Board only if they can commit to being present for a majority of the meetings of the Board.

If the Appointing Authority has made the determination described in Chapter 5, Section 7.c. that an inadequate number of registered voters are willing to serve, the Appointing Authority may appoint a part-time resident to serve as an alternate on any non-regulatory Town Board. The Finance Committee is not a regulatory Town Board. (The regulatory Town Boards are listed at Chapter 5, Section 6.a.) In addition, the individual must be able to commit to being present for a majority of the meetings of that Town Board.

The question specifically refers to a "non-resident property owner". The Charter distinguishes between registered voters, who may serve on all Town Boards, and part-time residents, who may serve as alternates on non-regulatory Town Boards if the

determination by the Appointing Authority described above has been made and if the individual has the ability to be present for a majority of the meetings. It is not clear from the question whether the "non-resident property owner" is a part-time resident, or just owns property here. In the latter case, the opportunity to serve on a non-regulatory Town Board is not available.

If the non-resident property owner is a part-time resident, then it is our Decision that they can serve as an alternate on the Finance Committee if the conditions in Chapter 5, Section 7.c. have been met.

Moved and approved by the Charter Compliance Commission by a vote of 2-0-0.