



Memorandum – 10

TO: Plymouth Charter Commission
FROM: Collins Center Charter Project Team
DATE: August 10, 2022
RE: Memorandum 10

Overview

This memo (Memorandum-10) addresses two topics discussed at the Commission’s August 7th meeting. Included in the memo are:

1. Language revision the Conflict of Interest Section to apply to all representative town meeting members.
2. Language addressing how the budget is presented to Town Meeting for vote.

1. CONFLICT OF INTEREST

The Commission requested language removing the “employee” designation from the Conflict of Interest section, seeking to have the Conflict of Interest provision apply to all Town Meeting Representatives. While the Commission initially looked to delete Section 1, the project team observed that Section 1 and Section 2 address distinct sources of conflicts. Specifically, Section 1 addresses conflicts specific to the individual and Section 2 addresses conflicts that stem from the individual’s relationship with a third-party or external entity. To that end, the project team has proposed a slightly different approach to accomplish the Commission’s goals. A new 2-11-1 is proposed below. Section 2-11-2 should be deleted. Section 2-11-3 should be renumbered to 2-11-2 and amended as redlined below.

ARTICLE 2, SECTION 11 CONFLICT OF INTEREST

2-11-1 (NEW) Notwithstanding any general or special law to the contrary, representative town meeting members are prohibited from voting on any article in which the member, an immediate family member, or any business or organization in which the representative town meeting member serves as an officer, director, partner, or employee, except the Town and its agencies, 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.

When such financial interest is attributed to a budget line item, the town meeting member is prohibited from voting on the budget line item but is not prohibited from voting on any other line item or from voting on the overall budget appropriation.

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.

2-11-~~32~~ For the purposes of Section 11 121011 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.

2. BUDGET PRESENTATION

In an effort to facilitate clarity and transparency in the budget, the Commission requested language that would provide more detail in the budget presentation to Town Meeting. The Team suggests the following to address the Commission's concerns.

ARTICLE 2, SECTION 12-3

2-12-3 The Finance Committee shall present the proposed budget to the representative town meeting. The proposed budget shall clearly identify budget items by department and shall include a line item identifying salaries for each department, except as otherwise provided by law.