AGENDA ITEM #:	20-118	
COUNCIL MTG OF:	December 1, 2020	
FROM:	Administration	
OFFERED BY:	Administration	
PREPARED BY:	Administration	
SUBJECT:	Town Ordinance Governing Electioneering	

STAFF REPORT

Public Hearing 12-15-20

INTRODUCTION

Chapter 28 of the General Code is presented in response to the Council's directive to develop an ordinance prohibiting electioneering of any kind during the official execution of duties by an appointed Board, Committee or Commission member.

TOWN ADMINISTRATOR COMMENTS

See comments within this staff report.

BACKGROUND

The Town Council directed that an Ordinance be crafted which would ensure separation between an appointed official's duties as set forth by statute, charge, bylaw or ordinance and that official's advocacy on a particular question or candidacy on a past, present or future ballot. The goal of this Ordinance is to ensure that citizens can have confidence that all official duties are administered in a fair and equitable manner.

DISCUSSION

The proposed ordinance applies only to officials appointed by the Town Council to a Town board, committee, or commission. Elected officials such as the Town Clerk, Trustees of Trust Funds, Supervisors of Checklist and Town Moderator all have statutory duties with a removal process set forth in statute. Town Councilors are currently subject to removal proceedings pursuant to Section 5.6 of the Town Charter for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the Charter.

The Ordinance has been constructed to focus upon the conduct of appointees in their official capacities only and does not address other election activities on town property. For instance, an appointed official could run for elective office and campaign on town property in accordance with other regulations, statutes and ordinances and not run afoul of Chapter 38.

FISCAL IMPACT

No fiscal impact

RECOMMENDED ACTION BY COUNCIL

Please see Ordinance #2020-009 (Please read the Ordinance)

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