



**Bylaw Review Committee  
MINUTES  
February 20, 2019**

Members Present:

- Alisa Brewer
- Patricia De Angelis
- Bob Ritchie
- Evan Ross

Members Absent:

- Bernie Kubiak

Staff Present:

- Geoff Kravitz

Public Present:

- None

Meeting convened at 11:45am

Election of Officers & Meeting Logistics:

- **DECISION:** Bob Ritchie will act as chair pro tem (unanimous consent)
- Formal election of officers to occur when all members are present
- **DECISION:** Geoff Kravitz will be clerk pro tem (take minutes)
- **DECISION:** Decided that decisions will be by unanimous consent unless a more formal process is requested by one of the members

Discussion of Previous Work:

- Bob Ritchie described the process the prior iteration of the Bylaw Review Committee used, including color coding, replacing terms (like Select Board and Town Meeting), structure and organization of the general bylaws, creating a consistent style, and the drafting conventions used.

Discussion of Work Plan Going Forward:

- Bob Ritchie outlined actions that the committee needs to take, including confirming the accuracy of the changes, sending questionable bylaws to the Town Attorney for review early in the process, determine the structure of the bylaws document, and developing conventions (e.g. consistent use of “must” or “shall”).

- The former committee had a preference for replacing the entire general bylaws with a new version at one time. Bob Ritchie explained that if the bylaws are updated piecemeal, it could lead to inconsistencies with some references to the old bylaws and some to the new bylaws, which could lead to confusion.
  - o There was general consensus the wholesale replacement would be better.
  - o Alisa Brewer asked if certain bylaws that don't work well now can be deleted, rather than brought over as is until they can be "fixed." Bob Ritchie said it was possible, but would likely want to do an analysis to understand what, if anything, is being lost and what, if anything, may now be unenforceable.
  - o Geoff Kravitz noted that the previous committee had early on dismissed the idea of moving to an online code because it was outside that committee's authority, but that this committee may want to consider an online code. Bob Ritchie noted that the online codes have the ability to track legislative history better than what Amherst currently offers.
  - o Evan Ross asked if there are risks to a wholesale repeal and replacement given the time it will likely take. Bob Ritchie expressed the opinion that there was not likely a lot of legal exposure. Geoff Kravitz noted that the biggest risk is that if a bylaw assigns a responsibility or authority to a body that no longer exists (e.g. Select Board or Town Meeting), there will need to be a discussion of what entity now has that responsibility or authority. Alisa Brewer stated that if it is unclear the Bylaw Review Committee should discuss it.
  - o Geoff Kravitz asked whether the starting point for this committee was the former committee's draft 0 or the former committee's draft 6 (final draft).
    - **DECISION:** draft 6
    - All other versions are available to walk through the changes.
  - o Alisa Brewer asked whether we should continue to call local laws "bylaws" or change to "ordinances." Bob Ritchie explained that for several reasons, including that the town is still known as a town and the Charter includes language about bylaws, the former committee decided to stick with bylaws.
    - **DECISION:** bylaws

Homework:

- Bob Ritchie asked that members review two things prior to the next meeting:
  - o The drafting conventions (available on the prior committee's webpage and in the final report submitted to the Town Council); and
  - o The alphanumeric organization used in draft 6.

Scheduling:

- **DECISIONS:**
  - o Next meeting: 3/1/19 from 8:30-10:30am
  - o Following meeting: 3/8/19 from 8:30-10:30am

Adjourned at 11:27am

Documents Referenced:

- Editing Strategies and Conventions of the [prior] Bylaw Review Committee
- Prior Bylaw Review Committee Draft #0
- Prior Bylaw Review Committee Draft #6
- Report of the [prior] Bylaw Review Committee

All documents available at: <https://www.amherstma.gov/3418/Bylaw-Review-Committee>

Respectfully submitted,  
Geoff Kravitz