



# CHARTER REVIEW COMMITTEE

## COMMITTEE MEETING

~ AGENDA ~

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**Tuesday, September 13, 2022**

**5:30 PM**

**Remote Meeting**

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**The Charter Review Committee will hold a public meeting to continue their work in reviewing Cambridge's charter. The Committee will discuss adopting rules and adopt minutes from the previous meeting. The Committee will hear a presentation by the Collins Center for Public Management and begin policy discussions.**

**A communication was received from the Charter Review Committee, transmitting a presentation on Charters and Charter Processes.**



# City of Cambridge

COF 2022 #107  
**IN CITY COUNCIL**  
September 13, 2022

# Presentation to the Cambridge Charter Committee on Charters and Charter Processes

September 13, 2022

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**EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT**  
JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES  
UNIVERSITY OF MASSACHUSETTS BOSTON



- Collins Center Background
- Municipal Government
- Charter Basics and Process
- Cambridge Government and Charter
- Questions

# Collins Center Background



# About the Collins Center

- Created in 2008 by the Commonwealth
- Provides technical assistance to municipalities, school districts, state agencies, and other organizations
- Management consulting with a public service mission
- >800 projects; mostly municipalities; mostly MA
- Worked in more than two thirds of MA's 351 municipalities, including Cambridge
- Primary areas of focus: finance, HR, operations, analytics recruitment, IT, charter/organizational structure

# About the Center's Charter & Charter-Related Work (Cities Only) a

| City            | Pop.    | Project Type                         | Year | Project Status                         |
|-----------------|---------|--------------------------------------|------|--|
| Amesbury        | 16,000  | Existing charter review              | 2020 | Review completed                       |
| Amherst         | 38,000  | Full charter drafting (town to city) | 2017 | New charter enacted                    |
| Beverly         | 42,000  | Existing charter review              | 2021 | Project ongoing                        |
| Cambridge       | 117,000 | Charter review readiness review      | 2021 | Assessment completed                   |
| Easton          | 25,000  | Full charter drafting (town to city) | 2015 | Charter complete; awaiting Board acti  |
| East Longmeadow | 16,000  | Full charter drafting (town to city) | 2016 | New charter enacted                    |
| Everett         | 42,000  | Full charter drafting                | 2011 | New charter enacted                    |
| Fall River      | 89,000  | Full charter drafting                | 2017 | New charter enacted                    |
| Framingham      | 68,000  | Full charter drafting (town to city) | 2016 | New charter enacted                    |
| Gardner         | 20,000  | Full charter drafting                | 2013 | Charter complete; awaiting Council ac  |
| Holyoke         | 40,000  | Full charter drafting                | 2011 | New charter rejected by voters         |
| Lynn            | 94,000  | Existing charter review              | 2019 | Project complete; awaiting City action |
| Methuen         | 50,000  | Existing charter review              | 2019 | Project complete; awaiting City action |
| Newburyport     | 18,000  | Full charter drafting                | 2011 | New charter enacted                    |
| Newton          | 85,000  | Full charter drafting                | 2017 | New charter rejected by voters         |
| Northampton     | 28,000  | Full charter drafting                | 2012 | New charter enacted                    |
| Peabody         | 53,000  | Full charter drafting                | 2019 | Project complete; awaiting City action |
| Pittsfield      | 44,000  | Full charter drafting                | 2013 | New charter enacted                    |
| Somerville      | 81,000  | Full charter drafting                | 2021 | Project ongoing                        |
| Watertown       | 35,000  | Existing charter review              | 2021 | Review completed                       |

Attachment: Cambridge Charter Presentation (COF 2022 #107 : Charters and Charter

# Municipal Government Overview





## Article LXXXIX

Section 1. Right of Local Self-Government. It is the intention of this article to reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters, subject to the provisions of this article and to such standards and requirements as the general court may establish by law in accordance with the provisions of this article.

# Facts and Figures

- **Number of municipalities in Mass: 351**

- Towns: 292; Cities: 59

- **Population:**

- Largest: >700,000 (Boston)

- Median: <11,000 (Hanson)

- Smallest: ~75 (Gosnold)

Cambridge  
118,403

- **Budget (FY22):**

- Largest: ~\$3.82 billion (Boston)

- Median: \$43,342,977 (Palmer)

- Smallest: \$815,020 (New Ashford)

Cambridge  
\$940,407,682

- **Land area:**

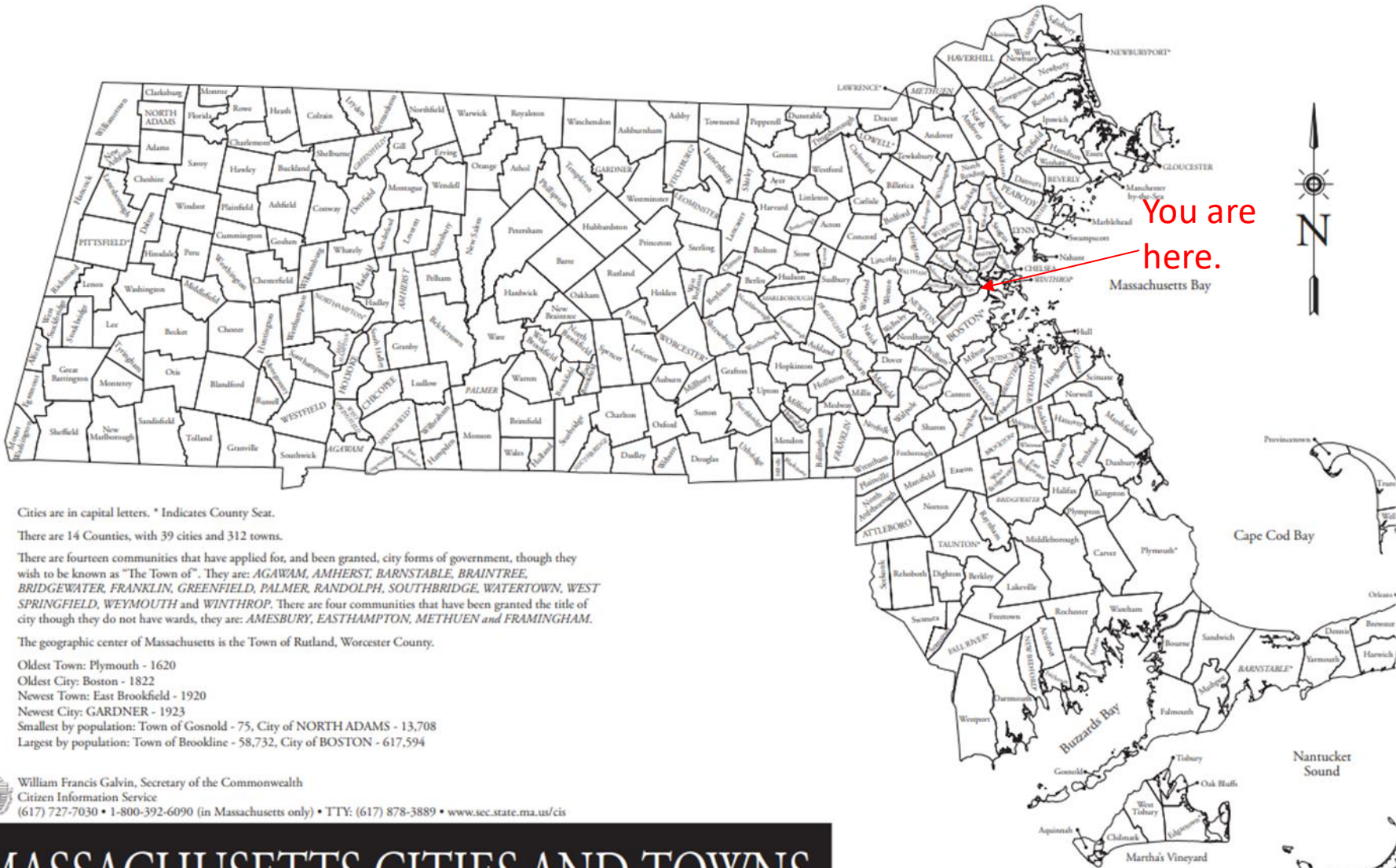
- Largest: 96.46 square miles (Plymouth)

- Median: 20.51 square miles (Dennis)

- Smallest: 1.05 square miles (Nahant)

Cambridge  
6.39 square miles

# Map of Massachusetts Municipalities




Cities are in capital letters. \* Indicates County Seat.

There are 14 Counties, with 39 cities and 312 towns.

There are fourteen communities that have applied for, and been granted, city forms of government, though they wish to be known as "The Town of". They are: *AGAWAM, AMHERST, BARNSTABLE, BRAINTREE, BRIDGEWATER, FRANKLIN, GREENFIELD, PALMER, RANDOLPH, SOUTHBRIDGE, WATERTOWN, WEST SPRINGFIELD, WEYMOUTH and WINTHROP*. There are four communities that have been granted the title of city though they do not have wards, they are: *AMESBURY, EASTHAMPTON, METHUEN and FRAMINGHAM*.

The geographic center of Massachusetts is the Town of Rutland, Worcester County.

- Oldest Town: Plymouth - 1620
- Oldest City: Boston - 1822
- Newest Town: East Brookfield - 1920
- Newest City: GARDNER - 1923
- Smallest by population: Town of Gosnold - 75, City of NORTH ADAMS - 13,708
- Largest by population: Town of Brookline - 58,732, City of BOSTON - 617,594

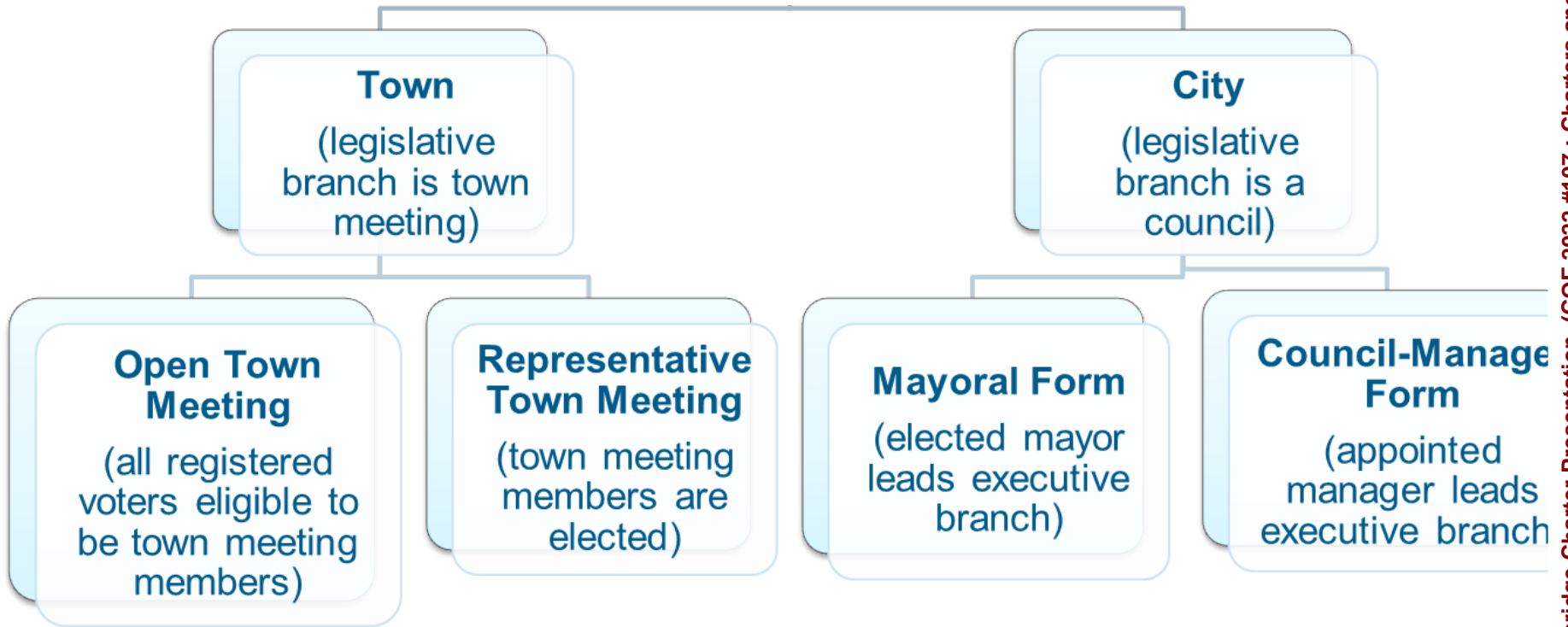
 William Francis Galvin, Secretary of the Commonwealth  
 Citizen Information Service  
 (617) 727-7030 • 1-800-392-6090 (in Massachusetts only) • TTY: (617) 878-3889 • [www.sec.state.ma.us/cis](http://www.sec.state.ma.us/cis)

## MASSACHUSETTS CITIES AND TOWNS

Updated 2/27/2019 (population figures are based on the 2010 Census)

Attachment: Cambridge Charter Presentation (COF 2022 #107 : Charters and Charter

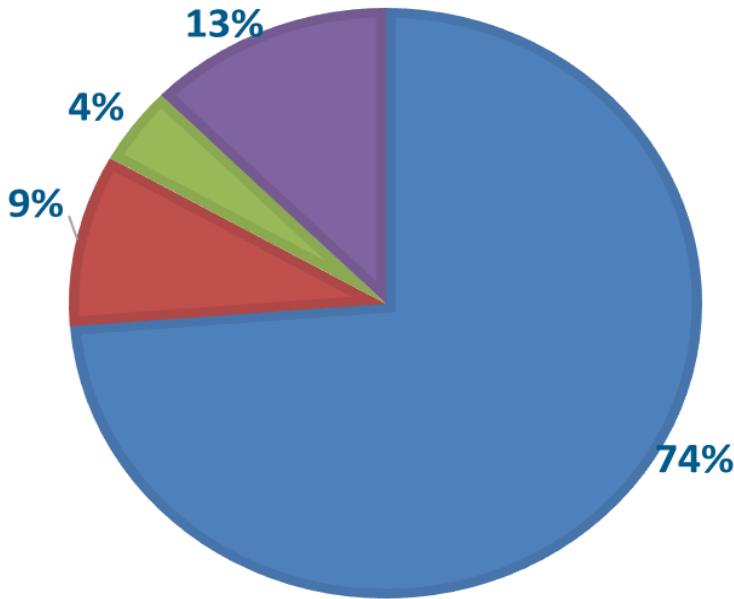
# Basic Forms of Government (1 of 2)



# Basic Forms of Government (2 of 2)

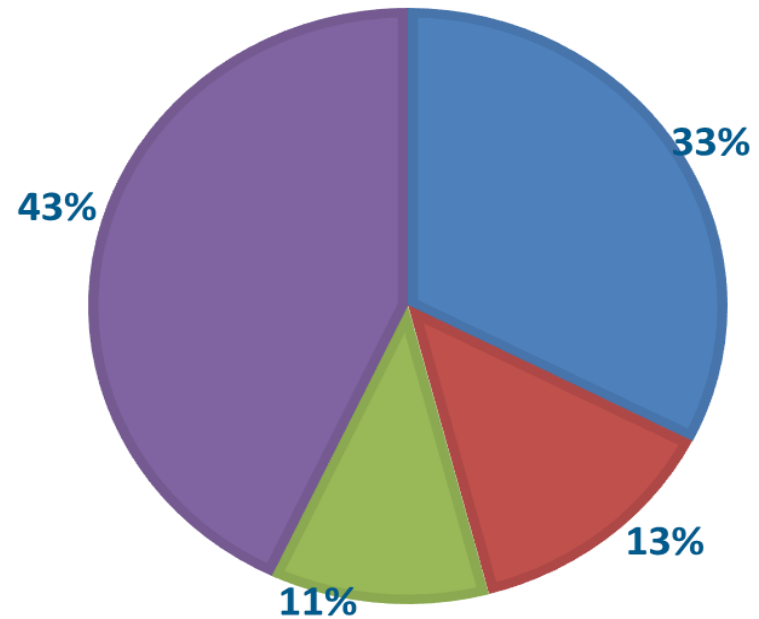
### FORMS OF GOVERNMENT OF ALL 351 MUNICIPALITIES

- Town - OTM
- Town - RTM
- City - Council/Manager
- City - Mayor/Council



### MASS POPULATION LIVING IN EACH FORM OF GOVERNMENT

- Town - OTM
- Town - RTM
- City - Council/Manager
- City - Mayor/Council



MA Constitution. Art. LXXXIX. Sec. 2. Local Power to adopt, revise or amend Charters.

*“...No town of fewer than twelve thousand inhabitants shall adopt a city form of government and no town of fewer than six thousand inhabitants shall adopt a form of government providing for a town meeting limited to such inhabitants of the town as may be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town.”*

# What does local government in MA do?

## List of Cambridge Departments (**bold:** mainly externally-facing; *italics:* mainly internal)

|  |                                 |   |
|--|---------------------------------|---|
| <b>Animal Commission</b>                         | <b>Assessing</b>                | <i>Auditing</i>                                 |
| <i>Budget</i>                                    | <b>Cambridge Arts</b>           | <b>City Clerk's Office</b>                      |
| <b>City Council</b>                              | <b>City Manager's Office</b>    | <b>Commission for Persons with Disabilities</b> |
| <b>Community Development</b>                     | <b>Consumers' Council</b>       | <b>Election Commission</b>                      |
| <b>Electrical</b>                                | <b>Emergency Communications</b> | <b>Equity &amp; Inclusion</b>                   |
| <b>Family Policy Council</b>                     | <i>Finance</i>                  | <b>Fire Department</b>                          |
| <b>Historical Commission</b>                     | <b>Human Rights Commission</b>  | <b>Human Service Programs</b>                   |
| <b>Immigrant Rights &amp; Citizenship (CIRC)</b> | <i>Information Technology</i>   | <b>Inspectional Services</b>                    |
| <i>Law</i>                                       | <b>LGBTQ+ Commission</b>        | <b>Library</b>                                  |
| <b>License Commission</b>                        | <b>Mayor's Office</b>           | <b>Peace Commission</b>                         |
| <i>Personnel</i>                                 | <b>Police Department</b>        | <b>Police Review and Advisory Board</b>         |
| <b>Public Health</b>                             | <b>Public Works (DPW)</b>       | <i>Purchasing</i>                               |
| <i>Retirement Board</i>                          | <b>School Department</b>        | <b>Tourism Office</b>                           |
| <b>Traffic, Parking, and Transportation</b>      | <b>Veterans' Services</b>       | <b>Water Department</b>                         |
| <b>Weights &amp; Measures</b>                    | <b>Women's Commission</b>       |   |

**1620: Signing of Mayflower Compact**

**1630(ish): First Town Meeting in Mass Bay Colony**

**1633: First Board of Selectmen created**

**1821: MA constitution was amended to allow towns over 12,000 in population to adopt a city form**

**1822: Boston becomes first city in the Commonwealth**

**1826: Mass enacts law requiring towns to create school committees**

**1915: Brookline creates first Representative Town Meeting**

**1915: Establishment of city governments is established by the enactment of General Law c. 43, which initially provided 4 plans (A, B, C, and D), but eventually added 2 more (E and F). These are still only in use (in modified form) in 12 cities**

**1966: “Home Rule Amendment” added to Massachusetts Constitution**

**1980: Massachusetts passes “Proposition 2 ½”**



# Charter Basics and Process Overview



# What is a Charter?

- A charter governs the form, structure, and organization of municipal government
- A charter is the “constitution” of the municipality and takes precedence over local ordinances or bylaws, and, in limited instances, state law

*“A charter is the foundation of a local government and functions as the municipal equivalent of a state or federal constitution, setting forth guiding principles for governance. Composed by citizens, a charter specifies the most fundamental relationships between a government and its community. It establishes the framework for how a local government operates in terms of its structure, responsibilities, functions, and processes. The way public officials are elected, the form of government, and the role citizens play in local government are just a few examples of the important choices articulated in a charter.”*

*-Guide for Charter Commissions, National Civic League, p. 5*

The process for adopting a Plan form of City government was repealed following the adoption of the Home Rule Amendment.

The Home Rule Amendment to the state's constitution was adopted in 1966.

The Massachusetts Home Rule Amendment provides for "limited home rule," which allows municipalities to establish rules and procedures for self-governing via charter, by-law, and ordinance, subject to certain exceptions.

The Home Rule Amendment serves several purposes:

- Provides a local process for the adoption of a charter;
- Identifies those spheres of law solely within the jurisdiction of the state;
- Identifies how the state may act in relation to cities and towns; and
- Reaffirms the right of cities and towns to petition the state legislature.

For the purposes of charter discussion, this last bullet means that adopting a charter under the Home Rule Amendment is not mandatory; it is optional, and municipalities still retain the right to petition the legislature for approval of a locally-written charter.

# Committee Pathways to Charter Revision

Depending on the scope of revisions the Committee chooses to recommend to the Council, there are two distinct paths to Charter revision:

- **For smaller changes**, which do not "propose any change ... relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager," the City can follow Chapter 43B, Section 10, which includes the requirement for a 2/3 vote of Council and review of proposed changes by the Attorney General (This is the path the City used to make changes last year.)
- **For larger changes**, including those noted above, the City can pursue a special act of the legislature. (See next slide.)

In nearly all cases, the final step of this process will be voter approval at the ballot box.

(It is also worth noting that at any point in time, residents can initiate a separate charter commission process via Chapter 43B.)

# Special Act Charter or Charter Revision Process

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- Charter review committee is convened, reviews the current charter
- The committee collects feedback from stakeholders and members of the public and develops its recommendations.
- Recommendations are submitted to the city council.
- The City Council can take any action – or no action – on the recommendations.
- The proposed charter or charter revisions must be approved for submission to state legislature by a majority vote of the city council.
- Once approved by the city council, the City petitions the Legislature to enact the proposed legislation.
- The Legislature then assigns a committee to hold a hearing on the proposed legislation.
- Following the hearing by committee, the legislation must be approved by the House of Representatives, the Senate, and the Governor.
- Final step: If required by the legislature or the City, the voters approve/disapprove the proposed charter, usually on a municipal election ballot.

# The Purposes of Charter Review

Five reasons for charter review:

1. Ensure that the government is keeping up with a modern understanding of best practices
2. Ensure that the government is responsive to the needs and preferences of the current population
3. Ensure that the charter is consistent with changes in state or federal law
4. Ensure that the charter is kept consistent with changes in values or cultural changes
5. Clarify any text that has caused confusion or dispute over interpretation

Modern MA charters now frequently or always include process changes that are consistent with current best practices. Examples include:

- An automatic review process at a predetermined interval (usually 10 years)
- A mechanism to reorganize departments without amending the charter or a home rule petition
- A capital improvement plan process
- References to electronic/online access to information

Ensure that the government is responsive to the needs and preferences of the current population, demographics, and business base:

- Does the size and composition of the council allow it to be responsive to and representative of the current population?
- For cities with mayors, does the term for mayor allow for planning and implementation of initiatives?



Ensure that the charter is kept consistent with changes in state or federal law:

- Labor and employment laws (both state and federal)
- Procurement law (state)
- Open meeting law (state)

Ensure that the charter is keeping up with changes in value or cultural changes:

- Many modern charters exclude gendered pronouns entirely or replace with more inclusive pronouns
- Many municipalities are changing the names of boards and committees to remove gendered reference (e.g., Aldermen to Council, Board of Selectmen to Select Board)

Clarify any text that has caused confusion or dispute over interpretation:

- Are recall and referendum provisions, if any, clear and complete?
- Have all the key terms been defined?
- Evaluate whether the Charter provisions are consistent with current operational procedures/bylaws/ordinances.

The Home Rule Amendment (“HRA”) contains some important exceptions to the ability to create charters and establish “self-government in local matters” (i.e., limited home rule).

Some of these parameters include:

1. ***Charters must be consistent with Federal or MA Constitution*** – Charters cannot override Constitutional provisions or protections

Parameters, cont.

## ***2. Charters cannot legislate exclusive areas of state governance, including:***

- regulation of elections;
- levy, assess, and collect taxes;
- borrow money or pledge the credit of the city or town;
- dispose of park land;
- enact private or civil law governing civil relationships except as a incident to an exercise of an independent municipal power; or
- define and provide for the punishment of a felony or to impose imprisonment as a punishment for any violation of law.

Parameters, cont.

**3. *Charters cannot release a municipality from Uniform State Laws.*** Charters may not limit the right of the General Court to make uniform general laws, i.e., laws that “apply alike to all cities or to all towns, or to all cities and towns, or to a class of not fewer than two.” Examples include state appointment of members of the local housing authority, state Building Codes, and Municipal Finance Law (M.G.L., c. 44).

- Chelsea (1994)
- Melrose (2005)
- Newburyport (2011)
- Everett (2011)
- Northampton (2012)
- Pittsfield (2013)
- Framingham (2017)
- Amherst (2018)
- Watertown (2021)
- Somerville, Beverly, Plymouth (ongoing)

# Sample Charter Table of Contents

## **PREAMBLE (optional)**

|                   |   |
|-------------------|---|
| <b>Article 1</b>  | <b>Incorporation; Short Title; Powers</b> |
| <b>Article 2</b>  | <b>Legislative Branch</b>                 |
| <b>Article 3</b>  | <b>Executive Branch</b>                   |
| <b>Article 4</b>  | <b>School Committee</b>                   |
| <b>Article 5</b>  | <b>Administrative Organization</b>        |
| <b>Article 6</b>  | <b>Finance</b>                            |
| <b>Article 7</b>  | <b>Nominations and Elections</b>          |
| <b>Article 8</b>  | <b>Citizen Participation Mechanisms</b>   |
| <b>Article 9</b>  | <b>General Provisions</b>                 |
| <b>Article 10</b> | <b>Transitional Provisions</b>            |



# Cambridge Government and Charter Overview

# Fun Facts About Cambridge

- Cambridge residents live closely together; only 8 U.S. cities with a population of 50,000 or more are denser. (Source: 2020 U.S. Census Bureau)
- The Census recorded 47,449 households in the most recent five-year ACS. Of these, **36% are single person households**, one of the largest proportions in Massachusetts; **42% are family households**; **10% include unmarried partners**, and **12% consist of roommates**. (Source: 2016-20 ACS)
- Cambridge is a city of **13 neighborhoods**, ranging in population from 1,646 (Cambridge Highlands) to 15,372 (North Cambridge) (Source: 2020 U.S. Census Bureau)
- **79% of residents have a four-year college degree** and **50% also have a graduate degree**. Only 5% of residents aged 25 or older lack a high school diploma. (Source: 2016-20 ACS)
- Cambridge is ethnically diverse. **55% of residents are White Non-Hispanic**. Minority residents are highly diverse, with no single race, language group, country of origin, or ethnic identity dominant. (Source: 2020 U.S. Census Bureau)

# Brief Overview of Cambridge Government Pre-1900s

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**1631:** The first reference passing reference to Cambridge (or Newe Towne, as it was called).

**December 24, 1632:** an early form of town meeting begins to take some formal shape with a signed agreement that there would be a monthly meeting of all people included in the agreement, and that all would be required to attend or face fines.

**September 8, 1636:** The name Cambridge appears in official colonial records.

**May 6, 1638:** The town was formally renamed.

**1846** - After approximately 246 years of governing as a Town with a Board of Selectmen and Town Meeting, Cambridge adopted a city form of government by a special act of the legislature ( St. 1846, c,109). Elected officials were:

- Mayor
- Common Council of 21 members elected by ward
- Board of Aldermen of 6 members elected at large
- School committee of 7 members elected by ward

- **1911** - A special act providing a commission form of government was rejected by the voters.
- **1915** - A new mayor-council government provided for the election of:
  - Mayor
  - City Council of 15 members (11 by ward, 4 at large)
  - School Committee of 7 members
- **1921** – Cambridge moves from annual elections to the more common schedule of 2-year terms
- **1938** – The question to adopt Plan E was placed on the ballot, but it failed. Two years later in **1940**, Plan E was again placed on the ballot, and it was adopted.
- **Managers:** The city has had 9 managers since the adoption of Plan E.
- In recent decades, the city has had 2 managers with long tenures: James Sullivan served from 1968 -1970, and from 1974 – 1981 (8 years), and his successor, Robert Healy, served from 1981-2013 (32 years).

## Brief Review of Current Cambridge Charter and Form of Government

As noted, Cambridge is one of only two Plan E forms of government operating in Massachusetts. (Lowell is the other.) Worcester has a special act charter that mirrors Plan E in many ways.

This section provides a brief overview of the major features of Cambridge's Plan E government.

## Relating to the Council:

In Plan E, the city council elects a mayor and vice chairman from among its membership, although this position is typically thought of as a “weak mayor” position and is more akin to a council president.

### **The primary powers and duties of the city council include:**

- Adoption of ordinances and other measures;
- Establishment and amendment of council rules;
- Adoption of the budget;
- Election of city clerk for a 3-year term; and
- Election of city auditor for a 3-year term.

To accomplish its duties, Chapter 43 provides details on council procedures, including:

- ***procedures for amendment and repeal of ordinances***, including specific conditions for the passage of emergency ordinances and passage of ordinances in one council meeting. Majority vote required for passage of ordinances;
- ***appointment of manager by council***. Manager serves at pleasure of council; council sets salary for manager. (Note: The manager may have employment contract as authorized by MGL, Chapter 41, Section 108N.); and
- ***for council to set its own salary and the salary for manager***. If a city employee is serving on the council, such individual receives the employee salary in lieu of the councilor salary, but not both.

## Relating to the Mayor:

**Plan E provides that the mayor is recognized as head of government for:**

- Ceremonial purposes;
- By the courts for service of civil process;
- By the governor for military and emergency purposes (Note Powers to direct the militia pursuant to MGL, c. 33 were repealed by St. 2014, c. 307); and
- In time of public danger or emergency, and with the consent of the council, may “take command of the police, maintain order and enforce laws.”



## Relating to the Manager:

**According to the plan text, the primary powers and duties of the manager include:**

- Administration of affairs of the city;
- Execution of ordinances, rules and regulations;
- Making of recommendations to council on matters as manager deems “desirable”;
- Periodically reporting to council on city affairs;
- Keeping council advised of city’s financial condition and future needs;
- Preparation and submittal of budget to council; and
- Making all appointments and removals and reporting to council on all appointments and removals.

Manager may delegate appointment and removal authority to department heads

City manager (or a designated subordinate) may attend any council meeting and address the council on any subject.

Council may not interfere with city manager’s duties and responsibilities in matters of appointments and removals and may not give orders to any subordinate of the city manager. Violations of s. 107 of MGL, c. 43 punishable by fine, imprisonment, or both. Also, violators subject to removal from office and loss of eligibility to “ever again” seek any elective city office.

## Relating to the School Committee

**Under Plan E, the primary powers and duties of the School Committee include:**

- Election of a school committee;
- Organization of a school committee;
- Duties of a school committee (since superseded by St. 1993, c. 71 – “Education Reform Act”);
- Requirements for the location and building of schools (in Plan E cities, approval of both school committee and city manager are required); and
- Filling of vacancies on the school committee.

## Process and Procedures

**Plan E provides the following provisions related to procedures and other requirements:**

- Procedures for administering oath of office to elected officers;
- Requirement for newspaper publication of ordinances;
- Interest in city contracts prohibited;
- Filling of vacancies in elective offices;
- Penalties for solicitation of campaign contributions from city employees;
- Date of municipal election;
- Implementation of proportional representation – nomination papers; form and contents of ballot, directions to voters, counting of ballots; and
- No increase or reduction in salary can take effect in the year in which it is adopted, and no change in salary may be enacted between the time of an election of a new council and the taking of office of a new council.

# Brief Overview of Cambridge Government

## Comparison of Plan E to Typical/Generic Recent MA Municipal Charters (1 of 4)

Typical Massachusetts municipal charters written in the last 30 years contain 9 or 10 articles, often in the same order. Below is a comparison of what is included in each common article of modern charters with what Plan E includes to address the topic.

| Typical Article                          | Content of Typical Charter Article  | How Plan E Addresses The Topic   |
|--|---|--|
| Incorporation, etc.                      | Affirms the status of municipalities and their authority under state law; identifies the form of government   | Implied, as Plan E authorized by state law   |
| Legislative                              | Composition, term, powers and duties of the council   | Plan E contains all of these features: te powers, and duties of the council                |
| Executive                                | Identifies mayor or manager as chief executive; defines authority and responsibilities  | Plan E identifies the city manager as hav authority and responsibility for all ( functions |
| School Committee/Other Elected Officials | Composition, term, powers, and duties of the school committee   | Plan E contains all of these features  |
| Organization                             | Provides for adoption of ordinances or administrative code to define departments, boards, offices, etc. Allows for combining, dissolving, or similarly restructuring organization | Not addressed in the Plan governments  |

# Brief Overview of Cambridge Government

## Comparison of Plan E to Typical/Generic Recent MA Municipal Charters (2 of 4)

| Typical Article                          | Content of Typical Charter Article  | How Plan E Addresses The Topic   |
|--|---|--|
| Incorporation, etc.                      | Affirms the status of municipalities and their authority under state law; identifies the form of government   | Implied, as Plan E authorized by state law   |
| Legislative                              | Composition, term, powers and duties of the council   | Plan E contains all of these features: term powers, and duties of the council                    |
| Executive                                | Identifies mayor or manager as chief executive; defines authority and responsibilities  | Plan E identifies the city manager as having authority and responsibility for all city functions |
| School Committee/Other Elected Officials | Composition, term, powers, and duties of the school committee   | Plan E contains all of these features  |
| Organization                             | Provides for adoption of ordinances or administrative code to define departments, boards, offices, etc. Allows for combining, dissolving, or similarly restructuring organization | Not addressed in the Plan governments  |

# Brief Overview of Cambridge Government

## Comparison of Plan E to Typical/Generic Recent MA Municipal Charters (3 of 4)

| Typical Article | Content of Typical Charter Article   | How Plan E Addresses The Topic  |
|-----------------|--|---|
| Finance         | Describes budget process and timelines, capital plan requirements, preparation of financial forecasts, approval of budget transfers. Some recent charters include process for setting yearly budget policy, preparing financial forecast   | Plan E: the roles of the city manager and council in the process are defined; contains none of the features of more recent charters   |
| Elections       | Describes process for preliminary and general elections, including signature collection requirements, timeline, ballot position  | With the exception of the explanation of proportional representation, the Plans do not focus to a great degree on election procedures as most are governed by state law; Plan governments could provide for preliminary elections (or define process via special act, as Cambridge does).                           |
| Citizen Relief  | Procedures for free petition, initiative, referendum, and recall. Timeline, signature collection, action by council, timeline for election. Many also include a voter threshold requirement for the results of these elections to be valid | Plan E contains procedures for initiative and referendum. Note that the state's election laws were recodified in the 1970s, and state law relative to petition requirements were changed in the 1980s. Cambridge provisions should be updated to provide greater clarity and assure adherence to state requirements |

## Comparison of Plan E to Typical/Generic Recent MA Municipal Charters (3 of 4)

| Typical Article       | Content of Typical Charter Article  | How Plan E Addresses The Topic   |
|-----------------------|---|--|
| General Provisions    | Contains provisions relating to requirements and procedures of wide applicability across the city government (e.g., procedures for multi-member bodies, amending the charter, periodic charter and ordinance review ) | Plan E contains certain of these provisions, but lacks most of the provisions noted  |
| Transition Provisions | Most important when changing the form of government, but also of value to assure that adjustments made to timelines and procedures that may be affected by charter adoption or revision                               | MGL, Chapter 43, provides transitional guidance for those communities adopting one of the Plans. This is particularly important when changing the form of government |

# THANK YOU!

**We cannot forget the most essential and exciting part of the Charter revision process – the impact YOU can have on local government.**

*The Collins Center is grateful for the opportunity to assist you in this process, and we appreciate your public service!*



# QUESTIONS?

# Reserve Slides



# SUMMARY OF CITY PLANS

- **Plan A: “Strong mayor”** for 2-year term; Council of 9 members, elected at large, 2-year term; School Committee elected at large (Mayor serves as chair), members serve 4 years; Mayor makes most appointments without council confirmation.
  - Operating under PLAN A today: Haverhill, Quincy, Springfield, North Adams
- **Plan B: “Weak mayor”** for 2-year term; Council composed of ward and at large members, majority of members from wards, 2-year term; School committee elected at large (mayor on school committee) for 2-year term; most mayoral appointments require council confirmation.
  - Operating under PLAN B today: Brockton, Fitchburg, Marlborough, New Bedford, Revere, Salem
- **Plan C: Commission** -- Board of Aldermen, with one serving as Mayor, is elected to serve as both the legislative and executive branches. In practice, the alderman serving as Mayor has responsibility for the city’s administrative and financial functions, while the other aldermen serve as department heads.
  - There was only one municipality with a commission form of government in Massachusetts – the city of Lawrence, which adopted a mayor-council government in 1983.
- **Plan D: Council – Manager** -- Council elected at large for 2-year term (number of wards determines number of councilors); School committee elected to 4-year term; Council elects “Mayor” from among its membership and appoints Manager. Manager responsible for the operations of all city departments, boards, offices, and commissions. Two-thirds council vote required to remove the manager.
- **Plan E (added in 1938)** -- similar to Plan D, except It provides for proportional representation and 2 year term for school committee.
  - Operating under a PLAN E: Cambridge, Lowell (no proportional representation)
- **Plan F (added in 1959)** – provides for a “partisan” city government, with candidates identified by party designation.

# Home Rule Charter Process

The Amendment lays out the procedures for a city or town to adopt a charter. The highlights of this process are:

1. Citizen petition process requiring 15% of voters to sign a petition calling for the municipality to adopt a charter;
2. Election of a 9-member charter commission to prepare a proposed charter;
3. Completion and distribution of a draft charter within 16 months of election of the commission;
4. Review of the draft charter by the Attorney General to determine consistency with the constitution and laws of the commonwealth;
5. Preparation of a proposed charter (also referenced as the final report) within 18 months of the election of the commission;
6. Distribution of the proposed charter to every household with a registered voter 2 weeks prior to the municipal election;
7. Voters adopt or reject the charter in its entirety; and
8. Charter takes effect as the charter provides.