

League of Women Voters Newton
Topic Meeting ~ January 13, 2010
Charter Study

Objective for Today

- Provide high-level education on charters and the process for changing a charter
- Provide some history of Newton's charter (valuable when considering change)
- Give an overview of the League Charter Study and our findings to date

General Charter Information

What is a charter?

Analogous to the constitution, it's the legal document that outlines the basic form of government, powers, roles, and checks and balances for a municipality. In conjunction with the ordinances and rules of the legislature, it determines how a city or town is run.

Recommended read on Charter Reform: The Model City Charter

Published by the National Civic League, first published in 1900, the 8th Edition was published in 2003; provides recommendations for local government structure and commentary of various alternatives

How can a charter be changed?

1. **Bylaws and permissive legislation** - Can be used for very specific changes, e.g. changing certain elected positions to appointed; specific change must be approved by voters at municipal election. Questions are placed on the ballot by a vote of the legislature or by petition by 10% of voters
2. **Special municipal legislation** ("special act charter") – The local legislature votes to petition the Massachusetts legislature to enact specific proposed legislation; the House of Representatives and the Senate must approve and the governor must sign; the petition may require ratification by voters at the next municipal election.
3. **Home Rule Charter** – Appropriate for comprehensive changes; a petition of 15% of voters will force a question of whether to elect a charter commission at the next municipal election. At the same time, voters elect a nine-member charter commission. The charter commission develops a proposal for a new charter, which is then voted on at the following municipal election.

Massachusetts Towns / Cities with Recent Charter Commissions

<u>Town</u>	<u>Year</u>	<u>Type</u>	<u>Result</u>
Weymouth	1999	Home Rule	Passed
W. Springfield	2000	Home Rule	Passed
Greenfield	2002	Home Rule	Passed
Braintree	2004	Home Rule	Defeated
Palmer	2004	Home Rule	Passed
Winthrop	2005	Home Rule	Passed
Braintree	2006	Special Act	Passed
Barnstable	2009	Home Rule	Defeated
Saugus	2009	Home Rule	Defeated
Sharon	2010	Home Rule	-

- The work of a charter commission often proves to be controversial and even contentious.
- If the question of electing a charter commission is put to voters, it passes 100% of the time
- Only 50% of charters proposed by charter commissions are accepted by voters
- If the LWVN adopts a consensus position supporting charter reform: a public education forum with a panel of recent charter commissioners from other towns

Newton's Charter: The Last Major Revision

1966 League Charter Study

- The study was initiated at the 1966 LWVN annual meeting (600 members strong)
- Motivations for the study were
 - recent change to state law allowing charter commissions (Home Rule Amendment of 1966)
 - the power of the Board of Aldermen to appoint a replacement for an alderman who did not complete a term (it was common practice for an alderman to run for re-election and then resign)
 - anger over the recently constructed high school
- The study committee held 30 meetings from August 1966 to March 1967:
 - studied the Newton charter
 - compared Newton charter to that of other communities and to the MCC
 - interviewed city officials and administrators
 - consulted with other interested city organizations and local political committees
- The study resulted in strong consensus for the election of a Charter Commission
- Other consensus positions included:
 - Reduce the size of the BOA; retain ward aldermen and drop residency requirement for at-large aldermen
 - Retain residence requirement for School Committee
 - Hold special elections to fill vacancies in the BOA and SC unless the vacancy occurs in the last quarter of a term
 - Hold special election to fill a vacancy in the office of Mayor unless vacancy occurs in last 3-6 months
 - Create a four-year term for mayor
 - Create four-year staggered terms for SC
 - Retain the power of the mayor to appoint department heads with BOA approval
 - Retain the power of the mayor to dismiss department heads without BOA approval

1969 Newton Charter Commission

- Resulted from League-led petition drive; 10,000 signatures obtained in support of the ballot question: "Shall a commission be elected to review the charter of Newton?"
- Question of whether to elect a charter commission was approved 13,000 to 2,500
- The prior charter had been adopted in 1897, by a vote of 1,886 yes, 922 no, 281 blank.
- At that time, a bicameral legislature was merged into one body (present BOA), with no seats eliminated.

- Chaired by League member Florence Rubin
- 5 of 9 commission members were sitting elected officials
 - 2 State Representatives
 - 1 Alderman
 - 2 School Committee members
- According to Newton's charter in 1969:
 - the mayor had a 2-year term
 - there were no term limits for mayor, SC or BOA
 - there was no provision for override of the mayor's veto
 - vacancy in the office of mayor was filled by the BOA president (regardless of remaining term)
 - BOA vacancies were filled by appointment of the BOA
 - SC vacancies were filled by appointment of a joint session of SC and BOA
- Remarks from Florence Rubin (2007 interview by John Stewart):
 - "...a number of these people who were on the Charter Commission or who ran for it really didn't have a clue and had done it for what they considered were good political reasons...they didn't come in with some ideas that they wanted to try or anything else. Either getting rid of something or getting something new in some other way. I found that astonishing. I would never run for something where I didn't have any interest other than running and getting elected."
 - "That's why many people who were then in office in another position ran for the Charter Commission...because they knew they had a good chance of being elected, and they could protect what they were interested in."
 - "...I will tell you, whatever office they held and whether they held one was a significant factor in the decision they made in the Charter Commission. I know, I spoke to each of them if I was trying to see what kind of a chance we had for a particular issue. Time and again they'd say to me, 'I'd like to vote for that but I can't afford to take a chance and the aldermen will sink my re-election, or the aldermen will see that I don't get elected to the legislature.'"

2009-10 League Charter Study

“Don’t start with conclusions!” We are just studying the charter and its efficacy.

Timeline

- Initiated at 2009 LWVN annual meeting
- Launched formal study committee in September
- 28+ members organized into 7 sub-committees
- Will present consensus questions at 2010 LWVN annual meeting
- May result in a petition drive for the November 2011 election

Organization of Study

- How are Newton’s key resources governed?
 - Financial resources
 - Land Use
 - Human resources (city administration)
- How well does Newton’s electoral process serve our city?
- How well does Newton’s government structure serve our city?
 - Executive
 - Legislature
 - School Committee / Education Department

Study Outline

1. Document the current state
 - Who has authority over, or a role in governing the resources?
 - What is the role, power, and checks and balances of this branch of government?
 - What is specified in the charter, vs. the ordinances, Rules of BOA, Rules of SC?
2. Evaluation
 - Is the current structure effective?
 - How does Newton’s structure compare to the MCC or other benchmark charters?
 - What elements of Newton’s government structure merit further study?
3. Opportunities for improvement
 - What changes should be considered?
 - How might the changes be implemented?
 - What would be the impact of selected changes?
4. Creation of consensus questions

Benchmarks

- Population
- Similarity
- Excellence
- CAG benchmarks

	<u>Population</u>	<u>City /Town</u>
Lowell	103,512	City
Cambridge	101,388	City
Brockton	93,092	City
New Bedford	91,849	City
Quincy	91,622	City
Fall River	90,905	City
Lynn	87,122	City
Newton	83,271	City
Somerville	74,405	City
Lawrence	70,066	City
Framingham	64,786	Town
Haverhill	59,902	City
Waltham	59,758	City
Taunton	55,783	City
Malden	55,712	City
Medford	55,565	City
Revere	55,341	City
Brookline	54,809	Town
Chicopee	53,876	City
Weymouth	53,272	Town
Peabody	51,441	City

CAG: Core Mass. Communities

<u>Criteria:</u>	<u>Towns / Cities:</u>
Population Density	Belmont
Median HH Income	Brookline
% Commercial Tax Assessment	Framingham
% Below Poverty Line	Lexington
Total Pupils	Natick
Total Pupils as % of Population	Needham
MWRA Usage	Arlington
	Wellesley

Non Mass. Communities

- Population
- Primarily residential
- Size of public school system
- Comparable HH Income
- West Hartford, CT
- Norwalk, CT
- Fairfield CT

Sub-Committees and Major Issues

<u>Sub-Committee</u>	<u>Major Issues</u>
Electoral Process	<ul style="list-style-type: none">• Term lengths• Term limits• Staggered vs. concurrent terms• At-large vs. district vs. mix of both• Recall provisions• Number of wards• Number of representatives per ward
Legislature	<ul style="list-style-type: none">• Function of the BOA: what is the actual work to be done?• Function of BOA committees• Checks and balances
Administration	<ul style="list-style-type: none">• City organization chart• Qualifications of department heads• Hiring / firing authority for department heads• Performance management
Finance	<ul style="list-style-type: none">• Specificity in charter regarding financial processes• Best financial practices• Independent audit• Year-end financial report, variances• Process for amending budget• Organizational placement of comptroller function• Strength of financial oversight process: audit committee or oversight board• Charter compliance (relevant to all sub-committees)
Executive	<ul style="list-style-type: none">• Mayor vs. city manager• Powers and duties
Land Use	<ul style="list-style-type: none">• Comprehensive plan• Topic for League study?
Education / School Committee	<ul style="list-style-type: none">• Electoral process issues (term lengths, limits, staggered vs. concurrent)• Appointment authority• Charter maintenance• Description of SC responsibilities