

Special Act Charter Committee Public Hearing



SPECIAL ACT CHARTER COMMITTEE MISSION STATEMENT

To examine our current local government structure and to investigate the following forms of government; the Open Town Meeting, the Representative Town Meeting and a Town Council Format, including the efficiency and cost effectiveness of each and to prepare a preliminary report to the Board of Selectman within 18 months of the formulation of the April 2009 Special Act Charter Committee.

*"The will of the people is the only legitimate foundation
of any government, and to protect its
free expression should be our first object."*

Thomas Jefferson

Past and Present



- **The BOS tasked the SACC to investigate three different forms of government and report back.**
 - The options were Open Town Meeting, Representative Town Meeting and Town Council.
 - The SACC recommends that Tewksbury go to a 9-Member Town Council.
 - The SACC prepared a draft charter and presented to BOS in Dec 2011

- **The Board of Selectmen has reviewed the recommendation and is now preparing for Town Meeting.**
 - Do you feel the proposal is complete?
 - Are there enough educational materials provided to make an informed decision?
 - When should the proposed recommendation go to Town Meeting?

Open Town Meeting



- **Tewksbury's current form of government:**
 - Town Manager is the chief executive officer.
 - Executive branch of government is comprised of 5 Selectmen and the appointed Town Manager.
 - Legislative branch of government is comprised of registered voters attending Town Meeting.
 - All matters are brought before Town Meeting unless otherwise defined by current town charter
 - **Budgets and Borrowing, Charter and Town Bylaw amendments, Zoning Bylaw amendments, Zoning changes, Town Personnel Bylaw changes, etc...**
 - All attendees (including visitors by permission) are eligible to debate warrant articles.
 - Attending voters have a direct vote on all Town Meeting

The SACC recommends changing from this form of government.

Representative Town Meeting



Form of government in 37 Massachusetts communities including nearby towns of Billerica and Chelmsford

- The appointed Town Manager is the chief executive officer.
- Executive branch of government is comprised of the Selectmen and the Town Manager.
- Legislative branch of government is comprised of elected representatives attending Town Meeting.
 - Number of representatives can be less than 100 or more than 300.
 - Representatives are typically elected by district.
- All matters are brought before Town Meeting
- Attending representatives are eligible to debate all warrant articles.
- Attending representatives have a direct vote on all Town Meeting proceedings.

The SACC recommends not changing to this form of government.

Town Council



- ❑ **Form of government in 55 cities and towns in Massachusetts (Franklin & Watertown)**
 - The appointed Town Manager is the chief executive officer.
 - Executive branch of government is comprised of the Town Council and the Town Manager.
 - Legislative branch of government is comprised of the Town Council.
- ❑ **Initiative Petition process is available for citizen sponsored proposals.**
- ❑ **Referendum Petition process is available for citizen**
 - Challenges to decisions citizens want reconsidered

Items not subject to initiative & referendum processes

- (a) revenue loan orders;
- (b) appropriations for the payment of debt or debt service;
- (c) internal operational procedures of the town council and the school committee;
- (d) emergency measures;
- (e) town budget as a whole or school committee budget as a whole;
- (e) appropriation of funds to implement a collective bargaining agreement;
- (f) procedures relating to election, appointment, removal, discharge or any other personnel action;
- (g) proceedings providing for the submission or referral of a matter to the voters at an election;
- (h) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition;
- (i) for the purpose of achieving a lower rate of interest and/or extend the term of repayment

The SACC recommends changing to this form of government

SACC Recommendation



- ❑ 9 Councilors (5 at-large, 4 by district)
- ❑ The Town Council is considered a city form of government, but the SACC recommends that Tewksbury continue to call itself a Town. In MA there are 13 communities which are towns that use a city form of government.
- ❑ Current elected officials remain elected as opposed to being appointed like most other Town Councils.
- ❑ The Town Manager remains an appointed position.
- ❑ Town Meetings would be abolished.
- ❑ The Moderator position would be abolished.
- ❑ The Finance Committee will serve as financial advisors to the Council.

Educational Materials



- **The SACC has provided the following documents**
 - Draft Charter document dated January 12, 2012 *
 - Chart showing differences between Open Town Meeting and Town Council form of government*
 - Final Report presented November 1, 2011 **

- **Additional information for BOS public hearing:**
 - Summary document highlighting differences (comparison document)**
 - Quick reference chart of proposed Town Council Charter*

*On town website & copies at Library, Senior Center & Town Hall

**On town website under Board of Selectmen

Major Differences



Item for Comparison	Open Town Meeting (Current Form of Government)	Town Council (Proposed Form of Government)
Executive Body	Town Manager Board of Selectman *5 Selectmen (all at-large)	Town Manager Town Council *9 Councilors (5 at large, 4 by district)
Legislative Body	Registered voters attending Town Meeting *Voters have a voice at ATM (May) & STM (Oct) but no vote at Fin Comm Public Hearing or BOS Public Hearing *Voters debate issues on floor *Voters can offer amendments at Town Meeting	Town Council *Any Citizen has a voice, no vote at Town Council public hearings
Citizen Proposals (ex. Zoning & By Law Changes, Selling of town property, easements)	Proponent submits Proposal in Warrant Article format: *Petition from at least 10 voters for ATM *Petition from at least 100 voters for STM *Petition from at least 200 voters to call for STM Voted on by registered voters attending Meeting	Citizen Initiative Procedure: *Petition from at least 5% (1018 ¹) of all registered voters; Proposal can be passed by Town Council or School Committee If not, the proposal goes to ballot election Requires a 15%(3053 ¹) turnout at the polls Prohibitions include town & school budget once passed
Citizen Challenges (ex. May 4, 1992 Special Town Meeting, Article 1 amending Town Charter to eliminate Trash Fee)	Petitioner submits Challenge in Warrant Article format: *Petition from at least 10 voters for ATM *Petition from at least 100 voters for STM *Petition from at least 200 voters to call for STM Voted on by registered voters attending Meeting	Citizen Referendum Procedure: *Petition from at least 150 voters within 20 days of measure passing; Petition asks Town Council or School Committee to reconsider measure at which time it can be rescinded. If not, the challenge follows the Citizen Initiative Procedure; Petition from at least 5% (1018 ¹) of all registered voters; Proposal can be passed by Town Council or School Committee If not, the proposal goes to ballot election Requires a 15% (3053 ¹) turnout at the polls Prohibitions include town & school budget once passed
Recall of Elected Officials	Affidavit from at least 140 voters, with at least 20 per percent Petition within 20 days from at least 50% of the number of persons who voted at last annual town Election Officials may resign from office - if not, official can be removed via Special Recall Election Official whose recall is sought is allowed to be nominated and elected at their recall election	At Large Officials: Affidavit from at least 150 voters Petition from at least 20% (4071 ¹) of the voters within 20 days Official might resign from office If not, official can be removed via Special Recall Election Requires at least 20% turnout at the polls Official whose recall is sought is prohibited from nomination By-District Officials: Affidavit from at least 50 voters from the district Petition from at least 20% (4071 ¹) district voters within 20 days Official may resign from office If not, official can be removed via Special Recall Election Requires at least 20% district turnout at the polls Official whose recall is sought is prohibited from nomination
Finance Committee	Advisors to Town Meeting attendees Currently operates with 7-9 members	Advisors to Town Council Between 5 and 9 members (set by Charter in 2-13.1)
Salaries of Elected Officials	Set by Annual Town Meeting Paying for 5 Selectman	Set by Town Council Paying for 9 councilors

¹There were 20,354 Total Registered Voters as of the April 2, 2011 Annual Town Election

Quick Reference: Council Proposal



ARTICLE	General Topics	
INCORPORATION; SHORT TITLE; DEFINITIONS	Incorporates Town Legislative Body is the Town Council Executive Branch is the Town Manager Ultimate Powers lies with the Voters	Major change in Article one is that the Town Council replaces Town Meeting as the legislative body in town
LEGISLATIVE BRANCH	9 Member Council Three year terms 4 elected by district & 5 at-large councilors Council remains licensing authority in town Finance Committee advises Council on fiscal matters	Significant change is Finance Committee advises Town Council
EXECUTIVE BRANCHES	Town Manager manages town including hiring, firing and disciplinary actions Town Manager search committee role defined	No Changes from existing charter
ELECTED TOWN BOARDS AND OFFICERS	Defines elected positions in town.	No Changes from existing charter
ORGANIZATION	Town Manager may reorganize town as he/she sees fit	No Changes from existing charter
FINANCE AND FISCAL PROCEDURES	Town Budget Capital Improvement Plan Annual Audit	No Changes from existing charter
ELECTIONS AND ELECTION-RELATED MATTERS	Election will take place the 1st Tuesday in April Districts established	Date of the Elections would change.
FREE PETITION; INITIATIVE; REFERENDUM; RECALL, OPEN MEETING	<u>INITIATIVE PETITION</u> Submission of petition to the town clerk (addressed to Council or School Committee) Request for passage of a particular measure within 20 days to Council or SC 5% of registered voters signatures to request an election Council can call for special election <u>CITIZEN REFERENDUM PROCEDURES</u> Within 20 days after passage of a measure A petition of 150 voters to the Council or School Committee Council or School Committee reconsiders measure If action is not rescinded, Council calls for special election 15% (approximately 3,000 voters) turnout required for ballot vote to be valid	None of this exists in today's charter.
GENERAL PROVISIONS	How to change Charter Periodic Review of Charter	Similar options today to change the charter. Periodic review would now be part of the charter.
TRANSITIONAL PROVISIONS	Continuation of existing laws Continuation of government Continuation of Personnel Continuation of Obligation Transition Election Process	These are changes based on a new form of government being adopted.
SPECIAL ACTS	<u>SPECIAL ACTS REPEALED</u> Chapter 275 of the Acts of 1986, establishing the town manager position and referencing certain elected offices in the town.	<u>SPECIAL ACTS SPECIFICALLY RETAINED</u> Chapter 229 of the Acts of 1995 relative to the trust fund commission; Chapter 145 of the Acts of 2003 relative to the expansion in the size of the board of health; Chapter 2 of the Acts of 1937 relative to an Act placing under civil service laws the office of chief of police of the town of Tewksbury for so long as the chief of police serving as such at the time this charter takes effect shall remain in office as the chief of police.

Where do we go from here?



- **Changing the structure of Tewksbury's government is a serious matter.**
 - These hearing are an attempt to provide public input & address concerns
 - The SACC will assist with providing the technical expertise.
 - All of the ramifications should be thoroughly understood up front.
 - The BOS & SACC will not rush the process for the sake of convenience
- **The BOS is looking for input from the public.**
 - What do you think?
 - What information do you need to make an educated vote?

To be respectful of others we ask residents to limit comments to five minutes. Rebuttal comments will be addresses after everyone has had an opportunity to speak. Please keep those comments to three minutes.