



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays, and Holidays)

RECEIVED

2024 JAN 29 PM 03:00
NANTUCKET TOWN CLERK
Posting Number:T 104

Committee/Board/s	TOWN COUNCIL STUDY COMMITTEE
Day, Date, and Time	WEDNESDAY, FEBRUARY 7, at 3:00PM until 5:00PM
Location / Address	MEETING TRAILER AT 131 PLEASANT STREET (Room B) AND REMOTE PARTICIPATION VIA ZOOM
Signature of Chair or Authorized Person	Joe Grause

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/84277336876?pwd=gUmysFYjgbtgcSsDkUb3yCXNxxvJFkb.1>

Meeting ID: 842 7733 6876

Passcode: 704244

- I. Call to Order
- II. Acceptance of Agenda
- III. The Town Council Study Committee Meeting is being recorded.
- IV. Approval of Minutes of January 24, 2024
- V. Presentation and Discussion regarding Town Charter by C. Elizabeth Gibson, Town Manager and John Giorgio, Town Counsel (3:00 pm to 4:00 pm)
- VI. Presentation by Anthony Wilson of the Edward J. Collins Center for Public Management.
- VII. Public Comment/Questions
- VIII. Discussion Regarding Agenda Items for Next Meeting(s)
- IX. Adjournment

Town of Nantucket
Town Council Study Committee

Project Plan
Updated 1/28/24

Committee Purpose:

The Committee was established by the Select Board in compliance with Article 81 of the FY2023 Annual Town Meeting with the purpose of studying the establishment of a Town Council form of government for Nantucket with the following conditions.

1. The Town Council shall serve as the legislative body for the Town and County of Nantucket.
2. The Town Council shall employ a Town Manager to manage and implement policies and procedures approved by the Council.
3. The special committee shall consider any structural or administrative details of the Town Council, including but not limited to
 - a. The number of members of the Town Council.
 - b. How the Town Council might represent the voters of Nantucket.
 - c. The qualifications necessary to hold a seat on the Town Council.
 - d. The internal organization of the Town Council.
 - e. Compensation of Council Members; and
 - f. Any other characteristics of the structure and processes of the proposed Town Council as may be recommended.

Goal:

The special committee shall complete its work and submit an Article for either an Annual or Special Town Meeting which, if passed, may enable the transition to a Town Council structure. The timing of the submission is dependent on the execution of all necessary steps, including appointing the committee, public hearing and writing of the article. *(All taken from Article 81 of ATM FY2023.)*

Project Plan

Meeting	Topics/Agenda/Goals	Comment/Resource/Speaker
11/30/23 12/20/23 1/24/24	1. Committee Education/Research a. Understanding Nantucket's current government structure; how does Nantucket operate? Roles/responsibilities of various parts of Town Government. b. What are the forms of government in the Commonwealth of Massachusetts? How do they differ? Pros and Cons? Statistics/characteristics of Towns using the four forms? c. What leads Towns to change form of government? d. Experience of other Town who have changed to a Town Council? What led to change? Hurdles?	• First two meetings largely administrative • Michael Dutton, Town Manager for Bridgewater, MA spoke to Committee on 1/24/24. Presented the three forms of government (Town Meeting, Representative Town Meeting and Town Council/Town Manager) to the Committee. Discussed characteristics and pros/cons of all three. Answered questions from Committee and members of the public. • Committee needs to gather/develop some statistics about the numbers of municipalities that use the various governmental forms? MMA? • Representatives of Collins Center will present a) a similar overview and b) their capabilities as consultant/facilitator at 2/7/24 meeting.
12/10/24	2. What problem are we attempting to solve? a. "Unpack" the issue. What are the shortcomings of Town Meeting? What are the benefits of a change? b. What will opponents of change claim about Town Meeting? c. What voters might be supportive of a change? Who might oppose it?	• Discussion during 12/10/24 meeting developed outline of concerns about Town Meeting structure as well as some positive characteristics. (See Minutes for 12/10/24.) • Revisit at a future meeting? Develop arguments for advantages of Town Council form?
	3. Examine some recent conversions to Town Council a. Review the Town Charters?	

	b. Functional similarities and differences? c. Process used? (Charter Commission or Special Legislation?) d. Is Town Council the appropriate solution here? What about Representative Town Meeting?	
	4. Compose a new Town Council Charter for Nantucket a. Is there a recent conversion whose Charter we can copy/use? b. Does the Committee draft or should we use outside law firm? c. Discuss specific structural issues: i. Number of Councilors? ii. Terms? iii. Qualifications to hold a Council position? iv. How will Councilors represent the voters of the Town? v. Non-resident taxpayers? vi. Compensation? vii. Relationship to Town Manager? viii. Will Role and Responsibilities of Town Manager change? Other Town Employees? ix. Relationship of Town Council to other elected persons/entities? Planning Board, Land Bank, NP&EDC? Others? x. Other issues?	

2/7/24	5. Unique Characteristics of Nantucket to Consider a. County and County Commissioners b. NP&EDC c. Elected and Appointed Groups d. TBD	• Libby Gibson and John Giorgio speaking to Committee on 2/7/24. Will present characteristics and evolution of current Nantucket Town Charter and Town organizational structure.
	6. Public Hearings a. Are they necessary? (Check with Town Counsel) b. How many? c. Gather input from voters. Survey?	
	7. Compose Article for _____ Town Meeting	
	8. PR/Marketing Plan to communicate benefits/reasons for change to Town Council a. Ongoing communication to voters b. Community outreach – visit with various influence groups. - c.	
	9. Other Steps??	

Town of Nantucket – Current Form of Government and Options for Alternatives Forms

Prepared by Town Manager and Town Counsel for:

Town Council Study Committee

Feb 7, 2024

Nantucket's Current Form of Government:

- Select Board
- Town Manager
- Open Town Meeting

Select Board

- Select Board – Responsibilities/Designations
 - Chief Executive Board and Chief Policy Making Board
 - Hires Town Manager, Town Counsel
 - Acts as Licensing Board, County Commissioners*
 - Approves contracts to be executed by Town Manager
 - Authorizes/approves certain real estate transactions
 - Enacts local regulations
 - Has “veto” power over Town Manager department head appointments
 - Approves collective bargaining agreements
 - Appoints certain boards/committees/commissions**

Town Manager

- Chief Administrative Officer and “strong” Town Manager
- Manages Town Administration departments*
- Prepares Town Meeting warrants
- Prepares annual operating budget for submittal to Select Board
- Executes contracts**
- Appoints certain boards/committees/commissions***
- Has specific duties/responsibilities outlined in Charter

Open Town Meeting

- Legislative body of the Town
- Appropriates annual budget and most other expenditures
- Enacts general and zoning bylaws
- Acceptance of state law provisions
- Authorizes home rule petitions for special legislation applicable only to Nantucket
- No quorum, except for certain appropriations at special town meetings
- Authorizes certain real estate transactions

Town Government Study Committee

- Chapter 11, Article V of the Town Code sets forth the establishment of a Town Government Study Committee, every 5 years
- Most recent committee issued a report in 2021, with recommendations pending in a Home Rule Petition to amend the Charter (been approved at 2022, 2023 Town Meetings and is awaiting legislative approval)
- New committee not established since then

Nantucket Town Charter - History

- Adopted in 1996 through a Charter Commission process
- Amended in:
 - 2003 – Town Administration departments
 - 2007 – Town Administrator changed to Town Manager
 - 2019 – Town Meeting warrant publication
 - 2022 – Town Meeting warrant with Finance Committee motions mailing requirement
 - 2022 – Home Rule Petition with Town Government Study Committee recommendations, approved by Town Meeting (pending in legislature)

Unique Provisions in Existing Town Charter and Special Acts

- Select Board authorized to acquire real property without the need for a Town Meeting vote (Charter §3.3).
- Airport Commission may borrow money to fund local share of grants without Town Meeting authorization (pursuant to Home Rule Petition)
- Special Act Historic District Commission; administrative appeals to Select Board
- Role of Nantucket Planning and Economic Development Commission in land use planning and permitting (Special Act)
- Nantucket Islands Land Bank (Special Act)
- Act establishing the Nantucket Sewer Commission

Typical Town Council Form of Government

- Becomes legislative body and replaces Town Meeting *and* Select Board, including:
 - Becomes appropriations authority
 - Enacts general and zoning bylaws and regulations
 - Accepts state law provisions
 - Authorizes home rule petitions for special legislation
 - Appoints Town boards, commissions, and committees

Town Council Form of Government – Things to Consider (including but not limited to):

- Who appoints Department heads and employees?
- Are officers and boards, commissions, and committees elected or appointed? Who appoints them?
- Who acts as the Licensing Board?
- Who serves as Sewer Commission?
- Who has authority to investigate Town affairs?
- Who will serve as County Commissioners?
- How many Councilors will there be? Will they be paid?
- Is more administrative staff required?
- How will the Transition Plan be developed?
- How will the Town Code need to be amended?

Flexibility in Creating a New Form of Government

A charter or charter will be deemed consistent with the provisions of any law relating to the structure of city and town government, the creation of local offices, the term of office or mode of selection of local offices, and the distribution of powers, duties and responsibilities among local offices.

Recommended Process for Revising Charter

- Town Meeting vote to petition the General Court for a Special Act revising the Charter → Approval of special act charter change by the General Court → Ballot question at the next Annual Election approving the new Charter.
- Alternative Method:
 - Election of a Charter Commission at the Annual Election → Commission writes a new Charter → Submits for approval to the Attorney General → Approved at the next Annual Election.

Town Council Study Committee
January 24, 2024

1. The scheduled meeting on January 24 was held in Meeting Trailer "B" from 3:00 p.m. to 4:50 p.m. Attending in person were Joe Grause, Chair; Curtis Barnes, Beau Barber, Jill Vieth, Kelly Steffen, Jeff Carlson, Rachel Mandle. Participating by Zoom were Tom Dixon, Caroline Baltzer, Donna Martino and Pamela Suan. Attending in person as guests were Lucy Hehir, Jeremy Bloomer, and Campbell Sutton. Kathy Baird participated by Zoom.
2. The Agenda and Minutes were approved as submitted.
3. The main focus of the meeting was a guest presentation by Michael Dutton, Town Manager of Bridgewater, MA, who also serves as a consultant with the Mass. Municipal Assn. Mr. Dutton's presentation included a wide range of comments about the various forms of Town government available in Massachusetts, and response to numerous questions from the participants.
4. Mr. Dutton's comments included the following:
 - the review process is worthwhile – and can be a long road
 - the Annual Town Meeting form of government is a traditional New England style, and was established before the War of Revolution
 - Bridgewater has a Council/Manager form of government – one of approximately 13 in the State. Others include Franklin, Barnstable
 - he prefers the Council/Manager form as being much more efficient than other forms, with a professional manager
 - citizens have better access to government, and are more engaged
 - another option is Representative Town Meeting, where voters elect TM members – fewer members voting on behalf of the whole Town
 - ATM or RTM meets 1-2 times a year – often citizens attend just for "bullet voting" on hot button issues. (Caroline B asked "how can town meeting attendees 'hijack' the agenda?" MD answer "they come to vote on one specific agenda item.")
 - (CLB note/comment** – just like Nantucket teachers did several years ago in voting on their raises in the school budget; or at last year's ATM regarding Short Term Rentals)
5. Dutton continues:
 - Bridgewater has 9 councilors – 3 from each of 3 Districts (precincts) – which means there are only 9 individuals to be educated on complex matters – opportunity to bring in expert advisors on specific issues
 - in Bridgewater, the Town Manager takes the place of the Select Board.
 - - the Town Council votes the budget.
 - the Council approves Town Charter changes, which then go to the State legislature for ratification. May come back to the Town for affirmative vote by citizens.
 - Bridgewater budget is \$70 million
 - Solid Waste, Water, and Sewer are separate funds from Town budget

Joe Grause: "What are the next steps for the TCSC?"

Dutton: if you are looking at structure, you need to consider what boards and committees are useful, or not.

Caroline: should existing groups stay on?

Dutton: you should have some consistency; keep the groups that are working well. But there should be clear delineation between the legislative function (Council) and the operational function (Town Manager) How checks and balances work in Bridgewater: a) voters elect the Council; b) the Council selects the Town Manager; c) the TM appoints department heads, boards, and committees – but Council has authority to ratify appointments.

Bridgeport budget process: normally takes 45 days to develop and approve – generally February to April. Town Manager and Finance Director meet with department heads to develop budgets; department heads focus on their jobs; they don't take 6 months to develop and refine budgets.

Rachel: Aren't the people afraid they will lose their voice? What is the public's feeling of access? How does the public fit in?

Dutton: the Town Council meets twice a month (once in July and August), instead of just once a year. There are two opportunities for public comment – at the beginning and end of each meeting. Councilors believe that public comment is important – they want to listen to their constituents.

Donna: Where do Town boards report? How are they folded into the process?

Dutton: Finance Committee is a good example. The Town Manager submits the budget to the Council for a first reading; Council refers to the Finance Committee; FinCom has three members – very powerful; an excellent place for learning (for possible future Council membership); FinCom returns budget to Council with recommendations for action.

Tom Dixon: are Councilors part time? Do they receive a stipend? Are they representative of the Town citizens?

Dutton: It's not easy to find qualified people. They should have an open mind, common sense, and be good communicators.

Kelly: how do Council members reach out into the public?

Dutton: difficult to connect with 30,000 people in Bridgewater; but most councilors are tuned in via social media; some have "office hours" in local coffee shops; (**CLB note:** as Jason Bridges often did at the Handlebar coffee shop). It is important to stay tuned in; likes district councilors to stay in touch – make sure you're communicating with voters.

Jill: what about Executive Sessions? How does that fit in to State law?

Rachel: we need to be cautious; need to educate the public on what changes would mean; need to spell out responsibilities of boards and committees; only about 2% of the people are paying attention to what's going on.

Campbell Sutton: where does citizen voting come into play?

Dutton: the Council can put citizens petitions or binding questions on the ballot. Goes to State legislature for approval; then comes back to the Town for confirmation voting. Charter changes could be submitted to the legislature as separate changes if necessary.

Jeremy Bloomer: what are the benefits of Town Council? What problems are being solved? There may be concerns about an "Old Boys Network" running the Town. How to bring in new people? The Council and Town staff could focus on important issues; need to look at long term benefits; grant funding; improved efficiency; decisions could be made in 30 days instead of once a year.

Dutton: ATM is unique to New England; (**CLB note:** 62% of towns in US over 2,500 population have Town Council form of government); Town Council is more efficient; is a better organized structure; always has someone who has both authority and responsibility; better utilization of staff talents, staff time, and productivity; easier access to state and federal grant agencies.

Closing Remarks from Chairman Grause:

1. The next TCSC meeting will be on Wednesday, February 7 at 3:00.
2. Speakers will be Town Manager Libby Gibson and Town Counsel John Giorgio from 3 to 4.
3. Presentation by the Collins Center at UMass will follow.

Meeting adjourned at 4:50 p.m.

Curtis Barnes

1/30/24

Organizational Structure Overview

Town of Nantucket

Thursday, February 7, 2024

Anthony Wilson, Esq., Public Service Manager

Patricia Lloyd, Esq., Associate

Mel Kleckner, Associate

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

PRESENTATION AGENDA

- Collins Center Background
- Charter Basics
- Processes for Charter Revision
- Forms of Municipal Government
- General Trends in Municipal Charters
- Charter Alternatives
- Guiding Precepts
- Questions/Comments

Collins Center Background

About the Collins Center

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

The Center's Charter & Charter-Related Work

- Charter project municipalities range in population from <1,000 to >100,000
- Worked with every form of government
- Worked with transitions from one form to another
- Each city or town presents unique issues reflecting local culture and needs
- The Collins Center has several charter projects underway, including Somerville, Cambridge, Ludlow, Rockland, Medford, Sandisfield, and Williamstown

Examples of Recent Charter and Structural Change Activity

- Melrose (2005)
- Newburyport (2011)
- Everett (2011)
- Northampton (2012)
- Pittsfield (2013)
- Framingham (2017)
- Amherst (2018)
- Watertown (2021)
- Plymouth (2022)

Charter Basics

What is a Charter?

Brief overview of Massachusetts charters

- Foundational document that comprehensively addresses the fundamental structure and operation of a town government
- Some consider it a constitution of a municipality
- By adopting a charter, a municipality can create a local government that is responsive to their unique history, culture and community.
- Charters are subordinate to state law and town bylaws are subordinate to the Charter
- Nantucket adopted its first Charter in 1996, establishing an appointed Town Manager position

What is a Charter?

“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

Review of Charter

- Consider form of government. Is the existing town government structure responsive to the complex and highly regulated environment of municipal government in the 21st century?
- If the charge of the Committee is to develop a council-manager charter, there are dozens of decisions relating to the Town Manager, the Town Council, other elected or appointed bodies, the budget process, and the transition from the town meeting form
- The Collins Center is experienced with all of these matters and can draft a council-manager charter compliant with state and federal law and consistent with evolving values and cultural changes

Processes for Charter Adoption

Two Paths to Adopting or Amending a Charter

- MGL Chapter 43B Home Rule Charter – Initiated by a citizen petition. An elected Charter Commission is established, and the process follows detailed state law. A charter is recommended by the Commission to be approved by the Attorney General and ratified at a town election. This is the path that Nantucket used when adopting its Charter in 1996.
- Special Act Charter – Typically initiated by the Select Board, who appoints a Charter Committee. The Committee solicits input from town officials, boards, and residents and drafts and presents a recommended charter to the Select Board. The Select Board submits the proposed Charter to the Town Meeting. If approved by Town Meeting, the proposed charter is submitted as a special act to the Massachusetts Legislature. If approved by the Legislature the Charter typically proceeds to a town election for ratification.

Special Act Charter Process - Town

- A Charter Review Committee is appointed and convened. The Committee engages in a thorough and inclusive process (work plan) to consider changes in the structure and operation of town government
- A final report and recommendations are submitted to the Select Board. If approved by town meeting, the proposed charter is submitted by the Select Board for state legislative approval.
- This is the process used during the recent Town Government Study Committee charter amendments. In the case of the Town Council Study Committee, the 2023 Town Meeting vote obligates the Committee to present proposed special act warrant article(s) directly for future Town Meeting action

Special Act Charter Process - State

- The Legislature will convert the petition to a bill and will assign it to a committee to hold a hearing on the proposed legislation.
- The legislative committee must report the bill favorably for action by the Legislature.
- The bill must be approved by the House of Representatives and the Senate, then signed into law by the Governor.
- Final step: If required by the Legislature or the Town, the voters will approve/disapprove the proposed charter on a town election ballot.

Typical Committee Work Plan

- Thoroughly researches the current structure and operation of the local government
- Creates a public process to communicate to, and solicit opinions from, residents, businesses, and stakeholders
- Researches optional forms of government in other Massachusetts cities and towns
- Prepares a report that documents findings and makes recommendations to the Select Board and Town Meeting, reflecting the judgment of the committee and including a draft charter, typically using the services of a consultant
- This process generally takes 12-18 months

Forms of Government

Four Basic Forms of Government in Massachusetts

Town*

Open Town Meeting

Towns: 260

Representative Town Meeting

Towns: 32

* Representative Town Meeting is not available to towns with less than 6,000 population

City **

Mayoral-Council

Cities: 44

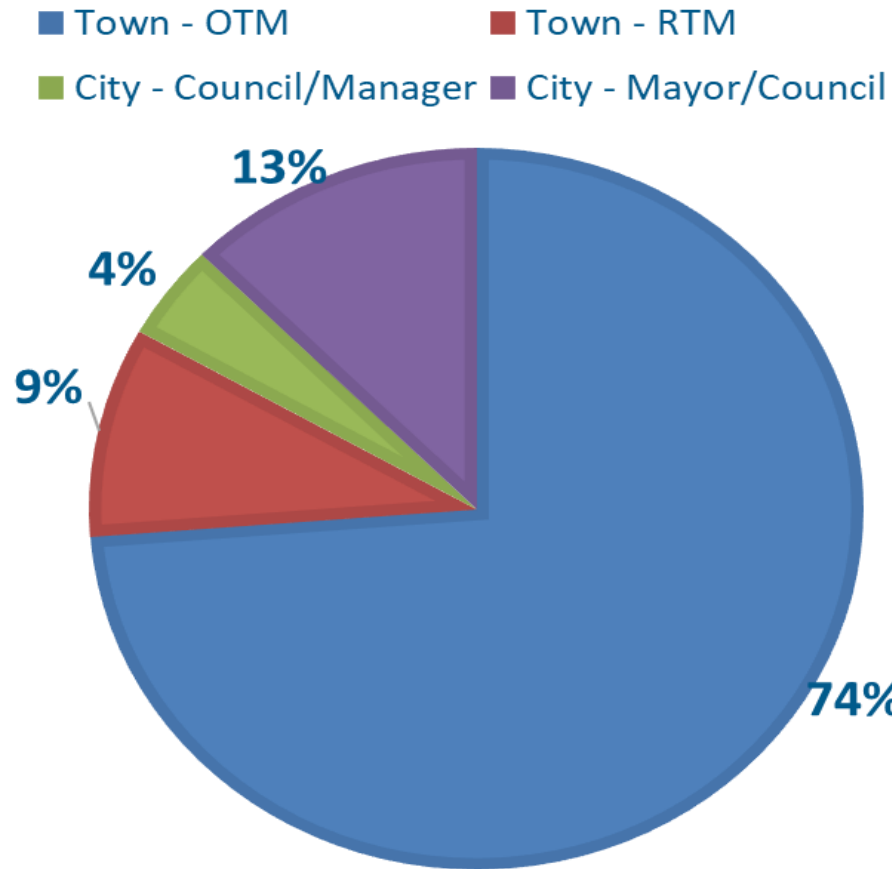
Council-Manager

Cities: 15

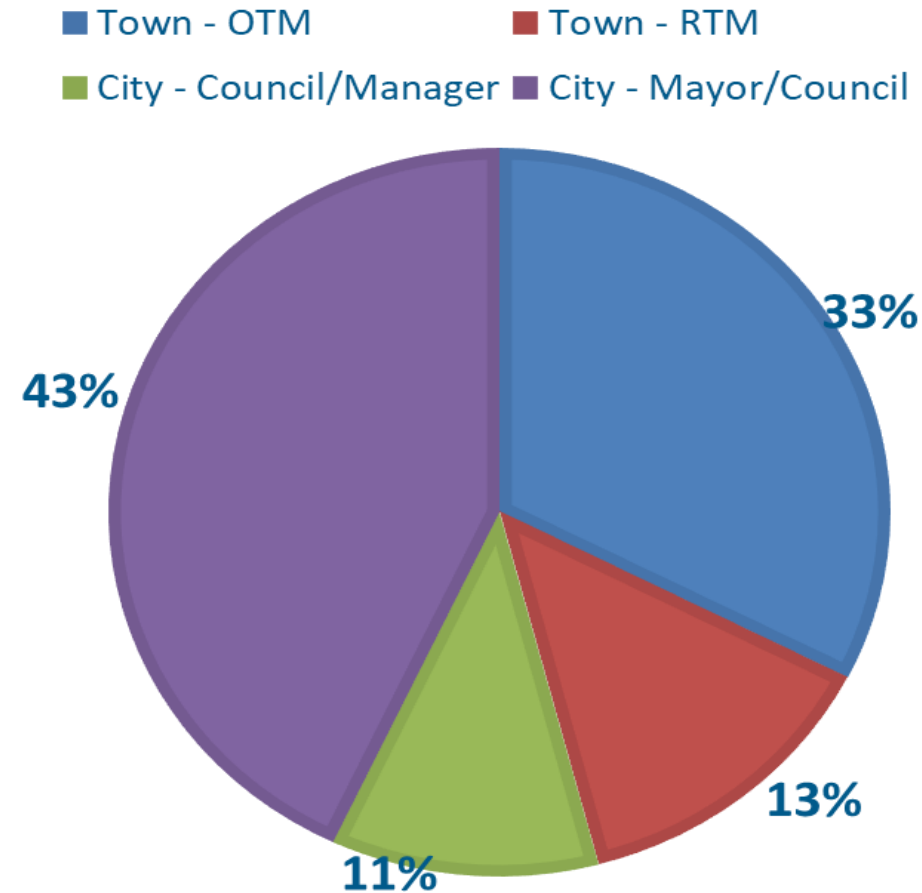
** The City government form is not available to towns with less than 12,000 population

Breakdown by Massachusetts Forms of Government

**FORMS OF GOVERNMENT OF ALL
351 MUNICIPALITIES**



**MASS POPULATION LIVING IN EACH
FORM OF GOVERNMENT**



Council Manager Form in the United States

According to the ICMA Form of Government Survey, 40% of the 10,969 local governments in the U.S. with at least 2,500 residents have the council manager form of government.

Form of Government	Number	Percent
Council-Manager	4,386	40.0%
Mayor-Council	4,166	38.0%
Commission	1,302	11.9%
Town Meeting	1,056	9.6%
Representative Town Meeting	59	0.5%
TOTAL	10,969	100.0%

Source: ICMA Survey Research on Municipal Form of Government (2018-2019)

General Trends in Charters

Predominant Trends in Charter Development

- Reduction in the number of elected officials/boards combined with centralization of management under an appointed manager or administrator
- Emphasis on budget process
- Requirement to develop and maintain a long-term capital plan
- Highlight powers of towns as state "home rule" provides
- Acknowledge and adapt to emerging technology
- Standardize procedures for the conduct and operation of local government administration and the operation of boards and committees
- Removal of gender references
- Requirement for periodic reviews of charter and bylaws

Emerging Trends

We are also seeing:

- Removal of residency requirements for certain officers
- Mechanisms for assuring the charter is enforced
- Defining coordination of emergency management activities/resources
- Emphasis on how residents may participate and stay informed on town policies, functions, activities, etc. (community engagement)
- Adoption of procedures for resident initiatives, referenda, and recall of elected officials

The Collins Center can help facilitate the Committee's analysis of predominant and emerging trends, including discussing best practices and providing sample language.

Guiding Precepts

Guiding Precepts

- CLARITY: Provisions should be clear, reflect current state law, and avoid possibility of multiple interpretations.
- CONSISTENCY: Provisions must be applied consistently. While bylaws may be serving the Town well, sometimes it is valuable to elevate them to the charter level so they will be more difficult to change and to promote consistency across all departments.
- COORDINATION: Provisions that make clear the responsibilities for coordination with other levels of government and compliance with relevant regulations.
- ACCOUNTABILITY: The Charter must identify the responsibilities and authority of the legislative branch, the executive branch, and key officials.

Questions/Issues for Further Study

Questions/Issues for Further Study

- What are the major issues currently facing Nantucket?
- Not all issues can be examined and resolved during the tenure of this Committee.
- Some committees choose to prioritize addressing some charter issues immediately and identifying additional issues for further study.

Questions/Comments?