



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 JUL 08 AM 11:29
NANTUCKET TOWN CLERK
Posting Number:T 619

Committee/Board/s	TOWN COUNCIL STUDY COMMITTEE
Day, Date, and Time	WEDNESDAY, July 10, 2024, at 3:00PM until 5:00PM
Location / Address	MEETING TRAILER AT 131 PLEASANT STREET (Room A) AND REMOTE PARTICIPATION VIA ZOOM 3
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

<https://us06web.zoom.us/j/81276413284?pwd=KYjCuvvfeA0oyZke7gobxYa4YUyKjl.1>

Meeting ID: 812 7641 3284

Passcode: 515583

- I. Call to Order
- II. Acceptance of Agenda
- III. The Town Council Study Committee Meeting is being recorded.
- IV. (Possible) Approval of Minutes of May 29, June 12, and June 26 meetings
- V. Continuation of Collins Center new Town Charter Discussion
- VI. Public Comment/Questions
- VII. Adjournment

June 14, 2024
Nantucket Town Council Study Committee
Draft Work Plan

This is a draft work plan for the TCSC as it creates a town council charter. This workplan assumes the shortest possible duration from the creation of various parts of the charter.

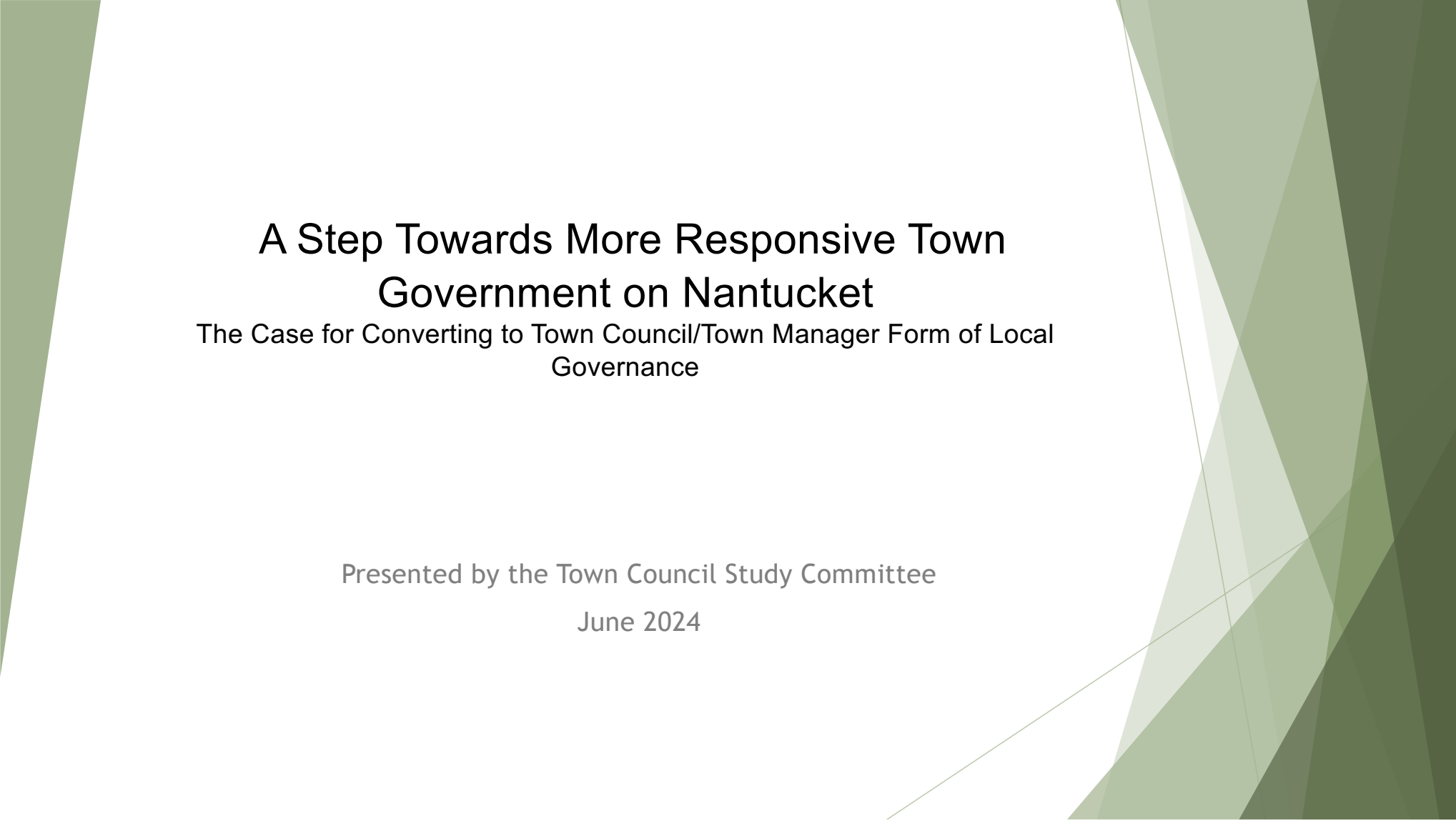
June - July	<u>Executive Branch</u> 2 meeting estimate
July - August	<u>Legislative Branch</u> 2 meetings
August - September	<u>Other elected and appointed officials</u> 2 meetings
*September	<u>*Public Input*</u> 1 public hearing on current proposal
October	<u>Residents Participation</u> 2 meetings
November	<u>Financial Provisions</u> 1 meeting
*December	<u>*Public Input*</u> 1 public hearing on current proposal
January	<u>General provisions & elections</u> 1 meeting
January	<u>Transitional Provisions</u> 1 meeting

NANTUCKET COUNTY GOVERNMENT FUNCTIONS

	COUNTY ADMINISTRATOR	COUNTY COMMISSIONERS	OTHER COUNTY OFFICIALS
Selection	Unless the County Commissioners vote to appoint another; the County Administrator shall be the person then serving as Nantucket Town Administrator or Executive Secretary.	The five persons who have been elected and are serving as Town of Nantucket Selectmen shall constitute ... the members of the Board of County Commissioners	Nantucket County offices which have counterpart Town offices as part of the Town of Nantucket shall be deemed to be filled ex officii by the person holding the counterpart Town office.
Responsibilities:	- shall appoint the heads of all county administrative departments. - Submission to the five members performing the functions of County Commissioners, of a proposed annual operating budget and a capital budget, and any proposal for budget amendment. - supervision, direction and control of all County administrative departments and the care and maintenance of all County properties, institutions and agencies. - Shall negotiate contracts for the County.	- To appoint and/or remove the county administrator and assistant. - To fix by majority vote the amount of the County assessment to be imposed upon the Town of Nantucket. - issuance of County bonds or other County borrowing. - To establish, alter or abolish any County department. - to appropriate funds for the operation and maintenance of County government.	- The Director of County Finance who shall be that person duly appointed and serving as Director of Municipal Finance for the Town of Nantucket. - The County Treasurer who shall be that person duly appointed and serving as the Town Treasurer of the Town of Nantucket. - The County Clerk created and established in Section 3.5 of this Charter shall be that person duly elected or appointed and serving as the Town Clerk of the Town of Nantucket. - County Counsel shall be that person duly appointed and serving as Town Counsel for the Town of Nantucket.

COMPARISON OF EXECUTIVE AND ADMINISTRATIVE FUNCTIONS

	NANTUCKET	BARNSTABLE (COUNCIL MANAGER)	AGAWAM (MAYOR COUNCIL)
Authority	Executive and administrative authority is shared between an elected Select Board and a Town Manager appointed by the Select Board.	Executive and administrative authority is vested in a Town Manager appointed by the elected Town Council.	Executive and administrative authority is vested in a Mayor elected by the voters at large. The Mayor is also the chair and voting member of the School Committee.
Selection of Executive Officer	Appointed by Select Board based on qualifications. Term of office cannot exceed 3 years. Must be resident of the town within six months.	Town Manager appointed by Town Council for a term to be negotiated. Must be a resident of the town within six months unless period extended by the Council.	Elected by a majority of votes cast at a local election for a term of two years.
Executive and Administrative Responsibilities; Supervision of Departments and Personnel, Appointing Authority, Contracting Authority, Budget Authority	The Select Board exercises executive authority including appointing the Town Manager, Town Counsel and boards and committees of the Town. The Select Board may disapprove of the Town Manager's appointment of department heads. The Board approves contracts and collective bargaining agreements negotiated by the Town Manager, and can acquire real estate under certain circumstances. The Town Manager is responsible for the supervision and administration of departments and property under their control, and prepares the operating and capital budgets of the Town for Select Board approval.	The Town Manager is the chief administrative officer of the Town, appointing all department heads and employees of the Town subject to approval of the Town Council. The Town Council appoints all boards and committees. The Town Manager The Town Manager is responsible for the supervision and administration of departments and property under their control, is responsible for contracting for service and negotiation of labor contracts subject to approval of the Town Council. Prepares the operating and capital budgets of the Town for Town Council approval.	The Mayor is formally designated as the chief executive officer and is solely vested with all executive authority including appointment of all departments heads, boards and committees, and employees of the Town (the Town Council retains appointment of Town Accountant and the Zoning Board of Appeals). Is responsible for all contracts and labor agreements. The Mayor approves all contracts and labor agreements subject to appropriation. The Mayor prepares and submits the budget and capital plan directly to the Town Council for approval.
Budget Appropriation	Town Meeting, based on Finance Committee recommendations.	Town Council	Town Council
Vacancy in Position	Vacancy must be filled temporarily and filled permanently as soon as possible.	Vacancy must be filled temporarily and filled permanently as soon as possible.	A temporary mayor is designated but a special election must be called to fill the vacancy permanently.
Veto of Legislative Actions	None	None	Yes



A Step Towards More Responsive Town Government on Nantucket

The Case for Converting to Town Council/Town Manager Form of Local
Governance

Presented by the Town Council Study Committee
June 2024

Contents

- ▶ Town Council Study Committee
- ▶ Forms of municipal government in Massachusetts
- ▶ Open Town Meeting on Nantucket - What's the problem?
- ▶ More efficient, responsive local government: Town Council/Town Manager. Characteristics and Benefits
- ▶ Appendix

Town Council Study Committee

- ▶ Created by Citizens' Article 81 at 2023 ATM submitted by Curtis Barnes
- ▶ Purpose is:
 - ▶ To study the establishment of a Town Council form of Government, and
 - ▶ Submit an Article to a future Town Meeting enabling conversion to Town Council
- ▶ Select Board appointed nine voting members in October 2023; requested that the Committee review all possible government forms.
- ▶ TCSC recently voted unanimously to move forward with creating a draft Town Council form of Charter for Nantucket and Article for Town Meeting 2025.
- ▶ Public outreach to gain voters perspective reactions to Charter details

Massachusetts Forms of Municipal Government

	Legislative Body	# of Communities	Population	Avg Size
Open Town Meeting >6000	Individual Voters	143	1,970,310	13,778
Open Town Meeting <6000	Individual Voters	116	296,424	2,555
Representative Town Meeting	Elected Voters (~100-200)	32	929,948	29,061
Town Council/Town Manager	Elected Town Councilors (9-11)	13	406,396	31,261
City Council/Mayor	Elected City Councilors	46	3,381,645	73,514

Open Town Meeting on Nantucket: What's the Problem?

Open Town Meeting - Positives

- ▶ Part of Nantucket's history and culture
- ▶ “Direct” democracy
- ▶ Voters are the Legislature - participate in governance process
- ▶ Nantucket has historically had better-than-average turnout for Town Meetings, ranging 4.9%-15% over the past 20+ years

Open Town Meeting - What's the Problem?

- ▶ Nantucket, and the issues it faces, have out-grown Open Town Meeting:
 - ▶ OTM is slow and cumbersome. It does not deal with complex issues well
 - ▶ Only one or two town meetings per year means the Legislature meets and acts infrequently; Citizens' articles need to be submitted six-months prior to Town Meeting
 - ▶ Large number of Articles and complicated issues are very difficult for voters.
 - ▶ Attendance declines as Town Meetings extend from Day 1 to Day 2 to Day 3
- ▶ Open Town Meeting does not represent the Island's voters
 - ▶ Only rarely have more than 12% of voters attended; attendance declines to 2-3% over course of meeting
 - ▶ Core attendees to OTM are older, wealthier and not fully representative of island's population
- ▶ Despite trying week night and weekend meeting formats, OTM is very difficult for many voters to attend and participate in the whole meeting

Town Council/Town Manager Form of Government

Open Town Meeting Versus Town Council

► Open Town Meeting:

- Citizens form Legislature
- 1-3 Town Meetings per year
- Select Board and Town Manager are the Executive branch. Town Manager executes most appointments, regulations, hires and fires key employees (usually with approval/veto of Select Board)
- Select Board appoints those commission, committee members who are not elected
- Town Charter defines various details about how Town is organized (e.g. Planning Board, Enterprise Funds, etc.)

► Town Council/Town Manager

- Town Councilors - elected by citizens - are the legislative body.
- Town Council meets regularly throughout the year.
- Town Council hires Town Manager who is the head of executive branch. Town Manager responsible for most hires and appointments.
- Voters and Non-voters have the right to speak before the Town Council.
- Town Charter can be customized to reflect local preferences, i.e. include structures specific to Nantucket.

Advantages of Town Council/Town Manager Form

- ▶ Town Governance is a continuous process throughout the year. No need to wait for ATM or Special TMs
- ▶ The Town Councilors are the legislative body for the Town. Professional. Knowledgeable. Well-informed. The buck stops there.
- ▶ Town Councilors represent ALL of their constituents. Citizenry has open access to the Councilors as well as to Town Council Meetings. Citizens with a petition or issue only have to lobby the 9-11 Councilors.
- ▶ Competitive compensation for Town Councilors may attract more candidates for office.
- ▶ Town Council form can adapt to all of Nantucket's various committees and boards.
- ▶ Nantucket already has a strong Town Manager so conversion to TC form should be straightforward.

Why might this be good for Nantucket?

- ▶ Town Council is a continuous, transparent form of government
- ▶ Issues facing the Island can be dealt with more quickly and directly. At the same time, complex or contentious issues can be studied and reviewed as needed.
- ▶ Easier for all citizens to participate and access their councilor(s)
- ▶ Ensures that a broader range of voters have access and are represented.
- ▶ Summer residents and non-citizens will have the right to speak before the Town Council

Any Questions?

Appendix

Town Council Form of Government - Some things to consider

- ▶ How many councilors? Will they be paid? How much?
- ▶ Who appoints Department heads and key employees?
- ▶ Who acts as the Licensing Board?
- ▶ Who serves as the County Commissioners? Sewer Commission?
- ▶ Who has authority to investigate Town affairs?
- ▶ Will more administrative staff be required?
- ▶ Transition Plan?
- ▶ Will amendments to Town Code and By Laws be required?

Typical Town Council Form of Government

- ▶ Town Council (9-11 elected Councilors) becomes the legislative body replacing Town Meeting AND Select Board
 - ▶ Town Council becomes appropriations authority,
 - ▶ Enacts general and zoning bylaws and regulations,
 - ▶ Accepts State Law provisions,
 - ▶ Authorizes Home Rule petitions for special legislation, and
 - ▶ Appoints Town boards, commissions, and committees.
- ▶ There is significant flexibility to customize the Town Charter adopted to effect this change. This will enable Nantucket-specific structures to be carried forward.

The Path to Town Council

- ▶ TCSC creates a new Town Charter document to support a Town Council form of government.
- ▶ TCSC, in creating a new Charter, will discuss (and will seek public input on) various administrative issues (e.g. number of Councilors, elected versus appointed boards and committees, etc.)
- ▶ TCSC will compose a report to the Select Board as well as an Article proposing the conversion to Town Council for the 2025 Annual Town Meeting.
- ▶ If the Article passes at ATM, the Select Board sends the proposed Charter to the Legislature;
- ▶ After legislative review, the new Charter would go before all the voters on the next Town election (May 2026).
- ▶ If successful at the ballot, the Select Board would create a conversion committee/process.

Town Council Study Committee

- ▶ Joe Grause, Chair
- ▶ Jeff Carlson, Vice Chair
- ▶ Tom Dixon, Select Board Representative
- ▶ Jill Vieth, Finance Committee Representative
- ▶ Caroline Baltzer
- ▶ Rached Mandle
- ▶ Curtis Barnes
- ▶ Beau Barber
- ▶ Kelly Steffen
- ▶ Donna Martino, Non-Voting Taxpayers' Representative (non-voting member)
- ▶ Alternates: Malcom MacNab (SB), Jeremy Bloomer (FinCom), Pamela Suan (NVTP)

COMPARISON OF EXECUTIVE AND ADMINISTRATIVE FUNCTIONS

	NANTUCKET	BARNSTABLE (COUNCIL MANAGER)	AGAWAM (MAYOR COUNCIL)
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Selection of Executive Officer	Appointed by Select Board based on qualifications. Term of office cannot exceed 3 years. Must be resident of the town within six months.	Town Manager appointed by Town Council for a negotiated term. Must be a resident of the town within six months unless period extended by the Council.	Elected by a majority of votes cast at a local election for a term of two years.
Executive and Administrative Responsibilities: • Supervision of Departments and Personnel • Appointing Authority • Contracting Authority • Budget Authority	• Select Board exercises executive authority including appointing the Town Manager, Town Counsel and Town boards and committees. • Select Board may disapprove of Town Manager's appointment of department heads. • Select Board approves contracts and collective bargaining agreements negotiated by Town Manager and can acquire real estate in certain cases. • Town Manager is responsible for supervision and administration of departments and property under their control and prepares Town operating and capital budgets for Select Board approval.	• Town Manager is chief administrative officer of the Town. • Town Manager appoints all department heads and employees of the Town subject to approval of Town Council. • Town Council appoints all boards and committees. • Town Manager is responsible for supervision and administration of departments and property under their control and for contracting for service and negotiation of labor contracts, subject to approval of Town Council. • Town Manager prepares Town operating and capital budgets for Town Council approval.	• Mayor is formally designated as the chief executive officer and is solely vested with all executive authority. • Mayor appoints all Town department heads, boards and committees, and employees (Council retains appointment of Town Accountant and the Zoning Board of Appeals). • Mayor approves all contracts and labor agreements subject to appropriation. • Mayor prepares and submits budget and capital plan directly to Town Council for approval.
Budget Appropriation	Town Meeting, based on Finance Committee recommendations.	Town Council	Town Council
Vacancy in Position	Vacancy must be filled temporarily, then filled permanently as soon as possible.	Vacancy must be filled temporarily, then filled permanently as soon as possible.	Temporary mayor is designated; special election called to fill the vacancy permanently.
Veto of Legislative Actions	None	None	Yes

Generic Modern Massachusetts Town Charter

(Summary of modern municipal charters)

PREAMBLE

General guidelines for preambles:

- While value statements can be incorporated, the more contentious a piece of work is, the less likely it is to get the approval required for implementation.
- Preambles should be a collective vision of the charter that is shared by the community.
- Length should be minimal. The preamble to the US Constitution has 52 words.

ARTICLE 1 INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

SECTION 1-2: SHORT TITLE

SECTION 1-3: DIVISION OF POWERS

SECTION 1-4: POWERS OF THE TOWN

SECTION 1-5: CONSTRUCTION

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

SECTION 1-7: DEFINITIONS

- Definition of key terms, such as days, quorum, Town agency, department, multiple member body.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

- how the Council is composed, how many councilors, ward vs. at-large, 2 vs. 4 years, qualifications for office (ex: resident, voter).

SECTION 2-2: COUNCIL PRESIDENT AND VICE-PRESIDENT, ELECTION; TERM; POWERS

- how Council leadership is established (ex: highest vote getter from general election, election among council members, most senior), term of office and duties (ex: agenda setting, conducting meetings etc., right to vote, appointment of committees)

SECTION 2-3: PROHIBITIONS

- whether Town Council members can hold other compensated positions for the Town, appointed / volunteer positions, length of prohibition (some extend after term is complete), may place limits of Councilors giving direction to department heads

SECTION 2-4: COMPENSATION

- whether Councilors are compensated and how compensation shall be fixed (ex: by ordinance) and limitations on adjustment of compensation (ex: has to be established by / when takes effect)

SECTION 2-5: GENERAL POWERS

- scope of authority (typically broad, limited by General laws or charter)

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

- how authority is exercised, what constitutes a quorum, rules of procedure, roll call votes, how meetings are called, public comment / access, special meetings of the Council, notice, keeping of minutes.

SECTION 2-7: ACCESS TO INFORMATION

- how the Town Council gains access to Town information, including information from Town Departments and the Mayor / Manager (calling department heads / Manager to meetings, notice, time for response to information requests from Council)

SECTION 2-8: APPOINTMENTS OF THE TOWN COUNCIL

- whether the Town Council is allowed to appoint staff, how compensation is determined, method of removal / suspension of Town Council Staff.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

- how ordinances are established, requirement of mayor approval / veto, emergency measures, raising a “charter objection” to voting on a measure (postponing a vote).

SECTION 2-10: TOWN COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

- whether Town Council should be required to confirm appointments of the Mayor / Manager, how that confirmation occurs, limitations on ability to reject appointments, time period.

SECTION 2-11: FILLING OF VACANCIES

- how a vacancy on Town Council is filled and the term of the replacement member.

ARTICLE 3 EXECUTIVE BRANCH

SECTION 3-1: TOWN MANAGER / MAYOR: QUALIFICATIONS; APPOINTMENT/ TERM OF OFFICE; COMPENSATION; PROHIBITIONS

- the appointment method (selection by electorate, appointment by Town Council, the quantum of vote required to confirm, the term of office, qualifications – registered voter, resident, or otherwise), prohibition on holding other elective public office, term of office (when it commences, length, swearing in). Compensation, how fixed and limitations on adjustment of compensation (ex: has to be established by / when takes effect)

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

- establishes how executive branch authority (including responsibility for enforcement of the charter, laws, ordinances and other Town orders) is exercised, including general supervision of Town departments and agencies. Defines head of executive's role in relation to departments, multiple member bodies, ex officio roles.

SECTION 3-3: APPOINTMENTS BY TOWN MANAGER / THE MAYOR

- defines the appointment authority of the head of the executive branch and specifies limitations (ex: appoints department heads subject to approval of CC, or members of multiple member bodies), whether authority can be delegated, and timeframes and procedures for filling vacancies.

SECTION 3-4: TEMPORARY APPOINTMENTS TO TOWN OFFICES

- how vacancies are handled while a permanent appointment is pending.

SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

- the preferred method of communication between the executive head and Town Council (ex: the Mayor / Manager shall by written communication, keep the council fully informed of the financial and administrative condition of the Town) and whether the

executive head has the authority to call a meeting of Town Council, and the protocols for calling a “special” meeting.

SECTION 3-6: APPROVAL OF TOWN MANAGER / MAYOR, VETO

- whether ordinances, resolutions or votes by Town council require approval or action by the head of the executive branch, and if so, the process required and timeframes.
Whether the Town Council can override with a 2/3 or other quantum of vote.

SECTION 3-7: TEMPORARY ABSENCE OF THE TOWN MANAGER / MAYOR

- protocols for when there is a temporary absence of the head of the executive branch, including who declares absence / inability to perform, appointment process of person in acting capacity, and the authority / limitations of person appointed in acting capacity.

SECTION 3-8: DELEGATION OF AUTHORITY BY TOWN MANAGER / MAYOR

- authority to delegate powers, limitations and revocation of delegation of authority.

SECTION 3-9: VACANCY IN OFFICE OF TOWN MANAGER / MAYOR

- in contrast to a temporary vacancy, this section addresses protocols for handling a permanent vacancy in the office of the head of the executive branch. Addresses whether person is appointed in an acting capacity, whether filled by appointment or special election, and the timeframes involved.

ARTICLE 4 SCHOOL COMMITTEE

SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

- establishes the composition of the school committee (how many members, at-large vs. ward, whether the head of executive or legislative has a role, the term of office, qualifications (ex: resident, voter), term of office, addresses issue of elected member who becomes ineligible (ex: moves from ward or out of district)).

SECTION 4-2: SCHOOL COMMITTEE CHAIR. VICE CHAIR. CLERK (if applicable)

- how Committee leadership is established (ex: election among council members, most senior), term of office (typically a year) and duties (ex: agenda setting, conducting meetings etc., right to vote, appointment of committees)

SECTION 4-3: PROHIBITIONS

- limitations on ability to hold other elected or appointed positions and the duration of any limitations

SECTION 4-4: COMPENSATION

- whether Committee members are compensated and how compensation shall be fixed (ex: by ordinance) and limitations on adjustment of compensation (ex: has to be established by / when takes effect)

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

- restates authority conferred by general laws and any additional authority provided by Charter (ex: role in school building projects, school maintenance)

SECTION 4-6: FILLING OF VACANCIES

- how a vacancy on the Committee is filled (whether by appointment, joint appointment, election), timeframes and the term of the replacement member.

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF TOWN AGENCIES

- defines the authority for determining the administrative organization for the Town and its divisions and departments and prescribes the process for making changes to the Town's organizational structure (ex: if consolidating departments the authority for making that decision and the process for accomplishing a reorganization).

SECTION 5-2: MERIT PRINCIPLES

- general statement about fitness for position being qualifying factor in hiring, (anti-nepotism)

ARTICLE 6 FINANCIAL PROCEDURES

SECTION 6-1: FISCAL YEAR

SECTION 6-2: ANNUAL BUDGET MEETING

- establishes the timeframe for budget meetings and any required participants

SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

- establishes the process for budget development and the timeframe for budget submission

SECTION 6-4: ACTION ON THE OPERATING BUDGET

- establishes the protocols for adopting the budget, including holding of public hearings, ability to modify, reject, timeframe for adoption and posting requirements

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

- establishes the protocols for creating and adopting the capital budget

SECTION 6-6: INDEPENDENT AUDIT

- authority and protocol for independent audit process

SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

- restatement of prohibition of expenditures beyond appropriations

ARTICLE 7 ELECTIONS

SECTION 7-1: PRELIMINARY ELECTIONS (optional)

- establishes the dates or the preliminary election, including date for preliminary election to fill a vacancy

SECTION 7-2: PRELIMINARY ELECTION PROCEDURES (optional)

- establishes the number of certified signatures required for each office, and the form required, including the date the forms are available, the position names appear on the ballot, how candidates for the ballot are determined (highest number of votes, resolution of ties) and defining the conditions under which no preliminary election is required (ex: uncontested)

SECTION 7-3 REGULAR TOWN ELECTION

- establishes date of regular Town election

SECTION 7-4: BALLOT POSITION, REGULAR TOWN ELECTION

- establishes the order in which candidate names appear on the ballot

SECTION 7-5: NON-PARTISAN ELECTIONS

- restates that local elections are non-partisan

SECTION 7-6: WARDS

- establishes number of wards, and timeframe for review of wards (process of establishing the ward boundaries is defined outside of the Charter)

SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

- restating that unless otherwise provided in the Charter, Town elections are governed by Massachusetts General Laws.

ARTICLE 8

RESIDENT PARTICIPATION MECHANISMS

SECTION 8-1: FREE PETITION

- provides mechanism for citizens to petition government, and signature requirement necessary to compel action / response from the government body petitioned (ex: petition to establish bike lanes in certain area may require 150 signatures from registered voters to compel a public hearing by Town council). Also includes notice requirements for action, and limitations (ex: no hearing shall be required on any one subject more than 1x every 12 months).

SECTION 8-2: TOWN FORUM

- Provides mechanism for public forum with threshold number of signatures.

SECTION 8-3: INITIATIVE MEASURES

- process for requesting that the legislative body (Town council or school committee) pass a certain measure, including number of signatures required, review by Town solicitor, submission to Town clerk, and review by registrars or election commissioners. Also includes the timeframe for acting on citizen initiative measures, presumption of rejection if inaction, supplemental petitions (if rejected by legislative body, may bring petition direct to ballot), publication requirements, form of question on ballot and the time the measure takes effect if passed by voters.

SECTION 8-4: REFERENDUM PROCEDURES

- process for requesting that the legislative body (Town council or school committee) reconsider action on a measure, including signature requirements and other protocols provided above in section 8-2. Also includes submission to voters via ballot at special election or regular election.

SECTION 8-5: INELIGIBLE MEASURES

- list of actions that are exempt from citizen initiative / referendum process

SECTION 8-6: RECALL

- establishes process for citizen petition to remove elected official from office, including affidavit process, signature requirement for affidavit and petition, timeframe, process of election, form of ballot question, actions of office holder pending recall election, process for filling vacancy from recalled office holder, and effect of recall on office holder's ability to be appointed to other Town positions.

SECTION 8-7: REQUIRED VOTER PARTICIPATION

- establishes minimum number of voters participating in election required for citizen initiative measure to be valid

SECTION 8-8: SUBMISSION OF OTHER MATTERS TO VOTERS

- ability of Town council / school committee to submit a voter referendum provision

SECTION 8-9: CONFLICTING PROVISIONS

- when two conflicting measures are passed at the same election, this provision establishes which shall take effect (ex: the measure receiving the greatest number of votes)

ARTICLE 9 GENERAL PROVISIONS

SECTION 9-1: CHARTER CHANGES

- process for amending charter

SECTION 9-2: SPECIFIC PROVISION TO PREVAIL

- restates general principle that specific language prevails over more general provisions

SECTION 9-3: RULES AND REGULATIONS

- establishes effective date for “rules and regulations” adopted by Town agencies and location where copies of such rules shall be filed / maintained.

SECTION 9-4: PERIODIC REVIEW OF ORDINANCES

- establishes interval for review of ordinances and procedures for review (ex: establishing a committee etc.)

SECTION 9-5: PERIODIC REVIEW OF CHARTER

- establishes interval for review of charter and procedures for review (ex: establishing a committee etc.)

SECTION 9-6: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

- establishes basic requirements for all MMBs including officers required, meeting requirements, notices, quorum, recording of votes and filing / maintenance of document requirements.

SECTION 9-7: REFERENCES TO GENERAL LAWS

SECTION 9-8: COMPUTATION OF TIME

- how time is computed (ex: when counting days are holidays, weekends included)

SECTION 9-9: OATHS OR AFFIRMATIONS

- process for administering oaths / affirmations, including persons authorized to administer oaths, date/timing and the process for recording.

SECTION 9-10: CERTIFICATE OF ELECTION OR APPOINTMENT

- provides how elections / appointments shall be recorded and maintained and record of oaths / affirmations shall be documented

SECTION 9-11: LIMITATION ON OFFICE HOLDING

- specifies limitations on holding multiple offices, or positions of employment within the Town and process for obtaining a waiver

SECTION 9-12: FELONY CONVICTION

- effect of felony conviction on ability to hold elected office

SECTION 9-13: GROUP HEALTH AND LIFE INSURANCE

- eligibility of elected official to participate in group health or life insurance and other Town benefit programs

SECTION 9-14: ENFORCEMENT OF CHARTER PROVISIONS

- responsibility for charter enforcement, and process for filing notice of charter compliance objection

ARTICLE 10 TRANSITION PROVISIONS SECTION

SECTION 10-1: CONTINUATION OF EXISTING LAWS

- provides that existing laws not otherwise repealed by the Charter shall continue in full force and effect

SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

- provides that all Town agencies and officials shall continue to perform their duties

SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

- provides that where the Charter reassigns duties / powers between Town agencies, the corresponding records and property are also reassigned

SECTION 10-4: CONTINUATION OF PERSONNEL

- provides that personnel shall continue to fulfill their role until duties have been otherwise assigned to another person or Town agency

SECTION 10-5: EFFECT ON OBLIGATIONS, TAXES, ETC.

- provides that the Town's legal obligations and debts shall remain in full force and effect

SECTION 10-6: DISPOSITION OF CERTAIN SPECIAL ACTS

- list of special acts recognized and retained

SECTION 10-7: TIME OF TAKING EFFECT TBD

- specifies when Charter provisions shall take effect (ex: immediately upon passage, within 6 months of effective date, within a year of effective date)

