

## CHARTER COMMISSION PROCEDURES (M.G.L., Chapter 43B)

### I. Organization (c. 43B, s. 7)

- city/town clerk notifies charter commission members within ten (10) days of their election of initial meeting.
- commission elects: chair, vice-chair, and clerk

### II. Meetings

- open to public, held in accordance with the state's "open meeting" law (c. 39, ss. 23a, b, c)
- charter commission may adopt rules for conduct of meetings (c. 43B, s. 8a) and determines its own schedule of meetings (time, place, frequency). *This decision will be influenced by a charter commission's preference to complete the proposed charter within either 10 or 18 months.*

### III. City/Town Responsibilities (c. 43B, s. 8b)

- provide facilities for holding public hearings
- allow commission to consult with municipal officers and employees during working hours
- provide appropriation (as determined by population). (c. 43B, s. 8b)

### IV. Financial Record Keeping Requirements (c. 43B, s. 8a, 8b)

- commission may hire legal, clerical or consultant assistance (if funds available) (c. 43B, s. 8a)
- commission must assure publication of the preliminary report
- may accept funds from other sources (records of contributions must include name, address, amount of contribution if above \$5.00, and conditions on use of funds, if any).
- commission files report of receipts and expenditures with the town clerk within 30 days of filing its final report (proposed charter). Remaining balance (if any) credited to the town's surplus revenue account.
- city/town may appropriate additional funds (beyond statutory minimum of c. 43B, s.8)

### V. Public Hearing Requirements

- notice of any hearings must appear at least ten days prior to hearing in a newspaper of general circulation
- first hearing is to be held within 45 days of the commission's election (c. 43B, s. 9a)
- hearing on preliminary report to be held within four (4) weeks of its publication (c. 43B, s. 9b)
- charter commission may hold additional public hearings at its own discretion

### VI. Sources of Information

- home rule and special act charters of other communities
- municipality's charter and special legislation/enabling legislation adopted since charter
- officials and charter commission members from other communities

## DECISION POINTS FOR CHARTER COMMISSIONS IN TOWNS

### LEGISLATIVE BODY *(if not open town meeting)*

#### Council

*(requires 12,000 population)*

- number and composition (district/at-large)
- term
- presiding officer(s)
- appointments by presiding officer

- or -

#### Representative Town Meeting

*(requires 6,000 population)*

- number and composition
- term
- moderator as presiding officer
- appointments by presiding officer
- division of town into precincts

If *open town meeting*, provisions above unnecessary.

### CHIEF EXECUTIVE

#### Board of Selectmen

- number of members
- term
- appointments/filling of vacancies
- "act as" provisions

- or -

#### Manager *(if council-manager government)*

- term (optional)
- qualifications
- procedures for dismissal
- powers and duties (see below)

### SCHOOL COMMITTEE *(see M.G.L., c. 71, s. 37 re: powers and duties)*

- size, composition, term
- powers and duties *(basic duties as described in state education reform law as referenced above)*
- presiding officer

**NOTE:** *Legislative body (other than open town meeting), Board of Selectmen and School Committee MUST be elected.*

### OTHER ELECTED OFFICES: *(if applicable - includes officers, boards, and commissions)*

- offices to be elected
- term
- powers and duties
- compensation (if applicable)
- filling of vacancies

### CHIEF ADMINISTRATIVE OFFICER: *(May be titled: Town Manager, Town Administrator, Town Coordinator, etc.)*

- powers and duties (e.g., financial management, purchasing, personnel management, contracting, labor relations)
- appointments - which ones, if confirmed (by whom)
- provisions for temporary and extended absence
- procedure for removal

- over -

## **ADMINISTRATIVE ORGANIZATION**

- may create department structure in charter
- charter may authorize reorganization via bylaw
- create coordinating/communication mechanism(s)
- if departments, boards, commissions created by special act, decide how to include in charter (retain, modify, repeal, reassign function to another agency/board)
- new boards/departments to create/include in charter.

## **OPERATING AND CAPITAL BUDGET PREPARATION**

- budget preparation procedures; coordination/oversight
- consultation with school committee/school superintendent
- submission to Finance Committee
- presentation of budget to town meeting (by whom)
- capital budget (preparation, coordination)

## **CITIZEN PARTICIPATION/SAFEGUARD MECHANISMS *(optional)***

- |                                       |  |
|---------------------------------------|--|
| <i>if council/manager government:</i> | <i>council-manager or town meeting/selectmen</i> |
| - free petition                       | - referendum                                     |
| - initiative                          | - recall*  |
| - referendum                          |  |
| - recall*                             |  |

*\*may name officers subject to recall and/or those exempt from recall, may limit recall to certain times within the term of office*

## **TRANSITION PROVISIONS**

- practical steps of moving from present government to form of government as set forth in charter
- if board/commission changed from elected to appointed, timeline for changeover of board membership (usual practice is to allow elected members to complete terms to which they were elected)

## **OTHER FEATURES**

- procedures for filling vacancies - appointed boards and commissions
- procedures for multiple-member bodies
- definitions
- corporate powers affirmed
- authority to enter into interlocal agreements affirmed
- procedure for periodic charter and/or bylaw review