



Town of Amherst, Massachusetts Charter Commission

Final Report to the Citizens of Amherst

October, 2002

The Charter at a Glance

The Charter Proposal Compared with the Current System

Major Changes	Representative Town Meeting	Becomes... Town Council <ul style="list-style-type: none"> • 9 members (5 elected by district, 4 elected at-large; staggered 4-year terms) • Hires Manager on nomination of Mayor 	Why? <ul style="list-style-type: none"> • More accountable • More representative • Better informed • More timely • More effective
	Select Board	Becomes... Mayor <ul style="list-style-type: none"> • Directly elected • Two year term • Chairs Town Council • Veto power (2/3 override) • Leads evaluation of Manager • Appoints policy and advisory committees • Coordinates budget process 	Why? <ul style="list-style-type: none"> • Focal point for policy leadership • Clear mandate from voters • Effective coordination • Effective oversight of Town Manager
Continuing Functions and New Features	Town Manager	Continues, but... <ul style="list-style-type: none"> • Improved oversight • Clarified role (policy-related duties moved to Mayor) 	Why? <ul style="list-style-type: none"> • Preserve strengths of professional management • Contribute to effective leadership team
	School Committee, Library Trustees	Continue, but... <ul style="list-style-type: none"> • Staggered four-year terms • Mayor as ex-officio, non-voting member 	Why? <ul style="list-style-type: none"> • Maintain role of School Committee and Library Trustees • Promote coordination with other elements of town government
	Citizen policy and advisory committees	Continue, but... <ul style="list-style-type: none"> • New Licensing Board • Most appointments by Mayor, not Manager 	Why? <ul style="list-style-type: none"> • Continue tradition of strong citizen involvement • Opportunity for better coordination
	Budget Process	Continues, but... <ul style="list-style-type: none"> • Mayor coordinates process • Finance Committee (plus some Councilors) become Finance Commission • Joint Capital Planning Committee led by Mayor • Council assumes responsibility for audits 	Why? <ul style="list-style-type: none"> • Preserve strengths of current system • Continue citizen involvement in budget process • Promote effective coordination • Ensure effective fiscal oversight
	Citizen Participation	Continues, plus... <ul style="list-style-type: none"> • Elections on "Election Day" in November • Preliminary elections • Referenda for Council actions • Initiative provisions • Recall of elected officials • Public Forums at least twice a year 	Why? <ul style="list-style-type: none"> • Increase voter awareness and participation • Ensure that final authority remains in the hands of the voters

Introduction

On April 3, 2001, the citizens of Amherst voted to create a Charter Commission, and nine members were elected to serve. Under the state constitution, charter commissions may propose, directly to the voters, changes in any aspect of local government. The members of the Commission did not agree at the outset on how local government in Amherst should be improved, but all of us believed that improvement was possible. Indeed, most of us felt that significant reform was urgently needed.

What brought us to this conclusion? First, we were guided by our own experiences. All of us have served as town meeting members, and most of us also have experience on various town boards and committees. Over time — in different ways and for different reasons — we had come to believe that local government in Amherst was headed in the wrong direction, and we wanted to help put it back on track. Second, the voters of Amherst were sending a clear message: twice in seven years they created charter commissions to examine reforms to local government, and in April of 2001 they went a step further and voted to direct the Charter Commission to “pursue alternatives to the representative town meeting form of government.” Finally, we were aware of growing signs of trouble: low voter turnout, few candidates for town meeting, internal squabbling over turf and authority, too much reaction and too little forward-looking leadership.

So we set to work to see if we could propose a change for the better. We asked ourselves and many others how we could revitalize local democracy, rebuild citizen participation, and help our government adapt to the needs of the community we have become. This was important, because we recognized that although Amherst has changed and evolved, its government has lagged behind. Amherst began, like most older communities in New England, with an open town meeting and a board of selectmen. This system worked well for many years, but by the 1930s Amherst was outgrowing that form. Our population had reached 6,000, “Mass State” was growing steadily, and it was no longer practical to run the affairs of the town by calling everyone together on a Saturday in the spring.

So — amidst much controversy — the representative town meeting was adopted in 1938. That year, the town’s annual operating budget was \$574,000.

This form, too, worked well for many years. But the town continued to grow and develop. By the mid-1950s our non-student population had risen to more than 8,000, UMass enrolled more than 4,000 students, and was slated to double in the next ten years. The annual budget in 1955 was \$1.2 million. We responded to these changes by introducing — again, amidst much controversy — a professional Town Manager to lead an increasingly complex municipal enterprise.

Amherst has continued to grow and change. We are now a community of 35,000, home to a major research university and two distinctive colleges. Local government is a \$56 million enterprise. But more important, our people have changed. Many came to attend college but stayed to make their lives. Others have chosen to live in Amherst because of its high quality of life, but work elsewhere. Still others have chosen Amherst as a retirement community. And, as in every other community, many of our families juggle multiple jobs, child and elder care, and far-ranging interests and activities. Our system of local government, designed in and for a much different time, once again needs to be refreshed.

So the question that was before the Charter Commission, and now before the citizens of Amherst, is this: what form of government best fits our community? What mechanisms can draw the highest levels of participation, offer the most effective opportunities for citizen involvement, and ensure that local government is accountable and responsive, now and in the future?

The Charter Commission spent a year and a half exploring those questions. We met as a Commission more than fifty times; we talked with citizens and public officials from Amherst and neighboring communities; we consulted experts on local government in Massachusetts and elsewhere; and we studied local government in other communities like ours across the country. We were especially interested in emerging models of local government that combine the best features of the various approaches that have been tried over the years.

We discovered, somewhat to our surprise, that most of us could agree on the main points of a proposal for change. What follows is a description of a system composed of some familiar features and some impor-

tant new approaches that will, we think, bring out the best in our community. Above all, it is a *system*: each part given its appropriate job, all the parts balanced and connected. Responsibilities are clearly assigned; coordination is built into the design, and authority is always coupled with accountability.

We are convinced that these changes will put voters back in touch with their government, make the process more open and understandable to citizens, and put the focus of local government squarely on the challenges we face in keeping this the kind of community we are proud to call home. Amherst will continue to change and evolve, but with a more responsive and effective government it will, we believe, continue to change for the better.

What's New, and Why

We spent much of our initial time and effort trying to reach agreement on what features of Amherst government needed to be improved. We listened to each other, to members of the community in formal and informal settings, and to experts in the field of local government. A substantial majority of the Commission reached agreement on two key issues that, in our view, demanded action:

1. Representing the will of the people

The idea of democracy is that the people hold the ultimate power. Whatever mechanisms we create for making local decisions, we must insist that they reflect the will of the people, both in theory and in practice.

For the past six decades, Amherst has relied on the representative town meeting to make the community's major decisions. But in recent years, town meeting's ability to serve as a functioning representative and deliberative body has eroded. Participation, which once was strong, has slipped to the point at which it is rare even to find a full slate of candidates. An institution that should be a stabilizing force in the community, balancing the many different viewpoints of an active citizenry, seems increasingly vulnerable to special interests. Important decisions are made with little community involvement or accountability. And with no real contests for election, the voters have no practical way of changing the situation.

There is nothing wrong with the theory of the town meeting form of government. Indeed, all nine mem-

bers of the Charter Commission have served in our representative town meeting, some for many years. But, after long examination, the majority was unable to refute the plain evidence that the town meeting form in Amherst has ceased to fulfill its purpose: to give citizens clear and ready access to the decisions that affect their lives. A summary of our research into town meeting can be found at the end of this report.

Understandably, there is strong sentiment associated with the town meeting form. All of us have an attraction to the ideal of direct democracy, and the representative town meeting provides the aura — albeit not the reality — of that ideal. But an even stronger ideal — the right of the people to hold their government accountable for its decisions — is suffering because of our attachment to a venerable but no longer effective tradition.

We considered whether the representative town meeting form could be given a new lease on life. This conversation has been going on for many years in Amherst, and we uncovered few new ideas. Some suggestions (for example, requiring more than ten signatures to place an article on the annual town meeting warrant) are not permitted under Massachusetts law. Others (such as limiting the length of time someone may speak) have already been implemented, with little apparent impact. Most important, these and other procedural adjustments do not respond to what we see as the underlying problem: there are not enough citizens who are invested in the town meeting system. Government cannot effectively represent the people when the people no longer participate in the government. The evidence is clear that town meeting has lost the confidence of many citizens. They want to be informed and involved, but they do not view town meeting as the best vehicle for their time and effort. For most voters, most of the time, town meeting elections have no meaning because there are fewer candidates than there are seats up for election. Voter participation continues to spiral down. Last spring 92% of Amherst voters did not participate in the local election. We also noted that Town Meeting itself, in 1996, charged a study committee with addressing many of the same problems that trouble us. After long consideration and debate some reforms were adopted, but there is widespread agreement that they had little if any impact on the underlying weakness of town meeting.

In February of 2002, the *Daily Hampshire Gazette* published an analysis of active town meeting members

in Amherst. The *Gazette* reported that their median age was 61, compared with a median age of 21 for the town as a whole. The townwide figure is powerfully affected, of course, by the presence of so many students at the three colleges. Nonetheless, it is clear that in terms of age and other characteristics Amherst town meeting is not “representative of” Amherst. That is, it does not constitute a microcosm of our community that can be expected to think and act as the whole community would were we all somehow present in the room.

Is that critical? Not necessarily. The *Gazette* also points out that Northampton city councilors have about the same median age as Amherst town meeting members. There is, however, a profound difference in how representation works in the two communities. Councils are not designed to be “representative of” their communities. Rather, they are designed to “represent” the community, to be responsive to the will of the voters. They are held to this obligation through a powerful web of accountability: their votes on issues are recorded and publicized; their constituents can readily perceive whether their interests are being served; and they always face the prospect of an election in which they can be replaced by someone better attuned to the will of the people.

But not so the representative town meeting. Members tend to be anonymous, and there is no practical way for the average person to keep track of their twenty-four representatives’ “records.” And when participation drops off to the point at which these “representatives” are virtually self-appointed, as it has in Amherst, then all claim to representation disappears.

We concluded that Amherst needs a better way of allowing the voters to make their voices heard. In 92% of communities with populations of 2,500 or more, important local decisions are made by a council of some sort. They vary in size and composition, but the council form is based on the idea that citizens need to know who represents them, how well they are being represented, and how to use their votes to influence decisions. None of this is easy under our current form, but all of it is possible — and, we think, likely — under the council form. We therefore propose replacing Town Meeting with a Town Council of nine members. Five would be elected from districts (each composed of two existing precincts), and four would be elected at large. Each voter would therefore participate in choosing a majority of Council members (the four at-large councilors and one district councilor), vs. the

current situation in which each citizen votes on only 10% of the town meeting. Councilors would serve staggered, four-year terms, so that a majority or close to it is elected every two years. Elections would be moved to November in the “odd” years (between state and federal election years) which will, we believe, improve voter participation.

Adopting the council system will be a positive change for our community. We believe that Amherst is certain to produce outstanding candidates for Town Council representing many points of view. We expect to see competitive elections, strong interest in the work of the Council, and a real chance for the voters to have a say over what happens in their community. We expect that voter participation — which fell to an historic low of 7.7% in the last municipal election — will be reinvigorated. And we expect that both decision makers and the voters at large will have better information and a better understanding of the choices we face.

2. Executive Leadership

Amherst is a community of many voices. This is an important aspect of our identity, part of what makes Amherst “Amherst.” But it can be difficult to weave all these voices into a coherent conversation. Local government needs to be able to consider choices, propose a course of action, and follow through effectively. Organizing this work is the essence of executive leadership, and our current system is in need of change.

Currently, our “executive” is a five-member Select Board. But groups often have difficulty initiating activity. The town’s chief elected official is the Select Board chair, but he or she has no direct mandate from the voters. In addition, as the affairs of the town have become more complex, the expectations placed on the Select Board — especially the chair — have become unreasonable. We have been very lucky to have attracted so many fine Select Board members over the years. But we believe that today’s challenges demand a greater time commitment than can reasonably be expected of a Select Board member as currently configured. This is especially important in terms of supervision and oversight of the Town Manager: there is a perception on the part of some, whether warranted or not, that the Town Manager has too much influence over policy and that the Select Board does not provide strong oversight. Finally, there is the symbolic but important sense that someone ought to be at the center of things, available to hear complaints, accountable for

taking action, and responsible for helping all the parts of government work together as a team.

These considerations led us to propose replacing the Select Board with a Mayor, directly elected by the people with clear leadership responsibilities. But what kind of a Mayor?

In the traditional “big city” model, the Mayor is both the chief executive and the chief administrator. As chief executive the Mayor leads the community and drives the policy agenda. As chief administrator the Mayor supervises the employees, manages the money, and implements policy. These are powerful positions with a great deal of authority vested in a single individual.

At the other end of the spectrum are the “ceremonial” mayors, who hold the title but have few powers and duties. They may not even be directly elected to the position, but are instead named by the council.

In recent years, however, more and more communities have moved toward a different model combining a strong chief executive, in the form of a Mayor, and a strong professional administrator, in the form of a town or city manager. In fact, this model is based on the Council-Manager form of government, which was invented nearly a century ago to counter the politics and patronage that had come to dominate many communities led by mayors. Under the Council-Manager form of government, policy is under the control of an elected council, and day-to-day implementation is carried out by a professional manager who is insulated from the political process. This new approach rapidly took hold, and today it is the most popular form of local government in America. In fact, many communities with town meetings rather than councils, like Amherst, have adopted this approach.

Despite the many advantages of the Council-Manager form, however, many communities have found that it can result in weak leadership on policy matters. The unelected manager cannot lead the political process, and the council may have no coherent voice. So, to strengthen the Council-Manager system most communities have now added a Mayor as chief executive, usually directly elected to that position by the people. The Manager retains the role of chief administrative officer, while political and policy leadership is vested in the Mayor.

There are two key questions in such systems. First, is the division of labor clearly spelled out? Confusion over roles or overlapping responsibilities can create an unworkable system. Second, what tools are given to the Mayor to enable effective policy leadership? Direct election and a title are important, but they are not enough.

We did not begin with consensus on how to configure the job of Mayor. But after studying local governments in many other communities, including many university towns similar to Amherst, the Commission majority came to agree on a model with a very clear division of labor among the council, the mayor, and the manager, but with no division of authority within each component. That means that the council holds all the legislative authority for the town, including the power to levy taxes, adopt local laws, and borrow money. The manager holds all the day-to-day administrative responsibility, but is clearly subordinate to the elected legislative and executive officials. The mayor has the mandate for initiating policy and overall leadership of the community, and is responsible for coordinating all the elements of town government. And to make the mayor effective in this role, we have proposed powers and tools that are among the strongest of the many communities we studied:

- Direct election by the people.
- Significant compensation, ensuring a strong presence and commitment.
- Power to preside over the council, and set its agenda.
- Veto power over most council actions, subject to 2/3 override.
- Appointment power (with council consent) for the Planning Board, Board of Health, and other policy committees (a power currently held by the Town Manager).
- Appointment power (subject only to Council veto) for advisory committees (a power currently shared by the Town Manager).
- Lead responsibility for supervising the manager, and sole authority to propose a new manager to the council.
- Responsibility for coordinating the town budget process.
- Authority to represent the town before the public and at all levels of government.
- All the ceremonial and symbolic duties appropriate to the office.

We have proposed a very significant role for the Mayor, but one that is also balanced with respect to the

Council and the Town Manager. As the town's chief elected official, the Mayor is in a unique position to understand community needs, highlight policy and budget issues demanding action, and coordinate the efforts of town committees and citizen groups. The Mayor is also in a unique position to bring issues before the Council, mobilize support for his or her proposals, and ensure that issues of importance remain in the spotlight. The scope of the Mayor's responsibilities, and the need to maintain a close understanding of the work of the Manager and various town committees, requires a significant time commitment. Some of this time commitment will occur in the evenings, when most committees meet. But the Mayor will also be expected to be available for meetings, conversations, and other kinds of activities during the day. Events may sometimes make it necessary for the Mayor to be available on short notice. Different individuals holding the position of Mayor will handle their duties in different ways, and the Mayor is not prohibited from holding other employment. But the position of Mayor is compensated at a level that recognizes that the Mayor's total commitment — during the day, in the evenings, and on weekends — amounts to a full-time job.

The approach we propose can and does work because all three components of government work within a carefully crafted set of checks and balances. The legislature will be directly accountable to the people in ways that are impossible under the town meeting form, and the council will also be subject to the check of a mayoral veto. The manager is insulated from politics and patronage, but will have close day-to-day oversight from the Mayor and — for the first time in Amherst's history — will be directly accountable to the elected legislature. The Mayor will be directly accountable to the people with a two-year term of office. In addition, the Council will retain ultimate authority for town policy, and can override the Mayor's veto by a two-thirds vote.

It is a system that permits and encourages broad participation, meaningful debate, and effective action. Its checks and balances assure accountability and responsiveness, but its clear division of labor and assignments of responsibility should minimize political gridlock. We think it is well-suited to a diverse, active, and involved community like ours. In fact, the particular combination of duties and roles we have proposed is very similar to that found in university towns such as Ann Arbor, Michigan; Athens, Georgia; Charlotte,

North Carolina; Eugene, Oregon; and State College, Pennsylvania.

What's Familiar, and What's Improved

Nearly all the changes in our proposal are directed at the problems identified above. We made a conscious decision that we would make only those changes necessary to achieve our basic goals, and we have incorporated into our proposal many features of the existing system that are working well. In addition, we have looked for ways of strengthening some of the values most important to our community, especially our commitment to citizen involvement and voter participation.

Familiar Features

- The roles of the School Committee and the Library Trustees will remain essentially unchanged. The Mayor will be an ex-officio, non-voting member of both bodies to promote overall coordination of town affairs, especially the budget process.
- The budget process will retain most of its current feel and features. The chief difference is that the Mayor will fulfill the coordinating role now performed by the Finance Committee as the municipal, school, and library budgets are presented to the Council. A Finance Commission, blending the citizen involvement of the current finance committee and members of the Council, will review the budget and make recommendations for action to the full Council. The citizen members will also advise the council on financial policy matters.
- The Joint Capital Planning Committee will continue, under the leadership of the Mayor.
- Existing citizen policy and advisory committees will continue unchanged. In addition, a new Licensing Board will oversee alcohol sales, food service, and other activities regulated by permits and licenses now issued by the Select Board.
- The people will retain ultimate control over town policy through continuation of the existing referendum procedure, which allows Council decisions to be put directly to the voters if enough signatures are gathered.

Strengthening Local Democracy

The proposed charter includes a number of provisions to ensure that local democracy remains strong and vital. First among these is the switch from a representative town meeting to a town council. This change will, we think, strengthen both participation and representation. While the representative town meeting certainly involves considerable participation on the part of the relative few who are elected and attend regularly, it has now been true for some years that the average citizen participates in town meeting not at all, either by running or voting.

A council system with a directly elected mayor, however, promotes participation in a form many people find simpler and more familiar. Active and concerned citizens can participate by using their votes to influence decisions. Rather than anonymous town meeting candidates, the ballot offers a real choice among candidates for council and mayor. Voters can learn about candidates' positions and records, and voting can once again assume its central role in the democratic process.

Some have argued that we should not be concerned by empty seats or low voter turnout, that this is a national trend beyond our power to change. We reject that notion completely. If the democratic process fails to engage the people, then we should fix the process so it serves the people. We believe town meeting has become detached from the voters for a very simple reason: in order to influence the government under the town meeting form one must become *part* of the government by running for office. This is a hurdle fewer and fewer people are willing to make, and for very good reasons. But by putting in place an elected and accountable council and mayor, voters will once again be able to affect their government simply by voting.

The charter includes several other provisions to strengthen democracy:

- Fifty voters can require the Council to consider and vote on a matter.
- Recall of elected officials will be possible through a mechanism similar to that now in place for referenda.
- Using a similar process, it will be possible for citizens to put initiatives on the ballot if the Council fails to act. Both recall and initiative will require a substantial number of signatures, so as to discourage frivolous actions.

- Town elections will move to the fall, on Election Day, which should help encourage voter participation (town elections will occur every other year, in between the state and federal election years).
- At least twice a year, the Mayor will convene public forums to discuss issues of importance to the community.
- Council members and the Mayor will be required to abstain from acting on matters that benefit individuals who have given them very significant campaign contributions or other things of value.

Conclusion

Amherst is a wonderful community that can continue to evolve and improve. Thanks to the presence of our outstanding educational institutions and careful planning over the years, we have become a destination of choice for many people. We enjoy that rare combination of a small-town feel in a very cosmopolitan community. Over the years, each time Amherst has considered how it might adapt its local government to meet changing needs and interests, there has been concern that we might lose what we love about our community. But in each case, whether it was the elimination of the open town meeting or the introduction of professional management, our community has enjoyed the benefits of better, more responsive, and more effective government.

And so it is today. The selectboard/town manager form served us well for many years, but it no longer fits our needs and interests. Other approaches, tried and tested, are better suited to the kind of community we have become and will remain. Stepping away from town meeting does not mean we will become a "city" in any but the most technical sense of the word. Amherst will always be a town. And if we revitalize local democracy and put people back in touch with their government, then it will always be a great town.

Respectfully submitted,

Bryan C. Harvey, Chair
James D. Pitts III, Vice Chair
Joan R. Golowich, Clerk
Stanley Durnakowski
Gordon Fletcher-Howell
Gerald Jolly
Zina Tillona

October 3, 2002

Appendix

Town Meeting, 1970-2002

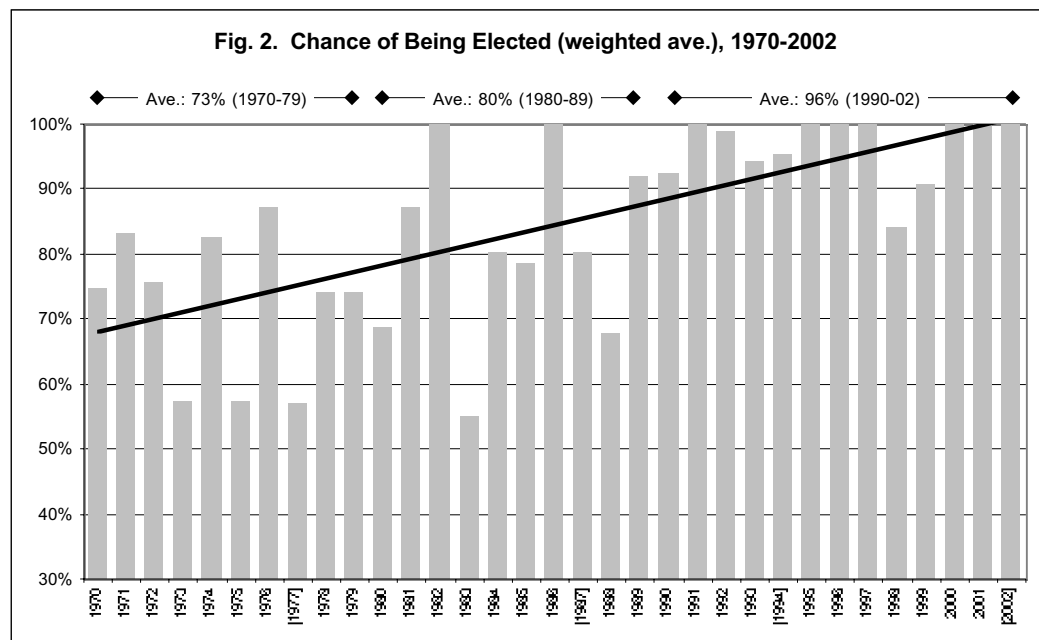
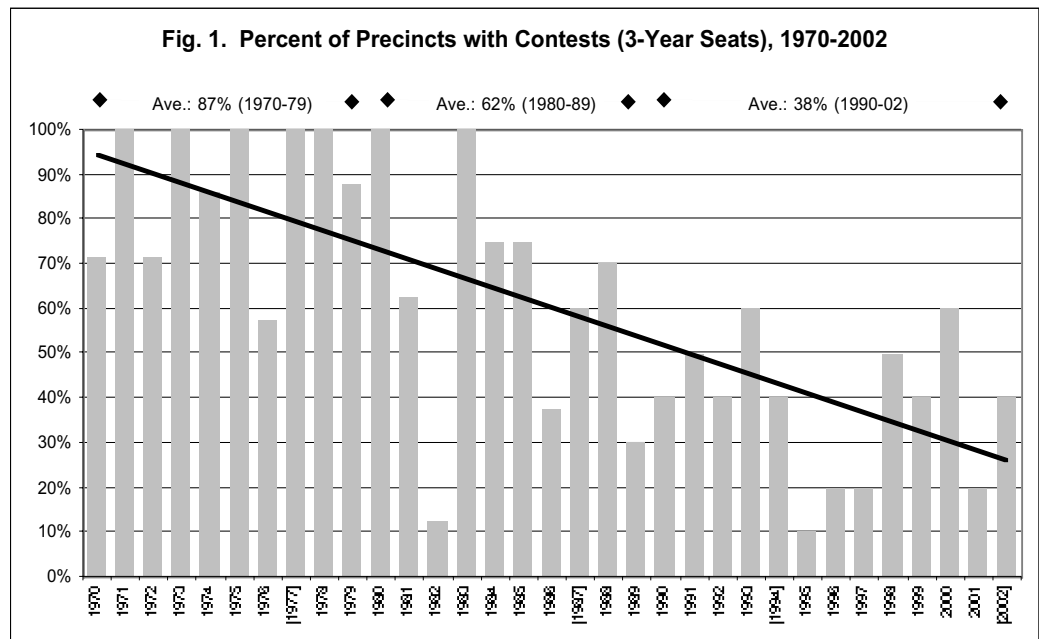
Much of the Commission's early discussion centered on the Representative Town Meeting (RTM), the legislative body that has been in place in Amherst since 1938. We conducted a careful study of Town Meeting's performance over the past three decades, based on the records maintained by the Town Clerk. We were especially interested in seeing whether Town Meeting was still effective in promoting vigorous local democracy.

Following is a summary of our findings, first published in February 2002 and updated here to reflect the spring 2002 elections and Annual Town Meeting.

• Participation

One of the stated benefits of the Town Meeting form is the opportunity for members of the community to participate directly in the local decision-making process. A healthy and vibrant Town Meeting would therefore be expected to attract strong interest and participation from a substantial number of citizens. Yet, over the past thirty years or so, there has been a steady decline in the number of citizens stepping forward to run for Town Meeting (see Figure 1). In the 1970s and even into the 1980s, it was not unusual to have nearly twice as many candidates for Town Meeting as there were seats available. In the past dozen or so years, however, candidates have barely been sufficient to fill the seats available. In six of the past eight years, in fact, there have not even been

as many candidates on the ballot as there were openings. (See Figure 2). Another sign of trouble is the level of participation among Town Meeting members themselves. Thirty years ago, it was not unusual to find two-thirds of Town Meeting members present when the evening's business began. For the past twenty years, with a few rare exceptions, sessions have begun with the bare minimum of half-plus-one present. Participation has clearly declined, and with it has declined much of Town Meeting's vibrancy and legitimacy.



• Representation

A second argument often advanced to support the Town Meeting form is that local decisions will be more responsive to citizens' needs and more likely to win wide support because members of the community feel their interests are represented by Town Meeting members. A healthy Town Meeting would therefore be expected to draw candidates with strong support in their precincts. Yet, just as the number of Town Meeting candidates has been on the decline, so too has the number of citizens voting for Town Meeting members. During the decade of the seventies, on average 40% of Town Meeting members were elected with at least 200 votes. During the 1990s, that proportion fell to 17%. Perhaps even more telling, during the 1970s almost every member received at least 100 votes, and two or three times that number was common. This popular support gave Town Meeting its credibility and legitimacy. Only 240 citizens actually served, but thousands were directly connected to the process. But this kind of participation is long gone. In the past decade half of Town Meeting members were elected with fewer than 100 votes (See Figure 3). In the most recent election that jumped to 87%; more than one-third of the current Town Meeting was elected with fewer than 50 votes; and 16% were elected with five or fewer votes. In fact, it is now generally the case that individuals who wish to serve in Town Meeting can do so simply by filing a piece of paper with a single signature (even their own) attached. Clearly, Town Meeting members today have the support and mandate of far fewer citizens than was the case even twenty years ago, with profound implications for Town Meeting's ability to stand as a truly "representative" body.

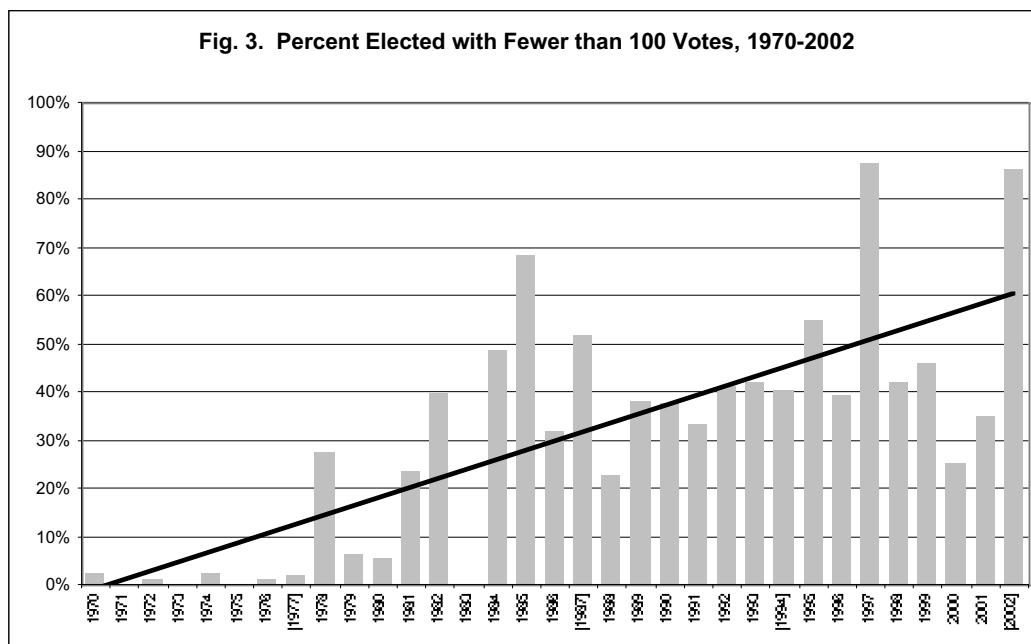
• Accountability

A closely related issue is accountability. Without contested elections, voters do not have a meaningful opportunity to influence local decisions or to "throw the rascals out." And there are practical limits to accountability even if candidates were to become numerous. In order to really influence policy through the RTM form, voters in each precinct would have to keep track of the positions of their 24 representatives on a range of issues over a three-year period. Thus, even if all Town Meeting votes were recorded, it seems likely that very few citizens would enter the voting booth with a clear sense of how to vote so as to make their votes count. Contrast this with accountability at the state or federal level, where citizens need to keep track of only a single representative whose positions are widely reported in the press and monitored by interest groups. An additional structural obstacle to accountability is the fact that each citizen gets to vote for only one-tenth of Town Meeting members. When elections are contested and participation is strong, this is perhaps not a critical issue. But with the kind of weak participation we have seen in recent years, the whole town must live with decisions made by Town Meeting members who may have received twenty or fewer votes (which occurred, on average, 15% of the time over the past five years).

• Contention and Consensus

One of the premises of the Town Meeting form is that it can serve as a forum within which to resolve contentious issues and build consensus within the community. This would suggest that Town Meeting should demonstrate a constructive approach to problem solving and a willingness on the part of all parties to give a bit in order to advance the common good. The Commission could not

find any way to represent statistically Town Meeting's success in this area. A majority of members agreed, however, that there is a widespread sense within the community that Town Meeting is less able to resolve conflict and build consensus than it was in the past. Factionalism seems rampant; positions seem to harden, rather than soften, over time; a "we vs. they" mentality seems to permeate relations between some Town Meeting members and other Town boards,



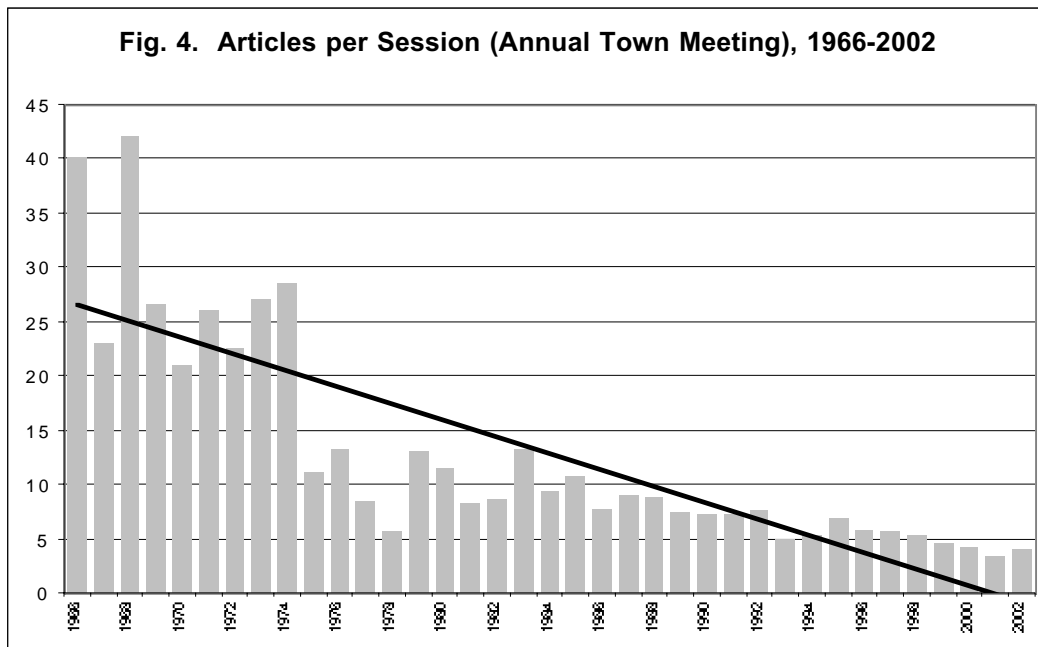
committees and officials; and there seems to be an unwillingness to allow a decision to be made, and then stick with it.

• **Effectiveness**

Commission members have heard many citizens voice the view that Town Meeting has become too lengthy, too dilatory, too unfocused, or not able to conduct its business in an effective and efficient manner. There is tangible evidence of such a trend. Throughout the 1960s and early 1970s, the business of the Annual Town Meeting was routinely completed in two nights (although often they were very *late* nights). Increasingly, however, the Annual Town Meeting stretches on to eight or ten or twelve nights, sometimes spanning three months in the spring. A record for the greatest number of nights was set in two of the past four years. Interestingly, the additional time cannot be

explained by additional workload. Town Meetings today handle roughly the same number and type of articles as they did in the 1970s (although some capital and budget items are handled differently today). The zoning, financial, and policy questions confronted by Town Meeting today are no more complex or challenging than in the past. Yet, the average number of articles completed in an evening has fallen dramatically: from 25 or 30 in the 1970s to four or five in recent years (see Figure 4). The Town’s business has not materially changed, but the time it takes to complete it has.

No one can be certain what is behind these troubling trends. Many explanations have been advanced: people are busier, with less time for civic involvement; as Town Meeting has demanded more time, fewer citizens have been interested in serving; the process seems unnecessarily tedious; debate often seems poorly informed, or driven by special interests. A few have suggested that the dearth of candidates and low voter participation signal that “all is well,” on the theory that if people were dissatisfied with Town Meeting they would run for office themselves. The majority of the Commission, however, sees these trends as evidence that the town meeting form has ceased to work for Amherst, and that a more viable form of representation is needed.



CHARTER COMMISSION MINORITY REPORT

October 2, 2002

Martha Spiegelman & H. Oldham Brooks

We respectfully dissent.

We ask Amherst voters to say NO to this Charter that would abolish our elected Representative Town Meeting and convert our Town to a City.

The Charter Commission majority labored under the assumption that Amherst's Representative Town Meeting is the problem, not the non-elected Town Manager.

FACTS THAT CONTRADICT THE COMMISSION MAJORITY'S "EVIDENCE" OF TOWN MEETINGS "FAILINGS"

- Town meetings are hardly "archaic." More than 300 (86%) of Massachusetts' 351 municipalities are governed by town meetings. **Of municipalities our size, 74% are governed by town meetings.**
- A representative town meeting assures that all residents are represented and provides individual citizens with an entry to civic participation.
- Mayors and councilors, not town meetings members, are vulnerable to "special interests."
- In the few states where there is a choice to have town meeting, most college-university towns have retained town meetings.
- Voter turnout depends on many factors beyond apathy.

FACTS THAT COUNTER THE CHARGES THAT OUR TOWN MEETING FAILS TO REPRESENT OR TO BE ACCOUNTABLE OR TO ELICIT VOTER TURNOUT

- All Massachusetts Commonwealth municipalities have seen declines in voter turnouts since the 1980 Proposition 2 _ capped property tax limitation.
- Voter turnout in Amherst town elections is comparable to that in nearby municipalities once the Amherst registration roll is adjusted down by approximately 40% -- to take out 4,500 on-campus registered students who seldom vote in town elections, plus 3,500 in the inactive category.

- About one in 75 Amherst voters is a Town Meeting representative. By yearly election of one-third of their representatives, voters can (and do) reject those who have not been accountable.
- Precinct elections are contested. In 2002, Amherst had Town Meeting contests in five of its ten precincts. Last year the city of Northampton had **no contests** for any of its seven ward councilor seats.
- “Special interests” frequently put city councilors and mayors in legal or ethical conflict whereas Town Meeting representatives are not able to do favors.

REASONS TO REJECT THIS CHARTER

- *“We are proposing some changes to the form of our government, but we will remain very much a town.”* (The majority’s Preliminary Report). An astonishing statement! The majority’s “some changes” would abolish our present legislative and executive bodies and replace them with a totally different form – a city form. This Charter would make Amherst subject to all laws applicable to cities in the Commonwealth.
- Under this Charter a mayor would be elected. The city council would hire a city manager answerable to the council. The mayor, having no hiring or managerial authority, would have to rely on the manager. The mayor would collect an annual salary of \$50,000 and -- although *full-time* -- could hold another job. In short, the elected official is a *figurehead*. Who really will be in charge?
- Interaction between the mayor and manager is vague – a dilemma that the Commission majority resolves by the term, *hybrid form*. The mayor-manager “hybrid” is, we believe, a tactic to satisfy two factions – supporters of an elected, full-time mayor and supporters of a professional manager to run government.
- Power is concentrated in 11 individuals – manager, mayor, and nine councilors. Decisions on ordinances, budget, appropriations, land use, *et cetera*, could be made by a majority of **five** councilors. Or, if the mayor vetoes a decision, by the override of **six** councilors. We can imagine special interests, such as developers, large corporations and institutions, and big-money campaign contributors, exercising influence on five or six councilors.

- Mayoral and councilor elections require candidates to raise large campaign war chests. In Northampton, in 1999, the total spent by all mayoral candidates was about \$39,000. Throughout Massachusetts in 1999, in 76% of the races, winners of mayoral seats were the highest-spending candidates. This Charter **does not provide a campaign finance reform measure** to reduce the risk of big-money influence. The ordinance to address conflict-of-interest, in Article 10 of this Charter, may invite legal challenges. No municipality in the Commonwealth has this provision.
- The proposed Finance Commission would be ineffective – appointed by, and answerable to, the city council president. The Finance Commission would exercise no significant role in formulating or coordinating the school, library and municipal budgets. Although the School and Library Committees hold public budget hearings, the mayor could, by letter, require cuts in their budgets. And there is no public hearing on the municipal budget.

INCREASED COST OF CITY GOVERNMENT ---- NOT WORTH THE PRICE

	Current Town Government	Proposed City Government
Legislative	Town Meeting: all volunteer \$100 + \$532	Council: paid \$72,000 + Expenses + cost of Council Officers
Executive	Select Board \$1,500 + Expenses	Mayor \$50,000 + Expenses
TOTAL: \$2,132 + Select Board Expenses		TOTAL: \$122,000 + Council's and Mayor's Expenses + Council Officers' Compensation

NOTES:

1. Moderator paid \$100 yearly. Town meeting staff is \$532 for 15 meetings. Staff preparation time same for Town Meeting and City Council.
2. Councilor's salary is \$8,000 each. Council Officers, e.g., Clerk, Council Attorneys and others., see section 2-8.
3. Administrative: the cost, whether Town Manager or City Manager is the same, i.e., \$101,600 + \$1,200 car allowance + Expenses.

CONCLUSION

This Charter, if adopted, would radically change the open and democratic traditions cherished in Amherst – traditions that have fostered the free exchange of ideas and opinions on which our democracy depends. We find no convincing argument to jettison our government – a government that has given us good schools and libraries, open space in every neighborhood, and on-time, balanced annual budgets with substantial reserves. Do not exchange easy promises for what now ably performs.

A fellow Commission member has said, “Let the people decide.” For the good of our Town, we urge Amherst voters to decide NO, resoundingly, on the Charter Question in the spring town election.

For the Amherst Charter Commission Minority:

Martha Spiegelman

H. Oldham Brooks

October 2, 2002