Town of Amherst, Massachusetts Charter Commission

Final Report and Charter

September 2017

Introduction

The Charter Commission is pleased to present its proposal for a revised form of government for Amherst.

Eighteen months ago, the voters elected this Commission of nine people with widely varying perspectives on how government should work in our town, and on how much change was needed. In that sense, we are a good representation of the diversity of viewpoints in Amherst on this topic. Some of us started out wanting a Mayor and a Town Council. Some of us wanted to keep Town Meeting. Some of us wanted to keep a professional Town Manager.

But rather than just fighting things out from our respective corners, we decided instead to go out into the community and listen. We heard a lot, and we distilled it into the following values that guided our work:

- Citizen participation
- "Representativeness" (demographics and interests)
- Effective, deliberative, and efficient structures
- Accountability and transparency
- A clear voice for Amherst
- Avoidance of big-money politics
- A culture of tolerance and respect
- Strategic and long-term planning

Now, after more than 65 Commission meetings, workshops, and feedback sessions, 450 written submissions, 250 in-person responses, and hundreds of emails, Facebook comments, and conversations at the supermarket, the Commission presents the Charter that follows.

None of us got all that we wanted, but all of us contributed to the final product. We ended up with a compromise, in the best sense of the word – a practical, middle ground between completely changing our town government and making minor tweaks to the status quo.

The proposed Charter keeps the professional management that many of us value, gives us a representative body that operates regularly and year-round, builds stronger constituent relationships between voters and their representatives, adds new ways for residents to participate and be heard, and improves communication about what we want our town to be.

Our proposal moves Amherst to a **council-manager** form of government, which, according to the Massachusetts Municipal Management Association, provides "the strong political leadership of an elected governing body and the effective, day-to-day oversight of a strong town manager." Today more than 105 million people, or about one-third of residents in the U.S., live in municipalities that operate under the council-manager form. Other municipalities in Massachusetts using this model include Barnstable (population 44,641); Chelsea (37,670); Randolph (33,456); Watertown (32,996); Franklin (32,581); Bridgewater (26,506); Winthrop (18,111); Southbridge (16,719); and East Longmeadow (15,720).

In the sections below, we offer

1) an "at-a-glance" comparison of the proposed Charter and our current form of government;
2) an organizational chart of the new structure;
3) a map of Town Council districts;
4) five key strengths of this new proposal; and
5) answers to some frequently asked questions.

Statements from the one Commission member who abstained and the Commission minority are also included, followed by the text of the Charter itself.

It is now up to the voters to decide whether to maintain the status quo or move forward with what the Commission majority believes is a sensible update. We look forward to the ensuing discussion and town-wide vote on March 27, 2018.

Sincerely,

Andy Churchill
Tom Fricke
Nick Grabbe
Mandi Jo Hanneke
Irv Rhodes

Members of the Charter Commission and How They Voted

The Commission voted 5 yes and 3 no, with 1 abstaining, to send this proposed home rule Charter to the voters of Amherst.

Andrew Churchill, Chair (yes)
Thomas Fricke (yes)
Margaret Gage (no)
Nicholas Grabbe, Clerk (yes)
Mandi Jo Hanneke, Vice Chair (yes)
Irvin Rhodes (yes)
Julia Rueschemeyer (no)
Diana Stein (abstain)
Gerry Weiss (no)

The Proposed Final Charter at a Glance

PROPOSED FORM OF GOVERNMENT	CURRENT FORM OF GOVERNMENT
Town Council • 13 members: 3 Councilors elected town-wide, plus 5 districts with 2 Councilors each • Meets at least monthly, year round • Policy leadership and legislative powers • Sets goals and priorities for Town Manager • Sets its own agenda for ongoing discussions • Calls annual public forums on key issues • Writes and passes bylaws • Votes on budget prepared by Town Manager and makes recommendations on budget • Votes on citizen initiatives and acts on topics requested by group petition • Hires and evaluates Town Manager • Appoints Planning Board and Zoning Board of Appeals • Approves Town Manager's appointments • Has Finance Committee and can create other committees as necessary **Town Manager** • Chief Executive Officer • Administers Town's daily operations and implements Town Council policies • Appoints department heads and most committee members, with Council approval • Supervises Town employees • Coordinates budget process and proposes budget to Town Council • Delivers annual State of Town address with Town Council President • Presents budget message explaining the budget • Appoints Community Participation Officer	**Town Meeting** • 240 members: 24 in each of 10 precincts, plus 14 additional ex officio members • Generally has two meeting sessions per year (10-13 nights total) • Legislative body, but cannot set own agenda • Convened by Select Board under a warrant process • Votes on items presented on the warrant • Votes on bylaws and other proposals • Votes on budget prepared by Town Manager and recommended by Select Board • Moderator appoints Finance Committee **Select Board** • 5 members elected town-wide • Chief Executive Officers • Policy leadership body • Sets goals and priorities for Town Manager • Submits warrant items to Town Meeting • Makes recommendations on budget and other warrant items but cannot enact • Hires and evaluates Town Manager • Approves Manager's committee appointments; makes other committee appointments **Town Manager** • Administers Town's daily operations and implements Select Board policies • Appoints department heads and most committee members • Supervises Town employees • Coordinates budget process and prepares budget recommendations to Select Board

Other Highlights of the Proposed Charter

Local Elections

- Moved to November (from March)
- Held in odd-numbered years only; biannual elections reduce costs
- Voting on "Election Day" makes it clear when local elections happen, likely increasing turnout
- Fewer, more competitive races intended to improve voter attention and turnout
- Two-year terms for elected offices allow November elections and keep officials close to voters
- First Town Council election in November 2018; preliminary election at least five weeks earlier
- First election for other offices (e.g., School Committee, Library Trustees) in November 2019
- Ranked-choice voting to be studied for implementation by 2021, to ensure majority vote for elected officials
- Voters vote in current precincts; District Councilors each represent a district of two precincts

Resident Participation

- District Councilors provide new point of contact for residents
- District meetings with Councilors at least twice a year for regular communication
- Annual public forums on budget, master plan and schools; opportunity for residents to engage with Town officials on these key issues
- Community Participation Officer promotes and supports diverse resident participation in government
- District-level elections and official Town webpage for candidate statements support entry-level access to office
- Continues robust resident service on boards and committees
- Residents can petition Town Council, force meetings, and veto Town Council actions
- Town Council, School Committee, Library Trustees, and all other boards and committees required to have public comment period
- Town Council to consider participatory budgeting – residents suggest and vote on capital projects to fund

Planning and Zoning

- Master plan adopted by Town Council as foundation for planning and zoning decisions
- Planning Board reduced to 7 members, appointed by Town Council
- Zoning Board of Appeals increased to 5 members, appointed by Town Council
- Redevelopment Authority: 4 members appointed by the Town Manager (currently elected)
- New Board of License Commissioners appointed by Town Manager to reduce licensing tasks for Town Council

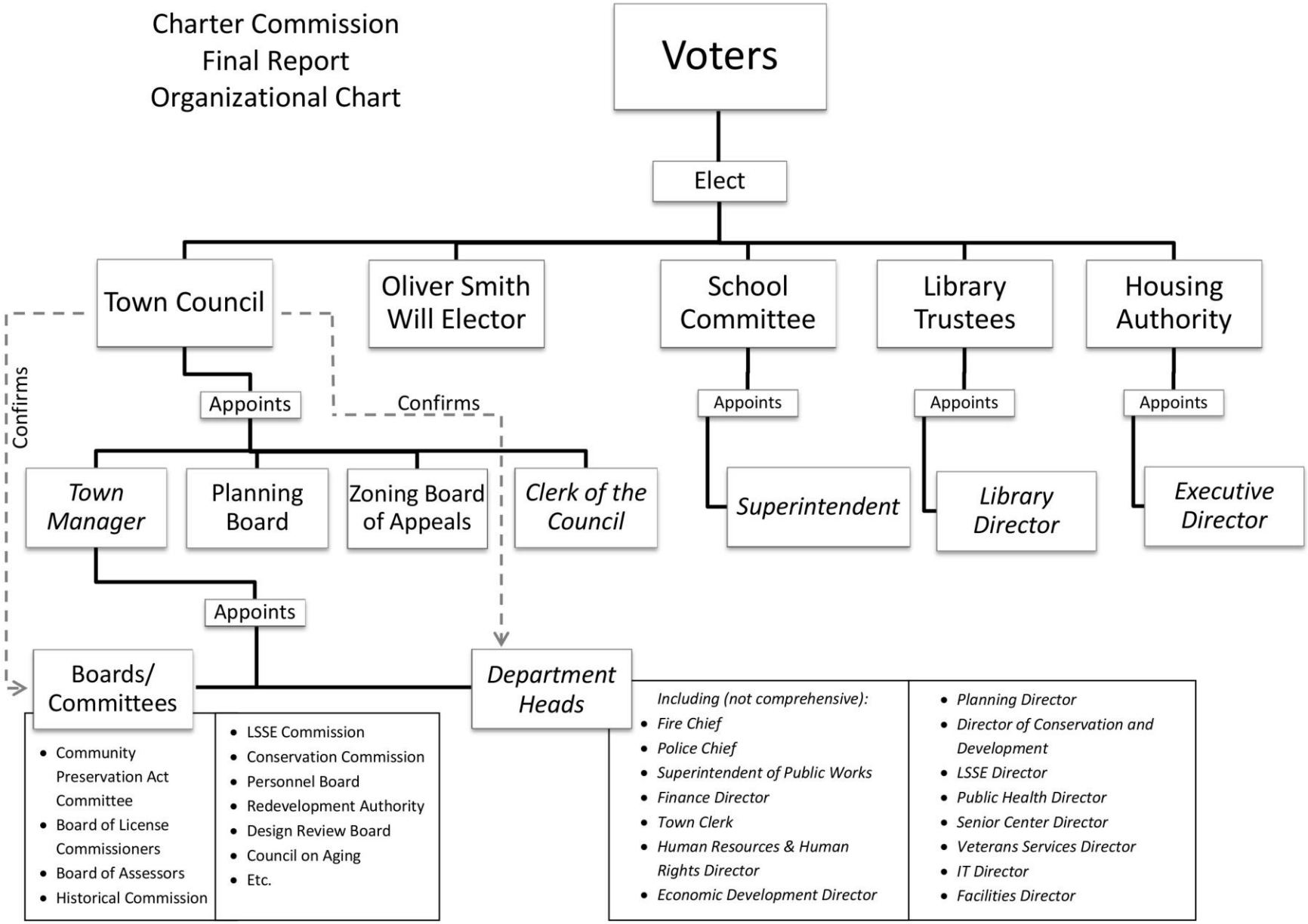
Other Elected Offices

- School Committee: remains 5 elected members; terms reduced to 2 years (from 3)
- Library Board of Trustees: remains 6 elected members; terms reduced to 2 years (from 3)
- Housing Authority: remains 5 members; elected members reduced to 3 (from 4), with 1 tenant member appointed and 1 governor appointee; terms reduced to 2 years (from 5)
- Oliver Smith Will Elector: term increased to 2 years (from 1)

Finance and Fiscal Procedures

- Retains Budget Coordinating Group and Joint Capital Planning Committee
- Finance Committee becomes committee of the Town Council – may include non-Councilor members

Town of Amherst
Charter Commission
Final Report
Organizational Chart



Italics = Town employees

Town of Amherst
Charter Commission Final Report District Boundaries

☆ Polling Places

Precinct Boundaries

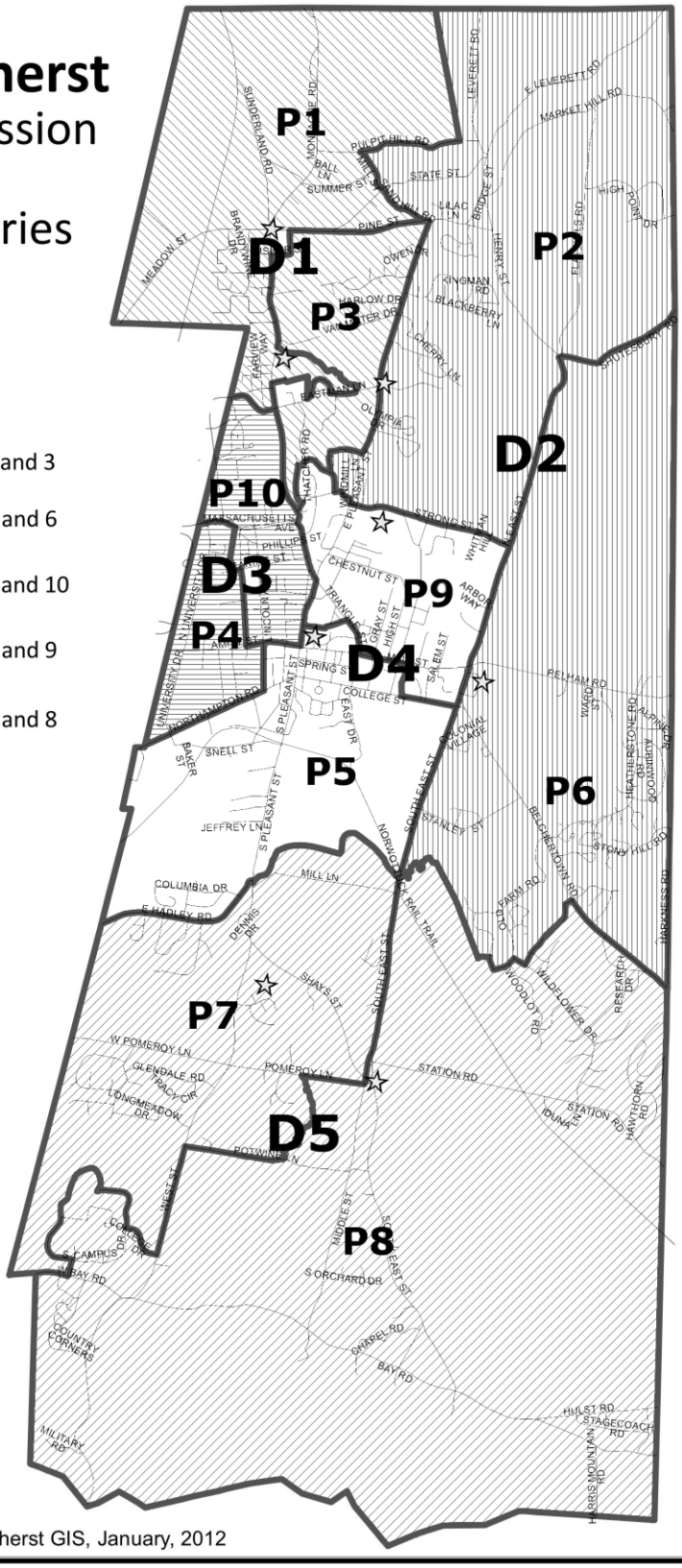
District 1 combines Precincts 1 and 3

District 2 combines Precincts 2 and 6

District 3 combines Precincts 4 and 10

District 4 combines Precincts 5 and 9

District 5 combines Precincts 7 and 8



Amherst GIS, January, 2012

Five Key Strengths of the New Charter

1. It keeps what works now. The proposed Charter does not change our entire government. It keeps a number of key features that have worked well for us. For example, most residents we talked to said that the day-to-day management of Town functions is good. We have skilled administrators, financial stability, and a wide range of services. We have checks and balances between professional staff and citizen representatives. And we have a variety of citizen boards and committees. The proposed Charter preserves all of these elements.

- **Professional management for a complex environment.** With an $86 million Town budget, three institutions of higher learning, including the state flagship university campus, and a rich diversity of people and perspectives, Amherst is a complicated town to administer. The new Charter maintains our tradition of hiring a chief administrator based on expertise in municipal management. We will continue to have a full-time, professional Town Manager to handle day-to-day operations – service delivery, budget development and management, hiring and supervision of Town staff, procurement, legal, finance, and so on.
- **Checks and balances.** As with our current system, we will continue to have citizen representatives as a check and balance on the actions of professional staff. Currently the Select Board hires and supervises the Town Manager and develops key policy priorities, and Town Meeting reviews and approves the Town budget. The Town Council will continue these roles. In addition, the Town Manager's appointments of department heads and members of boards and committees will need to be approved by the Town Council.
- **Resident boards and committees.** The Amherst website currently lists 50 separate boards and committees, offering hundreds of opportunities for residents to participate in the operation of our Town. The vast majority of these will continue, and the new Charter creates additional options such as commissions on ranked-choice voting and participatory budgeting.
- **Voter initiatives.** Under our current Town Government Act, residents can collect signatures to require our legislature or the voters at large to vote on citizen proposals. Under the new Charter, residents retain this power. In addition, the new Charter adds a "voter veto," which allows voters to collect signatures to force a town-wide vote that can overturn a Town Council decision.
- **Budget and Finance committees.** The new proposal retains the key budget and finance committees that promote high-quality fiscal decision-making. The Budget Coordinating Group and the Joint Capital Planning Committee will continue to bring together elected board members and fiscal managers from municipal, school, and library departments for budget planning. The Finance Committee will become a committee of the Town Council, and may include non-Council members with fiscal expertise as well as Council members.

2. It combines the thoughtful deliberation and oversight of our Select Board and the neighborhood representation of Town Meeting into a Town Council with benefits of both. It's been said that the Select Board can deliberate but can't act, and Town Meeting can act, but can't deliberate. Most towns our size have combined the roles of Select Board and Town Meeting into a representative Town Council, and that's what our proposal does as well. A Town Council will have both the power to act and the size and meeting frequency to really discuss important budget and zoning decisions in a timely, thorough, and effective way. And with both district and town-wide representatives, it ensures that all parts of town are heard.

- **Town Council meets regularly, year-round, and is small enough for give and take on issues.** Like the Select Board, the Town Council will meet regularly, year-round. It will be able to respond to issues as they come up, not once or twice a year like Town Meeting does. And with 13 members rather than Town Meeting's 240, it will be small enough for real deliberation, not just speech-making.
- **Councilors gain full understanding of issues before voting.** Town Meeting gets a limited time, once or twice a year, to review a large number of important issues among a group of 240+ people and then vote, ready or not. Zoning articles have been identified as a particular challenge for Town Meeting – complicated, technical, and often unconnected to a larger plan for the Town. The Town Council will be able to take whatever time and input is needed to get a full understanding of each issue before making a decision.
- **Council can participate as decisions are shaped (not just vote at end, like Town Meeting).** Town Meeting has the power and responsibility of approving budget and zoning, but it isn't able to affect or discuss the process along the way. It can't set its own agenda. Instead, Town Meeting meets at the end of an extended warrant development process, and it must vote on what it is given. The Town Council will be able to set its own agenda and timetable and participate as proposals are developed, with community input along the way, for better decision-making.
- **Council represents all parts of town.** Our Select Board is an effective deliberative body, but there is no requirement that those deliberating represent the different areas of Amherst. The new Town Council will have three members elected town-wide, while the remaining members will be elected from five town districts, two Councilors per district, with each district made up of two of our current voting precincts. As in our current Town Meeting, district representatives in the Town Council will be expected to work for the benefit of the town as a whole, but also will be able to talk about how town-wide policies affect particular neighborhoods.

3. It empowers the voters. The core function of democratic government is to represent the will of the people. But we repeatedly heard that in our current form of government, many town residents don't feel represented, don't know who to call with input or concerns, and don't feel like they can influence public decision-making unless they themselves participate in long, time-consuming meetings. The new Charter strengthens the ability of our government to represent all of us.

- **Representing residents overall (not just those with time to go to meetings).** In our current form of government, the 240 residents with time to participate in Town Meeting are involved in decisions that affect our town; the rest of us are on the outside, looking in. The new Charter puts more of an emphasis on representing the will of the broader community, through a Town Council that is specifically designed to represent all the voters and neighborhoods in Amherst.
- **It's clear who represents you (and they can be voted out if they don't).** With 24 Town Meeting members per precinct now, it's hard to keep track of who represents you and how they voted on key issues. And if you don't like what they've done on your behalf, it's hard to do anything about it. In about half the precincts, voters have no choices because there aren't enough candidates. The new Charter puts a spotlight on the governing process. It gives us a smaller representative body that can be held accountable by all the voters, rather than a largely self-appointed body where members can vote as they choose without facing any real consequences.
- **You know who to call (and your Councilors will expect it).** Under the new Charter, District Councilors will serve as a key new point of contact between residents and their local government. As accountable public representatives, it will be in their self-interest to keep you informed and connected to the government that administers Town operations on your behalf. If you have a problem or want to express an opinion, you can call on them to help you navigate the system and resolve the issue.
- **You know when to vote (every November).** The new Charter moves the Town election day to November, every odd-numbered year between state and federal elections. No more wondering when in March or April you should vote – now you just show up every year, on a Tuesday at the beginning of November, and vote for president, governor, or local officials.
- **Keeping representatives close to voters (two-year terms).** As in the vast majority of communities with a Council form of government, the new Amherst Charter specifies two-year terms for most elected officials. This lets us have November elections while accommodating Massachusetts law, which makes it very difficult and costly to have local and state/federal elections overlap (as would happen with three-year terms). But it also helps keep elected officials responsive to their constituents, because they have to face the voters every two years.
- **"Ranked-choice voting" to be studied for implementation (ensures representatives have majority approval).** All 9 members of the Charter Commission support moving to ranked-choice voting, in which voters rank candidates in order of preference. If no candidate has more than half the vote in first-choices, candidates finishing last are eliminated round-by-round in an instant runoff until one candidate has the majority. Adopted in a range of progressive places from Portland, Maine, to Berkeley, California, it is widely hailed by democracy advocates as a model that more fairly represents the full spectrum of voters.

4. It offers a variety of ways to participate. Our current Town Meeting offers intensive participation and power for 240 people. The new Charter offers a variety of ways for the other 21,000 registered voters (as well as other residents) to get involved in Town governance.

- **Talk to your representatives.** The Council itself will be an important gateway for resident engagement, with District Councilors providing a new point of contact between residents and their government. Successful councilors seeking re-election every two years will have a powerful incentive to communicate with constituents and respond effectively to residents' concerns. If you need help accessing your local government, now you can call a Councilor.
- **Come to the new district meetings and public forums.** Each Council district will hold constituent meetings at least twice a year, for two-way communication about Town issues, proposals, and concerns. In addition, the Charter creates annual Town Forums on the budget, the master plan, and the schools, with public input required and all residents welcome.
- **Talk to the new Community Participation Officer.** Many residents may want to get involved in Town governance in a way that works with their life circumstances, but they don't know how. The Charter proposal includes the new role of a Community Participation Officer who will help residents figure out how to participate in boards, committees, and campaigning for office. This role, which may be filled by a new or existing employee, includes a particular focus on encouraging underrepresented populations to participate.
- **Serve on a board or committee**. As mentioned above, this proposal retains Amherst's extensive range of citizen boards and committees. These will continue to provide important opportunities for residents to develop expertise, propose policy changes, and provide oversight to Town government.
- **Run for office.** Successful District Councilor campaigns will require energy and organization, but also take place on a small enough scale to encourage new candidates to give it a try. In addition, the Town will provide all candidates with a place on the Amherst website for posting campaign positions, helping to lower the cost and level the playing field for new candidates running for office.
- **Petition the Council or gather signatures for town-wide referendum.** You don't have to be on the Council to make legislative changes. Voters can collect signatures to force the Council to act on a proposal, or they can force a town-wide vote to either approve a proposal or veto a Council action.
- **Vote! (the single most important role in democratic government).** We anticipate that the greatest impact of the new Charter on citizen participation will be to expand the number of residents who participate in Town government by voting. Our new November election calendar will make election day a more predictable and accessible event. And a Council ballot that offers each voter only two district-level contests and three town-wide contests will empower voters to judge their representatives by issues and qualifications in a way that Town Meeting ballots seldom attain.

5. It supports better planning for the future. Many participants in the charter process have expressed concern about our capacity to effectively envision and promote appropriate plans for the long term. The proposed Charter improves long-term planning in several ways.

- **Master Plan adopted by Town Council, not just the Planning Board.** State law only requires that a town's master plan be developed and adopted by the Planning Board. The Charter proposal goes beyond this minimal requirement, requiring the master plan to be publicly debated and adopted by the Town Council, so that it can serve as an agreed-upon blueprint for the future direction of Amherst. The master plan will then provide a foundation for planning and zoning decisions, helping to ensure that individual zoning decisions are not made in isolation, but rather in the broader context of town interests.
- **Planning and zoning boards appointed by Council.** The Planning Board and the Zoning Board of Appeals will both be appointed by the Town Council. This will help ensure that these important bodies reflect the concerns of voters town-wide, as expressed by their elected representatives.
- **Councilors can be fully informed before voting on zoning.** By design, a Council can deliberate throughout the year, take input over the course of multiple meetings, and be fully informed before voting on zoning – whereas Town Meeting is limited to voting up or down on the items presented to members at its necessarily infrequent meetings. With the Town Council, zoning and other bylaws will not be able to be "rushed through," because the Council is required to discuss bylaws at two separate meetings before voting – and any one Councilor can request postponement to a third meeting for further consideration.

Frequently Asked Questions

What exactly is a "charter"?
In Massachusetts, a charter is what we call the document that defines the structure of local government for a particular community and distributes powers, duties, and procedures to be followed. It is like a constitution for a town, providing a general, overarching framework for how its government should be organized.

Amherst is already well-managed – why change things?
On a day-to-day basis, we do pretty well – and the new Charter keeps our professional manager, to maintain that competent day-to-day management. But over the past months, our discussions with residents revealed that many are concerned about Amherst's future. Residents mentioned a number of worrisome issues, including tax rates, housing, development, and several expensive Town building projects coming due at once. We need a form of government that can meet regularly, connect the dots, and keep up with the challenges we face. A Town Council that meets regularly and year-round, and is small enough to deliberate while representing all the voters, is the missing piece we need.

Why would we move away from the traditional New England town meeting?
Amherst Town Meeting is very different from the traditional town meeting that is practiced in small towns like Hadley, Leverett, and Shutesbury. These towns have an open town meeting, in which any resident can participate and vote, usually in a one-day session. Amherst hasn't had an open town meeting since 1938, when it adopted "representative" town meeting. In Amherst Town Meeting, a group of 240 people is the decision-making body for the town. Residents who do not go through the election process and commit to attending 10-15 night sessions a year are not allowed to vote. So our government is already very different from the Norman Rockwell image of the humble farmer showing up to speak his mind – we haven't had a traditional New England town meeting for almost 80 years.

Where did this council-manager form of government come from? I've heard of select boards and town meetings, and mayors and councils, but this is new to me.
Actually, the council-manager form is one of the most popular systems in the country. It combines the strong political leadership of an elected governing body and the effective, day-to-day oversight of a professional town manager. More than 105 million people in the U.S. (about 1/3 of the population) live in municipalities that operate under the council-manager form. Other places in Massachusetts using this model include Barnstable, Bridgewater, Chelsea, East Longmeadow, Franklin, Randolph, Southbridge, Watertown, and Winthrop.

Okay, so we'll have a Town Manager either way – but aren't 240 Town Meeting members more representative of Amherst residents than 13 Town Council members?
Actually, no. 240 is a decent number, but it's not very big compared to 21,273 registered voters. What matters is, do those 240 people represent Amherst as a whole? Many Town Meeting members are in effect self-appointed, due to low voter turnout and a large number of seats. Some of them even say they don't see it as their job to represent the viewpoints of constituents at all! They say that simply by voting as they wish, in a large group, they represent the townspeople. If you don't feel represented, they say, join Town Meeting – it's easy to get in! But not everyone has the time, interest, or ability to do so.

Our proposal puts a new emphasis on representing all the voters, not just the 240 who will show up for long meetings. Each voter elects 2 District Councilors and 3 At-Large Councilors, who will compete for their votes, and who will have to reach out beyond their personal networks to get elected. Councilors will meet regularly, hold district meetings with constituents, and take input year-round. Rather than a large mass of Town Meeting members voting however they want, all residents will have easily identifiable Councilors who see it as their job to represent the people.

How will 13 Council members be more accountable to voters than Town Meeting?
With 24 Town Meeting members per precinct now, it's hard to keep track of who represents you and how they voted on key issues. Town Meeting also isn't subject to open meeting law, so groups of members are free to discuss votes and plan voting strategy outside of the public eye. And members aren't prohibited from voting on matters that directly affect them. But if you don't like what your representatives have done on your behalf, it's hard to vote them out. Many voters don't get a real choice of candidates, because there are so many Town Meeting openings and because very few Town Meeting representatives have actually campaigned on issues. As a result, voter participation in elections is very low.

The new Charter puts a spotlight on the governing process, enabling the Town Council to better reflect the will of the townspeople. Holding elections in November for a limited number of positions will increase competition and voter participation. Councilors will have to say what they stand for and compete for your vote. Voters will be able to evaluate candidates during campaigns and replace councilors after two years if they are dissatisfied. With council meetings occurring regularly throughout the year, residents will have more opportunities to get organized and make their voices heard. And unlike Town Meeting, the Town Council will be subject to open meeting and conflict-of-interest laws. It will be clear to residents who represents them, establishing a tighter link between the people and their representatives.

Why didn't the Charter Commission just fix the problems with the current form of government?
There are some things in the current form of government that we just can't fix. For example, by state law Town Meeting can't set its own agenda. Instead it has to wait for the time-consuming "warrant" process to be completed and the Select Board to call a meeting before members can meet and vote. Town Meeting also isn't able to participate in shaping proposals as they are developed; that work is done by various boards, committees, and staff. Town Meeting is only able to come in at the end, to vote up or down on proposals from others.

For its part, the Select Board has the time and the structure to really examine issues for as long as needed and come up with thoughtful proposals. But they can't act on those proposals; they have to hand them off to a large group of people, many of whom are considering them for the first time, to vote up or down after maybe an hour of Town Meeting debate. The new Charter combines the best aspects of our current Select Board and Town Meeting while eliminating some of the real structural problems that these bodies face.

Won't competitive elections for Town Council increase the role of big donors in our elections?
First of all, competitive elections are a good thing – they help inform the public about key issues, generate more participation in voting, and clarify what the people want. Second, think about what it takes to get elected in Amherst. Our campaigns aren't susceptible to TV or radio ads or other expensive ways of getting noticed. Candidates for town-wide office basically need some lawn signs, a newspaper ad, a website, a brochure, and maybe some cheap Facebook advertising. There's not much else to spend

money on. And any contributions over $50 will be made public – if a candidate were to receive big donations, that could be perceived negatively by many voters. District Councilors need even less, as they only have to reach voters in two precincts.

With competitive elections, the outcome will be determined by candidates' positions on issues, outreach, and personal contact with voters, not by campaign contributions. Finally, the new Charter adds several new ways to help lesser-known candidates run for office. A Community Participation Officer is designated in the Town administration to help interested residents figure out how to get started, and a new elections webpage will give publicity to any candidate who collects the signatures to run.

I have seen some changes to our downtown that I don't like. Under the new Charter, would we have more of this kind of change?
The Charter seeks to promote democracy, not development. Under the new Charter, the voters will choose Council members, who will bring their understanding of what the voters want to decisions on the master plan, zoning changes, and Planning Board membership. If voters don't like what Councilors decide, they have an opportunity every two years to throw them out. So the rules for future development in Amherst will better reflect the public will.

Remember, recent changes happened under our current form of government, which lacks a central focus on what we want our town to look like. With the Council approving a master plan for Amherst and placing zoning decisions in that broader context, we will actually have a public and comprehensive conversation about these issues, instead of important planning and zoning decisions being made piecemeal and out of sight.

With two-year terms, what if there's a complete turnover of the Town Council, School Committee, or Library Trustees?
We've talked to officials from other towns with two-year terms, and they don't remember this kind of wholesale change ever happening. Even during local controversies, people tend to replace committee members selectively. When there's a vacancy on an elected board, a two-year term is short enough to encourage interested candidates to run. And once board members gain experience, many stay on to provide leadership, institutional memory, and mentorship to newer members. Of course it's possible that if a whole elected board was seen as terrible, dissatisfied voters could replace it. And that's a good thing – that's what accountable democracy looks like.

Do we risk confusion about Town Council vs. Town Manager roles?
As mentioned earlier, the council-manager model is a very common form of government across the country. So it has been widely tested and found satisfactory – it is not a risky experiment. The council-manager structure is similar to the decision-making structure in complex nonprofit and business organizations. A board of directors sets policy, hires and supervises a chief executive officer to execute that policy day-to-day, and votes on budget and other major decisions. The voters will elect a Town Council as their "board of directors" to provide policy leadership and legislative decision-making, and that board will hire and supervise a Town Manager as chief executive officer with significant authority to manage town affairs on a day-to-day basis, but with approval of key appointments and decisions by the people's representatives.

Can the Councilors set their own pay? Why are we paying them anyway?
We set the Councilor stipend at $5,000 per year, approximately halfway between Greenfield's stipend of $2,000 and Northampton's $9,000. The stipend isn't enough to live on, but we feel it appropriately recognizes the time commitment that will be necessary. In addition, it increases access to elected office for those with fewer resources, who may need to pay for childcare, transportation, and other expenses. It is important to note that Councilors can't simply increase their own stipend without facing the consequences – no proposed stipend increase can take effect until after the Council members face the voters in the next election. Since this would likely become a campaign issue, it provides a disincentive to increasing the stipend.

Will the new form of government cost more than the current one?
There are some changes that are easy to see, and they cut both ways (more for stipends, less for local elections now being every other year, etc.). But it is important to recognize the large costs we are paying now for staff time spent supporting our Select Board and especially our Town Meeting. We estimate that Town staff will spend a total of 90 fewer nights at meetings (often attended by multiple staff) by no longer attending Town Meeting sessions, while staff time supporting the Council is not likely to be significantly more than that spent currently supporting the Select Board. In addition, numerous Town staff have told us how most Town business comes to a halt in the month or two before Town Meeting, as warrants are prepared and large amounts of material are developed and sent out to bring Town Meeting members up to speed. A more nimble Town Council will free up staff to do more other types of work, including pursuing additional revenues from state, federal, and nonprofit sources.

Remember, we are dealing with a Town budget of $86.6 million, according to the most recent Finance Committee report. Even if none of the $75,000 in new stipend costs were offset by the other factors mentioned above (highly unlikely), that would increase our annual budget by less than one one-thousandth! It won't raise our taxes, and better representation of the people is worth it.

Will Amherst become a city if the Charter passes?
Amherst will still be Amherst, regardless of what our form of government is called. With a more representative, year-round, and accountable structure, it simply will be a better reflection of what the townspeople want. Massachusetts General Law has provisions that apply to either "cities" (those with a council form of government) or "towns" (those with a town meeting form). So in the state's technical definition, Amherst will have a city form of government, but the Charter states that we will still be known as the Town of Amherst. Nearby Greenfield is among the 20 Massachusetts municipalities that have councils instead of town meetings but are still known as towns.

Why didn't the Charter Commission recommend a mayor?
Some of us wanted the political leadership of a mayor, while others felt the professional management of a town manager was key. We tried combining the two roles, having both a mayor and a chief operating officer, but we couldn't get a balance of these roles that a majority could support. In the end, a majority of the commission felt that a council-manager form that keeps our professional management while updating our citizen representative structure was a good fit for Amherst at this time.

Isn't a 13-member Town Council kind of large?
Not compared to our current 240-person Town Meeting! Our Council will be a little larger than most others in the state (although Barnstable and Greenfield, among others, have 13-member councils). We made this slight tradeoff on the side of greater representation and participation. Instead of one District Councilor per district, we have two. This is likely to encourage more candidates to participate, since one

well-known candidate in a district won't scare off others from running for one of two seats. With 13 members, the council will also have the capacity to create committees for in-depth work.

Are we moving from a bottom-up to a top-down power structure?
We don't have a bottom-up power structure now. We have a disjointed and somewhat hidden power structure, where citizen decision-making is divided between a Select Board and a Town Meeting, and where members of the legislative body are not bound by open meeting and conflict-of-interest laws. Too many discussions of key issues take place out of the public eye, including in private email groups set up by Town Meeting factions. We have a Town Meeting that is understood by those in it, but that is a "black box" for many other residents outside it, who are frustrated that their government is too time-consuming for them to participate in, but too unaccountable for them to influence.

This proposal updates our system to be more responsive, more accountable, and more effective. It expands the base of our power structure by making that power accessible by all the voters. It offers a full range of opportunities for participation, including voting, public forums, district meetings, citizen committees, citizen initiatives, and elected service. By restoring the key democratic relationship between the people and their representatives, it empowers the voters and enables an ongoing conversation among all of us about what we want Amherst to be.

Statement from Abstaining Member

My Statement on Why I Abstained, September 25, 2017

No vote I can remember has caused me more grief than this one. This statement attempts to explain where I am at and why.

There is no question that I was voted onto the Commission by strong advocates of Town Meeting because they knew that I love Town Meeting and its form of direct democracy. For the whole first year of serving on the Commission, from April 2016 to April 2017, my votes were unwaveringly in favor of improving Town Meeting rather than creating a city form of government. But my votes were always among the minority.

What happened to change my thinking? I heard from some supporters of Town Meeting I know well and respect, that the Charter would certainly pass regardless of the details. I heard that opinion repeated at our listening sessions from some angry residents. What if they were right? If there were going to be a new Charter, shouldn't I help shape it for the best? And I did.

My top two priorities for Town government when I ran were 1) a well-trained professional, hired on credentials to lead our town and 2) easy ways for citizens to petition for changes in the government. But I also wanted there to be maximum democratic participation by the greatest number of residents, not just advisory participation but with real decision-making authority. Those were the goals for the Charter that guided my votes. I supported a larger Town Council rather than a small one. I urged that there be some elected rather than only appointed persons for key committees. But the most important objective I had for our Town was that of a well-trained professional Town Manager. I pushed hard for that, it passed, and I am glad it is in the Charter though I lost other battles.

In summary, there are things I like about Town Meeting and things I don't. There are things I like about the Charter and things I don't.

I have promised not to oppose this new Charter, and I will not. But I also won't oppose those who want Town Meeting to prevail. I hope people will understand how hard this has been for me and why I decided to abstain and not campaign for either side. The citizens of Amherst have a choice, and their decision is the one that matters.

Diana Stein

Statement from Commission Minority

Only 5 members of the 9-member elected Charter Commission support the Charter proposal, which would convert Amherst from a town to a city form of government. We regret that this Commission was unable to create a consensus document that might have bridged deep divisions in Amherst. The majority refused to consider improving our current Town Meeting and Select Board. Nonetheless, we in the minority participated with integrity, creativity and commitment to the process, and continue to be invested in Amherst's future. Here is why we oppose the Charter proposal.

Amherst is already a well-governed and managed Town, with a Town Manager, elected Select Board, and elected Town Meeting:

- Amherst finances are stable, with an AA+ bond rating with large reserves.
- We have an efficient and responsive professional Town management.
- Amherst's rich and feisty political culture is characterized by exceptionally high citizen participation in government through Town Meeting and dozens of Town committees. Town Meeting continues to develop mechanisms of accountability and transparency, such as recently adopted electronic voting, direct public e-mail access to members and annual forums to meet candidates.
- Our public schools are very highly rated.
- Amherst is ranked the 4th best college town in the United States (September 16, 2016; CollegeRank.net).
- Our community is culturally and educationally rich, with our state's flagship university, two colleges, concerts, museums, libraries, lectures, etc.
- We are enriched by an engaged multicultural and demographically diverse community.
- Amherst has a long and proud history of protecting our historical residential neighborhoods and open spaces—farmland and conservation areas.
- Amherst is one of the few communities in Massachusetts with over 10% affordable housing.

The proposed Charter involves drastic changes with uncertain consequences. The majority has presented no evidence to support its claims that a council-manager form of government would work better than Amherst's current government. Only 10 of the 351 Massachusetts towns and cities use a council-manager form of government. The Charter poses real risks, without corresponding benefits.

1. No checks and balances:

- This proposed Charter would eliminate our current system of checks and balances. We currently have a 5-member Select Board (executive branch) and a 240-member Town Meeting (legislative branch). Although Town Meeting approves the vast majority of proposals it considers, it can check unpopular bylaws and modify spending.
- The Charter proposal collapses these two bodies into one 13-member Council, effectively creating a powerful 13-member Select Board with no check on that power.
- The proposed 13-member Council would have more challenges supervising the Town Manager than the current 5-member Select Board already has.

2. Decreased democratic participation:

- The proposal dramatically reduces participation by 95%. 240 elected Town Meeting members and 5 Select Board members are replaced with only 13 paid Council members.

- Campaigns for Council seats would be expensive, limiting the likely participation to those who have connections to money.

3. Decreased representation and diversity:

- The Commission majority has not been able to support their extraordinary claim that a 13-member Council will not only be more representative, but will also be more diverse than the current 240-member Town Meeting and 5-member Select Board.
- Unlike Town Meeting, the proposed Council might not represent every precinct. Each new district, comprised of two precincts, elects 2 members. One of the two precincts could end up with two Council members while the other would have none, resulting in a loss of demographic diversity and representation in town government.

4. Reduced civic involvement:

- The proposed Charter limits residents to advisory roles in government, replacing the governing power we now have through Town Meeting.
- Eliminating Town Meeting removes what has been the primary incubator for leadership development and residents' involvement, a pathway into government for residents.
- Through participation in Town Meeting, citizens become intimately knowledgeable about Town matters and government. The Charter will eliminate this educational process.
- With no meaningful citizen participation in governing, Amherst is likely to be run by a small group of political insiders.

5. Increased power of money and special interests in politics:

- With only 13 paid members, the proposed Council emphasizes campaigns and privileges those with the money and resources to run campaigns. They may have narrow objectives, such as inappropriate development.
- Important decisions and bylaws could be made by as few as a 7-person majority.
- Zoning bylaws that affect us all could be decided by only 9 of 13 Councilors.
- With the high cost of elections, a likely result of a 13-member Council will be virtual parties with slates of candidates that have undue influence on elections.

6. Increased costs of Town Government:

- At the beginning, the 13 Council members would be paid a total of $67,500, with an option for increases in the future. Our current Select Board on the other hand, will rise to a total of $8,000 in the future.
- School Committee members' salaries would increase from zero to a total of $16,000.
- A new Community Engagement Officer would be hired at an unknown salary to compensate for the vastly reduced citizen participation in the proposed Charter.

Beyond these negative consequences, the proposed Charter does NOT address or solve the existing challenges Amherst faces:

- The proposal does not create a leadership voice or political vision for the Town.
- The proposal would not reduce taxes or enhance revenue.
- There is no evidence that the new Charter would increase voter turnout. Our neighbor Northampton, with a mayor-council, has many uncontested seats and poor voter turnout.
- Nothing in the proposal encourages appropriate commercial development or a specific vision for development.

- There is no evidence or guarantee that the proposed 13-member Council would be more accountable or responsive than a 240-person elected legislative body.
- A 13-member Council could result in virtual parties with slates elected that do not represent our values. Greenfield's Council just turned down a Safe City designation, despite overwhelming support from the public.

Before you vote, please read the entire proposed Charter for yourself, in the tradition of the informed citizenry we so value in Amherst.

Charter Commission Members in Minority—
Meg Gage
Julia Rueschemeyer
Gerry Weiss

September, 2017