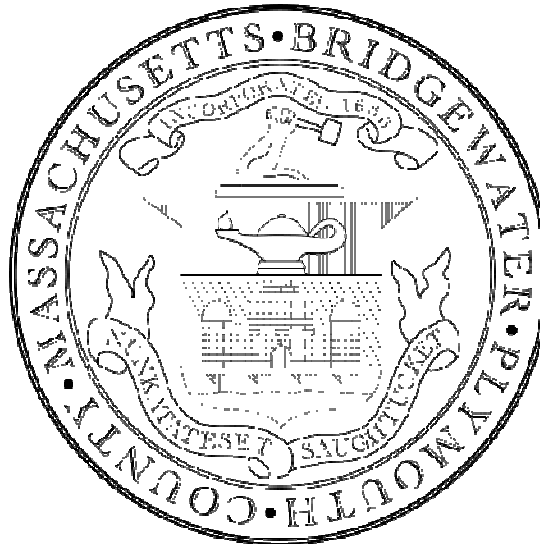




Bridgewater Town Government Study **Committee**



Special Town Meeting ***12-14-2009***

TownGovernmentStudy@BridgewaterMA.Org

Why Are We Here?



- To approve a special act for the legislature, that will give the citizens of Bridgewater the opportunity to decide at the ballot, whether to adopt a charter form of government.

What is a Special Act?

- Under the Massachusetts Constitution, cities and towns may petition the legislature, which in turn may grant a special act, enabling towns to accomplish a specific purpose with regard to managing government

Why a Charter Form of Government ?



- **Can govern with more flexibility** (*Manage Change*)
- **Creates foundation for hiring professional manager**
- **Has staying power**
- **More than 50% of MA Cities / Towns have charters**
 - *Ex. Abington, Barnstable, Braintree, Carver, Easton, Franklin, Hull, Lakeville, Middleboro, Norwood, Plymouth, Quincy, Randolph, Stoughton, Weymouth*

How Will The Process Work ?

- **Town Meeting approves article #5**
- **Begins with submission of special act to Legislature**
- **State Legislature reviews and approves special act**
- **Ballot questions prepared for election**
- **Citizens vote in April**

Article #5 – Special Act to Establish April 2010 Election



Contents:

- Section 1 - Ballot Questions
- Section 2 - Ballot Results Defined
- Section 3 - Council – Manager Charter
- Section 4 – OTM/BoS – Manager Charter

A “YES” vote will:

- Give citizens the opportunity to vote in April for 3 options at the ballot:
 1. Change to Council - Manager (*TGSC Recommendation*)
 2. Keep OTM / BoS with changes (*Add Town Manager*)
 3. Maintain Gov’t Structure “AS-IS”

A “NO” vote will:

- Remove the opportunity for citizens to vote in April

Is Our Current Government Structure Adequate ?



Evidence that it's not working:

➤ Financial Management

- State of Massachusetts Dept. of Local Services Report / Recommendations – Aug 2008
- Audit Report – Nov 2009
- Bond Rating – 2nd lowest in the State
- Inadequate Revenue Base (*lowest amongst surrounding towns*)
- Under-funded Departments

➤ Accountability

- Weak Municipal Administrator Position with 5 bosses (*BoS*)
- Citizens must oversee 14 Elected Boards, Committees & Commissions
- Almost 1/3 (28%) of town personnel answer to Boards, Committees, & Commissions rather than to Department Heads and the Municipal Administrator

➤ Lack of Proper Policies / Procedures / Oversight

Is Our Current Government Structure Working ?



Why Move Towards More Appointed vs. Elected Positions ?

According to the Center for Policy at UMASS Dartmouth, the trend in many cities / towns for increases in charters and appointments is attributable to:

- The increase complexity in town government operations
- More state and federal programs for veterans, elderly, historic commission, recreation and the like are now being run by local government
- More stringent financial reporting, and
- A wide range of technical environmental regulations

Is Our Current Government Structure Working ?



Why Move Towards More Appointed vs. Elected Positions ?

- **Has nothing to do with people currently serving**

- Increased ability to require / obtain needed qualifications and expertise
 - *Full disclosure before selection*

- Increase accountability through Town Manager oversight

- Removes burden of citizen responsibility for oversight

- Key trend in local municipal governments

- Elected officials retain approval role in the appointment process (*Council or BoS*)

- Boards / Committees retain functions (*More Advisory vs. Operational*)

- Elected officials can apply for appointment

Is Our Current Government Structure Working ?



What Happens Once Charter Takes Affect ?

- Elected boards would serve out their term and would be encouraged to apply for appointment
- Town Manager with assistance of a citizens screening committee would make recommendations to Board of Selectmen / Town Council for committee or board appointments
- Town Manager would development written policies for appointments to all boards / committees which list the desired qualifications sought for all boards and committees

How Has Public Feedback Affected the Charters ?



Things That Have Changed (Examples)

- Adjusted Board / Committee Terms
- Refined Finance Committee Appointment Process
- Chose “Town Meeting Times” versus Roberts Rules for Town Meeting
- Enhanced Appointment Process for Boards / Committees
- Clarified Campaign Prohibitions
- Enhanced Financial Review Process

The Citizens of Bridgewater Should Decide !



- **Invested over 3,000 hours** (*Met weekly for 20 months*)
- **Gathered feedback** from residents, town officials, and town employees
- **Researched best practices** locally, regionally and nationally for comparison
- **Identified strengths and weaknesses** of options being considered
- **Searched for improvements** to accountability and efficiency

Need to Give Charters a CHANCE !!

If needed, changes can be made as part of 24 month review

Article #5 Charter Amendments – 12/14/09



- 1. Article 1-9-j: Definitions**
- 2. Article 4-3-b: Boards, Committees, and Agencies**
- 3. Article 6-4-a: Supplemental Appropriations**
- 4. Articles 2-3-b & 6-9: Finance Committee**
- 5. Article 9-2-a-5: Prohibitions...Activities Prohibited**
- 6. Article 9-7: Removal of Member of Multiple Member Appointed Bodies**
- 7. Articles 9-4 & 9-8: Review / Revisions to Charter**
- 8. Articles 4-2-i & 6-7a: Admin Powers and Long Term Financial Forecast**
- 9. Articles 9-7-g & j: Removal of Member of Multiple Member Appointed Bodies**

Amendment #1



Submitted by: TGSC in response to feedback from Town Counsel

Action: Add to Both Charters

Purpose: Improve / Clarify Content

Article 1-9-j: Definitions

A town officer shall mean an individual who has been elected or appointed to exercise the functions of a town office for the benefit of the public. Town officers are distinguishable from employees in that they are required to take an oath of office and are appointed or elected to specified terms of office.

Amendment #2



Submitted by: TGSC in response to feedback from Selectman Kravitz

Action: Add to Both Charters

Purpose: Provide Clarification on Residency Requirements

Article 4-3-b: Boards, Committees, and Agencies

Except as otherwise provided by this charter, the Town Manager shall appoint all boards, committees, and agencies. Members of all appointed boards & committees shall be residents of the Town. All appointments of boards, committees, and agencies, as defined within the administrative code, shall be subject to the ratification of the Town Council. The Town Manager shall form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The number and terms of office of said committees shall be established by ordinance.

Amendment #3



Submitted by: TGSC

Action: Update to CM Charter

Purpose: Correct Error (Change from Meeting to Council)

Article 6-4-a: Supplemental Appropriations (CM Charter)

If during or before the fiscal year begins, the Town Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, Town Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

Amendment #4



Submitted by: TGSC

Action: Add to CM Charter, Merge Sec 2-3-b & Sec 6-9 in OTM Charter

Purpose: Correct Oversight / Error, Simplify

Article 6-9: Finance Committee (Both Charters)

Article 2-3-b: Finance Committee (OTM Charter)

There shall be a finance committee consisting of nine (9) members, appointed each for a three (3) year staggered term, the members of which shall be appointed as follows: three (3) members by the Town Manager, three (3) members by the Town Council, and three (3) members by the Town Clerk. The finance committee shall report its recommendations on finance related articles contained in a Town Meeting warrant, in writing, at least ten (10) days prior to a scheduled Town Meeting. Prior to preparing its recommendations, the finance committee shall hold one (1) or more meetings to permit discussion of the subject matter of all finance articles contained in the warrant, except those articles subject to public hearings by other multiple member Town bodies and not containing appropriations. The finance committee shall have such additional powers and duties as may be provided by Massachusetts General Laws, by this charter or by by-law.

*The finance committee, town accountant and town treasurer-collector shall support the overall budget process. The Town accountant and treasurer-collector shall have ex-officio membership, without voting rights on the committee. The Finance Committee shall carry out its duties in accordance with the provisions of general law, this Charter and bylaw, and it shall have regular and free access and inspection rights to all books and accounts of any Town department or office. The Committee shall carefully examine all budget and appropriations proposals and shall issue its review thereon prior to consideration, debate, and vote by the **Town Council**.*

Amendment #5



Submitted by: *TGSC in response to feedback from Pre-Town Meeting*

Action: *Update to Both Charters*

Purpose: *Clarify*

Article 9-2-a-5: Prohibitions...Activities Prohibited

During working hours, no Town officer or Town employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a Town election or to campaign funds to be used in support of or opposition to any candidate for election to Town office or Town ballot issue. Further, no Town employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for Town office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote, nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

Amendment #6



Submitted by: TGSC

Action: Update to CM Charter

Purpose: Correct Error (Change from Council to Town Manager)

Article 9-7: Removal of Member of Multiple Member Appointed Bodies

*Any official appointed by the **Town Manager** to a multiple member body, may be removed from office by the **Town Manager** if said official fails to attend regularly scheduled meetings for a period of three (3) consecutive months without express leave from the chairman of such multiple member body, unless the Town Council shall determine otherwise. Any such appointed official shall be automatically removed from office if such person is convicted of a felony or if such person is absent from such duties for the period of six (6) months notwithstanding the permission from the chairman to be absent.*

Amendment #7



Submitted by: *TGSC in response to feedback from Pre-Town Meeting*

Action: *Merge Section 9-8 into Sec 9-4...Update to Both Charters*

Purpose: *Simplify / Clarify*

Articles 9-4 & 9-8: Review / Revisions to Charter

Section 9-4 Charter Revision or Amendment

- A. **In General** - *The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any laws of the Commonwealth enacted to implement said constitutional amendment.*
- B. **Periodic Review** - *No later than the first day of July, at six (6) year intervals, the **Town Council or BoS** shall provide for a review and propose revisions to the Town charter. Said review shall be conducted by a special committee to consist of seven (7) residents of the Town appointed by the **Council President or BoS Chairman** with the approval of the **Town Council or BoS**. The said committee shall file a report within the said year recommending any changes in the charter which it may deem to be necessary or desirable, unless an extension is granted by vote of the **Town Council or BoS**.*

Amendment #8



Submitted by: *TGSC in response to feedback from Mike Berolini*

Action: *Update to Both Charters*

Purpose: *Include FINCOM in Financial Report Distribution*

Article 4-2-i: Administrative Powers and Duties

*to ensure that complete and full records of the financial and administrative activity of the Town are maintained and to render reports to the Town Council **and Finance Committee** as may be required.*

Article 6-7a: Long Term Financial Forecast

*The Town Manager shall annually prepare a five (5) year financial forecast of Town revenue, expenditures and the general financial condition of the Town. The forecast shall include, but not be limited to, an identification of factors which will impact on the financial condition of the Town; revenue and expenditure trends; potential sources of new or expanded revenues and any long or short term actions which may be taken that will enhance the financial condition of the Town. The forecast shall be submitted to the Town Council **and Finance Committee**, and shall be available to the public for inspection. The Long Term Financial Forecast will be published on the Town's website and when updates occur, they will be posted in a timely manner.*

Amendment #9



Submitted by: *TGSC in response to feedback from Mike Berolini*

Action: *Update to Both Charters*

Purpose: *Change from Wage & Personnel Board to BoS or Town Council*

Article 9-7-g & j: Removal of Member of Multiple Member Appointed Bodies

g) Within fourteen (14) days of delivery of such notice, such member may request a public hearing before the Board of Selectmen or Town Council.

j) Within ten (10) days after the public hearing is adjourned, the Board of Selectmen or Town Council may, by a two-thirds vote, reinstate such member, but such member shall otherwise be removed.