

Presentation to the Cambridge City Council on Charters and Charter Processes

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About the Collins Center

- Created in 2008 by the Commonwealth
- Provide technical assistance to municipalities, school districts, state agencies, etc.
- Management consulting with a public service mission
- >700 projects; mostly municipalities; mostly MA
- Worked in over 2/3 of MA's 351 municipalities, including Cambridge
- Primary areas of focus: finance, HR, operations, analytics, recruitment, IT, charter/organizational structure, etc.

About the Center's Charter & Charter-Related Work

| Municipality | Form | Pop. | Project Type | Year | Project Status |
|------------------------|---------------------|--------|----------------------------------|-------------|--|
| Amesbury | City | 16,000 | Existing charter review | 2020 | Ongoing |
| Amherst | Town to City | 38,000 | Full charter drafting | 2017 | New charter enacted |
| Ashland | Town | 17,000 | Existing charter review | 2016 | Review completed |
| Dracut | Town | 31,000 | Existing charter review | 2011 | Review completed |
| Easton | Town to City | 25,000 | Full charter drafting | 2015 | Charter complete; awaiting Board of Selectmen action |
| East Longmeadow | Town to City | 16,000 | Full charter drafting | 2016 | New charter enacted |
| Everett | City | 42,000 | Full charter drafting | 2011 | New charter enacted |
| Fall River | City | 89,000 | Full charter drafting | 2017 | New charter enacted |
| Framingham | Town to City | 68,000 | Full charter drafting | 2016 | New charter enacted |
| Gardner | City | 20,000 | Full charter drafting | 2013 | Charter complete; awaiting City Council action |
| Harvard* | Town | 7,000 | External review of charter draft | 2017 | New charter enacted |
| Holyoke | City | 40,000 | Full charter drafting | 2011 | Rejected by voters |
| Hubbardston | Town | 4,000 | Full charter drafting | 2012 | New charter enacted |
| Lynn | City | 94,000 | Existing charter review | 2019 | Project complete; awaiting City action |
| Methuen | City | 50,000 | Existing charter review | 2019 | Project complete; awaiting City action |
| Newburyport | City | 18,000 | Full charter drafting | 2011 | New charter enacted |
| Newton | City | 85,000 | Full charter drafting | 2017 | Rejected by voters |
| Northampton | City | 28,000 | Full charter drafting | 2012 | New charter enacted |
| Peabody | City | 53,000 | Full charter drafting | 2019 | Project complete; awaiting City action |
| Pittsfield | City | 44,000 | Full charter drafting | 2013 | New charter enacted |
| Southborough | Town | 10,000 | Partial special act drafting | 2011 | Special Act rejected by Town Meeting |
| South Hadley | Town | 18,000 | Partial special act drafting | 2012 | Special Act enacted |
| Wayland | Town | 14,000 | Partial special act drafting | 2018 | Special Act complete; will be voted at Town Meeting |

* Note that for this project, the client was the local League of Women Voters, not the municipality.

Background and History of Charters in MA – 1 of 3

- In 1821, MA constitution was amended to allow towns over 12,000 population to adopt a city form
- In 1915, the legislature codified law relating to the establishment of city governments by offering “plans of city government” (Ch. 43 of MGL)
- Chapter 43 had 3 aims:
 - Provide a citizen petition process to adopt a city form
 - Define the state’s aims for city government
 - Provide several model plans for city government
- The statute initially provided 4 plans (A, B, C, and D), but eventually added 2 more (E and F)
- These are still in use (in modified form) in 12 cities

Background and History of Charters in MA – 2 of 3

- No city adopted Plans C, D, or F (the Lawrence commission government was established by special act)
- The text of each Plan is modest, as it was anticipated that cities would adopt ordinances to fill in the details
- Plans did not enjoy significant popularity – most cities continued to petition for a special act
- Probably no city is operating today under a Plan as exactly defined in Chapter 43
- A few cities have adopted special acts changing form of government after operating under a Plan

Background and History of Charters in MA – 2 of 3

- The process for adopting a Plan form was repealed following the adoption of the Home Rule Amendment
- The Home Rule Amendment to the state's constitution was adopted in 1966
- The Massachusetts amendment provides what is referred to as “limited home rule”

Background and History of Cambridge Charter

- In 1938, 50 professors, industrialists, merchants, legionnaires, white collar workers, and laborers organized a campaign to adopt a Plan E form of government to replace the mayor/council form
- After contentious legal and political wrangling, the question to adopt Plan E was placed on the ballot, but it failed
- In 1940, the question to adopt Plan E was again placed on the ballot, and it was adopted



Cambridge's Board of Directors, which replaced the old City Council after the professors finished their reform war, has reduced the city debt from twelve to three million, built the highest-paid group of employees in any city of comparable size, reduced taxes and increased and streamlined all the city services.

HOW TO BREAK A POLITICAL MACHINE

BY JOSEPH F. DINNEEN

The taxpayers of Cambridge, Massachusetts, were paying far too much for far too little until a group of college professors and plain citizens got together and took on the local political machine. It was a tough and glorious scrap, but today Cambridge is one of the best-run cities in the land.

WE WANT you, Dean Landon, to become the active working head of a committee to change the charter of the City of Cambridge. The dean of the Harvard Law School was sympathetic, but not interested. He looked at Attorney George McLaughlin and the committee sent to persuade him. "You want me to become a Cambridge city politician," he said, "and I have neither the time nor the inclination to do that. Why pick on me?"

"Because we need a big name. And we need somebody with your kind of ability to head up the fight."

"Count me out. I have enough to do without trying to reform the City of Cambridge. Harvard and the city have been fighting for years."

"That's no reason why Harvard and the city should keep on fighting," McLaughlin persisted. "It's time they got together. If they don't, the city will go bankrupt and the professors who live here will find that just as tough as the rest of us. We have a plan to save it, but we want you to help us put it across."

"Why me? And what's the plan?" The plan which McLaughlin outlined on that day in July, 1938, was simple. But putting it into operation started one of the fiercest political slugging matches the old city across the Charles River had ever seen.

The reason McLaughlin had helped organize forty-nine professors, industrialists, merchants, legionnaires, white-collar workers and laborers into a Committee of Fifty to back the plan, was that they well knew the end state into which the City of Cambridge had fallen. They had seen the firemen in discarded letter carriers' uniforms answering alarms with equipment so old it often broke down before it reached the fire; they had driven over the rutted and littered streets and had been stopped cold when unreMOVED snow made them impassable in winter; they had smelled the city when garbage and refuse lay for days without being collected. And they had felt it in their pocketbooks, as the taxes looked higher and higher.

The Committee of Fifty had been organized after the first move to correct these abuses had been taken by a team of Harvard experts in government and progressive Massachusetts legislators. This step had been to get the state legislature to pass an act allowing any city to adopt Plan E, the city-manager form of charter, if it voted to do so.

Previously this form of government, which had been pioneered in Cincinnati, Ohio, and had been replacing corrupt municipal machines with streamlined, efficient administration in various other cities throughout the country ever since, had been

Collier's for January 31, 1948

Source: *Collier's*, January 31, 1948

The Purposes of Charter Review - Overview

“A charter is the foundation of a local government and functions as the municipal equivalent of a state or federal constitution, setting forth guiding principles for governance. Composed by citizens, a charter specifies the most fundamental relationships between a government and its community. It establishes the framework for how a local government operates in terms of its structure, responsibilities, functions, and processes. The way public officials are elected, the form of government, and the role citizens play in local government are just a few examples of the important choices articulated in a charter.”

-Guide for Charter Commissions, National Civic League, p. 5

The Purposes of Charter Review - Overview

Five types of reasons for charter review:

1. Ensure that the government is keeping up with a modern understanding of best practices
2. Ensure that the government is responsive to the needs and preferences of the current population
3. Ensure that the charter is kept consistent with changes in state or federal law
4. Ensure that the charter is kept consistent with changes in values or cultural changes
5. Clarify any text that has caused confusion or dispute over interpretation

The Purposes of Charter Review - Changes in best practices

Modern MA charters now frequently or always include:

- An automatic review process at a predetermined interval (usually 10 years)
- A mechanism to reorganize departments without amending the charter or a home rule petition
- A capital improvement plan process
- References to electronic/online access to information

The Purposes of Charter Review - Changes in population, etc.

Ensure that the government is responsive to the needs and preferences of the current population, demographics, and business base:

- Does the size and composition of the council allow it to be responsive to and representative of the current population?
- For cities with mayors, does the term for mayor allow for planning and implementation of initiatives?

The Purposes of Charter Review – Changes in law

Ensure that the charter is kept consistent with changes in state or federal law:

- HR laws (both state and federal)
- Procurement law (state)
- Open meeting law (state)

The Purposes of Charter Review – Changes in values

Ensure that the charter is keeping up with changes in values or cultural changes:

- Many modern charters no longer include pronouns entirely (or at least add “or she” to “he”, etc.)
- Many municipalities are changing the names of boards and committees to remove gendered reference (e.g., Aldermen to Council, Board of Selectmen to Selectboard)

The Purposes of Charter Review – Clarify confusing text

Clarify any text that has caused confusion or dispute over interpretation:

- Are the recall and referendum provisions clear and complete?
- Have all the key terms been defined?

Some Examples of Recent Charter Changes

- Chelsea (1994)
- Newburyport (2011)
- Everett (2011)
- Northampton (2012)
- Pittsfield (2013)
- Framingham (2017)
- Amherst (2018)

Pathways to Charter Revisions or a New Charter

- Home Rule Charter Route to a New Charter
 - Spelled out in detail MGL Chapter 43B
 - Creates elected charter commission
- Special Act Charter Route to a New Charter
 - Same pathway as a home rule petition
 - Flexible process
- Charter Revisions Process
 - Same pathway as a home rule petition

Thank you for your time.

Questions?