

How Does a Charter Study Committee Work?

Government Study Committee. The most efficient and effective means of assessing the need for a city or town charter is to create a government study committee to explore the subject. If a charter is recommended, it would be drafted and presented as a special act, subject to the approval of the local legislative body, the community's voters and the State Legislature.

Alternatively, the election of a charter commission involves a less flexible, 18-month process that is governed by statute (M.G.L. Chapter 43B) and requires town meeting, town council or city council approval, plus a community-wide vote.

Committee Creation. A study committee can be formed by the board of selectmen on its own initiative or by town meeting through the approval of a warrant article, in which case the moderator would usually be the appointing authority. The content of the order or article would be substantially the same. There can also be a shared appointing authority. In other communities, the town council or city council would take action to form the committee. And, residents also have the ability, through a signature petition process, to bring the question of forming a committee to a vote.

Committee Size. There is no rule of thumb for a correct number of committee members. Keeping in mind that the process may involve drafting a report and a charter, an excessive number of members can be cumbersome and should be avoided. On the other hand, the committee membership should be sufficient to satisfy residents that a broad range of views is represented. Five-to-seven members are appropriate for most municipalities.

Member Mindset. It is important that committee members are objective and open to the idea of a charter. This is not to quell dissenting viewpoints, but if members are set against any charter proposal from the start, the process will be unproductive and divisive. At the same time, a credible, objective process is equally threatened if all members unquestioningly favor a charter. Remember that in an open and thorough process all voices will be heard, but they need not reside on the committee.

Member Qualifications. There are no special or required qualifications for committee members. It helps to have some on the committee who are familiar with the general operation and financial management of municipal government. Since there will inevitably be a discussion on the allocation of power and authority, it is not wise to allow past or present municipal employees or local officials to dominate the committee membership. An ability to get along and work with others and a willingness to devote time and energy to the effort outside of meetings is important. Members should be engaged and reliable.

Committee Process. A process for investigating the merits of a charter should not be set-out in advance in an order or town meeting warrant article. However, by the nature of the task, the committee should expect to interview municipal employees and local officials, consult office holders in other communities and review other charters. Meetings for public input should be planned early in the process and after a proposal is drafted in locations and at times that will maximize participation. The committee's work should end sufficiently in advance of formal approvals to allow the incorporation of comments and modifications, if any.

If, after its research, the committee recommends a charter, the same committee should be charged with drafting a charter as part of its report. Organizing a second committee to complete a draft would

be time consuming. More importantly, the successor committee would lack the knowledge and critical insights gained by its predecessor through the information gathering process.

Charter Approval Process. The adoption of a special act town charter requires approvals by the local legislative body, voters-at-large and the State Legislature. Although there is no legal requirement for a community-wide vote, the Legislature has historically required one in the case of charter proposals. That vote can occur before or after the special act is filed with the Legislature. The community's State Senator and State Representative would file the special act on the community's behalf, so discussions with them should take place on how best to proceed. Also, legal counsel should review the charter proposal before it is presented for local approval and once passed, it must be submitted to the State Attorney General for review.

Sample Motion

Moved, that the (*town, board of selectmen, town council or city council*) form a Charter Study Committee to be comprised of (*number*) members appointed by (*the moderator, board of selectmen, town council or city council*). Each committee member shall be a registered voter and, to the extent possible, possess expertise or knowledge relevant to the work of the study committee. The study committee is charged with exploring, by whatever means it deems appropriate, the merits or lack of merits associated with adopting and operating under a municipal charter. The committee shall present a written report of its findings and recommendations to (*the appointing authority*) no later than (*month, day, year*). If the study committee recommends the adoption of a municipal charter, it shall present a draft charter proposal as part of its report.