TOWN MEETING REVIEW COMMITTEE TOWN HALL 1009 MAIN STREET TEWKSBURY MA 01876 978-640-4355

Board of Selectmen Charles Coldwell, Chairman Town Hall 1009 Main Street Tewksbury MA 01876 2ND DRAFT

Changes made at the 6/28/06 Town Meeting Review Committee are in **bold**.

August 30, 2006

Subject: How To Go About A Charter Change

Gentlemen:

At the September 6, 2005, Board of Selectmen's meeting, it was voted that the Town Meeting Review Committee would provide the Board of Selectmen with a document on "How To Go About A Charter Change".

There are three different kinds of Charters: Home Rule Charter

Special Act Charter (Tewksbury Adopted in 1986)
Plan City Charter (A,B,C,D,E,F) (No longer valid)
Representative Town Meeting

ELECTED CHARTER COMMISSION

- A. The Home Rule Charter Method (MGL Chapter 43B)
 - 1. This method shall be consistent with state law.
 - Blank petitions are obtained from the Town Clerk.
 MGL, Chapter 43B:15 shall determine the form of the petition question.
 - Petitions are circulated to put question on the annual town election ballot.
 (15% of the town's registered voter's signatures are required, calculated as of the time of the last state election).

Based on the 2004 November State Election the amount would be approximately 2900 signatures to petition the Board of Selectmen to put the Question to form a Charter Commission on the ballot.

- 4. Nomination papers are circulated to place the Charter Commission candidates on the ballot.
- 5. Nine Charter Commission Candidates (registered voters of the town and elected at large) & the Ballot Question must be elected at the same time at an Annual Town Election.

If the vote on the question submitted is in the affirmative, the nine candidates receiving the highest number of votes shall be declared elected.

6. 100 days before the election the petitioners to file the petitions with the Board of Registrars for certification.

- 7. 10 days after petition is filed the Board of Registrars file certification report with the Board of Selectmen.
- 8. 30 days after the certification report is filed The Selectmen to order the ballot question submitted to the voters.
- 9. If the Board of Selectmen fail to order the ballot question submitted to the voters then the question and commission candidates will automatically appear on the ballot at the next regular annual town election which occurs at least 90 days after the charter certification report is filed.
- 10. 42 days before the annual town election is the last day to submit commission nomination papers for certification. Candidates must collect the required 50 town's registered voter's signatures for certification by the Board of Registrars.
- 11. Candidates must go through the normal process of filing nomination papers and campaign finance reports by the required election deadlines.
- 12. Within 10 days after the election the town clerk shall notify the nine candidates elected of the initial charter commission meeting and to organize by electing a chairman, vice chairman and a clerk. Members shall serve without compensation.
- 13. Charter Commission may adopt rules governing the conduct of its meetings and proceedings. The town shall provide its charter commission suitable office space and space for holding public hearings.
 - The town shall establish a fund of \$5,000.00 and may appropriate additional funds as it deems necessary.
 - The Charter Commission may employ legal, research and clerical employees.
- 14. Within 45 days after the election The Charter Commission shall conduct a public hearing.
- 15. Within 16 months after the election (1)The Charter Commission shall publish a preliminary report in a **local** newspaper. Send copies to the Attorney General and the Executive Office of Community Development.
- 16. Within 4 weeks after having received the preliminary report the Attorney General shall provide a legal opinion of the proposal. After receiving comments from the Attorney General the Charter Commission shall conduct an additional Public hearing.
- 17. Within 18 months after the initial election The Charter Commission shall submit a final report to the Board of Selectmen and they shall send the final report to the Attorney General and the Executive Office of Communities & Development.
 - (2)At least two weeks before the election the Board of Selectmen must distribute a copy of the Charter Commission's final report to each residence where a registered voter resides.
- 18. After the Charter Commission files their final Report with the Board of Selectmen and at the next scheduled Annual Town Election the following ballot question shall be asked.
 - A majority vote required to adopt the Charter Commission proposal.
- 19. "Shall the Town of Tewksbury approve the charter recommended by the charter commission as summarized below?"

YES [] NO []

Summary: A brief summary of the significant provisions, prepared by the Charter Commission, follows on the ballot.

Footnote (1) Requires a preliminary report be published in a local newspaper.

Footnote (2) Requires the final report be mailed to each residence where a registered voter resides.

A budget appropriation shall be required to fulfill these obligations. Newspaper print cost, printing of a multi-page document & postage. Estimated cost \$25,000.00

APPOINTED CHARTER COMMITTEE

B. Special Act Charter Method.

Authorized under the Constitution of Massachusetts, Article LXXXIX, Article II, Section 1-9.
This method shall be consistent with state law.

The time frame for accomplishing this objective is 18 months.

- (3) This method does not constrain the Committee to an election or a calendar time-frame. This method will follow the most of the footsteps included in the Elected Charter Commission Home Rule Petition method.
- 2. To frame a Charter for the Town of Tewksbury, the Board of Selectmen to appoint a nine member Charter Committee and three (non-voting) Advisors: One Selectman Representative, appointed by the Chairman of the Board of Selectmen, who will chair and moderate the meetings; the Town Manager; and the Town Clerk, acting as Secretary and recording secretary; to frame a charter for the Town of Tewksbury.
- 3. Charter Committee members to hold Public Meetings, pursuant to Massachusetts General Law.
- 4. Charter Committee members to hold Public Hearings, pursuant to Massachusetts General Law.
- 5. Charter Committee to submit a Preliminary Report to the Board of Selectmen.
- 6. Charter Committee to publish a Preliminary Report in the town. (4) Newsletter and on the town website.
- Charter Committee to send a Preliminary Report to the Attorney General & Executive Office
 of Community Development.
- 8. After receiving comments from the Attorney General the Charter Committee to schedule an additional Public Hearing.
- 9. Charter Committee to submit the Final Report to the Board of Selectmen.
- 10. Charter Committee to submit the Final Report to the Attorney General & Executive Office of Community Development.
- 11. Charter Committee to submit a warrant article for Annual Town Meeting approval.

Unlike the Elected Charter Commission there is no requirement for an election for approval of the Charter.

- 12. An additional Public Hearing will be conducted by the Finance Committee prior to the Annual Town Meeting.
- 13. If approved by the Annual Town Meeting file a bill with our two local State Representatives and State Senator.
- 14. If adopted by the Annual Town Meeting and approved by the General Court, (5) publish the final results in the Town's newsletter, on the Town's website and have copies available at the Town Clerk's office.

Footnote (3) Unlike the Elected Charter Commission, the Appointed Charter Committee is not hampered by a calendar date & time-frame.

Footnote (4) Does not require the expense of newspaper publications but allows for the distribution via the towns newsletter, the towns website, and published in the appropriate warrant as a warrant article. Footnote (5) After the approval by the General Court the final results will be published in the town's newsletter, on the town's website and copies available at the Town Clerk's Office.