



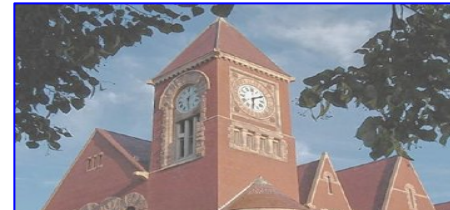
# LEAGUE OF WOMEN VOTERS OF AMHERST - MAY 5, 2024

## CHARTER REVIEW TASK FORCE

Third in a series of public discussions of potential Amherst Home Rule Charter amendments, based on the League's "Good Government" principles.

# TASK FORCE BACKGROUND

- **LWVA 2022 Annual Meeting: Members voted to conduct a review of the Amherst Home Rule Charter in relation to the LWVA's Good Government Principles. The move was made in anticipation of the Town-required review in 2024, and an LWVA Task Force was created.**
- **2022-2023: The Charter Review Task Force conducted a resident survey guided by the LWVA principles, and published the results, which are available on the LWVA's website.**



# TASK FORCE BACKGROUND

- The Task Force's survey concluded that many survey respondents are not fully satisfied with how Amherst government is functioning. It also found that among the 13 Massachusetts towns that use Amherst's form of government, (City Council and Town Manager) it is a common practice to amend or change Home Rule Charters, by using an array of processes established under state law.



# THE AMHERST CHARTER'S PERIODIC REVIEW REQUIREMENT

*“The Town Council shall provide, in every year ending in a 4, for a review of the Charter by a special committee to be established by Town Council ... the committee shall file a report within 1 year recommending any changes to the Charter which it deems necessary or desirable.” - Amherst Home Rule Charter*



## The LWVA'S "Good Government" Principles

1. **Widespread and inclusive** participation
2. **Diversity** in the community reflected in government
3. **Openness** and full disclosure
4. **Checks and balances** of power among the executive, legislative and administrative branches of government and the electorate
5. **Honesty and non-corruptibility** in all decision-making
6. **Efficiency**, based on professional management and timely decision making
7. **Accountability** for political and fiscal decisions

# MASSACHUSETTS LAW & CHARTER CHANGE PATHWAYS

## The Home Rule Amendment to t

about, and themes you've identified.

You have reflected on your teaching and learning regularly throughout the program. For this assignment, read over your weekly reflections, think about all aspects of your experiences in the classroom and identify themes, strengths, challenges, and areas of progress. Write about what you learned, what you're thinking

he Massachusetts Constitution and the Home Rule Procedures Act provides several paths that cities and towns now use to modify charters.

- A change to the legislative body, including terms of office, and modes of election or appointment, must be proposed by an elected Charter Commission
- Other amendments can be proposed by a  $\frac{2}{3}$  vote of a city or town council, followed by public hearings and submission of the intended change to the Attorney General's office and the voters
- A community can also adopt, revise or amend a charter by a special act of the State Legislature with the governor's approval

# THE TASK FORCE'S CURRENT EFFORTS & NEXT STEPS

- Studying Amherst Home Rule Charter articles and finding resources about municipal government & best practices
- Met with/receiving comments from original Amherst Charter Commission members
- Met with/receiving comments from sitting and former Town Council members
- Will observe the Town's Charter Review process, and update the Steering Committee on developments (The Town Council created a charge for the 2024 Town Council Charter Review Committee and will be composing the committee soon.)
- Collecting data to make recommendations to LWVA membership about whether specific amendments or revisions to the Charter are warranted based on the Good Government Principles

# LWVA DISCUSSION SESSIONS



**Sunday, March 17th, 2:00 - 3:30 PM**

Town Council (Article 2)

Financial Policies and Procedures (Article 5)

<https://us06web.zoom.us/j/82820853930?pwd=MD4VEgnNHPUQh59b30AGHPPAbvbTr6.1>

**Sunday, April 14th, 2:00 - 3:30 PM**

Town Manager (Article 3)

Incorporation Powers (Article 1)

Elections (Article 7)

<https://us06web.zoom.us/j/83271559250?pwd=hESFauTfCYXMtW7r7teejAi5RTSayf.1>

**Sunday, May 5, 2:00 - 3:30 PM**

Public Participation (Article 8)

Transition Procedures (Article 10)

<https://us06web.zoom.us/j/83034246172?pwd=0z9cTpybUhSjPnmxrl8OEY4bNIYcQL.1>



# LWVA CONSENSUS MEETING

The LWVA will hold a Consensus Meeting on June 2, from 2-4 p.m., to hear the recommendations of the Charter Review Task Force, and to determine final LWVA recommendations for any amendments to the Home Rule Charter. Details about that meeting will be forthcoming on the LWVA's website, <https://www.lwvamherst.org/>



# QUESTION 1

Should public comment be provided, at a minimum, at the beginning of all regular Town Council and committee meetings?

# RELEVANT CHARTER SECTIONS

Sections 8, 2.6 (d) and 9.12.

Section 2.6(d)

(ii) All regular meetings of the Town Council shall provide for a period of public comment. The Town Council may promulgate rules that regulate the period of public comment.



# **RATIONALE FOR POSSIBLE AMENDMENT**

## *LWVA Principles: Public Participation*

The public has an interest in having a convenient time to give public comment to the town council. Giving it at the beginning of meetings allows the public to know when public comment will come up on the agenda and will therefore encourage more people to come to meetings to provide input.

# COUNCIL EXPERIENCE

Over the past 5 years, the council has provided the opportunity for public comment at various times during meetings, including at the end, in the middle and at the beginning. In the current session, it has provided general public comment at the beginning of regular meetings. However, sometimes the President puts the public comment for a particular agenda item later in the meeting, when the agenda items comes up, and takes public comment *after* the council discussion. When comment is taken later in the meeting, residents have less incentive to give comments because they have no way of knowing when the agenda item will come up during very long meetings.

Also, the committees of the council have different policies on when to take public comment. They don't all take it at the beginning of the meeting.



# BEST PRACTICES

Taking public comment at the beginning of meetings on any topic within the jurisdiction of the Council or committee encourages more participation of the public.



## QUESTION 2

Should the Town require that virtual meetings continue and remote meetings be allowed for councilors for as long as they are allowed by state law?

# RELEVANT CHARTER SECTION

## Section 2.6:

(d) Rules of Procedure: The Town Council shall adopt rules regulating the procedures of the Town Council, which shall include, but not be limited to, the following: (add new section)





# RATIONALE FOR POSSIBLE AMENDMENT

## *LWVA Principles: Public Participation*

Virtual meetings have encouraged much more attendance and participation of the public. The town room only accommodates 40 in person attendees.

The ease of remote meetings for councilors who may be ill, out of town or needing to provide child or adult care has opened up access to becoming a councilor.

# COUNCIL EXPERIENCE

Amherst Town Room in the Town Hall can hold 40 people attending in person. Virtual meetings have allowed the public to participate in much larger numbers when topics of great public interest are before the Council.

The Council has continued to have “hybrid” meetings and Boards and Committees have continued to meet virtually. The ease and convenience of creating Zoom meeting recordings has provided much greater access to residents to those meetings on Amherst Media and You Tube.

The state has so far allowed municipalities to continue remote participation of councilors in meetings.



# BEST PRACTICES

There have been several Council discussions and votes regarding the value of continuing hybrid or virtual meetings. Not all councilors have agreed on the value of continuing the inclusion of virtual access to meetings.

To remove uncertainty regarding the future of this practice, enshrine in the Charter the requirement of hybrid Council meetings and virtual meetings for all other Council and Town Manager Committees to encourage more resident access and to encourage

residents to run for office.



# QUESTION 3

Should electronic signatures be allowed for all resident petitions?

# RELEVANT CHARTER SECTION

Sections 8.3(a) and 8.4(a)

## SECTION 8.3: INITIATIVE MEASURES

(a) ...and shall be physically signed by at least 250 voters as certified by the Board of Registrars.

## SECTION 8.4: VOTER VETO PROCEDURES

(a) ...physically signed by a minimum of 5% of the registered voters as of the date of the most recent Town election



# RATIONALE FOR POSSIBLE CHARTER AMENDMENT

LWVA principle: Public Participation

As with virtual meetings, access to Charter petition-signing via electronic means provides more access to residents and are verifiable.



# COUNCIL EXPERIENCE

The Council changed its rule regarding Section 8.1, Open Meeting of the Residents to state:

Rule 5.7 (b): The residents making the request shall provide, through **a paper or electronic document**, a legible name, legible address, confirmation that they are 18 years or older, and at least one of the following for verification purposes: phone number, email address, or signature.

# BEST PRACTICES

The Council has initiated on its own the use of electronic signatures in one resident participant mechanism provided in the Charter.





# QUESTION 4

Should a voter-veto resident petition require the same affirmative vote percentage as the original Council vote being challenged, in order to pass?

# RELEVANT CHARTER SECTION

## Section 8.4 (g):

(g) Time of Taking Effect: If a majority of the votes cast on the question is in the affirmative or if the 20 percent voter participation requirement is not met, the measure as originally approved by the Town Council, shall be effective immediately following the election at which voters considered the measure.



# RATIONALE FOR POSSIBLE AMENDMENT

*LWV principles: Widespread and inclusive participation*

Presumably, voter veto petitions are undertaken when a substantial number of the public disagree with a vote taken by the council. For that participation mechanism to be meaningful and democratic, it should require those supporting the vote to show that the same percentage of voters support the Council's vote as required by the Council. For example, if the council vote required a  $\frac{2}{3}$  supermajority, then

$\frac{2}{3}$  of the voters would need to vote in the affirmative

for the measure to pass.



# COUNCIL EXPERIENCE

A voter veto petition under Section 8.4 of the Charter was brought to challenge the 4/5/2021 Council vote approving borrowing to fund the expansion and renovation of the Jones Library. The Council vote required  $\frac{2}{3}$  of the Council to vote in favor.

The townwide ballot required as a result of that voter veto petition garnered a majority but not  $\frac{2}{3}$  of the votes cast.

State law requires that municipal votes on borrowing authorizations require a two thirds vote of the full legislative body. (MGL Ch. 44 (multiple sections))

# BEST PRACTICES

Making the public participation mechanisms as meaningful and workable as possible.



# QUESTION 5

Should the Charter recommit to the five programs the Town committed to pursue in the original Charter?

- a. Ranked Choice Voting
- b. Participatory Budgeting
- c. Creating a position of Americans with Disabilities Act Coordinator
- d. Permitting non-citizens to vote in Town elections and to seek and hold Town elective office
- e. Lowering the voting age for town elections

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## RELEVANT CHARTER SECTION

### SECTION 10.10: CREATION OF RANKED-CHOICE VOTING COMMISSION

(Commission to propose a measure to the Town Council by September 1, 2020.

### SECTION 10.11: CREATION OF PARTICIPATORY BUDGETING COMMISSION

(Commission to propose a measure to the Town Council by December 1, 2020)

### SECTION 10.12: TOPICS FOR STUDY

- (a) Creating the position of Americans With Disabilities Act coordinator;
- (b) Permitting non-citizens to vote in Town elections and to seek and hold Town elective office; and
- (c) Lowering the voting age for Town elections.

# RATIONALE FOR POSSIBLE AMENDMENT

*LWVA Principles: Public Participation, Widespread Inclusion, Diversity*





# COUNCIL EXPERIENCE

- a. Ranked Choice Voting - Commission appointed by Council, [reported back in 2019](#). Awaiting state legislative action. Faster routes than that taken have been suggested by the Commissioners.
- b. Participatory Budgeting Report: June 2021
  - i. Commission short term proposal due to COVID: (“Wrong time for new expenditures”) Instead, the Commission explored participation in existing Town programs:
    - Community Preservation Act
    - Joint Capital PC: resident proposals
    - Community Development Block Grants
  - ii. Commission long term proposal - continue exploring PB
- c. Creating a position of Americans with Disabilities Act Coordinator- position given to existing staff (DEI Director Pamela Nolan)
- d. Permitting non-citizens to vote in Town elections and to seek and hold Town elective office (Town Meeting voted to seek a special act of the state legislature. The Charter for the new form of government included continuation of the effort. Bylaw proposal in 2023.)
- e. Lowering the voting age for town elections. Opinion of KP Law in 8/2019 was that the town was likely to be unsuccessful in seeking this. Sunderland, Deerfield, Conway, Whately and [Lexington](#) are all voting on a warrant article at their spring Town Meeting that would lower the voting age to 16. Boston City Council voted to approve seeking 16 year old voting in Nov. 2023.

# BEST PRACTICES

The Charter Commission saw all 5 of these initiatives as valuable to pursue.



# FINAL COMMENTS

Please send any remaining comments that you would like the Task Force to consider to: [1jrhynes@gmail.com](mailto:1jrhynes@gmail.com) (with topic line: “LWVA Charter Comment”)

Your participation in this and future discussion sessions is appreciated!

*The LWVA Charter Review Task Force*

