Charter Review Committee 2020
City Hall
Greenfield, MA 01301

GREENFIELD, MASS
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OFFICE OF THE
CITY CLERK

Committee Members:
David Singer, Chairperson
Councilor Otis Wheeler, Vice Chairperson
Councilor Christine Forgey
Councilor Sheila Gilmour
Erin Donnally Drake
John Lunt
Allen Woods

April 30, 2021

City Council
City Hall
Greenfield, MA 10301
Attn: President Penny Ricketts

Mayor Roxann Wedegartner
City Hall
Greenfield, MA 01301

Re: Charter Review Committee 2020
Charter Report 2020 and Summary 2020

Dear Mayor Wedegartner and President Ricketts:

As Chairperson, I am pleased to deliver to you the attached Charter Review Committee Report 2020 dated April 30, 2021 (the "Report").

In the spring of 2020 then City Council President Ashley Stempel commissioned, and the Mayor and she appointed members to a Charter Review Committee as provided for in the Greenfield City Charter, as currently amended (the "Charter") Article 8, Section 8-1(b).

Article 8, Section 8-1(b) states:

"Periodic Review. The City Council shall provide, in every year ending in zero, for a review of the Charter by a special or standing committee of the Council (consisting of not more than three members) and four additional persons to be appointed by the Mayor. 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."

The members of the Charter Review Committee 2020 (the "CRC") appointed by the City Council are Vice President Sheila Gilmour, Councilor (and former Mayor) Christine Forgey, and Councilor Otis Wheeler. The members appointed by the Mayor are David Singer, Allen Woods,

John Lunt and Erin Donnally Drake. De facto members are President of the City Council, formerly Ashley Stempel and currently Penny Ricketts, and Mayor Wedegartner. At the first meeting of the CRC on May 28, 2020 David Singer was elected Chairperson and Otis Wheeler was elected Vice-Chairperson.

The Charter, which changed the form of government in Greenfield from Selectboard/Town Manager Town to a "strong Mayor" City (the "City called the Town of Greenfield") was first approved in 2002, and since then has been through several amended changes, including those recommended in the Charter Review Committee Report 2010. The CRC is reviewing the most current Charter, as amended to the present.

The purpose of the CRC is to review the Charter in the context of what is working, what needs to be fixed and what is needed for our future. Appreciating that the public eventually discovers ways in which the Charter can be changed to make it better and clearer, or that parts of the Charter are not working as planned, or that parts are missing through lack of foresight, the CRC committed itself to drafting a Report which identifies what provisions of the Charter should remain intact and what provisions should be amended.

With that in mind, the CRC proceeded to organize its approach to the daunting task of reviewing the Charter in a meaningful way. The CRC, appreciating that the Charter had been reviewed by a Charter Review Committee once before, discussed how best to approach *our review* within standards that could be applied to the discussions as we went along. The standards agreed upon were:

1. To make a change in the Charter, a rationale for the change needs to be determined. If the rationale for change provides more government access and more equity to citizens, then a "*lower bar*" of comparison to what is now in the Charter needs to be applied (ie, easier to change). If the rationale for change provides less government access and less equity to citizens, then a "*higher bar*" of comparison to what is now in the Charter needs to be applied (ie, harder to change).

2. The Charter has been in place for 18 years. The adage "if it ain't broke don't fix it" was a standard way to review what already exists in the Charter (ie, the past). The Committee modified that adage by looking at what changes for the Charter will be helpful to the City and its citizens *now and going forward* to be best prepared for today and tomorrow's world.

3. Make sure the Charter provides a solid foundation for the drafting of Ordinances.

4. See the Charter as a living document able to be amended to reflect the needs of government as matters present themselves.

The first several meetings of the CRC were used to read and discuss all the provisions of the Charter so that all members were up to speed about the meaning and intent of the Charter as currently written. Then the CRC held a Zoom public hearing on October 5, 2020, the Committee's only public hearing. After, the Committee was divided into groups or individuals who were tasked to review specific Sections of the Charter, read citizen emails, take note of issues at the public hearing, draft proposed changes and lead the CRC discussion about each Section at our subsequent meetings.

1. Sheila Gilmour –	Article 1, Incorporation; Short Title, Definitions Article 2, Legislative Branch
2. Mayor Wedgartner -	Article 3, Executive Branch
3. Erin Donnally Drake and John Lunt -	Article 4, School Department
4. Otis Wheeler -	Article 5, Finance and Fiscal Procedures
5. Christine Forgey -	Article 6, Administrative Organization
6. David Singer and Allen Wood -	Article 7, Elections; Election Related Matters

Each Section of the Charter from Article 1 to Article 7 was presented and discussed at a CRC meeting. As a result of the discussions, a report was drafted using the current Charter as a template, with the specific changes, along with recommendations, presented in the footnote sections of the pages where changes were made. Certain exhibits as referenced in the Sections are attached to the Report, which include templates for drafting several of the recommended Section change language.

The CRC learned that some areas of the Charter are controlled by State law, while others come under the Home Rule statute which allows local control; please see generally Massachusetts General Laws Chapter 43B. The CRC also learned that in order for the City to amend the Charter, the procedures outlined in Massachusetts General Laws Chapter 43B, Section 10 must be followed. It is important for the City Council and the Mayor to become familiar with this statute when discussing amending the Charter.

The CRC discussed certain Sections in some detail, which are as follows:

Section 6-11, Public Safety Commission. The CRC upon review of this Section became aware that the Public Safety Commission umbrella should include the ambulance and medical services, that the Board needs more diversity among its members, that the Commission's powers of oversight be more clearly described and defined, and that in light of current events the local oversight of civil rights violations to citizens by Greenfield employees was a matter needing immediate study and possibly the need for an independent Civil Review Board.

Section 6-14, Assessors. The CRC focused on the Charter's current organization of the Assessor's office which provides for an appointed Chief Assessor, and two elected Assessors, for

a total of three Assessors. Questions arose about whether to expand the number of Assessors. Questions arose about whether to have assessor's elected or appointed; two legal opinions requested by the Mayor determined that (i) a City can have a "hybrid" of both elected (in our case 2) and appointed (in our case 1) Assessors and (ii) the appointed Assessor must be appointed/employed for a definite term of years staggered with the terms of the other Assessors, rather than for an "indefinite period" as described currently in the Charter. Within the current Assessor's office is the Chief Assessor, who is appointed by the Mayor, has access to all the records, and runs the day-to-day affairs. The 2 elected Assessors perform the statutory duties of an Assessor but are not involved in the day-to-day affairs although that is not codified in the Charter or by Ordinance. The Chief breaks a tie vote if the elected Assessor's cannot agree. To solve these inconsistencies, the legal opinions recommend that the Charter be amended to have 3 elected Assessors and in addition a Chief Assessor who is hired by the Mayor as a professional assessor for the benefit of the Board of Assessors but is not a voting member of the Board. By ordinance the City Council can further define the roles of the Chief Assessor and the elected Assessors.

Section 7-2, Preliminary Election. The CRC heard from many citizens that the Charter be changed from its current system of preliminary elections to a new system of Ranked Choice Voting (the "RCV"). As a result of the recent State referendum asking for the RCV to be implemented statewide (which failed, but Greenfield voted 55%-45% in favor), a number of citizens asked for this issue to be evaluated by the Council and the Mayor as soon as possible, and the CRC agrees. No recommendation is made by the CRC whether or not to make the Charter change, however the Report provides access to an RCV template from Easthampton and a Ranked Choice Voting Commission report from Amherst for reference. ***Please note***: MGL Chapter 43B, Section 10 states that in order to lawfully amend the Charter with respect to voting procedures, the Charter amendment must go through a Charter Commission (cannot be changed by agreement of Council and Mayor).

Section 7-7, Citizen Initiative Measures. The CRC reviewed this Section with goals of (i) redrafting the language in Section 7-7 so it reads in "plain English", while adding an Appendix outlining for the public the steps that need to be taken, the percentages of necessary registered voters for signatures and the timelines for submittals, (ii) making sure to define a clearly measurable standard/formula from which to determine percentage of voters for petitioner signatures (in this case the standard is "all registered voters at the last biennial election"), and (iii) drafting a balancing test to assist in determining the thresholds of registered voters needed to first place an initiative petition before the City Council or School Committee, and then if rejected by either body, determining the threshold of supplemental registered voters needed to then place the petition on the ballot. The test weighs the current Charter's representative form of government on the one hand and on the other hand a registered voter's right to sign a petition and directly initiate measures for consideration by the City Council or School Committee, or if unsuccessful at that attempt, at the ballot. *With respect to policy*, the CRC agreed that a lower threshold is important to allow an initiative petition to be placed before the City Council or School Committee, and if rejected that a higher supplemental threshold should be used for the

initiative petition to be placed on the ballot. To assist the City Council, the CRC has provided a template for a new Section 7-7, attached to the Report and has also made recommendations in the Report about threshold levels and timelines.

Section 7-8, Citizen Referendum Procedures. The CRC reviewed this Section with goals of (i) redrafting the language in Section 7-8 so it reads in "plain English", while adding an Appendix outlining for the public the steps that need to be taken, the percentages of necessary voters for signatures and the timelines for submittals, (ii) making sure to define a clearly measurable standard from which to determine percentage of voters for petitioner signatures (in this case the standard is "all registered voters at the last biennial election"), and (iii) drafting a balancing test to assist in determining the thresholds of registered voters needed to place a petition on the ballot, the effect of *which suspends a measure enacted by the City Council or School Committee*; the test weighs the current Charter's representative form of government on the one hand and on the other hand a citizen's/registered voter's right to protest or have decided by all registered voters at the ballot box the pros and cons of measures duly enacted by our representative form of government. **The Greenfield Recorder in an editorial in 2019 stated it another way "While we want voters to be able to challenge a vote, we don't want to make the number so low the Council/School Committee is barraged by nuisance challenges to every vote it takes. Likewise, it shouldn't be so ridiculously high that people can't protest a vote".** *With respect to policy*, the CRC agreed that our citizens have chosen a representative form of government. In order to place a measure on the ballot box, *thereby suspending for some time a duly enacted measure of a representative body,* the number of signatures needed for a referendum petition should be a high, but not ridiculously high amount. Many registered voters may sign a petition for the sole purpose of having it placed on the ballot, and at the same time may not agree with the petition or may not vote for the petition or vote at all. The Committee recommends that requiring signatures of, for example, 10% of the registered voters in Greenfield for a referendum petition is a high but not ridiculously high amount (compared to 5% which seems too low) because *all* registered voters are eligible to sign a petition no matter if they voted in the last election, or any election. To assist the City Council, the CRC has provided a template for a new Section 7-8, attached to the Report and has also made recommendation in the Report about threshold levels and timelines.

Finally, attached to this Summary as a record of citizens' concerns in 2020 are all the written communications that the CRC received from citizens. While all of the suggestions were not implemented, all of the suggestions were reviewed and measured within the standards; some being incorporated into the Report, others left to be discussed and reviewed again in the future if deemed appropriate. All were taken seriously by the CRC, and we want to thank all of those who took the time to become involved in this important process.

I want to close this Summary by thanking the Mayor, former President Stempel, and President Ricketts for their support and contributions to the Report. I especially want to thank all the members of the CRC for their hard work, attention to details, thoughtfulness, common sense, intelligence, and commitment to Greenfield. It was a team effort, and we all contributed to the Report.

The CRC is hopeful that the City Council, the Mayor, and the citizens of Greenfield will read this Report and its recommendations within the context of the original goal of the Greenfield Charter Commission Final Report 2002; to establish "a new form of government that works in the best interest of our community and will meet the future needs of our City".

Sincerely,

David Singer, Chairperson

Councilor Otis Wheeler, Vice Chairperson

Councilor Christine Forgey

Councilor Sheila Gilmour

John Lunt

Allen Woods

Erin Donnally Drake