

Case Study: The Charter Process in Groton, MA

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1. History

Groton, founded in 1655, has a population of 10,406 (2006 Town Census) and is located in the Nashoba Valley area in northwestern Middlesex County. The town is governed by an Open Town Meeting and a five-member Board of Selectmen. With an area of 32.54 square miles, Groton is the largest town in Middlesex County. There are 106 miles of plowed or maintained roads within the town.

At the turn of the 21st century, Groton entered an era of increasing growth, made significant by the passing of the 10,000 population line. As it grew in size and complexity, the Town began to struggle to fill all the roles and responsibilities of its government with qualified elected volunteers.

2. Charter Process in Groton

The first attempt to update Groton's governance came by citizen petition in the early 1990s, using MGL Chapter 43B. The town elected a charter commission which in the end did not vote in favor of a charter. Lessons from this unsuccessful process sowed some of the seeds for the later charter process, however. Advocates for change in the Town recognized that the 1990s process had moved too quickly and without enough opportunities for resident and town official input.

In 2004 the Department of Revenue's Division of Local Services (DLS) completed one of its free financial management reviews for the Town, and made a number of suggestions for improvement. The report stated: "However, for all of these positives, there are other areas that warrant attention. The most critical involves the lack of line authority in town government. A horizontal, or decentralized, structure of government is clearly seen in the town's organizational chart and further evident by the silence of the town by-laws on matters of appointing authority, performance reviews and procedures in general. In the further absence of a charter, the town runs the risk of operating on an ad hoc set of rules which are subject to change as the personalities in office and philosophies of government shift." (DLS, 2004, see attached report).

Most of the DLS' recommendations were quickly enacted, but the Charter process took much of the next three years. An Ad Hoc committee appointed by the Board of Selectmen -- the

Blue Ribbon Town Governance Committee -- was established in 2007. Members included a former and a current selectman, a finance committee member, a school committee member, an assessor, and one other citizen, a retired businessman. The Blue Ribbon Town Governance Committee's goal was to increase professionalism, accountability, and modernization in the Town's Government. They made a few important decisions early on:

- To pursue the model of charter process that includes a Town Meeting vote, approval by the legislature, and an approval at Town Election. This process, which may appear to take more time, actually sped up the timeline, according to Committee members. The Committee chose this process because members felt it ensured better checks and balances in the project.
- To pursue a model of governance featuring a Town Manager versus a Town Administrator. There was a strong sense that the professional hired to run the Town needed to have as much authority and responsibility as possible. The main purpose for installing a Town Manager was to provide someone with the authority to manage the day-to-day operational issues that arise in a town such as Groton. Centralized control, with authority, was deemed key to this.
- To preserve Groton's Open Town Meeting as a part of the governmental structure.

The Committee created a website, www.grotoncharter.com, which includes information on the proposed charter, links to legal information, and answers to frequently asked questions. The Commission held both public hearings and meetings with every board, commission, and other public entity in Groton. Members also consulted charters from many other Massachusetts communities for ideas.

After listening to the concerns of the citizens and volunteers of Groton, the Blue Ribbon Town Governance Committee released a draft Charter, including a proposal that the town hire a strong Town Manager and adopt a policy of filling all administrative positions through appointments. Elections would continue to be held to fill all policy-making roles, thus balancing democracy with the assurance of filling the jobs in Town Hall with qualified professionals. One compromise included in the Charter was that the Town Manager would create the budget, but that the Finance Committee would present it to Town Meeting. The DLS report had recommended "the town manager should have a central role, on a substantive level, in the development of budget guidelines and the annual budget process. He or she should lead a financial management team and orchestrate analyses of financial data, coordinate long range revenue and expenditure forecasting, and oversee fiscal procedures"(DLS, 2004, p.8). The Committee felt that it was key to have the Town Manager prepare the budget, but to provide checks and balances, it decided to have the independently appointed Finance Committee prepare its own budget based on the Town Manager's recommendations, and have the Finance Committee present the proposed budget to Town Meeting.

The Charter passed at a Fall Special Town Meeting in 2007, with some changes:

- A motion to remove the Board of Health members from Town Manager appointment passed 138 to 79.
- A motion to remove the Board of Assessors from Town Manager appointment passed 106 to 86.
- A motion to remove the Highway Surveyor (Supervisor) from the list of Town Manager appointments passed 138 to 79.
- A motion to remove the Principal Assessor from the list of Town Manager appointments failed, 67 to 101.

None of these amendments were unexpected, and they were based, in the opinion of the Committee, on the public's fear of unchecked power on the part of the Town Manager.

The Charter subsequently passed the Legislature, was signed by the Governor, and passed an Annual Town Election vote 744 to 328 on May 20, 2008.

3. Implementation

Groton hired its first Town Manager in October 2008. The DLS Financial Management Review had noted: "missing in town government is the essential ability of one person to execute town goals, to take initiatives to improve operations and to establish equal accountability over all those responsible for the day-to-day administration of town business" (DLS, 2004, p.8). By all reports the transition was smooth, and the advantages of the new streamlined structure have been obvious. Specific benefits include:

- The Town Manager can provide quicker answers to questions for Dept. Heads who previously had to wait for a weekly Select Board meeting. Even after waiting for the meeting they were possibly faced with additional requests for information or time to consider before they could get a response. The business of government moves more quickly now.
- The Town has a far quicker budget process. Even with the compromise position on budget creation that was included in the charter, the FY 2010 budget creation was done far in advance of all previous years. The Town Manager met with every department, created revenue projections, and negotiated with Boards and Commissions on recommended funding levels. He then brought the results of this work to the Finance Committee.
- The Town Manager is able to negotiate on behalf of the Town to resolve difficult issues that previously had to be fielded by the Board of Selectmen.

The hotly debated power of appointment has thus far been uncontroversial. The Town Manager makes recommendations for nearly all appointments, but each must be approved by the Board of Selectmen within 15 days or the appointment becomes void. Since the Board of Selectmen must approve all appointments, some committee appointments are made solely by the Board of Selectmen.

Almost immediately following the final approval of the Charter, the Town convened a Bylaws Committee to review any changes needed as a result of the change in form of government. This Committee finished its work in February 2009, and made a number of recommendations. One key recommendation was to propose some changes to the Charter itself. Most of these changes were to fix minor flaws discovered during implementation, but a key reorganization proposal proposed by the Town Manager will also be included. Proposed bylaw changes passed at Town Meeting in April 2009, and the changes to the Charter will most likely follow a route parallel to the original implementation: Fall 2009 Town Meeting vote, Legislative and Gubernatorial approval, followed by town-wide ballot approval.

4. Advice for towns considering same process

After reviewing the process and speaking to key stakeholders, the Groton Charter process offers a few clear lessons for Towns interested in embarking on a similar change:

- **The process is lengthy, and should only be undertaken if there is a strong perceived need for change.** Groton had clearly outgrown its former form of Government, and with the addition of the DLS review, there was clear political will to have the conversation.
- **A multi-stage, open process will result in a smoother outcome.** The Blue Ribbon Committee took its time and created as transparent a process as possible. They chose the Special Act of the Legislature route precisely because of the many steps it contained. Charter Commission members should be prepared to spend months meeting with town stakeholders to hear their concerns and explain their recommendations. In Groton this resulted in a very smooth implementation.
- **Keep in mind that Charter changes are “set in stone.”** Charter designers should thoughtfully consider which items to determine in bylaws instead.
- **Don’t be surprised if changes to the Charter are needed immediately.** Despite the care and many stages of deliberation in Groton, changes to the Charter have already been proposed for the next Town Meeting. Such changes can come from the realization of an omission or, as in the case in Groton, from recommendations for further improvement by a new Town Manager.
- **Take the opportunity to reconcile and improve the legal structure of the Town during the Charter process.**
- **Using another Town’s Charter as a starting point is helpful.** Groton’s would be useful to any community considering a strong Town Manager.
- **Consider immediately convening a Bylaws Committee after the Charter is passed.** This group can reconcile any differences between old bylaws and new procedures established by the Charter.

Interview Sources:

Michael Bouchard, Groton Town Clerk & Bylaws Committee Member
Peter Cunningham, Groton Blue Ribbon Governance Committee & Select Board
Steve Webber, Citizen at large, Finance Committee & Bylaws Committee
Mark Haddad, Groton Town Manager

Attached Documents:

- Division of Local Services *Town of Groton Financial Management Review*
- Town of Groton *Charter*
- Town of Groton *Special Town Meeting Minutes 10-22-2007*
- Town of Groton *By-law Review Committee Recommendations to the Board of Selectmen*
- Town of Groton *Organizational Chart*

Related Links:

- Groton Blue Ribbon Governance Commission web site:
<http://www.grotoncharter.com/default.aspx>
- Town of Groton website: www.townofgroton.org