

## What Should a Charter Include

With the adoption of the Home Rule Amendment (Article 89) to the [Massachusetts Constitution](#) in 1966, and the companion Home Rule Procedures Act ([MGL Ch. 43B](#)), city and town voters could begin to select for themselves the form of government which is best suited to local needs. The current standard allows the exercise of a power or function, conferrable by the local legislative body, so long as it is not inconsistent with the Constitution, or general law.

Two vehicles for establishing a new government structure are available. A community can form a charter commission to adopt a new charter, to entirely revise an existing charter, or to amend selected charter provisions. As an alternative to the charter commission process, communities can under Ch. 43B, adopt, revise or amend a charter by a special act of the State Legislature with approval by the Governor ([See Special Acts](#)).

For municipalities, a key distinction between a charter commission and a special act is the time required to complete the process. The work of a charter commission is directed by statute and involves 18-24 months. On the other hand, when a special act is initiated locally (typically pursuant to the formation of a government study committee), it can generally advance more quickly. For more information on these procedures, see [City and Town Charters](#) at the DLS Technical Assistance website.

In short, communities have greater ability to modify the organization of local government either on a piecemeal basis or in a wide-ranging, comprehensive plan.

Town meetings and city councils, with voter approval, can enact individual provisions to combine the treasurer and collector offices, convert elected to appointed positions, eliminate boards, establish finance departments or centralize management. They can adopt many of the same changes with the approval of Special Acts. Through by-laws, ordinances, or formal policies, they can establish annual budget procedures, capital improvement programs, and guidelines for the use of reserves and incurrence of debt.

However, a charter has become the preferred means, over by-laws and policies, to achieve long-term continuity and stability as officials, board members and personnel change. As such, one outcome is that charters strengthen public confidence in government.

The choice of a charter as a vehicle for change reflects a decision to study and assess all of municipal government rather than address individual aspects of management through incremental adjustments. A charter establishes the organizational chart of local government and gives a community the ability to decide on how it wishes to be governed in the future. It is a means for creating an organizational foundation, defining relationships among officials, boards and commissions, and more clearly setting-out financial procedures. Charter provisions typically outline the authority and responsibilities of town officials, establish lines of accountability and address issues of elected versus appointed officers and boards. The budget process, capital planning steps, the elements of employee performance evaluations can be included as well.

Fundamental to the formulation of a charter is the underlying principle that its purpose is to establish parameters, or broad statements of policy, structure and procedures with the expectation that detail is embedded in ordinances or by-laws. The outcome should be

companion documents that complement each other with the effect of providing a foundation for long-term stability as well as flexibility to adapt to changing circumstances. Consequently, a full ordinance or by-law review typically accompanies the adoption of a new charter, or individual charter provisions.

Charters are typically divided into articles, or chapters, with sections and clauses that address the substance of local government. Summarized below are some, but necessarily all, of the subject matters within a charter. Each is discussed in reference to towns, but are equally applicable to corresponding aspects of city government. Titles may vary.