

History Rhymes

What should we as a League do between now and March of 2018, when a new proposed Home Rule Charter will be placed before Amherst voters? This will be the topic of the membership meeting to be held on MAY 9, 2017, at 7 p.m. at the Bangs Center (Pole Room).

The League of Women Voters of Amherst has two positions on local government. (See the Program Book, available electronically from a link at the bottom of the web page <http://www.lwvamherst.org/content/positions>.) Their evolution has been intertwined with the history of Amherst's attempts to modernize its government. In preparation for our May 9 meeting, it is useful to review this history.

1950

The representative Town Meeting dates from the acceptance by Amherst voters of the Special Act of the General Court (Chapter 10, Acts and Resolves, 1936) in 1938, a year before the founding of the League of Women Voters of Amherst. This Act (as amended several times since) was the first of the Amherst's two "charter" acts. It replaced the traditional open Town Meeting as the legislative branch of town government. The executive function continued to be exercised, as it had since the founding of the town, by a three-member board of selectmen.

In the late 1940s, as the annual town budget was creeping up towards \$1,000,000, the Town Meeting began to consider moving to a town manager form of government, that is, towards augmenting the executive branch, the elected selectmen, by a professional town manager overseeing the administrative staff and accountable to the selectmen. The General Court passed a second Special Act (Chapter 11, Acts and Resolves, 1951, also amended since adoption.) Among other provisions, this Act proposed replacing the three-member board of selectmen with a five-member board, who in turn would appoint "a town manager who shall be a person especially fitted by training and experience to perform the duties of the office." Other elected officials such as the school committee and the library trustees would continue to be elected. This Act was submitted for voter approval in the 1951 town election, but it was defeated by a very narrow margin.

Meanwhile, the League also took up the question beginning in 1947, culminating with its approval, at annual meeting in 1950, of the one-sentence position:

"The League supports selectmen-manager form of government."

In 1953 the League collected enough petition signatures to place the question on the ballot for a second time, and this time it passed by a 13-vote margin. In 1957 and again in 1960, that result was challenged by referenda, but those elections resulted in retention of the selectman-manager plan by increasing margins. Before each of those elections League members served on citizens' committees that worked for retention by informing the townspeople of the favorable record of town manager government in Amherst.

Thus the 1950 position of the League—which remains, unaltered, as part of LWVA's position on the Structure of Town Government—was formulated as the town was seeking an alternative for the executive branch of its local government. Specifically, it expressed support for the division of the executive branch into a primarily policy-oriented function to be exercised by the board of selectmen, and an administrative function to be exercised by a

professional manager accountable to the selectmen. Throughout the 1950s, this change continued to be a contentious issue among the voters of Amherst. Note, however, that the continuation of the representative Town Meeting as the legislative branch of government was never in question during this period.

1970, 1972

In 1969, following the passage of the Home Rule Amendment to the state constitution in 1966, and with the selectmen-manager form of government finally generally accepted in Amherst, the League initiated a study of the “effectiveness of our present form of local government”. The study committee surveyed Town Meeting members, interviewed town officials, and made a comparative study of town meeting forms in New England.

The League also researched the use of Home Rule and Charter Commissions. However, the existing representative Town Meeting soon became the focus of the study. At unit meetings in January, 1970, members agreed that Town Meeting could “probably continue to serve its function as the legislative body of town government within its present structure with certain changes to improve its responsiveness and quality.” The resulting position was the initial version of the section of LWVA’s Structure of Town Government position on the Legislative Branch, and spelled out the desirable changes. During the next two years, the League’s study continued with an examination of the executive branch, leading to the adoption the core of the section on the Executive Branch in the current position in 1972.

1990

The Home Rule Amendment allowed cities and towns to frame, adopt and amend a charter for their local governments and to exercise all powers of local self-government, subject to the constitutions and general laws of the state, instead of going through the General Court as Amherst had done in 1936 and again in 1951. The state League actively supported the Home Rule Amendment. In 1975 LWVMA was represented on a Governor’s committee that reviewed state statutes governing municipal affairs and recommended a number of changes. The LWVMA position on Home Rule in *Where We Stand* (pp. 24-25; a link to this document is also at <http://www.lwvamherst.org/content/positions>) is worth reviewing. Interestingly, it notes that “The success rate for new charters or charter revisions is not high... It appears that charter commissions often recommend too many changes, creating local opposition.” (The date of this comment is not noted.)

Amherst has never adopted a Home Rule Charter, but three Charter Commissions have been formed over the years. By 1988, the formation of the first Charter Commission was clearly under consideration, although its actual creation was still half a decade in the future. The League decided that this would be a good time to “restudy Town government...in response both to members who want a charter commission and to those who hope to see the League reaffirm its support of Town Meeting.” In January of 1989, the Town Government Study Committee decided to focus on the study of Amherst’s existing system of government to determine whether or not it was efficient and responsive to the needs of the town. In particular, the committee was interested in how the structure of our local government met the League’s criteria:

“An open government which is representative, accountable and responsive; that has a fair and adequate fiscal basis; that protects individual liberties established by the

Constitution; and that assures opportunities for citizen participation in decision making.”

In 1990, the first section under “Executive Branch” (on “an overall plan for citizen boards”) was added to the LWVA position on the Structure of Town Government, and bullet (f) was added to the section on the Legislative Branch.

1994-1996

In the spring of 1994, the voters established the first Amherst Charter Commission. At its Annual Meeting that year, the League formed a Charter Task Force to review past League studies, in order to determine how the League had studied the Amherst form of government, what questions had been asked and what issues addressed. By February of the following year, the Task Force had decided that national and local positions on structure of town government provided adequate guidance for evaluating Charter Commission studies.

The Task Force followed the work of the Commission assiduously. Twice in early 1995, the League wrote to the Commission, raising questions about process and asking for clear definition of the problems to be addressed and a framework for evaluating proposed solutions. At a May 1995 public forum, League president Joan Ashwell spoke to the Commission, outlining the League’s objections to the three proposals then on the table. Her presentation began with the words:

“In general, the League of Women Voters does not believe the Charter Commission has supplied a substantive basis for many of the proposals it is considering.”

The final report of the Commission appeared in September of 1995. It recommended a Mayor/Council/Manager executive with a 150-member Town Meeting legislative branch. After reviewing the proposed Home Rule Charter, the LWVA Charter Task Force decided that it still did not meet League criteria and developed a statement opposing it, which was accepted by the board in October, 1995. The League joined a coalition of organizations supporting a “no” vote and lobbied against the proposal. It produced a brochure outlining its objections, ending with the words:

“We hear a lot about accountability, which in general is a good thing in government. But when accountability is achieved through centralizing power in 7 council persons, by giving up the independence of the schools, and by reducing citizen participation, that cost is too high.”

On April 2, 1996, the town rejected the proposed charter.

2002-2003

In 2001, Amherst voted to combine the Town Meeting Act and the Town Manager Act into a modified version of its “charter” that retained the select board-manager-town meeting form of government. The “The Amherst Town Government Act” (ATGA) also contained changes that increased the policy-making role of the select board and reduced the independence of the town manager in making appointments.

A second Amherst Charter Commission was formed in 2001. The Annual Meeting of the League in May 2002 authorized the Local Government Study Committee “to institute a study of the principles, concepts, and practices that make for effective local government.” Members were asked to give the committee their input about concepts, principles and

practices for effective local government. They received 54 responses from League members, and grouped them into seven categories. Two unit consensus meetings were held in November. There were disagreements on some issues, but consensus on others. The resulting LWVA position statement on Local Government: Concepts, Principles and Practices was approved by the LWVA Board in January 2003.

This new position served as the basis for evaluating the Home Rule Charter proposal put before the voters in 2003. This proposal would have replaced Town Meeting with a nine-member Council, abolishing the Select Board and adding a mayor while retaining the town manager. The Study Committee held two public information meetings in February and March, at which they summarized each of the ten articles of the Charter and presented charts on the budget, the initiative process, the election calendar, and the important differences between the Charter proposal and the ATGA. Members also prepared a Summary Chart showing how the new LWVA position applied to the Charter and to the ATGA.

The Study Committee unanimously recommended that the LWVA Board support the League's existing position in favor of the selectman-town manager form of government. However, the Board agreed only to publish the Summary Chart in the Amherst Bulletin.

This second Home Rule Charter proposal was also defeated by Amherst voters.

2008

In 2007, the Local Town Government Study Committee was charged with re-examining, "in the light of the 2003 League study of the principles and practices that make for effective local government, the League positions on town Government of 1950, 1970, 1972, 1990. The scope of the study may include but is not limited to the review of the executive branch and the role of town committees." The result was several additions to the Executive Branch part of the LWVA position on the Structure of Town Government: a new section supporting "timely assignment of members of the Select Board to serve as liaisons to town committees and boards", four new bullets under support for "clear procedural guidelines" for boards, and three bullets amplifying earlier support for a program of orientation of new boards.

Summary

The evolution of Amherst Town Government since the 1940s has periodically focussed the League's attention on local government. LWVA's position on the Structure of Town Government evolved from a one-sentence position statement formulated in 1950—a sentence that remains, without further elaboration, in our present position—to today's extensive catalog of recommendations for improving the effectiveness, efficiency and transparency of the existing executive and legislative branches of Amherst town government, many of which have in fact been carried out. A large part of this catalog was formulated in 1970-72, while additions were made in 1990 and 2008. However, none of those studies appear to have seriously contemplated the revision or elaboration of the original single sentence, "The League supports selectmen-manager form of government".

The actual design of town government was considered more explicitly in the course of evaluating the work and proposals of the two previous Charter Commissions (1996 and 2003). The second of these Commissions also inspired LWVA's second position on local government, a statement of principles by which the League could formally evaluate that and future proposals. This statement of principles has been read into the record of the current

Charter Commission, thanks to one of the Commissioners.

The League's reactions to the first two Charter Commissions were controversial, both inside and outside the League in 1996, and especially within the League in 2003. So we find ourselves on familiar—perhaps too familiar—ground in the spring of 2017 as the third Amherst Charter Commission is preparing its final recommendations. The May 9 meeting is designed as an opportunity to decide how the League can best serve the Amherst community in the upcoming year. The meeting is being organized by moderator Suzanne Patnaude, together with Jenn Chylock and Kathy Campbell. (As it happens, none of us vote in Amherst, and all of us joined LWVA only within the past five years.) Please contact one of us if you have thoughts about the conduct of this meeting.

And above all, PLEASE JOIN US on May 9!

Prepared by Kathy Campbell, April 2017