



Letter to the Editor
CHARTER REVIEW COMMISSION UPDATE

The Charter Commission thinks it's best and important – and timely - to review our efforts with you about what we have been up to.

Recently, the Charter Review Commission appeared before the Budget & Finance Committee (now twice), as well as the Newburyport City Council of the whole, in support of a transfer request from the Mayor's office for \$10,000 to fund the technical assistance needs of the Charter Commission. By the way, transfers from one department within the city happens all of the time. This is a normal occurrence.

There is a statutory obligation for the city to fund the Charter Commission \$5,000, however this amount was stipulated in 1984 and is not enough to cover the cost of today's commission's expenses. In virtually every Charter Review we are aware of Charter Commissions throughout the Commonwealth have submitted for and received funds for technical assistance to the legislative bodies of the cities they represent.

Below are the questions raised by Newburyport City Council (**CC**) members and the Charter Commission's responses:

CC: The City Council wasn't aware of the work the Charter Commission had done so far.

Charter Commission: All of our Commission meetings are subject to Open Meeting Laws and they have been posted at City Hall, on our website, and on the Port Media Cable channel.

This Charter Review Commission began working immediately after the election. We were sworn in on November 13, 2009 and held our first meeting on November 18, 2009. Initially, we held general meetings twice a month through January, 2010. Since February, 2010 we have met once monthly, however we created sub-committees in an effort to divide the research into manageable pieces. With only nine members, it has turned out that most of us are on the majority of the sub-committees anyway, however the committees allow us to compartmentalize the work effort.

In our early meetings, we developed a work-plan and timeline to articulate the tasks we believed critical to complete our work according to state mandate, yet in a thoughtful and orderly manner. We also came to consensus that all of our efforts would be transparent and accessible to the community. To that end, we established a website, and entered into an agreement with Port Media to broadcast all meetings and hearings of the full commission, and agreed to post all minutes of all meetings to the website.

CC: The people elected intelligent, bright, capable people to write the charter, not a consultant to do the work for you.

Charter Commission: In all due modesty, the Council is correct about the Charter Commission being comprised of a group of intelligent, bright and capable members. The incorrect part is that the organization we would like to hire for technical assistance will do the work. We are and will continue with our task of reviewing the current and drafting a new charter. We are writing the document; we seek technical assistance to ensure the Charter is clear, articulate, and reflects our thinking. The citizens elected us to do a job. That job is to review the existing 90+ year old charter. Within the time frame mandated we are to frame a new charter that embraces Newburyport, yet provides a solid governing document that is within Massachusetts General Law guidelines. Its contents and workings should be clear to government figures as well as the everyday citizen of Newburyport. It should afford efficiencies in the daily running of our city.

As intelligent, bright and capable people, we realized that after ten months of work and research, there are people in the Commonwealth who have years of experience in this realm. We would be remiss if we did not bring their offer of technical assistance to our charter review table.

CC: It is premature to bring a consultant in at this time. It seems you are putting cart before the horse.

Charter Commission: Charter review assistance firms contacted us via postal mail offering their services. This Charter Commission decided early on that to have assistance at the beginning of our process would have indeed been premature. We expected, as we discussed in our early meetings that as the research wound down and the time came to begin the writing of the new Charter, we would consider technical assistance. In our view, that assistance will provide us with guidance about language and will be able to provide us with information about other charters; and communities' successes and failures as we craft our ideas about what we have surmised will work best for Newburyport.

The unanimous decision in December, 2009 was to jump into this review process with all feet, research, discover all that we could before we even addressed the option to hire technical assistance. Well, after eleven months of "nose to the grindstone" work and research, we are intelligent enough...bright enough...and committed to this effort enough to know that we can accomplish even more for the citizens of Newburyport if we spend our remaining time more wisely and effectively.

So, we reviewed the bids from potential consultants. We found two of them, from law firms, too expensive and would not provide the kind of assistance we wanted. The third, the Collins Center for Urban Studies at UMass Boston, is a non-profit with many years of experience providing charter consultation. At \$10,000, all-inclusive, their bid was by far the most reasonable, and their services the most germane to our needs.

CC: It would be easier for the City Council to vote on the transfer of funds for technical assistance if we knew what changes the Commission was going to make. The Commission should communicate your ideas for change to the public before we bring in a consultant.

Charter Commission: The Commission need for technical assistance is completely independent of what exact changes will be made. The intent of the initial statute that obligated the city to fund the Charter Commission the \$5,000 was to ensure the commission's work could be completed independently without having to make additional requests of the Mayor and City Council while that same commission was reviewing the city's form of governance. Again, the statutory obligation amount of \$5,000 from a 1984 law is not enough to cover the cost of today's charter review commission expenses. The assistance will allow us to resolve issues and clarify ideas that have come up in our meetings and hearings. Without technical assistance we spend additional hours in research trying to find answers to questions that a resident technical advisor could most likely answer on the spot.

CC: Hiring a lawyer - concern that bringing in a consultant would make the charter overly legalistic and confusing.

Charter Commission: The Collins Center is not a legal firm. As we said earlier, we are writing the charter with technical assistance to ensure the Charter is clear, articulate, simple and understandable.

CC: The Charter Commission should look to community volunteers to help.

Charter Commission: We are looking for professional charter review experience from an organization – The Collins Center – who has assisted cities/towns throughout the Commonwealth in this manner. All three of the other municipalities that elected to review their charters in the past election are currently taking advantage of the expertise and technical advice afforded by this organization. Needless to say, they are further along in their work than we are even though our calendars have been full with meetings, discussions, and research.

CC: Alarmed that charter review technical assistance has become a cottage industry.

Charter Commission: No response.

CC: Bringing in a consultant would bring in a more standardized charter and would not celebrate our uniqueness.

Charter Commission: In an effort to make sure that we are taking the people's concerns and thoughts to heart in this process, the Commission authored, distributed and engaged an academic institution – Northern Essex Community College - to analyze a survey of city residents to further inform us about issues that are important relative to the issues we are reviewing.

This was done at no expense to the City. Commissioners have traveled to various cities and meeting locations in the state. We have not requested reimbursement from the commission's account for expenses lawfully incurred by us in the performance of our duties.

We are not seeking technical assistance to avoid the work we are tasked with, or to come up with a cookie-cutter charter that fails to appreciate the uniqueness of our city. We are not seeking technical assistance in the form of a template charter that we would adopt or adapt; we are not seeking consultation that would take the place of the research we have done. Collectively, we have spent hundreds of hours in research and meetings to ensure that we have cast as broad a net as possible in gathering information that will help us to craft a new charter that works for Newburyport.

We have spent dozens of hours in conversation with current and past Newburyport elected and appointed officials so that we can have as complete an understanding of how the government of Newburyport is arrayed, how it functions, and where it is possible that changes will make it more efficient and transparent.

We have had conversations with representatives of state agencies such as Housing and Development, the office of the Attorney General, the state Senate, and House of Representatives.

The Commission has done the broad work and now it's time to fine tune our thinking into words that work in a charter for Newburyport, for many years to come.

To learn more about the commission and its work, please visit:

<http://newburyportcharterreview.spaces.live.com/>

Thank you,
Newburyport Charter Review Commission
Steven P. Cole, Chairman
Kathleen Bailey, Vice-Chair
Sheila Mullins, Clerk
Bruce Brown
Roger Gagnon
Hugh Kelleher
Bruce Menin
Jim Stiles