

MAJOR CHANGES TO THE PLYMOUTH, MA CHARTER

Prepared by the League of Women Voters of the Plymouth Area Observer Corps - November 20, 2022 (V3)

SECTION (NEW)	CHANGE	
	PREAMBLE (EXPANDED)	COMMISSIONERS' RATIONALE/IMPACT
Preamble	<p>It is the mission of the government of the Town of Plymouth:</p> <ol style="list-style-type: none"> 1. To promote direct and inclusive democracy for all the citizens of Plymouth, and to encourage their participation in the decision-making and governance of the Town. 2. To provide its citizens with an efficient and benevolent government that supports the creation and maintenance of equitable housing, provide education, and employment opportunities, ensures public health and safety and is in harmony with, balanced by and protective of our natural environment. 3. To provide the infrastructure required to support an exceptional quality of life for its citizens: including facilities, public works, and parks and open space. 4. To provide for long-range planning to assess the status of the purposes above, and proactively provide for adaptations to meet those goals. <p>To this mission, we the people of Plymouth, assert our willingness to have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations provided for in this Charter, to live and grow in freedom, dignity and tranquility.</p>	Self-defining
	CHAPTER 2 – THE LEGISLATIVE BRANCH	
	PRECINCT ADVISORY COMMITTEE (NEW)	
2-1-1-(a)(c)	Adds a Precinct Advisory Committee to study the Town's precincts and population prior to the release of the final results of the decennial federal census and review the final results of the census, and propose any changes in precincts that the Committee deems necessary to the Select Board. Five committee members are appointed by the Committee of Precinct Chairs and five by the Select Board.	Efficiency; adds time to and builds on the 2020 process of changing precinct lines and adding precincts.
	TOWN MEETING	
2-2-4-(a)	A video of Town Meeting is created with a text record that includes a time stamp when the article is introduced by the Moderator.	Transparency
2-2-4-(b)	Detailed minutes are to be taken of Town Meeting proceedings including the action taken on each warrant article.	Transparency
2-2-4-(c)	Video and minutes will be available for unrestricted public viewing.	Transparency
2-2-8	Attendance and voting record to be published on the Town Clerk's website.	Transparency
2-4-1	Town Meeting is now scheduled three times a year. The spring meeting will deal primarily with the town budget and other financial matters. Another meeting will be held in the last four months of the year, and the third meeting is scheduled for January but may be waived by a joint majority vote of the Select Board and the COPC.	Flexibility/ efficiency
	PRECINCT CAUCUSES	
2-6-3	The Open Meeting Law shall apply to precinct caucus meetings.	Transparency

	COMMITTEE OF PRECINCT CHAIRS (EXPANDED POWERS)	
2-6-4	The Committee of Precinct Chairs will now have a Vice Chairperson.	Redundancy; recognition of increased role of COPC.
2-7-1	The Committee of Precinct Chairs functions as a Town Meeting standing committee, whose purpose is to establish legislative branch continuity between Town Meetings and provide a voice for the legislative branch as a co-equal branch of government.	Affirm voice of legislature; balance of power between legislative and executive.
2-7-2	The Committee will keep Representative Town Meeting Members informed about warrant articles, make recommendations concerning Town Meeting rules and procedures, facilitate oversight of articles passed by Town Meeting, review Town bylaws, and participate in other such activities as the Town Meeting or the Committee shall deem appropriate to support Town Meeting. The Town Manager is to provide support personnel to assist the Committee in carrying out its assigned duties.	Oversight/Enforcement/Compliance /Accountability
2-7-3	The Committee shall make recommendations to Town Meeting on all warrant articles that it deems to be non-financial in nature. The Committee Chair will present the recommendations of the Committee of Precinct Chairs to Town Meeting. Note: This used to be a power of the Advisory and Finance Committee.	Oversight/Enforcement/Compliance /Accountability
2-7-4	The Committee can, by a 2/3rds vote, request that the Select Board call a special Town Meeting within 30 days.	Oversight/Enforcement/Compliance /Accountability
2-7-5	The Committee makes appointments to the Finance Committee (see Section 2-12-1) and the Charter Review Committee (see Section 8-6-1).	Affirm voice of legislature
2-7-7	The Committee will make at least quarterly reports on its activities to Town Meeting Members, and will meet jointly with the Select Board at least quarterly.	Oversight/Enforcement/Compliance /Accountability
	TOWN MODERATOR (CHANGED MODE OF ELECTION)	
2-8-1	Rather than being elected by the voters, the Town Moderator will now be elected at spring Town Meeting by Representative Town Meeting Members for a period of three years.	The Town Moderator serves Town Meeting so is elected by them.
2-8-7	Town Meeting may, by a 2/3rds vote, override a Town Moderator's rulings on speech by a resident or taxpayer on any warrant article.	Balance of power
	COMPULSORY ATTENDANCE	
2-9-1	Clarification that chairpersons of both elected and appointed committees are required to attend Town Meeting.	Housekeeping
	VACANCIES IN PRECINCT TOWN MEETING MEMBERS	
2-10-2	A thirty-day deadline is established for candidates filling a vacancy. If they do not take the oath of office within that timeframe, the person with the next highest vote total will fill the vacancy.	Housekeeping
	CONFLICT OF INTEREST	
2-11-1	Specific language singling out town employees has been eliminated. When a financial interest is attributed to a budget line item, the Town Meeting member is prohibited from voting on the budget line item but is not prohibited from voting on any other line item or from voting on the overall budget appropriation.	All Town Meeting members are equally subject to the Charter's conflict of interest provisions.
	FINANCE COMMITTEE (NO LONGER ADVISORY AND FINANCE COMMITTEE)	
2-12-1	Instead of the Town Moderator appointing all 15 members, 5 are to be appointed by the Moderator and 10 by the Committee of Precinct Chairs. In the event of a vacancy, whichever entity made the original appointment will make the appointment to fill the vacancy.	Expanded powers of COPC; balance of appointment powers
2-12-3	The municipal budget must be organized and presented in a format that allows separate votes by Representative Town Meeting Members to encourage full transparency of recorded votes.	Forces votes on individual articles for transparency

-	The provision prohibiting expenditures in the final month of the fiscal year of more than 1/12 th of its annual appropriation by departments, commissions, offices, etc. has been eliminated.	Efficiency/housekeeping
-	The Finance Committee is no longer singled out with its own conflict of interest paragraph since they are covered by state conflict of interest laws.	Housekeeping
LEGISLATIVE OVERSIGHT COMMITTEE (NEW)		
2-13-1	A five-member Legislative Oversight Committee will track the status of articles passed by Town Meeting.	Oversight/Enforcement/Compliance /Accountability
2-13-2	Three members of the committee will be Representative Town Meeting Members appointed by the COPC, and the other two members are the Town Manager (or designee) and the Town Clerk (or designee).	Efficiency/transparency
2-13-4	The committee will provide two status reports regarding the implementation of warrant articles as well as a status report on articles not implemented from prior town meetings. Each report shall contain an appendix , prepared by the Town Manager that includes any articles still not implemented from prior Town Meetings and the most recent updates that may be available from a prior reports on their status. The report shall be maintained and updated at least annually.	Oversight/Enforcement/Compliance /Accountability
2-13-5	The committee will meet with the Select Board in a joint session at least twice a year to review committee reports and discuss implementation.	Oversight/Enforcement/Compliance /Accountability
CHAPTER 3 – THE EXECUTIVE BRANCH		
THE SELECT BOARD (CHANGES IN NUMBER AND COMPOSITION)		
3-1-1	The Select Board will have seven members: four elected at-large for 3-year overlapping terms, and three elected from districts in the same year for 3-year terms. Filling vacancies of at-large members does not change; filling district member vacancies involves a special election called by the Select Board or upon the request of 100 registered voters or 10%of the registered voters in the district, whichever is less.	Increase feeling of voters of being represented; perhaps increase voter turn-out.
SELECT BOARD POWERS AND DUTIES		
3-2-1	The powers are more strictly defined (see italics): “The executive powers of the town shall be vested in the Select Board which shall be the chief executive body of the town. The Select Board shall have all of the powers and duties given to boards of selectmen or Select Boards as may be authorized by the laws of the commonwealth, this Charter, and bylaws or other Town Meeting votes, <i>except those powers granted to the Town Manager under this Charter.</i> The Select Board shall be the chief goal setting, policy-making and long-range planning agency of the town, and shall make recommendations on major courses of action to the representative Town Meeting and create Town Meeting warrants for such recommendations. <i>The Select Board shall adopt and issue policy guidelines and directives to be implemented and followed by all town agencies, boards, committees, and their respective officers and employees, appointed by or under its authority. The Town Manager shall be the officer responsible for the implementation of policy directives and guidelines adopted by the Select Board. The daily administration of the affairs of the town shall be the exclusive responsibility of the Town Manager, and no individual member of the Select Board, nor a majority of them, shall at any time, interfere in the day-to-day administration of the affairs of the town.</i>	Separation and clarification of duties and authority of Select Board and Town Manager.
3-2-3	The budget presented to Town Meeting will include an identification of costs and operations by department.	Transparency/COI more evident

3-2-6	Language requiring select board to work through town manager is applied to individual members (see italics): The Select Board <i>and individual members hereof</i> shall be responsible through the Town Manager, for the efficient and orderly operation of all agencies of the town except those under the direction of another elected town agency. <i>Furthermore, neither the Select Board nor its individual members shall deal with or give direct orders to any employee who is under the direction and Supervision of the Town Manager.</i>	Reinforce separation and clarification of duties and authority of individual Select Board members and Town Manager.
3-2-8	Adds Master Plan as subject of joint meetings. The Finance Committee is added to the School Committee and Planning Board for joint meetings with the Select Board to share information <i>and discuss the Town's progress toward implementing the goals of the Master Plan.</i>	Elevates importance of the Comprehensive Master Plan
	TOWN MANAGER	
3-4-1	Now that the Select Board has seven members, five will be needed to appoint the Town Manager.	Housekeeping
3-4-3	Five Select Board members will be required to discipline or discharge the Town Manager.	Housekeeping
3-4-4(a)	The Town Manager can designate a Temporary Town Manager. After 30 days the Select Board can appoint a different individual if it so chooses. No Temporary Town Manager shall have authority to make any permanent appointment to, or removal from, any office or position, unless such appointment or removal is authorized by a majority of the Select Board.	Housekeeping
	TOWN MANAGER POWERS AND DUTIES	
3-5-1	Town Manager Derek Brindisi made suggestions for the order and organization of this section. One new duty was added: responsibility for Town government communications.	Housekeeping; elevates importance of communications.
	DEPARTMENT OF PUBLIC WORKS	
3-6-1	A Master's degree is no longer required by Charter.	Job qualifications should be in the By-Laws, not the Charter.
3-6-3	New section permitting the Town Manager to "establish, reorganize, consolidate, or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board."	Reinforce powers and duties of Town Manager.
	BOARD OF HEALTH	
3-7-1	Adds that "members of the Board of Health shall be especially fitted by education, training and experience."	Skilled board
	DEPARTMENT OF FINANCE	
3-8-1	Procurement added to functions of Department of Finance.	Housekeeping
3-8-2	Supervision of data processing functions and equipment removed from Finance Department.	Housekeeping
3-8-3	Similar provision to 3-6-3 giving Town Manager the power to establish, reorganize, consolidate or abolish.	Reinforce powers and duties of Town Manager.
	DIRECTOR OF FINANCE	
3-9-4	Data processing removed from list of functions supervised by the Director of Finance.	Housekeeping
	DEPARTMENT OF PLANNING AND DEVELOPMENT	
3-12-3	Similar provision to 3-6-3 giving Town Manager the power to establish, reorganize, consolidate or abolish.	Reinforce powers and duties of Town Manager.
3-12-4 A)	The Director of Planning will be responsible for compliance with the Master Plan. "Any proposed change or addition to any by-law, ordinance, or rule/regulation that relates to any area within the purview of the Department of Planning and Development (specifically land use, environmental, community planning, and economic planning and development functions of the town) shall be presented to the Director of Planning and Development at least 30 days prior to implementation. The Director or the Director's nominee shall issue a	Elevates importance of the Comprehensive Master Plan. Compliance/accountability

	<i>recommendation regarding the proposed action, which shall specifically address whether the proposed action aligns with the Master Plan. The Director's or designee's recommendation shall be presented to the Planning Board which shall vote to adopt, amend, or reject such recommendation. Such recommendation, along with the action of the Board, shall be provided to the Town Manager prior to implementation of the proposed action."</i>	
3-12-4 B)	The Director of Planning will need to review proposed Town Meeting articles for compliance with the Master Plan. The Directors commentary, as well as the action taken by the Planning Board will be printed in the Warrant.	Transparency/compliance/accountability
3-12-4 C)	The Director of Planning or designee shall comment on all projects under the department's purview addressing whether the project aligns with the Master Plan. Such commentary shall be presented to the Planning Board, which shall vote to adopt, amend, or reject such commentary. Such commentary, along with the action of the Board, shall be included in any project approval decisions issued by the Board.	Transparency/compliance/accountability
	PLANNING BOARD	
3-13-1	The five members of the Planning Board are still elected, but the Planning Board may appoint one associate member for a three-year term. The Associate Member may 1) attend meetings, participate in discussions, and provide administrative and advisory support to the Board; and 2) sit on the Board as a voting member in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.	Efficiency
3-13-4	The Comprehensive Master Plan must be updated at least every ten years rather than "periodically."	Clarification
3-13-7	The Planning Board will appoint a Master Plan Task Force to assist the Board in performing its duties.	Elevates importance of the Comprehensive Master Plan.
3-13-8	The Select Board now only appoints one member of the of the seven-member Land Use and Acquisition Committee rather than two, and the Agricultural Commission now appoints one. Furthermore, "the Land Use and Acquisition Committee, the Open Space Committee and all department heads, along with the Select Board, shall be notified by the Town Manager and sent direct notice of intent to sell for, or to convert to another use, any parcel" of taxable land.	Recognition of Agricultural Commission. Wider transparency/collaboration
	OPEN SPACE COMMITTEE	
3-14-1	The nine members of the Open Space Committee now report directly to Town Meeting and act in an advisory capacity to the Land Use and Acquisition Committee as well as to the Planning Board in order to protect the environment and ensure appropriate access to public lands.	Open Spare Committee takes on expanded role
	DIRECTOR OF PLANNING AND DEVELOPMENT	
3-15-1	Job requirement no longer requires 5 years of experience.	Weigh <u>overall</u> candidate experience
	BUILDING COMMITTEE	
3-16-1	The Select Board no longer appoints all nine members for three-year terms. Instead, the Planning Board appoints one, and the School Committee two to serve for 1 year. Six members of the Committee are appointed by the Select Board for three-year overlapping terms. Of the six, at least one must be an attorney, one a registered engineer or architect, and one employed in construction or a related trade.	Dispersed appointment power/skilled board
	APPOINTMENTS ADVISORY COMMITTEE (NEW)	
3-17-1	The town manager now appoints a five-member Appointments Advisory Committee for three year overlapping terms to assist with finding candidates for multi-member bodies.	Efficiency/diversity/tap into skilled community members

3-17-2	The Appointments Advisory Committee duties include notice, posting and active recruitment and advertising of vacancies, creation of a standardized application process and protocol for review of applicants, and timely submission of recommended candidates to the appointing authority.	Efficiency
3-17-3	Requires the appointment authority to seek to appoint individuals with relevant education, expertise, or experience. The Town Manager will work with the Appointments Advisory Committee to encourage a diverse pool of applicants for multiple-member bodies. At minimum, every individual seeking appointment to a Town board or committee must submit a resume and/or a letter of intent.	Efficiency/diversity/tap into skilled community members
3-17-4	This section does not apply to the Legislative Branch (e.g., Town Meeting, Committee of Precinct Chairs). However, the Legislative Branch may seek assistance from the Appointments Advisory Committee.	Cooperation
CHAPTER 4 - ELECTED BOARDS AND OFFICERS		
ELECTED TOWN BOARDS AND OFFICERS		
4-1-1	Reiterates that there are now seven select board members, four at-large and 3 district members.	Recognition of major change
CHAPTER 5 - ELECTIONS		
TOWN ELECTIONS		
5-1-1	Reiterates that the Town Moderator is now elected by Town Meeting every third year.	Recognition of major change
NOMINATION OF CANDIDATES FOR TOWN MODERATOR. (NEW)		
5-5-1	Any registered voter seeking the office of moderator needs to file a declaration of intent to serve as moderator with the Town Clerk no later than 60 days prior to the end of the incumbent Moderator's term, and no earlier than the first business day of the new calendar year during which such term ends.	Housekeeping
5-5-2	The Committee of Precinct Chairs may provide a forum for candidates.	Housekeeping
NOMINATION OF CANDIDATES FOR ELECTION TO DISTRICT SELECT BOARD POSITIONS		
5-6-1	District select board candidates must submit nomination papers with no less than fifty signatures from the district and must reside in the district.	Housekeeping
RECALL OF DISTRICT SELECT BOARD MEMBERS		
5-12-1	Two hundred fifty voters in the member's district must sign the initial petition and state the reason for the recall. The recall petition blanks must contain the signatures of at least 15% of the registered voters residing in the district.	Housekeeping
CHAPTER 7- COMMUNICATIONS AND PUBLIC ENGAGEMENT (NEW)		
PRINCIPLES (ORIGINAL REPRODUCED HERE)		
7-1-1	Communication with residents and the larger community is a basic obligation of government and an essential component of the democratic process. The Town shall treat communication and public engagement as integral parts of effective and trusted governance, not just as an occasional process or activity. The Town shall recognize that engagement is a "multi-channel" endeavor that includes face-to face meetings, virtual interactions, and other online communications.	Recognition of importance of government communication with citizens. Transparency
7-1-2	The Town shall encourage collaboration in public engagement efforts with individual residents, other government jurisdictions and authorities, anchor institutions, community-based organizations, civic groups, business communities, corporations, and visitors and individual residents. The Town shall endeavor to provide a positive, forward- looking, public-facing, open, and transparent window to the work of Town government.	

7-1-3	The Town shall strive to ensure that communications and public engagement activities are timely, effective, reliable, inclusive, and accessible in order to reach a wide range of residents and organizations, encourage informed participation in local government, and provide a high level of services for the residents of Plymouth.	
7-1-4	The Town shall strive to ensure that communications align with Plymouth’s comprehensive Master Plan vision and goals.	Compliance
7-1-5	The Town shall work to monitor and report its progress under this chapter in order to provide transparency, accountability, and the opportunity to communicate expectations and results to the public.	Transparency/accountability
7-1-6	All Town agencies and officers, including Representative Town Meeting itself, shall make efforts to follow these principles.	Compliance
7-2-1	The Town Manager shall be responsible for developing and implementing a comprehensive communication and engagement strategy as provided in section 3.5.1(w)	
CHAPTER 8 – GENERAL PROVISIONS		
ENFORCEABILITY OF CHARTER		
8-5-2	All persons subject to this Charter must respect and comply with all provisions of this Charter. Any person believing a town official or governmental body has not complied with any provision of the Charter can file a written complaint with the Town Clerk. The complaint must be filed within 60 days of the alleged non-compliance and must be signed.	Compliance/Accountability
8-5-3	The party charged with the complaint must reply within 30 days in the case of an individual or, in the case of a governmental body, the greater of 30 days or 10 days after the second regularly scheduled meeting of the body. The Town Clerk will forward a copy of the complaint and the reply to the Town Manager and the Select Board.	Accountability
8-5-5	Subject to the Public Records Law exemptions, complaints and replies will be considered public records.	Transparency
CHAPTER 9 – TRANSITION PROVISIONS		
	This section assures the continuation of government, continuation of administrative personnel, sets up a district implementation committee to create the three districts, and requires the Town Manager to create a transition plan for Chapter 7, Communications and Public Engagement, with input from a variety of sources and study possible consolidation of town and school facilities and maintenance.	Housekeeping



For more information about the Proposed Charter, including additional resources and dates for educational sessions, visit our web page at:

plymouthlwv.org/charter