Amherst Home Rule Charter Review - 2024-25

To the Charter Review Committee
From Darcy DuMont, District 3

Following are my recommended amendments to the Amherst Home Rule Charter all based on good government principles of making the town more democratic, transparent, accountable, honest, diverse, participatory, and operating with checks and balances. I support:
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1) the recommendations that are the same as those Recommendations of the League of Women Voters (RED),
2) the recommendations published in the Amherst Indy, endorsed by a group of at least 40 residents (both BLACK AND RED)
3) these additional or different recommendations (BLUE)

(Most) rationales can be found here.

A. Preamble

Develop and add a Preamble to the Amherst Home Rule Charter, outlining the Town's goals for good government, and including a mission and values statement. Such a statement, as appears in Charters of some other Massachusetts municipalities, could address Town goals on issues such as (but not limited to) affordable housing, racial equity, and climate change.

1. Form of Government

Recommend returning to the Town Meeting form of government or alternatively, a Council/Mayor form of government.

2. Legislative Branch

2.1 Provide that each District Councilor represents one voting precinct. (See also Section 7.4)

2.1 Shorten the current period between election and inauguration of councilors (lame duck period) to no more than 3 weeks.

2.1 Limit Councilors, School Committee members and/or Library Trustees consecutive terms to six years.

2.2 Limit the number of consecutive years a Council President and Vice President can serve in that office to a single two-year term (i.e. prohibit the President and Vice President from running for re-election in consecutive terms). Current terms are one year, with an unlimited number of terms allowed.

2.4 (d) Require the Council to appoint standing Committees of the Council that include or are entirely composed of voting residents.

Require a means to provide a diversity of opinion on all Council appointed committees, representing the diversity of opinion on the Council. (Similar to towns requiring x Democratic seats and x Republican seats on town committees.)

2.4 Provide each town councilor with an equal opportunity to have a voice and vote on Standing Council Committees. (Standing committees with three councilors and 2 residents could equalize participation and reduce Councilors' workload and reduce the influence of committee recommendations.)

2.7 Require District Councilors to hold 4 District meetings with constituents each year and at large councilors to attend 4 of those district meetings.

2.8 Provide the Town Council with the power to hire its own legal counsel or analyst.

2.9 Provide that the Clerk of the Council may not also separately be employed by the Town Manager.

2.10 Require a second in order for a councilor to postpone discussion under Section 2.1.

2.11 Provide that applications for membership on boards and committees of the Town Council public records that are accessible to the public.
Alternatively, provided for an elected body that would make appointments to boards and committees currently appointed by the Town Council.

2.12 Provide that incumbent candidates who previously won an election NOT be listed on the ballot as "candidate for re-election" since their previous election could have been uncontested.

3. Executive Branch

3.1 Limit the Town Manager contract to the length of the current Town Council term of office. (The Manager's contract is an important "check".)

3.3 Delineate more clearly the powers of the Town Manager.

3.3 Limit the Manager's power to employ existing staff with more than one full time position (more than temporarily).

3.3 Limit the Manager's power to enter into an agreement or partnership with any higher education institution, other institution, or any real estate developer, contractor or property owner without transparency to the public and the adoption of the agreement by the full Town Council.

3.3 Require the Town Manager to provide staff and funding needed to implement bylaws, goals or other measures adopted by the Council.

3.3 Limit the Town Manager's power to seek a grant for any project not deemed a general or specific goal of the Town Council.

3.3 Omit the statement: "Such [Community Participation Officer] may be a current town employee".

3.3 Require applications for seats on town committees and boards overseen by the Town Manager to be public records, with the consent of the applicant.
Alternatively, provide for an elected body to make appointments to town boards and committees currently appointed by the Town Manager.

3.3 Require prior review and adoption by the Council of any Manager actions that amount to a new town policy.

3. 3 Provide that a neutral party or body appoint residents to the resident advisory committee, who advise the town manager regarding appointments to town boards and committees or alternatively provide that the positions are elected.

3.9 Require a review of the Town Manager's performance to be conducted or facilitated by an independent third party individual or group.

3.9 Include provisions to ensure a robust Town Manager evaluation by the public, the staff and the council. Require, as part of that process, incorporation of representative feedback from town employees, committee members and the general public.

3.9 Provide that the Town Manager's performance be evaluated based on Town Manager goals established by the *sitting* Council (not the previous council).

4. Other Elected Offices

Add provision for Citizen Oversight Board of the APD.

Provide that the Planning Board members, Zoning Board of Appeals members and Resident members of the Finance Committee are elected.

5. Financial Policies and Procedures

5.5 Provide that the Finance Committee be composed of 5 residents, appointed by a non-partisan body or person.

Or, Require that resident members of the Finance Committee be granted the right to vote on committee decisions.

Provide the Council with the power to add new budget items while not increasing the sum of the total budget.

7. Elections

7. Add a recall provision.

8. Public participation

8. Provide, at minimum, a period of public comment at the beginning of all regular Council, Standing Council Committees and multiple member bodies.

8 Add to the list the public participation methods: public attendance in person or remotely, and submission of written public comment.

8. Require the timely posting of public comment to the town website (ideally within 24 hours of submission) and the complete archiving of submitted public comments.

8. Require that the town maintain virtual access to all meetings of town boards, committees, or commissions.

8 Provide that, In virtual or hybrid meetings, residents see each other, and are able to know who and how many are present.

8 Provide that the Town Council cannot provide any official mechanism to remove signatures from a petition under Section 8 before certification.

8. Provide for a rigorous and public process of certification of signatures for voter veto in which the town clerk may not remove signatures from petitions without legal justification and without providing those whose signatures were disqualified the opportunity to challenge their disqualification.

8 Extend the time needed to collect voter veto signatures to 4 weeks.

8. Add a provision enabling ballot initiatives originating with voters, to introduce and adopt new legislation.

8. Allow electronic signatures on all types of resident petitions.

8.4. Require that a voter veto resident vote be required to be the same percentage in the affirmative as the original Council vote being challenged in order to pass (Usually either ½ or ⅔).

8 Delete the section on measures ineligible for voter veto.

9. General Provisions

9.6 Provide Charter Review every 5 years.

Provide that elected officials may not hold senior economic development or policy or senior planning-related positions at local institutions of higher education or other institutions interested in multi-unit housing for students within Amherst.

10. Transition Provisions

1. Include a recommitment to implement the 5 programs listed in Article 10, including with robust state legislative advocacy
   a. Ranked Choice Voting
   b. Participatory Budgeting
   c. Creating a position of Americans with Disabilities Act Coordinator
   d. Permitting non-citizens to vote in town elections and to hold town elective office e. Lowering the voting age for town elections

   Consider new advocacy for:

2. Local elections in even numbered years to coincide with national elections.
3. Continued hybrid Council and virtual Council Committee meetings.
4. Allow, advocate for electronic signatures on all types of resident petitions under Section 8.