

# **Frequently Asked Questions:**

## **Adoption of a Town Charter for Orange**



Orange voters are being asked to adopt a town charter that would change and modernize the organizational structure and operation of local government. The proposal, developed and recommended by a 12-member Charter Advisory Committee appointed by the Select Board, will be included on the warrant for a special town meeting scheduled on Monday, January 12 at 7 p.m. in the Ruth B. Smith Auditorium at the town hall.

These Frequently Asked Questions are intended to help voters understand the

charter proposal, how it would work, and what it would mean for the Town of Orange and its citizens.

### **What exactly is a town charter?**

In Massachusetts, a town charter is the fundamental legal document that establishes the organizational structure and operation of local government. A charter essentially serves as a town's constitution, providing the blueprint for how municipal government is structured and how it operates to serve the needs of the citizenry.

### **Why does it make sense for Orange to adopt a town charter?**

Orange does not currently have a town charter. Rather, it operates under an established set of town bylaws, practices and procedures and according to applicable general laws and regulations. The town does have a five-member Select Board and a Town Administrator, but the organizational structure is dispersed and without a centralized point of management authority and accountability. The Town Administrator works on behalf of the Select Board to coordinate across municipal departments and operations. But the Town Administrator's actual power is limited, as there is no reporting relationship with department heads and other key town positions. Technically, those roles are hired by and report in to the Select Board. Many people in Orange believe this existing government structure is not suited to meet the complex challenges and ever-evolving needs and

requirements of municipalities today, nor to effectively and efficiently operate a town with a population of nearly 8,000 and an annual budget of more than \$29 million.

**What background work did the Charter Advisory Committee do in conjunction with the recommendation of the charter proposal?**

The Charter Advisory Committee adopted a simple, straightforward mission: “To investigate changes to town government and recommend possible changes to the Select Board that will make it more effective.” To fulfill that mission, the committee met eight times, conducted extensive research, analysis and outreach, and gathered significant public input. Committee members reviewed multiple charters, talked with Massachusetts Municipal Association representatives, interviewed officials in other towns where charters have been proposed or implemented, met with Town of Orange department heads and board members, and ultimately engaged extensively with Town Counsel to review and refine the charter proposal.

**Were there specific findings that came out of that Charter Advisory Committee investigatory process?**

Yes, the Charter Advisory Committee findings were clear: In Massachusetts towns where a charter has been adopted and implemented (including the neighboring Town of Athol), town government has become more responsive and professional. These municipalities have seen improvements in employee recruitment and retention, financial management, communications and transparency, and overall management of evolving regulations and requirements. In short, the Charter Advisory Committee concluded that towns with charters generally achieve better outcomes for their citizens through consistent, professional management of town affairs and operations. The goal is to bring all of that to Orange through the adoption of the charter proposal.

**What benefits does the advisory committee expect for Orange if the proposed charter is adopted?**

The advisory committee anticipates that the charter will produce a number of significant benefits:

- Make town government more professional, effective and responsive
- Improve efficiency, accountability, customer service and citizen participation
- Retain open town meeting as the town’s legislative authority and keep other key aspects of the current government structure in place
- Create a strong town manager role to serve as chief administrative officer and direct day-to-day operations across most of the municipal government structure

- Reduce costs through increased efficiency, tighter fiscal controls, and better utilization of staff and resources
- Enable the Select Board to focus on policy and broad, high-impact issues affecting the growth, evolution and overall direction of the town

### **How many towns in Massachusetts operate under the provisions of a charter?**

According to the Massachusetts Municipal Association, more than 100 towns in the commonwealth have adopted charters. This includes nearly 40 towns that have passed special act charters (the process being followed for Orange) creating a Town Manager or Town Administrator position.

### **What are some of the key provisions in the proposed charter for Orange?**

At a high level, the charter provides a snapshot of town offices, boards, and committees; dictates how the town's legislative powers will be exercised; prescribes the timing and procedures for town elections; lays out financial provisions and procedures; outlines the town administrative organization; defines the powers and duties of the strong Town Manager role, and contains detailed procedures for the recall of elected officials.

More specifically, the charter recommends an Open Town Meeting -- Select Board -- Town Manager form of government. Town meetings, open to all registered voters, will continue to serve as the body that exercises the town's legislative powers. There will continue to be a five-member Select Board serving as the chief elected officers of the town. With the creation of a strong Town Manager role, the person in that position will be the town's chief administrative officer.

### **How will the Town Manager be appointed?**

The charter calls for the Select Board, by an affirmative vote of at least four members, to appoint a Town Manager to serve at its pleasure. Similarly, the Town Manager may be disciplined or removed by an affirmative vote of at least four members of the Select Board.

### **What are the main powers and duties of the Town Manager position?**

As chief administrative officer, the Town Manager will be responsible for directing day-to-day operations. The Town Manager is expected to keep the Select Board fully informed regarding departmental operations, general problems, administrative actions, and any other matters of concern or importance. The Town Manager will be the Chief Procurement Officer and be responsible for negotiating contracts with employee bargaining units, with final review and approval by the Select Board.

## **To what extent will the Town Manager be responsible for hiring, disciplining and dismissing town employees?**

The charter gives the Town Manager broad authority related to hiring:

- The authority (with specific exceptions that relate to employees under the jurisdiction of the Library Trustees, Water Commissioners, Airport Commission, Housing Authority and School Committees) to hire, discipline, and terminate town employees
- The authority to appoint employees for terms of one to three years; and the authority to discipline or remove appointed employees.

As examples of these authorities, the Town Manager will appoint the police chief and the fire chief and hire for key roles such as accountant, town treasurer, town collector, and highway, cemeteries and parks superintendent. The Town Manager will also have the authority to appoint or hire a Town Counsel, with approval of a majority of the full Select Board.

## **How will administrative functions be organized?**

The administrative functions of town government will be performed within a framework organized into three divisions (Division of Finance and Administration, Division of Public Safety and Division of Public Services) and the departments of Highway, Parks and Public Spaces, Cemetery, Tree Warden, Sanitation, Water, and Sewer and Wastewater. At such time that the town takes action to create a Division of Public Works, functions of the departments listed above will be carried out within that division.

Responsibility for the functions and operations within the three divisions and the departments will lie with the Town Manager.

## **What about the Select Board? How will their role change?**

The Select Board will continue to be the chief elected officers of the town and will have responsibility for appointing the Town Manager. According to the provisions of the charter, the Select Board will exercise control over town affairs by recommending major courses of action to town meeting. Because day-to-day decisions and operations largely will be the responsibility of the Town Manager, the Select Board will be freed to focus on policy and broad, high-impact issues affecting the growth, development and overall direction of the town.

### **Will there be changes in elected and appointed boards and committees?**

For the most part, there will not be significant changes involving elected and appointed boards and committees. The elected officers and boards will continue to include the Town Clerk, Moderator, Board of Library Trustees, Select Board, Board of Health, Water Commission, Cemetery Commission, Housing Authority, Elementary School Committee, the elected Orange members of the Mahar Regional School Committee, Soldiers' Memorial Trustees, and Constables.

What is new is that the Town Manager (rather than the Select Board) will appoint the Planning Board, the Capital Program Committee and the Conservation Commission. The Moderator will appoint a newly created Sewer and Wastewater Commission. The charter specifies that this commission will include one member with extensive experience in the field of public works or engineering, one member with extensive experience in the field of finance or accounting, and one member at large.

### **Are there other noteworthy changes included in the charter?**

Yes, it is worth noting that the charter calls for the annual town meeting to be held on the second Monday in May rather than the third Monday in June, for the Board of Selectmen to be renamed as the Select Board, and for timely submission each year of the proposed annual town budget as well as budgets from the Orange Elementary School Committee and the Mahar Regional School Committee.

### **What will be the process and timing for implementation if the charter is approved by town meeting?**

The Charter Advisory Committee has chosen to proceed with what is known as a special act charter. This means the implementation of the charter requires an affirmative town meeting vote followed by state legislative approval. The Charter Advisory Committee considered this special municipal legislation process to be the most advisable and efficient way for Orange to change its local government structure. If approved at the January 12 special town meeting, the charter will be submitted as special legislation to the state Legislature. If approved by the Legislature and signed by the governor in a timely manner, the charter would become effective on July 1, 2026.

### **What happens with town bylaws and regulations now in place?**

All special acts, bylaws, resolutions, rules, regulations, and votes of town meeting in force on the effective date of the charter (and not inconsistent with its provisions) will continue in force until amended or repealed. Within 30 days of the vote adopting the charter, the

Select Board will appoint a five-member Bylaw Revision Committee. This committee will be charged with conducting a comprehensive review and ultimately submitting a revised set of bylaws. These bylaws would be voted on at the next town meeting held after the adoption of the charter (unless an extension is requested by the Bylaw Revision Committee).

**Does the charter include recall provisions for elected officials?**

Yes, the charter includes detailed provisions under which any holder of an elective office may be recalled by the registered voters of the town.

**What if there are provisions in the charter that need to be changed or removed over time?**

The charter may be replaced, revised, or amended in accordance with the provisions of the constitution and general laws of Massachusetts. Essentially, the process to amend the charter would follow the same steps used to adopt it – i.e. town meeting approval followed by submittal of the change to the state Legislature.

**What are the anticipated costs and financial implications of the adoption of the charter?**

It is difficult at this point to precisely gauge what the costs might be. There likely will be an increased initial cost to cover a higher salary for a Town Manager (compared to a Town Administrator salary). The higher Town Manager salary would be needed to compensate for the significantly expanded responsibility and accountability and to ensure the town can attract highly qualified candidates. At the same time, there is significant potential under the charter to drive cost efficiencies, cost avoidance (from training, policies or expertise that might avoid a lawsuit, for example), and greater success in securing grants. In the experience of other towns that operate with a charter and a strong town manager, these benefits are derived from:

- Improved processes and tighter fiscal controls
- Attraction and retention of qualified staff
- Clear definition, delegation and oversight of departmental roles and responsibilities, which helps eliminate the waste of resources and the pursuit of policies at odds with Select Board or voter objectives.

**Is the government structure proposed for Orange similar to what is in place in Athol?**

Yes, the structure recommended for Orange (open town meeting, a five-member Select Board, and a strong Town Manager position) parallels the way Athol operates. In fact, the Orange proposal is modeled after the Athol charter, with the Charter Advisory Committee making changes and adjustments to fit the specific circumstances and requirements of our town. At one of its meetings, the Charter Advisory Committee met with Athol Town Manager Shaun Suhoski. The Athol charter, in place for many years, is often credited with improved government efficiency and effectiveness and with helping to enable the growth, development and success that town is enjoying.