



**The City of Worcester operates under a form of government that consists of a city manager as chief executive, an 11-member city council as the legislative body, and a mayor who serves as a city councilor and as chair of the city council and school committee. Some have called for a revision to the City Charter to create a new form of government. While the rationale for such a change is open to debate, the legal process to change a municipality's form of government is not. What is it?**

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### **What is a Charter?**

A charter is a city or town's constitution—a legally binding document that outlines the form and organization of government and the duties and responsibilities of high-level municipal officials. Any ordinance or by-law passed by the legislative body of a city or town must be consistent with the charter. Any changes to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor, or city manager requires a charter revision.

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### **History of Worcester's Form of Government**

While there have been revisions to the original City Charter over the years, Worcester has only changed its form of government twice since it was first incorporated as a city in 1848. Initially, Worcester had a weak mayor and a bicameral legislature consisting of 11 aldermen and 30 councilors. In 1947, the City adopted a Plan E form of government, outlined under Chapter 43 of Massachusetts General Laws, consisting of a legislative body of nine city councilors elected at large and a city manager appointed by the city council to be chief executive officer. In 1985, the voters elected to adopt a new home rule charter that modified the Plan E form of government. The charter increased the number of councilors to eleven: six elected citywide and one elected from each of five districts. Under the 1985 charter, a candidate must win one of six at-large council seats and a simultaneous city-wide mayoral election in order to be elected mayor.

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### **Options for Changing the Municipal Form of Government**

Cities and towns have two methods for adopting or revising a city charter.

#### ***Option 1—Charter Commission***

A city or town may establish a Home Rule Charter Commission, an elected body of nine members charged with framing a charter or revising an existing charter. To form a Charter Commission, 15% of a municipality's registered voters must petition the local legislative body to place the proposal on the next regular municipal election ballot. Candidates interested in one of the Charter Commission seats collecting the required signatures (200 signatures are necessary in the City of Worcester) are listed on the same ballot. If the ballot question is approved, the Commission is formed with the nine candidates that received the most votes. The Charter Commission must hold at least two public hearings and must produce a preliminary report within 16 months of its election, which is sent to the Attorney General for review. The Commission must produce the final report within 18 months

**Option 1—Charter Commission (cont.)**

of the election. The preliminary report must be published in a local newspaper and a copy of the final report or proposed charter must be sent to each household with a registered voter. The question to adopt the final report is placed on the ballot at the next municipal election. If passed, the new charter becomes effective on the date specified in the charter.

**Option 2—Home Rule Petition**

A city's legislative body may petition the State legislature through a home rule petition, more formally known as Special Municipal Legislation. Under this method, the city council, by majority vote, may propose special legislation and petition the General Court (the Massachusetts State legislature) for its passage. Both the House of Representatives and Senate must approve the legislation and it must be signed into law by the Governor. The petition will establish a timeline for implementation, which may require a final public vote on the proposed modification at the next regular municipal election. Since the Charter Commission process was established in 1966, the home rule petition method for changing the form of government has been used infrequently as it is perceived as limiting public involvement and therefore being less democratic.

**Questions to Consider**

According to the National League of Cities, in 2006, 55% of cities in the United States had a city manager-council form of government and 35% had a mayor-council form of government. In Massachusetts, 55 municipalities are incorporated as cities. A mayor serves as chief executive in 43 of those communities. Seven cities have no mayor, but have an appointed city manager who serves as chief executive. Two cities have no mayor, but have an elected council president who serves as chief executive. And three cities, including Worcester, have a mayor and a manager, with the manager serving as chief executive.

Questions for the residents of Worcester to consider are:

- Why should Worcester change its form of government? Is the council/manager system failing?
- Is there another form of government besides council/manager that is suitable to Worcester?
- Will a new form of government address perceived failures in the council/manager system?
- Will a charter change make the government more effective, efficient, transparent, accountable, and/or more accessible to residents?

**For Additional Information**

- Massachusetts General Laws Chapter 43B, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43B>, as of September 10, 2014.
- Massachusetts Department of Housing and Community Development, "Home Rule Charter Adoption or Revision," unpublished document.
- Massachusetts Department of Revenue, Charting a Route for Charter Change, <http://www.mass.gov/dor/local-officials/dls-newsroom/ct/charting-a-route-for-charter-change.html>, as of September 10, 2014.
- The following Worcester Regional Research Bureau reports are available at [www.wrrb.org](http://www.wrrb.org):
  - *Mayor vs. Manager: Does Form Affect Performance?* No. 04-09, December 13, 2004.
  - *Considering Worcester's Charter*, No. 99-2, April 20, 1999.
  - *Understanding the Proposed Charter*, No. 92-4, September 28, 1992.
  - *Understanding the City Charter Question*, No. 91-5, October 25, 1991.

**Bureau Brief**

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