



INTRODUCTION

WITH WORCESTER'S 2023 ELECTION NEARLY HERE, it is worthwhile to release a brief regarding how local government in the City of Worcester is organized in order to create better informed voters. The Worcester Regional Research Bureau has released several reports on the ins and outs of Worcester's government in the past, including [Considering Worcester's Charter](#) (No. 99-2, April 1999) and [Bureau Brief—Charting Worcester's Course](#) (Brief 14-04, October 2014). It has written other reports regarding civic engagement in Worcester's municipal government, including ["Don't Boo. Just remember to Vote." Civic Engagement in the City of Worcester](#) (Report 15-02, April 2015) and [Absent Voters: Who is Voting and Not Voting \(Yet\) in Worcester Municipal Elections](#) (Publication 20-03, March 2020). This year, The Research Bureau has released several briefs on Worcester's government in anticipation of the November Election, including [Bureau Brief—Serving on Worcester's Boards and Commissions](#) (Brief 23-04, May 2023) and [Bureau Brief—Worcester's 2023 Election, a Primer](#) (Brief 23-05, May 2023).

This document will outline the powers and responsibilities of the City Council and the City Manager as laid out in the City Charter.

A RIGHT OF LOCAL SELF-GOVERNMENT

Each of the 351 cities and towns within Massachusetts are guaranteed the "right of local self-government" in the Massachusetts Constitution, including the ability to adopt, revise, and amend their own structure. Local self-government allows municipalities to make and debate most policies of their own choosing, subject to some limits from state and federal law. Cities may choose charters—essentially, the city's constitution—in accordance with procedure set by the Commonwealth's Constitution and Laws. Massachusetts General Laws Ch. 4 Sec. 7 defines the charter as that which "establishes and defines the structure of the city and town government for a particular community and which may create local offices, and distribute powers, duties, and responsibilities among local offices and which may establish and define certain procedures to be followed by the city or town government." Charters can be adopted, amended, or revised in accordance with Chapter 43 and Chapter 43B of the Massachusetts General Laws, or through a special act by the state legislature. Worcester's "Home Rule Charter," is essentially a modified version of "Plan E," a model charter found in Chapter 43, Sections 93-116 of the Massachusetts General Laws.

Chapter 43 includes six different model charters for cities, known as Plans A, B, C, D, E, and F. Cities may choose to adopt a model charter, but there is no requirement that they do. Some of these plans include a mayor as chief executive; others use a City Manager. Plans A, B, and F have a city council and a mayor. The Mayor's powers in A, B, and F differs, but in each the Mayor is the Chief Executive Officer and the "Head of the City." The process of election and the size and power of City Council differs in each plan. Plan C is a "commissioner" form of government which is in essence a city council government in which city councilors serve as

"commissioners" and heads of department for administration, finance, health, public works, and public property.

Two plans, D and E, are known as "Council-Manager" forms of government, and include a city council and mayor, but they also both include a city manager, who takes on the administrative and executive powers found in the mayor and city council in other model charters. In Plans D and E, as written, the City Manager is the "Chief Administrative Officer" of the City (M.G.L. Ch. 43 §89; M.G.L. Ch. 43 §103), and, in Sections 90 and 104, "shall have and possess, and shall exercise, all the powers, rights and duties, other than legislative" that existed in the form of city government existing prior to adopting Plans D or E. The biggest difference between the two, otherwise, is that in plan D two-thirds of the City Council is required to remove the City Manager whereas in E it takes only a vote of the majority.

WORCESTER'S HOME RULE CHARTER HISTORY

Worcester originally adopted the "Plan E" model of local government in 1947, with nine city councilors choosing the mayor and the manager. These nine city councilors were elected in at-large elections through proportional representation. This particular election system, of ranked choice voting for candidates for city council and school committee, was eliminated by voters in 1960. See The Bureau's previous work, [Choosing a Better Voting System: The Argument for Ranked Choice Voting in Worcester and Beyond](#) (Report 19-02, February 2019) for an examination of how this worked in practice. In 1983, Worcester voters decided to reexamine Worcester's Charter, using the Home Rule process found in M.G.L. Chapter 43B, eventually adopting in 1985 a modified version of the Plan E model, which went into effect in 1987. It is not exactly Plan E as defined by M.G.L. Chapter 43. Instead,



Worcester's new home rule charter increased the number of City Councilors from nine to eleven, splitting them between six at-large councilors and five district councilors. The mayor is elected by voters from among the at-large candidates who choose to also run for mayor (see [Bureau Brief—Worcester's 2023 Election, a Primer](#) from May 2023 for more information about how this works); whereas the City Council made that decision under Worcester's previous Plan E government. Under Plan E, the City Manager serves at the City Council's pleasure; under Worcester's Charter, the City Manager is hired by contract for up to five years at a time (the contract may be renewed). Finally, Plan E has no such thing as a "Neighborhood Area Council," which Worcester's Charter provides for in Article 8. While not "Plan E," Worcester's Charter was very consciously modelled heavily after it, a point very explicitly made by the 1983 Charter Commission: "The members of this Commission who have endorsed this new charter believe that it should appeal to both those who feel that Worcester's government has done just fine and is not in need of change and those who feel that it has needed a fresh look and/or an overhaul." (Worcester Charter Commission, Proposed Home Rule Charter 1985, 1)

In response to a lawsuit first filed in February 2021, and a subsequent consent decree from October 2021, the City Charter was further amended in September 2022 to change the organization of Worcester's School Committee, creating a mix of six district and two at-large seats (and the mayor), a change from six at-large seats (and the mayor) previously.

WORCESTER'S COUNCIL-MANAGER FORM OF GOVERNMENT

Worcester's home rule charter separates the powers of its government between the elected City Council and the

City Manager that the Council appoints. Because the election process of the City Council was touched on in the Bureau's May 2023 brief, [Bureau Brief—Worcester's 2023 Election, a Primer](#), that will not be considered here. Instead, this section will examine, in detail, the powers, responsibilities, and duties of Worcester's City Council and its City Manager, in the order in which they are found in [Worcester's Charter](#).

CITY COUNCIL AND THE MAYOR

Article Two, Section 1(d) of the Charter provides that the city council "shall have and shall exercise all the legislative powers of the city," except any that were reserved to voters or to the school committee. In other words, the city council has the ability to pass ordinances and other rules that affect the city (except where limited by state and federal law, and the charter itself), and to set policy for the overall direction of the city. The City Council may request from the city manager specific information regarding municipal matters within its jurisdiction, and the manager or a representative of the manager must attend and answer those questions.

Section 2-2(c) lists the power and duties of the Mayor. In Worcester, the Mayor is elected by voters from among at-large candidates, and serves as the "official head of the city for all ceremonial purposes" and serves as both the chair of the city council and the chair of the school committee. The Mayor has the same powers as any other member of the city council or school committee, in that the Mayor can vote on the same issues as other members, but also has no power of veto. The Mayor cannot make appointments to city positions, except for certain positions directly connected to the Office of the Mayor.

The City Council hires the City Manager and also elects a City Clerk (who keeps records of the City Council but also

COUNCIL-MANAGER IN MASSACHUSETTS

Only 15 cities in Massachusetts operate under a Council-Manager form of government, and Worcester is by far the largest of them. The two closest analogues to Worcester are the cities of Cambridge and Lowell. Both operate under Plan E governments in which a City Council itself elects a Mayor from among its own members and hires a City Manager. While Worcester's Charter is based on Plan E, there are some differences between Worcester's Charter and the charter followed by Cambridge and Lowell (Lowell's form of government does differ slightly from Plan E as written). Plan E provides for seven to nine city councilors elected at large; this is the case in Cambridge but in Worcester and Lowell there are both at-large and district-based city councilors. In Worcester, voters select the Mayor from among at-large candidates, which is not the case in Plan E as written, where the City Council makes that choice. Another notable difference is in the language around the City Manager. In Plan E as written, the City Manager is the Chief Administrative Officer of the city, and "shall have and possess, and shall exercise, all the powers, rights and duties, other than legislative, had, possessed or exercised, immediately prior to the adoption of this plan" by the prior existing city government—implicitly, the City Manager is also the city's Chief Executive (M.G.L. Ch. 43 §103 and 104). In Worcester's charter, this is explicit: the City Manager is listed as both the Chief Administrative and Chief Executive Officer.



other duties as the City Council may adopt) and a City Auditor (who "from time to time" audits the books and accounts of all departments in the city). Under both the Home Rule Charter and Plan E that it is based upon, there is a strict separation of powers between the legislative (i.e., City Council) and the executive (i.e., the Manager). This is especially apparent in section 2-3, which prohibits the City Council from appointing or removing any person within the City Manager's purview from office or employment, nor can they request such from either the City Manager or one of the City Manager's subordinates; nor can the City Council "order" any such subordinate to act, either publicly or privately. The City Council does have purview over the City Clerk and the City Auditor, as provided in section 2-8.

Section 2-5 notes that except where provided by Massachusetts General Laws or the Charter, "all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law." Section 2-6(a) reinforces the legislative powers and nature of the City Council, noting that except where prohibited by Massachusetts General Laws or the charter, "the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it."

In section 3-7, the City Council is charged with doing an annual review of the City Manager, and in 3-8 may remove the City Manager from office by majority vote.

Article Five lists the obligations of the City Council to adopt an annual budget. The City Manager is responsible for creating and submitting a budget to the Council. The Council may reduce or reject amounts recommended in the budget, but has no power to increase any amount or add anything new to it. If, within forty-five days of receipt of the budget, the City Council does not take any action on any recommended appropriation in the city budget provided by the Manager, that amount will automatically take effect. If, on the other hand, the Manager fails to provide a budget to the Council in the time required by the Charter, the City Council shall prepare the budget.

Article Six regards the reorganization of city agencies. The City Manager can present a reorganization plan for consolidating, abolishing, or creating new city agencies. The City Council can approve or reject such a plan. Upon receipt of the plan, the appropriate Council committee must hold a public hearing on the reorganization within thirty days. After ninety days before the Council, if the Council has failed to either approve or reject the plan, it automatically takes effect (unless the plan itself specifies otherwise).

Article Eight allows the City Council to create "Neighborhood Area Councils," which can provide an advisory function for the City Council. The City Council (in section 8-8) can delegate certain authorities to these Neighborhood Area Councils, which are themselves elected from the citizenry of the particular neighborhood. If requested, the City Manager shall assign a representative to attend their meetings and act as a liaison between them and the City Manager's office. Citizens can petition the Council to create such councils; however, the ultimate power to create them and delegate authority rests with City Council itself. Importantly, there has never been any established neighborhood area councils as delineated by the Charter, though the concept has appeared on City Council agendas five times since 2002.

The Council does operate according to a set of its own rules, [found here](#).

Finally, it should be noted that the Revised Ordinances of the city of Worcester (essentially, the day to day laws that govern the City's operations), in Chapter Two § 3 note that standing committees of city council "shall not perform administrative or executive duties, but shall perform the duties usually performed by committees of deliberative bodies." In other words, to reinforce what has already been said, the City Council firmly plays the deliberative role that is assigned to legislatures everywhere.

THE CITY MANAGER

The City Manager's powers, duties, and responsibilities are outlined especially in Article Three of the City Charter. The City Council appoints the City Manager, and the Manager serves as the Chief Administrative and Chief Executive Officer of the City. The manager oversees the administration of all city agencies, except for where otherwise provided in the Charter (the City Clerk and the City Auditor are hired by the City Council).

Section 3-2 outlines the specific powers and duties of the Manager. First, the manager "shall have and possess, and may exercise, all the power, rights and duties, other than legislative, commonly associated with municipal chief executive or administrative officers." The manager "shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the proper administration of all city affairs properly entrusted to him/her." As the Chief Administrative and Executive Officer, the City Manager has day to day purview of city affairs.



The Charter lists seven specific powers under 3-2 of the City Manager. The following quotes directly from the Charter:

- (1) To act as chief conservator of the peace within the city. He/she shall have all the authority and power conferred upon a city manager under section forty-two of chapter thirty-three of the General Laws. (NOTE: M.G.L. Ch. 33 § 42 was repealed in 1979)
- (2) To supervise the administration of the affairs of the city.
- (3) To ensure that, within the city, the general laws and the ordinances, resolutions, and regulations of the city council are faithfully executed.
- (4) To make such recommendations to the city council concerning the affairs of the city as he/she may deem necessary and desirable.
- (5) To make reports to the city council from time to time upon the affairs of the city.
- (6) To keep the city council fully advised of the city's financial condition and its future needs.
- (7) To prepare and submit to the city council budgets as required by general law and article five of this charter. He/she may require the submission by all city agencies under his/her jurisdiction of detailed estimates of the full amounts necessary to meet their expenses for the next fiscal year pursuant to section 31A of chapter 44 of the General Laws.

As "chief conservator of the peace," and as part of their supervision of the administration of the city, the City Manager oversees the police and fire departments, and both departments are members of the Manager's Cabinet.

Section 3-3(a) gives the City Manager the power to appoint and remove department heads, officers, and employees from city agencies under the responsibility of the city manager. According to section 3-5, officers and employees of the city that are appointed by or under the authority of the manager are to perform the duties required by them of the City Manager, or face possible removal. The City Manager is also responsible for appointing members to boards and commissions in the city that are classified as executive and regulatory, with advice from the Citizen Advisory Council (section 3-4). (See [Bureau Brief—Serving on Worcester's Boards and Commissions](#) from May 2023 for more information about this process)

Article 6, regarding city agencies, leaves it to the City Manager to prepare and submit to City Council for

approval plans to reorganize, abolish, consolidate, or establish city agencies. Article 7, regarding elections, provides the City Manager the ability to appoint members of the Board of Election Commissioners, insofar as they then receive majority approval from the City Council.

Finally, it should be noted that in the Revised Ordinances of the city of Worcester, in Chapter Two § 12, heads of departments and city agencies are charged with "determining the priorities of the agency and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager," and, among other things, to "ensure that all actions of the agency are taken in accordance with all executive orders and administrative directives issued by the city manager." If it was not already apparent, this reinforces the fact that the executive power is firmly in the hands of the City Manager.

CONCLUSION

Worcester's municipal government is, in many ways, no different than the governments many are already familiar with. While it may not possess a "judicial" power, the City has both a legislative and executive power, found within the City Council and the City Manager respectively. Indeed, the Revised Ordinances of the city of Worcester, Chapter Two § 1 reaffirms this: "The legislative powers of the city of Worcester shall be vested in the city council and the executive power shall be vested in the city manager."

As both the chief administrative and chief executive officer of Worcester, the City Manager has an enormous responsibility to guide the day-to-day affairs of the city, as well as to set yearly priorities through the creation of a budget. As Chief Executive, the Manager may also need to interpret and implement the ordinances and policies passed by the City Council. The City Manager, in that sense, plays an important role guiding the affairs of the City. The City Council, with the legislative power, has responsibility for oversight of the city through the creation of ordinances and regulations that govern behaviors and what is possible within the city, including setting policies within their purview, and the responsibility to pass the budget and other matters. Both need to work together for the smooth operations of the City.