

Reading Home Rule Charter Translation Guide

Special Town Meeting January 5, 2015

At Annual Town Meeting in 2013, an instructional motion approved by Town Meeting established a Charter Review Committee, and charged it “to report its findings and recommendations to Town Meeting”. The instructional motion appointed the Moderator as the Chairman, and he subsequently selected a variety of Town Meeting members, including two from the original Charter Commission in 1986, the current and former Chair of the Bylaw Committee and other members, and other current and former elected officials. A full list of the committee is in the Warrant Report.

The first meeting was on September 19, 2013, and since that time the committee has met in public session and deliberated 25 times. Articles 7 & 8 of the January 2015 Special Town Meeting reflect the 15 months of work completed by the committee including significant community input. Further background is provided in the Warrant Report, in the section just before Article 7.

This Translation Guide has two distinct sections. The first is an overview of the types of proposed changes, listed by Warrant Article and arranged as is the proposed new Home Rule Charter. When the change is considered significant, an explanation is included. The second is a bold and cross-out of the existing Charter, showing exact changes. Remember, this bold & cross-out document is quite accurate, but in case it is not perfect, the proposed language in the Warrant Report is the official version.

Translation Guide Section 1 – Overview

	Proposed New Charter	Current Charter
	Preamble	Preamble
Article 1	Existence, Authority and Definitions	Existence and Authority
Article 2	Representative Town Meeting	Representative Town Meeting
Article 3	Elected Officers and Boards or Committees	Elected Officers and Boards
Article 4	Appointed Boards or Committees	Appointed Boards and Committees
Article 5	Town Manager	Town Manager
Article 6	Administrative Organization	Administrative Organization
Article 7	Budget and Capital Improvements Program	Finances and Fiscal Procedures
Article 8	General Provisions	General Provisions
Article 9		Transitional Provisions
Appendix		Table of Organization
Appendix		Index

From the table above one can see there is not a massive re-arranging of the Articles in the Charter. Definitions are moved up from Article 8 to Article 1, and the last three parts of the current Charter (Articles 9 and two Appendixes) have been deleted. The next several pages will use the following self-explanatory format:

Proposed New Charter	Wording to simplify, clarify, modernize	Significant Change	Reason
Preamble	yes	none	

Article 1 – Existence, Authority and Definitions

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
1.1	none	none	
		old 1.2 deleted	Content moved to Definitions
1.2	yes	none	
1.3	yes	none	
1.4	yes	none	
1.5	yes	yes	Clarify role of Board of Selectmen
1.6	yes	yes	Definitions moved from Article 8 for ease of use for the reader; generic term “Board or Committee” added; newspaper & town bulletin board modernized; majority vote clarified – not changed.

Article 2 – Representative Town Meeting (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
*2.1	yes	none	
*2.2	yes	yes	Remove Board of Assessors as they currently play no role; clarify polling location.
*2.3	yes	yes	Significant change in tie-breaking procedure for Town Meeting elections, from ballot position (current) to vote of the Town Meeting Members of the Precinct (proposed).
2.4	yes	none	
*2.5	yes	yes	Nomination papers filing deadline changed from 28 days to 35 days in order to conform to current state law.
*2.6	yes	yes	Remove requirement for oath of office; vacant terms filled by vote of Town Meeting Members only until the next local election if different from the length of the term; delete section about tie votes as redundant.
*2.7	yes	yes	New section added to organize and clarify the conduct of Precinct Meetings.
2.8	none	none	(section is renumbered)
2.9	yes	none	(section is renumbered)
2.10	yes	none	(section is renumbered)
		old 2.10 deleted	Not needed as superfluous.
2.11	yes	none	
2.12	yes	yes	Boards or Committees created by Town Meeting must be subject to Open Meeting Law requirements;
2.12.1	yes	yes	Partial terms of less than two years not counted towards Finance Committee term limits, at the suggestion of FINCOM. Several recent Committee members have had to

			leave after serving 6-1/2 or so years because they served an initial partial term; requirement for 7 days' notice to Town Meeting changed to a "reasonable effort" to do so.
2.12.2	yes	yes	Change from shall propose Town Meeting Articles to may propose – in facts other Boards or Committees such as CPDC already do this; requirement for 7 days' notice to Town Meeting changed to a reasonable effort to do so; shall consider changed to may consider for Zoning Bylaws, since they always have an extensive public process and Bylaw Committee further review may be a duplication of effort; new requirement to propose any General Bylaw revisions needed when the Charter changes; new requirement for the Bylaw Committee to review the General Bylaws every ten years and report any findings to Town Meeting.
2.13	yes	yes	Change the reporting requirement for the Rules Committee to as needed instead of annual.
2.14	yes	yes	Clarify that the Reading Municipal Light Department budget is not subject to Town Meeting approval; for additional information to the reader, add that a petition of two hundred voters may call a Special Town Meeting, as is current state law.
2.15	yes	none	Note that previously Town Meeting approved a change to this section of the Charter, but shortly afterwards the Charter Review Committee was formed, so those changes were not yet sent to the voters. This language further changes and clarifies this section.

Article 3 – Elected Officers and Board or Committees (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
3.1	yes	yes	<p>Board of Assessors removed from this section and moved to Article 4 Appointed Boards or Committees; Vocational School removed as unnecessary.</p> <p>For the Board of Assessors proposed change, please read the Board of Assessors Report in Article 7 in the Warrant Report, where they spell out several reasons to make this change. The Charter Review Committee agreed with those reasons and emphasize that this Board has become highly technical in recent years and they would prefer an appointment process that emphasized qualifications instead of political interest in the position.</p>
*3.2	yes	yes	<p>Transitional language concerning appointment of certain Boards from the original Charter is removed as historically interesting but no longer needed. By default those and many other Boards or Committees not listed are appointed by the Board of Selectmen – there is no proposed change to the actual appointment process; the creation of boards or committees is moved to section 4.14 and is not changed, with regards to the Board of Selectmen.</p>
3.3	yes	none	
3.4	yes	yes	<p>Clarify that the Town Manager may delegate the operational maintenance responsibility for the Library building (e.g. to the Facilities department).</p>
3.5	yes	none	
		old 3.6 deleted	<p>See comments above in section 3.1 about the Board of Assessors</p>
3.6	yes	none	<p>(section is renumbered)</p>

Article 4 – Appointed Board or Committees

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
			The Appointed Boards or Committees have been rearranged to be alphabetical for those that meet regularly, with those that meet less frequently listed at the end of the section. Some of these Boards or Committees have been given their own new sub-section in the Charter.
4.1 Board of Assessors	yes	yes	See the previous section 3.1 for a brief explanation of this change.
4.2 Board of Cemetery Trustees	yes	none	
4.3 Board of Commissioners of Trust Funds	yes	yes	Treasurer charged with investing funds – see Section 5 for a discussion of the Treasurer/Collector position.
4.4 Board of Health	yes	none	
4.5 Community Planning and Development Commission	yes	none	
4.6 Conservation Commission	yes	none	
4.7 Council on Aging	yes	none	
4.8 Historical Commission	new	yes	This is a new sub-section added due to the importance of this Board or Committee.
4.9 Housing Authority	yes	none	
4.10 Recreation Committee	yes	none	
4.11 Town Forest Committee	new	yes	This is a new sub-section added due to the importance of this Board or Committee.
4.12 Zoning Board of Appeals	yes	none	
4.13 Charter Review Committee	new	yes	This is a new Board or Committee designed to replace the current ad hoc Charter Review Committee formed by Town Meeting. This new committee is charged with reviewing the Charter every ten years; its membership at nine (9) is smaller than the current group by design, and consists of the Moderator, a member or designee from each of the Board of Selectmen, the School Committee, the Board of Library Trustees, the Municipal Light Board of Commissioners, the Bylaw

			Committee, and finally three Town Meeting Members appointed by the Moderator.
4.14 Other Boards or Committees	yes	yes	Instead of listing new Boards or Committees here as was done previously, this section instead describes the process for creating new Boards or Committees. A significant change is that the authority to do so is extended from only the Board of Selectmen to include all elected Boards or Committees in Article 3. Another important difference is that only residents may serve on these newly created Boards or Committees, which are meant to solve issues of finite duration.
4.15 Associate Membership	new	yes	This new section allows associate members to be on any Board or Committee created under Article 4. Associate membership currently is largely undefined. In order to have associate members, a Board or Committee must specify in either the General Bylaws or the Charter what rules and regulations apply, including the possibility of voting. State law if applicable will supersede. Currently all associate members are appointed for a fiscal year, so there may be some transition needed, including a future Town Meeting Article to add language in the General Bylaws.

Article 5 – Town Manager (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
*5.1	yes	yes	Termination pay is moved from old Section 5.5.3 (d) but is otherwise unchanged.
5.2	yes	yes	See below for most significant proposed changes:
5.2.2	yes	yes	The Town Manager will appoint the Appraiser, subject to confirmation by the Board of Assessors, in much the same way the Police and Fire Chiefs are appointed and confirmed by the Board of Selectmen; transitional language concerning the appointment of certain staff from the original Charter is removed as historically interesting but no longer needed (as in section 3.2). There is no proposed change to the actual appointment process, except in Assessing.
5.2.11	yes	yes	Clarify that the Town Manager may delegate the operational maintenance responsibility for Town buildings (e.g. to the Facilities department).
5.2.15	yes	yes	Current Charter language assigns the Town Manager the responsibilities under MGL as the Chief Procurement Officer – this proposed change simply states that fact.
5.2.16	yes	none	Moved from old section 7.9
5.3	yes	yes	The Town Manager must appoint an employee to serve in this role and may not serve in it himself. This proposed change is to ensure a check and balance on the position so that every member of the community will have a voice within town government.
*5.4	yes	yes	Increase flexibility from ten (10) to thirty (30) days to avoid the need to re-appoint several times if needed; to clarify the position of Acting Town Manager and allow for 180 days in the position instead of 120 days, as the Town Manager hiring process is extensive and should not be rushed; expand powers of Acting Town Manager by a super-majority vote of the Selectmen in case a situation would so warrant.
5.5	yes	none	Significant re-wording but no real change in meaning.

Article 6 – Administrative Organization

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
			This section was significantly simplified and clarified. Current wording was often a reference to an unclear historical artifact.
6.1	YES!	yes	No one knew what the Administrative Code was, so it was eventually deleted - some believed it to be a description of a practice from some county governments across the country, but never seen in Reading. The Table of Organization was removed from a location within the Charter as it may need to change frequently. Instead it will be published annually in the Town Manager's budget – a second one will be published if the budget proposes any changes to the Table of Organization.
		old 6.2 deleted	Historical reference to the Department of Public Works no longer needed.
6.2	yes	yes	Town Counsel appointment changed from annually to 'at will'; list of some powers and duties removed as not needed; procedure for vacancy added.
6.3	yes	yes	Appointment changed to coincide with the fiscal year instead of the local election cycle.
6.4 and 6.5	yes	yes	Position of Treasurer/Collector split into two distinct parts, Treasurer and Collector, and the duties are assigned to each portion. The Board of Selectmen may combine these positions if the Town Manager so desires. While no staffing change is anticipated today, this change allows the organization to be flexible in the future, in much the same way as the annual adoption of the Table of Organization as part of the budget process.
6.6	new	yes	Town Clerk position added to the Charter.

Article 7 – Budget and Capital Improvements Program

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
7.1	no	none	
7.2	yes	none	
7.3	yes	yes	By Charter, the Town Manager must submit his budget to the Finance Committee by March 1 st , but in practice it is submitted two weeks earlier because FINCOM begins their deliberations in late February. A Charter change is proposed to require the School Committee to deliver their budget to the Town Manager by February 1 st in order to meet the above schedule, instead of 'in a timely fashion'. In recent years the School Committee has ceased delivering their budget to the Town Manager in January as was the past practice; a reference to 15 days removed as ambiguous to the remainder of this section.
Ng the7.4	yes	yes	Addition of the Table of Organization as a requirement of the annual budget.
7.5	yes	yes	Clarifies that the budget must be balanced to the funds available, which has always been the practice.
7.6	yes	yes	Remove the lower limit of \$500, another probable historical reference no longer needed.
7.7	yes	none	
		old 7.8 deleted	
		old 7.9 removed	Section moved to 5.2.16 as previously described.

Article 8 – General Provisions (* indicates that a Special Act required)

Proposed New Charter	Wording to simplify, clarify, modernize	Noteworthy Change or Comment	Reason
8.1	yes	none	
8.2	yes	yes	Strengthened by Town Counsel in a similar fashion as was done to the Zoning Bylaws.
8.3	yes	none	
8.4	yes	none	
8.5	yes	yes	Clarified to correlate with the schedule of Town Hall.
8.6	no	none	
		old 8.7 moved to section 1.6	
8.7	yes	none	
		old 8.9 deleted	Modernized with respect to publication.
8.8	yes	yes	Changed to allow for out of Town meetings as are needed, as long as there is public access and clear posting. This proposed change is consistent with State Open Meeting Law.
*8.9	yes	none	(section is renumbered)
8.10	yes	none	(section is renumbered)
*8.11	yes	yes	Insulate elected officials from a recall during the first three months of a term; clarify that the Board of Registrars of Voters (not the Town Clerk) must certify a petition; clarify the process in 8.11.5 and 8.11.6 (section is renumbered)
8.12	yes	yes	Clarify and specify three methods whereby an appointed Board or Committee member may be removed: 1) vote of appointing authority; 2) request to appointing authority by Board or Committee itself; 3) request to appointing authority by 100+ voters. Public Hearing process and removal procedure modelled after that of an elected official, with significant due process. (section is renumbered)
8.13	yes	none	(section is renumbered)
8.14	yes	none	(section is renumbered)

Note that Article 9 Transitional Provisions is deleted from the current Charter as a historical reference no longer needed.

Translation Guide Section 2 – Bold and Cross-out

Please see the following pages for a full listing of all changes proposed to the Charter by the Charter Review Committee.