

HOW HINGHAM GOVERNMENT COMPARES WITH OTHERS

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Each city or town in Massachusetts operates by a set of rules typically referred to as a Charter. The charter is the “constitution” of a city or town. It contains the basic provisions that establish the form, structure and organization of a government and the powers and duties of various officials. The charter is adopted by the voters of the city or town.

In cities, voters can accept one of the “plan” city charters the General Court (the Legislature) has made available. They’re known as Plans A, E, and F. Plan A establishes a Mayor with a two-year term to wield executive power, and a City Council of nine members elected at large to exercise legislative power. In a Plan A form of government the Mayor has the power to appoint and remove--without City Council confirmation--all department heads and municipal board members except the School Committee, officials appointed by the Governor, and assessors if they are elected by popular vote. Every order, ordinance, resolution and vote passed by the City Council relating to the affairs of the Plan A city must be presented to the Mayor for approval. If the Mayor approves it, he or she signs it. If not, the Mayor returns it to the City Council with written objections. The City Council can subsequently pass the measure by a 2/3 vote of all its members. This Plan A thus describes a strong mayor form of government.

Plan E and F cities, on the other hand, authorize the general management of the city by an elected city council and a city manager, appointed by the city council. The city manager is the chief conservator of the peace within the city and supervises the administration of the city’s affairs. He or she makes sure that the laws of the Commonwealth and the ordinances and regulations of the city council are executed. He or she reports to the council concerning the city’s financial condition, and prepares the annual budget. He or she makes all appointments and removals of personnel in the departments for whose administration he or she is responsible. The Mayor in a Plan E city is the official head of the city for all ceremonial purposes and is recognized by the courts for the purpose of serving civil process. The Mayor serves as the chairman of the city council but has no power of appointment, except as to employees connected with the Mayor’s office.

Massachusetts towns are organized either because of the statutorily prescribed charter commission protocol, or because of by-laws adopted by the legislative body of the Town (i.e. the Town Meeting) under the authority of the Home Rule Amendment. Town governance is also determined by Special Acts of the General Court, and default provisions of the Mass. General Laws that specify how things will work in a city or town if the voters have not formally decided to do it a different way. The General Court also enacts laws that will apply to a city or town if the legislative body of that city or town votes to “accept” it.

Collectively, these laws will determine the governance of a town. For example, how many members will be on the Board of Selectmen and School Committee? Will the Board of Health be elected or appointed? What powers will be exercised by the Town Administrator? If a Town Manager form of government is chosen, will the Town

Manager be “strong”- i.e., having great responsibility, power and secure tenure, or “weak”- i.e., serving under the direction and supervision of the Board of Selectmen.

The 351 cities and towns in Massachusetts benefit by the variety of governmental structures available, and the relative freedom to govern them.

Sometimes, cities and towns choose to organize themselves out of local tradition and unique history, rather than from a theory or principle of government. Citizen petitions (whether introduced by an individual or by a government study committee) seek to refine and improve how local governments operate. Examples include minor changes, for example, creating the new position of animal control officer, to major changes, such as increasing the size of a Board, or moving from a town form of government to a city plan (which Weymouth voters recently approved).

Changes to a city or town charter may be accomplished through the charter commission process or by seeking a Special Act of the Legislature. Towns also may amend their by-laws at Town Meeting, but some changes may also require a Special Act of the General Court.

In 1990 Hingham formed a government study committee that reviewed the structure of government and made several recommendations, including the creation of a Town Administrator position. In addition, the committee recommended the town Treasurer/collector be appointed rather than elected. This gives the Selectmen a more active role in the formulation of the budget and a review of the administration of certain town departments.

Citizens in Massachusetts have a long tradition of tinkering with the structure of their town government. Hingham has been blessed with many generations of citizens who have participated to an extraordinary degree in town affairs. They have provided a quality of thoughtful leadership and service to the town which no local government could afford to hire, despite the tax-base. These Hingham citizens were and still are motivated by a love of this town, and they realized that for a community to prosper in the 21st century they *must* take it seriously and work to maintain it.

As Louis Brandeis said “The most important office...is that of private citizen.”

For information about the Hingham League of Women Voters, please contact Christine Dieterich, Membership Chair, at 781-741-8121.