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Throughout the charter development process, FACT has supported, and continues to support, a governance model that lays the foundation both for strong professional management and for policy decisions made with the input and involvement of neighborhood representatives. We have significant reservations about the strong Mayor/Council form of government, the path to which the Charter Commission is committed.

As proposed, the draft city charter has inadequate checks and balances, insufficient protection of and voice for neighborhood interests, and no mitigation of the fundraising advantages associated with incumbency, reducing the likelihood of competitive elections. As it currently stands, we have significant misgivings about the draft city charter and are pessimistic that the remedy is worse than the problems it seeks to solve.

However, we remain optimistic that changes *could* be made within a Mayor/Council governance structure that would address many of our key concerns about the imbalance of power within the structure, the impact of planning, zoning and development decisions on neighborhoods, and the impact of campaign financing on competitive elections.

We would propose the inclusion of the following changes to address these concerns and to provide a more inclusive and participatory government than that which is currently being proposed:

1. One representative from each of our current 18 Precincts on the Council to support fair and full representation for all of our neighborhoods and to encourage grassroots campaigns
2. Two-year terms for all Council members to improve accountability and responsiveness to citizens
3. Eight-year term limits for the mayor and council to increase the number of competitive elections and provide voters with meaningful choices
4. Majority Council approval of all high-level managers to support a high-quality, professional executive branch and to reduce the risk of appointing marginally-qualified but politically-connected managers

The current language in the charter allows the council to reject mayoral division head candidates with a 2/3 vote. We believe that this is an insufficient check on the mayor's powers, and numerous other city charters

require majority approval of such appointments. We request that this language be substituted into the current charter in Article II Section 10:

*Appointments made by the mayor for division heads shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with the clerk of the council **unless approved or rejected by the city council.** The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in article VII.*

5. Super-majority approval for key development decisions to balance the interests of developers, commercial property owners and residential neighborhoods

Based on comments made at the Charter Commission Hearing on November 10, 2016, the Commission appeared to be unaware of ongoing efforts in the legislature to amend the requirements for a super-majority for granting special permits. One such measure has passed the Senate in the current legislative session.

We request that the following language be inserted into the charter:

*“A special permit issued by a special permit granting authority, including the council, shall require a two-thirds vote of bodies with more than five members, a vote of at least four members of a five-member body, and a unanimous vote of a three-member body unless otherwise mandated by state law.”*

Multi-pronged efforts at the state-wide level make us feel less certain about the sanctity of the state’s 2/3 requirement for approval of zoning ordinance changes. We therefore request that language be added to the charter that would require a 2/3 vote for approval of zoning ordinances unless otherwise mandated by state law.

6. A requirement that delegation of special permit granting and zoning authority be limited to multiple-member bodies, not an individual

The members of the Charter Commission seemed to be unaware of state law that allows the ZBA to delegate some of its authority to a Zoning Administrator, Chapter 41 Section 13 of Massachusetts General Laws says otherwise. We believe that special permits decisions should be subject to open meeting laws, and not made in the office of an administrator who is not accountable to the public.

7. A residency requirement for members of the Planning Board & Zoning Board of Appeals which make legally-binding decisions that impact residents and neighborhoods

We were unable to find residency requirements for Zoning and Planning Board members under M.G.L. 41 and M.G.L. 41A, which specify requirements for membership for each of these boards. Unless the Commission has identified requirements in other sections of state law, we request that residency requirements specifically be included in the charter for Planning Board and Zoning Board of Appeals members. The work of these boards should not be done by non-residents who do not have to live with the impacts of those decisions.

We would appreciate a response on each of these requests detailing the actions you've taken in the final draft which will be submitted to the Attorney General for approval.