

WAREHAM CHARTER REVIEW COMMITTEE
MINORITY REPORT

Submitted by:
Linwood A. Gay
April 12, 2010

Ladies and Gentlemen:

When the Charter Review Committee first convened, it became apparent that there were at least four general areas where the style and process of government in Wareham had some shortcomings in the eyes of the committee members. The issues were the relatively unaccountable Town Administrator, the Town Meeting Process, the influence of special interests, and a lack of voter participation.

While I agree with the nature of the shortcomings, I do not agree with the proposed solutions. I believe the proposed change to Mayor/City Council form of town government will reduce citizen involvement in their government, concentrate too much power in a very small group of people, and will encourage voter apathy and even more special interest group influence.

TOWN ADMINISTRATOR

I am no fan of the Town Administrator form of government. Elizabeth Carmichael's Minority Report attached to the original Charter Commission Report done in 1977 was remarkably prescient concerning this type of government, and I believe it holds true today. We have had too many bad experiences with the various Town Administrators that have passed through Wareham in the past 30 years or so. Enough is enough.

TOWN MEETING

The Town Meeting process can be a frustrating, inefficient, time consuming, daunting campaign, but that is what it is supposed to be. It is not supposed to be a rubber stamp for bad ideas. Town Meeting is a legislative body, not a judicial proceeding. No one is under oath, no one is required to speak or answer any questions, no one is required to tell the truth. Compared to the proposed 11 member city council, it is a much more difficult work environment for the special interests. A bad idea only needs the support of 6 city council members plus the Mayor, rather than 51% voters at town meeting.

The voters that attend Town Meeting are not elected. They do not need money to fund reelection campaigns. They are not beholden to the special interests, and have no reelection concerns. They are free to vote their best interests. The best interests of a city council may not be the best interests of the citizens. Money can make a difference.

Town Meeting process can be improved with a few by-law changes without completely eliminating it. A small study committee could be established to review the process and make recommendations for improvements without completely altering the form of government. Some procedures can be streamlined, others eliminated and still others improved without abridging the purpose and process of the meeting.

In the odd chance that an issue seems so urgent for Town Meeting consideration and action, there is always the process of calling a Special Town Meeting. Some of that process can be dictated by local bylaws allowing a balance between expediency and caution. Town Council may act in haste in their personal interests and leave the public with the mess and the bill. It can also happen at Town Meeting, but it will take at least 51 voters, not 6 council members looking at re-election.

SPECIAL INTERESTS

Special interests are the “right of the people peaceably to assemble and to petition the government for a redress of grievances” contained in the First Amendment. Regardless of the form of government, there will be special interests. Every article in the warrant for every Town Meeting is the handiwork of special interests.

Money, special interests and politics are inseparable and must be recognized as a controlling element in even the smallest government endeavor. Unpaid, part-time elected officials need money for printing, postage and advertising to get re-elected. Much of that money is provided by special interests, along with in-kind benefits such as holding signs making phone calls or stuffing envelopes.

Any group of two or more people may form a special interest group, organize around an issue or a candidate, engage in public relations, and attempt to convince the voters that their cause should be victorious. If they have a good idea, do their homework and convince the voters, they will likely succeed. If they do a half-baked job of research, skip crossing the t’s and dotting the i’s, they deserve to lose.

We cannot stop special interests, nor should we. We can, however force them to educate us and in the process make their case for their particular cause. The real issue is whether we want the special interests to ply the proposed 11 member city council with campaign contributions in an effort to garner favorable action for their causes, which may not be in the best interests of the entire town, or present their case at Town Meeting which is not influenced by campaign contributions, not concerned about getting re-elected, and represents a much larger group of citizens with their own interests at heart. It is our government, not the town council’s government. We do not have to look too far to see where our elected representatives often pander to the special interests and ignore the wishes of the general public.

VOTER APATHY

The Charter Review Committee can do nothing about voter apathy. That is a public education problem. We can only assume that the voters that do not show up at Town Meeting or at elections are satisfied with the choices that are made by those of us who choose to participate in Town Government. We are effectively acting as their representatives. They cannot vote us out of office, but they do outnumber us if they choose to participate. It is up to them.

The Charter Review Committee also spent considerable time discussing personnel issues, eventually inserting some procedures in the proposed Charter. Once placed in the Charter, they will be difficult to alter, as the passage of time might require. The proper place for personnel issues is in a Personnel Plan and an Employee Handbook, both of which may be adjusted as the circumstances require, without amending the Charter.

ALTERNATIVES

It would be inappropriate to disagree with the proposed Charter changes without offering alternative suggestions on many of the issues. The alternatives would include:

1. Eliminate the Town Administrator position and reinstitute a 3 position full time Board of Selectmen, each elected in a different year and term limited to two or three terms, and giving them most of the duties of the Town Administrator.
2. A small committee should examine the Town Meeting Process, gather public concerns and input, and make recommendations for by-law changes regarding the Town Meeting process.
3. Create a workable personnel plan and employee handbook as part of the bylaws, where they may be changed more easily than as a part of the Charter.
4. Create a High School course in local government to be taught in the senior year and encourage ALL high school students to attend Town Meetings and observe.

There is no perfect answer. If we want efficiency, we must surrender a measure of control. If we want control, we must sacrifice a degree of efficiency. Government is inherently inefficient. We must control it.

It has been an honor and a pleasure to serve my home town of Wareham and to join with my fellow committee members in what proved to be an interesting process.

Respectfully Submitted,

(original signed by author)

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Charter Review Committee