

DRAFT B (annotated) of the proposed Marblehead Town Charter is posted online as a public document:

<https://marbleheadma.gov/town-charter-committee/>

Documents reviewed by the Charter Committee are posted on the committee's web page.

1. WHAT IS A TOWN CHARTER?

A charter is a legal document that establishes a town's government structure and defines the powers, roles, and responsibilities that guide the town's operations. It is intended to reflect the needs, values, and priorities of the community. A town charter takes effect upon approval by Marblehead voters and approval by the state legislature. The charter may be amended or modified by future vote of Marblehead town meeting as provided by the laws of the Commonwealth and laws of the town.

2. WHY CREATE A CHARTER FOR MARBLEHEAD?

- Marblehead has no charter to explain how its government works.
- The lack of a charter makes it hard for individuals serving on town boards/committees/commissions (especially those who are newly elected) to understand their responsibilities and roles and how their respective departments interface with other town departments and officials.
- Marblehead's bylaws do not always address roles and responsibilities.

3. WHAT MARBLEHEAD'S PROPOSED CHARTER DOES:

- It crafts a Marblehead charter solely designed to serve Marblehead's needs.
- It maintains Open Town Meeting.
- It maintains the primacy of the Select Board's authority in its policy, operational responsibilities, and its discretion in the delegation of duties to the town administrator.
- It serves as a reference/resource tool for citizens—an owner's manual—using clear language to explain how the town's bylaws, regulations, special acts, and state law currently govern town functions.
- It serves as a resource for those serving on elected and appointed boards/commissions/committees; it clarifies responsibilities but does not change them.
- It includes the alignment of language across charter articles for consistency.
- It is written for clarity and to meet the requirements of a special act to establish a charter in the Commonwealth.
- If approved as a "standalone" recall article at May 2026, the charter would provide authority for the town to determine whether to enact future provisions for the recall of elected officials.
- It includes an appendix of terms to provide context and further information for Marblehead citizens.

4. WHAT MARBLEHEAD'S PROPOSED CHARTER DOES NOT DO:

- The charter does not change Open Town Meeting.
- The charter does not expand the Town Administrator's role.
- The charter does not dictate every-day operational tasks for town employees, boards/committees/commissions.
- The charter does not give or take away power from voters, town officials, departments, boards/committees/commissions.
- The Charter is not intended to resolve financial issues with regard to the operations of town government.

(OVER)

5. DO MARBLEHEAD BYLAWS AND MASSACHUSETTS GENERAL LAWS APPLY TO THE CHARTER?

- The charter does not propose changes to current Marblehead practices that are consistent with the town’s bylaws, regulations, specials acts, and Massachusetts General Law (MGL).
- To ensure legal accuracy, Marblehead town counsel reviews charter language and provides ongoing legal counsel to the charter committee.

6. USE OF THE TERM “LAWS OF THE TOWN”

- This phrase is used throughout the charter. “Laws of the Town” includes bylaws, regulations, and Special Acts that apply to committees, commissions, and boards. The term “Laws of the Town” does not impose any greater controls or restrictions or requirements to departments or committees, commissions, and boards. It does not exempt them from complying with town bylaws.

7. MARBLEHEAD CHARTER TIMELINE (REVISED):

- Charter Committee meetings are always posted on the Marblehead town website. The meetings are hybrid.
- January through April 2026:
 - The Charter Committee will discuss Select Board Draft B feedback, Collins Center feedback, comments from town counsel in response to TCC questions, and review Articles 6 and 7.
 - The Charter Committee will develop Draft C language
 - The Charter Committee will submit the Draft C charter document to the Select Board for consideration and presentation as a future warrant article for town meeting.
 - The Charter Committee will submit a “standalone” recall section to the Select Board for consideration and presentation as a warrant article for town meeting.
- Spring 2027: The Select Board will organize public forums to answer community questions about the charter.

8. TO BECOME LAW THE MARBLEHEAD TOWN CHARTER MUST BE APPROVED IN THREE STAGES:

- A. May 2027: Marblehead annual Town Meeting. If the charter is approved:
- B. The charter will be submitted to the MA legislature for review and approval. The bill will then be placed on the Governor's desk to sign for enactment.
- C. Once passed at the state level, the charter will come back to Marblehead for a town-wide vote to accept.