



**Franklin Regional
Council of Governments**

CHARTER CHANGE REVIEW

**FRCOG Council
January 30, 2025**

FRCOG CHARTER HISTORY

- In the mid 1990s, Governor Weld was intent on eliminating County Government. He considered it a redundant layer of government
- Franklin County Commission (the name of our county government) provided valuable services to the towns of Franklin County and was the legislatively-established Regional Planning Agency for Franklin County
- A Charter Commission formed to create a Council of Governments before county government was abolished
- The Charter was adopted by all 26 towns in 1996; FRCOG created in 1997
- State legislation allowed the formation and creation of the FRCOG and abolished the county government – 151 Acts 96, Section 567

CHARTER CHANGES – WHY NOW?

No amendments have been made in our 25+ year history

- The Charter is a strong document
- To make any changes is a significant process

Why make changes now?

- Succession——getting the house in order as long-time staff get ready for retirement
- Some things are out of date and do not reflect the evolution of the FRCOG and the County

CHARTER AMENDMENT PROCESS

Step 1

Majority vote of FRCOG
Executive Committee

Step 2

2/3 of weighted vote
of FRCOG Council

Step 3

2/3 majority vote by
2/3 of member towns

CHARTER AMENDMENT PROCESS

- Special Committee working through Charter
 - **Council and Planning Board Members:** Jay DiPucchio, Bee Jacque, Ellen McKay, Paul McLatchy, Charlie Olchowski, Bill Perlman
 - **FRCOG staff:** Linda Dunlavy, Bob Dean, Jessica Atwood, Claire McGinnis
- Present changes to COG Executive Committee, COG Council, and Franklin Regional Planning Board
- Amend Enabling legislation and file it with the state
- Conduct public engagement campaign to explain changes
- Bring changes to 2025 Annual Town Meetings and City Council for votes

GLOBAL CHANGES

- References to initial formation of the FRCOG removed
- Tense, capitalization and language made consistent
- Franklin Regional Planning Board renamed Franklin Regional Planning Advisory Board
 - **Why:** The FRCOG Planning Board is advisory and does not have the same power or authority of a municipal planning board

ARTICLE 1: DEFINITIONS

Added:

- Select Board
- Chief Administrative Official
- Municipal Finance Official

Why: Clarifies future sections, especially composition of Council

ARTICLE 2: POWERS OF THE REGIONAL COUNCIL OF GOVERNMENTS

Deleted:

- Reference to Director of Finance serving on Franklin County Retirement System Board
 - **Why:** The Franklin County Retirement System transitioned to a regional retirement system, which eliminated the mandated role of the “county treasurer” as chair of the board
- Reference to Section 14 of Chapter 40B
 - **Why:** Chapter 40B is the legislation that created Regional Planning Agencies (RPAs); Section 14 only relates to the Southeastern Regional and Economic Development District (SRPEDD – 1 of the 13 statewide RPAs); incorrectly referenced in FRCOG Charter
- Reference to FRCOG having powers of Selectmen under MGL Chapter 140 (Dogs and other animals)
 - **Why:** The FRCOG has never been asked to handle a dog complaint and dog owners have recourse in District Court if the issue cannot be resolved locally

ARTICLE 3:

LEGISLATIVE BODY: THE COUNCIL

Combined Sections 3.1.1 Structure and 3.1.3 Eligibility, and expanded municipal roles that can serve on Council

- Changes now allow: Select Board member, the Chief Administrative Official or a Municipal Finance Official
 - **Why:** Several towns already appoint Town Administrators and this expansion permits municipal finance roles to serve on the FRCOG Council

Amended 3.1.6 Voting

- Eliminated financial 1% vote of Franklin Regional Planning Advisory Board (FRPAB) member and added 1% vote for Regionally Elected members
 - **Why:** FRPAB has no budgetary role with FRCOG; Executive Committee has strong budgetary role

Clarified 3.1.7 Quorum

- Council meetings require a simple majority; financial votes require simple majority *and* financial majority

ARTICLE 4

EXECUTIVE BODY: THE EXECUTIVE COMMITTEE

Amended 4.1.1 Composition

- Regionally Elected members cannot reside from same town; no more than 2 members can reside from same town
 - **Why:** Adds a bit more flexibility to Council and FRPAB appointments (previously all 5 members needed to be from different towns) while still assuring that one town never has a majority vote

Amended 4.1.2 Term and Vacancies

- Added language to allow Executive Committee to request a new Council or FRPAB appointment in the event of multiple unexcused absences
- Added language to address the resignation of a Regionally Elected member
 - **Why to both:** The original Charter did not address either scenario

Amended 4.1.3 Eligibility

- Allows FRPAB member to be an employee of a town
 - **Why:** Removes residency requirement

ARTICLE 4

EXECUTIVE BODY: THE EXECUTIVE COMMITTEE

Small changes to 4.1.4 Compensation and Benefits, 4.1.5 Organization, and 4.1.7 Quorum

- Clarifies that Executive Committee members are ineligible for employee benefits
- Changes meetings from required monthly to “regular meetings”
- Clarifies quorum language to be present and voting members (can’t cede a vote to another member)

Added to 4.2.2 Powers of the Executive Committee

- Eliminates reference to county government
- Act as the FRCOG governing body as required by state and federal law
 - **Why:** Allows and clarifies that Executive Committee has authority to meet governing body requirements of state and federal law and policy

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

Deleted 5.2 and 5.3, Director of Finance and Director of Planning and Development

- Deletes Executive Committee as hiring authority for Director of Planning and Director of Finance.
 - **Why:** Other Director-level positions are hired by Executive Director; this change makes hiring process consistent across all positions and allows management structure to change without requiring a Charter change.

ARTICLE 6: SEPARATION OF POWERS

No proposed changes

ARTICLE 7:

FINANCING AND MEMBERSHIP

Added and changed 7.1.1 Eligibility

- Existing Charter allowed towns outside of Franklin County to join the FRCOG. This provision was retained but the process of joining was clarified by:
 - Membership requires a vote of concurrence by full Council
 - The municipality must withdraw from its designated Regional Planning Agency through legislative action
 - **Why:** Original Charter gave no vote/voice to the FRCOG to determine whether we want another town to join; joining did not previously require withdrawal from the existing Regional Planning Agency, which has always been a challenge of accepting other interested municipalities

Amended 7.1.7 Withdrawal from Membership in the FRCOG

- Similarly, this change would require that a town withdrawing from the FRCOG pursue special legislation to withdraw from the Regional Planning Agency function of the FRCOG

ARTICLE 7: FINANCING AND MEMBERSHIP

Small changes to 7.1.5 Member Assessments and Service Charges

- Changed date FRCOG must transmit budget to member towns from 2/1 to 2/15
- Changed from “payment due” to “invoices sent” on the first day of each quarter

Date changes in 7.2.1 Fiscal Procedures

- Gives FRCOG two more weeks to get budget numbers and budget complete for Council review

ARTICLE 8: REGIONAL PLANNING AGENCY

Entire Article Rewritten

- Existing section repetitive, out of compliance with current state and federal law, confused Regional Planning Agency (RPA) and Franklin Regional Planning Advisory Board (FRPAB) roles and included specifics better placed in the FRCOG and/or FRPAB Bylaws/Operating Procedures

New Article:

- Clarifies that FRCOG is the designated RPA for Franklin County and correctly references legislation
- Updates purpose of RPA function
- Updates purpose, role and composition of FRPAB
 - **Why:** Reduces detail not needed in Charter, corrects purpose (previously referenced responsibility of the RPA), reduces size of FRPAB and references Operating Procedures for more specifics, clarifies responsibilities

ARTICLE 9: GENERAL PROVISIONS

Amended 9.2 Charter Amendment Procedures

- A one-word change with huge impact: after this round of Charter amendments that requires a 2/3 vote of 2/3 of Town Meetings, future changes will require a simple majority vote of 2/3 of Town Meetings

Amended 9.4 Bylaw Adoption Procedures

- Extends timeframe for Council to override Executive Committee disapproval of Bylaw changes from 30 to 60 days

ARTICLE 10: TRANSITIONAL PROVISIONS

Sections 10.2 through 10.5 deleted

- These sections were specific to the original transition from County to COG and are no longer needed

QUESTIONS?

PROPOSED MOTION OF ENDORSEMENT

Motion to approve the FRCOG Charter amendment, as presented and approved by unanimous vote of the Executive Committee; to bring the amended Charter to the Town Meetings of each Franklin County municipality for enactment; and to pursue legislative changes to the FRCOG enabling legislation to align with the Charter changes.

NEXT STEPS

- Amend Enabling legislation and file it with the state
- Conduct public engagement campaign to explain changes
- Bring changes to 2025 Annual Town Meetings and City Council for votes
- Amend other related documents:
 - FRCOG Bylaws
 - FRPAB Bylaws/Operating Procedures
 - Transportation Planning Organization Memorandum of Agreement, etc.

PREPARING FOR ANNUAL TOWN MEETINGS

- Warrant article to Select Boards and Town Administrators
- Outreach to FRCOG Council members, Select Boards and Town Administrators
 - Meetings with town officials (Select Board, Finance Committee, other)?
 - Does Town have informational meeting in advance of Annual Town Meeting?
 - Need a Committee member or FRCOG staff to attend advance meeting and/or Annual Town Meeting?

MATERIALS FOR TOWN MEETINGS

We created one-page, two-sided Fact Sheet for Town Meeting that provides FRCOG website links to the strikethrough version of the charter changes and a similar version of this presentation.

The Fact Sheet addresses:

- What is the FRCOG?
- What is the FRCOG Charter?
- Why Update the Charter Now?
- Proposed Charter Changes



Franklin Regional
Council of Governments

Charter Change Fact Sheet

What is the Franklin Regional Council of Governments (FRCOG)?

The Franklin Regional Council of Governments is a regional service organization serving the twenty-six towns of Franklin County. It was formed in 1997 in response to the abolition of County Government and the Franklin County Commission.

The FRCOG is a voluntary membership organization. All 26 municipalities of Franklin County are members. Membership assessment is as low as possible and pays for administration, advocacy and special projects.

Participation in fee-for-service municipal service programs is voluntary and paid through separate assessments (with assessment formulas unique to each program); federal and state grants fund other programs.

The FRCOG is both a **Council of Governments (COG)** and the designated **Regional Planning Agency (RPA)** for Franklin County. COGs provide cooperative planning, coordination, and technical assistance on issues of mutual concern that cross jurisdictional lines; RPAs, created by Massachusetts General Law in 1974, study, plan, and recommend how a region can protect and enhance its environment, economy and quality of life through the land use, natural resources, climate resiliency, economic development, and transportation.

The FRCOG's mission: to foster a vibrant, sustainable region for all, and to leverage resources that promote collaboration and efficiency within our member communities.

We do this by providing advocacy, planning, and cooperative services – both proactively and in direct response to our member communities' needs.

What is the FRCOG Charter?

Franklin County Commission (the name of our former county government) provided valuable services to the towns of Franklin County and was the legislatively established Regional Planning Agency for Franklin County. In the mid-1990s, Governor Weld was intent on eliminating County Government, as he considered it a redundant layer of government.

A Charter Commission was formed to create a Council of Governments before county government was abolished. The Charter was adopted by all 26 towns in 1996, and the FRCOG

A **charter** is a legal document granted to an organization that outlines the purpose and structure for the creation of an organization, as well as the rights and duties the organization will have.



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