

# CIVICS 101: BETTER PUBLIC HEALTH THROUGH LOCAL POLICIES

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# DISCLAIMER

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This information is provided for educational purposes only and is not to be construed as legal advice.

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For legal advice, please contact your municipal attorney.



## TRAINING OBJECTIVES

- Gain a better understanding of local government in Massachusetts.
- Feel more comfortable working with local government on policy, systems and environmental change.
- Learn the various methods of enacting local policies.
- Better determine which local officials, board and departments would be helpful in your efforts.

# WHY FOCUS ON **LOCAL** POLICY?

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Can tailor policy to the municipality's needs.

Can be creative in meeting public health policy goals.

Can make local policy more reactive to local needs.

Easier and quicker to enact than state or federal equivalents.

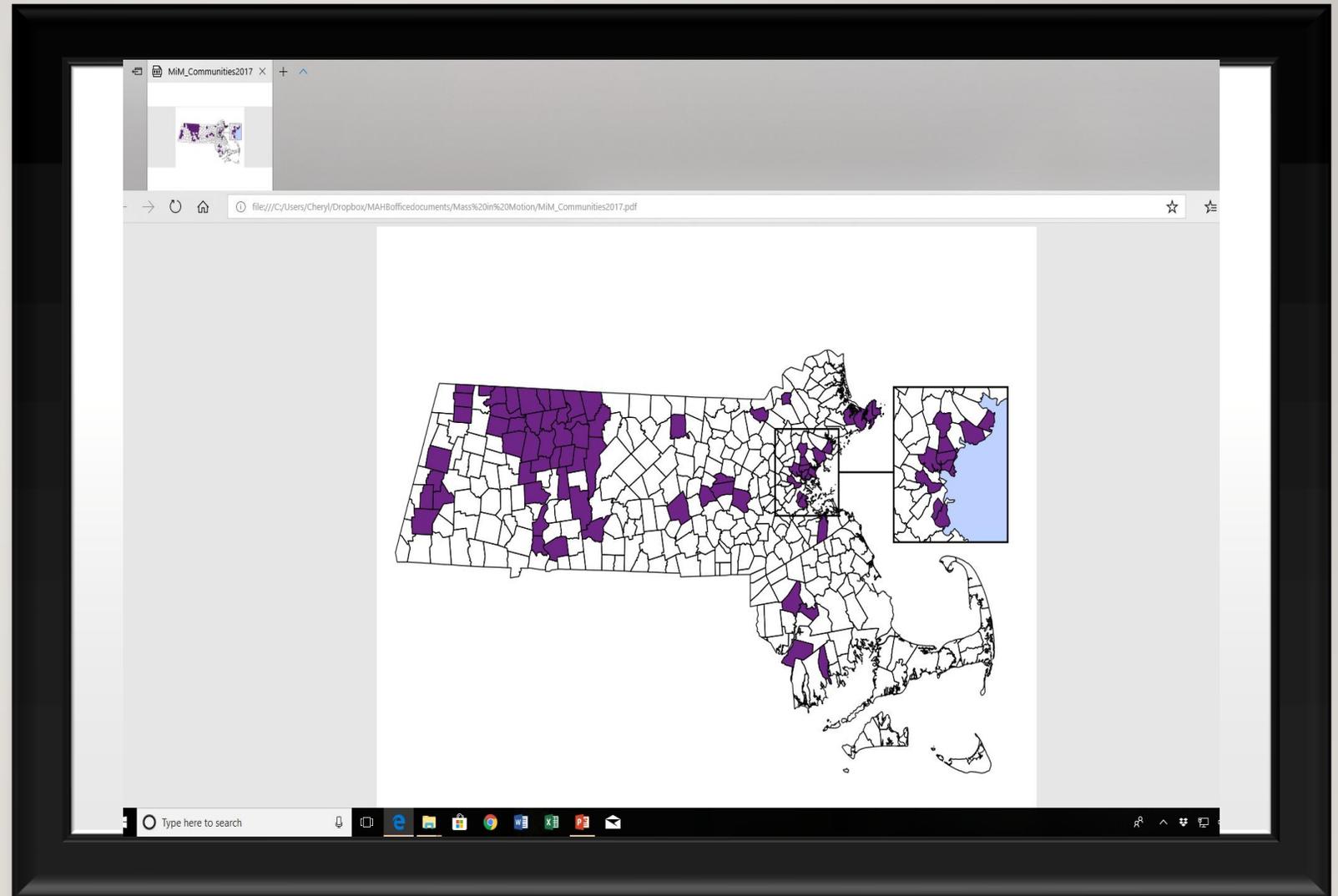
Less opposition from professional lobbyists.

Compliance rates are better due to local enforcement.

# PART ONE

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## LOCAL GOVERNMENT IN MASSACHUSETTS



# “POLICY” HAS MANY MEANINGS

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- Principles by which a government or any entity is governed.
  - System of laws, regulatory measures, courses of actions concerning any given topic.
- Voluntary policies:
  - Worksite wellness policies
- Mandatory policies:
  - Local laws
    - City Ordinances/Town Bylaws, Board of Health Regulations
  - Other municipal rules (not laws)
    - Park and Recreation Rules
    - School District Handbook

# LOCAL GOVERNMENT STRUCTURE IN MASSACHUSETTS

- Cities (57)
- Towns (294)
- Counties (14)
  - Not as relevant as in most other states. Used mainly for Court purposes.
  - Martha's Vineyard Commission.
  - Barnstable County.
  - Berkshire County Boards of Health.
- All are considered “political subdivisions”.

# CITY GOVERNING STRUCTURE

- Executive branch
  - Mayor: “strong” v. “weak”
- Legislative branch
  - City Council/Board of Aldermen
  - Enact Ordinances
    - Subcommittees
- Staff
  - Chief of Staff or City Manager
- Mayor Task Forces
- City attorney called City Solicitor
- State Membership Association
  - Mass. Municipal Association (MMA)

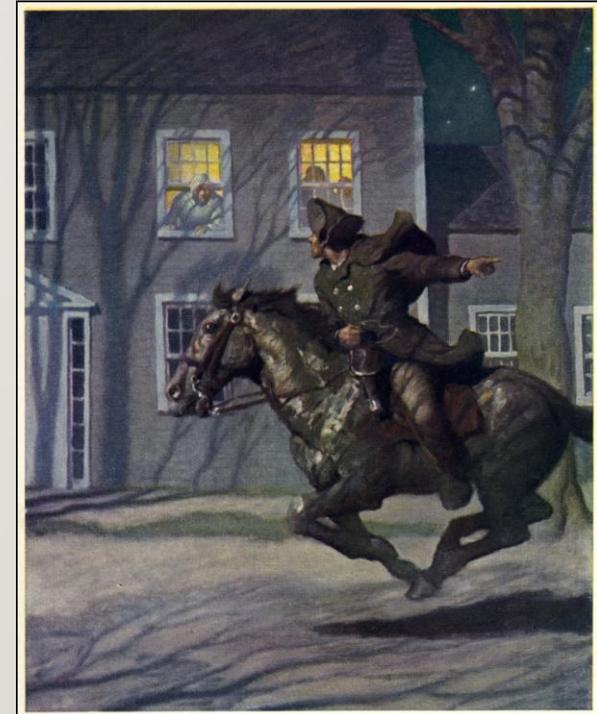
# TOWN LEADERSHIP STRUCTURE

- Executive Branch
  - Select Board
  - Town Council (hybrid)
- Legislative Branch
  - Town Meeting if town has a Select Board
    - Open (259) or Representative (35)
    - Enact Bylaws
- Staff
  - Town Manager, Administrator, Executive Secretary
- Town attorney called Town Counsel
- State membership association
  - Massachusetts Municipal Association (MMA)

# BOARDS OF HEALTH

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- In Towns:
  - Elected or appointed for 3-year term.
  - 3 or 5 members (usually).
  - Select Board may act as Board of Health if town fails to establish one.
- In Cities:
  - Appointed by Mayor
  - 3, 5 or 7 members, one of whom must be a physician.
  - Commissioner (Cambridge, Attleboro)
    - 9-member advisory council
      - Not in Attleboro
- Can enact reasonable health regulations.
- State membership association
  - Massachusetts Association of Health Boards (MAHB)



# TYPES OF MUNICIPAL POLICIES

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- Resolution
  - “A formal expression of the opinion or will of an official body or a public assembly adopted by a vote.” (*Black’s Law Dictionary*).
  - No force of law.
  - Can be an important first step in creating a law.
  - Ex: Complete Streets Resolution.

# LOCAL LAWS

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- Passed by local legislature.
  - **Town Meeting** in a town.
  - **City Council** in a city.
  - **Town Council** in place of town meeting.
  - Legal Authority: Home Rule Amendment to Mass. Constitution.
- Passed by local board of health.
  - Legal Authority: G. L. Chapter 111, Section 31.



# CITY AND TOWN CHARTERS (G.L. CH. 43B)

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- Can change the structure of local government.
  - Ex: State law says boards of health may hire and supervise staff.
  - Charter can change this to give authority to hire and supervise staff to town manager.
- Done through:
  - Election of home rule charter commission and vote of city or town, or
  - Home rule petition.
    - “Special Legislation” signed into law by State Legislature.
- Check Municipal website or City or Town Clerk’s office to see if one exists.

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**DESCRIPTION  
OF MUNICIPAL  
(LOCAL) LAWS**

**Ordinance**

**Bylaw**

**Regulation**

**Executive Order**



# CITY ORDINANCES

- Enacted by city councils, board of aldermen.
- Most work done at the committee level.
  - Similar to state legislature.
- Mayor may veto vote of city council.
  - Override possible.
  - Details vary from city to city.
- Resident engagement opportunities:
  - At all open meetings.
  - At all hearings.
  - Speak with your city councilor and at large city councilors.
- Harder to amend than board of health regulations.

# TOWN BYLAWS

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- Passed by Town Meeting.
  - Representative or open.
  - An “article” is put on the “warrant” either by Board of Selectmen approval or by a locally-determined citizen petition process.
    - “To see if the town will ...”
- Resident engagement opportunities:
  - At all open meetings.
  - At Town Meeting.
  - Speak with your town meeting member if you have representative town meeting; go to town meeting if you have an open town meeting.
- The “warrant” is a collection of questions to be voted on at town meeting.
- Approval of Attorney General is required.
- Harder to amend than a board of health regulation.

# BOARD OF HEALTH REGULATIONS

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- Boards of health may enact “reasonable” health regulations voted on by a majority of board of health members.
- BOH regulations stand on same footing as a state statute, ordinance or bylaw.
  - Natural tension exists.
  - Summary must be published in a local newspaper before the regulation goes into effect.
  - Hearing strongly recommended but not required.





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# Mayor Walsh Signs Executive Order to Create Additional Affordable Housing in Boston - December 11, 2015

*Update to Inclusionary Development Policy Captures Strong Housing Market to Create More Units of Housing; Improves Transparency and Predictability*

BOSTON - Thursday, December 10, 2015 - Mayor Martin J. Walsh announced today that he has signed an Executive Order prompting changes in the City of Boston's Inclusionary Development Policy (IDP), leveraging the private development market to ensure the continued development of affordable housing in Boston.

[Click here to get the press release.](#)

[Click here for the Executive Order.](#)

[Click here to read an article about the changes in the Dorchester Reporter.](#)

**EXECUTIVE ORDERS – ISSUED BY MAYORS**

# 'Sanctuary City' Mayors Vow to Defy Trump's Immigration Order

By LIZ ROBBINS JAN. 25, 2017



MAY BE RESCINDED BY NEXT  
"EXECUTIVE"

# OTHER LAWS RELATIVE TO GOVERNMENTAL TRANSPARENCY

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- Open Meeting Law

- All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting.
- Attendees must be able to see and hear the proceedings.
- Proceedings may be recorded, but the recording cannot interfere with the meeting.

- Public Records Law

- Right to inspect, copy or have copies of public records provided upon payment of reasonable fee.



# PART TWO – THE PROCESS OF POLICY- MAKING

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- A clearly defined issue or problem.
- Strong, credible documentation of the issue or problem.
- Evidence-based past experience with the issue or problem.
- Do research.
- Lots of technical assistance out there!
  - State and federal public health policy centers.
  - No need to recreate the wheel.
- Diverse, broad-based community support.
- Feasible objectives and goals.

# FOUNDATION FOR AN EFFECTIVE PUBLIC HEALTH POLICY



# ELEVEN INGREDIENTS OF POLICY WORK

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1. Shared vision.
2. Community assessment and information.
3. Coalition development.
4. Policy education.
5. Community education.
6. Educated decision-makers.
7. Opposition research.
8. Media outreach.
9. Understanding compromise options.
10. Public hearings.
11. Post-enactment strategy.

# EDUCATING LOCAL OFFICIALS AND OTHER DECISION MAKERS

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- Identify potential important supporters.
- Learn their biographies.
- One-on-one meetings are best.
- Better if you are a resident.
  - If not, bring one with you.
- Involve other key people on the issue.

# MESSAGE DELIVERY

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- Identify community concerns and assets.
  - Unintended consequences?
    - Racial equity issues.
    - Who benefits? Who is harmed?
- Identify benefits for decision makers, community members, and individuals.
- Deliver clear, concise messages.
- Deliver factual presentations.
- Follow up with additional information.
- Send a thank you note!

# AT A DECISION-MAKER MEETING

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- Thank him/her for any prior support.
- Keep meeting brief and concise.
- Ask if he/she needs any additional educational materials.
  - Other than the ones you brought with you, like the one on the next page.
- Ask that you be his/her “go to” person on the issue.
- Thank him/her for making time to meet with you.



# MUNICIPAL TIMING

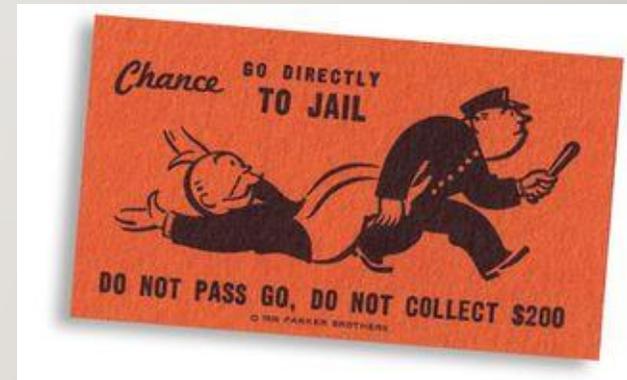
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- City Ordinances
  - Be aware of when the City Council and any relevant sub-committees meet.
    - Most proposed ordinances are reviewed by sub-committees.
  - Cities (and towns) usually go on a “light” schedule for summer.
- Town Bylaws
  - Be aware of when town meeting meets and by what date you need to submit a proposed warrant article for review and approval and by whom.
    - Usually meet in the spring and in the fall.
- Board of Health Regulations
  - Be aware of election schedule and other issues currently before the Board.

# PREEMPTION A/K/A DO NOT PASS “GO”

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- A law passed by a higher authority (federal) takes precedence over a law passed by a lower one (state or local).
- Is there a federal or state law on the issue which prevents a local law on the same issue?
- In general, federal and Massachusetts laws relative to public health are “floors” not “ceilings” and cities and towns can pass laws that are stricter than federal and Massachusetts state laws.
- You can always ask one of us about this.

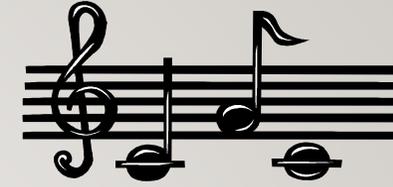


# PUBLIC HEARINGS

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- A hearing held by a government entity in order to receive public input on a proposed policy.
- Some government entities hold multiple hearings before different sub-committees or boards.
- Prior to and during the hearing(s)
  - Outreach to residents to come to and speak at the hearing.
  - Know the policy proposal thoroughly.
  - Have evidence-based documentation.
  - Track testimony given at hearing.
  - Get additional rebuttal information if necessary ASAP.
- There are many “in-house” resources on how to conduct a hearing. Contact us.
- **SO THIS DOESN'T HAPPEN!**

SO THIS DOESN'T HAPPEN  
“GOD BLESS AMERICA”  
WESTMINSTER, MA – PUBLIC HEARING





QUESTIONS