

Topsfield Form of Government Reorganization Overview and Summary of Changes

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1. Introduction. The Board of Selectmen (BoS) appointed an ad hoc committee in 2011 called the Government Review Committee (GRC) to take a close look at the present form of government in Topsfield, compare it with those of other similar such towns in the Commonwealth, and formulate recommendations for changes in the current structure of the Town's administration that would make it more efficient, accountable, and reflective of "best municipal management practices.

The GRC has reviewed the forms of government (FoG) of a number of communities both in Essex County and generally all over the Commonwealth. It has determined that over the last ten years and with increasing frequency towns have changed their traditional FoG to that of a strong Town Administrator/BoS type. They have done this pursuant to the home rule provisions that allow a town or city to petition the General Court to enact a home rule act that provides for a FoG that cannot otherwise be created following the provisions of state statutes such as GLC 41.

In addition *to the home rule petition process*, there is also the more formal and elaborate *home rule charter process*. The charter process is used when the FoG is to be changed substantially and to a completely different form. This process requires the election of a Charter Revision Commission by the town's residents followed by a formal adoption by the town and the enactment of the charter by the General Court.

In contrast, the home rule petition process that the GRC chose seeks to make a number of specific changes in powers and duties to administrative units that are already permitted under existing statutes. The home rule petition process requires town meeting approval of the proposed home rule act followed by a ballot vote of the residents and the enactment of that petition by the General Court but, it is a much more timely and expeditious process.

The GRC has concluded that the home rule process is appropriate to implement envisioned changes to the FoG of Topsfield's town administration.

2. Changes to the FoG of Topsfield's Town Administration: In 2003 the BoS chartered an ad hoc committee called the Town Management Committee (TMC) to review the town's FoG and make recommendations to the BoS. The recommendations among others included a strong town administrator and, subject to further approval by the Town, the creation of a public works department. While the position of a Town Administrator was adopted, the lack of any home rule provision language left the new appointee with almost exactly the same general powers and duties that the previous administrator had under general law; the proposal for a public works department failed to win a majority vote at the polls after town meeting TM approval. This "unfinished" business set the stage for the current deliberations of the GRC.

The GRC has interviewed a number of department heads and elected board members relative to the current state of administration in the town, problems that have been and are encountered, and their recommendations for the future. Quite often the GRC heard the complaint that "authority is diffuse", that there is "no chain of command", that "functions are being duplicated by several departments", or that there was "insufficient cooperation and asset sharing" between departments. Such complaints are symptomatic of a diffuse power structure in which individual departments pursue their chartered objectives independently of other departments with little central oversight, cooperation, or control.

Problems such as these can be resolved by establishing a clear chain of command - one that is ultimately determined by the citizens with the election of a (BoS) and a moderator with a FoG that is structured and designed to manage the activities of a number of departments. A form of government that depends upon

the expertise of professionally trained personnel acting in concert toward a policy that is formulated and overseen by the BoS implemented by a strong town administrator.

3. Appointed Positions vs. Elected Positions. Consistent with the actions of other towns that have established a strong Town Administrator/BoS FoG, the GRC has recommended that several currently elected positions be changed to appointed positions. The primary reason for this recommendation is that it is increasingly difficult to get qualified citizens to run for public office. The residency requirement for elected office and the rigors and public exposure of an election campaign reduces the pool of qualified candidates. Additionally, by appointing the Town Clerk, he/she becomes a town employee subject to the same salary grid, performance appraisal process and personnel administration policies as all other non-union employees.

Far from curtailing representative government in Town, these changes enable the elected BoS to set the agenda and mission of the town administration instead of having the various boards and commissions pursue agendas independently of the BoS. This places full responsibility for the management of town government in the hands of an elected Board of Selectmen.

4 Recommended Administrative changes to the FoG. After interviewing representatives of various communities, a recognized expert from MMA who has lectured on FoG, and a lawyer who has advised several communities how to change their FoG, the GRC has concluded Topsfield should establish a Strong Town Administrator FoG by submitting a Home Rule Petition to the General Court. The following is a list of specific recommendations to be included in the Home Rule Petition.

- (A) The BoS assume the roles of Highway Commissioners, Water Commissioners, Cemetery Commissioners, and Assessors as provided for under the several sections of GLC 41 thereby eliminating the corresponding elected boards/positions.
- (B) The BoS appoints a Board of Assessors, a Town Counsel, a Town Accountant, and a Town Administrator (TA).
- (C) The Town Administrator be appointed to successive three-year terms, and that his/her removal from office shall require a 4/5th vote of the BoS.
- (D) (D) That the Town Administrator appoints all heads of departments inclusive of: Chief of Police Department, Chief of Fire Department, Chief Assessor, Town Clerk, Treasurer/Collector, Conservation Commission Administrator, and Board of Health Agent with the advice and consent of the BoS, and Chief Librarian with the advice and consent of the Trustees of the Library. The Town Administrator also makes all appointments to half and full-time positions subordinate to the department heads.
- (E) That the Town Administrator is the chief financial officer of the town who signs warrants, works with the Finance Committee to prepare the annual budget to be approved by the Finance Committee, and who approves all purchases over a threshold amount of dollars to be determined by BoS.
- (F) The Town Administrator is the Human Resources (HR) manager of all town personnel (school personnel are excepted), and who negotiates all employment contracts with all town employees that currently perform under employment contracts.
- (G) That all currently elected or appointed personnel affected by these recommendations serve out their respective terms. At which time the BoS may consider a reappointment to those positions.

5. Creation of the Public Works Department (DPW). The GRC recommends the creation of a Department of Public Works that combines the current Highway Dept., the Water Dept., and the Park and Cemetery (P&C) Dept. into one department directed by the Town Administrator. Specifically the recommendations to accomplish this are the following:

- (A) That the Town Administrator is the head of a newly created Department of Public Works that combines the former Highway Dept., the Water Dept., and the Parks & Cemetery Dept.
- (B) That for the initial period following the adoption of these recommendations the current heads of the Highway, Water, and P&C Departments remain in their respective positions.

- (C) That all subcommittees appointed by the Road Commission, the Water Commission, and, the P&C Commission remain in office but that they make their findings and recommendations to the TA who will subsequently make all appointments to those subcommittees.
- (D) That the BoS may appoint a DPW Advisory Committee to serve for one year (or more as required) for the purpose of providing advice and counsel to the Town Administrator relative to DPW issues inclusive of budgetary, technical, and operational matters.
- (E) That *all/ property* held by the Highway Dep't, the Water Dep't, and the P&C Dep't be transferred to the newly created DPW with all prevailing limitations of use in effect presently
- (F) That, upon the advice of the DPW Advisory Committee and the evidence of experience managing the DPW as an entity under the supervision of the Town Administrator, affirmative vote of the BoS, and with Town Meeting and ballot approval, the position of DPW Director may be created. Said director will be appointed by the Town Administrator and will report to him/her.

6. The Home Rule Petition. A draft version of a formal home rule act has been written for the GRC by a legal expert who represents at least six or more communities across the Commonwealth and who is currently working with both traditional FoG in towns and those that have changed to the strong Town Administrator/BoS FoG. Those towns that have a strong TA/BoS FoG benefit from a more efficient decision-making process and have fewer instances of litigation and court action brought against the town according to this legal expert.

7. Organization Chart that reflects the recommended changes. The appended org chart shows the proposed chain of command, as it would appear if the recommendations were approved. The org chart illustrates the Town Administrator as the provisional head of the (DPW) department. A separate DPW director's position *may be ratified* in the future - assuming that the workload of the TA becomes excessive and that a DPW director is needed.

8. Schedule of Major Events. In order to present the GRC recommendations for voter approval at the May 2013 Annual Town Meeting, the following actions should be undertaken as shown below.

Task	Scheduled Completion Date	Responsible Party
1. Complete GRC summary findings and recommendations	August 2012	GRC Committee
2. Present findings and recommendations to the BoS and TA	October 2012	GRC Committee
2.1 Develop PowerPoint presentation	October 2012	A. Wallace
2.2 Create Q & A list	October 2012	G. Anderson
2.3 Schedule joint working session with BoS and TA	October 2012	H. Luther
2.4 Present findings	October 2012	GRC Committee
3. Follow up meeting with BoS to review their concerns, answer questions, etc.	November 2012	GRC Committee
Note: If BoS approve the GRC recommendations, additional tasks will need to be scheduled to properly inform the voters in advance of the May 2013 Town Meeting and to file proper documents with the Sec. of State.		