



October 18, 2017

Town Management Study Committee
23 Linden Street
Berlin, MA 01503

Dear Committee Members,

On behalf of myself and my colleague, Marcia Bohinc, we want to thank you for inviting us to speak to the committee about its review of Berlin's governmental structure and proposal for a town administrator. We are encouraged that your committee has been formed with individuals of varying backgrounds, you are approaching this as an open fact finding mission without a predetermined agenda, and you are speaking with other town officials and department heads on their thoughts regarding a town administrator. At the meeting, we provided a series of handouts. Key among them are two organizational charts and a table of comparable communities. The two organizational charts depict the town's current horizontal structure with limited accountability and a recommended configuration that provides central management capable of building strong fiscal controls and effective management. In comparable communities with professional positions, the committee may find it helpful to speak with selectmen and the chief administrative officer about their experience in establishing the position as well as the advantages and challenges of the office.

As to the committee's inquiry on the best method to go about creating a town administrator position, we recommend that they first contemplate the role and responsibilities of the proposed town administrator. Broad areas to consider include:

- 1) Financial management
 - a) Develop operating and capital budgets
 - b) Monitor the town's financial operations
- 2) Day-to-day operations
 - a) Appoint and/or supervise staff
 - b) Coordinate interdepartmental activities
 - c) Facilitate the flow of information between elected officials, employees, and citizens
- 3) Personnel administration
 - a) Administer the town's personnel policies
 - b) Manage hiring process

- c) Oversee employee benefits
 - d) Negotiate contracts
- 4) Financial policies and planning
- a) Develop and present financial policy recommendations to the selectmen for adoption
 - b) Enact the goals and policies set forth by the selectmen
 - c) Prepare multi-year revenue and expenditure forecast

Once the committee reaches agreement on the authority and responsibilities of the town administrator's position, it should consider the appropriate vehicle (i.e. bylaw, special act, or charter) to establish the role.

- 1) **Bylaw:** A bylaw defines position's role and delegates certain responsibilities normally entrusted to the select board. Under this approach, the town administrator could not be an appointing authority nor assume duties otherwise granted by statute and generally operates based on cooperation from other independent officials and boards. The study committee would craft a bylaw in conjunction with town counsel that clearly sets out the role and responsibilities of the position, such as assign oversight of staff and administrative duties that fall under the selectmen, oversee the budget process, and coordinate personnel administration to name a few. Town meeting would be required to vote on it and it would be codified with the town's general bylaws. Careful review of the existing bylaws should be in order to prevent duplicate responsibilities that may cause conflicts or confusion.
- 2) **Special Act:** A special act establishes a centralized structure that promotes accountability and efficiency and empowers the town administrator to manage daily activities across municipal operations. Again, the study committee, with input from town counsel or other consulting assistance, would draft a selectmen-town administrator special act. It should specify the town administrator's required qualifications, appointment and removal of the position, all management, budgetary and financial responsibilities, supervision of staff, and reporting structure for departments. As a special act that is specific to the community and approved by the legislature, it supersedes statues and could transfer duties to the position that are otherwise stated in the state laws. Town meeting must approve the proposed special legislation, authorizing the selectmen to send it to the legislature. A special act also generally requires a ballot vote, which may be taken before submission to the legislature or after the General Court's approval.
- 3) **Charter:** A charter creates a framework about how the whole town government is organized, who is appointed or elected, and dictates all reporting structures. The town administrator's position and its responsibilities would be created in a section of the charter. It may be adopted through a special act or an elected charter commission. The latter is generally a two-year process and would restart and replicate the work of the town management study committee.

While the adoption of a bylaw, subject to review and approval of the Attorney General's office, would go into effect relatively quickly, a special act is subject to the legislative process that takes longer and enables the town to establish a strong, centralized structure. If a decision is reached to pursue a special act, Berlin officials should seek assistance from the town's legislative delegation to shepherd the act along and to ensure it is successfully enacted without delay.

As the committee defines the town administrator's responsibilities and authority, it should also review the selectmen's administrative secretary position. We recommend that she report to the town administrator and provide support and assistance to the new position while still completing board-related activities, such as the agenda, minutes, and correspondence not otherwise assigned to the town administrator.

As the town considers its options, it might also consider applying for a grant through the [Community Compact Cabinet](#), whose goal is to encourage the adoption of municipal best practices that promote good governance by fostering efficiency, accountability, and transparency in local government. Within the financial management best practices, the town should select to have a review of its financial management structure.

Sincerely,

Melinda J Ordway

DLS Senior Program Manager and Financial Analyst