

Select Board/Town Manager Special Act

Detailed Summary

2/17/21

What is the goal? The Board of Selectmen (BoS) is proposing that the Town adopt the Select Board/Town Manager Special Act to professionalize the structure of Wayland's government; coordinate administrative, operational, and financial functions; provide a consistent approach for efficiency, effectiveness, and transparency across all departments and boards; use resources effectively; improve legal and regulatory compliance; and maintain volunteer opportunities on boards and committees.

Why adopt this change? Wayland's organization was developed when times were simpler. Wayland was a small town with few professional staff and many volunteers who did much of the work. Wayland's government is now analogous to a \$95 million diversified company in a highly regulated and public service environment requiring a stronger centralized management structure.

Over the decades there have been changes in the complexity of municipal government with increased regulations, financial requirements, and public scrutiny. The level of volunteer work cannot and should not be sustained. Wayland has a reputation for being difficult to manage, which translates into difficulty in hiring people into management positions. Previous Town Administrators have reported that their position has all the responsibility, but not the necessary accountability for many departments.

It is not just the Town's finances that are fragmented. Currently the Town Administrator has 20 direct reports resulting in an extremely flat organization. Some department heads are appointed by boards and managed by both boards and the Town Administrator. More than 40 boards and committees source ideas and projects and set priorities for staff. There is little coordination of functions, efforts, or priorities among boards and committees. Under our current structure, there is no flexibility to group departments similar to virtually all of our peer communities. Town efforts are fragmented rather than organized to work towards a common goal.

Based on the Finance Committee's current and former peer community list, Collins looked at statutory management structures and found that Wayland had the weakest structure.

Has this been studied? This is the third effort over the past thirty years to strengthen the Town's executive and financial management structure. The Charter Commission (1989), the Maximus Group (2002), and the Collins Center for Public Management (2018) have all recommended strengthening the executive function so that all Town department heads (excluding Schools), report to a Town Manager. This article is proposing their recommendation regarding reporting structure, excepting Schools and Library. They also all recommended reducing the number of committees and boards. This article is proposing no changes to committees and boards.

The Charter was not approved at a town-wide ballot vote in 1990. Two recommendations from the Maximus report were approved by Town Meeting: the 2004 Town Administrator Special Act and the 2008 Act Authorizing the Town of Wayland to Establish a Department of Public Works. Even with these steps forward, Collins stated in the Executive Summary of Wayland's Financial Management Structure Report (2018), *"At its core, the issue is that the financial management of the Town is severely fragmented in a way that reduces the Town's efficiency, effectiveness, and transparency."*

Feedback from some residents points to Wayland's strengths, including the Town's Aaa bond rating, as a measure of success. Again from Collins: *"The Town has managed to achieve these things through the efforts of dedicated current and prior elected officials, appointed volunteers, and professional staff. These accomplishments have come in spite of, not because of, the structure of Town Government, which appears increasingly anachronistic among Wayland's peer communities and increasingly unable to handle the accelerating changes Massachusetts municipalities must manage."*

This fragmented structure is causing deficiencies through increased risk of non-compliance with IRS regulations, Massachusetts Department of Revenue regulations, and procurement law.

The challenges of 30 years ago remain today. The Wayland Charter Commission (1990) wrote:

"Town government is growing increasingly complex and it is essential that we have a well qualified person to handle the day to day administration. Having specified powers and responsibilities...will enable the town administrator to be more effective; and we will attract and retain competent people."

The suggestions of 18 years ago are still pending today. The Maximus Report (2002) stated: *"Move towards a Town Manager form of government. As an interim (or evolutionary) step, consider making the transition to a Town Administrator form. This will entail delegation of additional authority to the Town Administrator/Manager. This will also include moving staff from reporting to various boards and commissions to the Town Manager."*

"Other functions of the Town currently are responsible to a range of accountability points (i.e., boards, commissions, Executive Secretary) which leads to some confusion about responsibility and authority (as well as diluting accountability)."

"All staff in the Town should report to the Town Manager on matters of personnel, finance, service levels, etc. Board and commissions should retain no direct supervisory authority."

Today's challenge is summarized by the Collins Center (2018): *"Wayland appears increasingly anachronistic among Wayland's peer communities and increasingly unable to handle the accelerating changes Massachusetts municipalities must manage."*

What does the Act accomplish? The Act defines the Town Manager's authority and responsibility for administration, finances, personnel, and facilities/property.

The Act *maintains* and clarifies the Town Manager's administrative authority and responsibility for coordinating implementation of Town policy; ensuring compliance with policies, procedures, and federal, state, and local law; coordinating setting priorities (policies, projects, staff); overseeing emergency situations; communicating activities and coordinating efforts; and responding to requests in a timely manner for public records, general information, Open Meeting Law complaints and other concerns. The word *maintains* indicates that this responsibility already exists in the Town Manager Special Act of 2004 under Chapter 60 of Town Code.

The Act *strengthens* the Town Manager's financial authority and responsibility by establishing the Town Manager as the Chief Financial Officer; providing additional Town Manager oversight of Operating and Capital budget development as well as a five-year capital plan; tasking the Town Manager with effective and compliant finances; affirming the role of Town Manager as Chief Procurement Officer ensuring compliance; and creating clear signing authority to execute and award grants and sign contracts. The word *strengthens* implies a change, but that change does not require any amendment to Chapter 19 defining the Finance Committee's role.

The Act *strengthens* the Town Manager's personnel authority and responsibility by centralizing employee services; standardizing consistent and compliant hiring practices; assigning responsibility for performance review standards to the Town Manager; assigning leadership of negotiations to the Town Manager rather than the Personnel Board; and establishing compliance with bargaining unit contracts. Again the word *strengthens* indicates a change from the current practice. In this case, Town Code Chapter 43 will need to be amended to give responsibility for negotiating to the Town Administrator, not the Personnel Board.

The Act *maintains* and clarifies the Town Manager's authority and responsibility related to facilities/property for construction, repair and maintenance of all Town buildings, real and personal property, and information technology and infrastructure. The Town Manager is still responsible for maintaining an inventory of all Town-owned real and personal property. The word *maintains* indicates that this responsibility already lies with the Town Administrator under current Town Code (Chapter 60).

Does the Act make any other changes? The Act changes the name from Board of Selectmen to Select Board. It reaffirms the Select Board's role as an executive and policy-making body and restates current Chapter 58 (Board of Selectmen) roles.

The Act changes the name from Town Administrator to Town Manager with defined responsibilities only as stated in the special act. It incorporates all elements of current Chapter 60 (Town Administrator).

The Act changes the Town Clerk from an elected to an appointed position.

Departments continue to make operational decisions and conduct day-to-day operations; board/committees retain rights under state law and continue to set policies and maintain all permitting and regulatory responsibilities; volunteer spirit continues through over 40 elected and appointed boards/committees. All currently elected boards/committees remain elected. The number of appointed boards/committees remain the same.

Town Code is unchanged for Council on Aging, Chapter 12; Finances, Chapter 19; Planning Board, Chapter 47; Treasurer and Collector, Chapter 72; Board of Health, Division 2; and Director of Public Works, Chapter 151. The Library continues to operate under Massachusetts General Laws Chapter 78.

Town Code will be updated for Personnel, Chapter 43, section B (3) responsibility for negotiations; Board of Selectmen, Chapter 58 (being replaced); Town Administrator, Chapter 60 (being replaced).

What was the process? The Collins Center conducted a Review of Financial Policies and Procedures in 2016, a Review of Financial Management Structure in 2018, and created a first draft of the Special Act.

The BoS received staff input at a public meeting in April 2018 and at a department head meeting organized by the former Town Administrator. Town Counsel updated the draft in 2019 to make the language more Wayland friendly and fit with existing Town Code. The Board of Selectmen conducted committee presentations (17) and community forums (7) in 2019. The Select Board/Town Manager Special Act was scheduled for discussion on 15 agendas in 2018 and 19 agendas in 2019.

Feedback and response: The BoS heard concerns about checks and balances, definitions, hiring and evaluations, and consistency with existing code. The BoS revised the text of the Act to continue the Select Board as Chief Executive Officer (CEO) with Town Manager as Chief Financial Officer (CFO) and Chief Operating Officer (COO); to consistently use the words *responsible* and *responsibility* to illustrate that the “buck stops” at the Town Manager’s desk, rather than the Town Manager doing every aspect of the daily work; to include consultation with committees on hiring and evaluating department heads and allow department heads to hire other staff (within union contract specifications); and to recognize that preference is given to State law and existing Town Code.

The BoS also heard requests to propose a specific organization chart, but agrees that it is too early to determine the future structure. It is likely that the first structural change will be grouping of finance related positions, as that was the focus of the Collins study. The Act provides flexibility to work within Wayland’s needs.

There are no changes proposed to staff positions or union structure, but the Act allows for flexibility in organization. There are no changes proposed to the volunteer structure. There are no changes to Chapter 19 regarding the role and appointment of the Finance Committee. The Act clarifies practices regarding flexibility in the organization of financial services, as well as responsibility for budget preparation.

Questions about expense savings are difficult to answer. Time and effort efficiencies on future work are not easily quantified. It is expected that redundant work will be reduced and that project outcomes will improve.

Questions about the process for conflict resolution between committees and departments were posed. The Act maintains the Select Board as an elected board with the Town Manager reporting to the Select Board/CEO. Procedural questions such as “who do I call to fix something?” or “what if I have an IT issue?” will not be answered in Town Code, but instead through policy.

Feedback suggesting discomfort with the Act includes the following: some committee members may feel that they are losing power or control over their departments or areas of interest; some citizens trust volunteers more than employees; some citizens are concerned that we don’t know for sure if the article will cost money; and some people may feel that one person cannot do all that is expected of a Town Manager.

More information is available on the website [here](#).