

## APPENDIX IV

### FINAL MEMORANDUM

Re: Town Manager  
From: Town Government Study Committee  
Date: September 8, 2015 **REVISED OCTOBER 10, 2015**

---

#### **Executive Summary**

The Town Government Study Committee (“TGSC”) recommends creating the position of a Town Manager through provisions in a new Special Act and changes in the Town bylaws and existing special acts. Concurrent with the introduction of a Town Manager, the position of Executive Director of Government Services (“ED”), currently held by Hans Larsen, will be abolished.

This memorandum sets out the process and reasons that led to our recommendation to create the position of Town Manager. It sets out the duties and responsibilities of the Town Manager and compares them to those of the ED under current bylaws and practice. It also notes the areas where the duties and responsibilities of the Board of Selectmen (“BoS”) and other boards and officials will change.

In brief, the Town Manager, reporting to the BoS, would be the person designated under the Town bylaws and special acts as accountable for the day-to-day administration of the Town (not including the School Department or Municipal Light Plant), preparing the Town’s budget, capital improvement plan, and the Town-Wide Financial Plan, and assuming all the duties and responsibilities currently held by ED. Some of the duties and responsibilities currently held by the BoS would also shift to the Town Manager, as the BoS transitions to more of a policy-making board. The functions of the Town Manager would not change or diminish the role that boards play in developing policy or directing the mission of the departments or programs within their respective jurisdictions.

A few aspects of this proposal as it relates to Town Meeting, the BoS, the Advisory Committee and other boards and staff, should be emphasized at the outset:

- **Town Meeting**: All warrant articles including the final budget will continue to be decided by Town Meeting Members who are residents of the Town and elected to their positions by the voters.
- **Board of Selectmen**: The Town Manager will report to and be supervised by the Board of Selectmen; the Town’s elected chief executive officer. The Town Manager will have broader responsibilities and duties than the Executive Director has today, but like the ED, the Town Manager will be accountable to the Board of Selectmen. The role of the Board of Selectmen will change over time as it becomes more of a policy-making board, and the Town Manager assumes day-to-day management functions.
- **Other Boards**: The change to a Town Manager form of government will impact all boards in the areas of budget and personnel administration.
  - While we do not view the proposed budget process as changing the authority of boards to develop, vote on and submit their proposed capital and

operating budgets, the Town Manager will be responsible for preparing the Town-wide budget and presenting it to the BoS, the AC and ultimately to Town Meeting. This is quite similar to the way the budget process has evolved in Wellesley in recent years.

- While the Town Manager will have the responsibility for the appointment of department heads, the affected boards will participate in the screening and hiring process and will have the right to approve the appointment. The boards will be consulted in the goal-setting and evaluation of the department heads as well. The boards will continue to be responsible for performing other duties designated by statute and by Town bylaws, and will evolve to performing in more of a policy-making capacity.
- Advisory Committee (“AC”): The AC will continue to serve as the independent body appointed by the Moderator to analyze all warrant articles and to report its recommendations to Town Meeting. The AC has significant responsibilities to Town Meeting, and the Town bylaws give the AC extensive independent authority to discharge these responsibilities. It remains a significant check (along with the voters) on the BoS’s executive authority.
- Staff: The role of department heads will change as they become part of a more integrated Town-wide management structure led by the Town Manager while continuing to support their respective boards. Other staff will continue to report to their respective department heads.

### **Process that led to the Recommendation of a Town Manager**

We believe it is important to explain the process by which we arrived at our recommendation for the creation of the Town Manager position. The 2014 Annual Town Meeting charged the TGSC to study the existing structure of our Town government to determine whether it is best suited for the present and for the future, to study the role and authority of the ED as well as alternative models to the ED, and to make recommendations for any changes.

We undertook an extensive information gathering phase in which we interviewed dozens of boards, department heads and other key staff, Town Meeting Members, residents, former members of the Advisory Committee and the Board of Selectmen, our state representative, our former Town Counsel, the current Executive Director and others. From those interviews, we came to understand that our current structure and collaborative approach to Town government draws on considerable strengths:

- Committed and engaged professional employees
- Strong leadership that has provided direction in absence of much authority to do so with the ability to get some big things done in spite of the organization structure
- Collaborative culture among Town boards and departments often emerges when needed
- The Town is financially healthy
- There is general satisfaction with how things are going.

We also came to understand that there are significant and structural deficiencies that need to be addressed. Some of those concerns and deficiencies are:

- Nobody is in charge - there’s a lack of accountability and internal coordination in the budget, general management, personnel and planning processes

- There is an over-reliance on the ability of current long-time employees to collaborate and get things done despite structural impediments
- There is a lack of ongoing coordinated Town-wide planning for the future
- There are weak communications internally and externally
- There is a lack of understanding and agreement about the difference between board policy and staff operational responsibilities
- Bylaws and actual practices are frequently inconsistent.

As a result of these findings, we identified the budget process and the administration of personnel as the two major areas we believe need improvement. In order to determine what options exist, we studied a dozen “benchmark” communities and interviewed their chief administrative officers. These benchmark communities are known as among the best structured and well managed in the Commonwealth, and represent a variety of good alternative models for Wellesley.

We learned that communities have evolved their structure of government over differing timeframes and for different reasons and that most have crafted their structures to meet their particular culture and needs. We also learned that the two principal “hallmarks” of a Town Manager form of government involve locating the responsibility for the budget process and the administration of personnel under one person under the supervision of the BoS.

### **“Spectrum” Question**

Over the past few months in our meetings with boards and Town Meeting Members, we have heard that some view the term “Town Manager” as synonymous with “control” and with a general decline in involvement by volunteers in town government.

The TGSC has used the term “spectrum” to conceptualize the range of duties and responsibilities typically exercised by Town Managers. There is a wide spectrum of duties and responsibilities, ranging from a more decentralized or “weak” form of Town Manager structure to a more centralized or “strong” form of Town Manager where the Town Manager does, in fact, exert a fair amount of authority and control. The distinguishing characteristics, in general, revolve around the number of elected boards and officials, and the appointing authority of the Town Manager. In a less centralized or what is referred to as “weak” form, many elected boards exist, the Town Manager has little or no authority to appoint board members, and the boards have a significant role in appointing and evaluating department heads. In a more centralized or “strong” form, there are fewer elected boards and the Town Manager has appointing authority over not only Department Heads and staff, but also of board members. In this form, boards have little or no participation in the hiring and evaluation of Department Heads. (The document entitled “Town Manager Characteristics” describes the differences among the benchmark communities in Town Manager responsibilities. It can be found in the Library of Documents at [http://www.wellesleyma.gov/Pages/WellesleyMA\\_TGSC/index](http://www.wellesleyma.gov/Pages/WellesleyMA_TGSC/index)).

The duties and responsibilities we are recommending for the Town Manager position in Wellesley fall on the less centralized or “weak” side of the spectrum:

- There will continue to be 10 elected boards
- The Town Manager will not appoint members to Town boards and committees

- There will be a significant role for the boards to play in appointing and evaluating of their department heads.

Our research has shown that in the benchmark communities, whether there is a centralized or decentralized Town Manager form of government, there is still widespread citizen participation. (The document, [Peer town Comparison - elected and appointed boards 8/20/15](#), sets out the number and size of elected and appointed boards and committees in our benchmark towns. It can be found in Appendix X in this Report to the 2015 Special Town Meeting and in Library of Documents at [http://www.wellesleyma.gov/Pages/WellesleyMA\\_TGSC/index](http://www.wellesleyma.gov/Pages/WellesleyMA_TGSC/index)).

### **Duties and Responsibilities of the Town Manager**

In making our recommendations, we were guided by the following criteria which we believe reflect the culture and attitudes of Wellesley residents towards their local government:

- To preserve what is “best” in our government structure
  - Strong and robust group of dedicated volunteers
  - Committed and engaged professional employees
- To retain strong checks and balances in our governmental structure
- To suggest incremental, not wholesale, change, allowing the community to adapt
- To provide flexibility, allowing for additional changes in the future.

In order to make our recommendations more easily understood with respect to the Duties and Responsibilities of the Town Manager, we describe below the proposed changes within our Town bylaws and from our current practice. In summary, the changes occur in the following areas:

Administration of Personnel. What we are proposing is a significant change from what is set forth in existing bylaws and current practice. The Town Manager will be the person designated under the Special Act and revised Town bylaws as accountable for establishing and managing the Town’s Human Resources (“HR”) function. Human Resources processes would be standardized across Town government, while checks and balances will be maintained that are important to the community. The various elected and appointed boards will continue to have an important role in the process of hiring and evaluating Department Heads. The role of the HR Director will be established and better defined, and the role of the HR Board will be modified to be compatible with the roles of the HR Director and the Town Manager. More specifically:

- While the Town Manager will appoint the department heads subject to action by the applicable boards within 15 calendar days of notice of the appointment, the boards will participate in setting out duties and qualifications of the position with opportunities for the boards to interview one or more final candidates. It is envisioned that the screening process will be collaborative and will include a member or members of the applicable Board.
- The BoS shall approve the recommendation of the Town Manager of the appointment of the Police and Fire Chiefs. The Chiefs will recommend for Town Manager approval of officers to be hired or promoted.
- The Town Manager will have the authority to terminate a department head with notice to the applicable Board, in advance if possible.
- The Town Manager, with the HR Director, will establish policies and procedures for the hiring of all employees below the level of Department Heads.
- The Town Manager will be responsible for negotiation of all non-school labor contracts, subject to approval by the Board of Selectmen.

- The Town Manager will be the Town member of the School Committee for the purposes of labor negotiations pursuant to the Education Reform Act.
- The Town Manager, along with the HR Director, will establish uniform and standard processes and procedures for the performance evaluation of all employees, for professional development, and for the disciplinary processes of reprimand, suspension, demotion, and if necessary, termination.
- The HR Director will be responsible for all of the HR administrative functions such as: administration of the Salary and Classification Plans and Personnel Policies; review of work of employees to determine its consistency with the classification plan; administration of the recruitment process; maintenance of personnel records; recommendation of amendments to the Salary and Classification Plans and Personnel Policies; ensuring compliance with all state and federal employment laws and regulations; assistance in collective bargaining; and handling requests for information.
- Although the majority of the communities with a Town Manager form of government do not have an HR or Personnel Board, the TGSC is recommending at this time that Wellesley retain the HR Board appointed by the Moderator to preserve important checks and balances in the HR process. The HR Board will be responsible, following consultation with the Town Manager and the HR Director, for approving the Classification Plan, Salary Plan, hiring above a designated level, and Personnel Policies.

Other Personnel Matters. The Town Manager also will appoint the Town Clerk. At the end of three- year term of the current Town Clerk, or at an earlier time if the position should become vacant, the TGSC recommends that the position become appointed and no longer elected. The Town Manager will be the ultimate appointing authority of all Town employees, except for School and Municipal Light Plant employees, some of whom are currently appointed by the Board of Selectmen and some of whom are currently appointed by the ED.

Budget Matters. We are proposing a budget process that will be managed by the Town Manager, who would be accountable under the BoS for producing a town-wide operating and capital budget, and the Town-Wide Financial Plan. The Town Manager would develop a budget message to accompany the budget and would present it at the Annual Town Meeting. A separate but coordinated budget message for the School Department would be developed by the Superintendent of Schools. This process differs from current practice in several ways. First, operating and capital budgets would be presented together. Second, the budget submission format would be determined by the Town Manager to ensure consistency and smooth integration within the rest of the Town budget. Third, the budget message would summarize at a high level the major assumptions driving the budget and reasons for the divergence from the current year.

The checks and balances built into our current system remain:

- The BoS will approve the guidelines and review the Town Manager's budget submission;
- The boards will vote on their budgets for submission to the Town Manager and will review any changes made by the Town Manager to their budgets;
- The AC will review the budget and make its recommendations on the Town budget; and
- Town Meeting will vote on the budget.

Other Administrative Matters: The ED has numerous duties and responsibilities now which will be taken on by the Town Manager that include:

- Serving as the Town's Chief Procurement Officer;
- Supervising maintenance of all Town buildings (except the MLP);
- Participating directly or indirectly in Town building projects;
- Accessing all financial books;
- Implementing all Town Meeting actions and carrying out all policy directives of the BoS;
- Maintaining an inventory of all Town supplies, equipment and materials;
- Putting in place policies for the disposal of Town tangible personal property;
- Preparing the Annual Report to the Town; and
- Instituting a system for citizen inquiries.

We envision changes in a few other duties and responsibilities:

- **Town Warrants:** At the present time, the BoS signs the warrants for the payment of the Town payroll and accounts payable upon forms submitted by the Town Accountant. The Town Manager will now sign the warrants.
- **Strategic Planning:** At the present time, the bylaws provide that the ED will "lead the Town's strategic planning" (Bylaw 19.31.f.). The BoS will be charged with instituting a strategic planning process that will be implemented by the Town Manager who will report annually to Town Meeting on its status.
- **Rental and Use of Town Property:** Currently there is no provision in the bylaws on this matter and the Library Trustees and Schools have their own policies for the rental of the buildings under their control. The Town Manager will be given the authority over the rental and use of Town buildings, except for those under Library, School, and MLP control.
- **Licensing Authority:** At the present time, the bylaws provide that the BoS is the licensing authority for the town over such matters as common victualler, alcohol, take-out and mobile food licenses, taxis and other public livery licenses, entertainment licenses, mobile food trucks, "hawkers and peddlars" licenses and licenses for printed matter vending machines. The recommendation is that the BoS may delegate any portion of its licensing authority, except for alcohol licenses (although the BoS may delegate so-called "one day" special licenses).
- **Appointment of Personnel:** At the present time, the BoS appoints the Sealer of Weights and Measures, the Inspector of Wires, the Inspector of Gas and the Building Inspector (Bylaw 19.7), while the Building Inspector appoints the Inspector of Plumbing (Bylaw 23.1). The ED appoints the Finance Director, the Facilities Director and the Information Technology Director with the BoS approval (Bylaws 19.33 and 24.3) and the Director of Youth Services subject to the approval of the Youth Commission (Bylaw 40.4). The recommendation is that these appointments will be made by the Town Manager *without* BoS approval.

We have provided substantial back up for these recommendations in the chart, Comparison of Functions of Town Manager to Wellesley Executive Director REVISED in Appendix IX in this Report to the 2015 Special Town Meeting and in the Library of Documents at [http://www.wellesleyma.gov/Pages/WellesleyMA\\_TGSC/index](http://www.wellesleyma.gov/Pages/WellesleyMA_TGSC/index).

## Appointment, Evaluation and Removal of Town Manager

The responsibility for the appointment, evaluation and removal of the Town Manager will vest in the BoS. The Board will be given the authority to enter into a contract of up to five years for the Town Manager who may be re-appointed for additional terms of up to five years each. Currently the BoS has this responsibility vis-à-vis the ED.

The basic qualifications for the Town Manager will be found in the Special Act creating the position which will be amplified in the bylaws. In addition, the BoS will be given the authority to provide for additional qualifications.

The process for removal of the Town Manager, setting forth the process in detail, will be found in the Special Act, and provides due process for both the Town and the Town Manager. It is a similar process to that used in most of the benchmark communities.

The BoS have prepared a draft Job Description for the Town Manager and a draft Town Manager recruitment and screening process.

## **Conclusion.**

While we recognize that the move to a Town Manager form of government represents change for all who participate in, and work for, the Town, we believe that the time has come to institute such change. There are many reasons for our recommendation: in part because we believe that we can improve on the way we govern ourselves but also because of the demands that result from the increasing complexity of municipal government. We are no longer the small town that first looked at instituting a Town Manager form of government sixty-five years ago or even twelve years ago when we last looked at this question when our budget was approximately half of what it is now. With an annual budget of over \$150 million that has grown more than 5% per year and employs hundreds of Town employees, it is time to establish a centralized point of responsibility and accountability for the Town's day-to-day operations and for long-term planning and for setting town-wide priorities. Finally, it updates our top staff position to better reflect the current and future needs of our Town. These proposals provide the chief operating officer with the title of Town Manager and with the duties, responsibilities and powers that are consistent with current best practices in municipal government. It is important that this change be made now, when the Town is not reacting to a crisis situation and after the TGSC has completed a careful and objective exploration of the best path forward.

In light of the high caliber of our staff, volunteers, and the commitment by the Board of Selectmen to oversee the transition to a Town Manager form of government, we are confident that the transition to a Town Manager will succeed.

---

Note: There is a wealth of back-up information for this memorandum which can be found at the TGSC web page on the Town website, [www.wellesleyma.gov](http://www.wellesleyma.gov) at [Town Government Study Committee](#).