

REPORT TO THE TOWN OF MARLBOROUGH
BOARD OF SELECTMEN
CHARTER REVISION
APRIL 2019

I. Introduction

The Town of Marlborough Board of Selectmen is considering the creation of a Charter Revision Commission (Commission) to review the Town Charter. This requires both establishing the Commission and defining the Commission's charge on what parts of the Charter the Selectmen would like the Commission to examine. Charter review is an opportunity to identify potential changes that would increase clarity or eliminate ambiguity; modernize or update provisions; propose changes that could improve the efficiency and effectiveness of the Town government structure and operations; and consider innovative ways to do things.

The last complete review of the Charter occurred in 2002 but the recommended changes failed at referendum. In 2018 the voters approved Charter changes regarding the process for adopting the annual Town budget and set a ten-year mandated charter review. Before that the Charter was revised in 1985.

Changing circumstances over the past 34 years likely affect the Charter and should be addressed. For instance, State Statute changes can make Charter references or provisions incorrect or irrelevant. The dollar amounts and caps set in the Charter are static and unresponsive to inflation and changing economic conditions and become outdated. The responsibilities carried out by local governments and the legal, financial, economic, demographic, environmental and social conditions in which they operate and to which they must respond also change.

Charter review is an opportunity to consider new or innovative ways to carry out municipal responsibilities. Charter revision should result in improvements to the efficiency and effectiveness of both governance and operations, the elimination of

ambiguity, and greater clarity of the duties, roles and responsibilities of government boards, commissions and employees.

During interviews with the Selectmen, board and commission members, elected and appointed Town officers, and staff, several factors affecting Marlborough's town government were identified. They shared their thinking on why Charter revision was needed and what the beneficial outcomes might be. Several suggestions for Charter revision. The following is a summary of the information gathered during these interviews, as well as comments received at a public meeting held on February 11, 2019.

II. Situation Analysis: What factors are influencing Marlborough's town government today

Marlborough's governance is carried out by elected and appointed individuals. There are seven elected boards and commissions and four elected Town officers. In addition, there are 12 appointed commissions whose duties range from administrative to advisory. It is becoming increasingly difficult to recruit people who have the time and interest in serving on the various boards and commissions. Are there opportunities to combine commissions or eliminate those that are not active to make it easier to fill seats without having a negative impact on the Town?

Marlborough town government is a multi-faceted \$7 million enterprise whose functions include public record keeping, planning and development, public safety, public works and infrastructure, accounting, finance and budgeting, personnel and human resources, including collective bargaining. As these responsibilities multiply and their legal, financial and technological aspects become more sophisticated, it becomes crucial that those responsible for administration, operations, and budgeting have the requisite skills, education and experience. It is important that those responsible for administration and operations are accountable for their performance.

The Selectmen are responsible for the management and oversight of this operation, in addition to setting policy and adopting ordinances to benefit the health and welfare of

the community, while complying with State Statute and State mandates. The Selectmen are responsible for developing and submitting an annual budget to the Board of Finance that will fund the services and capital investments that in the Selectmen's view are necessary for the Town. The Board of Education does the same for the educational needs of the communities' schoolchildren. Board of Finance in turn reviews the Selectmen's and Board of Education recommendations and may revise them before submitting them to the Annual Town Meeting for consideration for final adoption. The relationship of policy and operations to budgeting is inseparable and each is dependent on the other.

Elected administrative officers include the First Selectman, Town Clerk, Tax Collector, and Treasurer. These officials are accountable to the electorate every four years. They need not have the skills, education or experience for these positions in order to attain them, but they do have to get elected. With each election a new person may take the office at the expense of continuity, consistency and institutional memory. Charter revision is an opportunity to examine alternative management and administrative structures to address this challenge.

Marlborough is geographically is positioned for growth due to its location and accessibility, although the supply of land available for development may limit future growth. Meanwhile the population's demographic characteristics, (total population, age, income etc.) is also constantly changing. As this growth occurs and the population changes the demands and expectations of the resident and businesses will create new opportunities and challenges for Town government. These might include demands for new or different types of services or levels of service and a desire to seek alternative sources of revenues and diversify the tax base to support new services. Improving governmental efficiency and accountability, and organizing in a way that provides some space for thinking about the future, is a useful way to frame the desired outcome of the Charter review process.

III. Potential Charter Revisions

In order to help the Selectmen decide which sections of the Charter should be reviewed interviews were conducted with Town elected and appointed officials and

Town staff, and a public meeting was held to solicit ideas to be considered as part of a potential Charter Revision. The following areas to examine are based on that input.

It should be emphasized that the purpose of the work presented in this report was to gather ideas and suggestions on possible Charter revision from a range of stakeholders. The suggestions below have not been reviewed against the current Connecticut General Statutes to determine if any of the suggestions have already been addressed by statutory changes, or whether the proposed revisions are allowed by statute. Also, the ideas have not been studied to see what alternatives to the suggestions may be more effective in bringing about desired results. Those tasks are rightly the responsibility of a Commission, if one is appointed.

Chapter II – Elections

- 1) Review Section 2.2 Town Officers – General Elections and consider whether any Boards, Commissions, or officials should be appointed rather than elected; whether any should be eliminated; or whether memberships should be increased or decreased.
- 2) In particular, consider enlarging the Board of Selectmen from three to either five or seven members. This provides for more representation and does not isolate a minority party member of a three-member board as far as caucusing, advancing agenda items, etc. As an alternative consider whether the duties and powers of the Board of Finance and the Board of Selectmen could be merged combining the policy and management responsibilities of the Selectmen with the budgeting and finance responsibilities of the Board of Finance into a single elected body accountable to the electorate.
- 3) Consider changing the elective offices of the Tax Collector, Town Treasurer and Town Clerk from elected to appointed positions.
- 4) Review Section 2.6, Vacancies and consider removing the Vacancy Term Exception for the Planning Commission so all vacancies are filled by the Selectmen. It was also suggested that consideration be given to adding a Vacancy Term Exception to allow the Board of Education to fill its own vacancies.

Chapter III – The Board of Selectman

- 1) Review Section 3.4.15 and examine whether the dollar amount limits for public bidding should be increased or should be changed from a set amount to an amount based on a formula or percentage.
- 2) Review Section 3.4.6 and consider changing “with the approval of” to “after receiving an advisory report from” the Planning Commission and the Inland Wetlands Agency prior to purchasing or exchanging real estate for a specific Town use. Consider the same change to Section 3.4.7, regarding the acceptance of real estate.
- 3) Review Section 3.2.2.4 and consider reducing the number of times the Selectmen meet with other Town agencies from twice to once a year.
- 4) Review Section 3.4.12 regarding maintenance of Town properties and consider specifying the routine maintenance and capital improvement responsibilities of the Board of Education for Town owned but Board of Education occupied facilities, both buildings and grounds.
- 5) Review Section 3.3.1 and 3.4.16 and clarify the duties and responsibilities of both the Board of Finance and the Board of Selectmen. (see also Section 6.6.2 below)

Chapter IV. Appointive Boards

- 1) Review all Appointive Boards and Commissions and recommend whether all are necessary and still functioning; whether they are still authorized by State Statute; whether any should be renamed to comport to current statutory language or the entities currently performing the function; whether any can be combined: and whether any should be eliminated.
- 2) Consider creating a combined planning and zoning commission.
- 3) Establish whether and under what circumstances either elected or appointed officials, especially on Boards and Commissions, can be removed

Chapter V. – Administrative Officers and Employees

- 1) Consider creating the appointive position of chief administrative officer, such as a Town Manager or Town Administrator, either in the Charter or as may be

permitted under Section 5.7 Additional Officers, and define the role and responsibility of the Manager or Administrator.

- 2) Consider creating the appointive position of a separate Inland Wetlands Agent either in the Charter or as may be permitted under Section 5.7 Additional Officers.

Chapter VI. Finance and Taxation

- 1) Review Section 6.2.2 to clearly define the duties and responsibilities of the Board of Finance regarding budgeting and finance operations of the Town.
- 2) Review Section 6.5.5. (i) and consider revising the percentage of town budget limit for establishing contingency funds.
- 3) Review Section 6.6.2 and 6.6.3 and consider revising the limits for special appropriations the Board of Finance is allowed to make, the process for approving special appropriations, and define “special appropriation”.
- 4) Review Section 6.7.1 and consider revising the limit on the amount of unexpended funds which may be transferred within any account.
- 5) Review Section 6.9 and consider increasing the cap on the amount of emergency appropriations that can be made by the Board of Selectmen.
- 6) Consider revising Section 6.5 Annual Budget to consider establishing a bifurcated adoption process (i.e. separate vote) for the general fund and education budgets.

General

- 1) Consider the inclusion of a code of ethics and code of conduct in the Charter that would apply to elected and appointed officials and town employees.
- 2) Conduct an editorial review to identify incorrect statutory references to ensure accuracy and compliance with current Statutes. Also review the Charter for interior references, spelling, typographical errors. (See the analysis from the E-Code project.)

ATTACHMENT A

Non- Charter Revision matters discussed during the process

During the interviews and public discussion, several weaknesses or opportunities were identified and Charter revision may not be required or necessary to address them and improve operations. These are summarized below, and the Board of Selectmen may wish to follow through on them regardless of the decision on Charter review.

- 1) Arrange for training on how to conduct a meeting and best practices for dealing with the public and others, and on rules of procedure for Boards and Commissions. Perhaps all Boards and Commissions will opt the same rules of procedure.
- 2) The Board of Selectmen, The Board of Finance, the Town Treasurer, the Board of Education and Town finance officer should work together to create a handbook establishing requirements for budget submissions, budget amendments and transfers. Also, a number of terms should be defined and agreed upon to avoid confusion or ambiguity. These terms include “contingency”, “department”, “line item”, “special appropriation” etc. Finally, this team should establish targets for contingency, capital reserve, and designated and undesignated fund balances for the annual budget.
- 3) Consider hiring a management consultant to review the organizational structure, staffing levels, and line and staff functions. It may be possible to streamline operations through better coordination or in some cases merging departments. There was also a concern that some departments are understaffed, or there is a thin “bench” of staff who would be able to assume a department head position from inside the organization. Also, there may be departments that Marlborough should have but doesn’t at this time.
- 4) The Board of Selectmen and the Board of Education should work together to reach an agreement on which Board is responsible for conducting and budgeting for the ongoing maintenance, routine repair and maintenance, and capital

improvements to Town owned buildings and grounds occupied by the Board of Education.

- 5) Both the Board of Selectmen and the Board of Education should initiate a facilities management plan to anticipate and schedule the need for capital improvements for all buildings and facilities.

PREARED BY MARK PELLEGRINI

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