

Burlington Government Review Committee (BGRC)

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Elements of Local Governance

Charters typically define the following elements of local government as executive functions:

- Overall Supervision
- Appointing Authority
- Budget Preparation
- Personnel Management
- Contracting and Procurement
- Town Properties and Facilities

Supervision of Functions and Services

Theme: Daily oversight for the administration of functions and services of the Town. Where does the buck stop during a crisis or other emergency?

Current: TA has formal oversight of all departments and functions under Select Board control. For departments under control of other elected boards and officials, TA has traditionally had informal oversight and works with other Elected Boards to achieve results.

Supervision of Functions and Services

Options:

- Retain current informal structure
- Formalize administrative oversight of functions and services
- Bring certain departments under formal TA oversight.

Supervision of Functions and Services

Issues for Committee Consideration:

- Certain departments or officials are exempted from TA control, such as those within sole Select Board control or the control of independently elected boards/officials.
- Will the charter allow the TA/TM to exert any administrative oversight in areas of personnel, budget/finance, procurement, etc.?
- With strong town manager authority, what checks and balances are in place?
- Which departments or officials will remain under Select Board jurisdiction? Why? In these cases, what authority will the TA/TM retain to provide coordinated and efficient administration?
- What are appropriate checks and balances on the TA/TM's authority?

Appointing Authority - Staff

Theme: Who is responsible for appointing department heads and employees?

Current:

TA appoints *department heads* under SB control with SB having veto power. Elected boards appoint *department heads* under their control.

TA appoints *employees* under SB control directly. Department heads recommend appointment of employees in departments under elected board control, who are subject to HR hiring processes.

Appointing Authority - Staff

Options:

- Retain current hybrid appointment structure for department heads.
- Give TA authority to appoint additional department heads currently appointed by SB.
- Give TA authority to appoint additional department heads currently appointed by elected boards.

Appointing Authority - Staff

Issues for Committee Consideration:

- Authority for the appointments. If it is vested in the TA/TM, is there a confirmation or veto process? If retained by the Select Board or an independently elected board, what role does the TA/TM have?
- Will the same authority for appointment apply to termination?
- What process is required to ensure hiring is based on merit and qualifications and avoids litigation risk?
- For the appointment of employees, what role should department heads play?

Appointing Authority - Boards

Theme: Who appoints boards and committees?

Current:

Certain boards (see separate chart) are elected, while others are appointed by Select Board, with recruitment assistance by TA. By-laws are unclear as certain boards listed as “Town Administrator appointments” but in text of By-laws, states that appointments made by SB.

Appointing Authority - Boards

Options:

- Maintain status quo while clarifying language.
- Recommend change in appointment authority of TA/TM for appointed boards.
- Recommend change of appointed board to elected or vice versa.
(Can determine later in Committee's process.)

Appointing Authority - Boards

Issues for Consideration:

- If authority for appointed boards is vested in the TA/TM, is there a confirmation or veto process? If retained by the Select Board, what role does the TA/TM have?
- Whether a board is elected or appointed, the committee can still make recommendations regarding the duties and authority of the boards.
- Are there any independently elected boards and committees that should be appointed (note Collins Center rubric)? Why or why not? If not, will the TA/TM retain any administrative or appointment authority?

Budget Preparation

Theme: Who is responsible for preparing the annual budget. What is the budget review and approval process?

Current: TA prepares budget for departments controlled by Select Board. Elected boards prepare their own budgets with the department heads, and TA prepares a uniform budget document for presentation to Ways and Means and Town Meeting.

Budget Preparation

Options:

- Maintain status quo.
- Give TA/TM authority to prepare all department budgets with input and/or approval of boards.
- Codify some basic elements of preparing budget while recommending more detailed elements by By-Law or policies.

Budget Preparation

Issues for Consideration:

- What is the scope of the TA/TM's authority to prepare the budget?
- Is there a requirement that the TA/TM prepare a balanced budget? If not, how is the budget reconciled to come in balance?
- Are there other budget preparation requirements, including a capital budget/plan or long-term budget forecast?
- Who is authorized to review and submit a final budget to town meeting? What is the Ways and Means role?
- What are the options for public participation and information in the budget process?

Personnel Management

Theme: What rules are in place to effectively classify, compensate, motivate, evaluate, and discipline employees?

Current: TA supervises the HR Department. Personnel Policies are drafted by HR and approved by SB. TA represents town in collective bargaining.

Personnel Management

Issues for Committee Consideration:

- Who has the authority to establish and enforce a system of personnel rules and procedures? What role do collective bargaining agreements play and who is responsible for their enforcement?
- For independently elected boards and officials, what role do they play in this process?
- What process is required to ensure that the Town limits exposure to employment litigation and risk?

Contracting and Procurement

Theme: Who is responsible for procuring and contracting goods and services for the Town?

Current: TA approves purchases for departments under control of Select Board. Negotiates contracts for approval by Select Board. Combines ordering for some departments as feasible.

Contracting and Procurement

Options:

- Maintain status quo
- Formalize TA/TM role in procuring and contracting goods for some or all departments

Issues for Committee Consideration:

- Who is responsible for procuring and contracting the goods and services of the town? Is that authority limited to legal compliance or extended to ensuring the requested scope of work is appropriate?
- What process ensures purchases are covered with budgeted funds?
- How will large projects be controlled, including the construction of school buildings, town facilities and infrastructure?

Town Properties and Facilities

Theme: Who is responsible for the use and maintenance of town properties, including buildings and facilities?

Current: TA responsible for use and maintenance of town facilities under Select Board jurisdiction. Informally works with other departments to manage and maintain facilities.

Town Properties and Facilities

Options:

- Maintain status quo
- Formalize role of TA/TM regarding buildings or facilities under control of elected boards.

Issues for Committee Consideration:

- Who is responsible for the use of a town building or facility, including the rental thereof?
- Who is responsible for controlling the maintenance of a town building or facility? If the building or facility is in control of an independently elected board, what is the role of the TA/TM, if any?
- What process is in place to ensure that the Town's physical assets will be effectively maintained and replaced? Is there a capital planning process in place?

Next Steps

- Discuss Select Board/Town Administrator shared authority with respect to appointments of staff and boards.
- Discuss Select Board/Town Administrator sharing of authority with other elected boards, including personnel, hiring, budgeting, purchasing, contracting, facilities.
- Discuss elected v. appointed boards.
- Discuss Town Administrator/Manager – range of authority and responsibilities. Is the Committee interested in shifting more authority over departments, budget, appointments etc., to a Town Administrator or newly titled Town Manager?