

Report
to
Southampton Selectmen and Town Administrator

An Evaluation of Structure and Operations of
Southampton Government

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I. Introduction and Overview

The Town of Southampton has a rich history as a rural community built around an economy based upon lumber, mining and agriculture. While there are still some small local farms, the Town is now primarily a bedroom community with commuters traveling to the region's economic hubs of Holyoke, Westfield, Amherst, Northampton, and Springfield and into Connecticut.

Residents have been attracted to the community by its proximity to these economic centers, its open space, the rural, small town character of the Town, and affordable pricing of land. As a result, Southampton has experienced a high rate of growth and development over the past twenty-five years as its population has grown by more than 30%, and its housing units and households have increased by approximately 50%. These rates of growth make Southampton one of the fastest growing municipalities within the Commonwealth.

This rapid growth impacts the Town in a variety of ways. Certainly, there is an impact upon the character of the Town. Growth also impacts public infrastructure of roads, water, wastewater, and public facilities as well as the supply of and demand for governmental services. It is essential that development, and the response to development, be planned and managed. An absence of appropriate response can be financial costs to the taxpayers of the town and long term costs of lost opportunities or faulty decisions that cannot be reversed. Accordingly, it is essential that the local government be up to the task of acting on behalf of existing residents, future residents, and the legacy of those residents that built the Town.

Southampton has an Open Town Meeting form of government and an administrative structure that consists of a mix of appointed and elected officials, predominantly elected. The Town has eight primary elected bodies/individuals: Board of Selectmen, Board of Assessors, Board of Health, Board of Water Commissioners, Finance Committee, Personnel Committee, Treasurer/Collector, and the Town Clerk. There are also numerous secondary elected boards with narrow operational responsibilities. Town By-law established the position of the Town Administrator around 2008.

It has been indicated by Town officials that,

“there is great concern around accountability and unity, (and)...the collection of independent bodies, with no centralized oversight, makes day-to-day operations difficult. Decisions are contradicted, inter-governmental disputes are in play, and progress is often halted.”

These issues reflect similar observations and concerns that were raised by the Massachusetts Department of Revenue-Division of Local Services in an October 2014 Report on the Town Budget Process. Accordingly, The Town entered into partnership with the Massachusetts State Government Community Compact Program to implement Best Practices by evaluating the current government structure with recommendations for improvement that would be included in a draft Home Rule Charter.

The Community Compact Program awarded funds to the Town of Southampton in the spring of 2016 to conduct:

“An independent analysis of the current governmental structure and (provide) assistance in drafting a charter for a more effective centralized government.”

Community Paradigm Associates, LLC was retained by the Town to undertake the project, which has resulted in this report and a suggested Home Rule Charter. The project was conducted between April and August of 2016 and encompassed a variety of activities including the following:

- Reviewed documents and materials regarding the existing structure and operational processes including bylaws, special acts, policy books, notable legal opinions, recent annual reports, annual budgets, and audits, etc.
- Interviewed the Town Administrator and several members of the Board of Selectmen as Town executives to discuss Town structure and operations, review and project goals.
- Interviewed key department heads, that made themselves available, to review their operations and issues regarding the larger Town operations, positive and negative.
- Met with key elected bodies, or representatives of such bodies, to gain perspective on their consideration of Town issues and operational strengths and weaknesses.
- Met with representatives of various appointed boards and committees to discuss Town functions and opportunities for improvement.
- Reviewed reports prepared by the Massachusetts Department of Revenue (DOR) regarding Town operations and discussed the findings with representatives of the DOR.
- Compared Southampton to other similar sized communities for structure and operational processes.
- Developed this Report with findings and recommendations, and proposed next steps.

Next steps, under the scope of this project, are proposed to include: a meeting with the Board of Selectmen to discuss findings and recommendations, which includes a draft Special Act Home Rule Charter.

Community Paradigm is prepared to attend a Southampton Town Meeting in which the proposed Charter is discussed and considered in order to answer questions and explain certain recommendations.

II. Approach and General Observations

In undertaking this project we focused upon a central question of whether the Town of Southampton's local government as currently structured is able to most effectively work on behalf of its residents and taxpayers. Clearly, services are being delivered and currently, the Town's finances appear to be relatively stable, but the core question that needed to be addressed was whether the existing structure and processes of the local government met the standard of being an effective organization.

There are many opinions and tests to determine whether an organization, in this case a municipal organization, is effective. Certainly, the core responsibility of producing outcomes related to the organizational mission is a simple means of determining whether the organization is achieving its most simple function. However, an effective organization must be able to determine the parameters of its mission, the definition of specific outcomes, the efficiency of achieving outcomes, and organizational flexibility to respond to changing internal and external conditions. In order to assess this broader and more complete concept of effectiveness we focus upon ten questions:

1. Does the organization have clear lines of accountability such that it can appropriately manage the delivery of services, the essential function for which it exists?
2. Is the organization structured to facilitate communication between its decision-makers and service delivery personnel?
3. Is the organization prepared for some future state of opportunities or challenges, and does the organization have the structure in which strategic planning for some future state exists and occurs?
4. Is the organizational structure designed for maximum efficiency of operations with quick and flexible response, without duplication of effort, or without less than optimum use of resources?
5. Does the organization have the structure and processes to properly manage and develop its human resources?
6. Is the organization prepared for the succession of its human resources to ensure continuity of high performance?
7. Is there an appropriate level of leadership within the organization to establish consistent values, vision, direction, performance expectations, service delivery focus, and a management system that produces results?
8. Is the structure, and its operational processes, easily understood by its owners, members and users?
9. Is there confidence and trust with the organization and its processes from stakeholders?
10. Does the organization continually review its processes for improvement, through data and information that measures performance and goal attainment?

Every municipality can, and should, consider these questions to determine whether their governmental organization meets these standards of maximum effectiveness, and where improvements can be made.

In Southampton, we have conducted such an analysis and found that there are deficiencies that are largely “baked” into the structure of the government, and the resultant processes, or lack thereof, which result from the manner in which the government is organized. The result is a number of issues/concerns that have been identified through interviews and review of documents and materials:

- The fragmented nature of Southampton’s form of government results in a lack of accountability as responsibilities are so diffused as to render full responsibility near impossible. A common issue identified during the review process was that there was “no one in charge”.
- Likewise, the structure makes communication and coordination of effort a difficult endeavor as multiple channels exist for dissemination of information, internally and externally.
- There does not seem to be a process in place for comprehensive strategic planning. This is again attributable to the fragmented nature of the organizational structure as well as an emphasis on tactics rather than strategies due to a vacuum in formal management capacity.
- Relatedly, there is inadequate formal town-wide management in place. Instead, management occurs on an ad hoc basis.
- Human resource administration is splintered among the various departments, boards and officers of the Town thereby preventing a coordinated approach that maximizes management and development of the organizations’ most important assets.
- There is no real succession plan in place to ensure continuity of performance. Some key positions are elected which might prevent proper performance in the future.
- There is inadequate attention to creating a comprehensive organizational culture of shared values and mission, with coordinated strategic goals and objectives.
- The fragmented structure of government diffuses authority and impedes functional coordination and collaboration.
- Processes are not uniform across the organization and there is deficient recordkeeping and rule-keeping that makes transparent the structure and processes of the local government, though this is being addressed to some degree.
- There appears to be inadequate trust by Town residents in their local government on key issues of finances.
- Lacking central management, there is inadequate use of data and information to guide service delivery.

While these issues have been identified, there are a number of positive takeaways from the analysis that has been conducted through this project. It is certainly worthy of noting each of these as a foundation upon which to make positive changes that will further improve the operation of Southampton’s local government for the benefit of its current and future residents and taxpayers.

These positive observations include:

- Many committed and conscientious elected officials that care about the Town.
- Devoted and talented department heads interested in the purpose of their departments.
- A willingness of some number of citizens to serve or volunteer in elected or appointed positions.
- A dedicated and forward-looking Town Administrator who has worked to implement a number of pro-active management strategies.
- Improved financial management practices including better coordinated budget process, and financial policies.
- Improved financial stability, attributable in large part to improved fiscal management practices.

III. Findings

The issues/concerns that have been outlined in the previous section form the basis of more detailed Findings, which are covered in this section of the report. There is some crossover within these Findings that cannot be separated; however, they are being presented separately for enhanced clarity and to recognize different emphases. In each case the Findings refer directly to the Town of Southampton local Government.

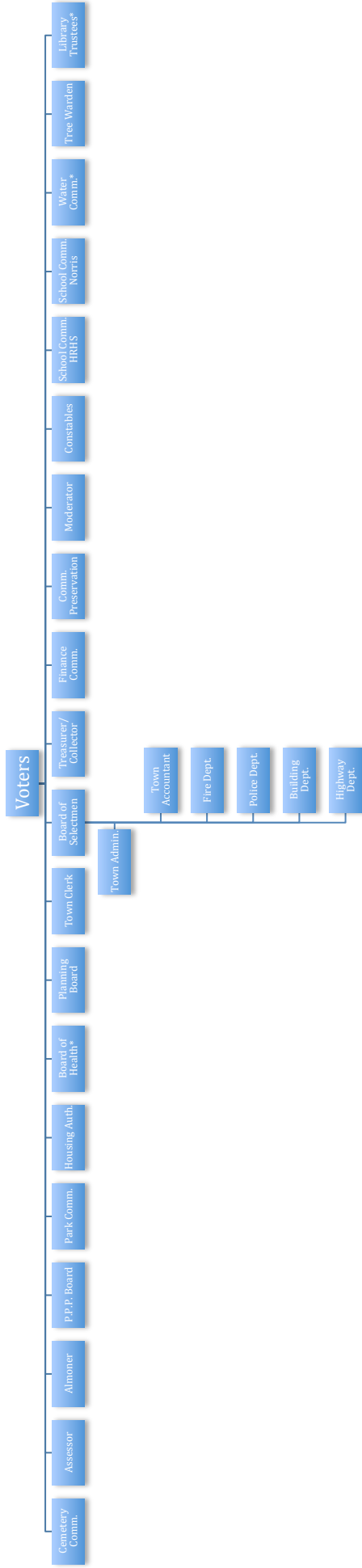
1. The structure of government is extremely fragmented, which negatively affects overall accountability, internal and external communications, coordination of effort, and efficient utilization of resources. Further, the Town is at risk of serious financial and legal management issues with key positions filled through the electoral process.

An organization's efficiency is greatly influenced by its structure. An effective organization's structure allows it to meet its mission in an efficient manner, respond to a rapidly changing environment, properly utilize its human resources, provide for decision-making at the proper organizational level, connect divisions and units for maximum leverage and support, and encourage sharing of information throughout the organization.

Southampton operates with a particularly decentralized organizational structure, as shown on its Organizational Chart (Exhibit A) Executive authority for the Town's operational functions are scattered across twenty different bodies and/or officials that are elected by the voters. Each body, or official, is solely answerable to the voters. At first glance this notion of "responsibility to the voters" is a seemingly positive feature. However, in the end, the voters as residents and taxpayers within the Town are ill served by the structure in place as decision-making is so fragmented as to make accountability near impossible. In its best sense, the well-intentioned but narrow perspective of departments or boards leads to conflict and stalemate in achieving broader community-wide goals. In the worst scenario, independent boards and departments can act in a rogue manner that is impossible to monitor or enforce against.

Exhibit A

Southampton Current Organizational Chart



*Department has reporting staff.

Selectmen Appointed Committees: Agricultural Commission, Capital Improvement Committee, Conservation Committee, Council on Aging, Energy Committee, Greenway Committee, Greenway Negotiation Committee, Historical Committee, Master Plan Implementation Committee, Public Safety Complex Committee, Board of Registrars, Recreational Needs Committee, Zoning Board of Appeals

Currently, the singular Town government organization that is decentralized and fragmented operates as a multitude of independent “islands” without the absoluteness of singular purpose. As a result, the following problems can become prevalent:

- Inadequate coordination and conformity leading to waste and inefficiencies.
- Contradictory decisions from different parts of the organization.
- Limited knowledge and perspective by operational managers to the greater issues facing the community.
- Duplication of resources, staff and equipment as each “island” operates independently.
- Lost opportunities for economies of scale to achieve savings and efficiencies.
- Inadequate communication or conflicting messaging internally and externally impacting staff morale, public trust, and operational effectiveness.
- Decreased specialization of staff and lost opportunities for expertise as resources are inefficiently utilized.

The Town’s current structure, with a multitude of elected officials, known as the “Long Ballot”, is often hailed as a structure that ensures maximum responsiveness, representativeness, and accountability. The rationale behind the structure was in part notions of municipal functions across a greater number of community members in order to spread responsibility. The system, or structure, has been in place for decades or longer and was developed when local government was far simpler, and in which nearly all residents worked within the community that they lived. In 2016, the opposite conditions are true, as municipal government has become increasingly complex and resources increasingly tighter, and talented residents that might consider holding elective office are employed outside of Southampton and therefore unable to participate at that level. As these trends have occurred there has been increasing realization that the “long ballot” does have certain disadvantages to the best interests of the community at large. In Modernizing Local Government in Massachusetts, The Quest for Professionalism and Reform (1984), a 1984 book that assesses the changes in Massachusetts municipal government, author Edwin A. Gere, Jr. summarizes the problem:

“An excess, however of local elected offices whose functions are uncoordinated exacts a price in terms of independence, decentralization, lack of structural unity, and singularity, rather than plurality, of purpose within departments and agencies. In the end the selectmen, who should be providing the town with executive leadership, are left by the long ballot without the necessary control to coordinate and direct the various administrative agencies and functions. Their authority fragmented, they have few lawful means by which to bring the numerous islands of independence within the town governmental family into a coordinated organization, working towards a common purpose.”

In particular, the decentralized and fragmented structure of Southampton's local government has resulted in a very weak Board of Selectmen. In general, the Board of Selectmen is intended to act as the chief executive board of local government and as such provide direction to the entire municipal organization and oversight to the operation of the organization. In Southampton, these functions are lacking as the Selectmen's area of direct and indirect authority is extensively limited by the "Balkanized" nature of the government structure.

2. There is a lack of strategic goal setting and tactical implementation of established objectives, which would allow the organization to proactively respond to internal and external challenges.

Related to the first Finding, and specifically to the limited authority and responsibility of the Board of Selectmen, is the absence of any centralized development, or coordination, of strategic direction for the Town or its government organization. Without a true executive board or officer the government can operate in a manner of multiple, and sometimes, contradictory directions. The splintered governing authority of multiple elected bodies and officers largely creates this problem.

The Board of Selectmen should be empowered, charged and held accountable for the responsibility of developing a strategic plan to guide the Town organization. Strategic planning is well defined in the opening paragraph of a book entitled Strategic Planning for Local Government (1993), by Gerald L. Gordon, who writes:

"Strategic planning is a process by which an organization attempts to control its destiny rather than allowing future events to do so. By appraising future opportunities and its own existing and future strengths and weaknesses, an organization can help ensure its success and avoid identifiable problems."

Strategic planning is not a new concept in public and private organizations but it is absent within some municipal organizations. And, generally, such organizations are those that are lower performing and least able to navigate through challenging periods of changing conditions, and the resultant effect upon citizen demands, competing needs, and resource allocation.

Strategic planning is a useful endeavor in terms of process and product. The process has purpose in the systematic examination of the Town and its governmental organization by community stakeholders as future scenarios are considered, the organization assessed and consensus reached through dialogue and deliberation. The product is of course the resulting determination of goals, objectives, allocation of resources, policies, and establishing benchmarks of success, all of which provide a roadmap for management of the Town organization, and a means by which to determine the success of management.

It should be noted that the Town does have an excellent Master Plan prepared by Pioneer Valley Planning Commission. This Master Plan is primarily focused on development and land use issues, whereas the strategic plan is in part an extension but for a more widely encompassing scope.

3. There is a lack of formal, institutionalized management that can successfully and consistently ensure that service delivery and resource utilization is occurring in the most efficient, timely, and cost effective manner.

A common theme that ran through almost every interview that was conducted as part of this project was the absence of “someone in charge” of the day-to-day management of the municipal organization of Southampton. A review of Town documents, prior reports and the Town’s organizational chart reinforces this observation. This issue ties to the prior finding of deficient strategic planning by a chief executive body.

Without a single manager Southampton operates as a hodge-podge of single purpose silos with accountability to all diluted to accountability to no one. Each silo seemingly operates under their own set of rules and sense of expectations. A business structured in this manner would quickly be doomed to failure as efficiencies are left unrealized and operational direction is allowed to drift without appropriate oversight. For instance, the simple tasks of administrative direction, performance management, procurement of supplies and services, and personnel administration should be occurring in a simple and effective manner with one set of eyes and one voice.

The current Town Administrator has made important improvements through advocacy for certain policies and practices that must then be adopted and implemented by a variety of boards and committees. However, such advocacy is far more time consuming than necessary in a well-managed organization. And, implementation is left to the willingness of the myriad boards, committees, and officials to participate in such actions. As pointed out in one interview, “there are no powers of enforcement” with elected boards and officials to ensure that services are being properly delivered and rules are established and implemented consistently.

There is in fact a “power of enforcement”, and that lies with the voters of Southampton. However, most residents are involved with their own day-to-day issues and are entitled to a reasonable expectation that their local government is being managed in the most efficient and effective manner without constant vigilance. And, in the event that such management is not occurring, the residents should be able to quickly determine whom to hold accountable. In large part, this notion of accountability is based upon simple concepts of “span of control” which will be addressed further in the Recommendations.

4. Despite improvements in the budget process there remains a lack of a central and accountable leader in this process.

The Massachusetts Department of Revenue (DOR)/Division of Local Service (DLS) prepared a Technical Assistance Report in October of 2014. The Report was prepared at the request of the Board of Selectmen and resulted in part by problems that the Town was encountering with its finances and financial management and budgeting systems.

The report made a number of recommendations and important strides have been made with the development of certain financial policies and the creation of a finance team

approach to certain budget activities. More recently, at the 2016 Annual Town Meeting, the FY17 budget was prepared with more appropriate utilization of state Ch. 90 funds and full funding of the Town's DPW. Certainly, the overall financial condition of the Town has improved since 2014.

While improvements have been made, the recommendations of the DOR/DLS report have not been fully implemented. This report echoes a number of issues related to organizational structure, general management and public participation. However, the focus of this Finding is the added improvements in overall budgeting. It is useful that the "Finance Team" concept has apparently been embraced. However, the process still seems to lack the notion of an executive driven budget as envisioned within the DOR report, where one individual can be held fully accountable.

The value of a budget process directed by the Town Administrator ties to prior findings relative to accountability, inadequate strategic goals and institutionalized management authority. Most organizations have recognized the benefits of these concepts and adopted executive budget processes in which the CEO/CAO is the primary lead via budget directives that tie to a budget preparation timetable, and established priorities as set forth by the accountable executive authority within the Town. Leading the budget process also solidifies the position of the Town Administrator as the Chief Administrative Officer of the town for operational management.

Southampton does not have the complex infrastructure of facilities and departmental equipment of larger communities. However, based upon the high cost of replacing such infrastructure, the Town should institute a formal capital planning system and process in order to ensure that costs associated with such investments can be properly accommodated through planned resources of borrowing or established capital reserves. The guiding principles associated with managing the capital investment process should be established within policies adopted by the Selectmen as the chief executive board. Similarly, the Town should manage its finances through an established financial plan that seeks to identify expenses and revenues over a period of time via financial forecasting. This tool is useful in identifying problems and opportunities in advance so that they can be managed most effectively. The use of financial forecasts is particularly helpful in managing capital and labor costs.

The Town Administrator should also be tasked with the preparation of the budget documents, both operating and capital, and public presentations in order to ensure appropriate use of the budget as a communication tool. The information that can be included within budget documents is very useful in providing information to residents on the manner in which their local government operates and addresses problems.

5. There is concern regarding a lack of citizen engagement and trust in its local government.

Another theme that was common to interviews conducted as part of this project was a perception that there is a general lack of citizen faith in the Southampton local government. The Massachusetts Department of Revenue/Division of Local Services in their 2014 Technical Assistance report regarding a Review of the Budget Process also raised this issue. Certainly, Southampton is not unique in dealing with citizen skepticism. There has been deterioration of confidence in all levels of government and most institutions over the past few decades. However, generally the local government has a higher level of citizen trust in most communities.

It is difficult to determine with absolute certainty the level of civic engagement or citizen trust. One measure of engagement is voter participation in local elections. By this measure Southampton is perhaps on the lower side of participation with an average turnout of 14% for the ten-year period of 2006-2015. Most communities have turnouts of approximately 20% based on a report by Governing magazine.

A second measure of citizen participation in Massachusetts's towns with an Open Town Meeting structure is attendance at the annual Town Meeting held in the spring. Southampton for the period of 2006-2015 averages a participation rate of 4% of registered voters. There isn't any data for other communities that are readily available but anecdotally, this participation rate is probably in line with other communities but likely also reflects the core group of activists and municipal employees for a community of its size with little engagement extending to the residents at large.

A third measure of engagement is the number of contested electoral positions at each election. In this area, Southampton appears challenged as many electoral candidates are drafted through a unique "caucus" system utilized to fill candidate slots for those positions that would otherwise go unfilled. The result is little competition for anyone seeking election or re-election. It could be argued that the lack of competition indicates voter satisfaction, but it could also be argued that such a condition illustrates a disconnect of the general population from the local government, which is only exacerbated by elected officials seemingly not held to a level of accountability.

Certainly, one issue for Southampton is the abundance of elected positions within its local government. It has already been indicated that fragmentation of the organization and its operation is in large part a result of numerous elected boards and commissions. The other result, which impacts citizen perception of accountability, and thus citizen connection, is the non-competitive elected positions and individuals holding multiple positions due to the lack of more competitive electoral seats. In effect a vicious circle is created by the current structure.

As indicated, low citizen participation is problematic in a general sense but more specifically it can also reflect a lack of connection of residents to their local government and a lack of civic trust. Ascertaining the level of civic trust would require a more

detailed study than this project allows. Anecdotally, a number of interviewees expressed concern that Southampton residents do not have adequate confidence in their local government. A regular example cited by many was the failure to obtain necessary support to improve public safety facilities within the Town through a carefully vetted building project, instead retaining two dilapidated and inadequate buildings which impact the effective delivery of services, and potentially impact the health and safety of public safety personnel.

These conditions of inadequate participation and citizen trust impact a municipality's sense of community and ability to create and implement collective actions that improve a city or town.

6. The legislative process is appropriate for the Town, however improvements should be made to make the process more citizen friendly and effective for delivery of information so as to improve decision-making.

With a population of less than 6,000, Southampton has little choice under Massachusetts General Laws but to maintain its Open Town Meeting as its legislative body. Even as the Town exceeds the statutory requirement for possible adoption of Representative Town Meeting, there is no identifiable need to take such action at this time, or in the foreseeable future.

However, there are issues with the Town Meeting system throughout New England, the only region in which it is utilized, and within Southampton. In the broadest sense, communities have seen decreased attendance and participation in Town Meetings as citizen engagement has declined. To some extent, the decline has resulted from a lack of understanding of the workings of local government. In addition, there is a sense that Town Meetings are an arcane system that is less than user friendly, especially in our more technologically oriented world. And finally, there is a perspective that Town Meeting is more of a body of long-time residents and not newcomers that are unfamiliar with the processes, personalities, or the history of issues.

Town Meeting should be modified via revised rules of procedure or by-law if necessary to make it more citizen/user friendly and more engaging and informative. The value of these improvements would include enhanced participation by voters through greater attendance and involvement

7. The Town lacks a formal single voice in matters of regional consequence.

Another outgrowth of the decentralized structure of Southampton's form of government is the absence of a single voice for the Town on regional issues and opportunities. This issue was likely not as important in the past as municipalities were in large part self-contained entities with their own local economies, service demands were more limited, and issues were not considered on an extra-boundary basis. Additionally, limited financial resources have prompted municipalities everywhere, but particularly in less developed areas, to explore the economies of scale and resulting savings that can be achieved through regional service delivery mechanisms.

In the Southampton form of government, responsibility for Town operations are so fragmented as to limit a consistent and coordinated position in working with other municipalities in the region. Regional coordination efforts that might occur are cumbersome and extremely time consuming. As a result the Town encounters potential lost opportunities, and increased risks and liability.

8. The Town does not operate in a system of home rule of its own creation, and needs to address its by-laws and legislative actions to provide greater clarity and usability.

Municipalities and their residents generally tout the special circumstances of their own communities and the notion of local control. And, who better than the residents of a community to make determination of the manner in which their local government is structured and operates? However, in fact, municipalities are creations of the state. This concept exists in the U.S. and state Constitutions, and in judicial decisions in which the power of states over municipalities has been established.

In spite of these facts, there has been a movement over the years to embrace the concept of “home rule” in which municipalities can, within limits set by state law, determine how they will be structured, how offices will be filled, where and with whom authority and responsibilities will lie, and how certain organizational processes shall occur. These “determinations” are contained within a Charter, which essentially acts as municipal constitution for a community.

In Massachusetts, the movement incrementally gained strength during the mid 20th century through certain statutes that were passed into law granting municipalities opportunities to adopt differing forms of government. Finally, in 1966 the voters establishing the power of municipalities to adopt home rule charters approved an amendment to the Massachusetts Constitution.

Absent such a municipal charter a town, like Southampton, functions under an assortment of general state laws, special acts and local bylaws. Operationally, these laws are often vague, sometimes contradictory, and fail to describe a complete and methodical statement of the Town’s organizational structure and the relationships between its various parts.

These conditions make operations more complex and hence likely less successful, and impose a structure and systems that are not specific to Southampton. Further, the existing system is nearly impossible for the average individual, particularly residents of Southampton, to fully know, understand or utilize the organizational structure and its system.

The situation in the Town is exacerbated by a very deficient and difficult to navigate set of local bylaws. The manner in which the bylaws are organized is the issue. It appears that bylaws are simply added to each time a new action is taken by Town Meeting rather than grouping the bylaws in related sections. This condition makes it extremely difficult for internal and external users to understand local policies and restrictions without reading through the bylaws in their entirety.

And finally, the Town does not yet have a full and easily accessed index of state laws that have been adopted by the Town, or Special Acts that have been passed on behalf of the Town. Again, this deficiency restricts efficient and effective utilization by internal and external users. The Town Clerk has indicated that she is working on this issue, and is to be recognized for her efforts.

IV. Recommendations

1. Establish a Home Rule Charter

It was noted in the findings that the Town does not currently operate under its own home rule charter, or locally designed system of local government. Instead, the Town has continued to function under a system that could be characterized as being a “state law” community. Such a system is generally vague in its organizational and operational detail, and subject to state laws as opposed to local control.

Currently, there are over 160 of the state’s 351 cities and towns that have a charter in one form or another. Several adopted “Plan Charters” that were provided by state law in the 1940’s. Others adopted variations of special charters prior to the Home Rule Amendment in 1966. Most communities have utilized the local Home Rule Charter process or a Special Act Home Rule Charter process since the 1966 amendment.

Based upon the issues identified in Finding #8 it is recommended that the Town adopt a Home Rule Charter that will include all of the provisions relating to the structure and operation of the Southampton local government. The Charter should be drafted in a manner that is organized and easy to understand.

The development of a Home Rule Charter was identified as a possible outcome of this Study. A completion of the investigatory work that has occurred over the last several months has reached the conclusion that a locally developed Charter, acting as the organizational document of the Town would benefit the Town in its overall operation. The Charter should incorporate any of the structural modifications that occur as a result of this study, as well as certain operational processes related to personnel management, operational and capital budgeting and financial management, and strategic planning.

It is recommended that the Town utilize the Special Act Charter process in order to adopt the Southampton Charter. This process will include adoption by the Town Meeting of the Charter, which would then be submitted to the State for approval. Upon state approval the residents would then vote upon the Charter. This process has been utilized by dozens of cities and towns as a means to move the process forward more expeditiously but with ample and extensive local review and approvals.

2. Update Local By-laws and Legislative Actions in a Local Code

In addition to adopting a Southampton Charter it is recommended, in response to Finding #8, that the Town expedite ongoing efforts to update its local by-laws in a manner that is consistent with most Massachusetts municipalities. As such, the By-laws should be organized by category in order to facilitate clarity of purpose, as well as future modification through new By-laws in the same category, or amendment. The By-laws should also note dates of adoption and amendment in order to provide some sense of legislative history behind the By-laws.

The Code should also include, by name and identifying Act number by year, all Special Acts pertaining to the Town of Southampton. And, the Code should also include all local acceptances of General Laws by statute citation, name, and date of acceptance. This project will likely require outside assistance to a working committee. There are likely some low cost options to obtain such assistance including nearby colleges and universities. Grant funds should be sought if available.

3. Reduce the Number of Independent/Elected Boards and Officials: Policy vs. Administration

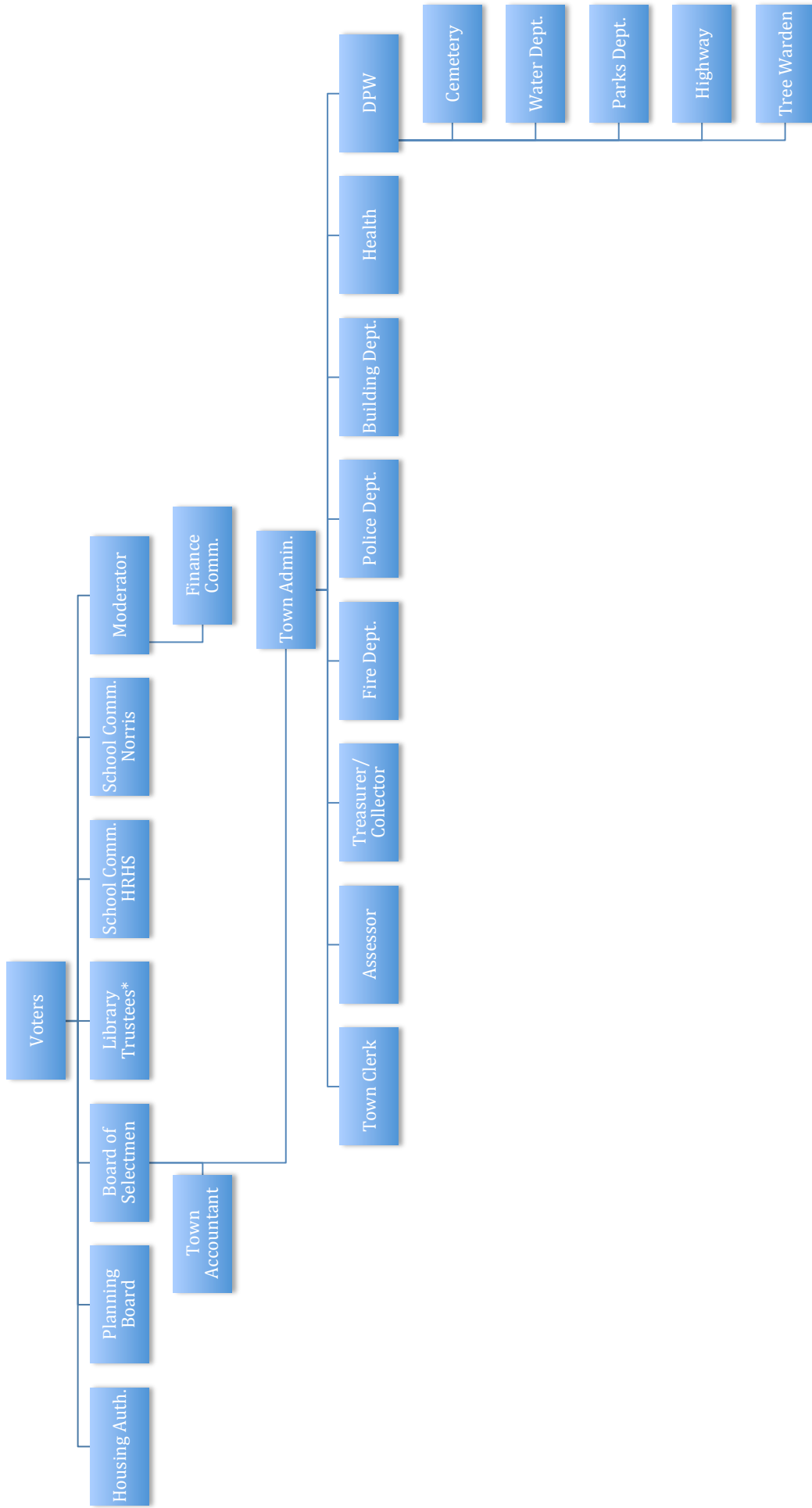
This report has noted, in Finding #1, the issues that result from Southampton's decentralized organization, where responsibilities are so fragmented as to mask accountability, and diminish opportunities for coordination and efficient delivery of services. These effects negatively impact the present and future residents of the Town.

The Town should, through a Home Rule Charter, restructure its municipal organization in a more efficient, effective, and accountable manner. This alteration to the existing structure would entail eliminating, or modifying, certain boards and commissions and shift responsibilities to the Board of Selectmen and Town Administrator. In other cases it would convert elected offices to appointed ones recognizing the high level of responsibility associated with the position, necessity of always having qualified individuals holding such positions, and making these offices accountable to town management, which should ultimately be held accountable to the residents in a direct or indirect manner. The proposed restructured organizational chart is shown in Exhibit B.

This recommendation is consistent with similar recommendations by the DOR/DLS in their reports of 2005, 2007 and 2014. It is also consistent with best practice in other communities that have sought improved accountability, efficiencies, enhanced coordination, and reduced liability exposure.

Exhibit B

Southampton Proposed Organizational Chart



*Department has reporting staff.
 Selectmen Appointed Committees: Agricultural Commission, Almoner, Capital Improvement Committee, Conservation Commission, Council on Aging, Cultural Council, Emergency Management Director, Energy Committee, Greenway Committee, Greenway Negotiation Committee, Board of Health, Historical Commission, Inspector of Master Plan Implementation Committee, PVPC Representative, Public Safety Complex Comm., Board of Registrars, Recreational Needs Comm., Zoning Board of Appeals.

The principles for appointed rather than elected include the following:

- Limited policy-making responsibilities.
- Primarily performing administrative responsibilities largely guided by laws and regulations.
- Requiring specialized qualifications to perform the functions of the position.
- The required qualifications are such that an absence would expose the Town to substantial risk.
- The functions of the position require regular and consistent cooperation and coordination with other functions of local government.
- Voters cannot easily determine the proper functioning of the position.
- Little to no electoral competition for positions.

Based upon these principles it is recommended that the following changes be made in the structure of Southampton's local government.

- A Department of Public Works (DPW) is established with an appointed Director for operational management to achieve efficiencies in staffing, equipment and resource allocation. The details of this consolidated department are contained within Appendix A
 - Park Commission abolished with responsibilities assumed by Selectmen, Town Administrator and newly formed DPW.
 - Water Commission abolished with responsibilities assumed by Selectmen, Town Administrator and newly formed DPW.
 - Cemetery Commission abolished with responsibilities assumed by Selectmen, Town Administrator and newly formed DPW.
- Finance Committee appointed by the Town Moderator with phased in process whereby current elected members remain through their term.
- Personnel Policies and Procedures Board be renamed Personnel Advisory Board having three members appointed by the Board of Selectmen to advise on Town Personnel policies to be adopted by the Board of Selectmen.
- Treasurer/Collector to be appointed by the Town Administrator as described in the following Recommendation #4.
- Town Clerk to be appointed by the Town Administrator as described in the following Recommendation #4.
- Tree Warden to be appointed by the Town Administrator as described in the following Recommendation #4
- Almoners be appointed by the Board of Selectmen.

It is further recommended that, as allowed by state statute, responsibilities in some of elected boards be modified within a Town Charter to improve accountability of staff and the coordination of government operations and ensure adherence to a single set of operational systems including personnel management, procurement, and financial planning and management.

4. Establish a Formal Position of Town Administrator

This study has identified deficiencies in overall Town Management (Finding #3) resulting in part from the decentralized and fragmented nature of the organizational structure. This finding is echoed in the DOR/DLS studies going back to 2005, which noted the necessity of a central management authority for “*executing town goals, to take initiatives to improve operations and to establish clarity of expectations in the day to day ministration of town business*”.

While a Town Administrator position does exist within the organization, the Town By-laws are quiet on the actual role and responsibilities of the position, leaving the individual in this position to rely upon powers of persuasion and interpersonal skills. That, in addition to the existing weak nature of the role of the Board of Selectmen, means that there isn’t a single individual at the helm of the \$16+ million organization. Such a single individual provides clear lines of authority and, importantly, accountability.

It is recommended that the Home Rule Charter outline in detail the authority and responsibilities of the Town Administrator position as the primary management authority within the Town. As such the Administrator would lead financial management for the Town including financial planning and budgeting, manage all procurement and personnel functions including collective bargaining, appoint all applicable department heads with Selectmen approval, approve all hiring by department heads, supervise all personnel, direct and/or coordinate all day-to-day operations, directly or indirectly implement Selectmen priorities, keep the Selectmen apprised of Town issues, and represent the Town on matters of regional consequence (Finding #7).

It is important to note that the formal authority assigned to a Town Administrator does not create an all-powerful position within the local government organization. There are built-in checks with regard to appointment of personnel, long-term contracts, collective bargaining agreements, budgets, etc. The success of the individual in the position relies on having authority but using it to bolster collaboration and cooperation within the organization.

5. Strengthen Budget Process

A weakness of many organizations is in the area of budget development, a process that is essential in determining fiscal stability and the allocation of limited resources for myriad service demands. While Southampton has improved its budgeting since the DOR/DLS report of 2014, there are a number of additional improvements that

should be made to strengthen the process, as was noted in Finding #4 of this Report. An immediate improvement would be a recommendation to formalize the budget process within the Home Rule Charter and make the Town Administrator the lead individual in the preparation of the budget, rather than the budget by committee approach that now seems to be in place.

The modification to utilize the Town Administrator as the lead in budgeting would allow the Selectmen to play the more appropriate role of policy makers, and the Finance Committee would be allowed to maximize their effectiveness with an emphasis upon overall issues of adherence to financial policies and operational priorities, and playing the advisory role for Town Meeting as envisioned in the statute.

It is important to note that budgeting is a continuous process throughout the year and over multiple years. The Charter should outline the budget process, the specific roles of the Town Administrator, Selectmen, School Committee, and Finance Committee, operational budget, capital planning, financial planning and annual audit.

The annual budget document itself should reflect the specific goals set forth by the Board of Selectmen pertaining to finances, or delivery of services. The document should also be prepared in a manner that is designed to aid citizen understanding of the Town government, its finances and its fiscal condition. Incorporation of some of the recommended practices of the Government Finance Officers Association (GFOA) would be an important guide in order to utilize the document as a communication tool. For instance, the budget document should provide information for multiple years, departmental descriptions, staffing, organizational charts, departmental goals and objectives, explanatory graphics, and fiscal forecast information.

6. Strengthen and Streamline Personnel Function

The greatest asset of an organization is generally its human resources. The workforce is the frontline of enabling an organization to achieve its mission, and its goals and objectives. Accordingly, an organization seeking effectiveness must be able to recruit, develop, retain, and utilize its employees in the most successful manner. A best practice personnel system must focus upon performance, employee participation with meaningful work, and opportunities for growth of the individual and the organization.

Like budgeting, the Town Administrator should be the lead official in the management of human resources as a reflection of administrative authority (Finding #3). Currently, the personnel management function is distributed across multiple officials and bodies adding complexity but diminishing accountability and efficiency. It is recommended that the Home Rule Charter simplify the personnel function by empowering the Board of Selectmen to set policy administratively with advice from a redesigned Personnel Board. It would be the responsibility of the

Town Administrator to execute those policies and practices in a uniform and consistent manner across all departments. This uniformity is important for several reasons including staff morale, risk management, and citizen confidence.

The Town Administrator would also play the lead role in collective bargaining with all contracts requiring the approval of the Board of Selectmen and Town Meeting as needed. This administrative authority enhances the Town's position in negotiations by providing a single voice at the bargaining table.

Finally, the hiring process within the Town would be centralized within the office of the Town Administrator. Department heads and other direct reports appointed by the Administrator with a veto process for oversight by the Board of Selectmen. Department heads would hire their own staff, subject to approval by the Administrator. This process promotes accountability within the Town organization relative to the management of its human resources.

7. Establish Strategic Planning Process

The restructuring of the Town organization strengthens the day-to-day administration by vesting greater responsibility within the position of the Town Administrator. The changes in organizational structure and processes change the role of the Board of Selectmen to perform less ministerial functions, and more of a strategic purpose, as well as having an oversight function in hiring the right Town Administrator, setting goals for that individual, and then evaluating the performance of the individual in reaching goals and managing day-to-day operations.

As was noted in Finding #2, there is a lack of strategic planning that occurs within the Town of Southampton as the Board of Selectmen responsibility as the Chief Executive Board is diminished under the existing decentralized structure. Additionally, their administrative activities reduce their opportunities for setting strategic direction.

It is recommended that the Home Rule Charter include provisions for focusing the Board of Selectmen in setting broad policies for finances, personnel, operations, etc.; and for developing strategic goals for the town administration and then monitoring progress towards achieving those goals through established objectives and action items. The recently completed Master Plan is a valuable resource in this regard.

This approach, which is more closely aligned to the model of a corporate Board of Directors, ensures that the municipal organization is, in fact, moving in a strategic direction that reflects the interests of the community. To this end, the Selectmen should draw upon citizen participation in the strategic planning process, which should occur every five years, with annual updates.

8. Performance Measurement System

In Finding #3 it was noted that the Town is lacking a management structure to “insure that service delivery and resource utilization is occurring in the most efficient, timely and cost effective manner”. Certainly, structural changes and enhanced organizational processes as have been recommended should address these issues and improve the delivery of services. However, it is recommended that systems be implemented by the Town Administrator, in working with departments, to monitor overall of performance through regular measuring of the same.

Data-driven organizations utilize information to improve decision-making for maximum effectiveness in processes and outcomes. Key to this effort is determining what data is most relevant, and how it will be collected, analyzed and utilized.

The goal of this data-driven approach in Southampton would be to seek continuous improvement and the development of innovative solutions to problems that may face the Town. There are a number of communities across the state that have created a knowledge-sharing network to identify opportunities for improvements in the manner in which municipal issues are addressed. Southampton should utilize these resources and perhaps draw upon local colleges and universities for data collection and analysis assistance related to this effort.

The performance data should also be utilized in regular reporting to the Board of Selectmen and with the preparation of the budget and the budget document as a means of conveying information on municipal services to the citizenry.

9. Town Meeting Improvements

As noted in Finding #6, Southampton’s Open Town Meeting is currently the only available option for the Town relative to legislative responsibility. And, even when the Town achieves the threshold for possible modification, it is not the recommendation of this Report that there be any shift to another form. However, it is recommended that the Town Meeting process be modified to enhance its user-friendliness and engagement of all of the Town’s citizens. These modifications are not radical and in fact are the norm in most communities.

It is recommended that the Town make greater use of audio-visual technology to present Town Meeting articles and relevant information so that participants can receive all available information for their deliberations.

It is also recommended that presenting speakers address the Town Moderator, as the presiding officer of the meeting, and the attendees. This is a simple shift of a podium to an angle that directs to both. Attendees wishing to speak would face the Moderator and the presenting speaker, as well as the Town Clerk, Town Counsel, Finance Committee, Board of Selectmen, and when relevant, the School Committee.

10. Utilize all of the recommendations to increase civic engagement and citizen trust

Each of the recommendations in this Report are intended to improve the operation of Southampton local government, and as a result enhance the citizenry confidence in their local government. However, each recommendation in and of itself allows for greater civic engagement and increased citizen trust, in the process of local government, and it is recommended that this be a priority. The following is a listing of such opportunities:

- The Home Rule Charter should provide greater clarity and accountability for the operation of the municipal government. The Charter should also include provisions designed to increase civic engagement in the Town's finances and strategic planning. Finally, the Charter should limit the holding of concurrent elected offices in order to minimize the appearance of an official having multiple interests.
- Local By-laws should be rewritten for greater clarity and usability by all citizens. The Town should also consider inclusion of a local by-law relative to a local code of ethics, or reiteration of the State ethics statute.
- Restructuring and centralized administrative responsibility in Recommendations 3-6 should enhance accountability of the local government as the fragmentation of authority also produces the fragmentation of responsibility.
- Strategic Planning should have a citizen participation role incorporated as part of the overall process so that citizens are engaged in the Town's future.
- A Performance Measurement system should be utilized to better manage Town operations but also as an opportunity to communicate with residents on Town operations.
- Town Meeting should be enhanced to improve citizen participation.

V. Conclusion

Over the years the Town of Southampton has experienced breakdowns in operations, which have been identified in annual audits, DOR reports, or in the normal course of business. A number of these issues could be attributed to the organizational structure and processes. To its credit the Town has generally made "fixes" to address these issues and the Town is currently in a steady state status. However, the underlying weaknesses of the organizational structure and inadequate processes leave the Town exposed to disruptive circumstances that could effect the Town's financial condition, delivery of services or ability to respond to new demands, problems, issues and opportunities. The recommendations of this study are intended to improve the Town's ability to operate and respond to such circumstances.

APPENDIX A

Consolidated Department of Public Works

A key consideration in the assessment of any organization, and any subsequent modification plan for enhanced effectiveness, is identifying elements that are similar in their overall purpose, and where improved coordination through process or structure would result in efficiencies and responsiveness. In a town like Southampton, a clear opportunity for savings, responsiveness and better coordination lies within the maintenance of the public infrastructure, or public works.

Public works generally refers to those constructed physical assets, and in certain cases the operation of the physical assets that represent an investment by a community to benefit its citizens. Such assets include streets, sidewalks, bridges, parks, water and wastewater systems, public buildings, solid waste facilities, cemeteries, etc. These assets totaled represent an enormous value to a city or town in terms of cost and quality of life. The maintenance of such assets is key to the long-term sustainability and financial health of a municipality.

In Southampton, public works consists of the following functions:

- Road maintenance including traffic control signs and markings
- Stormwater management
- Snow and Ice management
- Parks
- Public facility maintenance and custodial services
- Parks and Ground maintenance
- Solid waste services
- Cemetery operation and maintenance
- Water utility
- Vehicle maintenance

The Southampton Highway Department arguably already operates as a Department of Public Works as it provides staffing support to every public works function. In this respect, Southampton is in a far better place than municipalities that have separate staffing for each function. At issue is the fragmented and disjointed nature of oversight and control of each function. As such responsibility is directed by differing elected bodies. This can inevitably lead to the Department and/or the different elected bodies working at cross-purposes and without a consistent and comprehensive plan of action. A consolidated DPW would operate under the general jurisdiction of the Board of Selectmen as the chief elected officials, acting through the Town Administrator. In this capacity the Board would act as a Board of Public Works. As such, they would assume the responsibilities currently held by the Board of Water Commissioners, the Cemetery Commission and the Park Commission.

The concept of a Department of Public Works may be identified with communities larger than Southampton. A recent report issued by the Massachusetts Department of Revenue-Division of Local Services, which looked at a DPW consolidation plan for Townsend, determined that nearly 2/3rds of municipalities across the state have moved to the consolidated public works structure. And, there are numerous communities of a size similar to Southampton which have consolidated public works into a single department.

The following communities identified in the DOR/DLS Townsend report are similar to Southampton with a population of approximately 6,000:

<u>Town</u>	<u>Population</u>	<u>Land Area</u>	<u>Road Miles</u>
<i>Southampton</i>	<i>6,094</i>	<i>29.1 sq. mi.</i>	<i>77.8</i>
Ashburnham	6,155	38.7 sq. mi.	97.1
Dalton	6,725	21.8 sq. mi.	47.7
Granby	6,290	27.9 sq. mi.	68.8
Great Barrington	6,996	45.2 sq. mi.	95.8
Harvard	6,569	26.4 sq. mi.	78.6
Merrimac	6,612	8.5 sq. mi.	48.3
Newbury	6,853	24.3 sq. mi.	66.8
Topsfield	6,388	12.7 sq. mi.	60.6

APPENDIX B

AN ACT ESTABLISHING A BOARD OF SELECTMEN- ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF SOUTHAMPTON

SECTION 1. Upon the effective date of this act, the provisions of this act shall govern the town of Southampton. To the extent that the provisions of this act modify or repeal existing general law and special act or the bylaw of the town of Southampton, this act shall govern.

SECTION 2. The inhabitants of the town of Southampton, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the town of Southampton.

SECTION 3. This act shall be cited and shall be known as the Southampton Governmental Act.

SECTION 4. The intent and purpose of this act is to secure for the voters of the town of Southampton through the adoption of this act, all the powers possible to secure for their government under Article LXXXDC of the Amendments to the Constitution and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein. To the extent that the provisions of this act modify or repeal existing general laws and special laws or the body of law, which constitutes the town charter under Section 9 of Article LXXXDC of the Amendments to the Constitution, this act shall govern.

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town, and the specific mention of any particular power is not intended to limit in any way the general powers of the town.

SECTION 5. The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

SECTION 6. The legislative powers of the town shall continue to be exercised by a town meeting open to all voters of the town.

All sessions of the town meeting shall be presided over by a town moderator, elected as provided in Part III. The town moderator shall regulate the proceedings, decide questions of order, and make public declarations of all votes. The town moderator shall perform such other functions as may be authorized by the charter, bylaw or other town meeting vote.

The town clerk or the designee of the town clerk shall serve as the clerk of the town meeting. The clerk shall give notice of all town meetings to the members and to the

public, keep the journal of their proceedings, cause the publication of town meeting attendance and perform such other functions as may be provided by the charter, bylaw or other town meeting vote.

SECTION 7. The town of Southampton shall, in accordance with any applicable laws, bylaws, votes of the town, or inter-local agreements elect the following:

- a. Moderator
- b. Board of Selectmen
- c. Library Trustees
- d. Planning Board
- e. Constable
- f. Members of the Southampton Committee
- g. Members of the Regional School Committee

Unless otherwise provided in this act, this act shall not affect the term of office of any such elected official or elected member of such board or committee, commission, or authority. Every other elective office, board, committee, commission of the town shall be terminated or shall become appointive as hereinafter provided, any other provision of the law to the contrary notwithstanding. Unless otherwise provided by this act, the term of office of any person elected to any office, board, committee or commission existing as an elected office on the effective date of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of a successor.

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by the applicable provisions of General Laws, special laws, bylaws and votes of the town, except as otherwise expressly provided herein.

SECTION 8. There shall be a Board of Selectmen consisting of five members elected by the voters for three year terms, so arranged that the term of office of at least one member, but not more than two members, shall expire each year.

The executive powers of the town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all of the powers and duties given to the Boards of Selectmen under the constitution and laws of the commonwealth and such additional powers and duties as may be authorized by this act, by bylaw or by other town meeting vote. The Board of Selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of its official acts to be maintained.

The Board of Selectmen shall serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions and employees of the town. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of policy directives and guidelines which are to be implemented by the officers and employees appointed by or

under its authority. The Town Administrator shall be the primary officer responsible for the implementation of policy directives and guidelines adopted by the Board of Selectmen. The daily administration of the affairs of the town shall be the exclusive responsibility of the Town Administrator. The Board of Selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen under the General Laws or by vote of the town, except as otherwise provided herein.

The Board of Selectmen shall be the licensing authority of the town and shall have the power to issue licenses, to make necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

The Board of Selectmen, by a majority vote of its full membership, shall appoint a Town Administrator who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office. The Town Administrator shall not be subject to the Southampton Personnel Administration Plan. The Board may remove the Town Administrator at any time by a majority vote. Within seven days thereafter, the Town Administrator may appeal the decision of said board by filing a written request for a public hearing. If such a request is filed, said board shall conduct a public hearing within 14 days, and shall act on the appeal within seven days thereafter.

Pending the appointment of a Town Administrator, or the filling of any vacancy, the Board of Selectmen shall appoint a suitable person to perform the duties of the office. The board shall fill any vacancy in the office of Town Administrator as soon as possible. In the event of temporary absence, exceeding 30 days, the Board of Selectmen may designate a qualified person to perform the duties of the Town Administrator during such temporary absence.

The Board of Selectmen shall also appoint Town Counsel, Town Accountant, registrars of voters, election officers, constables, and members of all multi-member committees, boards and commissions except those appointed by the moderator or elected by the voters pursuant to the town bylaws or general law.

The board shall have the power to enact rules and regulations to implement policies and to issue interpretations.

The board shall exercise, through the Town Administrator, general supervision over all matters affecting the interests or welfare of the town.

The board shall have general administrative oversight of such appointed boards, committees, and commissions appointed by the Board of Selectmen.

The board shall be responsible for the preparation of all town meeting warrants.

The board shall review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the board, to the finance committee.

The board shall provide for an annual audit of the books and accounts of the town to be made by a certified public accountant, or firm of accountants, who have no personal interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

SECTION 9. The Town Administrator shall be the chief administrative officer of the town, shall act as the agent for the Board of Selectmen, and shall be responsible to the Board of Selectmen for the proper operation of town affairs for which the Town Administrator is given responsibility under this act. The Town Administrator, under the policy direction of the Board of Selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by the Town Administrator and their respective departments and of all functions for which the Town Administrator is given responsibility, authority or control by this act, by bylaw, by town meeting vote or by vote of the Board of Selectmen. The Town Administrator shall have the power to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility, which the office of Town Administrator is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of the Town Administrator.

Said administrator shall devote his full working time to the duties of the office and shall not engage in any business activity during his term, except with the written consent of the Board of Selectmen.

The Town Administrator shall:

- (a) Attend all regular and special meetings of the Board of Selectmen, unless excused, and have the right to speak but not vote. The Town Administrator shall attend all sessions of the town meeting and answer all questions addressed to him which are related to the warrant articles and to matters under his general supervision;
- (b) Receive correspondence and answer routine daily inquiries, and set priorities among issues that demand the Board of Selectmen's attention. The Town Administrator shall organize the agenda for the Board of Selectmen's meetings and perform research on issues when necessary and prepare selectmen for meetings with briefing memos, including a list of pertinent issues with supporting data;
- (c) Keep the Board of Selectmen fully informed as to the needs of the town and shall recommend to the selectmen for adoption, measures requiring action as may be deemed necessary or expedient;
- (d) Insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the Board of Selectmen as may be required;
- (e) Administer, either directly or through a person or persons appointed in accordance with this act, all provisions of the General Laws and special acts applicable to the town, all town bylaws, all regulations established by the Board of Selectmen, and all votes of Town Meeting;

- (f) Prepare and submit, after consultation with all town departments, an annual operating and capital budget and a capital improvement plan for all town departments, as provided in Section 10 of this Act.
- (g) Be responsible for seeing that the budget is administered as adopted by the town meeting in accordance with the General Laws, this act and bylaws;
- (h) Be the chief procurement officer of the town as defined by general law, and appoint such assistant procurement officers as provided in Chapter 30B of the General Laws, and be responsible for the purchase of all supplies, materials and equipment for all departments except the school department, and award, subject to the approval of the Board of Selectmen, all town contracts, with the exception of contracts involving the school department;
- (i) Administer personnel policies, practices, rules and regulations, any compensation plan including benefits and insurance programs, and any related matters for all municipal employees including all provisions of the personnel system and all collective bargaining agreements;
- (j) Be responsible for the negotiation of all contracts with town employees over wages and other terms and conditions of employment, except employees of the school department; such contracts shall be subject to the approval of the Board of Selectmen. The Town Administrator shall resolve union grievances according to provisions of the union contracts with the town except for school department contracts. The Town Administrator may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties;
- (k) Coordinate the activities of any board, commission, and committee concerned with long-range municipal planning, including the physical, economic and environmental development of the town;
- (l) Develop, keep and annually update a full and complete inventory of all property of the town, both real and personal;
- (m) Be responsible for the efficient use, maintenance and repair of all town facilities, including oversight of all insurance policies for the same, except for those facilities under the jurisdiction of the school committee;
- (n) Assemble town meeting articles and town warrants in concert with the Town Counsel, and shall present such articles on the town warrant to the appropriate town boards or committees for review and recommendation;
- (o) Approve warrants for payments of town funds prepared by the Town Accountant;
- (p) Upon request and with the approval of the Board of Selectmen, prosecute, defend, or compromise all litigation to which the town is party;
- (q) Serve as grants person for the town; to seek out, be responsible for the preparation of applications and administer any grants that shall become available to the town;
- (r) Appoint all department heads and officers, subordinates and employees except employees of the school district or department and those who are elected or are under the supervision of elected officials, elected boards or elected commissions. Appointments of department heads made by the Town Administrator shall become effective on the fifteenth day following the day notice of proposed appointment is filed with the Board of Selectmen unless the Board of Selectmen shall, within said period, by a vote of at least four members of the board reject such appointment or has sooner voted to affirm it.

Except as otherwise provided by this act, the Town Administrator may remove for cause all department heads and officers, subordinates and employees except employees of the school district or department and those who are elected or are under the supervision of elected officials, elected boards or elected commissions. Removals for cause by the Town Administrator shall be subject to due process requirements of federal, state or town laws and regulations or enforceable contract provisions.

- (s) Coordinate activities of all town departments, officers, boards or commissions of the town and to facilitate interdepartmental communication among them. The Town Administrator shall investigate or inquire into the affairs of any town department or office under his supervision and make reports in regard to such matters to the Board of Selectmen, if deemed necessary and expedient;
- (t) Serve as liaison with regional, state and federal governmental organizations, local business and community leaders and the general public;
- (u) Compile the Annual Report of the Town;
- (v) Perform such other duties as may be required by this act, bylaw, or vote of the Board of Selectmen.

SECTION 10: There shall be a seven member Finance Committee appointed by the Town Moderator for staggered three year terms, with responsibilities as set forth in the Massachusetts General Laws.

SECTION 11: The Board of Selectmen and Town Administrator shall meet and confer prior to and during the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated and balanced budget. The Finance Committee shall participate in the discussions with the Board of Selectmen and the Town Administrator in an advisory capacity. The Town Administrator shall develop budget guidelines consistent with policies developed by the Board of Selectmen.

Within a time fixed by bylaw prior to the annual town meeting, the Town Administrator shall submit to the Finance Committee a proposed budget and capital improvement budget for the ensuing fiscal year with an accompanying budget message and supporting documents, including the recommendations of the Board of Selectmen. The budget message submitted by the Town Administrator shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the Town Administrator deems desirable

The Finance Committee shall, upon receipt of the budget and capital improvement budget, consider in public meetings the detailed expenditures for each town agency proposed by the Town Administrator. The Finance Committee may confer with representatives from any town agency in connection with its deliberations. The Finance

Committee may request the Town Administrator or any town agency to provide additional information. The Finance Committee shall file a proposed budget and report its recommendations for action prior to the date on which the town meeting is to act on the proposed budget. The budget to be acted upon by the town meeting shall be the budget proposed by the Town Administrator with the accompanying recommendations of the Board of Selectmen and Finance Committee.

The Town Administrator, in conjunction with a Capital Improvement Committee, if any, shall submit a capital improvement program to the Board of Selectmen and Finance Committee at the date fixed by bylaw for the submission of the proposed operating budget unless some other time is provided by bylaw.

Annually, the Town Administrator shall prepare and submit to the Board of Selectmen a five-year financial forecast of town revenue, expenditures and the general financial condition of the town. The plan shall be provided to the Finance Committee and shall be available to the public.

The Town Administrator shall keep the Board of Selectmen and Finance Committee fully informed as to the financial condition of the town and to make recommendations to the Board of Selectmen and to other elected and appointed officials as the Town Administrator deems necessary or expedient in regard to such matters.

SECTION 12. Annually, for the ensuing year, the Board of Selectmen in conjunction with the Town Administrator shall define goals and performance objectives which both parties determine necessary for the proper operation and welfare of the town and in the attainment of the policy objectives of the board. The Board of Selectmen and Town Administrator shall further establish a relative priority among those various goals and objectives. Said goals and objectives shall be reduced to writing. During the first year of employment, the Board of Selectmen and the Town Administrator will meet and set goals and objectives after six months. The Board of Selectmen shall review and evaluate the performance of the Town Administrator on a formal basis once annually under the terms and conditions of this act. Said review and evaluation shall include, but not be limited to: the Town Administrator's progress and performance on the annual goals and objectives as described in this section; budgetary and financial administration; personnel administration; supervision and leadership; staff development; public relations; employee and labor relations; policy execution; and interaction with the Board of Selectmen as well as the governmental officials, departments, boards and committees. The town shall provide the Town Administrator with a written evaluation report after each formal review and evaluation and shall provide the Town Administrator with an opportunity to discuss his review and evaluation with the Board of Selectmen in a workshop session and submit written comments in relation thereto.

Section 13. There shall be established a Department of Public Works under the direction of the Town Administrator. The Town Administrator shall appoint a Director of Public Works who shall be a person especially suited by education, training and previous experience to perform the duties of the office. The Town Administrator shall be authorized to execute an

employment agreement of no more than three years with the Director, subject to the approval of the Board of Selectmen. The Director shall be responsible for the supervision and coordination of all public works operations of the town that are placed under control of the Director by this charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices, which are hereby renamed divisions and included within the Department of Public Works: highway, engineering, public buildings, cemetery, parks, and tree warden.

SECTION 14. Any holder of an elected office in the town of Southampton may be recalled therefrom by the registered voters of said town as herein provided, except the maximum number of members of a board that may be recalled is a majority.

Any one hundred registered voters of the town of Southampton may initiate a recall petition by filing with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Said Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by said Town Clerk, with his signature and official seal attached thereon. Such blanks shall be dated, shall be addressed to the Board of Selectmen and shall contain the names of all the persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of said Town Clerk. Said recall petition shall be returned and filed with said Town Clerk within twenty days after the filing of the affidavit, and shall have been signed by at least twenty-five percent of the registered voters of said town, who shall add to their signatures the street and number, if any, of their residences. Said Town Clerk shall, within twenty-four hours of receipt, submit the petition to the registrars of voters in said town and the registrars shall within five working days, certify thereon the number of signatures which are names of registered voters of said town.

If the petition shall be found and certified by the Town Clerk to be sufficient, he shall submit the same with his certificate to the Board of Selectmen within five working days and said Board of Selectmen shall, within five working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of said Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, said Board of Selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

Any officer sought to be removed may be a candidate to succeed himself. The nomination of all candidates, the publication of the warrant for the removal election, and the conduct of the

same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

The incumbent shall continue to perform the duties of his office until the recall election. If then reelected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not reelected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters as required by Section forty-two of Chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

No recall petition shall be filed against an officer within ninety days after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which his recall was submitted to the voters of the town.

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within one year after such recall or such resignation.

SECTION 15. Subject only to the express prohibitions in the General Laws or this act, the town meeting may, by bylaw, reorganize, consolidate or abolish, create, merge, or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town body, in whole or in part, establish new agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

SECTION 16. The Board of Selectmen shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to the following elements: a method of administration; personnel policies indicating the rights, obligations and benefits of employees; a classification plan; a compensation plan; a method of recruiting and selecting employees based upon merit principles; a centralized record keeping system; disciplinary procedures; and other elements that are deemed necessary. All town agencies and positions

shall be subject to the rules and regulations adopted under this section excluding employees of the School Department.

SECTION 17. Elected and appointed officers, employees and volunteers of the town are expected to demonstrate, by their example, with their general conduct and in the performance of their duties and responsibilities, the highest ethical standards to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and appointed officers, employees and volunteers of the town are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officials, employees and volunteers of the town shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

SECTION 18. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Southampton on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue to be in full force and effect until otherwise provided by other laws, bylaws, votes, rules and regulations, respectively. All other laws, votes, rules and regulations so far as they refer to the town of Southampton, are hereby suspended but such suspension shall not revive any preexisting enactment. Nothing contained herein shall impair contractual rights established prior to the adoption of this act or any amendment hereto.

SECTION 19. Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform their duties until provisions shall have been made in accordance with this act for the performance of said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade for time in service. Each person shall be retained in a capacity as similar to his or her former capacity as is practical.

SECTION 20. All records, property and equipment whatsoever of any office, board, commission, committee or agency or part thereof the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency shall be transferred forthwith to such office, board, commission or agency.

SECTION 21. At least once in every 10 year period after the effective date of this charter, a special committee consisting of 7 members shall, by an affirmative vote of the majority of the full Board of Selectmen, be established for the purpose of reviewing this charter and reporting its recommendations to the spring town meeting concerning any proposed amendments which the committee may determine to be necessary or desirable. The committee shall consist of 7 members who shall be appointed as follows: the Board of Selectmen shall designate 3 persons; the Finance Committee shall designate 2 persons; and the Moderator shall designate 2 persons. Persons appointed may, but need not, be members

of the agency by which they are designated. The committee shall meet to organize forthwith after the final adjournment of the spring town meeting. The committee shall hold a public hearing within 30 days after the date on which it meets to organize and at least 1 additional public hearing before filing its final report.

SECTION 22. The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of said charter and its provisions to other persons or circumstances shall not be affected thereby.

SECTION 23. This act shall take effect upon its passage.