

Fairhaven Town Clerk Study Committee February 6, 2018 Meeting Minutes

Present: Chairperson Ann Richard, Kyle Bueno, Clerk Anne O'Brien, Mark Badwey, Vice Chairperson Bernard Roderick, Carolyn Hurley, Phil Washko, Bryan Wood.

Ms. Richard called the meeting to order in the Town Hall East Room at 5:00 p.m. The meeting was video recorded by the Cable Access Department.

MINUTES

The Committee reviewed the minutes of the January 22, 2018 meeting. Mr. Bueno motioned to approve the minutes. Ms. Hurley seconded. Vote carried with two abstentions from Mr. Washko and Mr. Wood. (6-2-0).

COMMUNITY COMPARABLES

The Committee reviewed its findings from the previous meeting's assignment to reach out to peer communities for their input on the elected/appointed Town Clerk issue.

Mark Badwey contacted Bourne (elected) and Everett (appointed). Kyle Bueno contacted Carver (elected) and Gardner (appointed). Carolyn Hurley contacted Rockland (elected) and Middleborough (appointed). Anne O'Brien contacted Norton (appointed) and Seekonk (elected). Ann Richard contacted Norwood (in transition) and Wareham (elected). See attachments for detailed responses.

INTERVIEW WITH MARK REES

At 5:15 pm, the Committee met with Town Administrator Mark Rees upon the Committee's request, to ask him his thoughts on the Town Clerk position.

When asked why the Committee was formed and why the change was being considered, Mr. Rees said that, with the long-time Town Clerk announcing her retirement, it would be an apt time to review the position and make a recommendation as to whether it should remain elected or become appointed. Mr. Rees said that his job is to oversee and enact policy, not to set it. For that reason, he presented the matter to the Selectmen at their goal setting meeting, and they formed the Town Clerk Study Committee to make a recommendation to the Board of Selectmen on the matter.

Mr. Badwey asked Mr. Rees if the duties of the Town Clerk have changed over the years. Mr. Rees answered that if any changes have occurred, they have occurred at the State level, as the Town Clerk has many state requirements to meet. He said that the Town Clerk position is "ministerial" and does not set policy. He said the position requires someone "skilled and knowledgeable".

Mr. Badwey asked if Mr. Rees thought that the Town should be directly in charge of the Town Clerk or if the Town Administrator should be directly in charge of the Town Clerk. Mr. Rees said that he felt having the Town Administrator oversee the daily work performance of the Town Clerk would improve services, improve shared resources, and would strengthen the power structure of the Town offices.

Mr. Washko asked if the demands on the Town Clerk have increased over the years. Mr. Rees said that there were more demands in the way of technology, and keeping up with the software and databases available to Town Clerks.

Mr. Roderick asked how the Town Clerk would be evaluated on his/her performance. Mr. Rees said that he/she would be treated like any other non-union department head personnel, and that the current classification/compensation/personnel policy project would give administration the tools to conduct annual performance reviews for all non-union personnel; this would be applied to the Town Clerk as well, if he/she reported to the Town Administrator. Mr. Roderick asked how the Town Administrator could monitor the Town Clerk's performance on a daily basis without daily interaction. Mr. Rees said that he would use the same objectives he uses for other non-union department head personnel: work objectives, resident feedback, timeliness, etc.

Mr. Bueno asked Mr. Rees if he has experience with working with both elected and appointed Town Clerks, and if he could comment on the difference working with each. Mr. Rees answered that, prior to working for the Town of Fairhaven, he had only worked with appointed Town Clerks, but he has worked in other settings with elected treasurer/collectors. He said that he felt there can be accountability problems with elected officials carrying out specified professions.

Mr. Roderick asked Mr. Rees what his reaction would be to potentially "disenfranchising" voters and concentrating power to the Town Hall with the conversion of the Town Clerk position to appointed. Mr. Rees said that a distinction should be drawn between policy setting and enforcement. He said that elected officials set policy at the direction of their constituents. Appointed officials enact/enforce the policy at the direction of the elected officials. As an non-policy setting official (administrative), he felt that making the Town Clerk appointed would not be taking a policy-setting vote away from the people.

Mr. Washko asked Mr. Rees if he had been directly involved in the hiring of a Town Clerk before. Mr. Rees did not immediately recall such a hire, but stated it would follow the same process of any non-union department head hiring: drafting of a job description, recruitment and advertisement in trade websites/journals, interview, check references.

Mr. Badwey asked about what kind of qualification the position would require. Mr. Rees said that there are certifications that are desirable in the position of Town Clerk, and those designations could be written into the job description.

Mr. Wood asked if an appointed Town Clerk would join a bargaining unit. Mr. Rees said that department heads in Fairhaven are non-union personnel.

Mr. Roderick asked Mr. Rees to speak to the value of a Town Clerk having community-specific knowledge. Mr. Rees stated that community-specific knowledge is good, but it is most important to have a Town Clerk who is knowledgeable in the requirements and statues of the position.

TOWN GOVERNMENT STUDY COMMITTEE

Mr. Washko, chairman of the former Town Government Study Committee, said that his group had studied the Town Clerk position. Mr. Washko distributed materials that had been used in the TGSC's work – see Attachments. The group will review the documents and comment at the next meeting.

Next meeting's agenda will focus on the pros/cons listing of the appointed/elected Town Clerk, and details on how the Public Forum will be run.

At 6:07 p.m. Ms. Hurley motioned to adjourn. Mr. Badwey seconded. Vote was unanimous. (8-0).

Respectfully,

Anne O'Brien

Anne O'Brien

Clerk – Human Resources Director Minutes approved 02/12/2018

Documents appended:

Attachment A1&2: Correspondence from Kyle Bueno

Attachment B1&2: Correspondence from Bernard Roderick

Attachment C1&2: Reading materials submitted by Phil Washko

Attachment D1&2: Correspondence from Anne O'Brien

submitted by Kyle Buero

Tuesday, February 6, 2018 at 4:28:54 PM Eastern Standard Time

Subject: RE: Fairhaven Town Clerk Study Committee

Date: Monday, January 29, 2018 at 9:26:29 PM Eastern Standard Time

From: Milanoski, Michael

Tioni: Willanoski, Wilcha

To: Bueno, Kyle

See below

Michael R. Milanoski Town Administrator Town of Carver 108 Main Street Carver, MA 02330 www.carverma.org 508.866.3401

From: Bueno, Kyle

Sent: Monday, January 29, 2018 3:03 PM

To: Milanoski, Michael

Subject: Fairhaven Town Clerk Study Committee

Hi Mr. Milanoski,

I hope all is well! My name is Kyle Bueno and I am a member of a Town Clerk Study Committee in the Town of Fairhaven. We are researching peer communities to study the Town Clerk position as elected or appointed in various towns. From what I researched about the Town of Carver, the Town Clerk is elected, correct? Town clerk is elected

I was wondering if you could briefly answer these questions as this would be greatly appreciated for our committee when discussing the role in our Town!

- Has it ever been discussed to change to appointed? was discussed but did not see a need to change at time given competent clerk, however when she retires we may reconsider
- When was it voted upon and how? no
- What was the process, and did it come up more than once? Did not get that far
- Was there any effect in the community? M
- How long has the current Town Clerk been employed? 6 years

Thank you for taking the time to answer these questions! Please let me know if you have any questions/concerns!

Atlackment AZ

Tuesday, February 6, 2018 at 4:23:45 PM Eastern Standard Time

submitted by Kyle Bueno

Subject: RE: Town of Fairhaven Town Clerk Study Committee

Date: Monday, January 29, 2018 at 3:48:53 PM Eastern Standard Time

From: Mayor

To: Bueno, Kyle

Kyle,

Gardner's City Clerk is appointed by the City Council. This has been this way since 1923 when we became a City.

As a general statement, I don't think the general public is aware of the complexities of positions like Clerk, Treasurer/Collector and other professional full-time positions that some communities may still elect. My personal belief is that these are full-time professional positions that require proper vetting and should never be elected.

I hope this helps.

Mark

From: Bueno, Kyle [mailto:KBUENO@student.bridgew.edu]

Sent: Monday, January 29, 2018 3:09 PM
To: Mayor < Mayor@gardner-ma.gov>

Subject: Town of Fairhaven Town Clerk Study Committee

Hi Mayor Hawke,

I hope all is well! My name is Kyle Bueno and I am a member of a Town Clerk Study Committee in the Town of Fairhaven. We are researching peer communities to study the Town Clerk position as elected or appointed in various towns. From what I researched about the City of Gardner, the City Clerk is appointed, correct?

I was wondering if you or someone in your staff could briefly answer these questions as this would be greatly appreciated for our committee when discussing the role in our Town!

- Was it a recent vote to switch?
- How did the discussion go?
- How was the transition and how has it worked out?
- How has it effected the community? Budget issues or otherwise? How long has the current Town Clerk been employed?
- Do you feel that the general public in your community understands the position of the Town Clerk? Do they know what the day to day responsibilities are?

Thank you for taking the time to answer these questions! Please let me know if you have any questions/concerns!

Sincerely,

Kyle Bueno

Attachment B1 submitted by Bernard Roderick

Good Morning Mr. Roderick, Please see the answers to your questions in red below. Thank you.

Linda Dennehy
Executive Assistant to the Town Administrator
Town of Yarmouth
1146 Route 28
South Yarmouth, MA 02664
508-398-2231 ext. 1271
508-398-2365 (fax)
Idennehy@yarmouth.ma.us

From: Bernard Roderick [mailto:Bernard Roderick@msn.com]

Sent: Thursday, January 25, 2018 2:44 PM

To: Dennehy, Linda

Subject: Town Clerk Study Committee/Fairhaven, MA

Dear Ms Dennehy,

As per my recent phone conversation with you relative to the above matter, my committee has asked it's members to contact comparable communities to learn about their experiences with elected vs. appointed Town Clerks. As you indicated the Town Administrator's office would probably not be able to provide me with the appropriate information and you felt that you could do so, I pose the following questions:

Is your current Town Clerk elected or appointed? APPOINTED

If appointed, was it a recent vote to switch? NO, OVER 10 YEARS AGO

What generated the the idea to consider an appointed Town Clerk? ABILITY TO RECRUIT BEST

QUALIFIED CLERK - FOREGO RESIDENCY REQUIREMENT

How did the discussion go, pros/cons? WELL RECEIVED

How did the transition proceed...how has it worked out? who made the appointment? EASY TRANSISTION – TOWN ADMINISTRATOR MAKES APPOINTMENT; BOARD OF SELECTMEN HAVE 5 DAYS TO OBJECT (MAJORITY OF BOS HAVE TO OBJECT)

How has it affected the community....citizen feedback?budgetary matters? and other issues? COMMUNITY WAS PLEASED

How long has the current Town Clerk been employed? ALMOST 4 YEARS

Do you think that the general public in your community understands the role of the Town

Clerk? Is the public knowledgeable about the day- to-day responsibilities of the Office? YES,

TOWN CLERK HAS EXCELLENT WORKING RELATIONSHIP WITH PUBLIC

A sincere thank you to you for your help with this matter. It is truly appreciated

Respectfully, Bernard F RoderickVice Chair, Town Clerk Study Committee.

Attachment B7 submitted by Bernard Roderick

Town Government Study Committee

Westport, MA

Selectman Steven Oullette

Town Clerk: Elected

Has changing the position to appointed ever been discussed? Briefly...no push to change.

When voted upon? Not voted upon...never got that far

Process? None. Never came up again

Effect on the Community? None..status quo

Years of employment for Town Clerk? 14-16 years

Community understanding of the role and day-to-day responsibilities of Town Clerk? Not really. Public

visits the Town Clerk for their specific needs/questions

Atlachment Cj

Elected

An elected official is selected by democratic process. A large number of stakeholders are involved in the selection.

Election is desirable if the official will have broad authority and/or will set Town policies.

Election is desirable when the official(s) must represent the Town (or sections of Town) in some way.

Election may be best suited to positions that call for knowledge of a specific aspect of the Town.

Elected officials favor policies that promote voter turnout and their municipalities are associated with higher voter turnout.

Electees are insulated from pressure by the other elected officials.

Election makes the official more accountable to the voters.

Elections will attract candidates willing to expend the time and money needed to run a campaign.

Electees are evaluated only at election time and get little feedback from the electorate at large until then. There is little evaluation if the position is not competed. Evaluations are unstructured

Appointed

An appointed official is selected by a small number of stakeholders.

Appointment is desirable if the official performs a well-defined function with little room for discretion

Appointment may be best suited to positions that call for knowledge of a specific type of work (construction, medicine, computers, etc.)

Appointing authority can focus on qualifications of the candidates for that specific job.

Appointees are less subject to pressure by individual citizens.

The appointing authority has more authority with which to manage an appointed official.

Appointment minimizes election expenses for the Town in some cases.

Appointment is in order if vacancies need to be filled promptly when they occur.

In a a good system, appointees get evaluated at least quarterly or annually. Evaluations are structured and provide clear steps for improvement.

Considerations in evaluating whether an office holder or board/committee/commission should be elected or appointed.

- A. the amount of discretion or application-of-judgment the office holder/board/committee has
- B. the frequency of supervision needed

How often work of the office holder/board should be examined to assess the adequacy of progress, the quality of the work, or other performance matters?

C. the specificity of the job description

How easy is it to describe in detail the work that the office holder/board must do?

Is the job described mainly in terms of "powers" or "duties"? "Powers" implies flexibility and freedom in operating. "Duties" implies things that <u>must</u> be done like tasks or chores.

D. the amount of technical expertise needed

How much knowledge in relevant areas of science, engineering, mathematics, accounting, law, etc. should the office holder/board members have?

How much training specific to the job (e.g., Massachusetts regulations, customary procedures) should the office holder/board members have?

E. the impact of the job on the town

How much of the town's budget does the office/committee consume?

Do the office holder/boards separate, individual decisions and actions affect small parts of the town or large parts?

How much of the amount and type of spending is at the discretion of the office holder/board?



Massachusetts Department of Revenue

Division of Local Services

Transitioning Government: Elected to Appointed

January 21, 2011

Technical Assistance Section Presented by Zack Blake, Financial Management Analyst

Technical Assistance Program

recommendations aimed at improving government operations. assessment of the financial activities of a community along with a series of management at no cost. Our written financial management reports provide an overall consultant-type services to cities and towns on matters of municipal financia At the request of local officials, the DLS Technical Assistance Section provides

We focus on:

- officers Government structure in the context of duties and responsibilities of financial
- boards, officials and staff involved in financial management activities The degree of coordination and communication that exists between and among
- The policies and procedures in place to accomplish requisite tasks; and,
- success in maximizing resources and minimizing costs The general efficiency of financial operations as measured by the community's

appointed? Why do we recommend transitioning from elected to

Qualifications

attract a person with the strongest credentials and most relevant professional experience thorough background check and an extensive interview process, the community is in a better position to Greatly expands the number of qualified candidates. By requiring potential candidates to go through a

Accountability

that we encourage communities to adopt. administrator/manager or finance director) and be subject to the same annual performance review process have equivalent responsibilities. He or she would be accountable and report to the chief executive (ex. town The individual would be placed on equal footing with other finance officers and department managers who

Financial Management Team

M

collaborate to raise and resolve issues incubate new ideas. They enhance lines of communication and cooperation by ensuring that all involved Team meetings are an occasion to analyze financial problems, spur creative thinking and develop and

What positions do we typically identify to convert?

Treasurer

- Receives, takes charge of, and accounts for all monies belonging to the town
- Manage cash flow to ensure adequate funds are available to cover current obligations:
- Manage issuance of long-term or short-term debt, and the investment of town funds;
- Responsible for personnel administration, which involves payroll, unemployment, workers comp.

retirement and insurance programs, union contracts or civil service regulations; and

Prepare various reports including monthly reconciliation reports.

Collector

- Verify that commitments are received and accurately uploaded, and that all bills are mailed, accurate and timely;
- Establish procedures for the daily collection, posting and deposit of money;
- accurately reported; and, Establish procedures for sending tax demands and initiating tax takings, and that receivables are
- Furnish a fidelity bond to cover the municipality from any loss.

Assessor

- Collects market data as basis for property valuations and estimating new growth
- Completes analysis for assigning property values and setting the tax rate

When to start thinking about making a move

- Look ahead for a convenient point in the future (i.e. retirement, vacancy, no capable and committed people occupy these positions, but looking long-term this may candidates, poor performance of existing official, elected official is agreeable). Often not always be the case
- transition. A plan also presents an opportunity to rethink individual roles and office developed for filling vacancies in order to provide for a smooth and thoughtful Put a plan in place today. While no departures may be imminent, a plan should be Any plan should be simple and relatively straightforward to implement functions with an eye toward creating greater efficiencies and possible cost savings.
- positions. They work well with other departments in town hall and participate in When should you think twice - when capable and committed individuals occupy these efforts to advance town-wide goals

Put a plan in place

- target date they can develop a calendar working backwards identifying critical action steps and milestones, allowing time to gather information about core functions and legal responsibilities of the office and/or the position. Develop a Succession Plan: If and when local officials become aware of an impending vacancy, they should establish a target date for when the position will be filled. In setting the
- Establish a target date and work backwards
- Gather and document information about core job functions and responsibilities
- Develop Job Description
- Classify and Grade Position
- Define Hours and Benefits
- Complete Salary Survey

Explore alternatives

- Consolidation/Merger
- Regionalization
- Outside Contract
- As an example, we generally recommend merging the treasurer and finance department. collector positions, or weighing the merits of establishing a municipal

How to make the change

- General Laws
- Converting Offices from Elected-to-Appointed: MGL c. 41, §1B
- Authorize Selectmen to Appoint Assessors: MGL c. 41, §25
- Comme Authorize Selectmen to Act as, or Appoint, Other Town Officers: MGL c. 41, §21
- Establish a Municipal Finance Department: MGL c. 43C
- Adopt, Revise and Amend City and Town Charters: MGL c. 43B
- Special Act
- cities and towns to act in other ways to reorganize municipal government Enacted by the General Court, Special Acts create or revise charters and enable
- Combining Treasurer and Collector's Offices (See Samples)

DLS can help

government that should be addressed and are uniquely positioned to review drafts and charter and its role in relation to ordinances and by-laws. We can speak to areas of our staff can help. At no cost, we can provide guidance on the underlying goals, and the statute, a Special Act, or the adoption of a new charter or revision of an existing charter, ensure consistency with sound financial management practices Whether a community seeks to restructure local government through a local acceptance

and Technical Assistance Bureau at kingsleyf@dor.state.ma.us To request assistance, contact Rick Kingsley, Bureau Chief, Municipal Data Management

Attachment DI Submitted by Anne OBrien

Anne O'Brien

From:

Bill Gouveia

Sillsinsidelook@gmail.com>
Saturday, January 27, 2018 11:15 AM

To: Anne O'Brien

Subject: Re: Town Clerk - Elected vs. Appointed

Hi Anne -

Sent:

I am very glad to share information with you on this topic, it is one I have been greatly involved in not only in Norton but in a number of other communities.

I am copying and pasting your email below, and inserting my answers.

Hi Bill,

My name is Anne O'Brien and I am a member of a Town Clerk Study Committee in the Town of Fairhaven. We are researching peer communities to study the Town Clerk position as elected or appointed in various towns.

We are contacting three members of these peer communities – the Town Moderator, Town Administrator and Chairs of Select Boards, to ask a series of questions.

Thank you for taking the time to answer these questions:

• Is your current Town Clerk elected or appointed?

Our clerk is currently appointed, after being elected for centuries.

If elected:

- Has it ever been discussed to change to appointed?
- When was it voted upon and how?
- What was the process, and did it come up more than once?
- Was there any effect in the community?
- How long has the current Town Clerk been employed?

If appointed:

Was it a recent vote to switch?

I believe the switch was only approved about 3 years or so ago, after several attempts to get the town to approve it over about 20 years.

How did the discussion go?

We found that when there was an incumbent continuing in the position, it became almost impossible to separate the need to change to appointed from the personal opinion and position of the incumbent. There was much discussion about "taking away the right of the people to choose" the clerk. But it was pointed out that a professional position needs to be hired, not elected. It was pointed out limiting the position to a registered voter in town severely limited the field of candidates. It was pointed out that removing the individual if they did something wrong was difficult at best when elected. And it was pointed out that elected officials do not fall under the direct authority of the town manager, and centralizing that authority is important.

How was the transition and how has it worked out?

There was zero problems with the transition. Everything pretty much continued as it was.

How has it effected the community? Budget issues or otherwise?

My opinion is that it has improved the office. It has brought it in line with others, increased cooperation, and made the clerk more accountable. There have been no budget issues beyond the normal ones which would have occurred either way,

How long has the current Town Clerk been employed?

I believe about two or three years.

• Do you feel that the general public in your community understands the position of the Town Clerk? Do they know what the day to day responsibilities are?

I believe they have a general idea, but have no idea the detailed work that is involved. The reporting duties, the depth. I'm not sure they see far beyond the licenses they pick up there or the general contact citizens tend to have. Which - in my opinion - is one of the big reasons making it appointed was so important.

Below are some links to newspaper columns I have written on the topic. Take them for what they are worth - I hope they help.

http://www.thesunchronicle.com/vip/opinion/columns/gouveia-now-is-the-time-to-change-norton-clerk-post/article 3b3a0454-9a33-11e5-b72e-6fa07857df79.html

http://www.thesunchronicle.com/opinion/columns/gouveia-going-pro-in-norfolk/article_d634b523-3064-5980-a97c-04d5dc2df14b.html

http://www.thesunchronicle.com/vip/opinion/columns/gouveia-north-norton-take-positive-steps-toward-better-government/article 7094da9d-c182-5bc0-9c65-832be7b54dcc.html

Good luck with your deliberations. If I can be of any further help, please feel free to contact me.

Thanks

Bill Gouveia

AHACKMENT D2 Submitted by Anne O'Brien

Anne O'Brien

From:

Shawn E. Cadime <scadime@seekonk-ma.gov>

Sent:

Saturday, February 3, 2018 11:03 AM

To:

Anne O'Brien

Subject:

RE: Town Clerk - elected vs. appointed

From: Anne O'Brien [mailto:aobrien@fairhaven-ma.gov]

Sent: Friday, January 26, 2018 10:56 AM

To: Shawn E. Cadime <scadime@seekonk-ma.gov>

Subject: Town Clerk - elected vs. appointed

Hi Shawn,

My name is Anne O'Brien and I am a member of a Town Clerk Study Committee in the Town of Fairhaven. We are researching peer communities to study the Town Clerk position as elected or appointed in various towns. We are contacting three members of these peer communities – the Town Moderator, Town Administrator and Chairs of Select Boards, to ask a series of questions.

Thank you for taking the time to answer these questions:

Is your current Town Clerk elected or appointed? Elected

If elected:

- Has it ever been discussed to change to appointed? There has been discussion for the first time this year to
 perhaps change it to an appointed position, which would allow for more accountable on a day-to-day basis.
- When was it voted upon and how?
- What was the process, and did it come up more than once?
- Was there any effect in the community?
- How long has the current Town Clerk been employed? The current Town Clerk has only held that position for 2
 years, prior to her the Town Clerk held the position for 20 years.

If appointed:

- Was it a recent vote to switch?
- How did the discussion go?
- How was the transition and how has it worked out?
- How has it effected the community? Budget issues or otherwise?
- How long has the current Town Clerk been employed?
- Do you feel that the general public in your community understands the position of the Town Clerk? Do they know what the day to day responsibilities are?

Thank you!

Anne O'Brien

Town of Fairhaven Human Resources Director 40 Center Street Fairhaven, MA 02719 508-979-4023 ext. 149