

Committee to Review Town Manager Form of Government Report

Section One: The Charge and the Process

(a) Review of the charge

On the day following the Norwich Town Meeting held on March 6, 2007, the majority of townspeople voted "yes" on a warrant article which read:

"To advise the Selectboard to appoint a committee to consider the appropriate form of government for the Town of Norwich."

In response to this vote the Selectboard called for interested volunteers from the community and the committee charged as the Committee to Review Town Manager Form of Government" was formed. In time this committee became informally known as either the "Town Governance Committee" or the "Town Manager Committee".

The charge of the committee was as follows:

"The Town Manager form of government was adopted based on the recommendations of a 2001 report from the Town Administrative Needs Committee. The charge of this new committee is to review the above referenced report that recommended adoption of the Town Manager form of government and to assess how the Town Manager form of government is working today based on the rationale and recommendations outlined in the previous report. It is not the intent of the Selectboard that the new committee repeats the work of the Administrative Needs Committee, but that the committee completes a review of how the Town Manager form of government is working".

"In conducting its study, the committee should interview the Town Manager, Department Heads, elected officials, a sample of employees and town residents in Norwich. Further, the committee will also interview people in those same positions in the towns of our region, as well as the towns of the state which have demographic similarity to Norwich to have a truly representational comparison pool including towns with a Town Manager form of governance, those with a Selectboard only, and those with other structures."

"The committee should conduct at least two public forums, one at the beginning of the process and one when the draft report is ready for review but before presentation to the Selectboard for acceptance or further consideration."

“The final report from the committee should include a discussion of the advantages and disadvantages of the Town Manager form of government, how it is working compared to the recommendations of the Town Administration Needs Committee, and any changes that are needed to make the Town Manager form of government work better plus any recommended changes in the form of government. If the committee concludes that Norwich should not have a Town Manager form of government, factual reasons should be stated.”

“The final report from the committee should be presented to the Selectboard on, or before, August 15, 2007.”

Early in its deliberations the committee asked for and was given permission by the Selectboard, to drop the following sentence from the original charge on the grounds that it was not sufficiently germane to the focus of its efforts:

“The committee should also include a discussion of the possible effects of the petitioned articles on the functions of a Town Manager and of a Selectboard’s role in establishing budget priorities and policies.”

(b) Summary of the Process

The committee held its first meeting on April 23rd. The group continued to meet more or less weekly throughout the months of June, July, August and into early September. The small size of the committee (7 members) combined with member work schedules and vacations during the summer presented challenges to the original deadline, which was modified to a later date in early September. During this time a set of survey and interview questions was developed from the Town Administrative Needs Committee report, which had identified what was then “not working” in town government. Our committee decided that using the content of what was then “not working” to develop questions for current query would provide a good context to our current evaluation of the town manager form of governance.

As requested by the Selectboard, interviews were held with the Town Manager, town department heads, a sample of employees, town business owners and residents. Appropriate officials in nearby towns with the same and different forms of government were interviewed as well.

A public forum was held on June 16, 2007 at the Marion Cross School. The attendance was modest and the committee was told informally by the Selectboard that a second forum requested in the charge would not be necessary. A questionnaire developed by the committee was mailed to all postal patrons in town. Our committee’s web address allowed the questionnaire to be completed through the use of Survey Monkey, a software program which electronically tabulated the results. In addition, a reception box to facilitate returns of the mailed surveys and receive unsolicited comments was placed in a publicly accessible place in Dan & Whits.

To insure candor and encourage participation all responses were anonymous unless a person chose otherwise. Members of the "Norwich Five" were invited to the committee's meetings or were offered an opportunity to provide insight into their actions to individual committee members privately if they preferred. The committee reviewed all Selectboard correspondence over the past year in an effort to gauge relative levels of dissatisfaction among people in town on various issues and to assess response by the Selectboard and Town Manager. The job description of the Town Manager was reviewed. Committee members engaged in informal, relevant discussions with members of the community as well.

It should be noted that best efforts were made to focus discussion on government structure, rather than on personalities and job performance, neither of which was incorporated in the committee charge.

Section Two: Recommendation for form of Town Government

The Town Manager Form of Governance Committee unanimously recommends that the Town of Norwich continue with the existing Town Manager form of governance under which a Town Manager's duties are statutory but overseen by a Selectboard that is responsible to appoint, direct, supervise, set the salary for and for cause remove the town manager. (24 V.S.A. 1235-1238)

Section Three: Discussion of the reasons for making the recommendation

The recommendation to retain the Town Manager form of government was driven significantly by the responses from the public in surveys, the public forum, interviews with town employees, and officials in Norwich and other municipalities. Further, many of the reasons for the recommendation to switch to a Town Manager form of governance in 2001 have not changed and are still valid in 2007.

There were complaints regarding the *execution* of the present form of government and there are recommendations by the committee for improvement that will be addressed in a later section, but the existing structure was *overwhelmingly supported*. In fact, of the current town employees we interviewed who had been around prior to the Town Manager form of governance, *none* felt that Norwich would be well-served by returning to a Selectboard-only form of governance.

The 2001 committee found the Selectboard, as a body of volunteers, increasingly ill-suited to the demands of managing the town's business in an increasingly complicated political and regulatory government landscape.

Hiring a Town Manager, whose position is defined and empowered by statutory authority, was recommended as a preferable form of governance for creating and enforcing personnel policies, establishing sound financial practices, and for providing the consistent and constant professional administrative oversight a town needs to function efficiently. The objective was to provide an overwhelmed Selectboard with a respite from overseeing the daily administrative needs of government. Relinquishing authority over various town departments

would give the Selectboard the time and, it was hoped, the tools necessary to set policy and long range planning goals for the future of the town.

According to the Vermont League of Cities and Towns:

“This governance choice (Selectboard with Town Manager) is illuminated by the statutory language that accompanies the shift. Until the manager form is adopted, the Selectboard is responsible for the general supervision of the affairs of town (24 V.S.A. 872.) Once the manager form is adopted, the manager assumes legal responsibility for the general supervision of the affairs of the town ... and is responsible for the efficient administration thereof.(24 V.S.A. 1235.) This transfer of responsibility allows the Selectboard to hold the manager accountable for overall town performance, and in turn increases the manager’s ability to hold staff accountable for performance. It also frees the Selectboard to focus on the larger policy issues facing the community, rather than management of day-to-day operations.”

Norwich in 2001 had grown to a town with significant infrastructural, administrative and long-range planning needs. Those needs have continued to increase. To give a sense of that one has only to look at the growth of the budget which in 2007 exceeded \$3,500,000, not including separate monetary articles. Selectboards come and go as a result of the election process. A Town Manager can provide continuity and stability as Selectboard members can change annually. Although the Town Manager has the authority to oversee specific personnel, administrative and financial matters, the Selectboard should still identify the town’s policy needs and advise the Town Manager to meet them. The Town Manager fulfills the executive role of government and the Selectboard the legislative role.

An alternative to Town Manager is a Selectboard with a Town Administrator. This alternative would not in this committee’s opinion, and in agreement with the 2001 committee’s findings, provide a solution to improving the management of town affairs. Our reasons are best summarized by the Vermont League of Cities and Towns:

“An administrator is not a creature of statute. An Administrator’s duties are usually enumerated in either a job description or town charter and, generally speaking, do not reflect the broad management authority of the manager. Administrators typically do not have the authority to hire and fire, do not oversee town finances and are not responsible for the overall efficiency of town government. An administrator can assume some of the duties of a chief administrative officer if they are expressly delegated via job description. However, most communities find that the only way to ensure accountability across the organization is to adopt the manager form of government.”

An alternative to the Selectboard form of government with a Town Administrator available in Vermont is a Selectboard with an Administrative Assistant. In this case the Selectboard would essentially determine the assistant’s duties. Usually the position of Administrative Assistant is not vested with any legal responsibility, and, clearly, this choice would not

address the issues of accountability and clear lines of authority. The current Town Governance Committee has deemed this form unacceptable for Norwich now, as did the Administrative Needs Committee in 2001.

Since the Selectboard determines the Administrator's, or Administrative Assistant's job description, those assigned duties could in theory be changed any time the Selectboard chooses, potentially leading to confusion and a lack of continuity in governance. In addition, because each position relies solely on the authority granted it by the Selectboard, there is a potential danger for cronyism and the pursuit of personal agendas by the Selectboard members to influence policy.

In comparing Norwich to approximately similar towns, we would add that the issues of authority and accountability have led to very public turmoil recently in the towns of Windsor and Bradford, which continue to operate with a Selectboard and Town Administrator form of government. Woodstock and Hartford, each operating with a Selectboard and Town Manager, (Woodstock 22 years and Hartford 12 years) appear to be functioning efficiently, although even the best-run towns have divisive issues.

From our survey results, interviews and public forum, some of the negative themes discussed in the 2001 report arose again. There is a perception by some that the needs or problems identified then still exist. Those themes will be discussed further on.

That being said, we received 67 responses to our town wide survey mailed to approximately 1800 postal patrons (Post Office estimate a/o August, 2007). We heard from approximately 35-40 residents at the public forum out of a voting population of 2600. In addition to the survey, we also received other pertinent correspondence and input from townspeople. Additionally, we asked for comments from those responsible for the petition leading to the March 2007 warrant article that resulted in the creation of this committee. We interviewed all Selectboard members, all department heads, the Town Manager, town employees, officials from other towns, and local business leaders.

The public survey results, including the on-line survey netted 52 respondents recommending retention of the Town Manager form of governance.

The majority of town employees, Selectboard members, business leaders and town residents interviewed felt strongly that the *present form of governance is the best choice for Norwich*. The public forum netted no recommendations to change the present form of governance however, a few attendees did express the opinion that there was not enough information provided to them by the committee about other governance choices. In fact, a recurring issue seemed to be a general lack of understanding on the part of residents as to how a Town Manager form of governance is supposed to work. This lack of understanding may be a contributing factor to the contentiousness that seems to be surrounding some of the issues the town presently faces. People seem to be confused over who actually is responsible for certain governmental functions.

Section Four: Successes and Challenges

(a) Successes

In general, it is the committee's opinion that the Town Manager form of governance has improved the day-to-day functioning of the town versus the previous Selectboard with an Administrative Assistant form of management. Highlighted below are some of the things that we feel have been positive contributing factors:

- Departmental oversight is consolidated under the Town Manager's authority as opposed to being parceled out to various Selectboard members individually. There is an identifiable chain of command. Town department heads, employees and residents now have access to a decision maker, a go-to person, whose door is open, on a daily basis, during regular business hours.
- Purchasing has been centralized.
- As a result of the Town Manager assisting the Selectboard in setting the agenda and providing background information ahead of time regarding the issues to be discussed, Selectboard meetings are shorter, and the Selectboard no longer has to deal with administrative details. Issues are discussed and voted on in a timelier manner, speeding up the process.
- The Town manager now prepares the budget for Selectboard approval, freeing the Selectboard to concentrate on fiscal policy.
- The writing of grant proposals is overseen by the Town Manager, organizing the process. Formerly grant writing was done by different town departments.
- Employee performance reviews are performed in a timely manner.

(b) Challenges

Keeping in mind that the responses to the survey, questionnaire and interviews represented less than 3% of Norwich's voting population (2600 registered voters), it is difficult to extrapolate, either positively or negatively, from the perceptions of a small minority of residents to the feelings of the town as whole.

There was not an overwhelming response from residents, to the question of whether or not Norwich has the right form of governance. It could have been the "issue" itself or that the questionnaires and surveys were not structured in a way that would easily elicit the information sought. The committee also became aware that, despite initiating the petition for a warrant article calling for a change from Town Manager to Town Administrator, the "Norwich Five" actually had not intended for the town to change its form of government; this may have contributed to the confusion. Another factor which may have contributed to the confusion was the Selectboard's rewording of the original petition. The reason for the

rewording was the original petition called for a change of governance from a Town Manager to a Town Administrator. By statute, when a town changes its form of governance, the change must be made within 30 days of the town vote. The Selectboard felt that a change on such notice would have led to considerable disruption, and therefore reworded the language that ultimately appeared on the ballot.

Townspeople, we found in general, were not dissatisfied with the *structure* of the current form of government, therefore, the “issue” didn’t really seem to engage the community afterwards as it did at the time of the Town Meeting vote.

Although not directly included in our charge, our data gathering surfaced a variety of relevant opinions which we urge the Selectboard to review and analyze. Survey and questionnaire results accompany this report.

- There was a perception by some residents that the Selectboard is micromanaging the Town Manager. No specific instances were given but it did come up from time to time. Some opinions about the existence of Selectboard micromanagement attributed it to a lack of experience or capacity on the part of the town manager or an inability of some Selectboard members to completely let go of management areas specifically assigned to the Town Manager by statute.
- Some residents opined that the current town manager is the wrong person for the position. Reasons cited for this opinion included a lack of financial experience, lack of skill in public relations, and lack of leadership. The Selectboard was also criticized for some of the same failings, particularly lack of leadership. The public’s perception of the current Town Manager’s skill or the Selectboard’s abilities was by no means consistent. We received many reports of support for both as well.
- There appeared to be a general lack of understanding on the part of some respondents as to how the Town Manager form of governance is supposed to work. There was apparent confusion as to what the Town Manager’s actual responsibilities are. As a committee we heard this confusion expressed fairly often. For example, many people were unaware that the Town Manager’s authority and duties were prescribed by state law. It is the committee’s sense that not knowing where to go for a particular problem or concern or who is really in charge gives residents the feeling no one is in charge or available to help them.
- Some respondents expressed the sentiment that even when problems or complaints were properly registered with the Town Manager or the Selectboard they were not addressed in a timely manner or were ignored. Regarding complaints, we found through our interviews that there was a consistent, identifiable process for handling resident complaints about various town departments or personnel, but that most residents were not aware of what this process was or how it worked. There seemed to be a disparity between these reported perceptions and other responses which indicated that complaints were satisfactorily resolved. Our review of all the Selectboard

correspondence over the past year revealed very few complaints and all those appeared to have been appropriately addressed.

- A belief seemed to be held by some respondents that the Town Manager's former role as Police Chief created some undefined conflict of interest and/or favoritism towards the Police Department and there appeared to be a desire to have this committee address that issue. By state statute the Town Manager has charge of the Police Department, including appointments, removals and salaries. It is the Selectboard's responsibility to oversee that performance. Relative to the charge the committee received, there was no need seen to handle a personnel issue.
- Some respondents indicated a sense that there was poor communication between the Selectboard and the Town Manager.

Section Five: Suggestions to improve our existing form of government

- Newly elected Selectboard members should be required to attend town government training sessions provided by the Vermont League of Cities and Towns. Knowledge of the statutory responsibilities of the Selectboard, as well as an understanding of what constitutes a good working relationship between the Selectboard and Town Manager, should lead to more efficient governance. It would be a good idea if even experienced Selectboard members took refresher courses from time to time.
- We as a committee feel competency in finance is essential for an effective town manager. Consideration should be given for the establishment of higher financial education standards for the Town Manager position. This requirement should be built into the performance reviews and contracts of the position.
- A number of town residents seem confused about who is responsible for various areas of town management. We feel it would be helpful if the Town Manager and/or Selectboard could provide some sort of outline for residents showing how town government works. Perhaps an article for "Norwich Happenings" could be written describing how town government is organized, with contributions from various boards and committees, such as Planning and Finance. Although all this information is in the Town Report, it might seem more accessible and "user friendly" if it appeared less formally in a publication such as "Happenings".
- It would appear from a number of responses that the process for making a complaint or reporting a concern is not well known. What is perceived as a lack of responsiveness or timeliness in problem resolution may be the result of not knowing the right person to go to. Town policy and the procedure for lodging a complaint or identifying a problem should be well publicized and made as clear as possible. Again, an article in "Norwich Happenings" might be one way to get this information out to the public and clarify the process.

- It is essential that the Town Manager and Selectboard participate in sound, strategic planning in order to move forward successfully.
- We noted in our interviews with town employees and officials that staff meetings were not regularly scheduled. It is recommended that staff meetings be held on a regular basis.

Section Six: Conclusion

In following our charge we came to the realization that of the various types of town government to choose from, the Selectboard with Town Manager form of governance continues to provide the structure best suited to Norwich. In simpler times a volunteer Selectboard alone was able to manage our small town well. We are still a small town in population, but the governmental requirements our elected officials have to deal with are not so small anymore. Having a professional Town Manager relieves the Selectboard of the responsibility for day-to-day management of the town and clearly separates the “executive” from the “legislative” functions of government.

Comments in the 2001 Administrative Needs Committee Report we believe resonate today:

“Administrative improvements are only part of the picture, however, and their success hinges on the behavior of the Selectboard and town residents.... The manager’s prospects of success will improve to the degree that the Selectboard understands, embraces and respects its reduced role in day-to-day affairs under the town manager statute.”

The committee would like to thank the Town Manager, town employees, the Selectboard, and town officials in other municipalities, who participated in the process. We especially would like to thank those residents who took the time to fill out surveys, attend the public forum, and give us their opinions about town government.

By the Committee, September 7, 2007

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