

Report from the Dunstable Governance Committee

for the 2022 Annual Town meeting

Greetings fellow Citizens.

As you know, our committee was charged by the Selectmen to study the Town government and make recommendations for adoption of a Town Charter.

We have been working diligently for the past 18 months and thought we should provide this update concerning our work to date.

What is a Charter?

A Charter is the same document for a Mass. town or city, as the State Constitution is to the Commonwealth, or the US Constitution is to our nation.

A Charter provides a framework to describe the various offices, committees, commissions etc. that give structure to the Town's government and the duties and responsibilities that each are given.

Absent a Town Charter, the Town's form of government is created by a confusing set of State laws that are substantial in size, and confusing in structure and do not necessarily coordinate well with other laws.

A Charter has the advantage of allowing a given town to decide for itself what form of government it wants to have and the opportunity to define the roles and responsibilities of all participants in that town government.

Dunstable's current governmental structure has worked well for it over the years, despite the complexities offered by Mass. statutes.

For that reason, the Governance Committee chose to largely replicate the current Town government structure, in the proposed Charter.

It is, in other words, a document that once passed, is uniquely the possession of the people of Dunstable.

How is a Charter formulated and approved?

A Charter can be drafted by a Charter Commission or by a committee such as ours.

A draft Charter is reviewed at a Town Meeting, can be amended by that Town Meeting, and is then adopted by simple majority vote.

Following adoption, it is sent to the Mass. legislature to be enacted as a Special Act Charter specifically for the Town of Dunstable.

Alternatively, a Charter may be prepared by an elected Charter Commission which produces a draft Charter also for Town Meeting consideration. Charter Commission Charters, however,

may not be amended by Town Meeting and may only be approved or disapproved. They do not have to be submitted to the State Legislature for special legislation.

Our committee chose the process that allows Town Meeting to amend the draft Charter if they choose.

What are the major components of our draft Charter?

Our proposed Charter preserved the current structure of Dunstable government, but it proposed changes in a few key areas.

First, several governmental bodies, currently elected, were proposed to become appointed instead.

Those were The Town Clerk, the Commissioners of Trust Funds, and the Tree Warden.

We chose these offices to become elected as each requires special training and experience more appropriate to being chosen based on those skills and education.

This especially true of the Town Clerk and Tree Warden who both serve as employees and should be chosen based on merit as we choose all other employees now.

All other elected offices have been retained.

Why was the Draft Charter not Proposed and Why Was it Changed to a Town Administrator General By-Law?

Upon completion, we made the draft Charter public and received several comments that expressed concern that if the main goal were to establish and define the office of the Town Administrator, and if the rest of the Town Government was retained, then why did we need such a complex document as a Charter.

The Committee decided that despite the many advantages of the Charter, it was a large, complex document, and that it would take a long time to build support for it.

The decision was therefore made to introduce change incrementally, starting with the TA By-law.

This decision meant that the more immediate goal of establishing and defining the TA position, (in time for a permanent TA to be advertised, interviewed, and hired this year), could be met by the Committee presenting a TA General By-law, which is limited in size and scope when compared to a complete Charter.

How does the General By-law change the office of the Town Administrator?

Currently, there is no document which defines the duties and responsibilities of the TA.

Instead, those duties are defined by the BOS, and may be changed at any time by the BOS.

Like all employees, a TA expects to have well-defined duties and responsibilities, so they will understand the job they are to complete.

Good Town Administrator's expect the definition of their job to be clear, well-defined, and not subject to unanticipated changes at the whim of the BOS.

Our committee felt that too much of the TA's duties are currently unclear and thus, great confusion can result as different Boards of Selectmen decide to change the function of the TA Office from time to time.

The TA By-law gives the Town Administrator many administrative duties that he/she currently exercises (by delegation of the Board of Selectmen), but the By-law provides that these duties become embodied in law. This makes clear what duties the Town Administrator performs as well as the relationship between the Town Administrator, the Board of Selectmen, and all other components of the Town government. Further, the By-law makes clear that these duties and responsibilities have been approved by Town Meeting and are not subject to unexpected change, without notice, by a BOS.

The proposed TA GBL will also make the TA the appointing (i.e. hiring) authority for all Town employees, in consultation with the boards, committees and commission that these employees work for.

The TA GBL gives the Selectmen the right to reject any appointment made by the TA if the Board believes the appointment is inconsistent with Town values or was made improperly for some reason.

The intent of these provisions is to ensure that all employees are hired fairly, based on knowledge, skills, and abilities, without political interference, and consistent with the myriad State and Federal laws governing employee hiring, disciplining and promotion.

The draft TA GBL makes clear that the Selectmen are the Chief Executive authority for the Town and set overall policy, just as each individual elected board/committee set policy in their respective areas of responsibility, but the TA, as the primary administrative officer, executes those policies working with the Department Heads and other employees.

Our goal was to preserve the best aspects of Dunstable Town Government, and the strong traditions of citizen involvement that we are so proud of, and at the same time to allow the TA to ensure our employees are accountable and productive, and that our tax dollars are spent efficiently.

The Town Governance Committee is proud of our proposed Town Administrator General By-law, and we invite your review of this document and suggestions for further improvement.

We are hopeful that once the Town has conducted this review, that the TA By-law will be submitted to a Town Meeting for adoption in the Fall.