

Final Report of the
Nantucket
Town Government Study Committee
with Recommendations

Presented to Nantucket Board of Selectmen/County Commissioners
and
Town Administrator

March 14, 2007

Committee members:

Jack Gardner, At-large representative, Vice Chairman
Pamela Lohmann, Civic League representative, Secretary
Jane Miller, School Committee representative
Allen Reinhard, At-large representative, Chairman
Nancy Sevens, At-large representative
Jeanette Topham, Nantucket Town Association representative, Treasurer
Whitey Willauer, Board of Selectmen representative

MISSION STATEMENT

The mission of the Town Government Study Committee is to fulfill the mandate of the 2005 Nantucket Annual Town Meeting pursuant to which the Committee was formed and, in particular:

To study all relevant aspects of the Town and County governments, including their current organizational structure and how they operate under their current charters, and how effectively they are managed;

To solicit constructive suggestions from the public at large and Town and County personnel regarding Town government;

To report our findings and recommendations to the Town and County Administrator, the Board of Selectmen, the County Commissioners, and the public;

To propose any warrant articles or other means for implementing those recommendations, and

To issue a preliminary public report by Annual Town Meeting 2006, and to complete our work by Annual Town meeting 2007.

FINAL
REPORT
of the
NANTUCKET
TOWN GOVERNMENT STUDY COMMITTEE
With RECOMMENDATIONS

Introduction

The Town Government Study Committee was formed by vote of the 2005 Nantucket Annual Town Meeting and was given a charge to study local government to discover what improvements might be made in the structure, administration, and delivery of community services; and to report to voters their findings and recommendations for changes in local government. This is the Final Report of the TGSC, which includes specific recommendations, and nine warrant articles submitted as citizens petitions to be put before voters at Annual Town Meeting 2007. Our goal is to illuminate local government for the long-range benefit of voters.

This report is divided into four parts: First, changes requiring warrant articles because they call for an amendment of the existing charters or in one case, a new by-law. Second is a list of Advisory Recommendations, issues that were discussed by the committee after being raised in the course of our study. These Advisory Recommendations which pertain to areas of Town and County government on Nantucket are given as a guide to help the Selectmen and Town Administration recognize issues of concern to citizens and suggestions to streamline and better utilize the resources of local government for the benefit of our island community. The third part describes issues the committee considered, and felt further study was needed before these issues could be brought to the floor of Town Meeting for debate. In each part, we have included the reasons our committee feels these changes will make local government on Nantucket more effective.

The Fourth part is a summary and outline of our findings.

Background

Ultimate responsibility for the quality and leadership of government lies with voters. No charter, no law, no political structure can guarantee the best leaders will step forward with a clear and articulate vision for a community's future course. It is up to citizens to educate themselves about the qualifications and ideas of candidates and about the issues and problems facing the community and possible solutions or actions to address community concerns. Since the signing of the Mayflower Compact in 1620, New England, has agreed to be governed by vote of a majority of eligible citizens. This has resulted in the system of laws and government we live under today. At the heart of this complex and many-layered system is the individual voter.

The purpose of government is to provide services to the community from which its powers are derived. At the local level these include important services vital to the successful operation of a community such as a system of roadways and public ways, a school system, police and fire protection, water and sewer systems, planning, a legal system to enforce agreed upon laws, contracts, and to resolve disputes, and oversight of regulations adopted by citizens.

Part I: Recommendations requiring warrant articles

The TGSC Citizen Petition Warrant Articles were submitted November 16, 2006, for Annual Town Meeting, April 2007. Articles 44-51 are Town Charter Amendments. Article 52 is a by-law petition.

Article 44: Title change Town Administrator to Town Manager

Our committee was created because a citizen raised the issue of the Town needing a Manager rather than an Administrator. The first issue we studied was the distinction between these two titles. We read our Town and County Charters, consulted Massachusetts General Law and experts in this field and learned that there is no statutory distinction made between an administrator and a manager. The powers of this key government position lay not in the title, but in the duties and responsibilities spelled out in our governing charters. Nantucket's Town and County charters give great responsibility to our Town Administrator, responsibility and powers that exceed many other Commonwealth town's administrators. We consulted with the Massachusetts Municipal Association and others working in the field of municipal administration and found that while there is no substantive distinction, the title manager is generally perceived among peers and staff to be stronger than administrator, and therefore lends greater authority to the position.

Our committee felt that in light of the powers and responsibilities given in the Charters, and recognizing the need for a strong central manager to oversee the efficient operation of Town and County government, Nantucket's Charters should rename the Administrator and Assistant Administrator positions as Town Manager and Assistant Town Manager.

ATM #44 Petition Warrant Article for 2007 Annual Town Meeting Re: Title of Town Manager

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by adding a new section to Article VI General Provisions to read as follows:

"Section 6.7 - Definitions:

(a) The words "Town Administrator, Assistant Town Administrator and Acting Town Administrator" shall mean "Town Manager, Assistant Town Manager and Acting Town Manager" wherever they appear in the Charter and the Town Clerk shall cause any reprinting of the Charter to use the words "Town Manager, Assistant Town Manager and Acting Town Manager in place of the words "Town Administrator, Assistant Town Administrator and Acting Town Administrator, where ever they appear in the Charter."

or take any other action in relation thereto.

Article 45: Additional Appointment Powers for Town Administrator/Manager

One goal of our committee based on our study and implied in our charge from Town Meeting voters, is to strengthen the position of Town Manager. Our article 44 goes one step by changing the title to recognize the authority and responsibility of the position. We also felt it was important for the Board of Selectmen to delegate certain non-regulatory appointments to the Town Administrator/Manager. The Charter [Article IV, 4.1(b)] intends for the Board of Selectmen to focus on policy setting, and the Town Administrator to control Town Administration. Therefore, this change would serve the two-fold purpose of allowing the Selectmen to concentrate on key long-range regulatory and planning committees while allowing the Administrator/Manager to appoint certain advisory committees and other committees designated by the Board of Selectmen.

We have therefore submitted a warrant article providing for certain appointments to be made by the Town Administrator/Manager rather than the selectmen, in addition to any further powers of appointment selectmen may wish to delegate under existing charter provisions.

#45 Petition Warrant Article for 2007 Annual Town Meeting Re: Allocation of Appointing Authority of Boards, Commissions and Committees between the Board of Selectmen and Town Administrator (Town Manager).

"To see if the Town will vote, as provided for under Section 6.5 of the Charter, Chapter 289 of the Acts of 1996, to amend the Charter as follows:

"In Section 3.4 - Selectmen Powers as to Appointments, sub section (a) (3) second paragraph, delete the words "Disability Commission, Council on Aging and Council on Human Services"

And further in Section 4.3 - Town Administrator Appointments - delete sub section (b) in its entirety and insert in its place the following new sub section (b) to read as follows: "shall appoint and may remove, for cause, members of the following Town boards, councils, commissions and committees: Commission on Disability, Council on Aging, Council on Human Services and Cultural Council,

such appointments being subject to a resolution of disapproval by the Board of Selectmen pursuant to Section 3.4 (a) (4) and further the Town Administrator shall also appoint members of other Town boards, councils, commissions and committees, but only to the extent that the power of appointment of the Board of Selectmen under Section 3.4 of this Charter to make such appointments is delegated by the Board of Selectmen to the Town Administrator, such appointments being subject to a resolution of disapproval by the Board of Selectmen pursuant to Section 3.4 (a) (4)."

or take any other action in relation thereto.

Article 46: Limitation on Selectmen holding paid Town employment

Another issue of concern brought before our committee was the question of Town employees holding office as selectmen. The concern was twofold; first that, in some cases, employees would be in a position to oversee the Town Administrator/Manager and could have to recuse themselves from important votes because of job related conflicts. A second concern was the time spent by selectmen attending meetings held during working hours would take away from Town duties and job responsibilities. There are many opportunities for conflicts-of-interest when a Town employee is also a selectman, our highest policy setting board also charged with hiring and annually evaluating the Administrator/Manager.

There was much discussion on both sides of this issue. An argument was presented that voters were able to weigh any potential conflict of time or interest as one factor in choosing the best candidate for our highest elected office, and prohibiting selectmen from holding Town employment would limit the pool of talented and able leaders to fill this key leadership role. On the other hand, Nantucket's population has grown and there is now a large pool of citizens whose talents might be tapped to contribute to town government. Some towns, with even smaller populations, have a complete ban on selectmen serving as town employees.

Our committee chose a middle ground on this issue. The majority of the committee felt that any Town employee working 20 or more hours per week on an annualized basis and eligible for Town benefits, should not be able to be both selectman and full time Town employee.

We want to emphasize that anyone, Town employee or not, can run for the office of Selectman. However, under this article, a Town or County employee, if elected, would have to give up his or her full time position. We feel there is significant community interest in this issue and bringing it to the floor of Town Meeting for debate through the petition process is the best way to clarify community sentiment on this matter.

#46 Petition Warrant Article for 2007 Annual Town Meeting Re: Limitation on Selectmen holding paid employment with town.

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by inserting a new sub section to Section 3.1 - Composition, Term of Office and Quorum, to read as follows:

"Section 3.1 (a) Prohibition. A member of the Board of Selectmen shall not hold any town employment requiring said employee to work twenty or more hours per week, annualized, and for which a salary or other emolument is paid from the town treasury."

or take any other action in relation thereto.

While the merits of the next three articles can be debated individually, there are some general concepts that apply to all three and formed the basis for our recommendations.

Article 47: Planning Board to become an Appointed Board

Article 48: HDC to become an Appointed Board

Article 49: SHAB to become an Appointed Board

One issue here is how to attract the best-qualified candidates to fill these very important regulatory and advisory positions. Accountability and the goal of strengthening administration of Town government are other issues we discussed. Our committee spent much time examining the way Town government works, how decisions are made, implemented and overseen. Various committees play an important role in Town government.

The Finance Committee is established to oversee the Finances of our Town, and make recommendations on warrant articles and other matters that affect the spending of tax dollars. Our Historic District Commission regulates and oversees the historic character of our island. Our Planning Board oversees regulations that directly affect the quality of life that we, and future generations will experience on our island home. Many other boards, committees and commissions make recommendations to the Board of Selectmen or other departments such as the Roads and Right of Way Committee, or the Cultural Council or the Cemetery Commission Workgroup, or the Traffic Safety Workgroup, or our own Town Government Study Committee. Representation on these committees and workgroups varies between elected and appointed positions.

We used as a model the Town's Finance Committee, widely thought to be a wise and strong oversight group of highly qualified community members whose recommendations on the Town Warrant are thoughtful and highly regarded. Certain restrictions are placed on Finance Committee members serving on this key Town

committee. Candidates are sought out and asked to apply for appointment by the Board of Selectmen. When a vacancy occurs, candidates can be sought out, interviewed and the position filled without waiting for the next election cycle and process.

Some Boards and Committees are elected for a term of office, usually three to five years. The Board of Selectmen/County Commissioners are the Town's highest elected officials. They are screened by the election process of having to collect voter signatures on a petition, running a campaign [that recently has become quite expensive], are subject to numerous interviews by the press and various community groups, and otherwise tested in the open public forum of our election system. Other commissions and boards such as the Shellfish and Harbor Advisory Board, Historic Districts Commission, Planning Board, Land Bank and Sconset and Wannacomet Water Commissions are also selected by election.

Which system, elected or appointed, offers the highest accountability to the position, and the best-qualified candidates for positions that may require particular knowledge or skills? With the appointment process, the Selectmen have the opportunity to seek out and appoint citizens with the skills and expertise to contribute to and balance the increasingly complex tasks of the regulatory boards. They also have a means to hold the appointed members to account.

Candidates with the knowledge or background necessary are sometimes unwilling to be subject to the election process. If a vacancy should occur in an elected position or if a winning candidate proves to be a disappointment to the voters, the position remains vacant, or filled with an unsatisfactory representative, until the next ballot, possibly years hence.

A clear public screening process, which assumes that good candidates are encouraged to participate, that the Board of Selectmen carefully reviews their resumes and makes well-informed decisions must accompany the appointment process. The appointive process encourages people that are qualified, who are not necessarily known in the community, and who are not necessarily skilled in the election process to become involved. The appointive process opens up the opportunity for the Town to tap the excellent resources of the retirement community. And it affords the opportunity for immediate recourse if a position becomes vacant.

We also found that most municipalities in Massachusetts, according to a Massachusetts Municipal Association survey of Selectmen and town managers, are moving away from elected boards and committees because of the strongly held observation that appointed committees are superior and more effective than elected committees. "Turf" frictions among different elected boards tend to undermine the coherence of the central administration.

Our committee also heard from others holding an opposing view that certain boards should not be subject to Administrative oversight and should be held accountable only to voters by general election. The TGSC heard strongly expressed views from

several members and staff of both the HDC and Planning Board maintaining that these boards should continue to be elected arguing that members of these boards should be insulated from administrative oversight and be responsible to the will of the people as expressed by voters.

The TGSC felt there was significant community interest and strong feelings on both sides of this issue and that it should be brought to the floor of Town Meeting for debate via a citizen's petition. Our committee feels that three specific boards and commissions, the Planning Board, The Historic Districts Commission and the Shellfish and Harbor Advisory Board should become appointed rather elected boards for the reasons cited above.

The Shellfish and Harbor Advisory Board was included in anticipation of this committee's structure and mission being broadened as a result of the Harbor Plan Update that is being proposed. We feel the above arguments apply to this board. Discussion of the HDC and Planning Board centered on the responsibilities of each board and it was argued that these two key regulatory boards should be modeled after the Finance Committee. The appointment process is an opportunity to appoint needed expertise.

All three of the boards (SHAB, HDC and Planning Bd.) were created by special acts of the legislature. State law provides two ways to change charter provisions: by petitioning the legislature for a "Special Legislative Act," or handled locally through charter revision under Sections 19 and 20 of the Home Rule Procedures Act (Section 43B). If sent to the legislature, this is an invitation for the state to examine the proposal and tinker with it before signing off and sending it to a ballot. The home rule charter provision retains more local control. The TGSC chose the charter revision route so as not to invite the state to write legislation for us. Because they are charter changes, these articles require a two-thirds majority at Town Meeting, and if passed, must be reviewed by the Attorney General, and must be passed by a majority at the next annual election in April 2008.

The TGSC feels enacting these changes will strengthen the functioning of Town government.

#47 Petition Warrant Article for 2007 Annual Town Meeting Re: Appoint Planning Board members.

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, and add a new article "Article IIIA Boards, Commissions and Committees" and insert in said Article a new section as follows:

"Section 3A-1 Planning Board.

(a) Composition and Term of Office.

Notwithstanding the provisions of Chapter 41, Sections 70, 71 and 72, of the general laws, accepted by Town Meeting in 1928, and beginning with the annual town election in the year following the year in which this amendment is adopted, there shall be five regular members of the planning board, who shall be resident taxpayers of the Town of Nantucket, appointed by the board of selectmen for terms of five years so arranged that one term expires each year, and three associate members of the planning board, who shall be resident taxpayers of the Town of Nantucket, appointed by the board of selectmen for terms of three years so arranged that one term expires each year.

(b) Powers and Duties.

The planning board shall have those powers and duties given to planning boards under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by bylaw, or by other vote of town meeting. The associate members of the planning board are to serve in zoning matters as alternates in lieu of any regular planning board member being unable to serve in said zoning matter.

(c) Transition.

It is the intent of this provision that a transition from elected planning board members to appointed planning board members be phased over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected planning board member, his or her successor shall be appointed."

or take any other action in relation thereto.

#48 Petition Warrant Article for 2007 Annual Town Meeting Re: Amend Charter to provide that Historic District Commission members be appointed.

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by adding a new article "Article IIIA - Boards, Commissions and Committees" and insert in said Article a new section to read as follows:

"Section 3A-2 Historic District Commission

(a) Composition and Term of Office.

Notwithstanding the provisions of Section 3 of Chapter 395 of the Acts of 1970 and any amendments thereto, and beginning with the annual town elections in the year following the year in which this amendment is adopted, there shall be five unpaid members of the Historic District Commission, who shall be resident taxpayers of the Town of Nantucket, who shall be appointed by the board of

selectmen for terms of three years so arranged that as nearly an equal number of terms as possible expire each year and further there shall be three unpaid members of the Historic District Commission, who shall be resident taxpayers of the Town of Nantucket, who shall be appointed by the board of selectmen for terms of three years so arranged that one term expires each year.

(b) Powers and Duties.

The Historic District Commission shall have all those powers and duties described in Chapter 395 of the Acts of 1970 as amended and known as "An Act Establishing an Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District"

(c) Transition

It is the intent of this provision that a transition from elected Historic District Commission members to appointed Historic District Commission members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected Historic District Commission member, his or her successor shall be appointed."

or take any other action in relation thereto.

#49 Petition Warrant Article for 2007 Annual Town Meeting Re: Provide that SHAB members be appointed.

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, and add a new article "Article IIIA Boards, Commissions and Committees" and insert in said Article a new section as follows:

"Section 3A-3 Shellfish and Harbor Advisory Board.

(a) Composition and Term of Office.

Notwithstanding the provisions of Chapter 465 of the Acts of 1976, and any amendments thereto, beginning with the annual town election in the year following the year in which this amendment is adopted, there shall be seven members of the Shellfish and Harbor Advisory Board, who shall be resident taxpayers of the Town of Nantucket, appointed by the board of selectmen for terms of three years so arranged that as nearly an equal number of terms as possible expire each year.

(b) Powers and Duties.

The Shellfish and Harbor Advisory Board shall have those powers and duties described in Chapter 465 of the Acts of 1976 as amended.

(c) Transition

It is the intent of this provision that a transition from elected Shellfish and Harbor Advisory Board members to appointed Shellfish and Harbor Advisory Board members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected Shellfish and Harbor Advisory Board member, his or her successor shall be appointed."

or take any other action in relation thereto.

Article 50: Mandate Audit Committee

Under our current charter, an audit committee is recommended. Because there has been no mandate for an audit committee, the Town is currently three years behind with its audits, due primarily to staff shortages and other causes. We did hear some proposals for considering changing the structure, duties, and membership of the Audit Committee. However we felt this would require more study and would perhaps be considered in a future review. But we felt it important now to at least assure in the Charter the existence of the audit committee as currently constituted.

Our committee felt that an audit committee should be appointed annually to appoint an outside audit firm, review the annual audit results and the evaluation of internal accounting procedures and controls. This article mandates annual appointment of an audit committee.

#50 Petition Warrant Article for 2007 Annual Town Meeting Re: Audit Committee

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by striking, in its entirety, sub-paragraph (c) of Section 3.5 Further Powers of the Selectmen, and inserting in its place the following:

"(c) To establish and shall so establish a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Board of Selectmen, the Chairman of the Finance Committee and one member of the Board of Selectman appointed by the Board of Selectmen; and the Board may further

establish an advisory committee to conduct any inquiry or investigation or to make planning, policy or other recommendations."

or take any other action in relation thereto.

Article 51: Delete Personnel Board and Our Island Home Bd. from charter

A close reading of our charters and discussion with town officials revealed that two boards, the Personnel Board and Our Island Home Board no longer functioned and the responsibilities have been transferred or assumed elsewhere. We saw the opportunity to clean up the Charter text and remove these two no longer existing committees

Therefore, our committee recommends removing reference to these two committees in the charter.

#51 Petition Warrant Article for 2007 Annual Town Meeting Re: Delete Our Island Home Board of Directors and Personnel Board from Charter

"To see if the Town will vote, as provided for under Section 6.5 of the Charter, Chapter 289 of the Acts of 1996, to amend the Charter by deleting the words "Our Island Home Board of Directors, Personnel Board (4 of 5 members)," from the second paragraph under "Section 3.4 - Selectmen Powers as to Appointments, (3)."

or take any other action in relation thereto.

Article 52: By-law amendment: Five-Year Government Review

Through the course of our study, our committee came to realize the importance of a periodic review of government structure and practices with a goal of improving local government and the delivery of government services.

Our committee recommends Town Meeting adopt a by-law requiring a five-year periodic review of Town and County government beginning in 2010.

#52 Petition Warrant Article for 2007 Annual Town Meeting Re: Periodic Review of Town Government

To see if the Town will vote to amend the Bylaws of the Town of Nantucket, by inserting under Article V (Reserved) of Chapter 11 Committees, the following:

"ARTICLE V Town Government Study Committee.

Section 11.18. Establishment, Membership:

In the year beginning 2010 and every five years thereafter, the Board of Selectmen shall appoint a Town Government Study Committee consisting of seven members for a term of one year.

Section 11.19 Function:

The committee shall review the structure of town government including the town charter and bylaws and make recommendations to the town meeting concerning amendments to the charter or bylaws or other recommendations it deems advisable."

or take any other action in relation thereto.

Part II: Advisory Recommendations

Our committee came to realize that most of the issues and recommendations relating to Town and County government on Nantucket do not require charter amendments or warrant articles to implement. Rather, the Board of Selectmen or Town Administration could implement recommendations at will. Many of these recommendations are already in process of being adopted and are recognized by using the word "continue" in our recommendations. We feel these proposals represent sound practices and should be encouraged. In this section of our report, we have grouped the recommendations into four broad categories, and stated the recommendation or issue as succinctly as we could. We have outlined our thinking and findings in our discussion of each area.

Our aim in this section of recommendations is to recognize certain issues, procedures or practices that have been identified through our study and propose measures that will strengthen and streamline local government decision-making, planning, and administration. We do not offer specific details for the form, structure and implementation of our recommendations. We have tried to clearly state the problem or issues we have studied, and have framed a broad recommendation we feel will point the way to a solution. More detail of our discussion and thought process can be found in the minutes of our nearly sixty meetings over the past year and a half. We have tried to be direct and concise in this Final Report.

Boards and Commissions

Our committee has identified nine specific recommendations regarding the role of boards, committees, and commissions, their structure, mission, procedures and how these positions are filled. In some cases these administrative practices are ongoing or are in the process of being implemented. We recognize the important role these voluntary

committees and boards play in the operation of local government. Our recommendations, based on our study and experience, are offered with the intent of helping committees work effectively to solve community problems, and offer a forum to discuss broad community issues. Our experience has shown that committees are most effective when they have clear mission statements with specific objectives and a time frame. They should keep good records of their meetings and make these records available to the public in a timely and convenient fashion. Discussions and communications should be open and available to the public.

Our committee has gained valuable insight into the role voluntary committees can play in the efficient and effective operation and administration of Town government on Nantucket. We have tried to model our procedures and practices in an open, public and transparent process that has resulted in this report. Our committee feels that the members, especially chairmen, secretaries and treasurers of these various committees should be provided with guidelines, and assistance meeting those guidelines and procedures for various filing requirements and publishing results. One place to start is with a handbook outlining committee structure and record keeping procedures and requirements. All new committee members should be recognized and given any necessary assistance in understanding and fulfilling the role, charge, and mission of the committee or board they have been appointed or elected to.

Development and implementation of several of these recommendations would become the responsibility of the Town Administrator, and the added time and resources needed to administer and oversee these recommendations must be recognized, and resources included as tasks are assigned. The Town Administrator/Manager and Board of Selectmen would work together to conduct specific design and implementation of these recommendations.

More detailed discussion leading to these recommendations can be found in the minutes of our public meetings available at our website, www.ackgovstudy.org. For convenience and brevity we have listed each specific recommendation by number as follows:

1. Develop an orientation program for committee members including chairmen, secretaries and other officers of boards, committees and commissions. All new members should receive a clear statement of the role, charge, mission and other requirements of the group soon after appointment. This information should also be available to potential candidates and interested citizens.
2. Continue the practice of requiring each committee to keep attendance records on file with meeting minutes and establish a policy regarding committee attendance. Assistance and guidance should be provided regarding posting and open meeting requirements and the keeping of minutes.
3. Both the Board of Selectmen and Town Administrator should continue the active review of committee mission statements on a regular basis.

4. The Board of Selectmen should enter discussions with the Finance Committee to consider strengthening the role of the Finance Committee by enlarging their role as advisors and in long-range financial planning.
5. Selectmen should examine the structure of the Audit Committee to see if adding at-large members should expand it, and whether to refine its mission and duties.
6. Develop an organizational chart with a clear explanation of the roles and responsibilities of the Planning Board and the NP&EDC and how these boards relate to Town administration and the Board of Selectmen.
7. Continue to review the process and procedures for making appointments to boards and commissions.
8. Develop guidelines for appointing town employees to boards and commissions to avoid time conflicts.
9. Maintain a list of interested citizen volunteers for appointment to boards and commissions.

Administration

Many of the issues our committee considered came under the broad heading of Administration. Some of the issues are the responsibility of the Town Administrator, some fall to the Board of Selectmen, all require working together for the common benefit of the community.

Our role here is to point out issues and areas of concern committee members have heard expressed over the time of our study. All of these recommendations have been discussed in public meetings with the Town Administrator and the Board of Selectmen. Our committee has made every effort to include selectmen and the Town Administrator in our process and they have offered many positive and constructive comments as we explored these issues and developed our recommendations.

Our recommendations here are diverse and deal with a spectrum of administrative concerns. One recommendation calls for an examination of the structure of the Department of Public Works. Our committee received many comments regarding the role and increasing responsibilities of this important department. Various suggestions are currently under investigation by the Town Administrator such as establishing solid waste and sewer as an independent department. One concern raised is that this department has not received the resources necessary to keep up with added responsibilities and infrastructure expansion. We agree with the Town Administrator and DPW Director that a professional review of the DPW would result in better utilization of resources and

clearer lines of responsibility and authority over the planning, upkeep and maintenance of Town and County facilities, property and infrastructure.

We also recognize the need to develop a clear and effective appointment process that will seek out and encourage community members to apply for service on the various boards, committees and commissions of the Town. These committees need to be supported with adequate facilities to hold public meetings and other resources and guidance as described in the above section.

Our committee heard a suggestion for a plan to study evolving health care options for Town employees and island residents with a charge to lay out alternatives, if any, which would improve quality, availability and cost to Town employees, the Town, and could include some level of universal coverage for island residents. Health care costs are a major component of our Town budget as they are nationwide. This is an area that deserves close attention.

Recommendations relating to administration of Town government:

1. Examine the organization and structure of the DPW to see how this department can better utilize its resources to plan for, oversee and maintain the Town's infrastructure and properties.
2. Include in any plan for Town and County facilities, adequate conference and meeting space for the various public boards and community groups to hold public meetings and can accommodate up-to-date media.
3. Strengthen job descriptions throughout Town and County departments to clarify responsibilities and accountability.
4. Continue the Assistant Administrator/Manager position with deputy function.
5. Develop a clear appointment procedure to accompany transfer of appointment powers to Administrator/Manager, and strengthen appointment procedure used by Selectmen.
6. Continue efforts toward cooperative oversight of the Sheriff's office and budget.
7. Hire a full or part-time grant writer.
8. Consider engaging a professional representative to seek state and federal funding.
9. Create a focus group to study the availability and cost of health care programs available to Town employees and residents with a charge to lay out any alternatives that would provide the same or higher level of benefit to current members, more efficient allocation of the Town's resources for health coverage, and possibly provide some level of universal coverage for island residents.

10. Continue cooperation of the BOS, FinCom and School Committee on budgeting and planning.
11. Review/develop a policy on contracts; avoid "roll over" contracts.
12. Strengthen code enforcement within the town and county.

Communications

Clear communication is essential to the successful operation of any enterprise, especially an enterprise geared solely to the delivery of public services, as is Town government. Public participation in the democratic process depends upon an informed citizenry. Much of the business of Town and County government occurs at public meetings or hearings held to collect public comment. The work of our own committee has shown us the importance and potential of using new media to communicate and inform ourselves. Much of the work we have been able to accomplish, and the wide involvement and participation we have been able to achieve is due to media that didn't exist only a few years ago. We feel the Town should study and look for ways to use developing communications media such as on demand audio and video broadcast over the internet to record meetings, and to involve the public in the constructive decision making process.

The Town has recently proposed hiring a full-time information technology professional to improve the efficiency and overhaul the Town's communication and information abilities. We feel this is a very important step in improving this central component of local government. We advocate televising significant public meetings and encourage the Town to seek funding through cable contract negotiations in order to provide this important public service.

Again, more detail and discussion concerning our recommendations can be found in the minutes of our proceedings.

Communications recommendations:

1. Audio and, when possible, video broadcast of meetings of important public boards, committees and commissions as communications media develops, including publicizing advance information on when broadcasts will be aired.
2. Televis pre-ATM meetings of the FinCom and the Planning Board.
3. Hire a technology professional to improve and integrate town communication systems.

4. Coordinate, clarify, and streamline permitting process. This recommendation is to examine the possibility of coordinating the application processes and resources of the Building Department, the HDC, Health Department, Planning Board, and others into a more streamlined process that would assure better Town oversight, coordination and enforcement of building, zoning, health, design and planning codes. We felt this was a communication issue and have included it here. This is an area an information technology staffer could help coordinate.
5. Continue to publish the town warrant on line.
6. Improve use, access, and coverage of the public TV channels.
7. Encourage relevant and timely media coverage of contracts and other public information.

Professional Development

A common thread of many comments we received expressed the perception that, because of the island's isolation, opportunities for professional development of staff in Town and County departments were limited. We discussed this issue with our consultants and with Town administration to gain their thoughts and suggestions. We also solicited public comment and heard a broad range of thought and opinion.

It became clear that Town and County personnel should be recognized for their achievements and encouraged to develop their skills and abilities. Communication skills, especially when employees interact with the public, should be professional and positive. We understand that the new Human Resources Director will be working to develop a training program for customer service, and will look to see what opportunities and programs might facilitate professional growth of Town and County personnel.

We also found that certain departments have fluctuating staffing needs based on deadlines and events that may apply on a seasonal basis. We felt an examination of staff positions and duties throughout Town and County departments to see if certain staff could "float" between departments on an "as needed" basis. This could offer an opportunity for professional development and may result in staffing efficiencies. The object is to make the delivery of government services and its administration more streamlined, and to encourage and provide a path of professional development for Town and County employees.

Regular professional review and management assessment of Town Departments is an important part of any efficiently run municipal organization. An effective review process brings out the best qualities and strengths of employees and offers constructive

advice. Education programs, encouraging membership in professional organizations, and mentorship programs are other avenues to strengthening Town government.

Professional development recommendations:

1. Create a plan to encourage the development of communications skills, including positive public relations skills, throughout all Town and County departments and administration.
2. Develop a professional development program for key Town and County officials in order to increase the level of professionalism and increase access to the best information and advice in the decision making process.
3. Seek seasonal or functional staffing efficiencies.
4. Institute regular cyclical professional reviews and management assessments of Town departments.
5. Conduct exit interviews with departing employees.

Part III: Issues Considered with general recommendations for further study.

1. Mayor/Council form of government
2. Representative Town Meeting based on neighborhood representation
3. Paid full time Selectmen
4. Run off election in multiple candidate races
5. Change housing authority and SSA rep from elective to appointed
6. Increase BOS to seven members with addition of two one-year terms
7. Consider changing time/day of Annual Town Meeting
8. Require 3-person majority for BOS decisions
9. Future term and role of the Town Government Study Committee

1. Mayor/Council form of government to replace current Selectmen/Town Administrator/Annual Town Meeting.

The issue here revolves around the perceived shortcomings and inefficiencies of the current system of local government. The argument was made that with nearly eight thousand registered voters, if only twenty percent of voters showed up for Town Meeting, there is no venue on the island to hold such a meeting and allow for citizen participation. Currently, five to seven percent of registered voters attend and vote at Town Meeting on issues that have long range and expensive impacts on the community at large. It is important to remember that Town Meeting is Nantucket's Legislature. Meeting annually

to make or delay decisions on costly infrastructure and property acquisition results in delay and is an inefficient and usually expensive way to do business.

An argument for the preservation of the existing system was the very deep and ingrained tradition and process of direct individual participation in local government which gives every voter an opportunity to participate in the decision making process. The principle of “majority rule by vote” on Nantucket goes back over three hundred and fifty years. Conditions, and what constituted a “majority” have changed over these years.

Under our existing system, the Board of Selectmen are our highest local government officials responsible for identifying community issues and needs and establishing policy to address those needs. The Town Administrator is responsible for devising a plan, developing and sending out requests for proposals, negotiating contracts, implementation and oversight of programs and projects, and their long-term administration. Annual Town Meeting voters debate, authorize (or not) the program or project and approve funding (or not). Any registered voter can introduce an article for the Town warrant and can speak on any matter that comes to the floor of Town Meeting.

Our committee considered several different systems of local governance, and administration. One approach used by other municipalities with growing population size is to hire or elect a mayor who would be responsible for the overall operation and administration of the Town, supported by a council of elected representatives who would meet monthly or more often as necessary and act as our legislative body in place of Town Meeting. This form of government is used in cities and growing towns. Our committee recognized that this would be one way to address the perceived shortcomings of the present system. However, we felt such a radical change in the structure of our local government required much more study, explanation and community discussion of the issues, impacts and effects on our community before being introduced for debate on the floor of Town Meeting.

Our recommendation is that these issues continue to be explored with wide community input and discussion, to assess the strengths and weaknesses of such a system of government.

2. Representative Town Meeting

Another possible way to address the perceived inefficiencies of Annual Town Meeting acting as Nantucket’s legislative body is to adopt a representative Town Meeting where the island would be divided into precincts each of which would be able to elect representatives to Town Meeting which would meet monthly or more often as necessary to carry out the legislative functions necessary for government operation.

Several issues arise here. How would the precincts be created? How would votes be apportioned? One possibility is by the various area and neighborhood associations

recognized by the Planning Department. Several area plans exist and others are under way which more clearly represent area and island-wide problems and concerns. This may well be the way of the future. How large should such a body be? Currently, there are 23 recognized area or neighborhood associations. Allowing for emerging areas to establish themselves supposes a representative body of thirty or more elected members who would bring forward concerns from their constituencies. Such a representative body could meet more often and would presumably be more current with ongoing projects and needs of the community. Would this representative assembly work with an also-elected Board of Selectmen or would a strong central manager or mayor replace them? Again, there are a number of possible solutions each of which has been tried elsewhere with varying degrees of success.

Our committee feels much more community discussion and study of the many issues involved is necessary before such a new system is advocated for vote on the floor of Town Meeting.

3. Paid Full-time Selectmen

Our committee looked closely at the role, responsibilities and duties of our Board of Selectmen/County Commissioners. We ask leaders to step forward and provide vision, direction and leadership in addressing the needs and services we expect our community to provide. We grant them a meager stipend and have high expectations. They generously give many hours to meetings with various community groups, hold many public meetings to gauge public sentiment, and are responsible for many significant decisions that have a long-range effect on residents and taxpayers.

The issue is: should the job of Selectmen be as time consuming as it can sometimes be? What activities consume Board members time that could be delegated to a strengthened central administrator or manager?

Our committee considered the case for creating positions of paid full and part time Selectmen and felt there was little support for this option. However, we feel that citizen participation through filling the leadership role called for in our Town and County Charters is at the heart of our representative system and should be encouraged by close examination of the role of Selectman to make sure time demands do not make it difficult for normal working citizens to hold this position. Some of our other recommendations regarding the role and focus of the Board of Selectmen attempt to address these time demands.

4. Run-off elections for multiple candidate races

Elections on Nantucket, especially for Selectman often have many candidates running for one or two seats. This raises the issue of a candidate winning election with less than a majority of voter support, possibly as little as twenty percent of the popular vote in a highly contested race. A number of systems exist using various formulas for weighted voting or holding run off elections. The election process is how we screen candidates for public position and we want to be sure we encourage good candidates to enter the competition for important public offices, but we also expect the vote of the majority to carry.

Our committee studied the problem here on Nantucket and did not feel the problem was frequent enough to institute a major and potentially confusing plan for voters to debate on the floor of Town Meeting. Further education and study of the impact of such a system may be warranted.

5. Change other elected boards, committees and commissions to appointed positions

As part of our study, our committee examined all elected and appointed positions to determine which method of selection would generate the best quality candidates and greatest responsiveness to the public. Three of our citizens' petitions call for charter changes to make certain boards appointed rather than their status as elected boards. The rationale for those changes is spelled out in our discussion of those warrant articles in Part I of this report.

Our committee felt other currently elected boards should remain as elected positions.

6. Increase BOS to seven members with addition of two one-year terms

One suggestion that was made and considered by our committee was to expand the Board of Selectmen to seven members by adding two positions for one-year terms. The idea was that a one year trial term would act as a way to encourage citizens to "try out" the campaign process and by serving a one year term, would provide experience for future leaders and serve the community by including more voices in the decision making process.

Our committee found little support for this plan and foresaw many potential problems implementing and managing the details such a plan would entail. We also surveyed other towns in the Commonwealth and found that all towns that had adopted seven member boards found them problematic and returned to three or five member boards.

7. Consider changing time/day of Annual Town Meeting

Our committee spent a great deal of time studying the structure and operation of our Annual Town Meeting. Issues one and two above deal with some of the structural changes we considered. We received many suggestions relating to ways to increase public participation in our Annual Town Meeting process. It was suggested that meeting on weekends or at a different time of day might make the meeting more accessible especially if childcare could be provided. We noted that other meeting times and venues had been tried over the years with no improvement in participation and some confusion instilled. We noted that a survey accompanying the Town census and sponsored by the Nantucket Civic League two years ago indicated a desire to try different day/time options for holding Town Meeting. It was also suggested that the Town could hold a Town Meeting Day where, probably a Saturday, Town Meeting would be broken into four one and a half hour sessions mixed with social breaks during which voters could confer, check on children in the childcare program and take refreshment in the spirit of a Community Day with a focus on community issues and business.

Our committee felt there was no ideal time for Town Meeting given how busy our lives have become. We like the idea of a Community Day where the Town could come together and focus on solving problems and providing for community needs. The Board of Selectmen currently has the power to set the time and place of Town Meetings. We encourage them to consider again trying a different time for own Meeting and to continue to find ways to enhance public participation by arranging for such programs as childcare, transportation, and food service. Future use of tele-participation with new media technology might be explored

8. Require 3-person majority for BOS decisions

A five-person board requires a three-person quorum in order to transact business. In such a case, say where a board member was absent and one recused him or herself for some reason, it would be possible for a two person “majority” of the voting quorum to approve or make a major decision. Recently, it has been common for only three Selectmen to attend an executive committee meeting where a decision was required.

Our committee felt uncomfortable with major decisions being made by only two of the five elected selectmen, and felt strongly that a three person majority was good policy and good practice, but we also felt that institutionalizing such a policy in a by-law or the charter could unduly impede the efficient operation of government when decisions needed to be made and a three member quorum could not agree. Establishing policy generally requiring a three-person majority while providing a means to waive it in urgent situations might be a solution.

9. Future term and role of the Town Government Study Committee

Our committee received several suggestions regarding any future role we might play in overseeing the ballot passage of any of our warrant articles if passed by a two-thirds vote at Town Meeting this year. These articles will not appear on a ballot until April 2008. It was suggested that our Town Government Study Committee could continue to provide information on our recommendations through the balloting. Another suggested role might be in some sort of mentorship or independent advisory capacity to assist Town government and help educate the community regarding the larger issues raised as our population and need for community services grows. The Board of Selectmen has the power to appoint whatever committees they wish. Terms of six of the seven members of our committee expire in June 2007.

The committee will wait to see the result of our citizen's petitions before considering a plan and new mission statement suggesting what an effective future role for our committee might be.

Part IV: Overview of Recommendations

Part I: Recommended Warrant Articles

1. #44 Title change, Town Administrator to Town Manager
2. #45 Additional appointment powers for Town Manager
3. #46 Selectman/Town employee Limitation
4. #47 Planning Board to become an Appointed Board
5. #48 HDC to become an Appointed Board
6. #49 SHAB to become an Appointed Board
7. #50 Mandate an Audit Committee
8. #51 Delete Personnel and Our Island Home Boards from charter
9. #52 By-law amendment: Five-Year Government Review

Part II: Advisory Recommendations

Boards and Commissions

1. Develop an orientation Program for committee members. New members receive a statement of the role, charge, mission and other requirements.
2. Continue requiring all committees to keep attendance records, meeting minutes, and an established attendance policy.
3. Continue the active review of committee mission statements on a regular basis.
4. Strengthen the role of the Finance Committee by enlarging their role as advisors and in long-range financial planning for the Town and County.

5. Examine the structure of the Audit Committee to see if adding at-large members should expand it, and refine its mission and duties.
6. Develop an organizational chart with a clear explanation of the roles and responsibilities of the Planning Board and the NP&EDC and how these boards relate to Town Administration and the Board of Selectmen.
7. Continue to review the process and procedures for making appointments to boards and commissions.
8. Develop guidelines for appointing Town employees to boards and commissions to avoid time conflicts.
9. Maintain a list of interested citizen volunteers for appointment to boards and commissions.

Administration Recommendations

1. Examine the DPW organization to better utilize its resources to maintain the Town's infrastructure and properties.
2. Include in any plan for Town and County facilities adequate conference and meeting space for public boards and community groups to hold public meetings with up-to-date media and communications access available.
3. Refine Town and County Job Descriptions.
4. Continue Assistant Administrator/Manager position with Deputy function.
5. Develop a clear appointment procedure to accompany transfer of appointment powers to Administrator/Manager, and strengthen appointment procedure used by Selectmen.
6. Continue efforts toward cooperative oversight of the Sheriff's office and budget.
7. Hire a full or part-time grant writer.
8. Consider utilizing a professional representative to seek state and federal funding.
9. Study alternative programs for health care coverage for Town employees and island residents.
10. Continue cooperation of the BOS, FinCom, and School Committee on budget planning.
11. Review/develop a policy on contracts to avoid "roll over" contracts.
12. Strengthen code enforcement within the Town and County.

Communication Recommendations

1. Audio and, when possible, video broadcast of meeting of key public committees and boards, especially as new communication media develops.
2. Explore innovative communication media for public information.
3. Hire a technology professional to improve and integrate Town communication systems.
4. Coordinate, clarify, and streamline the permitting process to assure better Town oversight and coordination between various departments.
5. Continue to publish the Town warrant on line.
6. Improve the use, access and coverage of public access channels on local cable TV.

7. Encourage relevant and timely media coverage of contracts and other public information.

Professional Development Recommendations

1. Create a plan to encourage the development of communications skills, including positive public relations skills, throughout all Town and County departments and administration.
2. Develop a professional development program for key Town and County officials in order to increase the level of professionalism and increase access to the best information and advice in the decision making process.
3. Seek seasonal or functional staffing efficiencies.
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