



TO: Framingham Charter Commission
FROM: Edward J. Collins, Jr. Center for Public Management
DATE: August 18, 2016
RE: Administrative Organization Article Primer

The purpose of administrative organization provisions in charters is to provide the authority for the mayor to propose and for the council to approve how the municipality's service functions are to be organized. In those municipalities moving from a town to a city form of government, it is customary to provide general direction on the functions to be contained in each department; most such charter provisions will require an implementation mechanism, referred to variously as the "administrative code" or "administrative orders," that have the force of ordinances.

Please see the accompanying memo which has examples of Administrative Organization Articles.

The Framingham Charter Commission Organizational Structure Subcommittee has been tasked with proposing these structural elements and then deciding how best they will be presented within the charter.

Article Structure - Generally

1. Organization of City/Town Agencies
 - a. This lays out the general way in which the Mayor may organize or reorganize departments in the future. It typically involves a proposed ordinance, submission to the council, public hearing(s), and a vote by the council.
2. Merit Principle (optional but recommended)
 - a. A statement that officers/employees will be hired based on merit and fitness.
3. Individual Departmental Structures/Functions - common
 - a. Individual provisions may lay out the structures and functions of individual departments. This may be merely to reiterate current structure or to outline new structures for departments including consolidation of previously existing departments or new departments.
4. Administrative Orders/Administrative Code - uncommon
 - a. A possible option for allowing the Manager/Mayor to organize/reorganize departments by "administrative order" within a certain period of time after the passage of the charter, not subject to council approval.

Organization of Town Agencies

Framingham could use the following language to allow for future reorganizations:

“The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished only through an organization, or reorganization, plan filed by the mayor. No organization plan may originate with the town council. The mayor may, subject only to express prohibitions in a general law, or this charter, propose to reorganize, consolidate or abolish any town agency, in whole or in part; or establish any new town agencies that the mayor considers necessary, but no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless this charter specifically so provides. The mayor may from time to time prepare and submit to the town council plans of organization or reorganization that establish operating divisions for the orderly, efficient or convenient conduct of the business of the town. Every organization or reorganization plan submitted by the mayor under this provision shall contain a proposed ordinance which sets out, in detail, the amendments, insertions, revisions, repeals or otherwise of existing ordinances that may be necessary to accomplish the desired reorganization. The reorganization plan and proposed ordinance shall be accompanied by a message of the mayor that explains the benefits expected to ensue.

Whenever the mayor proposes such a plan, the town council shall give notice by publication in a local newspaper and hold 1 or more public hearings on the proposal. The notice in the local newspaper shall describe the scope of the proposal, the time and place at which the public hearing will be held, not less than 7 nor more than 14 days after the publication. The proposed plan shall also be available in the office of the clerk, the public library, and by such electronic means as the council shall determine. An organization or reorganization plan shall become effective at the expiration of 60 days after the date the proposal is submitted to the town council unless the town council shall, by a majority vote, within that period vote to disapprove the plan, or shall sooner vote to approve it. The town council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.”

This provision would be a standard feature of the charter and future mayors would also use it to present revisions to the administrative organization arrangement as determined to be necessary.

Merit Principle

A sample merit provision reads like this:

“All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. The town council may, in any ordinance establishing a salary for an office or position of employment, establish minimum qualifications a candidate must possess in order to qualify for appointment to the said office or position of employment.”

Individual Departmental Structures and Functions

If the charter commission decides to include department structures in the charter, the following charters may provide some guidance. Framingham has the option of outlining as many or as few departments as it wishes. However, this is the location to change departmental structures if the commission desires.

WEYMOUTH: Charter establishes departments of Public Works, Municipal Finance, Planning and Community Development, Human Resources, and Municipal Licensing and Inspections .

WEST SPRINGFIELD: charter establishes departments of Municipal Finance, Planning and Development, Planning and Construction of Buildings and Other Facilities, Human Resources, Board of License Commissioners, Parks and Recreation Commission, and a Public Safety Commission.

BRAINTREE: Same as Weymouth, but also provides that the council on aging, town attorney (solicitor), police department, fire department, and fair housing committee shall report directly to the mayor.

Administrative Orders/Administrative Code

When the city of CHELSEA changed its form of government from mayor-council to council-manager, the city took a slightly different route. The charter provided for:

- Creation of a licensing commission
- Retention of the existing traffic and parking commission
- Establishment of a department of personnel administration

For all other functions, the charter gave the authority to the manager to propose one or more “administrative orders” to the council establishing the city’s department structure. (If looking at Chelsea’s transition provisions keep in mind that Chelsea was in receivership so was in a different position than Framingham.)

If the commission decides to direct the mayor to prepare a series of “administrative orders” or an “administrative code,” in lieu of providing specific direction for the functions of departments as shown above, the transition provision should include a deadline (usually within 12 to 18 months of taking office) to present such a plan to the council for adoption.

Earlier Charter Administrative Organization Plans

Some charters adopted before 1980 allowed the council to propose plans of administrative organization, but it has been generally accepted that how a community operates and delivers services is primarily the responsibility of the chief executive. It is important to remember that 40 years ago, a few communities still elected mayors to serve only part-time, and he/she had very little independent authority. The passage of the Home Rule Amendment, as well as the passage of Proposition 2 ½ in 1980, emphasizing careful management of local resources, with an emphasis on efficiency, prompted those communities with part-time mayors to create full-time positions to assure effective oversight and coordination of municipal functions.