

As of February 27,  
2017

Amended April 25, 2026

# BRIDGEWATER MASSACHUSETTS TOWN CHARTER

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# **PART I Charter**

## **Article I. Incorporation and Authority**

### **Section 1-1. Incorporation**

The inhabitants of the town of Bridgewater, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the “Town of Bridgewater.” The Town of Bridgewater shall constitutionally have a city form of government.

### **Section 1-2. Short Title**

This instrument may be cited and shall be known as the Bridgewater home rule charter.

### **Section 1-3. Division of Powers**

All legislative powers of the town shall be exercised by a town council. The administration of all town fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager.

### **Section 1-4. Powers of the Town**

The intent and purpose of this charter is to secure for the voters of the town of Bridgewater, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the Commonwealth.

### **Section 1-5. Interpretation of Powers**

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town, and the specific mention of a particular power is not intended to limit in any way the general powers of the town as enumerated in section 1-4.

### **Section 1-6. Intergovernmental Relations**

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

### **Section 1-7. Town Seal and Town Flag**

The town seal and town flag in existence at the time this charter is adopted, unless the town council shall adopt another seal or flag, shall continue to be the town seal and town flag and shall be kept in the custody of the elected town clerk. Papers or documents issued from any office or board of the town may be attested by use of the town seal. The town flag shall be displayed within the town council chambers.

### **Section 1-8. Ethical Standards**

Elected and appointed officers and employees of the town are expected to demonstrate the highest ethical standards, which shall be in compliance with all state and federal laws. Elected and appointed officers and employees are expected to recognize that they act as agents of the public, that they hold offices or positions for the benefit of the public, that the public interest is their primary concern and that they are expected to faithfully discharge the duties of their offices or positions regardless of personal considerations. Elected officers and employees shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

## Section 1-9. Definitions

As used in the charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Administrative code”, a written description of the administrative organization of town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each town office, department and multiple member body consistent with this charter and applicable state law.

“Charter”, this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution.

“District”, a geographically bounded unit for election purposes, which consists of 1 or more contiguous precincts.

“Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

“Majority vote”, a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by the town council's own rules.

“Measure”, an ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the town council.

“Multiple member body”, any board, commission or committee in the town.

“Precinct”, the smallest geographically bounded unit used for election purposes; provided, however, that a “precinct” shall be bounded by the center-line of streets or other well-defined boundaries such as streams or other bodies of water, railroad tracks, power lines or other clearly visible geographic figures.

“Town”, the body politic and corporate called the town of Bridgewater.

“Town agency or agency”, a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

“Voters”, registered voters of the town.

“Town officer”, an individual who has been elected or appointed to exercise the functions of a town office for the benefit of the public. Town officers are distinguishable from employees in that they are required to take an oath of office and are appointed or elected to specified terms of office.

## Article II Legislative Branch

### Section 2-1. Composition; Eligibility; Term of Office

(a) Composition - There shall be a town council consisting of 9 members which shall exercise the legislative powers of the town. Three of the members, to be known as district councilors, shall be nominated and elected by and from the voters of the 3 districts into which the town is divided, and 6 of the members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large.

(b) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A district councilor shall be a voter and resident of the district in which election is sought. If a district councilor or a councilor-at-large moves out of the town during the term for which they are elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-5. If a district councilor moves from the district from which the councilor was elected, or is removed by a change in district lines and more than 14 months remain in the term for which the councilor was elected, the office shall be deemed vacant and shall be filled in the manner provided in said section 2-5; provided, however, that if less than 6 months of the term remain, the district councilor may

continue to serve during the term for which they were elected so long as they remain a resident of the town.

(c) Term of Office – After completion of the transitional terms outlined in section 10-7, the term of office of district councilors and councilors-at-large shall be staggered terms of 3 years each, beginning on the next business day following election and continuing until their successors are qualified.

## Section 2-2. General Powers and Duties

Except as otherwise provided by law or by the charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed on the town by law.

## Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties

(a) Election - After the councilors-elect have been sworn, the town council shall be called together by the elected town clerk for the purpose of conducting an election among town council members for the office of town council president and vice-president to serve at the pleasure of the town council. The president shall preside at all meetings of the town council and perform such other functions as may be assigned by the charter, by ordinance or by vote of the town council.

(b) Term of Office - The term of the council president shall be for 1 year beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The powers, duties and responsibilities of the council president shall include, but not be limited to, the following:

- 1) The council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order.
- 2) The council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council, but shall have no veto power.
- 3) The council president shall be recognized as the official head of the town for all ceremonial purposes and the council president, or his designee, shall represent the town in its relations with other units of government.
- 4) In time of public danger or emergency the council president may, subject to the review of the action by the town council, temporarily exercise the town council's supervisory powers over the town manager, but such delegation shall not exceed 7 days unless the town council votes to extend the temporary powers not to exceed another 7 days. The town council may extend the period of delegation by successive extensions of not more than 7 days each.
- 5) The council president in conjunction with the town manager shall prepare and deliver a yearly state of the town message to the town council and citizens of the town describing the state of the town. The message will address the financial state of the town, strengths of the town and areas that need attention, as well as potential opportunities for the betterment of the town. The state of the town message should also set the agenda and goals for the town council and town manager for the ensuing year.
- 6) The council president shall call no less than 2 meetings of the general public each fiscal year for the purpose of obtaining public input to the policies of the town. The meeting agenda and format shall be determined by the town council but shall be designed to obtain public input to the policies of the town. Members of the public may submit potential items for the agenda of the meetings in accordance with rules adopted by the town council. The public shall be given at least 14 days notice of the date and time of such meetings. The notices shall be published in a newspaper of general circulation within the town and posted

on the town bulletin board. The town council may provide for additional venues for such postings.

#### Section 2-4. Council Vice President

The town council shall elect from among its members a council vice president who shall act as council president during the absence or disability of the council president and, if a vacancy occurs, shall become acting council president until a successor is qualified. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of the temporary absence or disability and no others.

#### Section 2-5. Filling of Vacancies

- (a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large during the first 18 months of the term for which a councilor was elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the election. The elected town clerk shall certify such candidate to the office of councilor-at-large to serve for the balance of the then unexpired term.  
If a vacancy occurs in the office of councilor-at-large during the last 6 months of the term for the councilor-at-large was elected, the vacancy shall be filled by the person at the most recent annual town election who received the highest number of votes for the office of councilor-at-large and who is not then serving as a member of the town council. The person shall be certified by the town clerk and shall serve for the remaining months of the term which the person was elected.
- (b) District Councilor - If a vacancy occurs in the office of district councilor it shall be filled in the same manner as provided in subsection (a) of section 2-5 for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs; provided, however, that if there is no candidate on the list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council-at-large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided the candidate remains a resident of the district, is willing to serve as a district councilor and received votes in the district at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the election. The elected town clerk shall certify such candidate to the office of district councilor to serve for the balance of the then unexpired term.
- (c) Filling of Vacancies By Town Council - If a vacancy occurs in the office of councilor-at-large or district councilor and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining members of the town council. To be eligible for election by the town council, a person shall be a registered voter of the town and, in the case of a district councilor, a resident of such district. Persons elected to fill a vacancy by the town council shall serve only until the next regular election, or if so decided, a special election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall be sworn and shall serve for the remainder of the unexpired term. Persons serving as town councilors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

## Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

- (a) Exercise of Powers - Except as otherwise provided by any general or special law or the charter, the legislative powers of the town council may be exercised in a manner determined by it.
- (b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of business. Except as otherwise provided by-law or this charter, the affirmative vote of 5 members shall be required to adopt any ordinance or appropriation order.
- (c) Rules of Procedure - The town council shall from time to time establish written rules for its proceedings. The rules shall be available for public inspection at the office of the elected town clerk and copies of the rules shall be available in the office of the town council during regular and special meetings of the town council. Regular meetings of the town council shall be held at a time and place fixed by ordinance but shall be at least monthly. Special meetings may be held on the call of the president of the town council, or on the call of 3 or more members, by written notice delivered to each member of the town council by the elected town clerk at least 48 hours before the time set. Except as otherwise authorized by a general or special law all sessions of the town council shall be open to the public. Every matter coming before the town council for action shall be put to a vote, the result of which shall be duly recorded. All town council votes on ordinances, appropriation orders or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk of the council. A full, accurate, and up-to-date record of the proceedings of the town council shall be kept and shall be open to inspection by the public. All meetings of the town council shall provide for a period of public comment. Regular meetings of the town council shall provide for a period of public comment, provided however, that the town council may promulgate rules that regulate such period of public comment as deemed appropriate.
  - 1) Any council member may, from time to time, submit to the town council proposed town policies, goals and other objectives for its consideration. The town council may amend, modify or reject any proposal submitted by the council president before adopting the same in its final form. Nothing in this subsection shall preclude any member of the town council from recommending town policies, goals and other objectives to the town council.
  - 2) The town council shall be responsible for ensuring that the charter, the laws, the ordinances and other plans, policies and orders for the government of the town are properly implemented and enforced.
  - 3) The town council shall not direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of a person in the administrative service of the town for which the town manager is responsible.
  - 4) The town council shall deal with the officers and employees serving under the town manager solely through the town manager and the council president shall not give any orders or directions to any such officer or employee, either publicly or privately.
  - 5) The town council shall perform such other duties consistent with the office as may be provided by charter or by ordinance.

## Section 2-7. Measures; Emergency Measures; Charter Objection

- (a) Measures - No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of 30 days after adoption or at any later date specified

therein. Measures not subject to referendum, as defined in section 8-4, shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter or as provided in the initiative and referendum procedures.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the town council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by any general or special law, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection - On the first occasion that the question on adoption of a measure is put to the town council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the town council whether regular or special. If 2 members shall object, such postponement shall be until the next regular meeting; provided, however, that for a postponement of an emergency measure at least 4 members, in all, must object, and the postponement shall be until the next regular meeting. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter. Before taking a vote on any measure the council president or councilor acting as the presiding officer shall ask if there is a charter objection to the measure. A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

#### Section 2-8. Council Staff

The town council may employ such staff and experts as are necessary to conduct the business of the town council. The town council shall set the salaries of such staff.

Clerk of the Council - The town council shall appoint an officer of the town who shall have the title of council clerk. The council clerk shall give notice of town council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter, by the town council or by general or special law.

#### Section 2-9. Publication Requirements

Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least 1 newspaper of general circulation within the town, and in any additional manner that may be provided by ordinance, at least 10 days before its final passage; provided, however, that if any ordinance or proposed ordinance or codification of ordinances or proposed ordinances, shall exceed 8 octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the town council in a municipal bulletin or printed pamphlet, and if so published in full at least 10 days before its final passage, the publication shall be deemed sufficient without the newspaper publication as herein required.

#### Section 2-10. Delegation of Powers

The town council may delegate to 1 or more town agencies, the powers vested in the town council by general or special law to grant and issue licenses and permits and may regulate the granting and issuing of

licenses and permits by any such town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

#### Section 2-11. Inquiries and Investigations

The town council may require any town officer or member of a board or commission to appear before it and give such information as it may require in relation to an office held by such person, its function and performance. The town council shall give at least 48 hours written notice of the general scope of the inquiry to any person it requires to appear before it under this section. The town council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence. The town council shall adopt rules of procedure to conduct the investigations.

#### Section 2-12. Prohibitions; Term Limits

(a) Prohibitions - No councilor shall, while a member of the town council, hold any other town office or position. Elected charter commission membership shall not be considered to be a town office or position. No former councilor shall hold any compensated appointive town office or town employment until 1 year after the expiration of his service on the town council. This provision shall not prevent a town officer or employee who has taken a leave of absence from such duties in order to serve as a member of the town council from returning to such office or employment following service as a member of the town council. Any councilor who has been finally convicted of a criminal offense involving misconduct in any elective or appointive public office, trust or employment at any time held by him shall be deemed to have vacated office and shall not be eligible to serve in any other elective or appointive office or position in the town.

(b) Term Limits - No person shall be eligible to be elected as a member of the town council if, at any point during the term of office for which the person may be elected, the service of the eligible person would exceed 12 consecutive years on the town council.

#### Section 2-13. Compensation; Expenses

- (a) Salary - The town council shall serve without compensation.
- (b) Expenses - Subject to appropriation, the town council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

### **Article III. Elected Officials**

#### Section 3-1. General Provisions

The offices to be filled by ballot of the voters of the entire town shall be town council, regional school committee, an elected town clerk, a board of library trustees and members of regional authorities or districts as may be established by general or special law, intergovernmental agreement or otherwise. All other offices, boards, committees and agencies shall be appointed by the town manager as defined in section 4-3 and as detailed in the administrative code.

Any voter shall be eligible to hold any elective town office; provided, however, that to be eligible a person shall not simultaneously hold any other elected or appointed town office or be employed by the town or the Bridgewater-Raynham regional school district in any capacity.

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the town council or the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

#### Section 3-2. Library Trustees

- (a) Composition, Election - There shall be a board of library trustees composed of 9 members, all elected by and from the voters at large.
- (b) Term of Office - The terms of library trustee members shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.
- (c) Powers and Duties - The library trustees shall insure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning.
- (d) Filling of Vacancies - If a vacancy occurs in the membership of the library trustees whether by failure to elect or otherwise, the library trustees have 30 days from the date the vacancy is declared to exist by the town clerk under section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the vacancy. The appointments will be approved by the town council. If the vacancy is not filled within 30 days after the vacancy is declared to exist the appointment will defer to the town council. The appointee will serve for the balance of the unexpired term. A person so chosen shall be sworn and commence to serve forthwith. Library trustees or town council shall give consideration to whichever of the defeated candidates for the seat in which the vacancy is declared to exist received the highest number of votes at the last regular town election immediately preceding the date the vacancy is declared to exist.

#### Section 3-4. Town Clerk

- (a) Composition, Election - A town clerk shall be elected by and from the voters at large.
- (b) Term of Office - The term of office for a town clerk shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.
- (c) Powers and Duties - The town clerk shall: (1) be the keeper of vital statistics of the town; (2) be the custodian of the town seal and of all records of the town; (3) administer the oath of office to all town officers; (4) issue licenses and permits as may be provided by-law and (5) be responsible for the conduct of elections and all matters relating thereto. The town clerk shall have the powers and duties provided under any general or special law, the charter, ordinance or other town council vote.

### Article IV. Town Manager

#### Section 4-1. Appointment, Qualifications, Term of Office

The town council shall appoint by a majority vote of the full town council, a town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience. The town council may from time to time establish additional qualifications as deemed necessary and appropriate. The town manager shall devote full-time to the duties of the office and shall not hold any other elective or appointive office in the town, nor shall the town manager engage in other business unless such business is approved in advance by a majority vote in public

session of the town council. The town manager need not be a resident of the town, but must be a United States citizen.

#### Section 4-2. Administrative Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall apply to all municipal departments excluding the Bridgewater Raynham Regional School District, and shall include, but shall not be limited to, the following:

- 1) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility under this charter, by ordinance or by vote of the town council;
  - a. With the consent of town council, the town manager may serve as the head of 1 or more departments, offices or agencies or may appoint 1 person as the head of 2 or more of them;
- 2) to administer either directly or through a person supervised by the town manager, in accordance with this charter, all provisions of any general or special law applicable to the town, all ordinances and all regulations established by the town council;
- 3) to coordinate all activities of town departments or appointed boards, committees or agencies;
- 4) to provide consultative services to elected boards, committees or agencies;
- 5) to attend all regular and special meetings of the town council, unless excused, and answer all questions addressed to the town manager which are related to matters under the general supervision of the town manager;
- 6) to have the right to take part in discussions of the town council, but not vote;
- 7) to keep the town council fully informed as to the needs of the town, and to recommend to the town council for adoption, such measures requiring action by them as the town manager deems necessary or expedient;
- 8) to make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;
- 9) to ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the town council and finance committee as may be required;
- 10) to be responsible for the rental, use, maintenance and repair of all town facilities;
- 11) to be responsible for the purchase of all supplies, materials and equipment and approve the award of all contracts;
- 12) to develop and maintain a full and complete inventory of all town-owned real and personal property;
- 13) to administer personnel policies, practices or rules and regulations, any compensation plan and related matters for all town employees and to administer all collective bargaining agreements entered into by the town;
- 14) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and applicable compensation plan;
- 15) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The town manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the town council.

- 16) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in Article VI;
- 17) to ensure that the council president is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;
- 18) to keep the town council fully informed as to the financial condition of the town and to make recommendations to the town council as the town manager determines necessary or expedient;
- 19) to assist the town council to develop long-term goals for the town and strategies to implement these goals;
- 20) to investigate or inquire into the affairs of any town department, agency or office;
- 21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the town manager;
- 22) to perform such other duties as necessary or as may be assigned by this charter, by ordinance or by vote of the town council;
- 23) to provide staff support services for the council president and town council members;
- 24) to serve as the town's liaison to any regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;
- 25) to promote partnerships among town council, staff, citizens and businesses in developing public policy and building a sense of community; and
- 26) to hold regular informational sessions with departments and community-based organizations.

#### Section 4-3. Powers of Appointment

- (a) Department Heads - Except as otherwise provided by this charter, the town manager shall appoint, based upon merit and fitness alone, all department heads. All appointments of department heads, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall also appoint officers, subordinates and employees for whom no other method of selection is provided in this charter; provided, however, that the town manager shall not appoint employees of the regional school district and persons serving under officers elected directly by the voters of Bridgewater. In accordance with the procedures set forth in section 5-2, the town manager may be required to consult with or engage in a joint recruitment and selection process with multiple member bodies, before the appointment of department heads or employees who perform tasks under the jurisdiction of the multiple member bodies.
- (b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the town manager shall appoint all boards, committees and agencies except ad hoc committees established by a 2/3 vote of the town council to assist the town council in carrying out the town council's responsibilities. Members of all appointed boards and committees shall be residents of the town. All appointments of boards, committees and agencies, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The number and terms of office of the committee shall be established by ordinance.

#### Section 4-4. Powers of Suspension, Removal

The town manager shall have the authority to suspend or remove department heads and appointive administrative officers provided for by or under this charter, except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules adopted pursuant to this charter. The town

manager may authorize an administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

#### Section 4-5. Compensation

The town manager shall receive such compensation for services as the town council shall determine, but such compensation shall be within the limits of available appropriations.

#### Section 4-6. Vacancy in Office

A vacancy in the office of town manager shall be filled as soon as possible by the town council. Pending appointment of the town manager or the filling of any vacancy, the town council shall forthwith appoint some other qualified person to perform the duties of the town manager. The appointment of the acting town manager shall be for a term not to exceed 3 months; provided, however, that a renewal, not to exceed an additional 3 months may be provided.

#### Section 4-7. Temporary Absence

In the event of a temporary absence of the town manager of not more than 21 consecutive days, the assistant town manager shall perform the duties of that office. If the assistant town manager is for any reason unable to serve, the town manager shall appoint a department head of the town to perform the duties of the office of town manager during that period, by a letter filed with the town clerk and the town council. In the event of failure of the town manager to make such a designation or if the person so designated is for any reason unable to serve or is deemed not qualified by the town council, the town council may appoint some other qualified person to perform the duties of the town manager until the town manager returns. No member of the town council shall serve as acting town manager.

#### Section 4-8. Removal of Town Manager

The town council, by affirmative vote of a majority of the full town council, may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure: Before removal or termination the town council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full town council. The preliminary resolution may suspend the town manager for a period not to exceed 30 days. A copy of the resolution shall be delivered to the town manager forthwith. If so requested by the town manager, the town council shall provide a written statement setting forth the reasons for the removal or termination. Within 5 days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such hearing with the town council. If such a hearing is requested, the hearing shall be held at a meeting of the town council not later than 20 days from the date of request. At such hearing the town manager shall be entitled to address the town council and make comments related to the preliminary resolution. If a public hearing has not been requested by the town manager, the town council may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of a majority of the full town council at any time after 10 days following the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager requests a public hearing, the town council may, at the conclusion of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full town council. The town council may suspend by an affirmative vote of the majority of the full town council, the town manager pending and during any public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal becomes effective unless provided otherwise. The action of the town council in terminating, removing or suspending the town manager shall be final.

#### Section 4-9. Annual Review of the Town Manager

Annually, the council president shall cause the town council to prepare and deliver to the town manager a written evaluation of the town manager's performance. The evaluation shall be conducted in accordance with any applicable general or special law.

## **Article V. Administrative Organizations**

### **Section 5-1. Organization of Town Agencies; Adoption of Administrative Code**

The organization of the town into operating agencies for the provision of services and the administration of government may, under charter powers granted in section 20 of chapter 43B of the General Laws, be accomplished through either of 2 methods provided in this section. For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part, of the ordinances of the town.

- (a) Ordinance - Subject only to the express prohibitions in any general or special law or the provisions of this charter, the town council may by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such agencies.
- (b) Executive Reorganizations - The town manager may from time to time prepare and submit to the town council a plan of organization or reorganization which establishes operating divisions for the orderly, efficient or convenient conduct of business of the town. Whenever the town manager prepares such plan, the town manager shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the date of the publication. Following the public hearing, the proposal, which may be amended by the town manager subsequent to the public hearing, shall be submitted to the town council. An organization or reorganization plan shall become effective at the expiration of the 60 days following the date of submission of the proposal to the town council unless the town council shall, by a majority vote, vote to disapprove the plan. The town council may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed in order. The town manager may propose reorganization plans and subject only to express prohibitions of any general or special or this charter, reorganize, consolidate or abolish in whole or in part town agencies or establish such new town agencies as is deemed necessary to the same extent as is provided in subsection (1) of section 5-1, for ordinances; and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the town council, transfer the appropriation of 1 town agency to another. Whenever a reorganization proposal becomes effective, whether under the provisions of subsection (a) or (b), no proposal to again reorganize which deals with substantially the same subject matter shall be acted upon within 18 months following the first reorganization, except on the petition of the town manager.

### **Section 5-2. Personnel Administration**

The town manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements:

- 1) a method of administration;
- 2) personnel policies indicating the rights, obligations and benefits of employees;
- 3) a classification plan;

- 4) a compensation plan;
- 5) a method of recruiting and selecting employees based upon merit principles;
- 6) a centralized record keeping system;
- 7) a merit based performance evaluation system;
- 8) disciplinary procedures; and
- 9) other elements that are determined necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section; provided, however, that this shall not include employees of the regional school department.

Department heads shall have the authority to appoint, suspend and remove based upon merit and fitness alone all department subordinates and employees, except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules adopted under this charter. Employees of the regional school department and persons serving under officers elected directly by the voters of the town are excluded.

#### Section 5-3. Town Attorney

- (a) Appointment - There shall be a legal officer of the town appointed by the town manager subject to confirmation by the town council.
- (b) Role - The legal officer shall serve as chief legal adviser to the town council, the town manager and all town departments, offices and agencies, shall represent the town in all legal proceedings and shall perform other duties prescribed by any general or special law, by this charter or by ordinance.

## Article VI. Financial Management

#### Section 6-1. Annual Budget Policy

The council president shall call a joint meeting of the town council, the regional school committee chairman, or his designee, the finance committee, the town manager and any other committee established for the budget process, before the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

The fiscal year of the town shall begin annually on the first day of July and end on the last day of June.

#### Section 6-2. Submission of Budget; Budget Message

Within the period prescribed by any general or special law and the regional school district agreement, the town manager shall submit to the town council a proposed operating budget for all town agencies. The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year and shall describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems desirable.

The regional school district proposed budget, as adopted by the school committee for the ensuing fiscal year, with an accompanying budget message and supporting documents will be presented to the town council by the town manager.

On a date as determined from time to time by ordinance, but not later than February 1st of each year, the town manager shall submit to the town council a preliminary budget for the ensuing fiscal year and an accompanying message. The final budget should be submitted by the first town council meeting in April,

unless the town manager shall request an extension of time. The extension may be granted at the discretion of the town council, but must provide for a reasonable and timely review of the proposed budget.

- (a) Budget - The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form as the town manager deems desirable or the town council may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall be realistic and based on a forecast of those scenarios most likely to occur in the coming year. The budget shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:
  - 1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;
  - 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and
  - 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.
- (b) Budget Message - The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues and include such other material as the town manager deems desirable.

### Section 6-3. Action of the Budget

- (a) Public Hearing - The town council shall publish in a newspaper of general circulation in the town, a summary of the proposed operating budget as submitted by the town manager by a notice stating:
  - (1) the times and places where copies of the entire proposed budget are available for inspection by the public; and
  - (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed budget will be held by the town council. For the purpose of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the town council. The proposed budget will be published on the town's website not less than 14 days before the date of the public hearing.
- (b) Adoption of the Budget – The town council shall adopt the budget, with or without amendments, within 45 days following the date the budget is filed with the clerk of the town council. In amending the budget, the town council may delete or decrease any programs or amounts except

expenditures required by-law or for debt service. The town council shall not increase any line item without a corresponding decrease in an identified line item and the total proposed budget may not be increased from what was proposed unless otherwise authorized by any general or special law. If the town council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, the amount shall, without any action by the town council become a part of the appropriations for the year and be available for the purposes specified. The adopted budget will be published on the town's website not less than 14 days after adoption.

- (c) Budget to Actual Assessments - The town manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to the public. The mid-year assessment will be published on the town's website not less than 14 days after review with the public.

#### Section 6-4. Supplementary Budgets and Appropriations

Whenever the town manager submits to the town council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the town council shall not act upon the request until it has given notice by publication in a local newspaper of the request and held a public hearing concerning the request. The publication and the public hearing shall be in conformity with the provisions of subsection (a) of section 6-3 concerning the proposed annual operating budget.

- (a) Supplemental Appropriations - If during or before the fiscal year begins, the town manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, town council by ordinance may make supplemental appropriations for the year up to the amount of the excess.
- (b) Emergency Appropriations - To address a public emergency affecting life, health, property or the public peace, the town council may make emergency appropriations. The appropriations may be made by emergency ordinance in accordance with Article II. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet the appropriations, the town council may by an emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the town manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the town council without delay, indicating the estimated amount of the deficit, any remedial action taken by the town manager and recommendations as to any other steps to be taken. The town council shall then take the further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate 1 or more appropriations.
- (d) Transfer of Appropriations - At any time during or before the fiscal year, the town manager, with concurrence from the finance committee and the town council, may transfer up to a maximum of \$25,000 of the unencumbered appropriation balance from 1 department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation and shall report the transfers to the town council in writing within a 14-day period. The town manager may also, with concurrence from the finance committee and town council, transfer funds among line items within a department, fund, service, strategy or organizational unit and shall report the transfers to the town council in writing within a 14-day period.
- (e) Limitation; Effective Date - No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required and no

appropriation may be reduced below an amount required by-law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### Section 6-5. Administration and Fiduciary Oversight of the Budget

The town council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

#### Section 6-6. Capital Improvements Program

- (a) Preparation - The town manager shall, in conjunction with any committee established for such purpose, annually submit a 5-year capital improvement program to the town council at least 30 days before the date for submission of the operating budget, unless some other time is provided by ordinance.
- (b) Contents - The capital improvement program shall include:
  - 1) A clear general summary of its contents;
  - 2) Identification of the long-term goals of the community;
  - 3) A list of all capital improvements and other capital expenditures proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
  - 4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
  - 5) Method of financing upon which each capital expenditure is to be reliant;
  - 6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
  - 7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
  - 8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- (c) Public Hearing - The town council shall publish in a newspaper of general circulation in the town a summary of the proposed capital improvement plan as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed capital improvement plan are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed capital improvement plan will be held by the town council. The proposed capital improvement plan will be published on the town's website not less than 14 days before the date of the public hearing.
- (d) Adoption of the Capital Improvement Program - Town council shall adopt the capital improvement plan, with or without amendments, , provided that each amendment must be voted separately and that any increase in the capital improvement plan as submitted must clearly identify and approve the method of financing proposed to accomplish the increase. The proposed capital improvement plan will be published on the town's website upon adoption.

#### Section 6-7. Long Term Financial Forecast

- (a) The town manager shall annually prepare a 5-year financial forecast of town revenue, expenditures and the general financial condition of the town. The forecast shall include, but not be limited to: (1) an identification of factors which will impact on the financial condition of the town; (2) revenue and

expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term actions which may be taken that may enhance the financial condition of the town. The forecast shall be submitted to the town council and finance committee and shall be available to the public for inspection. The long-term financial forecast shall be published on the town's website and when updates occur, they shall be posted in a timely manner.

#### Section 6-8. Annual Independent Audit

The town council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make the audits. The audits should be performed in accordance with generally-accepted auditing standards and generally-accepted governmental auditing standards.

The town council shall designate no fewer than 3 of its members to serve as an audit committee. The committee shall:

- 1) Lead the process of selecting an independent auditor;
- 2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
- 3) Receive the report of the internal auditor and present that report to the town council with any recommendations from the committee.

The town council shall, using competitive bidding, designate such accountant or firm annually or for a period not exceeding 5 years, but the designation for a particular fiscal year shall be made not later than 30 days after the beginning of the fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide other services to the town during the time it is retained to provide independent audits to the town. The town council may waive this requirement by a majority vote at a public hearing. If the commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section.

#### Section 6-9. Financial Committee

- (a) There shall be a finance committee consisting of 9 members, appointed each for a 3-year staggered term, the members of which shall be appointed as follows: 3 members by the town manager, 3 members by the town council and 3 members by the elected town clerk. The finance committee shall report its recommendations on finance related matters before the town council, in writing, at least 10 days before a scheduled town council meeting. Before preparing its recommendations, the finance committee shall hold 1 or more public meetings to permit discussion of all finance matters before the town council, except those matters subject to public hearings by other multiple-member town bodies and not containing appropriations. The finance committee shall have such additional powers and duties as may be provided by the General Laws, by this charter or by by-law.
- (b) The finance committee, town accountant and town treasurer-collector shall support the overall budget process. The town accountant and town treasurer-collector shall have ex-officio membership, without voting rights on the committee. The finance committee shall carry out its duties in accordance with the provisions of general law, this charter and by-law and it shall have regular and free access and inspection rights to all books and accounts of any town department or office. The committee shall carefully examine all budget and appropriations proposals and shall issue its review thereon before consideration, debate and vote by the town council.

#### Section 6-10. Financial Management Standards

The town council may by ordinance establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

#### Section 6-11. Public Records

Copies of the budget, capital program, independent audits and appropriation and revenue ordinances shall be public records and shall be published on the town's website.

### **Article VII. Elections and Related Matters**

#### Section 7-1. Town Elections

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

#### Section 7-2. Non-Partisan Elections

All elections for town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other designation whatsoever.

#### Section 7-3. Signature Requirements; Information to Voters; Ballot Position

- (a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be: (i) for an office that is to be filled by the voters of the whole town, not less than 50; and (ii) for an office that is to be filled by the voters of a district, not less than 25 from the district.
- (b) Information to Voters - If the candidate in a regular town election is an incumbent elected by the voters to the office to which the candidate seeks election, against the candidate's name shall appear the phrase "candidate for re-election".
- (c) Ballot Position - The order in which names of candidates appear on the ballot for each office in a regular town election shall be determined by a drawing by lot conducted by the elected town clerk. At least 35 days before the date of the election, the town clerk shall post in a conspicuous place in the town hall the names and residences of the candidates for election who have duly qualified as candidates for election. The order of the names as to appear on the ballot shall be drawn by the town clerk. In drawing by lot for position on the ballot the candidates shall have an opportunity to be present in person or by one representative each.

#### Section 7-4. Precincts and Districts

The territory of the town shall be divided into 9 Precincts as specifically illustrated on the precinct map, which shall be appended to this charter. The Town shall also be divided into 3 districts. Each district shall be comprised of 3 precincts as set forth in this section and in accordance with the General Laws. The districts shall be established so as to consist of as nearly an equal number of inhabitants as is possible based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. The town council shall, from time to time, but not less than once every 10 years, review the districts to ensure their uniformity in number of inhabitants. The composition of the 3 districts shall consist of:

- District 1: Precincts 1, 2 and 7.
- District 2: Precincts 5, 6 and 8.
- District 3: Precincts 3, 4 and 9.

#### Section 7-5. Application of State Laws

Except as expressly provided in the charter and authorized by any general or special law, all town elections shall be governed by federal, state and local laws relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

## **Article VIII. Citizen Participation Mechanisms**

### **Section 8-1. Citizen Initiative Measures**

- (a) **Commencement** - Initiative procedures shall be started by the filing of a proposed initiative petition with the elected town clerk. The petition shall be addressed to the town council, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least 50 voters. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential addresses stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The person whose signature appears first on the affidavit accompanying such petition petitioner shall be designated as clerk.
- (b) **Referral to Town Attorney** - The elected town clerk shall, forthwith following receipt of each such proposed petition, deliver a copy of the petition to the town attorney. The town attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the elected town clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the town council. If the opinion of the town attorney is that the measure is not in proper form, the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town attorney shall also be mailed by the elected town clerk to the clerk of the petitioners' committee.
- (c) **Submission to elected Town Clerk** - If the opinion of the town attorney is that the petition is in proper form, the elected town clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town attorney, together with the names and addresses of the first 10 voters who signed the originating petition. Within 10 days following the date the blank forms are issued by the elected town clerk the petitions shall be returned and filed with the elected town clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent town election and shall return the petition along with a certificate showing the results of the examination of the registrars of voters to the elected town clerk. A copy of the certificate of the board of registrars of voters shall also be mailed to the person designated as clerk of the petitioners' committee.
- (d) **Action on Petitions** - Within 30 days following the date a petition has been returned to the elected town clerk and after publication in accordance with this section, the town council may pass the measure without alteration, subject to the referendum vote provided by this charter or, the town council shall call a special election to be held on a date fixed by it not less than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, however, that if a town

election is otherwise to occur within 120 days after the date of the certificate, the town council may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at the approaching election. The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof as set forth in subsection (f).

- (e) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper and on the town's website not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the elected town clerk and on the town's website.
- (f) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect? (Here insert a fair, concise summary prepared by the town attorney.)

YES    NO

- (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

#### Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage

If within 10 days after the final passage of a measure, a petition signed by voters equal in number to at least 5 per cent of the total number of voters and addressed to the town council, protesting against the measure or any part thereof taking effect, is filed with the elected town clerk, the same shall thereupon and thereby be suspended from taking effect and the town council, as the case may be, shall immediately reconsider the measure or part thereof and if such measure or part thereof is not entirely rescinded, the town council shall submit the same, to a vote of the voters either at the next regular town election or at a special election which may, in its discretion, be called for the purpose and the measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at the election vote in favor thereof.

#### Section 8-3. Required Voter Participation

For a measure to be effective under the initiative procedure and for any measure to be declared null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an election upon which an initiative or referendum question is submitted to the voters.

#### Section 8-4. Measures Not Subject to Initiative and Referendum

Measures which include the following subject matter shall not be subject to initiative and referendum procedures:

- 1) Revenue loan orders;
- 2) Appropriations for the payment of debt or debt service;
- 3) Internal operational procedures of the town council;
- 4) Emergency measures;
- 5) The town budget as a whole or the school committee budget as a whole;
- 6) Appropriation of funds to implement a collective bargaining agreement;
- 7) Procedures relating to election, appointment, removal, discharge or other personnel action; and
- 8) Proceedings providing for the submission or referral of a matter to the voters at an election.

#### Section 8-5. Submission of Proposed Measure to Voters

The town council may, of its own motion, submit any proposed measure or a proposition for the repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a general or special town election. The town council shall also allow for the submissions upon request of the regional school committee if a measure originates with the committee and pertains to the affairs under its administration. Such action of the town council shall have the same force and effect as are provided herein for submission of the measures on petition by the voters.

#### Section 8-6. Measures with Conflicting Provisions

If 2 or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

#### Section 8-7. Free Petition

- (a) Individual Petitions, Action Discretionary - The town council shall receive all petitions which are addressed to them and signed by a voter, as certified by the town board of registrars of voters, or its successor, and may, at their discretion, take such action with regard to the petitions as they deem necessary and appropriate.
- (b) Group Petitions; Action Required - The town council shall hold a public hearing and act by taking a vote on the merits of every petition which is addressed to it and is signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its successor. The hearing shall be held by the town council or by a committee or subcommittee thereof and the action by the town council shall be taken not later than 2 months after the petition is filed with the elected town clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The elected town clerk shall mail notice of the hearing to the 10 petitioners whose names first appear on each petition at least 7 days before the hearing. Notice by publication at least 7 days before such hearings shall also be made and shall be at the public expense. No hearing shall be heard upon any one subject more than once in any given 12 month period. All papers with signatures shall be filed in the office of elected town clerk as one instrument on one date and time.

### **Article IX. General Provisions**

#### Section 9-1. Conflicts of Interest

- (a) Conflicts of Interest - The use of public office for private gain is prohibited. The town council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: (1) acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; (2) the acceptance of gifts and other things of value; (3) acting in a private capacity on matters dealt with as a public official; (4) the use of confidential information; and (5) appearances by town officials before other town agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

#### Section 9-2- Prohibitions

- (a) Activities Prohibited – The following activities are prohibited:

- 1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to a town position or appointive town administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin or political affiliation;
  - 2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to a test, certification or appointment under the provisions of this charter or the rules and regulations made there under or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions, rules and regulations;
  - 3) No person who seeks appointment or promotion with respect to a town position or appointive town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to a person for or in connection with the applicant or employee's, appointment, proposed appointment, promotion or proposed promotion.
  - 4) During working hours, no town employee shall knowingly or willfully participate in any aspect of a political campaign on behalf of, or opposition to, a candidate for town office. This section shall not be construed to limit a person's right to exercise rights as a citizen to express opinions or to cast a vote, nor shall it be construed to prohibit a person from active participation in political campaigns at any other level of government.
- (b) Penalties - A person found to be in of a violation of this section shall be ineligible for a period 5 years following such conviction to hold a town office or position and, if an officer or employee of the town, shall immediately forfeit the employee's office or position. The town council shall establish by ordinance such further penalties as it may deem appropriate.

#### Section 9-3. Campaign Finance

- (a) Disclosure - The town council shall enact ordinances to protect the ability of town residents to be informed of the financing used in support of, or against, campaigns for locally-elected office. The terms of the ordinances shall include, but not be limited to, requirements upon candidates and candidate committees to report in a timely manner to the appropriate town office: contributions received, including the name, address, employer, and occupation of each contributor who has contributed \$200 or more; expenditures made; and obligations entered into by the candidate or candidate committee. In so far as is permissible under general or special law, the regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure pursuant to section 26 of chapter 55.
- (b) Contribution and Spending Limitations - In order to combat the potential for, and appearance of, corruption and to preserve the ability of all qualified citizens to run for public office, the town shall, in so far as is permitted by general or special law and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally-elected office. Ordinances under this section may include, but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and, voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

#### Section 9-4. Charter Revision or Amendment

- (a) In General - The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution and any general or special law enacted to implement the constitutional amendment.
- (b) Periodic Review - Not later than the first day of July, at 6-year intervals, the town council shall provide for a review and propose revisions to the town charter. The review shall be conducted by a special committee to consist of 7 residents of the town appointed by the council president with the approval of

the town council. The committee shall file a report within the year recommending any changes in the charter which it may deem to be necessary or desirable, unless an extension is granted by vote of the town council.

#### Section 9-5. Severability

The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

#### Section 9-6. Rules of Interpretation

The following rules shall apply when interpreting the charter:

- (a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail;
- (b) Number and Gender - Words imparting the singular number may extend and be applied to several persons or things, words imparting the plural number may include the singular and words imparting the masculine gender shall include the feminine gender;
- (c) References to General Laws - All references to the general or special laws contained in the charter refer to the general laws of the commonwealth and are intended to include any amendments or revisions to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the charter; and
- (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time under the charter, if 7 days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than 7 days, every day shall be counted.

#### Section 9-7. Removal of Member of Multiple Member Appointed Bodies

An official appointed by the town manager to a multiple-member body, may be removed from office by the town manager if the official fails to attend regularly scheduled meetings for a period of 3 consecutive months without express leave from the chairman of the multiple member body, unless the town manager shall determine otherwise. The appointed official shall be automatically removed from office if the official is convicted of a felony or if the official is absent from the duties for the period of 6 months notwithstanding the permission from the council president to be absent.

A removal shall be accomplished in accordance with the following procedure:

- 1) A written notice of the intent to remove and a statement of the reasons therefore shall be delivered by registered mail to the last known address of the appointed official sought to be removed.
- 2) Within 14 days of delivery of the notice the appointed official may request a public hearing before the appointing authority;
- 3) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;
- 4) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing;
- 5) Within 10 days after the public hearing is adjourned, the appointing authority may, by a majority vote, remove the appointed official for good cause;
- 6) A notice of a decision to remove the appointed official and the reasons therefore shall be delivered by registered mail to the last known address of the appointed official;
- 7) Within 14 days of delivery of the notice, the appointed official may request a public hearing before the town council;

- 8) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;
- 9) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing; and
- 10) Within 10 days after the public hearing is adjourned, the town council may, by a two-thirds vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

Nothing in this section shall be construed as granting a right to a hearing when an appointed official who has been appointed to a fixed term is not reappointed when the appointed official's original term expires.

#### Section 9-8. Posting of Public Documents

The board of selectmen and town manager shall ensure that all pertinent, public town documents be posted to the town website. Examples of these documents include, but are not limited to, the following: administrative code, audit results, budget, financial management policies, ordinances and personnel policies and procedures.

### Article X. Transitional Provisions

#### Section 10-1. Continuation of Existing Laws

All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

Where provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

#### Section 10-2. Existing Officials and Employees

A person holding a town office or employment under the town, shall retain the office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the duties by another person or agency.

#### Section 10-3. Continuation of Government

All town offices, boards, commissions or agencies shall continue to perform their duties until re-appointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.

#### Section 10-4. Transfer of Records and Property

All records, property and equipment whatsoever of an office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.

#### Section 10-5. Continuation of Personnel

A person holding a town office or a position in the administrative service of the town, or a person holding full-time employment under the town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so.

The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no

person in the permanent full-time service of the town shall forfeit the person's pay grade or time in service of the town.

#### Section 10-6. Effect on Obligations, Taxes, Etc.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

#### Section 10-7. Time of Precinct and District Charter Amendments Taking Effect

- (a) The election of the newly constituted town council shall occur within 180 days of the effective date of this act.
- (b) The town council elected pursuant to subsection (a) shall take office immediately upon election and certification, subject to the following transitional provisions:
  - (i) The term of office of a district councilor serving prior to the election in subsection (a) shall immediately expire and the term of office of each district councilor elected pursuant to subsection (a) shall commence upon certification of the election;
  - (ii) The term of office of a councilor-at-large serving prior to the election in subsection (a) shall immediately expire and the term of office of each councilor-at-large elected pursuant to subsection (a) shall commence upon certification of the election; provided, however, that any councilor-at-large serving prior to the election in subsection (a) that has not fulfilled their full term of office shall be entitled to serve the remainder of the term for which they were elected to serve;
  - (iii) The term of office of the district councilor elected pursuant to subsection (a) to serve district 2 shall expire upon the election and certification of a successor at the April 2023 election annual town election;
  - (iv) The term of office of the district councilor elected pursuant to subsection (a) to serve district 1 shall expire upon the election and certification of a successor at the April 2024 election annual town election;
  - (v) The term of office of the district councilor elected pursuant to subsection (a) to serve district 3 shall expire upon election and certification of a successor at the April 2025 election annual town election;
- (vi) The term of office of a councilor-at-large elected pursuant to subsection (a) shall be as follows, as each such term is determined by the ballot bearing the council-at-large's name:
  - (A) 2 councilors-at-large shall serve upon election pursuant to subsection (a) until the April 2025 annual town election;
  - (B) 1 councilor-at-large shall serve upon election pursuant to subsection (a) until the April 2024 annual town election;
  - (C) 2 councilors-at-large shall serve upon election pursuant to subsection (a) until the April 2023 annual town election.

#### Section 10-8. Transition from Municipal Administrator to Town Manager

Upon the effective date of this charter, the person serving in the position of municipal administrator shall be deemed the appointed town manager as described in this charter in Article 4 to serve for the remaining term of the person's contract with the town.

#### Section 10-9. Town Council / Town Manager Transition Duties

- (a) As one of its first priorities during the transition period, the town manager working with the town council shall begin development of the administrative code structure, which shall describe the details of the departmental organization and associated operating rules and regulations. A key input source to the creation of the administrative code shall be the final report of the town government study committee, published in May 2009. This report shall guide the functional re-alignment of all town offices, agencies, boards, and committees, as well as any changes to elected or appointed positions, boards or committees.
- (b) The town council shall also begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation.