

Town of Natick Department of Facilities Management

Memorandum of Agreement
Between the
Board of Selectmen and School Committee
Revised 5/24/16

As provided by section 37M of the Massachusetts General Laws the Natick School Committee and Board of Selectmen agree to the creation of a joint municipal and school facilities management department that will be known as the Department of Facilities Management and be organized as outlined in this Agreement. Nothing in this Agreement shall prohibit either the School Committee or Town Meeting from rescinding this Agreement as provided by law. Nothing in this agreement is intended to—nor could—supersede the Massachusetts Education Reform Act of 1993 which shall prevail in all applicable situations, including but not limited to, the hiring and assignment of personnel in school buildings.

Article I. Department of Facilities Management: The Department of Facilities Management (DFM) shall be responsible for the coordination and care of all Town-owned buildings inclusive of those under the control of the Board of Selectmen, Library Trustees and School Committee. It shall coordinate for each building, except where noted, the following:

- custodial care/cleaning
- maintenance and repairs
- landscaping maintenance and pedestrian snow removal (landscaping in courtyards and to approx 20 feet from building and snow removal on walks to the property line)
- capital improvements
- procurement of necessary goods and services; such procurement shall be done in collaboration with the Town's Procurement Officer.

Article II. Facilities Management Board: The Department of Facilities Management shall be under the direction and control of a Facilities Management Board (FMB) that shall be composed of the Town Administrator and the Superintendent of Schools or their designees. The FMB shall be responsible for appointing the Director of Facilities Management for a term not to exceed three years. The FMB shall establish the compensation and benefits of the Director. The FMB shall be responsible for the development of goals for the DFM and evaluation of performance in the achievement of said goals, and reporting of department status to the Board of Selectmen and the School Committee at least annually, or as requested by either board.

Article III. Director of Facilities Management: The Director of Facilities Management shall administer the Department's responsibilities under the supervision of the FMB. The Director shall be qualified by education, training and/or experience to perform the duties required of this Department. The Director shall appoint and remove, subject to approval by the FMB, assistants, agents and employees as may be required, pursuant to applicable Town personnel policies, collective bargaining agreements and relevant statutes.

The Director will ensure that the assignment of personnel to a building is consistent with state and federal laws, including CORI standards, and policies of the School Committee and Board of Selectmen. The Director, in conjunction with the FMB, shall develop and update as appropriate Service Level Agreements for each facility.

Article IV. Employer: The FMB, or the members' designees, shall be responsible for negotiating collective bargaining agreements with represented employees of the Department; said agreements must be ratified by both the Board of Selectmen and the School Committee.

The terms of employment for non-union employees of the Department of Facilities Management will be governed by the Town's Personnel By-Law, except where provision(s) in a contract would prevail.

Article V. Building Managers: Each municipal and school building shall have a building manager (e.g., school principal, library director, police chief, etc.). The building manager shall have the right to provide direction to any custodial staff working in the building. The building manager shall be included in the hiring process for any custodial staff working primarily in that building. The building manager shall have the right to petition the Director to remove building staff working in that building. The Superintendent of Schools, in the matter of school buildings, or the Town Administrator, in the matter of municipal buildings, shall address any unresolved differences between a building manager and the Director. In such instances the decision of the Superintendent or Town Administrator, as applicable, shall be final.

Notwithstanding the rights of the building manager, the Director shall have the authority to redeploy building staff temporarily or permanently, system-wide, in a manner that yields the most efficient and cost effective maintenance and care of Town buildings.

Article VI. Operating Budget: The Director shall be responsible for developing an annual operating budget for the Department consistent in format and detail with General Government departmental operating budgets. The operating budget shall be sufficiently detailed to show separate budget allocations for school buildings and for municipal buildings. The school building portion of the operating budget shall be submitted to the Superintendent of Schools and approved by the School Committee. Personnel costs shall be included within a Facilities Management Department shared expense budget, while energy and operational expenses will remain within the respective budgets of the General Government and the School Department. The Facilities Management Board, the Selectmen and the School Committee must approve any cuts to personnel working for the Department of Facilities Management. The parties to this MOA agree to evaluate this budgeting methodology on an annual basis to determine if further budgetary consolidation would be advantageous and/or more efficient.

Article VII. Capital Plan and Budget: The Director shall be responsible for developing a long-range capital plan for the Department, as well as updates to that plan; these updates are effectively the annual capital budgets. The capital plan and budgets will be prepared and submitted as requested by the Town Administrator pursuant to the requirements set forth by the Town of Natick Home Rule Charter. These submissions shall be consistent in format and detail with other departmental capital plans. The capital plan and budgets shall be sufficiently detailed to show the capital requirements, including major pieces of equipment, separately for school buildings and for municipal buildings. The school portion of the capital budget shall be submitted to the Superintendent of Schools and approved by the School Committee prior to submission to the Town Administrator.

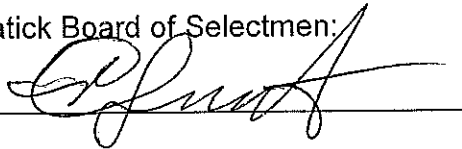
Article VIII. **Use of School Buildings and Municipal Buildings:** The signatories to this Agreement agree to evaluate a common scheduling system for all buildings covered under this agreement. All fees collected by the Department for the use of school and municipal buildings shall be accounted for in appropriate Revolving Fund(s), subject to Town Meeting approval, and expended as provided by law. In any event, the Board of Selectmen and School Committee, as applicable, shall retain their existing policy-making authority with respect to buildings and rentals but may delegate authority to building managers regarding building use and scheduling.

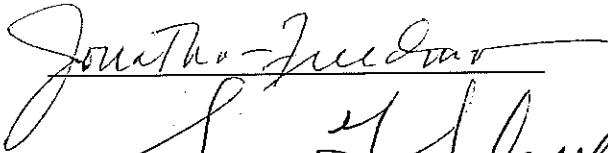
Article IX. **Implementation:** The terms of this Agreement were implemented effective July 1, 2012. To oversee and monitor the collaborative management and operations of the Facilities Management Department, a Facilities Management Oversight Committee is established. Said Committee shall be comprised of the Superintendent of Schools, Town Administrator, two members of the School Committee appointed by said School Committee, two members of the Board of Selectmen appointed by said Board of Selectmen, and one community member, appointed by the other members of the Facilities Management Oversight Committee. The Committee shall meet at least quarterly, or upon request of the FMB.

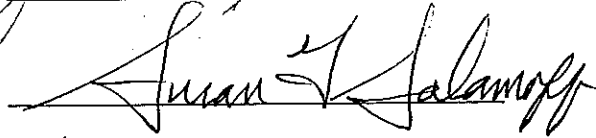
Article X. **Duration and Amendment:** This Agreement shall remain in effect unless revoked by the School Committee, Board of Selectmen or Town Meeting. Amendments to this Agreement may be made by mutual agreement between the Board of Selectmen and the School Committee.

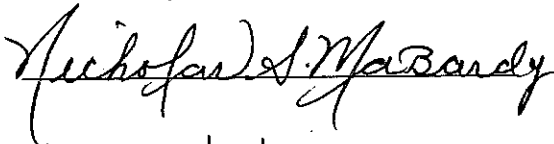
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Natick Board of Selectmen:



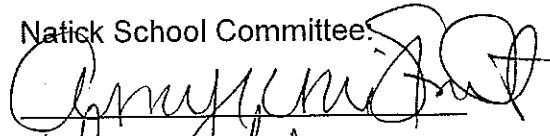






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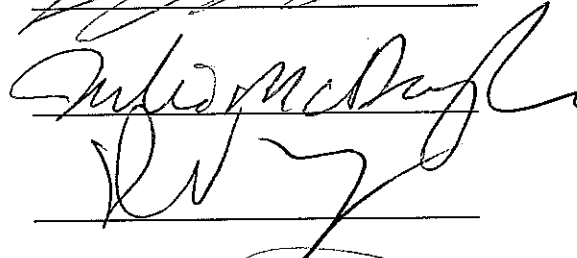
Natick School Committee:













Date: 5/24/16