

Proposed Motion for Article 38 of 2021 FATM

Move that the Town vote to amend Article 20 (Town Administrator) of the Town of Natick By-Laws by renumbering existing sections 3, 4, and 5 as sections 4, 5, and 6, respectively and by inserting a new Section 3 as follows:

“Section 3 Requirements of Fiscal Documents

a. Preliminary Budget and Budget Message

The budget message which accompanies said preliminary budget shall, at a minimum, include the following information on assets and liabilities of the Town:

1. Most recently available amounts of funded and unfunded liabilities for both pension and Other Post-Employment Benefits together with the effective dates of such most recently available information;
2. Then current un-appropriated free cash balance;
3. Then current balances of retained earnings for each enterprise fund,
4. Then current balances, including interest, for each of the town’s stabilization funds;
5. Amount of the previous three years of overlay balance and an estimate of how much, if any, can be declared surplus according to the Board of Assessors;
6. Total remaining unspent amounts, if any, from completed capital projects;
7. Total amount, if any, of capital projects which have not commenced and which were authorized three or more years prior to submission of the proposed budget;
8. Debt limit for the town with information on the total amount of outstanding debt borrowing and authorized but unissued borrowing.

b. Budgets for Current Fiscal Year

As authorized pursuant to Section 5-7 of the Charter, the Town Administrator shall, for any annual or special town meeting dealing with financial matters of a then current fiscal year, provide the following:

1. Then current un-appropriated free cash balance;
2. The major component sources and deductions used in calculating the most recently certified free cash amount as of the beginning of the then current fiscal year detailing i) estimated v. actual revenues by account, ii) budgetary turn backs (i.e., expenditures below appropriated or budgeted amounts) by department, iii) amount, if any, of free cash carried over from the previous fiscal year and iv) any further adjustments made by the state Department of Revenue in calculating free cash. Individual components of less than \$50,000 may be aggregated for purposes of this report;
3. Estimated vs. actual state aid revenue and cherry sheet assessments and offsets;
4. Estimated vs. actual new growth tax levy;

5. Amounts of snow and ice and other deficits from the previous fiscal year to be raised from available tax levy;

Said information, to the extent available, and a written explanation, to the extent said information is unavailable, shall be provided to the finance committee prior to the finance committee's consideration of financial matters of business and included in an updated budget message to representative town meeting members and the public. When said information is unavailable but becomes available prior to the dissolution of an affected town meeting, such information shall be promptly provided to the finance committee, representative town meeting members and the public.

Whenever the information specified in this subsection 2 b, including updates, if any, of such information have been provided in connection with an annual or special town meeting dealing financial matters for a then current fiscal year, such already provided information shall be deemed to have been provided for any subsequent annual or special town meeting dealing with matters for that same fiscal year.

c. Other

No failure of strict compliance with the provisions of this Section 3 shall be cause to invalidate any action of representative town meeting.”

So that Article 20 shall read:

ARTICLE 20 TOWN ADMINISTRATOR

Section 1 Appointments

The Town Administrator shall appoint the multiple member bodies listed in the table entitled “Multiple Member Body Appointments Made by the Town Administrator,” which table is incorporated into this section by reference, as well as department heads, officers, subordinates and employees as provided in Article 4, Section 4-2 of the Charter.

Section 2 Dates of Submission of Fiscal Documents

As required by Section 5-3 of the Charter, the Town Administrator shall submit the preliminary budget for the next fiscal year on or before the first business day in January.

As required by Section 5-7 of the Charter, the Town Administrator shall submit updates of the capital plan on or before the first business day in March and September.

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1. Then current un-appropriated free cash balance;
2. The major component sources and deductions used in calculating the most recently certified free cash amount as of the beginning of the then current fiscal year detailing i) estimated v. actual revenues by account, ii) budgetary turn backs (i.e., expenditures below appropriated or budgeted amounts) by department, iii) amount, if any, of free cash carried over from the previous fiscal year and iv) any further adjustments made by the state Department of Revenue in calculating free cash. Individual components of less than \$50,000 may be aggregated for purposes of this report;
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Whenever the information specified in this subsection 2 b, including updates, if any, of such information have been provided in connection with an annual or special town meeting dealing financial matters for a then current fiscal year, such already provided information shall be deemed to have been provided for any subsequent annual or special town meeting dealing with matters for that same fiscal year.

c. Other

No failure of strict compliance with the provisions of this Section 3 shall be cause to invalidate any action of representative town meeting.”

Section 4 Qualifications for New Town Administrator

A candidate for Town Administrator shall have a masters degree from an accredited college or university plus five years of experience or a bachelor's degree plus ten years of experience. All relevant experience shall demonstrate the skills needed to perform the duties of Town Administrator, as those duties are described in Section 4-2 of the Charter. Preferably, a candidate shall have served as chief administrative officer of a city or town for five years.

Section 5 Procedure for Appointment of Town Administrator

Within one year of the time when it is known that the position of Town Administrator shall become vacant, the Board of Selectmen may initiate the selection process. Whenever the position of Town Administrator becomes vacant or within six months of the time when it is known that the position of Town Administrator shall become vacant, the Board of Selectmen shall initiate the selection process if the Board of Selectmen has not already done so. The Board of Selectmen shall initiate the selection process by giving notice of its intention to establish a screening committee to review applicants for the position of Town Administrator and shall send a copy of the notice to each town agency or officer responsible for designating persons to serve on the committee. The Board of Selectmen shall appoint the screening committee not earlier than twenty-one days nor later than twenty-eight days after such notice.

The screening committee shall consist of nine members. The Planning Board, the School Committee, the Finance Committee, the Personnel Board, and the Town Moderator may each designate one person to serve on the screening committee. Persons chosen by the said agencies may, but need not, be members of the agency by which they are chosen, and, in the case of the Town Moderator, the person may, but need not, be a member of Town Meeting. The Board of Selectmen shall appoint to the screening committee all such persons designated, provided that

their names have been received in writing by the day before the screening committee is to be appointed. The Board of Selectmen shall appoint any other members to the screening committee so that the total membership is nine.

Not more than thirty days following the appointment of the screening committee, the persons chosen shall meet to organize and to plan a process for the solicitation by advertisement and by other means to receive applications for the position of Town Administrator. Note that said one hundred and eighty day period may be extended by the Board of Selectmen by not more than thirty days upon request of the screening committee. The screening committee shall review all applications received and provide for interviews to be conducted with such number of candidates for the position as it may decide.

Not more than one hundred and eighty days following the date the screening committee meets to organize, the screening committee shall submit to the Board of Selectmen the names of not less than two nor more than five candidates whom it believes to be best suited to perform the duties of Town Administrator. Note that said thirty -day period may be extended by the Board of Selectmen by not more than thirty days if the Board determines that additional time is needed to conduct a thorough review of the nominees' experience and qualifications. If the screening committee determines that there are not at least two candidates qualified to perform the duties of Town Administrator, as those duties are described in Section 4-2 of the Charter, the screening committee shall report to the Board of Selectmen that it is unable to complete its assigned task. In that event, the Board of Selectmen shall direct the screening committee to reopen the search process and the foregoing procedure shall apply.

Within thirty days following the date the list of nominees is submitted to it, the Board of Selectmen shall choose one of the said nominees to be appointed to the office of Town Administrator. If the Board of Selectmen decides not to appoint one of the nominees, it shall direct the screening committee to reopen the search process, and the foregoing procedure shall apply.

Upon the appointment of the Town Administrator, the screening committee established hereunder shall be considered discharged.

Section 6 Town Administration Organization Chart

The Town Administrator shall include a top-level organization chart in the Annual Town Report.

MULTIPLE MEMBER BODY APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR

Additional Name Citation⁺ References⁺⁺

Commission on Disability

Golf Course Advisory Committee
Insurance Advisory Committee

Personnel Board
Safety Committee
Town Report Committee

+ The citation indicates the section in the Charter or By-Laws where the Town Administrator is designated as the appointing authority. If no citation is given, this by-law should be cited.

++ Further provisions regarding terms of appointment or composition of multiple member bodies are provided as additional references.

Key: (B) - By-Laws; Art. - Article; s. - section.