

REVISED: Charter Article 3 Select Board , Charter Article 4 Town Administrator
See italicized redlines for changes from previous version

Motion J: Article 3 Section 2 Select Board

Section 3-2 Select Board

- (a) **Composition, Term of Office** - There shall be a Select Board consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall serve as the chief ~~town policy-making~~ agency responsible for making policies for the administration of the fiscal, prudential and municipal affairs of the executive branch of town. ~~The Select Board#~~ shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all town agencies of the executive branch of the town into harmony. The policy authority of the Select Board with regard to town agencies serving under it shall include, but not be limited to, parks, public works, public roads, public water and sewer, police, fire, finance and treasury functions and accounting functions. Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved either in the day-to-day administration of any town agency or in the policy direction of other elected boards or committees, the school department or facilities under the control of the School Committee, of the conservation commission or of the zoning board of appeals. No policy directive may be contrary to statute, charter or bylaw or involve the separate autonomous authorities, if any, provided therein. It is the intention of this provision that the Select Board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority.

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town administrator as provided in Article 4.

Motion K: Article 4 Section 4 Town Administrator

Section 4-4 Removal and Suspension

The Select Board, by a ~~two-thirds~~ vote of a majority of the select board then elected and serving taken with the prior notice to all Select board members such that all Select Board members have

a reasonable opportunity to be present~~full board present~~, may terminate the town manager administrator from such~~his~~ office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town manager administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, the town manger he shall have been notified of such intended vote; nor unless, if town manager -he so requests in writing, the town manager he shall have been furnished by the Select Board with a written statement of the charge or charges or the cause or causes for which such~~his~~ dismissal is proposed; nor unless, if the town manager he so requests in writing, the town managerhe has been given a hearing before the Select Board which may be either public or private at the option of the town administratormanager, and at which he may be represented by counsel, present evidence, and call witnesses to testify in the town manager's his behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town administratormanager shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town administratormanager may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town administratormanager shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.
- (f) No review of the town manager by a Select Board and no defect or failure by a Select Board in the review of the town manager shall constitute an impediment or barrier to removal or suspension under this section.

Motion L: Article 4 Section 1 Town Administrator

TOWN ~~ADMINISTRATOR~~MANAGER

Section 4-1 Appointment, Review, Other Activities

- (a) **Appointment, Term of Office** - The Select Board shall appoint a town ~~administrator~~manager, to serve for a term of not ~~less than three nor~~ more than ~~three~~ five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Select Board shall make the appointment of a town ~~administrator~~manager from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town ~~administrator~~manager shall be appointed solely on the basis of ~~his~~ executive and administrative qualifications ~~and~~. ~~He~~ shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town ~~administrator~~manager.
- (b) **Review of Performance** - The Select Board shall annually provide for a review of the job performance of the town ~~administrator~~manager which shall, at least in summary form, be a public record. The performance review to be conducted by the Select Board shall be i) on its own behalf and ii) on behalf of the town overall, other elected officers, their appointees and representative town meeting.
- (c) **Restriction on Other Activities** - The town ~~administrator~~manager shall devote his full time to the duties of his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, in writing, by the Select Board.

Motion M: Article 4 Section 2 and Section 3 Town Administrator

Section 4-2 Powers and Duties

The town ~~administrator~~manager shall be the chief administrative officer of the town and shall be responsible to the Select Board for the proper administration of all town affairs placed under the town manager's ~~his~~ charge by or under the charter and by-laws. The powers and duties of the town ~~administrator~~manager shall include, but are not intended to be limited to, those listed below in this section. Accordingly, the town manager e-following:

- 1) ~~He~~ S shall supervise, direct and be responsible for the efficient administration of all functions placed under the town manager's ~~his~~ control by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by the town manager ~~him~~ and their respective department. In furtherance of this subsection, the town manager shall have

the power to approve, without further action of the Select Board, certain contracts as provided in bylaw.

- 2) ~~He~~S shall coordinate the activities of all town agencies under his control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) ~~He~~S shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments of the town ~~administrator~~manager shall be posted forthwith on the town bulletin board. Except as provided elsewhere in charter or bylaw concerning appointments requiring affirmative vote approval of the Select Board,
~~a~~ Appointments made by the town ~~administrator~~manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the Select Board, unless the Select Board shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.
- 4) ~~He~~S shall, ~~in conjunction with a personnel board established by by-law,~~ be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. ~~The town manager~~He shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee. The town manager may be advised in connection with the administration of the town personnel system by a personnel board established by bylaw.
- 5) ~~He~~S shall attend all regular and special meetings of the Select Board, unless excused at the town manager's ~~his~~ own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) ~~He~~S shall attend all sessions of the representative town meeting and shall answer all questions addressed to the town manager ~~him~~ related to warrant articles and which are related to matters under the town manager's ~~his~~ general supervision.
- 7) ~~He~~S shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the Select Board and of other town agencies which require enforcement either by the town manager ~~him~~ or by officers or employees subject to the town manager's ~~his~~ general supervision and direction, are faithfully carried out, performed and enforced.
- 8) ~~He~~S shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.
- 9) ~~He~~S shall keep the Select Board fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the Select Board and to other elected and appointive officers as the town manager ~~he~~ may deem to be necessary or desirable.

- 10) ~~He S~~ shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Select Board at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) ~~He S~~ shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. The town manager ~~He~~ shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.
- 12) ~~He M~~ may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under his general supervision.
- 13) ~~He S~~ shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept ~~consistent with Generally Accepted Accounting Principles~~, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies. However, immaterial or de-minimis items shall not be subject to this inventory requirement.
- 14) ~~He S~~ shall be responsible for the negotiation of all contracts and collective bargaining agreements with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) ~~He S~~ shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. The town manager ~~He~~ shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department and ~~He~~ shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town, except for the school department.
- 16) ~~He M~~ may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under his general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) ~~He S~~ shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- 18) ~~He M~~ may authorize any subordinate officer or employee to exercise any power or duty which he is authorized to perform, provided however, that all acts which are performed under any such delegation shall be deemed to be the town manager's ~~his~~ acts.
- 19) ~~He S~~ shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.

Section 4-3 Acting Town ~~Administrator~~Manager

- (a) **Temporary Absence** - The town ~~administrator~~manager shall, by letter filed with the Select Board and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of ~~his~~the office of town manager during ~~such~~his temporary absence. During the temporary absence of the town ~~administrator~~manager, the Select Board may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town ~~administrator~~manager until the town ~~administrator~~manager shall return and assume town manager's~~his~~ duties.
- (b) **Vacancy** - Any vacancy in the office of town ~~administrator~~manager shall be filled as soon as possible by the Select Board but pending such appointment the Select Board shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town ~~administrator~~manager on an acting basis. The appointment of an acting town ~~administrator~~manager shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.
- (c) **Powers and Duties** - The powers of a temporary or acting town ~~administrator~~manager, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town ~~administrator~~manager, only an acting appointment or designation may be made.