

WARRANT ARTICLE 25

Main Motion: “Move that the Town of Natick acting through the elected representatives of the Town in the General Court, file a home rule petition with the General Court to obtain special act legislation to establish certain amendments and improvements for the present Charter for the Town of Natick in substantially in the form presented below, provided that the General Court may make clerical or editorial changes of form only to the proposed legislation, unless the Town of Natick Charter & Bylaw Review Committee approves amendments to the proposed legislation before enactment by the General Court, which amendments shall be within the scope of the general public objectives of this petition, as follows:

AN ACT TO AMEND AND IMPROVE THE CHARTER FOR THE TOWN OF NATICK

Section 1. Within 90 days after enactment of this Act, the Town of Natick shall place a ballot question on the ballot at the next regular municipal or state election, or may call a special election, which ballot question shall read:

“Shall the Town of Natick adopt the Charter amendments and improvements as presented by the Town of Natick Charter & Bylaw Review Committee, voted by Natick Town Meeting, and as enacted by the General Court in a Special Act, the text of which amendments and improvements are on file with the Office of the Town Clerk.” Yes _____ No _____

If the number of “Yes” votes exceed the number of “No” votes at such election, these amendments and improvements shall take immediate effect, otherwise these amendments and improvements shall not take effect.

Section 2: Amendments applicable to all sections of the Charter

Section 3. Charter Article 2 amendments:

Section 4: Charter Article 3 amendments:

Section 5: Charter Article 4 amendments:

Section 6: Charter Article 5 amendments:

Section 7: Charter Article 6 amendments:

Section 8: Charter Article 7 amendments:

Section 9: Transition Provisions”

[End of Main Motion]

Amendments Applicable to All Charter Sections

Motion A: “Moved that Main Motion be amended by inserting the following text as a subsection (a) to Section 2 “Amendments applicable to all sections of the Charter” of the Main Motion as follows:

“(a) the title of the Town of Natick position of “town administrator” is hereby changed to “town manager” and that all references to “town administrator” in the pre-existing Town of Natick Home Rule Charter are hereby deleted and said title is herewith replaced with the term “town manager,” preserving the existing case formatting of the Town of Natick Home Rule Charter such that where the term “town administrator” appears in lower case it shall be replaced with the lower case phrase “town manager” and where term “Town Administrator” appears in upper case it shall be replaced with the upper case phrase “Town Manager” ”

Charter Article 2 Motions

Motion B: Moved that the Main Motion be amended by inserting into the Main Motion , under the heading therein "Charter Article 2 amendments", the following:

Charter Section 2-6. The pre-existing Section 2-6(c) and the pre -existing Section 2-6(d) of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement "Final Text" as set forth below.

(Note: new language to be inserted into the Special Act is noted as the Final Text, the Amended Text shows the revisions to the noted existing Charter Sections; language to be added to said Sections is shown as underlined text; language to be deleted is shown by ~~strikeout~~; these methods used to denote amendments are for the convenience of town meeting members and are not meant to become part of the Final Text):

Amended Text

Section 2-6 Vacancies

- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare ~~for~~ each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members. The lists so prepared and maintained shall at all times be subject to the review and approval of the Town Moderator or the Town Moderator's designee. The Town Moderator may prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain the same on a timely basis.
- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The Town Moderator ~~town clerk~~ shall make appointments in accordance with the descending ordering ~~ing~~ of names votes received on the lists. If necessary to resolve ties, the Town Moderator ~~town clerk~~ shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the Town Moderator ~~town clerk~~ shall schedule a

caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The Town Moderator ~~town-clerk~~ shall provide written notice of the date, time and location of such caucus to the then current town meeting members in the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The Town Moderator ~~town-clerk~~ or the Town Moderator's ~~town-clerk's~~ designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

Final Text

Section 2-6 Vacancies

- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members. The lists so prepared and maintained shall at all times be subject to the review and approval of the Town Moderator or the Town Moderator's designee. The Town Moderator may prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain the same on a timely basis.
- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The Town Moderator shall make appointments in accordance with the descending order of votes received on the lists. If necessary to resolve ties, the Town Moderator shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the Town Moderator shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The Town Moderator shall provide written notice of the date, time and location of such caucus to the then current town meeting members in the

precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The Town Moderator or the Town Moderator's 's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

Motion C: Motion C: Moved that the Main Motion be amended by inserting into the Main Motion , under the heading therein "Charter Article 2 amendments" the following:

Charter Section 2-12. The pre-existing Section 2-12 of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement "Final Text" set forth below.

(Note: new language to be inserted into the Special Act is noted as the Final Text, the Amended Text shows the revisions to the noted existing Charter Sections; language to be added to said Sections is shown as underlined text; language to be deleted is shown by strikeout; these methods used to denote amendments are for the convenience of town meeting members and are not meant to become part of the Final Text):

Amended Text

Section 2-12 Proceedings of Town Meetings

Quorum – The [smallest whole number greater than fifty percent of the sum][majority] of i) the total number of representative town meeting members established in Section 2-2, less ii) any vacancies ~~Ninety-one town meeting members~~ shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.

Final Text

Section 2-12 Proceedings of Town Meetings

Quorum – The smallest whole number greater than fifty percent of the sum of i) the total number of representative town meeting members established in Section 2-2, less ii) any vacancies shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet

and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members

Motion D: Moved that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 2 amendments" and "Charter Article 7 amendments" respectively ,the following:

Charter Section 2-11. The pre- existing Section 2-11(b) and pre-existing Section 7(g) of the Town of Natick Home Rule Charter are hereby deleted and replaced, respectively in numerical order, with the following replacement "Final Text" text set forth below.

(Note: new language to be inserted into the Special Act is noted as the Final Text, the Amended Text shows the revisions to the noted existing Charter Sections; language to be added to said Sections is shown as underlined text; language to be deleted is shown by ~~strikeout~~; these methods used to denote amendments are for the convenience of town meeting members and are not meant to become part of the Final Text):

Amended Text

Section 2-11 Town Meeting Warrants

- (b) **Initiation of Articles** - The Select Board shall ~~receive~~ insert in the warrant all petitions which are addressed to and received by it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any eligible multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.

Final Text

Section 2-11 Town Meeting Warrants

- (b) **Initiation of Articles** - The Select Board shall insert in the warrant all petitions which are addressed to and received by it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any eligible

multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.

Amended Text

Section 7 Definitions

(g) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting. An "eligible multiple member body" is any existing multiple member body that has been created by and given a charge of powers, duties and/or responsibilities in statute, charter, bylaw or vote of town meeting.

Final Text

Section 7 Definitions

(g) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting. An "eligible multiple member body" is any existing multiple member body that has been created by and given a charge of powers, duties and/or responsibilities in statute, charter, bylaw or vote of town meeting.

Motion E: Moved that the Main Motion be amended by inserting into the Main Motion , under the heading therein "Charter Article 2 amendments", the following:

Charter Article 2-10. The pre-existing Section 2-10 of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement "Final Text" as set forth below.

(Note: new language to be inserted into the Special Act is noted as the Final Text, the Amended Text shows the revisions to the noted existing Charter Sections; language to be added to said Sections is shown as underlined text; language to be deleted is shown by strikeout; these methods used to denote amendments are for the convenience of town meeting members and are not meant to become part of the Final Text):

Amended Text

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** – The Town Moderator may require and schedule A designated representatives of each town agency to shall attend any specific or all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such town agencies. The Town Moderator may require such attendance to be in the same manner as attendance by town meeting members. If any such person is deterred by illness or other reasonable cause from attending, such person or the Town Moderator ~~he~~ shall designate a deputy to attend in his place. The Town Moderator may establish procedures and requirements concerning remote accessibility of, contact for or participation by representatives from any town agency for the purposes of providing pertinent information to town meeting members. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote. Nothing in this section shall prevent the Select Board, the School Committee, other elected multiple member body, the town manager or the school superintendent from directing persons under their supervision or appointive control to attend any session of representative town meeting.

Final Text

- (a) **Representatives of Town Agencies** – The Town Moderator may require and schedule designated representatives of each town agency to attend any specific or all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such town agencies. The Town Moderator may require such attendance to be in the same manner as attendance by town meeting members. If any such person is deterred by illness or other reasonable cause from attending, such person or the Town Moderator shall designate a deputy to attend in his place. The representative town meeting may by bylaw establish procedures and requirements concerning remote accessibility of, contact for or participation by representatives from any town agency for the purposes of providing pertinent information to town meeting members. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote. Nothing in this section shall prevent the Select Board, the School Committee, other elected multiple member body, the town manager or the school superintendent from directing persons under their supervision or appointive control to attend any session of representative town meeting.

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