

Charter Article 3 Motions, Charter Article 4 and Article 5 Motions

Motion J: Move that the Town vote to amend the Main Motion by inserting into the Main Motion , under the heading therein "Charter Article 3 amendments" , in numerical order, the following:

Charter Section 3.2(b): the pre-existing Section 3-2(b) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the replacement language set forth below labeled as "Final Text".

Final Text

Section 3-2 Select Board

- (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 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.

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 manager as provided in Article 4.

Motion K: Move that the Town vote to amend the Main Motion by inserting into the Main Motion , under the heading therein "Charter Article 4 amendments", in numerical order, the following:

Charter Section 4-4(b), (c), (d) and (e): The pre-existing Sections 4-4(b), (c), (d) and (e), of the Town of Natick Home Rule Charter are hereby deleted and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text", and a new Charter Section 4(f) is hereby inserted to follow Charter section 4(e), the text of which new Charter Section 4 (f) is set forth below labeled as "Final Text".

Final Text

Section 4-4 Removal and Suspension

The Select Board, by a vote of the 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, may terminate the town manager from such office in accordance with the following procedure:

- (b) After probationary period: The town manager 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 manager shall have been notified of such intended vote; nor unless, if town manager so requests in writing, the town manager 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 dismissal is proposed; nor unless, if the town manager so requests in writing, the town manager has been given a hearing before the Select Board which may be either public or private at the option of the town manager, and at which he may be represented by counsel, present evidence, and call witnesses to testify in the town manager's 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 manager 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 manager may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town manager shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.

- (f) Notwithstanding any provision of the charter to the contrary, 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: Move that the Town vote to amend the Main Motion by inserting into the Main Motion , under the heading therein "Charter Article 4 amendments", in numerical order, as follows:

Charter Section 4-1(a), (b), and (c): The pre-existing Section 4-1(a), (b), and (c) of the Town of Natick Home Rule Charter are hereby deleted and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text".

Final Text

TOWN MANAGER

Section 4-1 Appointment, Review, Other Activities

- (a) **Appointment, Term of Office** - The Select Board shall, by a majority vote of the Select Board then elected and serving, appoint a town manager, ~~to~~ serve for a term of not more than three years, and may by a two-thirds vote of the Select Board then elected and serving appoint a town manager for a longer term not to exceed 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 manager from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town manager shall be appointed solely on the basis of executive and administrative qualifications and 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 manager.
- (b) **Review of Performance** - The Select Board shall annually provide for a review of the job performance of the town 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 including other town agencies and representative town meeting in consideration of the important role the town manager has dealing with others. The review shall be the sole and exclusive power of the Select Board which shall be under no obligation hereunder to solicit or to consider input from others.
- (c) **Restriction on Other Activities** - The town 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: Move that the Town vote to amend the Main Motion by inserting into the Main Motion , under the heading therein "Charter Article 4 amendments" and "Charter Article 5 amendments" of such Main Motion, respectively, in numerical order, the following:

Charter Section 4-2 (1)-(19), inclusive, Section 4-3(a), (b) and (c), and Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6 and Section 5-8 the existing Section 4-2 (1)-(19), inclusive, Section 4-3(a), (b) and (c), and Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6 and Section 5-8:

The pre-existing Sections 4-2 (1)-(19), inclusive, the pre-existing Sections 4-3(a), (b) and (c), and the pre-existing Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6 and Section 5-8 of the Town of Natick Home Rule Charter are hereby deleted, and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text".

Final Text

Section 4-2 Powers and Duties

The town 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 charge by or under the charter and by-laws. The powers and duties of the town manager shall include, but are not intended to be limited to, those listed below in this section. Accordingly, the town manager:

- 1) Shall supervise, direct and be responsible for the efficient administration of all functions placed under the town manager's 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 and their respective department.
- 2) 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) 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 manager shall be posted forthwith on the town bulletin board. Except as provided elsewhere in the charter or bylaw concerning appointments requiring affirmative vote approval of the Select Board, appointments made by the town 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) Shall 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 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) Shall attend all regular and special meetings of the Select Board, unless excused at the town manager's own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) Shall attend all sessions of the representative town meeting and shall answer all questions addressed to the town manager related to warrant articles and which are related to matters under the town manager's general supervision.
- 7) 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 or by officers or employees subject to the town manager's general supervision and direction, are faithfully carried out, performed and enforced.
- 8) 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) 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 may deem to be necessary or desirable.
- 10) 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) 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 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) 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) Shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept 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) 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) 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 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 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) 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) 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) 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 acts.
- 19) 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.

Final Text

Section 4-3 Acting Town Manager

- (a) **Temporary Absence** - The town 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 the office of town manager during such temporary absence. During the temporary absence of the town 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 manager until the town manager shall return and assume town manager's duties.
- (b) **Vacancy** - Any vacancy in the office of town 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 manager on an acting basis. The appointment of an acting town 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 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 manager, only an acting appointment or designation may be made.

Final Text

Section 5-2 School Department Budget

- (a) **Submission to Town Manager** - The superintendent of schools' proposed budget shall be submitted to the town manager in sufficient time to enable the town manager to consider its effect on the total town budget which the town manager is required to submit under this article.

Section 5-3 Submission of Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town manager shall submit to the finance committee a preliminary budget for the ensuing year, with an accompanying budget message and supporting documents. The town manager shall, simultaneously, provide for the publication in a local newspaper a general summary of the preliminary budget. This notice shall also indicate the times and places at which complete copies of the preliminary budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town manager shall, at a minimum:

- Provide a comprehensive overview of the proposed budget
- Explain the Town's fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves
- Outline proposed financial policies of the town for the ensuing fiscal year
- Indicate any major variations from the current financial policies together with the reasons for such changes
- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position
- Provide an analysis of significant trends and fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town manager deems desirable or the Select Board may require
- The Representative Town Meeting may, by by-law, require certain information on assets and liabilities of the Town to be provided as part of the budget message.

Section 5-5 The Preliminary Budget

The preliminary budget, in conjunction with the town manager's budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools' proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town manager's recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town manager deems desirable, or as the Select Board may require. In his presentation of the preliminary budget, the town manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the Town Manager's Preliminary Budget

- (a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the preliminary budget, provide for the publication in a local newspaper of a notice stating the initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance committee on the preliminary budget.
- (b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any submitted budget.

- (c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-7 Budgets for the Current Fiscal Year

The representative Town Meeting may, by By-Law, require an updated budget message and certain information to be provided in connection with annual operating and/or capital expenditures budgets for a current fiscal year at Spring Annual Town Meeting, Fall Annual Town Meeting and for any special town meeting which deals with fiscal or budgetary matters.

Section 5-8 Capital Improvement Program

The town manager shall submit a capital improvement program to the Select Board and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.