

Charter Article 6 Motions

Motion N: Moved that the Main Motion be amended by inserting into the Main Motion , under the heading therein "Charter Article 6 amendments", the following:

Charter Section 6-1. The pre-existing Sections 6-1(a) and 6-1 (b) are hereby deleted and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text". Further, a new Charter Section 6-1(c) is hereby inserted into the , respectively in numerical order, with following new language as set forth below labeled as "Final Text.

Final Text

Section 6-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through one of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency. The charter and bylaws shall take precedence over any other organization, reorganization or modification under this Section 6-1.
- (b) **Administrative Code** - The town manager, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town manager prepares such a plan, the town manager shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town manager shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to amend or to alter the

proposed plan. No proposed plan under this subsection shall contradict the provisions of any bylaw.

- (c) **Other Reorganizations** – To the extent authorized in bylaw, the town manager may, with the approval of the Select Board occurring after fourteen days public notice, make modifications to the town’s organization involving the creation of new or abolishing of existing or modifications of existing town agencies or their reporting relationships that serve under the town manager to the extent that such town agencies or reporting relationships involve similar or overlapping technical disciplines or responsibilities or to the extent that such position, town agencies or reporting relationships are within an existing department of the town. Modifications under this sub section i) shall not modify or contradict either the charter or the bylaws regarding any town agency and ii) shall be reported both to the next session of representative town meeting and to the finance committee. To remain effective, any of the foregoing changes under this subsection must be incorporated in a bylaw, including personnel pay plan as applicable, within two years of the effective date of the change under this subsection. The town manager may also create new or abolish existing positions or modify existing positions within existing town agencies without advance public notice or advance approval of the Select Board but shall report said actions to the Select Board within thirty days.

Motion O: Moved that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 6 amendments" , the following:

Charter Sections 6-3 and 6-4. The pre-existing Section 6-3 and the pre-existing Section 6-4 are hereby deleted. The Main Motion is further amended by inserting into the Main Motion under the heading therein “Transition Provisions” the following language set forth below labeled as “Final Text”.

Final Text

Transition Provisions for Office of the Comptroller, Assistant Comptroller, Treasurer-Collector, Treasurer, Collector and Assistant Treasurer Collector

The pre- existing provisions of Section 6-3, pertaining to the qualifications, powers and duties of the Office of the Comptroller and the Assistant Comptroller, and the pre-existing provisions of Section 6-4, pertaining to the Treasurer-Collector, Treasurer, Collector, and the Assistant Treasurer Collector shall remain in effect in the Town of Natick until a bylaw addressing said matters in said sections shall take effect in the Town.

Motion P: Moved that the Main Motion be amended by inserting into the Main Motion , under the headings therein "Charter Article 3 amendments" and "Charter Article 6 amendments" respectively in numerical order, the following:

The pre-existing Section 3-2(c) and the pre-existing Sections 6-5(a), (b) and (c) are hereby deleted and replaced, respectively in numerical order, with the following replacement language as set forth below labeled as “Final Text”. Further, new Charter Section 6-3 and new Charter Section 6-4 are hereby inserted in the Natick Home Rule Charter , respectively in numerical order, with the following new language as set forth below labeled as “Final Text”.

Final Text

Section 3-2 Select Board

(c) Appointment Powers - The Select Board, by a majority vote of the Select Board then elected and serving, shall appoint a town manager 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; three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; and shall either appoint or, by affirmative vote, approve the appointment of such other town agencies or officers as provided and specified in Article 6.

The Select Board shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

Final Text

Section 6-3 Additional Appointments by the Select Board

(a) Appointments

In addition to appointments provided in statute, elsewhere in the charter or in bylaw, the Select Board shall appoint a town comptroller as provided for in bylaw for a term of three years, a director of veterans’ services for a term of three years and town counsel as provided

in bylaw. Subject to bylaw, the appointees of the Select Board under this sub section may appoint assistants subject to the approval of the Select Board.

(b) Approval of Appointments Made By The Town Manager

The appointments made by the Town Manager for treasurer-collector, assistant treasurer collector, police chief, fire chief and town clerk shall each separately be subject to the affirmative vote approval of the Select Board. Failure of the Select Board to act regarding the approval or disapproval of any such appointee of the town manager within thirty days of notice to each member of the Select Board shall constitute an affirmative approval by the Select Board. To empower the approval by the Select Board under this subsection, the Town Manager shall forthwith notify the Select Board of any vacancy or resignation from the positions in this subsection. Any person, other than town clerk, subject to affirmative approval under this subsection may be removed or suspended by the Select Board in accordance with Article 7 Section 7-11.

Appointments and promotions within the police department shall be subject to affirmative vote approval of the Select Board within the time frames specified in the preceding paragraph.

In the event of any failure of the town manager to appoint or to promote on a timely basis, such appointments and promotions may be made by the Select Board following the same requirements referenced in the following section.

The provisions of this subsection shall apply to reappointments.

Final Text

Section 6-4 Additional Appointments by the Town Manager

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in the charter or bylaws, the town manager shall, notwithstanding any law to the contrary, appoint a police chief for a term of up to five years, a fire chief for a term of up to five years, a treasurer-collector for a term of up to five years, an assistant treasurer-collector for a term of up to five years. The town meeting may, by bylaw and not inconsistent with law, establish minimum qualifications, education, experience duties and responsibilities for the positions named in this subsection. The town meeting may, by bylaw, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions. Any person appointed under this subsection may be removed or suspended by the Town Manager in accordance with Article 7 Section 7-11.

Notwithstanding any law to the contrary, appointments and promotions in the police department shall be proposed by the chief of the department to the town manager and made

by the town manager in accordance with applicable law, bylaw or collective bargaining agreement. The position of fire chief shall continue in all other respects consistent with the provisions of the previously accepted Sections 42, 43 and 44 of Chapter 48 of the General Laws. The police department shall continue in all other respects consistent with the provisions of the previously accepted Section 97 of Chapter 41 of the General Laws.

The provisions of this subsection shall apply to reappointments.

Final Text

Section 6-5 Town Clerk

- (a) Appointment and Qualifications - There shall be a town clerk appointed by the Town Manager for a term of three years, subject to affirmative vote of approval by the Select Board as provided above. The town clerk shall be a person especially fitted by experience, education, and training in the subject areas necessary to perform the duties of the office of town clerk.
- (b) Powers and Duties - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal, shall administer the oath of office to any person, elected or appointed, who shall apply to the town clerk for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections and keep its records. The town clerk shall have all other powers and duties which are given to town clerks by general laws and the town clerk shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote, or by the Town Manager.
- (c) Vacancy - If the town clerk is unable to perform duties of town clerk because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Manager may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes the duties of town clerk, or until another town clerk is duly appointed. Said temporary appointment shall be in writing, signed by the Town Manager and filed with the Select Board and the office of the Town Clerk.

Motion Q:

Moved that the Main Motion be amended by inserting into the Main Motion , under the heading therein "Charter Article 6 amendments", in numerical order, the following:

Charter Section 6 -6(a) A new Charter Section 6-6(a) is hereby inserted into the Natick Home Rule Charter , in numerical order, the following new language as set forth below labeled as “Final Text” set forth below.

Final Text

Section 6-6 Appointments by Other Elected Officers

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in statute, the charter or bylaws, the elected officers, boards and committees in Article 3 may each, subject to bylaw, appoint special counsel to provide legal advice consistent with their respective duties.

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