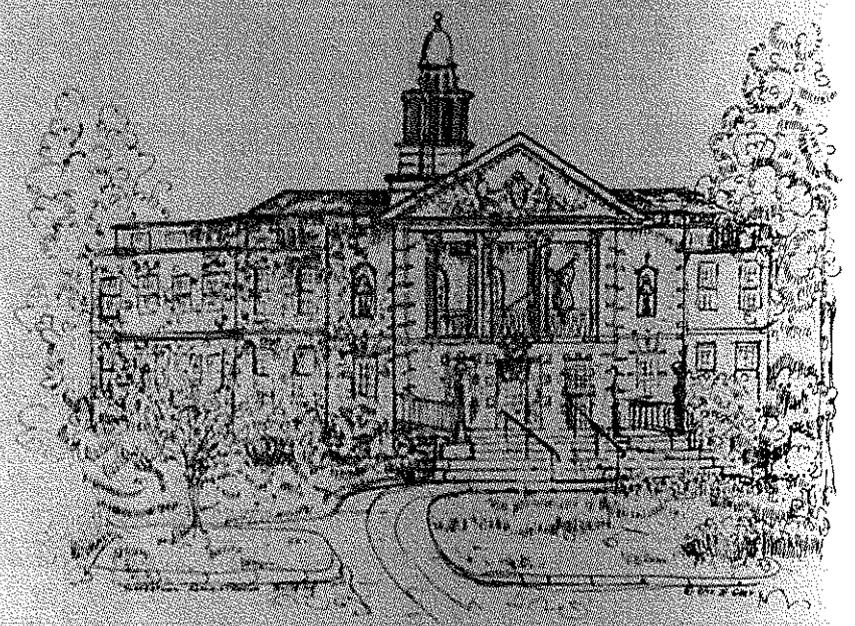


CLEO

WATERTOWN CHARTER COMMISSION

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FINAL REPORT

BALLOT QUESTION AND SUMMARY

THE FOLLOWING QUESTION WILL APPEAR ON
THE BALLOT AT THE 1980 TOWN ELECTION,
TO BE HELD ON MAY 5, 1980:

Shall this Town approve the new charter recommended
by the Charter Commission, summarized below?

YES

NO

SUMMARY:

The proposed charter provides for a council-manager form of government. The legislative branch would consist of nine members: four members elected at large, by all of the voters; four district members, one to be elected by the voters in each of four districts into which the town is to be divided; and a council president, elected by the voters at large, all serving concurrent terms of two years each. The council would appoint a town manager who would be the administrative head of the government. A school committee consisting of seven members, one of whom would be the person elected as council president, and six persons elected at large, three to be elected at each biennial election for a term of four years and six trustees of the library, three to be elected at each biennial election for a term of four years, would also be elected. All other town offices, boards and committees would be chosen by appointment.

INTRODUCTION

In a passage the late President John F. Kennedy frequently quoted from Ecclesiastes, in the Bible's Old Testament, it is said:

To every thing there is a season,
and a time for every purpose under the sun.

. . .
A time to get and a time to lose;
A time to keep and a time to cast away.
(3:1,6)

The overwhelming sentiment in Watertown at this juncture seems to be that the time for "casting away" our present form of government is at hand. The area of disagreement is not whether change is needed and warranted, but rather what that change should be. Indeed, the members of the charter commission reflect this same disagreement on the nature of the change to be implemented and for

COVER DESIGN
1980
E. GREY

this reason, our final report is not unanimous. In the final analysis, however, the question to be presented and acted upon is: Will Watertown be better served by retaining its existing charter, or by adopting the new charter?

The commission majority believes that this charter, as proposed, represents the best opportunity for bringing the management of the affairs of Watertown into the twentieth century, at last, and to prepare it to meet the tremendous challenges and opportunities which confront it at this point in our history. Some of the members who have been vigorous advocates for the creation of the office of mayor as the administrative head of the government (rather than the office of manager), have joined in endorsing this final report. This does not represent an abandonment of their belief that their system would have been better, but rather a recognition that the critical needs of our community cannot be ignored, and that the present system cannot be allowed to continue to govern our affairs in the inefficient and ineffective manner in which they are presently conducted.

Unquestionably, the charter we are proposing represents a significant departure from the form of government in effect in Watertown. We recognize the historical ties which bind us to our present system. We have been reminded on many occasions that in 1980 Watertown will celebrate its 350th anniversary as a "town", and we share in the pride of such an achievement. The question is, however, should we retain for such sentimental reasons a form of government which was designed to meet the needs of an 18th century society. The founders of our town and of our present form of government could not have foreseen the fact that in 1980, Watertown would be, in reality, a corporation which will spend in excess of \$30 million per year. Part-time officials, dedicated as they are, cannot be expected to deal with the complexities which inevitably arise in the daily management of a \$30 million business. We believe, therefore, that this enormous system of finance and services requires the major changes which we are proposing in the charter attached below. We genuinely feel it to be in the best interests of Watertown to make these changes, in order to be able to move into the 1980's with a renewed confidence in our town and in our government.

At the town election held last May, the nine persons whose names appear below were elected to serve as a charter commission to "frame a charter" for the Town of Watertown.

Since our election we have met a total of 30 times in open public session. At no time have we held any portion of our meetings in "executive session". In addition to the formal public hearing required by law, the charter commission held an additional six hearings at which virtually all of the elected and appointed officials of Watertown were given the opportunity to express their views on the present form of government and to recommend changes. In addition we have also done exhaustive study and research into charter reform in a dozen communities in the Commonwealth.

The members of the charter commission have made every effort to balance all of the testimony we have received and to make this, our final recommendation, as fully responsive as possible to the wishes of the public as we have perceived them.

The overwhelming majority of those who appeared before us suggested that the representative town meeting should be closely re-examined and drastically reformed. Certainly the views expressed by our long-time town moderator concerning the inadequacies of the town meeting as a modern responsive means of conducting the business affairs of Watertown supports this position.

Our town clerk, the treasurer-collector, and the town auditor, full-time officials at the Town Hall on a daily basis, urged us in the strongest possible way to provide for a system in which the key offices they hold would be filled by appointment rather than by election. This would assure to a greater degree than is now possible that the holders of these and other offices would be fully qualified to perform these important duties. This view was echoed by others, but the significance of the observations of these three were critical in the decision of the charter commission.

Virtually everyone who appeared before the commission, including two of the three members of the then board of selectmen expressed the view that the town desperately needs to have a single person at its head through whom a full overview of town affairs would be conducted. Such a view is best summarized by the desk plate made famous by former President Harry Truman: "The buck stops here". We were told Watertown needs such a person who is clearly in charge on a daily basis.

The charter commission also circulated a questionnaire concerning town government among town meeting members and town employees. The results of these surveys show overwhelming agreement that the time for tinkering with the structure of our town's government has long since passed, and what is needed is a complete reshaping, remodeling, and reforming. Of 80 town meeting members responding to the questionnaire 71 felt that the town meeting is poorly, or at best moderately responsive to the town's needs and 77 of the 80 stated the need for a strong, central authority in the town.

The members of the charter commission made no decisions of their own pending the completion of testimony they received. After hearing the testimony and discussing its substance among themselves the nine members decided immediately that the preliminary report should recommend the election of a relatively small legislative body, which would meet in regular session throughout the year. All nine members also unanimously agreed that the offices to be filled by election should be drastically reduced to a minimum.

On January 14, 1980, two weeks following the publication in both the *Watertown Sun* and the *Watertown Press* of the full text of our preliminary proposal, a public hearing was held at the Watertown High School Auditorium.

Estimates made by the local newspapers indicated an attendance of more than three hundred persons, and one, the **Press**, stated: "(The response of the Watertown residents present clearly favored the Charter Commission's recommendations and report.)"

Following the public hearing the charter commission held additional meetings in response to the comments made at the hearing and to review written communications received. The commission also considered testimony offered at these additional meetings. Consequently, the full text of the proposed charter was reviewed and certain changes have been made.

Many of the changes made were technical in nature; the following changes, however, should be singled out for special notice:

1. Town Council.

- The provision regarding the district representation of the council has been changed so that only persons resident in the districts will vote for the district councillors.
- The terms of all members of the town council will be for two years.
- The council president will serve, in addition, as a member of the school committee.
- The council president will appoint, subject to council approval, a town auditor and a clerk of the council.

2. School Committee.

- The school committee will consist of seven persons; three persons elected at large at each biennial election for a term of four years.
- The council president will serve as the seventh member of the school committee.

STATEMENT OF MAJOR DIFFERENCES.

Format.

The first distinction to be made between our "existing charter" and the proposed charter is in the nature of the document itself. Our present "charter" consists of a 'hodge-podge' of general and special laws enacted by the state legislature. Except for an unofficial publication of these laws in a report prepared by a pre-charter commission in 1971, these laws are not generally available for public review and understanding. The proposed charter will provide for Watertown in a single document all of the basic provisions concerning its government, in the same way the constitutions of the United States and of Massachusetts set out

Structure.

The major difference between the existing structure of government and that which is proposed lies in the substance of the recommendations themselves. The charter commission is recommending that the traditional 'town' form of government be replaced by a more modern, businesslike form. The council-manager form of government, which the charter commission recommends be adopted is, by far, the most common form of local government for communities of our size throughout the United States.

Under the council-manager form of government the voters continue to elect key decision and policy makers, while day-to-day responsibility of implementing those decisions is turned over to professional persons selected on the basis of education, training and experience.

This system for the management and control of the affairs of the town, in general, is essentially the same as that of the school committee which is elected by the voters to establish policy. However, the daily affairs of the school department are entrusted to a professional staff, headed by a superintendent.

This system too, is analogous to the way in which the affairs of a modern business corporation are handled.

Legislative Body

The proposed charter would abolish the representative town meeting and substitute a town council which would meet on a regular basis. Such a legislative body will be better informed, and thus be able to anticipate municipal problems and to respond to them before they reach a crisis stage, which, unfortunately, is the way town meeting is required to respond due to its infrequent meetings. The town council would consist of nine members; a council president who would be elected town-wide every two years; four councillors-at-large, elected every two years, and four district councillors, elected every two years. Under this plan, the town would be divided into four districts, and one candidate would be elected from each. The district councillors would be voted upon only by the voters in the districts they represent. This would ensure that each section of the town will be represented at all times on the council.

School Committee

The size of the school committee would remain unchanged, but by reason of the change from annual to biennial elections it would be necessary to change the term of office of the members. At each election four candidates would be elected to the school committee. Three of these will be elected as school committee members for terms of four years each; the fourth school committee member will be the person elected as council president (and school committee member), who will serve for a term of two years. As with the town council, this system will

provide a method by which at each election it would be possible for the voters to change a majority of the members of the school committee, but would still assure a certain degree of continuity and stability by providing that a minority will continue to serve.

Library Trustees

A six-member board of library trustees would continue to be elected, three at each biennial election, for a term of four years each.

Town Manager

The proposed charter provides that the town council will choose a town manager to be in charge of the daily business of the town. The concept of a professional manager charged with overall control though new to Watertown, is the most common method by which local governments are administered in the United States. The majority of the charter commission believes that the time has long since passed when a corporation the size of Watertown can be administered by other than a fully qualified professional who is subject to the policy direction of the town council.

Fiscal Procedures

Recognizing that the cost of government services has been increasing, and in an effort to gain better control and management of town government expenditures, the charter commission has provided for a new budget-making procedure, as set out in Article 5.

Other Elected Offices

Other than the town council and the school committee, only one other office would remain on the ballot, the board of library trustees. The board of selectmen would be abolished. The remaining offices would be appointed by the town manager, subject in several cases to the approval of the town council, as provided in the Temporary Administrative Code.

Citizen Rights

Improved citizen access to the workings of the government process would be provided by an initiative procedure, whereby citizens could propose the adoption of laws which, if not enacted by the town council (or, in certain cases, the school committee) would appear on the ballot for approval or rejection by all of the voters. Also, measures passed by the council would be subject to a referendum process, similar to that which now exists for certain acts of town meeting.

Roll of the Council President

The charter commission has recommended that the presiding officer of the new town council be elected directly by the voters for two reasons, as follows:

1. This is the system which has historically been followed in Watertown for the selection of the person who has presided at the town meetings of the town's legislative body - the town moderator. The system has worked well in the past and there seemed to be no special reason to change it. It will eliminate a possibility of a 'power' struggle developing within the council in choosing a council president which could lead to the development of voting blocks to the detriment of the community.
2. Because the principal administrative officer of the town will be appointed, election of the council president by the voters will provide a better focus on the local election process than might otherwise be the case.

The charter commission does not intend by the creation of the special office of council president to be creating, under another name, a mayor, but it does believe that because of the separate election and the focus of attention on the office, the council president will be something more than just another member of the town council.

A majority of the charter commission's members believe that a special relationship should exist between the council president and the town manager. In general, the majority believe, the town manager should prepare and submit programs to the town council only after consultation with the council president. The commission considered, but rejected, the idea of establishing this relationship by charter provision. The majority was of the opinion that if this relationship were established by the charter, it might be possible in time, through interpretation of whatever language we might employ, for the role of the office to be over-emphasized beyond what we envision. It is our hope, however, that the members of the first town council will consider establishing this special relationship by ordinance, which might from time to time be amended or altered to maintain the proper relationship between the two offices.

In particular, the majority believe, this relationship should exist in the establishment of the underlying philosophy needed in the preparation of operating budgets, to be submitted by the manager. A budget is the most effective device by which to implement certain policies, and since it is difficult at best to reconstruct the philosophy on which a budget is fully based, we feel that the council president should be involved in the determination of those policy goals before the detailed budget is prepared.

Transitional Provisions

In our preliminary report, we had proposed that the new charter be implemented by holding a preliminary election in June and a final (special) election in

September to choose the first members of the town council. Because there are so many other elections scheduled for 1980, however, we felt that a special election might create a burden for the voters. We are therefore recommending that implementation of the new charter be deferred until 1981, in order to simplify matters for the voters.

Because of problems in equally distributing the population, using the existing precincts in the town, it has not been possible for the charter commission to design four districts for the election of district councillors at the first election which would meet the 'one man-one vote' standards of the United States Supreme Court. We have therefore provided TEMPORARILY for three districts, which we do believe will meet the 'one man-one vote' standard. The first town council will therefore consist of five members elected at-large, three elected from districts, and the council president.

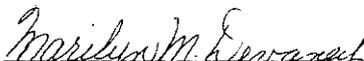
One of the first duties of the council after its election, and in conjunction with advice from the election commission, will be to redraw these district lines so that for the purposes of subsequent elections four districts will exist.

The charter provides that the new council will be elected in March, 1981, but that they will not assume all of the powers, duties and responsibilities of their office until July 1, 1981. During the approximately four months before they assume their assumption of the management of the town's affairs, the board of selectmen will continue to be responsible for the administrative management of the town's affairs, and the representative town meeting will continue to act as the town's legislative body. During this period, however, the selectmen and the town meeting members are expected to coordinate their long-range plans for the town with the members of the town council.

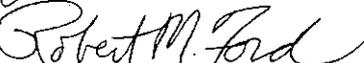
Because it did not seem to be practical to the charter commission to schedule two elections in the spring of 1981, the regular town election, which would have been held in May, will be combined with the March special election for the school committee and library trustees, who will continue to be elected under the new charter. The selectmen and representative town meeting members will be continued through to July 1 without another election.

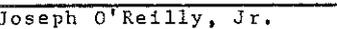
The undersigned members of the Watertown Charter Commission support the Final Report as presented:

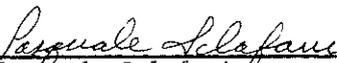

Brian A. McDonald,
Vice-Chairman

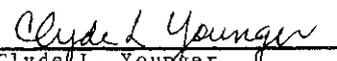

Marilyn M. Devaney, Clerk


John S. Atrasian


Robert M. Ford


Joseph O'Reilly, Jr.


Pasquale Scialfani


Clyde L. Younger


Louis P. Andrews, Chairman

CONCURRING REPORT

Throughout the intensive study of Watertown's governmental problems, one fact has been substantiated repeatedly over the past nine months. Our town meeting form of government is defunct and must be replaced with a more viable form. Watertown is a full-service community that has long been in need of full-time management.

Although it is still disputed by some, most of our shortcomings in past years have not been due to the calibre of the people in office, but to the structure of the government, which lends itself to an inability to function properly. We must be able to function on a timely basis, and the old philosophy of postponing action on major problems, and thus leaving them as a legacy for future generations must be put aside. Our government in the past fostered an inbred reluctance to plan for the future. We must now make adjustments in our governmental structure to expedite the day-to-day running of this major business and to plan its future in a responsible manner.

A checks and balances, governmental form of an elected full-time chief executive and an elected legislative branch with district representation is the system of government which would be most responsive to the needs and to the people of Watertown. A mayor and city council would have to complement each other and at the same time be responsive to the electorate. The people have the ear of the executive branch as well as that of the legislative branch. It was a major disappointment to many that this form of government could not be realized in the finalization of the charter.

There are many, however, who feel that the appointed chief executive, with the elected legislative body as the appointing authority, is the best form for running the business of Watertown. The problem with this form is, although it lends professional expertise to the chief executive's office, it leaves ultimate control to the part-time members of the town council. The town manager does not have to be responsive directly to the people, but indirectly through the five votes on the council that perpetuate his term of office.

Under such a form of government, the councillors should all be elected at-large. The nine representatives of the people who choose the chief executive should be the top vote-getters of all the people. In a government that does not lend itself to checks and balances (the legislative branch actually has control of the executive branch), it would behoove us to elect the nine best possible, well-motivated people in the town, regardless of their area of residence.

The charter proposes a well-streamlined form of government which puts all the power in one place. It is obvious that it is a government that will get things done.

It is also obvious that a governmental form that will please everyone concerned 100% cannot be realized. No member of the Charter Commission is totally happy with our Final offering. But this is the process that eventually leads to improvement. The bottom line is that the government proposed in the charter is proposed in Watertown's best interest and that to remain with our present form of government would prolong our history of problems with making progress. It is for this reason that I affix my name in approval of the Watertown charter.

Respectfully submitted.

CONCURRING REPORT

In developing this proposed charter over the past ten months, the members of the Charter Commission were in unanimous agreement on one issue - Watertown needs a full-time administrator.

The demands on town government are multiplying in number and complexity so rapidly as to impose a critical strain upon Town Meeting. Watertown is dependent upon its Town Meeting for supporting its legislative actions. Legislative business must mark time sometimes for months for a special Town Meeting or until the next annual Town Meeting, which requires time-consuming procedures to assemble. Our town budget has no legislative force until Town Meeting acts; regular council meetings can expedite local legislation and make policy.

It is difficult to give up citizen participation inherent in our historic Town Meeting, but progress demands expediency. Having thoroughly considered all factors, I concede to the abolition of Town Meeting.

Watertown has been very fortunate over the years to have had many capable leaders in its service. The need for change in our governmental structure is not the result of individuals but the result of increasing complexity of town affairs.

It concerns me that this proposed charter being offered, after 350 years, does not allow the citizens of Watertown the privilege of voting for at least one full-time elected official. I believe the voters should have the opportunity to choose the principle head of their government.

In this charter, as proposed, the legislative branch (council), appoints the executive branch (town manager). I strongly believe that executive power must always be subject to counterbalance by the legislative branch. The town manager will be solely responsible to the town council, who has the autonomous power to appoint or to remove him. I see this as a breach of the historic concept of separate legislative and executive powers now rooted in the Massachusetts constitution, upsetting the checks and balances systems. The indefinite term of office afforded the town manager and his authority to make some key appointments without town council approval are also my concern. As an appointed official with much authority, the town manager is less answerable to the electorate.

On numerous occasions, I have been in the minority. However, the failure to adopt a governmental form that many supported disturbs me greatly; an elected full-time executive and an elected legislative branch with district representation. A mayor and council would sustain the checks and balances system, facilitate efficient administration of Watertown's affairs and be responsible to the electorate.

I am pleased to have the opportunity to submit this concurring report to express my views and concerns. It is difficult to concur with a charter that I do not fully

endorse; however, the charter is indeed a step toward a progressive Watertown. The charter deserves your consideration, and I will respectfully accept your decision.

Respectfully submitted,

Marilyn M. Devaney

MINORITY REPORT

In the most forceful way I know, I am compelled to urge the people of Watertown to vote "NO" on the Charter proposal being submitted to them by the Commission.

The proposed Charter is not an effort to make changes in what we have now.

Rather, it would ask the people of Watertown to adopt what is for Massachusetts a radically new and relatively untested form of bureaucratic administration which has caused difficulties for communities which have resorted to this city-form of government.

I believe in democratic government -- government in which the people determine by election who will govern them.

The proposed Charter puts the power of government in a full-time appointed executive who will himself appoint most of the vital town officials -- in many instances without even requiring ratification of those appointments by the legislative body, the new Town Council.

There can be no arguing that Watertown needs full-time administrative management or that Town Meeting is too large and at times cumbersome. But, the Commission never really addressed how to make what we have now work more effectively. A Town Manager or Administrator appointed by the Board of Selectmen with specific duties set forth in a by-law, working with a greatly reduced Town Meeting with authority to meet more frequently and on shorter notice, would meet the needs of modern Watertown -- without scrapping America's oldest continuous democratic government -- the Watertown Town Meeting.

In order that the people of Watertown may be assured needed changes will occur if they reject the Charter proposal, I will ask my colleagues on the Board of Selectmen and other concerned residents to join with me in presenting articles for the May Town Meeting Warrant which would enable Watertown to implement a Selectman-Town Administrator- reduced Town Meeting form of government.

The Commission's report represents at the very best consensus rather than a stable majority. It is fact that whenever this form of government -- which only 4 of the 351 communities in Massachusetts have tried -- was presented as an

option, a majority of the Commission voted against it. It is only because no other plan has been able to muster five votes that this form is being presented for your consideration.

I urge you to consider carefully this proposal and then to vote "NO".

You will have a better governed, more democratic Watertown because you did.

Respectfully submitted,

Richard E. Mastrangelo

MINORITY REPORT

Last May the people of Watertown voted overwhelmingly to establish a commission to study their form of government and to propose changes which would enhance efficiency in this government. It soon became apparent to a majority of the commission that our present form of government was inefficient enough to warrant replacement with an entirely new form. I was a part of this majority.

The current proposal, though, does not represent a majority viewpoint. It is one which encompasses a total change in governmental form but not one which offers substantial improvement over our present one. It is a change but not for the better and must be rejected by the voters of the town.

It must be rejected because the answers to the problems of Watertown do not lie in the assumption that the people of this town cannot govern themselves. An assumption which must be made in order to justify the removal of a branch of government from the direct control of the voters.

It must be rejected because this proposal does not answer any problems which cannot be dealt with within the existing framework. Changes such as reducing the size of the town meeting and the establishment of a town manager under the board of selectmen would give us the advantages of the proposed charter while allowing the voters to retain complete control over those who govern.

I am not a believer in the sacredness of the selectmen - town meeting form of government but because of its adaptability and democratic philosophy I find it superior to the proposed form.

What I believe would be best for the town is a mayor - council government. It is a form which I fought for on the commission but which the commission chose to reject. I cannot stress enough my conviction that the focus of Watertown's government must be elected and given the responsibility and authority to run the town and make needed changes. I believe that the quality of that person's per-

formance in carrying out these duties should be held up to the voters every election for their approval.

That concept is missing in this plan. The council usurps the voters rights in electing its executive and so sets itself up as both a legislative and executive body. My greatest fear is that a professional in the management of cities will also be an authority in the management of part time councils. Such a professional could have a term of office lasting longer than the people of Watertown might wish.

The mayoral form of government has many advantages over either our present form or the proposed charter, however that is not really the issue here. What is at issue, though, is the need for the direct control of government by the people. We in Watertown have already been shown the importance of having elected officials reviewing all of the decisions of appointed ones. I do not think it wise to consider a form of government which does not provide for this.

Ultimately then, the town must decide whether it will accept a reduction in the importance of each persons vote in the naive hope that an appointed official will be uncorruptable and beyond reproach or retain a structure admittedly in need of repair but offering the hope of repair and the certainty of an uninterrupted democratic philosophy.

I ask you to protect your right to govern yourself. Vote "NO" on the Charter Question.

Respectfully submitted,

Joseph O'Reilly, Jr.

ARTICLE 1
INCORPORATION; SHORT TITLE; POWERS;
DEFINITIONS

SECTION 1-1 INCORPORATION

The inhabitants of the Town of Watertown, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of Watertown."

SECTION 1-2 SHORT TITLE

This instrument shall be known and may be cited as the Watertown Home Rule Charter.

SECTION 1-3 DISTRIBUTION OF POWERS

The administration of the fiscal, prudential and municipal affairs of Watertown, with the government thereof, shall be vested in an administrative branch headed by a town manager, and a legislative branch to consist of a town council. The legislative branch shall never exercise any administrative power and the administrative branch shall never exercise any legislative power.

SECTION 1-4 POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the Commonwealth, it is the intention and the purpose of the voters of Watertown through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

For the purposes of classifying Watertown in those instances where laws of the Commonwealth may distinguish between municipalities classified as "towns" and other municipalities classified as "cities", it is intended that this charter shall be construed as providing a city form of government.

SECTION 1-5 CONSTRUCTION

The powers of Watertown under this charter are to be construed liberally in its favor, and the specific mention of any particular power is not intended to limit the powers of the town as stated in section 1-4.

SECTION 1-6 INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth, Watertown may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political subdivision thereof, or with the United States government or any agency thereof.

SECTION 1-7 DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

(a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.

(b) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

(c) **Full Council, Full Multiple Member Body** - The words "full council" or "full multiple member body" shall mean the entire authorized complement of the town council, school committee or other multiple member body notwithstanding any vacancy which might exist.

(d) **general laws** - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, to all towns, or to a class of two or more cities and or towns of which Watertown is a member.

(e) **General Laws** - The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(f) **Initiative Measure** - The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this charter.

(g) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within Watertown, with either a weekly or daily circulation.

(h) **Majority Vote** - The words "majority vote" shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules.

(i) **Measure** - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the town

(j) **Multiple Member Body** - The words "multiple member body" shall mean any board, commission, committee, sub-committee, or other body consisting of two or more members whether elected, appointed or otherwise constituted, but not including the town council, the school committee, and the trustees of the public library.

(k) **Referendum Measure** - The words "referendum measure" shall mean a measure adopted by the town council or by the school committee which is protested by the referendum procedures provided under this chapter.

(l) **Town** - The word "town" shall mean the town of Watertown.

(m) **Town Bulletin Board** - The words "town bulletin board" shall mean the bulletin board in the administration building on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the town council.

(n) **Town Agency** - The words "town agency" shall mean any multiple member body, any department, division, or office of the town of Watertown.

(o) **Town Officer** - The words "town officer" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of his powers or duties exercises some portion of the sovereign power of the town.

(p) **Voters** - The word "voters" shall mean registered voters of the town of Watertown.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1 COMPOSITION, TERM OF OFFICE

(a) **Composition** - There shall be a town council of nine members which shall exercise the legislative powers of the town. Four of these members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Four of these members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the four council districts into which the town is divided, in accordance with section 7-6. The ninth member of the town council shall be a council president, elected as provided in section 2-2.

(b) **Term of Office** - The terms of town councillors shall be for two years each, beginning on the first secular day of January in the year following their election, and until their successors have been qualified.

(c) **Eligibility** - Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time of his election be a voter of the district from which he is elected, provided, however if any such district councillor shall during the term for which he was elected remove to another district in the town, or be so removed by a revision of district lines, such councillor may continue to serve for the balance of the term for which he was elected.

SECTION 2-2 COUNCIL PRESIDENT

(a) **Election and Term** - A council president shall be nominated and elected by and from the voters at-large at each biennial election to serve for a term of two years, beginning on the first secular day of January following the election and until a successor is qualified.

(b) **Powers and Duties** - The council president shall be recognized as the official head of the town for all ceremonial purposes and shall be recognized by the courts for the purpose of serving civil process and by the governor for military purposes. In time of public emergency or danger, as determined by the town council, he may, with its consent, take command of the police, maintain order and enforce the laws. He shall be the presiding officer of the town council.

The council president shall have no power of veto but shall have the same powers as any other member of the town council to vote upon all measures coming before it. He shall perform such other duties consistent with his office as may be provided by charter, by ordinance, or by vote of the town council.

The council president shall also serve as a member of the school committee. The officer provided for in this section shall be referred to as "council president", but ballots used in electing the said officer shall contain the words "council president and member of school committee".

(c) **Council Vice-President** - As soon as practicable after the councillors-elect have been qualified following each biennial election, the town council shall elect from among its members a vice-president who shall act as president during the absence or disability of the council president.

SECTION 2-3 CONFLICT OF INTEREST

Unless such service may otherwise be authorized by law, no member of the town council shall, while a member of the town council hold any other town office or employment for which a salary or other emolument is payable from the town treasury; but this restriction shall not apply to an office or position under the school committee. No councillor shall hold any compensated appointed town office or employment until six months following the date on which his council service has terminated. This provision shall not prevent a town officer or town employee who has taken a leave of absence from such office or employment from resuming the same office or employment following service as a member of the town council.

SECTION 2-4 COMPENSATION, EXPENSES

(a) **Salary** - The town council may, by ordinance, provide an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first eighteen months of the term for which town councillors are elected, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.

(b) **Expenses** - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-5 GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the town by law.

SECTION 2-6 EXERCISE OF POWERS; QUORUM; RULES

(a) **Exercise of Powers** - Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) **Quorum** - The presence of five members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter the affirmative vote of five members shall be required to adopt any ordinance or appropriation order.

(c) **Rules of Procedure** - The town council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

(i) Regular meetings of the town council shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the town council shall be held at the call of the council president, or, on the call of any three or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be delivered at least forty-eight hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the town bulletin board.

(iii) All sessions of the town council and of every committee or sub-committee thereof, shall at all times be open to the public and to the press, unless another

(iv) A full, accurate, up-to-date account of the proceedings of the town council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting.

SECTION 2-7 ACCESS TO INFORMATION

(a) **In General** - The town council may make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

(b) **Town Officers, Members of Town Agencies, Employees** - The town council may require any town officer, member of a town agency or town employee to appear before it to give such information as the town council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person.

(c) **Town Manager** - The town council may require the town manager to appear before it at any time to provide specific information on the conduct of any aspect of the business of the town which is within his control by or under this charter or by or under any statute or law.

The town manager may bring with him on any such occasion any assistant, department head or other town officer or employee to assist him in responding to questions which may be posed to him.

(d) **Notice** - Except in cases of emergency the town council shall give not less than five days notice in writing to any person it may request to appear before it under the provisions of this section. The notice shall include specific questions on which the town council seeks information, and no person called to appear before the town council under this section shall be required to respond to any question not relevant or related to those presented to him in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

SECTION 2-8 OFFICERS APPOINTED BY COUNCIL PRESIDENT

(a) **Town Auditor** - The council president shall appoint, subject to approval of the town council, a town auditor to serve for a term of three years and until his successor is chosen and qualified.

The town auditor shall keep and have charge of the accounts of the town and shall from time to time audit the books and accounts of all town agencies. The town auditor shall have such other powers and duties as provided for auditors and accountants by general laws and such additional powers and duties as may be provided by the charter, by ordinance or by other vote of the town council.

(b) **Clerk of the Council** - The council president shall appoint, subject to approval of the town council, a clerk of the council, who may be the town clerk, to serve for a term of three years and until his successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the town council.

(c) **Salaries** - The officers appointed by the council president shall receive such salaries as may from time to time be provided for such office by ordinance.

SECTION 2-9 ORDINANCES AND OTHER MEASURES

(a) **Emergency Ordinances** - No ordinance shall be passed finally on the date it is introduced, except in case of special emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of six members of the town council.

No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege of any kind or nature shall be passed as an emergency measure, and except as provided in sections seventy and seventy-one of chapter one hundred and sixty-four and in chapter one hundred and sixty-six of the General Laws, no such grant, renewal or extension shall be made otherwise than by ordinance.

Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier expiration date is specified in the emergency ordinance, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

(b) **Measures, In General** - Excepting only proposed ordinances, appropriation orders and loan authorizations, the town council may pass any other measure through all of its stages at any one meeting, provided that no member of the town council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the town council.

On the first occasion that the question of adopting any measure is put to the town council, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town council regular or special. If when the matter is next taken up for a vote, four or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure, notwithstanding any amendment made to the original measure.

(c) **Publication** - Every proposed ordinance, appropriation order or loan

be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length eight octavo pages of ordinary book print, then in lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town council provides for publication in a booklet or pamphlet form in lieu of the newspaper publication, it shall, at least ten days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the public.

SECTION 2-10 FILLING OF VACANCIES

(a) **Councillors-at-large** - If a vacancy shall occur in the office of councillor-at-large during the first twenty months of the term for which councillors are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councillor-at-large at the preceding town election who received the largest number of votes for the office of councillor-at-large without being elected, provided such person remains eligible and willing to serve. The election commission shall certify such candidate to the office of councillor-at-large to serve for the balance of the ten unexpired term.

(b) **District Councillor** - If a vacancy shall occur in the office of district councillor it shall be filled in the same manner as provided in section 2-10(a) for the office of councillor-at-large, except that the list shall be of the candidates for the office of district councillor in the district in which the vacancy occurs, provided however, if there be no candidate on such list who remains eligible and willing to serve the next highest ranking candidate from among the candidates for election to the council at large, who is a resident of the district, if any, in which the vacancy exists shall be certified and shall serve until the next regular election.

(c) **Council President** - If a vacancy in the office of council president shall occur in the first fourteen months of the term for which he is elected such vacancy shall be filled by a special election held within sixty days following the date on which the vacancy occurs. If the vacancy occurs after the fourteenth month of the term the vacancy shall be filled by the vice-president of the council who shall serve until the next biennial election.

The candidate at such biennial election who is elected to the office of council president shall forthwith be sworn and shall serve for the balance of the unexpired term, in addition to the term for which he was elected.

(d) **Filling of Vacancies By Town Council** - Whenever a vacancy shall occur in

cillor and there is no available candidate to fill such vacancy in the manner provided in section 2-10(a) or (b), the vacancy shall be filled by the remaining members of the town council for the balance of the unexpired term. Persons serving as acting councillors under this section (d) shall not be entitled to have the words "candidate for re-election" printed against their names as a result of such election by the town council.

ARTICLE 3 TOWN MANAGER

SECTION 3-1 APPOINTMENT, TERM OF OFFICE; QUALIFICATIONS

(a) **Appointment, Term of Office** - The town council, by the affirmative vote of at least five members, shall appoint a town manager to serve for an indefinite term of office.

(b) **Qualifications** - The town manager shall be appointed solely on the basis of his executive and administrative qualifications. The town manager shall be a person especially fitted by education, training and previous experience in municipal administration to perform the duties of the office.

The town manager need not be a resident of Watertown at the time of his appointment, nor of the Commonwealth, but he shall establish residence in Watertown within twelve months following his appointment unless excused from such requirement by the town council.

The town manager shall devote his full time to the office and shall not hold any other public office, elected or appointed, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, by the town council.

The town council may, by ordinance, establish other qualifications for the office of town manager.

SECTION 3-2 POWERS AND DUTIES

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper administration of all town affairs placed under his charge by or under the charter. The powers and duties of the town manager shall include, but are not intended to be limited to, the following:

1) He shall supervise, direct and be responsible for the efficient administration of all town activities placed under his control by the charter, by ordinance, or

2) He shall be responsible for the coordination of the activities of all agencies under his control with the activities of all other town agencies, including those elected by the voters of Watertown and those appointed by other elected officials.

3) He 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, by ordinance, by administrative code, or otherwise. Notice of all appointments made by the town manager shall forthwith be filed with the town council and a copy of such notice shall be posted upon the town bulletin board.

4) He shall be entrusted with the administration of all personnel related matters, including bargaining with municipal employees, and shall fix the compensation of all municipal employees appointed by him within the limits established by appropriation and any ordinance or collective bargaining agreement.

5) He shall assure that all of the provisions of the General Laws, the town charter, town ordinances, and other votes of the town council which require enforcement by him, or by officers or employees subject to his supervision, are faithfully carried out and enforced.

6) He shall prepare and submit an annual operating budget and a capital outlay program as provided in Article 5.

7) He shall assure that a full and complete record of the financial and administrative activities of the town is kept and shall render a complete report to the town council at the end of each fiscal year and at such times as the town council may reasonably require.

8) He shall have full jurisdiction over the rental and use of all town facilities, except school and library buildings and grounds. He shall be responsible for the maintenance and repair of all town owned property, including, if authorized by an ordinance establishing a central town maintenance department, school and library buildings and grounds.

9) He may at any time inquire into the conduct of office of any officer, employee, or department under his supervision.

10) He shall assure that a full and complete inventory of all property owned by the town, both real and personal, is kept.

11) He shall keep the town council fully advised as to the financial condition of the town and of the administration of the town's affairs by filing written reports with the town council not less frequently than quarterly throughout the year.

12) He shall, from time to time, as in his judgment the needs of the town require it, make such recommendations to the town council for action to be taken by it as

13) He may authorize any subordinate officer or employee to exercise any power or perform any function which he is authorized to exercise or perform, provided, however, all acts performed under any such delegation shall be deemed to be the acts of the town manager.

14) He shall perform such other functions as may from time to time be assigned to the office of town manager by ordinance or other vote of the town council, or otherwise.

SECTION 3-3 COMPENSATION

The town manager shall receive such compensation as may from time to time be established for the office of town manager, by ordinance.

SECTION 3-4 REMOVAL

Before the town manager may be removed, if he so demands, he shall be given a written statement of the reasons alleged for his removal, and shall have a right to be heard thereon at a meeting of the town council prior to the final vote on the question of his removal, but pending and during such hearing the town council may suspend him from office. The action of the town council in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal in the town council. The town manager shall continue to receive his salary until the effective date of a final vote of removal. The town council may, by ordinance, establish a procedure governing the removal from office of a town manager in such detail as it may deem necessary or desirable.

SECTION 3-5 ACTING TOWN MANAGER

(a) **Temporary Absence** - The town manager shall, by letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or administrative employee to exercise the powers and perform the duties of his office during his temporary absence. During the first ten working days of a temporary absence of the town manager, the town council may revoke such designation by a two-thirds vote and after the expiration of ten working days by a majority vote, whereupon it may appoint another qualified town officer or employee to serve as acting town manager until the town manager shall return and resume his duties.

(b) **Vacancy** - Any vacancy in the office of town manager shall be filled as soon as possible by the town council but pending such appointment the town council shall designate a qualified town officer or administrative employee to exercise the powers and 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, one renewal, not to exceed a second three months,

(c) **Powers and Duties** - The powers of a temporary or acting town manager shall be limited to matters not admitting of delay; provided, however, no temporary town manager under (a) above shall have authority to make any permanent appointment to, or removal from, any office or position under the town.

ARTICLE 4

OTHER ELECTED OFFICES

SECTION 4-1 SCHOOL COMMITTEE

(a) **Composition** - There shall be a school committee of seven members, six of whom shall be nominated and elected by and from the voters at-large, and the seventh member shall be the person elected as the council president and school committee member as provided in Section 2-2(b).

(b) **Terms of Office** - At each biennial election, three school committee members shall be elected at-large and shall serve for a four-year term. The terms of school committee members shall begin on the first secular day of January following their election, and shall continue until their successors are qualified.

(c) **Eligibility** - Any voter shall be eligible to hold the office of school committee member.

(d) **Powers and Duties** - The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise. Its powers and duties shall include, but are not intended to be limited to the following:

1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject to policy directives adopted by the school committee;

2) To appoint all other officers and employees connected with the schools, fix their salaries, make rules concerning their tenure of office and to discharge them; and

3) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable.

The school committee shall furnish all school buildings with proper fixtures, furniture and equipment and shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town council may, by ordinance, provide for the establishment of a central municipal maintenance department

(e) **Conflict of Interest** - Unless such service may otherwise be authorized by law, no member of the school committee, including the council president, shall hold any other office or position under the school committee for which a salary or other emolument is payable from the town treasury. Provided, however, that if the council president shall hold such an office or position, the town council shall, by vote, designate the vice-president or some other member of the town council not so ineligible to serve as school committee member in his place, and all references in this section to the powers of the council president serving as school committee member shall apply to such person.

No school committee member shall hold any compensated appointed town office or employment until six months following the date on which his service as a member of the school committee has terminated, but this shall not prevent a town officer or town employee who has taken a leave of absence from such office or employment from resuming the same office or employment following service as a member of the school committee.

(f) **Filling of Vacancies** - Any vacancy on the school committee shall be filled in the same manner as provided in section 2-10(a) for the filling of vacancies in the office of councillor-at-large, from among the candidates for election to the office of school committee at the most recent town election; provided, however, if there be no such candidate eligible and willing to serve, the vacancy shall be filled by a majority of the remaining members of the school committee and the council president from among the voters. A person elected to fill the vacancy under this section shall serve only until the date of the next regular town election. The person elected to the office of school committee member at the said town election, not then serving as a member of the school committee, shall forthwith be sworn and shall serve for the last two months of the calendar year in addition to the term for which he was elected.

(g) **Council President** - The council president shall have the same power to vote on every matter coming before the school committee as any other member.

SECTION 4-2 LIBRARY TRUSTEES

(a) **Composition, Term of Office** - There shall be a board of trustees of the public library which shall consist of six persons elected for terms of four years each, so arranged that three such terms shall expire at each biennial town election.

(b) **Powers and Duties** - The board of trustees of the public library shall have the custody and management of the library and reading rooms and of all property of the town devoted to library purposes. All funds raised or appropriated by the town for the support and maintenance of the library shall be expended under the direction of the said board. All funds or property which the town may receive by gift or bequest, or otherwise, for library purposes shall be administered by the said board in accordance with their terms of such gift, bequest or otherwise.

The board of trustees of the public library shall, subject to appropriation, have

1) To elect a director of the library who shall be charged with the day-to-day administration of the library system, subject to policy directives adopted by the library trustees;

2) To appoint all other officers and employees connected with the libraries and, within the limits established by collective bargaining agreements, or otherwise, to fix their salaries, define their duties, make rules concerning their tenure of office and to discharge them;

3) To make all reasonable rules and regulations for the operation and management of the library system and for the conduct of their own business and affairs as may be deemed necessary or desirable.

The board of trustees of the public library shall in all matters of general municipal policy and procedures be subject to policy directives designed to achieve uniformity and better administrative control as may from time to time be issued by the town manager. Responsibility for the ordinary maintenance of library buildings and grounds may be transferred to a central municipal maintenance department by ordinance adopted by the town council. The board of trustees of the public library shall have all of the other powers and duties as may be provided by general law, by charter, by ordinance or otherwise.

(c) **Filling of Vacancies** - Any vacancy on the board of library trustees shall be filled in the same manner as is provided in section 2-10(a) for the filling of vacancies in the office of councillor-at-large, from among the candidates for election to the office of library trustees at the most recent town election; provided, however, if there be no such candidate eligible and willing to serve, the vacancy shall be filled by a majority of the remaining members of the board of library trustees and the council president from among the voters. A person elected to fill a vacancy under this section shall serve only until the next regular town election. The person elected at said town election, not then serving as a member of the board of library trustees shall forthwith be sworn and shall serve for the last two months of the calendar year, in addition to the term for which he was elected.

ARTICLE 5

FINANCIAL PROCEDURES

SECTION 5-1 SUBMISSION OF BUDGET, MESSAGE

Within the period prescribed by general law, the town manager shall submit to the town council a proposed operating budget for the ensuing fiscal year which shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The message of the town manager shall explain the proposed budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the

important features of the budget, indicate any major changes from the current fiscal year in terms of financial policies, expenditures or revenues, together with the reasons for such changes, summarize the town's debt position, and include such other material as the town manager deems desirable or the town council may reasonably require.

SECTION 5-2 ACTION ON THE BUDGET

(a) **Public Hearing** - The town council shall, within seven days following its receipt of the proposed budget, publish in one or more local newspapers the general summary of the proposed budget as submitted by the town manager and a notice stating: (1) the times and places where complete copies of the proposed budget and supporting documents are available for examination by the public and (2) the date, time and place, not less than ten days after such publication, when the town council, or a standing committee of the town council, will hold a public hearing on the proposed budget as submitted by the town manager.

(b) **Adoption** - The town council shall adopt the budget, with or without amendments, within sixty days following the day the proposed budget is received by it, or such other period as may be provided by general law. In amending the budget the town council may delete or decrease any programs or amounts, except expenditures required by law, or for debt service. If the town council fails to take any action with respect to any item in the proposed budget within sixty-days following the date of its receipt of the proposed budget, or such other period as may be provided by general law, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

SECTION 5-3 SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

Whenever the town manager shall submit to the town council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item or items not included therein, the town council shall not act upon such request until it has (1) given notice by publication in a local newspaper of the request, and (2) held a public hearing concerning such request. The publication of the notice and the public hearing shall be generally in conformity with the provisions of section 5-2(a) concerning the proposed annual operating budget.

SECTION 5-4 INDEPENDENT AUDIT

At least once in every two years an outside audit of the books and accounts of the town shall be made. In the event that the Commonwealth shall fail in any such period to provide for such an audit to be conducted, within sixty days following the date a written request for them to do so is made by the town council, the town council shall provide for such an audit to be conducted by a certified public accountant or firm of such accountants.

SECTION 5-5 CAPITAL OUTLAY PROGRAM

(a) **Submission** - The town manager shall prepare and submit to the town council a five year capital outlay program at least three months prior to the final date for submission of a proposed annual operating budget.

(b) **Contents** - The capital outlay program in the form submitted shall include:

- 1) A clear general summary of its contents,
- 2) A listing of all capital expenditures which are proposed to be made during the five fiscal years next ensuing, with appropriate financial and other details concerning each such expenditure,
- 3) Cost estimates, proposed methods of financing, and a time schedule for each such expenditure,
- 4) The estimated annual cost of operating or maintaining any facilities to be acquired or constructed.

The above information shall be revised and extended, annually.

ARTICLE 6

ADMINISTRATIVE ORGANIZATION

SECTION 6-1 REORGANIZATION PLANS BY ORDINANCE

Except as otherwise prohibited by general law or by the charter, the town council may, by ordinance, reorganize, consolidate, or abolish any existing town agency in whole or in part, establish new town agencies, and prescribe the functions of any town agency. All town agencies under the direction and supervision of the town manager shall be headed and administered by officers appointed by him.

SECTION 6-2 REORGANIZATION PLANS BY ADMINISTRATIVE CODE

(a) **Submission** - The town manager may from time to time prepare and submit to the town council reorganization plans which may, unless prohibited by general law or the charter, reorganize, consolidate, or abolish any existing town agency in whole or in part, establish new town agencies, and prescribe the functions of any town agency. Each such reorganization plan shall be accompanied by an explanatory message when submitted to the town council.

(b) **Council Action** - Every such reorganization plan shall, upon receipt by the town council, be referred to an appropriate standing committee of the town council for study and report. Within thirty days following its referral to a committee a

public hearing shall be held concerning the proposal, either before the standing committee, or before the full town council. Within fourteen days following the conclusion of the public hearing the standing committee to which such matter was referred shall file a report stating either that it approves of the reorganization plan or that it disapproves of it. A reorganization plan shall become effective on the nintieth day following the date of its receipt by the town council, unless a later date is specified in the reorganization plan, or unless the town council has within said period voted to disapprove of it. A reorganization plan submitted by the town manager under this section may not be amended by the town council but shall either be approved or disapproved in the form as submitted.

SECTION 6-3 PUBLICATION OF REORGANIZATION PLANS

An up-to-date record of reorganization plans under section 6-2(b) shall be kept on file in the office of the town clerk and copies of all such plans shall be published as an appendix to any publication of the ordinances of the town.

ARTICLE 7

NOMINATIONS, ELECTIONS, INITIATIVE, AND REFERENDUM

SECTION 7-1 BOARD OF ELECTION COMMISSIONERS

(a) **Composition** - The board of election commissioners shall consist of four persons, of whom two shall always represent each one of the two leading political parties, as defined in section one of chapter fifty of the General Laws.

(b) **Appointment, Term of Office** - The town manager, subject to approval by the town council, shall appoint the members of the board of election commissioners for terms of four years each, so arranged that one such term of office shall expire on April first of each year. Every such appointment shall be made from a list to be submitted by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting at which a quorum is present, of such committee; provided, however, if the chairman of the town committee has not submitted such a list to the town manager within forty-five days after a notification to the said chairman by certified mail, the town manager shall make such appointment without reference to such a list. Members shall serve until the qualification of their successor. In case of a vacancy it shall be filled in the same manner as aforesaid, except it shall be for the balance of the unexpired term.

(c) **Organization** - The board of election commissioners shall organize annually in the month of April by choosing a chairman and a secretary. In case the members are unable to agree upon a chairman and a secretary, such officers shall

be designated by the town manager. The secretary shall keep a full and accurate record of the proceedings of the board and shall perform such other duties as the board may require.

(d) **Powers and Duties** - All the powers, rights, privileges, liabilities and duties relating to caucuses, primaries, preliminary elections and elections by law vested in and imposed upon mayors, managers, boards of aldermen, selectmen, city or town clerks and board of registrars of voters, except the power and duty of giving notice of elections and fixing the days and hours of holding the same shall be vested in and performed by the board of election commissioners. The board may appoint such assistant commissioners and such assistants as it deems necessary, who shall at all times equally represent the two leading political parties as defined aforesaid. Said assistant commissioners shall have such powers and perform such duties as are prescribed by general law for assistant registrars of voters, and shall perform such other duties as the board may require. Persons appointed to serve temporarily as assistant commissioners shall not be subject to chapter 31 of the General Laws. The board shall have such other powers and duties as may be provided to such boards of election commissioners under section sixteen A of chapter fifty-one of the General Laws, or otherwise.

(e) **Compensation** - The members of the board of election commissioners shall receive such compensation for their services as the town manager and town council may from time to time determine.

SECTION 7-2 TOWN ELECTIONS: GENERAL; PRELIMINARY

The regular general town election shall be held on the first Tuesday following the first Monday in November in each odd numbered year.

On the fourth Tuesday preceding every regular general town election there shall be a preliminary election for the purpose of nominating candidates.

SECTION 7-3 NON-PARTISAN ELECTIONS

All elections for town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

SECTION 7-4 PRELIMINARY ELECTION

(a) **Signature Requirements** - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of council president and member of the school committee, councillor-at-large, school committee member, or library trustee, not less than one hundred such signatures, not more than fifty of which shall be from any one district; for the office of district councillor not less than one hundred such signatures from the district from which the nomination is sought.

(b) **Ballot Position** - The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of election commissioners, which shall be open to the public.

(c) **Determination of Candidates** - The two persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general town election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have his name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) **Condition Making Preliminary Unnecessary** - If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the election commission for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the election commission shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the board of election commissioners shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular district or districts of the town, no preliminary election shall be held in such district or districts.

SECTION 7-5 BALLOT POSITION, REGULAR TOWN ELECTION

The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of election commissioners which shall be open to the public.

SECTION 7-6 DISTRICTS

The territory of the town shall be divided into four districts so established as to consist of compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each such district shall be composed of voting precincts otherwise established in accordance

with general laws. The town council shall from time to time review such districts to insure their uniformity in number of inhabitants.

SECTION 7-7 APPLICATION OF STATE GENERAL LAWS

Except as expressly provided in this charter and authorized by law, all town elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

SECTION 7-8 PETITIONS TO COUNCIL OR SCHOOL COMMITTEE

The town council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred and fifty voters, or more, and which seeks the passage of a measure. The hearing shall be held by the town council or the school committee, or, in either case, by a committee or sub-committee thereof, and the action by the town council or the school committee shall be taken not later than three months after the petition is filed with the clerk of the council or the secretary of the school committee, as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 7-9 CITIZEN INITIATIVE MEASURES

(a) **Commencement** - Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the town council or to the school committee, shall contain a request for the passage of a particular measure, which shall be set forth in full in the petition, and shall be signed by at least ten per cent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

Within ten days following the filing of the petition the board of election commissioners shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent town election. The board of election commissioners shall attach

to the petition to the clerk of the council or the secretary of the school committee according to how the petition is addressed. A copy of their certificate shall also be mailed to the person designated upon such petition as having filed the same.

(b) **Referral to Town Attorney** - If the board of election commissioners determines that a petition has been signed by a sufficient number of voters, the clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of such certificate deliver a copy of the petition to the town attorney. Within fifteen days following the date a copy of the petition is delivered to him, the town attorney shall, in writing, advise the town council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the town council or by the school committee. If the opinion of the town attorney is that the measure is not in proper form, he shall state his reasons in full in his reply. A copy of the opinion of the town attorney shall also be mailed to the person designated on the petition as having filed the same.

(c) **Action on Petitions** - Within thirty days following the date a petition has been returned to the clerk of the council or to the secretary of the school committee by the town attorney, and after publication in accordance with the provisions of section 2-9(c), the town council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of an initiative measure, or by rejecting it. The passage of a measure which is in lieu of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of the said thirty days the town council or the school committee has not voted on such petition, no other business of said council or committee shall be in order or lawfully acted upon until a vote to approve of the measure, to disapprove of the measure, or to adopt some other measure in lieu thereof, has been taken.

(d) **Supplementary Petitions** - Within forty-five days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent town election. If the number of signatures to such supplemental petition is found to be sufficient by the board of election commissioners, the town council shall call a special election to be held on a date fixed by it not less than thirty nor more than forty-five days following the date of the certificate of the board of election commissioners that a sufficient number of voters have signed the supplemental initiative petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other town election is to be held within one hundred and twenty days following the date of the said certificate, the town council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

(e) **Publication** - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the board of election commissioners.

(f) **Form of Question** - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by voters in an initiative petition take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners, and approved by the board of election commissioners.)

YES
NO

(g) **Time of Taking Effect** - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent of the total number of voters of the town, as of the date of the most recent town election, participate at such election.

SECTION 7-10 CITIZEN REFERENDUM PROCEDURES

(a) **Petition, Effect on Final Vote** - If, within twenty days following the date on which the town council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to fifteen percent of the total number of voters as of the date of the most recent town election and addressed to the town council or to the school committee, as the case may be, against the measure or any part thereof is filed with the secretary of the school committee or clerk of the council, the effective date of such measure shall be temporarily suspended. The school committee or the town council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded the town council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular town election, but pending such submission and determination the effect of such measure shall continue to be suspended.

(b) **Certain Initiative Provisions to Apply** - The petition described in this section shall be termed a referendum petition and insofar as applicable, Section 7-9 (a), (b), (e) and (f) shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word

"measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

SECTION 7-11 INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures: (1) proceedings relating to the internal organization or operation of the town council or of the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the town budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the town's debt or debt service, (6) an appropriation of funds to implement a collective bargaining agreement, (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, (8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures, and (9) any proceedings providing for the submission or referral of any measure to the voters at an election.

SECTION 7-12 SUBMISSION OF OTHER MATTERS TO VOTERS

The town council may of its own motion, and shall, at the request of the school committee, if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 7-13 CONFLICTING PROVISIONS

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

ARTICLE 8

GENERAL PROVISIONS

SECTION 8-1 CHARTER CHANGES

(a) **In General** - This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

(b) **Periodic Review** - The town council shall provide, in every year ending in a zero, for a review of the charter by a special or standing committee of the council and four additional persons to be appointed by the council president. The said committee shall file a report within the said year recommending any changes in the charter which it may deem to be necessary or desirable.

SECTION 8-2 SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 8-3 SPECIFIC PROVISION TO PREVAIL

To the extent that any specific provision of this charter may conflict with any other provision expressed in general terms, the specific provision shall prevail.

SECTION 8-4 RULES AND REGULATIONS

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any town agency shall become effective until five days following the date it is so filed.

SECTION 8-5 REVIEW OF ORDINANCES

The town council shall provide, in each year ending in a five or in a zero, for a review of all ordinances of the town for the purpose of determining if any amendments or revisions may be necessary or desirable. Such review shall be conducted under the supervision of the town attorney, or, if the town council so directs, by special counsel appointed for that purpose. A report, with recommendations, shall be submitted within the said year.

SECTION 8-6 UNIFORM PROCEDURES APPLICABLE TO MULTIPLE MEMBER BODIES

(a) **Meetings** - All multiple member bodies of the town shall meet regularly at such times and places as they may, by their own rules, prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple member body shall be held on the call of the chairman or by one third of the members thereof, by written notice delivered in hand or to the place of residence

of each member and which contains a list of the item or items to be acted upon. Except in case of an emergency such notice shall be delivered at least forty-eight hours in advance of the time set for such meeting. A copy of such notice to members shall, forthwith, be posted upon the town bulletin board.

(b) **Rules and Journals** - Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for the keeping of a journal of its proceedings. These rules and journals shall be a public record, and certified copies shall be kept on file in the office of the town clerk and in the Watertown Free Public Library.

(c) **Voting** - If requested by any member, any vote of any multiple member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal; provided, however, that if the vote is unanimous only that fact need be recorded.

(d) **Quorum** - A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time.

SECTION 8-7 NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

SECTION 8-8 REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections, or to the corresponding chapters and sections of any rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 8-9 CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the town council, or appointed to an office of the town shall receive a certificate of such election or appointment from the town clerk.

Except as otherwise provided by law, before performing any act under an appointment or election, all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

SECTION 8-10 NOTICE OF VACANCIES

Whenever a vacancy shall occur in any town office or in the employment of the town, or, when by reason of a retirement, or resignation, or the expiration of a

fixed term, or otherwise, a vacancy can be anticipated, the town manager or other appointing authority shall forthwith cause public notice of such vacancy or impending vacancy to be publicly posted on the town bulletin board for not less than ten days. Each such notice shall contain a brief description of the duties of the office or position and shall indicate a list of necessary or desirable qualifications for the office or position. Any person who desires to be considered for an appointment to fill such vacancy may, within ten days following the date the notice is posted, or such longer period as may be indicated in such announcement, file with the appointing authority a statement setting forth with reasonable clarity and specificity, the qualifications of such person for such appointment. No permanent appointment to fill any position shall be effective until at least fourteen days have elapsed following such posting to permit the reasonable consideration of all such applicants. This section shall not apply to positions covered under the civil service law and rules or if in conflict with the provisions of a collective bargaining agreement.

ARTICLE 9

TRANSITIONAL PROVISIONS

SECTION 9-1 CONTINUATION OF EXISTING LAWS, ETC.

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to the town that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

SECTION 9-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION

Except as otherwise provided in this charter, all town agencies shall continue to perform their duties until re-elected, or until successors to their respective positions are duly appointed or elected and qualified, or until their duties have been transferred and assumed by another agency.

SECTION 9-3 TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any town agency, or part thereof, the powers and duties of which are assigned in whole or in part to another town agency, shall be transferred forthwith to such agency.

SECTION 9-4 CONTINUATION OF PERSONNEL

Any person holding a town office, or a position in the administrative service of

such office or position or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the town shall forfeit his pay grade, or time in service of the town. All such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is adopted as is practicable, and any reduction in the personnel needs of the town shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

SECTION 9-5 EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the town before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected, and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

SECTION 9-6 TIME OF TAKING EFFECT

This charter shall become effective upon its approval by the voters voting thereon, and in accordance with the following schedule:

(a) A special election to elect the first officers to serve under this charter shall be held on the first Monday of March in the year following the year in which the charter is adopted (March 2, 1981). A preliminary election to nominate candidates shall be held on the fourth Monday preceding such special election (February 2, 1981).

Nine members of a town council, including a council president, shall be elected at such special election for terms which will expire at the organization of the town government on January 2, 1984.

At the same special election the terms of all incumbent members of the school committee and of the board of trustees of the public library who have less than two years remaining of the term for which they were elected shall be terminated and their successors shall be chosen for terms of office which will expire at the organization of the town government on January 2, 1984.

The terms of the remaining members of the school committee and of the board of trustees of the public library, which terms would otherwise expire on May 4, 1983, shall be and hereby are extended to expire at the organization of the town government on January 2, 1984.

The persons elected as aforesaid shall forthwith be sworn and shall begin the exercise of the powers of their offices, except as may hereafter be provided.

No regular municipal election shall be held on the first Tuesday following the first Monday in November 1981, it being the intention of this provision that the special election provided for herein shall replace the said regular election.

(b) By reason of the wide disparity which presently exists in the number of inhabitants in each precinct, (which ranges from a high of 3,960 in precinct 9, to a low of 2,837 in precinct 4) and the number of such precincts (eleven), it is not possible for the charter commission to provide four temporary councillor districts of reasonably equal population for the purpose of the first election under this charter; therefore, notwithstanding any other provision of the charter to the contrary, for the purpose of the first election to be held hereunder in addition to the council president, five other members of the town council shall be elected at large and three members shall be nominated and elected by and from the voters in three districts as follows:

District A - District A shall consist of precincts one, two, three and four as presently established.

District B - District B shall consist of precincts five, six, seven and eight as presently established.

District C - District C shall consist of precincts nine, ten and eleven as presently established.

(c) As soon as practicable following the special election the persons elected as members of the town council shall be called together by the person elected as council president and shall meet to take their oath of office, to choose a vice-president and to adopt temporary rules governing the conduct of the meetings of the town council.

Following such organization, the town council shall make provision for its full assumption of the powers, duties and responsibilities which will devolve upon it under this charter including, but not limited to the taking of the following steps:

- 1) They shall establish a process by which a town manager may be selected with all deliberate speed.

To assist the town council in such selection, the personnel board in office at the time the charter is adopted is hereby authorized and directed to begin to take such steps in the advertisement and processing of applications for the position of town manager as may be necessary and proper to enable it to assist the town council when it assumes office by having completed certain preliminary administrative steps necessary to the selection procedure. If the town council is unable to make a selection within one hundred and twenty days following the date of its organization, it shall issue a statement explaining the reason or reasons for such delay and shall indicate the time within which such appointment shall be made.

- 2) They shall provide for a review to be made of all existing by-laws, rules and regulations of the town, with a view to bringing them into conformity

3) They shall provide for the adoption of permanent rules governing the bringing of matters before the town council for action, the establishment of standing committees and such other related matters as seems necessary and desirable.

(d) The board of selectmen in office at the time of the special election shall continue to serve in that office until July first of that year. They shall be responsible for the general operation of the government and shall continue to perform all of the powers, duties and functions of their office as though this, the charter, had not been adopted, provided, however, they shall coordinate all of their long-range plans with the members of the town council.

(e) All legislative business necessary for the orderly conduct of the town during the transitional period shall continue to be conducted by the representative town meeting members in office at the time of the special election until the full powers of the town council become operative on the first day of July following their election. On the said first day of July the terms of office of all members of the representative town meeting shall be terminated and the said representative town meeting shall thereafter cease to exist.

(f) As soon as practicable following the election at which this charter is adopted, and based on data made available as a result of the federal census to be taken in the year nineteen hundred and eighty, the board of election commissioners shall prepare and submit to the town council a plan or a proposal for a re-division of the town into twelve voting precincts as nearly equal in number of inhabitants as it may be possible to achieve, and a plan or proposal for combining such precincts for the purpose of establishing four council districts as required in section 7-6 of this charter. The town council shall, as soon as practicable following the submission of such plan or proposal to it, adopt such plan or proposal as submitted, or in a revised or amended form.

(g) Until such time as the town council may act, by ordinance, to amend, repeal or to revise its provisions the following shall have the force of a town ordinance:

Qualifications of a Town Manager

In addition to the general qualifications for appointment to the office of town manager, as provided in section 3-1(b) of the charter, the following specific qualifications shall also be required:

(1) Applicants shall have served full time as a chief city or town administrative officer (under any title) for a period of not less than three years;

(2) Applicants shall possess an earned bachelors, or higher level degree from a recognized, accredited, college or university;

(3) If an applicant does not possess an earned bachelors degree, the applicant must have an additional five years of full-time paid experience in public administration in a management capacity.

(4) No applicant shall have served in any elected office in the Town of Watertown for at least twelve months prior to the date on which the vacancy is declared.

(h) Until such time as the town council shall act to establish a different salary, in accordance with the provisions of section 2-4(a), the salary of town councillors shall be \$1800.00 per annum, and that of the council president shall be \$2400.00 per annum.

(i) Until such time as the town council shall act to establish a different salary, in accordance with the provision of section 3-3, the initial salary of the position of town manager shall be \$40,000 per annum.

(j) Temporary Administrative Code

Until such time as another provision is made in accordance with the provisions of the charter, for a different organization of the administration of the government of the town, the following temporary provisions shall be in effect. Provided, however, nothing in this section shall be construed to authorize the termination of any term of office of any incumbent of the offices enumerated at the time of the special election, whether such term was established by election or by appointment. It is the intention of this provision that all persons serving in an office for a term of years, at the time of the special election, shall continue to serve in such office until their term would otherwise expire, and that at the expiration of such terms the manner of selection provided in this section shall then become effective.

(i) The town manager shall appoint the following town officers who shall serve at his pleasure:

a town clerk, a town treasurer-collector, a personnel assistant, a superintendent of public works and an administrative assistant.

(ii) The town manager shall appoint the following officers, subject to the civil service law and rules:

a fire chief, a police chief and a purchasing agent.

(iii) The town manager shall appoint the following town officers for a term of years:

constables, fence viewers, town physician, members of a recreation commission and the staff of such commission, members of a skating arena commission and the staff of such commission, members of a multi-service center and the staff of such center, members of a council on aging and the staff of such council, an animal inspector and a veterans' services director.

All appointments shall be for the same term of years as is now provided for each office and the number of members of each multiple member body shall

be as is presently provided for each such body.

(iv) The town manager shall appoint the following town officers, subject to the approval of the town council; and in accordance with the provisions of applicable laws, provided, however, if the town council shall fail to take any action on a proposed appointment by the town manager within thirty days following the date notice of such appointment is filed by the town manager with the town council, such appointment shall be deemed to have been confirmed:

a town attorney, a licensing board, a board of assessors, a board of appeals, a planning board, a redevelopment authority, a housing authority, a conservation commission, a board of health, an election commission and a personnel board.

All appointments shall be for the same term of years as is now provided for each office and the number of members of each multiple member body shall be as is presently provided for each such body.

(v) The chairman of each of the following agencies: the Watertown Housing Authority, the Watertown Redevelopment Authority, the planning board, the board of health, the board of appeals and the conservation commission shall serve as a coordinating committee on community development. Forthwith following the election at which this charter is adopted the said persons shall meet, organize and establish a schedule of meetings, which shall be not less frequent than once in each month, for the purpose of providing better communication and coordination of the work programs of each of the several agencies represented. The coordinating committee may, subject to appropriation, provide for staff assistance to promote coordination.

(k) At the first regular town election held under this charter (November 8, 1983), the following officers shall be elected:

A town council to consist of four at-large members, nominated and elected by and from the voters at large, four district members, one such district member to be nominated and elected by and from the voters in each of the council districts established pursuant to section 7-6 of this charter and a council president and member of the school committee nominated and elected by and from the voters at large, all to serve for the term of two years beginning on the first secular day of January in the year following their election.

A school committee to consist of three members nominated and elected by and from the voters at large and to serve for the term of four years beginning on the first secular day of January in the year following their election, and three members nominated and elected by and from the voters at large for the term of two years beginning on the first secular day of January in the year following their election. Candidates shall specify for which term of office they seek to be elected.

A board of trustees of the public library to consist of three members nominated and elected by and from the voters at large for the term of four years beginning on the first secular day of January in the year following their election, and three members nominated and elected by and from the voters at large for the term of two years beginning on the first day of January in the year following their election. Candidates shall specify for which term of office they seek to be elected.

At the regular town elections held in years subsequent to the first regular town election candidates shall be nominated and elected to fill the terms of office expiring on the first secular day of January in the year following such election, and as otherwise provided in this charter.