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## Chapter C

# Watertown Home Rule Charter

**[HISTORY: This Home Rule Charter is as amended through Chapter 98 of the Acts of 2001 and acceptance by the voters, November 6, 2001; further amended by Town Council proposal and accepted by the voters on November 8, 2011.]**

**[PREAMBLE]**

**Commented [MW1]:** Using these notes in track changes, the Center project team has flagged some example areas where the Committee could consider changes to the existing charter to address issues raised during discussions. The items flagged here are not intended to include all areas that the Committee may eventually want to address. Only some of the major ones that been raised so far. The project team also has additional areas for recommended changes that are technical, smaller, or not relevant to the discussions so far.

**Commented [MW2]:** As previously discussed, Watertown's charter currently has no preamble. This is a place where the values and vision of the Town (and by extension, the community) could be presented in very broad strokes.  
[Vision]

DRAFT

Article 1

**INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS**

**Commented [MW3]:** This article is mostly boilerplate technical language. Several of the definitions could use some updating.

**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.

**Commented [MW4]:** It is more common for the legislative branch to be described first in council-manager form of government. Although purely symbolic, the Committee could consider flipping the order of these. [Legislative capacity/balance of 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 general powers as stated in section 1-4.

**SECTION 1-6 INTER-GOVERNMENTAL 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:

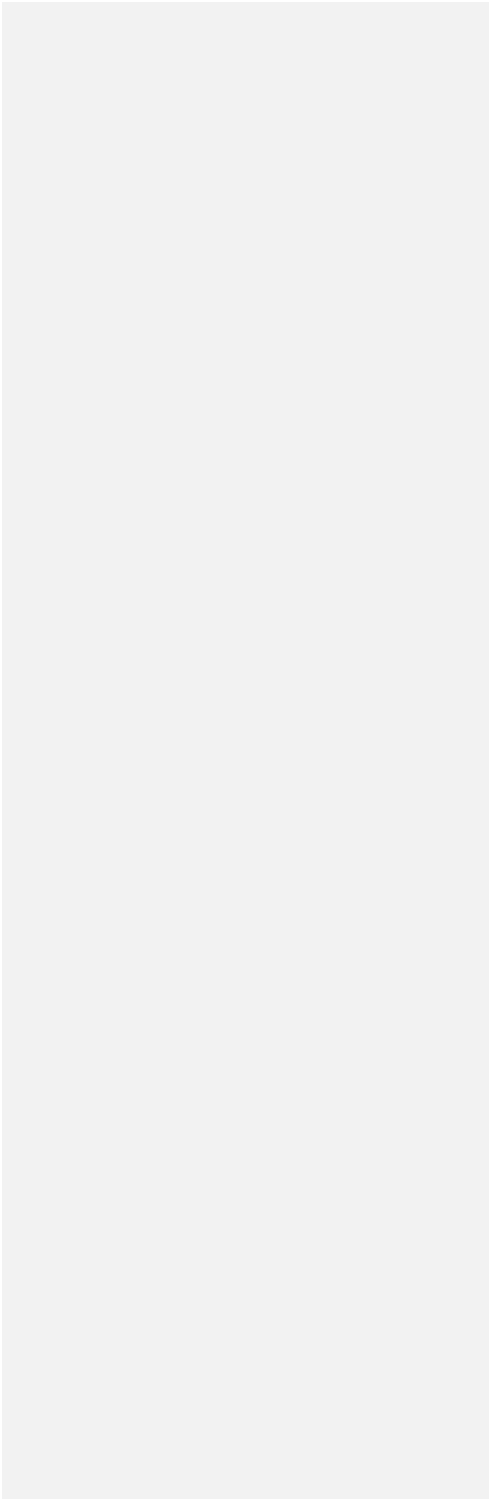
- (a) Charter - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
- (b) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) Full Council, Full Multiple-Member 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. Any information required to be published in a local newspaper shall also be posted on the town website.
- (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 council or the school committee.
- (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. Any information required to be posted on the town bulletin board shall also be posted on the town website.
- (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 or her powers or duties exercises some portion of the sovereign power of the town.
- (p) Town Website - The words "town website" shall mean the official website maintained by the Town of

Watertown.

- (q) Vacancy - The word "vacancy" shall mean an office that becomes open prior to the end of a person's elected or appointed term due to the death, resignation, or removal of that person, or as a result of a failure to elect.
- (r) Voters - The word "voters" shall mean registered voters of the town of Watertown.

DRAFT



**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 business day of January in the year following their election, 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 election be a voter of the district from which the councillor is elected, provided, however if any such district councillor shall during the term for which the councillor 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 the councillor 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 business 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 purposes of serving civil process.

The council president 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. The council president shall perform such other duties consistent with the 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 office 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 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

**Commented [MW5]:** Other than the items noted below, this is a fairly standard legislative branch article.

**Commented [MW6]:** In light of the discussions earlier about the workload of Councilors and the lack of capacity, the Committee could consider recommending an increase in the size of the Council as one way to reduce the workload of individual Councilors.  
[Legislative capacity/balance of power]

**Commented [MW7]:** Also in light of the capacity discussions, the Committee could consider increasing the term of Councilors to four years to reduce the amount of time spent campaigning.  
[Legislative capacity/balance of power]

**Commented [MW8]:** Although there are arguments in both directions, it could be argued that letting the Council choose its own President could strengthen the Council by ensuring that the President speaks clearly as the voice of the Council.  
[Legislative capacity/balance of power]

**Commented [MW9]:** The Committee could consider adding an annual State of the Town to this section as part of efforts to strengthen both communications and vision.  
[Vision and Communications]

**Commented [MW10]:** The Committee could decide to reduce the workload on the Council President by removing membership on the School Committee from the position's duties.  
[Legislative capacity/balance of power]

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 2-4 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. The town may enter into contracts for the exercise of its corporate powers on such terms and conditions as are authorized by the town council by ordinance.

**SECTION 2-5 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 to 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 posted upon the town bulletin board at least forty-eight week-day hours excluding Saturdays, Sundays and legal holidays in advance of the time set for such meeting.
  - (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 provision is made by law.
  - (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 2-6 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 or her control by or under this charter or by or under any statute or law.

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

- (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 the person in advance and in writing. Notice shall be by delivery in hand, or by electronic mail (with notification of receipt requested), by registered or certified mail to the last known place of residence of any such person.

**SECTION 2-7 OFFICERS APPOINTED BY THE COUNCIL OR COUNCIL PRESIDENT.**

- (a) Town Auditor - The town council, by the affirmative vote of at least five members, shall appoint a Town Auditor for an indefinite term of office.

The Town Auditor shall be appointed solely on the basis of his or her professional qualifications and experience.

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 town council shall appoint, and may remove at its discretion a person nominated by the council president, who may be the town clerk, to serve as clerk for a term of three years and until his or her 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 under Section 2-7 shall receive such salaries as may from time to time be provided for such office by ordinance.
- (d) Supervision - The council president shall be responsible for day-to-day supervision of the town auditor and clerk of the council, including but not limited to discipline of same up to and including an unpaid suspension of not more than five days; provided, however, that the council president may, at the council president's sole discretion, bring to the town council any personnel matter involving the town auditor or

**Commented [MW11]:** Another way to address potential Council capacity issues would be to include language in this section that lets the Council determine what administrative and analytical staffing support it needs.  
[Legislative capacity/balance of power]

clerk of the council for appropriate action, and provided further that a vote of the town council would be needed to remove the town auditor or clerk of the council.

**SECTION 2-8 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 sixty-four and in chapter one-hundred 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 authorization [except emergency ordinances as provided in section 2-9(a)], shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least five 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 ten column inches, 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 posted on the town website, 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 five 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 2-9 FILLING OF VACANCIES.**

- (a) If a vacancy shall occur in the office of council president, councillor-at-large or district councillor during the first twelve months of the term for which councillors are elected, the vacancy shall be filled by special election forthwith and no earlier than 64 days from the date election is called; provided however, by vote of not less than 6 councillors, the town council may instead vote to fill the vacancy from among the voters by appointment.
- (b) If a vacancy shall occur in the office of council president, councilor-at-large or district councillor during the second twelve months of the term for which councillors are elected, appointment by vote of not less than 6 councillors from among the voters; provided, however that if approved by a vote of not less than 6 councillors, a special election to fill the vacancy may instead be held forthwith on a date at least 64 days from the date the election is called.
- (c) If an acting town councillor appointed under paragraphs (a) or (b) is not elected to the office at the next town election, or if the position remains vacant, the person certified by the election commission as a successful candidate to the office shall forthwith be sworn and shall serve the remainder of the vacant term in addition to the term for which the person was elected.
- (d) An acting town councilor appointed by the town council under paragraphs (a) or (b) shall not be entitled to have the words "candidate for reelection" printed against that person's name on the ballot at the next election.

**[Potential new section]**

**Commented [MW12]:** The Committee could consider adding the requirement for an annual Town-wide public forum.  
[Communications/Transparency]

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 or her executive and administrative qualifications. The town manager shall be a person especially fitted by education, training and previous experience in municipal administration directly related to the profession of municipal management to perform the duties of the office.

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

The town manager shall devote his or her full time to the office and shall not hold any other public office, elected or appointed, nor shall the person serving as town manager engage in any other business, occupation or profession 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 or her 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) Supervise, direct and be responsible for the efficient administration of all town activities placed under his or her control by the charter, by ordinance, or otherwise, including all officers appointed by the manager and their respective agencies.
- 2) Be responsible for the coordination of the activities of all agencies under his or her 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) 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. Appointments made by the town manager shall be subject to confirmation of the town council, as provided by ordinance.
- 4) Administer personnel related matters, including bargaining with municipal employees, and shall fix the compensation of all municipal employees appointed by the manager within the limits established by appropriation and any ordinance or collective bargaining agreement.
- 5) 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 her, or by officers or employees subject to his

**Commented [MW13]:** With a few exceptions, this is a relatively standard version of the Town Manager article.

**Commented [MW14]:** Requiring residency would have the effect of significantly shrinking the pool of candidates for the position the next time the council is hiring. Preemptively offering a waiver raises the issue of why it's worth having the provision in the first place. The Committee could consider avoiding the issue entirely by striking this provision.  
[Other]

**Commented [MW15]:** The Committee could add additional language here to emphasize that the Town Manager is following the policy direction and long-term vision of the Council.  
[Legislative capacity/balance of power and Vision]

**Commented [MW16]:** This list does not include anything about external communications, transparency, etc. The Committee could add a new item to the list that includes those important duties.  
[Communications]

**Commented [MW17]:** The Committee could consider several options for broadening the range of voices sought for boards and committees:

- the Committee could consider adding text that the process of soliciting and vetting volunteers is spelled out in an ordinance;
- the Committee could consider the creation of a Resident Advisory Committee whose role is to assist the Town Manager in recruiting residents to volunteer for boards and committees, and to vet residents that seek out those positions; and/or
- the Committee could suggest creation of a "Community Participation Officer" position with a mission to attempt to engage the public more aggressively.

[Transparency/Communications/Responsiveness]

or her supervision, are faithfully carried out and enforced.

- 6) Prepare and submit an annual operating budget and a capital outlay program as provided in Article 5.
- 7) Assure that a full and complete record of the financial and administrative activities of the town is kept and shall render a complete written report to the town council at the end of each fiscal year and at such times as the town council may reasonably require.
- 7A) Execute contracts, subject to such prior town council approval as may be prescribed by ordinance.
- 8) Have full jurisdiction over the rental and use of all town facilities, except school and library buildings and grounds. The Town Manager 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) Inquire at any time into the conduct of office of any officer, employee, or department under his or her supervision.
- 10) Assure that a full and complete inventory of all property owned by the town, both real and personal, is kept.
- 11) Make such recommendations, from time to time, to the town council, which, in the manager's judgment, are deemed necessary or desirable
- 12) Authorize any subordinate officer or employee to exercise any power or perform any function which the town manager 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.
- 13A) Determine the existence of a public emergency or danger and shall assume responsibility for the maintenance of public safety, public order and enforcement of laws. The manager shall notify the council president as soon as practical, but within 24 hours, of such a public emergency or danger and of the actions taken. Should the public emergency continue more than 24 hours, the town council may meet to review, ratify, or terminate said public emergency.
- 13B) Execute all deeds conveying town real property, but that any such conveyance shall have been previously authorized by the vote of the town council pursuant to the applicable provisions of the General Laws.
- 13C) Publish an annual report comprising the complete statistical record of the operations of every town department, commission and committee for the preceding year, and it shall be published annually and made available for distribution to the public not later than four months after the end of the period on which the report is based.
- 14) 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 the manager so demands, the manager shall be given a written statement of the reasons alleged for the manager's 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 removal, but pending and during such hearing the town council may suspend the manager 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 the manager's 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 the office during 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 the manager's 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 four months; provided, however, one renewal, not to exceed a second four months, may be permitted.
- (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.

**SECTION 3-6 EVALUATION OF TOWN MANAGER.**

- (a) There shall be an annual review of the town manager's job performance conducted by town council.

**Commented [MW18]:** The Committee could provide the Council with the ability to construct a more detailed evaluation process by ordinance.  
[Legislative capacity/balance of power and Accountability]

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 business 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 appoint a superintendent of the schools and other employees consistent with the General Laws. The superintendent shall be charged with the day-to-day administration of the school system, subject to policy directives adopted by the school committee;
  - 2) To fix the salaries of those officers and employees as authorized by the General Laws, subject to appropriation and collective bargaining agreements, and to establish educational goals and policies consistent with the requirements of the General Laws and statewide goals and standards, including policies and procedures pursuant to a collective bargaining agreement; 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 which may include maintenance of school buildings and grounds.

- 4) Salary - The school committee may provide an annual salary for its members within the annual school department appropriation. No increase in such salary shall be effective, however, unless it shall have been adopted during the first eighteen months after the biennial election of members, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.
  - 5) Expenses - Subject to the school department appropriation, the members of the school committee shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.
- (e) Filling of Vacancies - (1) If a vacancy shall occur on the school committee during the first 24 months of

**Commented [MW19]:** Similar to the Council, this number could be increased, if the School Committee felt it would increase its capacity.  
[Other]

the term for which school committee members are elected, the vacancy shall be filled by special election held forthwith and no earlier than 64 days from the date the election is called; provided, however, that town council, by vote of not less than 6 councillors, may instead vote to have the vacancy filled by appointment by the remaining members of the school committee from among the voters. (2) If a vacancy shall occur on the school committee during the second 24 months of the term for which the school committee members are elected, the vacancy shall be filled forthwith by appointment by vote of the remaining members of the school committee from among the voters; provided, however, that if approved by not less than six town councilors within 14 days of the date the town council is notified of the vacancy, a special election to fill the vacancy may instead be held forthwith on a date at least 64 days from the date the election is called. The school committee may provide the town council with a non-binding recommendation concerning the manner of selection to be used to fill the vacancy. (3) If an acting school committee member appointed under paragraphs (1) or (2) is not elected to the office at the next town election, or if the position remains vacant, the person certified by the election commission as a successful candidate to the office shall forthwith be sworn and shall serve remainder of the vacant term in addition to the term for which the person is elected. (4) An acting school committee member appointed under paragraphs (1) or (2) shall not be entitled to have the words "candidate for reelection" printed against that person's name on the ballot at the next election.

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

#### 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 the terms of such gift, bequest or otherwise.

The board of trustees of the public library shall, subject to appropriation, have the following specific powers and duties:

To appoint a director of the library and to set the director's salary within the salary range set by the town manager.

- 1) The director shall be charged with the day-to-day administration of the library system including appointment, supervision and removal of all other employees connected with the library system, fixing their salaries, defining their duties, and making rules concerning their tenure of office, subject to policy directives adopted by the library trustees and the provisions of any applicable collective bargaining agreement.
- 2) To make all reasonable rules and regulations for the operation and management of the library system

**Commented [MW20]:** As discussed at an earlier meeting, the Committee could consider making Library Trustees appointed to increase the pool of potential interested residents.  
[Other]

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 -

- (1) If a vacancy shall occur on the board of library trustees during the first 24 months of the term for which library trustees are elected, the vacancy shall be filled by special election held forthwith and no earlier than 64 days from the date the election is called; provided however, that the town council, by a vote of not less than 6 councillors, may instead vote to have the vacancy filled by appointment by the remaining members of the board of library trustees and the council president from among the voters.
- (2) If a vacancy shall occur on the board of library trustees during the second 24 months of the term for which library trustees are elected, the vacancy shall be filled forthwith by appointment by vote of the remaining members of the board of library trustees and the council president from among the voters; provided, however, that if approved by not less than six town councilors within 14 days of the date the town council is notified of the vacancy, a special election to fill the vacancy may instead be held forthwith on a date at least 64 days from the date the election is called.
- (3) If an acting library trustee appointed under paragraphs (1) or (2) is not elected to the office at the next town election, or if the position remains vacant, the person certified by the election commission as a successful candidate to the office shall forthwith be sworn and shall serve the remainder of the vacant term for which the person was elected.
- (4) An acting library trustee appointed under paragraphs (1) or (2) shall not be entitled to have the words "candidate for reelection" printed against the person's name on the ballot at the next election.
- (d) Salary - The board of trustees may request an ordinance to 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 after the biennial election of members, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.
- (e) Expenses - Subject to appropriation, the members of the board of trustees shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

Article 5  
**FINANCIAL PROCEDURES**

**SECTION 5-1 BUDGET HEARING AND GOAL SETTING.**

The president of the town council shall call a meeting of the town council prior to the commencement of the budget process, but not later than October 30, to review the financial condition of the town, revenue and expenditure forecasts, and other information relevant to the budget process. The president also shall invite the town's state legislative delegation and representatives of the school committee and library board of trustees to attend this meeting. Subsequent to this meeting, the town council shall meet to set policy goals with input from the town manager and the community. Based on these goals, the town manager will develop budgetary goals and the town budget.

**SECTION 5-2 SUBMISSION OF BUDGET, MESSAGE.**

The town manager shall, within 14 days after the receipt of departmental budget proposals, but in no event later than January 31, prepare and submit to the town council a synopsis of all proposed budget initiatives and requests for additional funding for its review and prioritization. The synopsis shall include a summary of each initiative, its justification and its estimated costs. Councillors may also propose budget initiatives for review and prioritization. Any such proposal must include a summary, justification and estimate of costs. The town manager shall provide an estimate of projected revenues.

By the first regularly scheduled town council meeting in April, or a later date if approved by a vote of the town council, 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, in fiscal terms, in terms of work programs, and as to how the budget incorporates the policy goals established by the council. 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, show the amount budgeted and actually expended for the current fiscal year, 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 5-3 ACTION ON THE BUDGET.**

- (a) Public Hearing - The town council shall, within 14 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

**Commented [MW21]:** Other than what it is noted below, this is a fairly standard article on financial procedures.

**Commented [MW22]:** This is an important section, and there are multiple ways it could be improved, including:

- changing the title to make it more accurately reflect the substance (it's not a "budget hearing." It is neither a "hearing," nor about the "budget" per se);
- emphasizing that the public is invited to attend, not just elected officials; and
- most importantly, putting a much stronger emphasis on the goal-setting aspects here either by putting them first or by making them into a whole separate section, and by describing in more detail how they should be used.

[Legislative capacity/balance of power and Vision]

**Commented [MW23]:** At least in the text here, there is a step missing. The proposals and new initiatives all go to Council for their review, and then in the next step described, the Town Manager presents the budget. The Committee may want to consider adding a step in between to describe what the Council does with the new proposals and requests to transmit them to the Town Manager, before the Manager creates the budget. It is my understanding something like this may be happening in practice, but it would be good to codify in here as well.

[Legislative capacity/balance of power]



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.

The town council may add budget items or increase funding for existing budget items as generally described in sections 32 and 33 of chapter 44 of the General Laws for items not funded or insufficiently funded in the town manager's proposed budget.

**SECTION 5-4 INDEPENDENT AUDIT.**

The Town Council shall provide for an audit to be completed by a certified public accountant, or firm of such accountants not later than December 31st following the close of each fiscal year.

**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.

**Commented [MW24]:** The Committee might consider adding text to the section that ties the capital outlay program to the Council's goals.  
[Legislative capacity/balance of power and Vision]

Article 6

**ADMINISTRATIVE ORGANIZATION**

**Commented [MW25]:** This is a fairly standard version of this article that provides mechanisms for reorganization.

**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 the manager.

**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 ninetieth 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**

**Commented [MW26]:** This article is mostly standard text relating to elections and what are commonly called "citizen relief mechanisms" or "citizen participation mechanisms."

**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 chair of the town committee has not submitted such a list to the town manager within forty five days after a notification to the said chair 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 chair and a secretary. In case the members are unable to agree upon a chair 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 seventh Tuesday preceding every regular general town election there shall be a preliminary election

for the purpose of nominating candidates.

**SECTION 7-3 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 or her 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 CITIZEN PETITIONS TO COUNCIL OR SCHOOL COMMITTEE.**

The town council or the school committee shall hold a public hearing and act with respect to every citizen petition which is addressed to it, which petition shall not be required to take any particular form, and is signed by one-hundred-fifty voters, or more, and which seeks the passage of a measure concerning matters other than action under section 8-11(c). 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 percent 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 its' certificate 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 the 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 the town attorney, 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, the town attorney shall state the reasons in full in the 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 2-8(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-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, as determined and prepared by

the town attorney, in consultation with the town clerk.)

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) and (e) 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.

Form of Question - The question that shall appear on the ballot shall take the following form:

Shall the following measure enacted by the Town Council take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary of the measure, as determined and prepared by the town attorney in consultation with the town clerk)

YES \_\_\_\_\_

NO \_\_\_\_\_

**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.

**[New section]**

**Commented [MW27]:** The Committee could consider adding recall to the citizen relief mechanisms here, although it is more common and important for four-year terms than two-year terms.  
[Accountability]

DRAFT



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 complete review of the charter by the entire council and six additional voters 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, unless an extension is authorized by vote of the town council.

**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 posted on the town website 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 CODIFICATION OF ORDINANCES.**

The town council shall provide, in each year ending in two, for a complete review and recodification of all ordinances of the town for the purpose of determining if any amendments or revisions may be necessary or desirable and to ensure internal consistency. 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.

The town clerk shall annually review all ordinances adopted since the close of the previous fiscal year, insert them in their proper place in the code of ordinances, and publish them on the town's website.

**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 chair or by one third of the members thereof, by written which contains a list of the item or items to be acted upon. Except in case of an emergency such notice shall be posted on the town bulletin board at least forty-eight hours, excluding Saturdays, Sundays and legal holidays in advance of the time set for such meeting and delivered to members of such multi-member body, forthwith, after such posting.

**Commented [MW28]:** This is typically a catch-all chapter for provisions of wide applicability across the government.

**Commented [MW29]:** There was some mention during one of the discussions of increasing the tempo of the review. The project team does not recommend that. However, if the Committee thought that it would be useful to revisit the changes enacted as a result of this particular review sooner than 10 years, the Committee could recommend changing "zero" to something sooner. That would leave the review generally at 10 years but bring forward a next review a bit. Again, this really only makes sense if there are changes recommended that might benefit from a sooner review.  
[Other]

**Commented [MW30]:** This is unusual and potentially counter-productive. The Committee should consider altering the make-up of the next Charter Review Committee.  
[Other]

- (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, in the Watertown Free Public Library and posted on the town's website.
- (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.
- (e) Conflict of Interest - Unless such service may otherwise be authorized by law, no member of an elected multiple-member body shall, while holding such office, hold any other town office or employment for which a salary or other emolument is payable from the town treasury. No member of an elected multiple-member body shall hold any compensated appointed town office or employment until six months following the date on which the person's elected service to the town is 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 an elected member of a multiple member board.

Provided, however, that an elected member of the town council shall not be prohibited by the preceding paragraph from holding a position under the authority of the school committee; and further 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 the council president's place, and such councillor shall have all the powers and duties of the council president serving as a school committee member as set forth in section 4-1 of this charter.

**SECTION 8-7 NUMBER.**

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

**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.

**SECTION 8-11 PENALTIES FOR ELECTED OFFICIALS CONVICTED OF A FELONY.**

- (a) Definition - For the purposes of this section of the charter, "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or sentence or the suspension thereof.
- (b) Criminal Actions Involving Discharge of Official Duties - Notwithstanding any general or special law or charter provision to the contrary, any person convicted of any criminal offense involving a violation of the person's official duties in any elective office at the time of conviction shall be deemed to have vacated said office at the time of conviction.
- (c) Felony Conviction - Notwithstanding any general or special law or charter provision to the contrary, any person convicted of a felony in any jurisdiction of the United States, while holding elective office in the town of Watertown, who still holds such elective office at the time of conviction, may be subject to censure, permanent removal from any committee chairs held by virtue of the office, or expulsion by a two-thirds vote of the remaining members of the body of which the elected official is a member, and said body shall have authority to exclude said officer and to declare the office vacant.
- (d) Reversal of Conviction or Pardon - If the conviction is reversed or vacated and the term of such person has not yet expired, the elected official shall be restored to office with all its rights. If pardoned, the official shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon or by majority vote of the members of the body. If an elected official is restored to office in accordance with this section after a conviction is reversed or vacated, any person previously chosen to fill the vacancy created as a result of such prior conviction shall be deemed to have vacated the office at the time the conviction is reversed or vacated.

**[Potential new section]**

**Commented [MW31]:** Another potential way to address the vision challenges would be for there to be development of and periodic revisiting of a Town vision by a committee created for that purpose.  
[Vision]

Article 9

**TRANSITIONAL PROVISIONS**

**Commented [MW32]:** This Article was critical for the initial implementation of the charter but is now not relevant.

**SECTION 9-1 CONTINUATION OF EXISTING LAWS, ETC.**

All general laws, special laws, town ordinances, and rules and regulations of or pertaining to the town that are in force when any amendments to 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, following a charter amendment all town agencies shall continue to perform their duties until reselected, 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 as so provided.

**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 pursuant to a charter amendment, shall be transferred forthwith to such agency.

**SECTION 9-4 CONTINUATION OF PERSONNEL.**

Following a charter amendment affecting a particular town office, position or employment, any person holding such town office or position in the administrative service of the town, or any person holding full time employment under the town, shall subject to appropriation and the continued existence of such office, position or employment, retain the same and continue to perform the duties thereof until provision shall have been made for the performance of those duties by another person or agency unless sooner removed in accordance with this charter, applicable collective bargaining agreement, employment contract or ordinance; provided, however, no person in the permanent full time service of the town shall forfeit the employee's pay grade, or time in service of the town. Subject to appropriation and in accord with the provisions of any applicable collective bargaining agreement, 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 amended 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.

**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 or any amendment thereto; and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption or amendment of this charter.

**SECTION 9-6 TEMPORARY ADMINISTRATIVE CODE.**

- (a) 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.
- (i) The town manager shall appoint the following town officers who shall serve at his or her pleasure: a

town clerk, a town treasurer-collector, a personnel assistant, a superintendent of public works and an administrative assistant and other department heads or deputy town managers as may be authorized by the town council.

- (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, members of a council on aging and the staff of such council, an animal inspector and a veterans' services director.

Provided, however, that to the extent that any of these offices set forth in this section are no longer required, this section shall not be interpreted to require the town manager to make appointments thereto.

- (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 housing authority, a conservation commission, a board of health, and an election commission and other committees that may from time to time be authorized by the town council by ordinance.

With respect to the offices and multiple-member bodies identified in subsections 9-6(a)(iii) and 9-6(a)(iv), the town council may, by ordinance, set the term of office, and determine the size of any such multiple-member board; provided, however, that adoption of an ordinance hereunder shall not affect the term of any incumbent holding office at the time of the effective date of the ordinance.