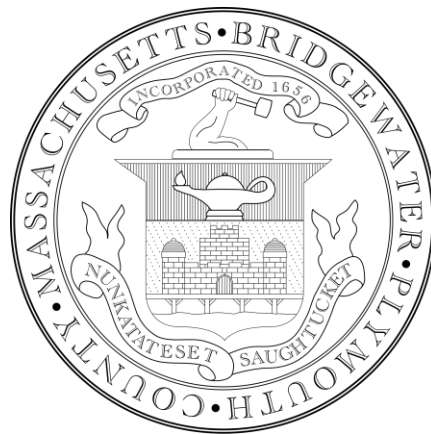


TOWN OF BRIDGEWATER

HOME RULE CHARTER



APPROVED ON APRIL 24TH, 2010



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ARTICLE 1 - INCORPORATION AND AUTHORITY

SECTION 1-1. INCORPORATION

The inhabitants of the town of Bridgewater, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Bridgewater." The town of Bridgewater shall constitutionally have a city form of government.

SECTION 1-2. SHORT TITLE

This instrument may be cited and shall be known as the Bridgewater home rule charter.

SECTION 1-3. DIVISION OF POWERS

All legislative powers of the town shall be exercised by a town council. The administration of all town fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager.

SECTION 1-4. POWERS OF THE TOWN

The intent and purpose of this charter is to secure for the voters of the town of Bridgewater, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the commonwealth.

SECTION 1-5. INTERPRETATION OF POWERS

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town, and the specific mention of a particular power is not intended to limit in any way the general powers of the town as enumerated in section 1-4.

SECTION 1-6. INTERGOVERNMENTAL RELATIONS

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

SECTION 1-7. TOWN SEAL AND TOWN FLAG

The town seal and town flag in existence at the time this charter is adopted, unless the town council shall adopt another seal or flag, shall continue to be the town seal and town flag and shall be kept in the custody of the elected town clerk. Papers or documents issued from any office or board of the town may be attested by use of the town seal. The town flag shall be displayed within the town council chambers.

SECTION 1-8. ETHICAL STANDARDS

Elected and appointed officers and employees of the town are expected to demonstrate the highest ethical standards, which shall be in compliance with all state and federal laws. Elected and appointed officers and employees are expected to recognize that they act as agents of the public, that they hold offices or positions for the benefit of the public, that the public interest is their primary concern and that they are expected to faithfully discharge the duties of their offices or positions regardless of personal considerations. Elected officers and employees shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or

exemption to themselves or to any other person beyond that which is available to every other person.

SECTION 1-9. DEFINITIONS

As used in the charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Administrative code”: A written description of the administrative organization of town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each town office, department and multiple member body consistent with this charter and applicable state law.

“Charter”: This charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution.

“Emergency”: A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

“Majority vote”: A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by the town council's own rules.

“Measure”, an ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the town council.

“Multiple member body”: Any board, commission or committee in the town.

“Town”, the body politic and corporate called the town of Bridgewater.

“Town agency or agency”, a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

“Town officer”: An individual who has been elected or appointed to exercise the functions of a town office for the benefit of the public. Town officers are distinguishable from employees in that they are required to take an oath of office and are appointed or elected to specified terms of office.

“Voters”, registered voters of the town

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1 **ARTICLE II - LEGISLATIVE BRANCH**

2 **SECTION 2-1. COMPOSITION; ELIGIBILITY; TERM OF OFFICE**

3 (a) Composition - There shall be a town council consisting of 9 members which shall exercise the
4 legislative powers of the town. Seven of these members, to be known as district councilors shall
5 be nominated and elected by and from the voters of the 7 districts into which the town is divided,
6 and 2 of the members, to be known as councilors-at-large, shall be nominated and elected by and
7 from the voters at large.

8 (b) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A district
9 councilor must be a voter and resident of the district in which election is sought. If a district
10 councilor or a councilor-at-large moves out of the town during the term for which elected, such
11 office shall immediately be deemed vacant and filled in the manner provided in section 2-5. If a
12 district councilor moves from the district from which the councilor is elected, or is removed by a
13 change in district lines, and more than 14 months remains of the term for which elected, the office
14 shall be deemed vacant and shall be filled in the manner provided in section 2-5. If less than 6
15 months of the term remains, the district councilor who remains a resident of the town may
16 continue to serve during the term for which elected.

17 (c) Term of Office - The term of office of district councilors and councilors-at-large shall be
18 staggered terms of 3 years each, beginning on the second Monday following election and
19 continuing until their successors are qualified.

20 **SECTION 2-2. GENERAL POWERS AND DUTIES**

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

24 **SECTION 2-3. COUNCIL PRESIDENT; ELECTION; ELIGIBILITY; TERM OF OFFICE;**
25 **POWERS AND DUTIES**

26 (a) Election - After the councilors-elect have been sworn, the town council shall be called
27 together by the elected town clerk for the purpose of conducting an election among town council
28 members for the office of town council president and vice-president to serve at the pleasure of the
29 town council. The president shall preside at all meetings of the town council and perform such
30 other functions as may be assigned by the charter, by ordinance or by vote of the town council.

31 (b) Term of Office - The term of the council president shall be for 1 year beginning on the second
32 Monday following election and continuing until a successor is qualified.

33 (c) Powers and Duties - The powers, duties and responsibilities of the council president shall
34 include, but not be limited to, the following:

35 (1) The council president shall preside at all meetings of the town council, regulate its

36 proceedings and shall decide all questions of order.

37 (2) The council president shall have the same powers to vote upon all measures coming before the
38 town council as any other member of the town council, but shall have no veto power.

39 (3) The council president shall be recognized as the official head of the town for all ceremonial
40 purposes and the council president, or his designee, shall represent the town in its relations with
41 other units of government.

42 (4) In time of public danger or emergency the council president may, subject to the review of the
43 action by the town council, temporarily exercise the town council's supervisory powers over the
44 town manager, but such delegation shall not exceed 7 days unless the town council votes to
45 extend the temporary powers not to exceed another 7 days. The town council may extend the
46 period of delegation by successive extensions of not more than 7 days each.

47 (5) The council president in conjunction with the town manager shall prepare and deliver a yearly
48 state of the town message to the town council and citizens of the town describing the state of the
49 town. The message will address the financial state of the town, strengths of the town and areas
50 that need attention, as well as potential opportunities for the betterment of the town. The state of
51 the town message should also set the agenda and goals for the town council and town manager for
52 the ensuing year.

53 (6) The council president shall call no less than 2 meetings of the general public each fiscal year
54 for the purpose of obtaining public input to the policies of the town. The meeting agenda and
55 format shall be determined by the town council but shall be designed to obtain public input to the
56 policies of the town. Members of the public may submit potential items for the agenda of the
57 meetings in accordance with rules adopted by the town council. The public shall be given at least
58 14 days notice of the date and time of such meetings. The notices shall be published in a
59 newspaper of general circulation within the town and posted on the town bulletin board. The town
60 council may provide for additional venues for such postings.

61 **SECTION 2-4. COUNCIL VICE PRESIDENT**

62 The town council shall elect from among its members a council vice president who shall act as
63 council president during the absence or disability of the council president and, if a vacancy
64 occurs, shall become acting council president until a successor is qualified. The powers of an
65 acting council president shall be limited to only those powers of the office indispensably essential
66 to the performance of the duties of the office during the period of the temporary absence or
67 disability and no others.

68 **SECTION 2-5. FILLING OF VACANCIES**

69 (a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large during the first 18
70 months of the term for which a councilor was elected, the vacancy shall be filled in descending
71 order of votes received by the candidate for the office of councilor-at-large at the preceding town
72 election who received the largest number of votes without being elected, provided such person
73 remains eligible and willing to serve and provided such person received votes at least equal to 30

74 per cent of the vote total received by the person receiving the largest number of votes for the
75 office of councilor-at-large at the election. The elected town clerk shall certify such candidate to
76 the office of councilor-at-large to serve for the balance of the then unexpired term. If a vacancy
77 occurs in the office of councilor-at-large during the last 6 months of the term for the councilor-at-
78 large was elected, the vacancy shall be filled by the person at the most recent annual town
79 election who received the highest number of votes for the office of councilor-at-large and who is
80 not then serving as a member of the town council. The person shall be certified by the town clerk
81 and shall serve for the remaining months of the term which the person was elected.

82 (b) District Councilor - If a vacancy occurs in the office of district councilor it shall be filled in
83 the same manner as provided in subsection (a) of section 2-5 for the office of councilor-at-large
84 except that the list shall be of the candidates for the office of district councilor in the district in
85 which the vacancy occurs; provided, however, that if there is no candidate on the list who remains
86 eligible and willing to serve, the next highest ranking candidate from among the candidates for
87 election to the council-at-large who is a resident of the district in which the vacancy exists shall
88 be certified and shall serve until the next regular election provided the candidate remains a
89 resident of the district, is willing to serve as a district councilor and received votes in the district
90 at least equal to 30 per cent of the vote total received by the person receiving the largest number
91 of votes for the office of district councilor at the election. The elected town clerk shall certify
92 such candidate to the office of district councilor to serve for the balance of the then unexpired
93 term.

94 (c) Filling of Vacancies By Town Council - If a vacancy occurs in the office of councilor-at large
95 or district councilor and there is no available candidate to fill the vacancy in the manner provided
96 in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining members of
97 the town council. To be eligible for election by the town council, a person shall be a registered
98 voter of the town and, in the case of a district councilor, a resident of such district Persons elected
99 to fill a vacancy by the town council shall serve only until the next regular election, or if so
100 decided, a special election, at which time the vacancy shall be filled by the voters and the person
101 chosen to fill the vacancy shall be sworn and shall serve for the remainder of the unexpired term.
102 Persons serving as town councilors under this section shall not be entitled to have the words
103 “candidate for re-election” printed against their names on the election ballot.

104 **SECTION 2-6. EXERCISE OF POWERS; QUORUM; RULES OF PROCEDURE**

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

107 (b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of
108 business. Except as otherwise provided by-law or this charter, the affirmative vote of 5 members
109 shall be required to adopt any ordinance or appropriation order.

110 (c) Rules of Procedure - The town council shall from time to time establish written rules for its
111 proceedings. The rules shall be available for public inspection at the office of the elected town
112 clerk and copies of the rules shall be available in the office of the town council during regular and
113 special meetings of the town council. Regular meetings of the town council shall be held at a time

114 and place fixed by ordinance but shall be at least monthly. Special meetings may be held on the
115 call of the president of the town council, or on the call of 3 or more members, by written notice
116 delivered to each member of the town council by the elected town clerk at least 48 hours before
117 the time set. Except as otherwise authorized by a general or special law all sessions of the town
118 council shall be open to the public. Every matter coming before the town council for action shall
119 be put to a vote, the result of which shall be duly recorded. All town council votes on ordinances,
120 appropriation orders or loan authorizations shall be taken by roll call vote, and shall be duly
121 recorded by the clerk of the council. A full, accurate, and up-to-date record of the proceedings of
122 the town council shall be kept and shall be open to inspection by the public. All meetings of the
123 town council shall provide for a period of public comment. Regular meetings of the town council
124 shall provide for a period of public comment, provided however, that the town council may
125 promulgate rules that regulate such period of public comment as deemed appropriate.

126 (1) Any council member may, from time to time, submit to the town council proposed town
127 policies, goals and other objectives for its consideration. The town council may amend, modify or
128 reject any proposal submitted by the council president before adopting the same in its final form.
129 Nothing in this subsection shall preclude any member of the town council from recommending
130 town policies, goals and other objectives to the town council.

131 (2) The town council shall be responsible for ensuring that the charter, the laws, the ordinances
132 and other plans, policies and orders for the government of the town are properly implemented and
133 enforced.

134 (3) The town council shall not direct or request the appointment or employment of any person, or
135 the removal of any person, or in any manner attempt to participate in the appointment or removal
136 of a person in the administrative service of the town for which the town manager is responsible.

137 (4) The town council shall deal with the officers and employees serving under the town manager
138 solely through the town manager and the council president shall not give any orders or directions
139 to any such officer or employee, either publicly or privately.

140 (5) The town council shall perform such other duties consistent with the office as may be
141 provided by charter or by ordinance.

142 **SECTION 2-7. MEASURES; EMERGENCY MEASURES; CHARTER OBJECTION**

143 (a) Measures - No measure shall be passed finally on the date on which it is introduced, except in
144 the case of an emergency. Except as otherwise provided by the charter, every adopted measure
145 shall become effective at the expiration of 30 days after adoption or at any later date specified
146 therein. Measures not subject to referendum, as defined in section 8-4, shall become effective
147 upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted
148 in accordance with the charter or as provided in the initiative and referendum procedures.

149 (b) Emergency Measures - An emergency measure shall be introduced in the form and manner
150 prescribed for measures generally except that it shall be plainly designated as an emergency
151 measure and shall contain statements after the enacting clause declaring that an emergency exists

152 and describing its scope and nature in clear and specific terms. A preamble which declares and
153 defines the emergency shall be separately voted on and shall require the affirmative vote of two
154 thirds of the town council. An emergency measure may be passed with or without amendment or
155 rejected at the meeting at which it is introduced. No measure making a grant, renewal or
156 extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an
157 emergency measure, and except as provided by any general or special law, no such grant, renewal
158 or extension shall be made otherwise than by ordinance. After its adoption, an emergency
159 measure shall be published as prescribed for other adopted measures. An emergency measure
160 shall become effective upon adoption or at such later time as it may specify.

161 (c) Charter Objection - On the first occasion that the question on adoption of a measure is put to
162 the town council, if a single member objects to the taking of the vote, the vote shall be postponed
163 until the next meeting of the town council whether regular or special. If 2 members shall object,
164 such postponement shall be until the next regular meeting; provided, however, that for a
165 postponement of an emergency measure at least 4 members, in all, must object, and the
166 postponement shall be until the next regular meeting. This procedure shall not be used more than
167 once for any matter bearing a single docket number notwithstanding any amendment to the
168 original matter. Before taking a vote on any measure the council president or councilor acting as
169 the presiding officer shall ask if there is a charter objection to the measure. A charter objection
170 shall have privilege over all motions but must be raised prior to or at the call for a vote by the
171 presiding officer and all debate shall cease.

172 **SECTION 2-8. COUNCIL STAFF**

173 The town council may employ such staff and experts as are necessary to conduct the business of
174 the town council. The town council shall set the salaries of such staff.

175 The town council shall appoint an officer of the town who shall have the title of council clerk.
176 The council clerk shall give notice of town council meetings to its members and the public, keep
177 the journal of its proceedings and perform such other duties as are assigned by this charter, by the
178 town council or by general or special law.

179 **SECTION 2-9. PUBLICATION REQUIREMENTS**

180 Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and
181 revenue loan orders, shall be published once in full in at least 1 newspaper of general circulation
182 within the town, and in any additional manner that may be provided by ordinance, at least 10 days
183 before its final passage; provided, however, that if any ordinance or proposed ordinance or
184 codification of ordinances or proposed ordinances, shall exceed 8 octavo pages of ordinary book
185 print, then, in lieu of the advertising required by this section, the same may be published by the
186 town council in a municipal bulletin or printed pamphlet, and if so published in full at least 10
187 days before its final passage, the publication shall be deemed sufficient without the newspaper
188 publication as herein required.

189 **SECTION 2-10. DELEGATION OF POWERS**

190 The town council may delegate to 1 or more town agencies, the powers vested in the town council
191 by general or special law to grant and issue licenses and permits and may regulate the granting
192 and issuing of licenses and permits by any such town agency, and may in its discretion, rescind
193 any such delegation without prejudice to any prior action which has been taken.

194 **SECTION 2-11. INQUIRIES AND INVESTIGATIONS**

195 The town council may require any town officer or member of a board or commission to appear
196 before it and give such information as it may require in relation to an office held by such person,
197 its function and performance. The town council shall give at least 48 hours written notice of the
198 general scope of the inquiry to any person it requires to appear before it under this section. The
199 town council may make investigation into the affairs of the town and into the conduct of any
200 town agency, and for this purpose may subpoena witnesses, administer oaths and require the
201 production of evidence. The town council shall adopt rules of procedure to conduct the
202 investigations.

203 **SECTION 2-12. PROHIBITIONS; TERM LIMITS**

204 (a) Prohibitions - No councilor shall, while a member of the town council, hold any other town
205 office or position. Elected charter commission membership shall not be considered to be a town
206 office or position. No former councilor shall hold any compensated appointive town office or
207 town employment until 1 year after the expiration of his service on the town council. This
208 provision shall not prevent a town officer or employee who has taken a leave of absence from
209 such duties in order to serve as a member of the town council from returning to such office or
210 employment following service as a member of the town council. Any councilor who has been
211 finally convicted of a criminal offense involving misconduct in any elective or appointive public
212 office, trust or employment at any time held by him shall be deemed to have vacated office and
213 shall not be eligible to serve in any other elective or appointive office or position in the town.

214 (b) Term Limits - No person shall be eligible to be elected as a member of the town council if, at
215 any point during the term of office for which the person may be elected, the service of the eligible
216 person would exceed 12 consecutive years on the town council.

217 **SECTION 2-13. COMPENSATION; EXPENSES**

218 (a) Salary - The town council shall serve without compensation.

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

1 **ARTICLE III - ELECTED OFFICIALS**

2 **SECTION 3-1. GENERAL PROVISIONS**

3 The offices to be filled by ballot of the voters of the entire town shall be town council, regional
4 school committee, an elected town clerk, a board of library trustees and members of regional
5 authorities or districts as may be established by general or special law, intergovernmental
6 agreement or otherwise. All other offices, boards, committees and agencies shall be appointed by
7 the town manager as defined in section 4-3 and as detailed in the administrative code.

8 Any voter shall be eligible to hold any elective town office; provided, however, that to be eligible
9 a person shall not simultaneously hold any other elected or appointed town office or be employed
10 by the town or the Bridgewater-Raynham regional school district in any capacity.

11 The regular town election of town officers shall be held annually on the Saturday preceding the
12 last Monday in April.

13 Notwithstanding their election by the voters, the town officers named in this section shall be
14 subject to the call of the town council or the town manager, at all reasonable times, for
15 consultation, conference and discussion on any matter relating to their respective offices.

16 **SECTION 3-2. LIBRARY TRUSTEES**

17 (a) Composition, Election - There shall be a board of library trustees composed of 9 members, all
18 elected by and from the voters at large.

19 (b) Term of Office - The terms of library trustee members shall be for 3 years beginning on the
20 second Monday following election and continuing until a successor is qualified.

21 (c) Powers and Duties - The library trustees shall insure that members of the Bridgewater
22 community have the right and means to free and open access to information and ideas. The
23 library protects intellectual freedom, promotes literacy and encourages life-long learning.

24 (d) Filling of Vacancies - If a vacancy occurs in the membership of the library trustees whether
25 by failure to elect or otherwise, the library trustees have 30 days from the date the vacancy is
26 declared to exist by the town clerk under section 109 of chapter 41 of the General Laws, to act to
27 appoint a person to fill the vacancy. The appointments will be approved by the town council. If
28 the vacancy is not filled within 30 days after the vacancy is declared to exist, the appointment will
29 defer to the town council. The appointee will serve for the balance of the unexpired term. A
30 person so chosen shall be sworn and commence to serve forthwith. Library trustees or town
31 council shall give consideration to whichever of the defeated candidates for the seat in which the
32 vacancy is declared to exist received the highest number of votes at the last regular town election
33 immediately preceding the date the vacancy is declared to exist.

34 **SECTION 3-4. TOWN CLERK**

35 (a) Composition, Election - A town clerk shall be elected by and from the voters at large.

36 (b) Term of Office - The term of office for a town clerk shall be for 3 years beginning on the
37 second Monday following election and continuing until a successor is qualified.

38 (c) Powers and Duties - The town clerk shall: (1) be the keeper of vital statistics of the town; (2)
39 be the custodian of the town seal and of all records of the town; (3) administer the oath of office
40 to all town officers; (4) issue licenses and permits as may be provided by-law and (5) be
41 responsible for the conduct of elections and all matters relating thereto. The town clerk shall have
42 the powers and duties provided under any general or special law, the charter, ordinance or other
43 town council vote.

1 **ARTICLE IV - TOWN MANAGER**

2 **SECTION 4-1. APPOINTMENT, QUALIFICATIONS, TERM OF OFFICE**

3 The town council shall appoint by a majority vote of the full town council, a town manager. The
4 town manager shall be a person of proven administrative ability, especially qualified by education
5 and training with prior experience as a city or town manager or an assistant city or town manager
6 or the equivalent public or private sector level experience. The town council may from time to
7 time establish additional qualifications as deemed necessary and appropriate. The town manager
8 shall devote full-time to the duties of the office and shall not hold any other elective or appointive
9 office in the town, nor shall the town manager engage in other business unless such business is
10 approved in advance by a majority vote in public session of the town council. The town manager
11 need not be a resident of the town, but must be a United States citizen.

12 **SECTION 4-2. ADMINISTRATIVE POWERS AND DUTIES**

13 (A)The town manager shall be the chief administrative officer of the town and shall be
14 responsible to the town council for the proper operation of town affairs for which the town
15 manager is given responsibility under this charter. The powers, duties and responsibilities of the
16 town manager shall apply to all municipal departments excluding the Bridgewater Raynham
17 Regional School District, and shall include, but shall not be limited to, the following:

18 (1) to supervise, direct and be responsible for the efficient administration of all officers appointed
19 by the town manager and their respective departments and of all functions for which the town
20 manager is given responsibility under this charter, by ordinance or by vote of the town council;

21 (a) With the consent of town council, the town manager may serve as the head of 1 or more
22 departments, offices or agencies or may appoint 1 person as the head of 2 or more of them;

23 (2) to administer either directly or through a person supervised by the town manager, in
24 accordance with this charter, all provisions of any general or special law applicable to the town,
25 all ordinances and all regulations established by the town council;

26 (3) to coordinate all activities of town departments or appointed boards, committees or agencies;

27 (4) to provide consultative services to elected boards, committees or agencies;

28 (5) to attend all regular and special meetings of the town council, unless excused, and answer all
29 questions addressed to the town manager which are related to matters under the general
30 supervision of the town manager;

31 (6) to have the right to take part in discussions of the town council, but not vote;

32 (7) to keep the town council fully informed as to the needs of the town, and to recommend to the
33 town council for adoption, such measures requiring action by them as the town manager deems
34 necessary or expedient;

- 35 (8) to make recommendations to the town council concerning the affairs of the town and facilitate
36 the work of the town council in developing policy;
- 37 (9) to ensure that complete and full records of the financial and administrative activity of the town
38 are maintained and to render reports to the town council and finance committee as may be
39 required;
- 40 (10) to be responsible for the rental, use, maintenance and repair of all town facilities;
- 41 (11) to be responsible for the purchase of all supplies, materials and equipment and approve the
42 award of all contracts;
- 43 (12) to develop and maintain a full and complete inventory of all town-owned real and personal
44 property;
- 45 (13) to administer personnel policies, practices or rules and regulations, any compensation plan
46 and related matters for all town employees and to administer all collective bargaining agreements
47 entered into by the town;
- 48 (14) to fix the compensation of all town employees and officers appointed by the town manager
49 within the limits established by appropriation and applicable compensation plan;
- 50 (15) to be responsible for the negotiation of all contracts with town employees over wages, and
51 other terms and conditions of employment. The town manager may employ special counsel to
52 assist in the performance of these duties. Insofar as they require appropriations, contracts shall be
53 subject to the approval of the town council.
- 54 (16) to prepare and submit an annual operating budget, capital improvement program and a long
55 term financial forecast as provided in Article VI;
- 56 (17) to ensure that the council president is kept fully informed of and fully involved in the town's
57 emergency preparedness planning and preparation;
- 58 (18) to keep the town council fully informed as to the financial condition of the town and to make
59 recommendations to the town council as the town manager determines necessary or expedient;
- 60 (19) to assist the town council to develop long-term goals for the town and strategies to
61 implement these goals;
- 62 (20) to investigate or inquire into the affairs of any town department, agency or office;
- 63 (21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power,
64 duty or responsibility which the office of town manager may exercise; provided, however, that all
65 acts that are performed under the delegation shall be considered to be the acts of the town
66 manager;
- 67 (22) to perform such other duties as necessary or as may be assigned by this charter, by ordinance
68 or by vote of the town council;

- 69 (23) to provide staff support services for the council president and town council members;
- 70 (24) to serve as the town’s liaison to any regional entity of which the town is a member and to
71 explore opportunities for intergovernmental cooperation;
- 72 (25) to promote partnerships among town council, staff, citizens and businesses in developing
73 public policy and building a sense of community; and
- 74 (26) to hold regular informational sessions with departments and community-based organizations.

75 **SECTION 4-3. POWERS OF APPOINTMENT**

76 (a) Department Heads - Except as otherwise provided by this charter, the town manager shall
77 appoint, based upon merit and fitness alone, all department heads. All appointments of
78 department heads, as defined within the administrative code, shall be subject to the ratification of
79 the town council. The town manager shall also appoint officers, subordinates and employees for
80 whom no other method of selection is provided in this charter; provided, however, that the town
81 manager shall not appoint employees of the regional school district and persons serving under
82 officers elected directly by the voters of Bridgewater. In accordance with the procedures set forth
83 in section 5-2, the town manager may be required to consult with or engage in a joint recruitment
84 and selection process with multiple member bodies, before the appointment of department heads
85 or employees who perform tasks under the jurisdiction of the multiple member bodies.

86 (b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the town
87 manager shall appoint all boards, committees and agencies. Members of all appointed boards and
88 committees shall be residents of the town. All appointments of boards, committees and agencies,
89 as defined within the administrative code, shall be subject to the ratification of the town council.
90 The town manager shall form a citizen’s advisory committee to help in evaluating and selecting
91 those individuals for appointment. The number and terms of office of the committee shall be
92 established by ordinance.

93 **SECTION 4-4. POWERS OF SUSPENSION, REMOVAL**

94 The town manager shall have the authority to suspend or remove department heads and
95 appointive administrative officers provided for by or under this charter, except as otherwise
96 provided by-law, collective bargaining agreements, this charter or personnel rules adopted
97 pursuant to this charter. The town manager may authorize an administrative officer subject to the
98 manager's direction and supervision to exercise these powers with respect to subordinates in that
99 officer's department, office or agency.

100 **SECTION 4-5. COMPENSATION**

101 The town manager shall receive such compensation for services as the town council shall
102 determine, but such compensation shall be within the limits of available appropriations.

103 **SECTION 4-6. VACANCY IN OFFICE**

104 A vacancy in the office of town manager shall be filled as soon as possible by the town council.
105 Pending appointment of the town manager or the filling of any vacancy, the town council shall

106 forthwith appoint some other qualified person to perform the duties of the town manager. The
107 appointment of the acting town manager shall be for a term not to exceed 3 months; provided,
108 however, that a renewal, not to exceed an additional 3 months may be provided.

109 **SECTION 4-7. TEMPORARY ABSENCE**

110 The town manager shall designate by letter filed with the town council and elected town clerk, a
111 qualified officer of the town to perform the duties of the town manager during a temporary
112 absence or disability. The town council may not revoke such designation until at least 14 days
113 have elapsed whereupon it may appoint such other person to perform the duties of the town
114 manager. In the event of failure of the town manager to make such designation or if the person so
115 designated is for any reason unable to serve, or is deemed not qualified by the town council, the
116 town council may designate some other qualified person to perform the duties of the town
117 manager until the town manager returns.

118 **SECTION 4-8. REMOVAL OF TOWN MANAGER**

119 The town council, by affirmative vote of a majority of the full town council, may vote to
120 terminate, remove or suspend the town manager from office in accordance with the following
121 procedure:

122 Before removal or termination the town council shall adopt a preliminary resolution of removal
123 by the affirmative vote of a majority of the full town council. The preliminary resolution may
124 suspend the town manager for a period not to exceed 30 days. A copy of the resolution shall be
125 delivered to the town manager forthwith. If so requested by the town manager, the town council
126 shall provide a written statement setting forth the reasons for the removal or termination. Within 5
127 days after the receipt of the preliminary resolution, the town manager may request a public
128 hearing by filing a written request for such hearing with the town council. If such a hearing is
129 requested, the hearing shall be held at a meeting of the town council not later than 20 days from
130 the date of request. At such hearing the town manager shall be entitled to address the town
131 council and make comments related to the preliminary resolution. If a public hearing has not been
132 requested by the town manager, the town council may adopt a final resolution of removal, which
133 may be effective immediately, by the affirmative vote of a majority of the full town council at any
134 time after 10 days following the date of delivery of a copy of the preliminary resolution to the
135 town manager. If the town manager requests a public hearing, the town council may, at the
136 conclusion of the hearing or within 5 days of the conclusion of the hearing, adopt a final
137 resolution of removal by an affirmative vote of majority of the full town council. The town
138 council may suspend by an affirmative vote of the majority of the full town council, the town
139 manager pending and during any public hearing as requested by the town manager. The town
140 manager shall continue to receive a salary until the final date of removal becomes effective unless
141 provided otherwise. The action of the town council in terminating, removing or suspending the
142 town manager shall be final.

143 **SECTION 4-9. ANNUAL REVIEW OF THE TOWN MANAGER**

144 Annually, the council president shall cause the town council to prepare and deliver to the town
145 manager a written evaluation of the town manager's performance. The evaluation shall be
146 conducted in accordance with any applicable general or special law

147 .

1 **ARTICLE V - ADMINISTRATIVE ORGANIZATION**

2 **SECTION 5-1. ORGANIZATION OF TOWN AGENCIES; ADOPTION OF**
3 **ADMINISTRATIVE CODE**

4 The organization of the town into operating agencies for the provision of services and the
5 administration of government may, under charter powers granted in section 20 of chapter 43B of
6 the General Laws, be accomplished through either of 2 methods provided in this section. For the
7 convenience of the public, the administrative code and any amendments thereto shall be printed
8 as an appendix to, but not an integral part, of the ordinances of the town.

9 (a) Ordinance - Subject only to the express prohibitions in any general or special law or the
10 provisions of this charter, the town council may by ordinance, reorganize, consolidate, create,
11 merge, divide or abolish any town agency, in whole or in part, establish such new town agencies
12 as it deems necessary or advisable, determine the manner of selection, the term of office and
13 prescribe the functions of all such agencies.

14 (b) Executive Reorganizations - The town manager may from time to time prepare and submit to
15 the town council a plan of organization or reorganization which establishes operating divisions
16 for the orderly, efficient or convenient conduct of business of the town. Whenever the town
17 manager prepares such plan, the town manager shall hold 1 or more public hearings on the
18 proposal giving notice by publication in a local newspaper, which notice shall describe the scope
19 of the proposal and the time and place at which the public hearing will be held, not less than 7 nor
20 more than 14 days following the date of the publication. Following the public hearing, the
21 proposal, which may be amended by the town manager subsequent to the public hearing, shall be
22 submitted to the town council. An organization or reorganization plan shall become effective at
23 the expiration of the 60 days following the date of submission of the proposal to the town council
24 unless the town council shall, by a majority vote, vote to disapprove the plan. The town council
25 may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed
26 in order. The town manager may propose reorganization plans and subject only to express
27 prohibitions of any general or special law or this charter, reorganize, consolidate or abolish in
28 whole or in part town agencies or establish such new town agencies as is deemed necessary to the
29 same extent as is provided in subsection (a), for ordinances; and for such purpose may transfer
30 the duties and powers and so far as is consistent with the use for which the funds were voted by
31 the town council, transfer the appropriation of 1 town agency to another. Whenever a
32 reorganization proposal becomes effective, whether under the provisions of subsection (a) or (b),
33 no proposal to again reorganize which deals with substantially the same subject matter shall be
34 acted upon within 18 months following the first reorganization, except on the petition of the town
35 manager.

36 **SECTION 5-2. PERSONNEL ADMINISTRATION**

37 The town manager shall adopt rules and regulations establishing a personnel system. The
38 personnel system shall make use of modern concepts of personnel management and may include,
39 but not be limited to, the following elements:

- 40 (1) a method of administration;
- 41 (2) personnel policies indicating the rights, obligations and benefits of employees;
- 42 (3) a classification plan;
- 43 (4) a compensation plan;
- 44 (5) a method of recruiting and selecting employees based upon merit principles;
- 45 (6) a centralized record keeping system;
- 46 (7) a merit based performance evaluation system;
- 47 (8) disciplinary procedures; and
- 48 (9) other elements that are determined necessary.

49 All town agencies and positions shall be subject to the rules and regulations adopted under this
50 section; provided, however, that this shall not include employees of the regional school
51 department.

52 Department heads shall have the authority to appoint, suspend and remove based upon merit and
53 fitness alone all department subordinates and employees, except as otherwise provided by-law,
54 collective bargaining agreements, this charter or personnel rules adopted under this charter.

55 Employees of the regional school department and persons serving under officers elected directly
56 by the voters of the town are excluded.

57 **SECTION 5-3. TOWN ATTORNEY**

58 (a) Appointment - There shall be a legal officer of the town appointed by the town manager
59 subject to confirmation by the town council.

60 (b) Role - The legal officer shall serve as chief legal adviser to the town council, the town
61 manager and all town departments, offices and agencies, shall represent the town in all legal
62 proceedings and shall perform other duties prescribed by any general or special law, by this
63 charter or by ordinance.

1 **ARTICLE VI - FINANCIAL MANAGEMENT**

2 **SECTION 6-1. ANNUAL BUDGET POLICY**

3 The council president shall call a joint meeting of the town council, the regional school
4 committee chairman, or his designee, the finance committee, the town manager and any other
5 committee established for the budget process, before the commencement of the budget process to
6 review the financial condition of the town, revenue and expenditure forecasts and other relevant
7 information in order to develop a coordinated budget.

8 The fiscal year of the town shall begin annually on the first day of July and end on the last day of
9 June.

10 **SECTION 6-2. SUBMISSION OF BUDGET; BUDGET MESSAGE**

11 Within the period prescribed by any general or special law and the regional school district
12 agreement, the town manager shall submit to the town council a proposed operating budget for all
13 town agencies. The budget message submitted by the town manager shall explain the budget in
14 fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed
15 fiscal policies of the town for the ensuing fiscal year and shall describe important features of the
16 proposed budget and indicate any major variations from the current budget, fiscal policies,
17 expenditures and revenues together with reasons for such change. The proposed budget shall
18 provide a complete fiscal plan of all town funds and activities and shall be in the form the town
19 manager deems desirable.

20 The regional school district proposed budget, as adopted by the school committee for the ensuing
21 fiscal year, with an accompanying budget message and supporting documents will be presented to
22 the town council by the town manager.

23 On a date as determined from time to time by ordinance, but not later than February 1st of each
24 year, the town manager shall submit to the town council a preliminary budget for the ensuing
25 fiscal year and an accompanying message. The final budget should be submitted by the first town
26 council meeting in April, unless the town manager shall request an extension of time. The
27 extension may be granted at the discretion of the town council, but must provide for a reasonable
28 and timely review of the proposed budget.

29 (a) Budget - The budget shall provide a complete financial plan of all town funds and activities
30 for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form as
31 the town manager deems desirable or the town council may require for effective management and
32 an understanding of the relationship between the budget and the town's strategic goals. The
33 budget shall be realistic and based on a forecast of those scenarios most likely to occur in the
34 coming year. The budget shall begin with a clear general summary of its contents, shall show in
35 detail all estimated income, indicating the proposed property tax levy and all proposed
36 expenditures, including debt service, for the ensuing fiscal year and shall show comparative
37 figures for actual and estimated income and expenditures of the current fiscal year and actual
38 income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

39 (1) The proposed goals and expenditures for current operations during the ensuing fiscal year,
40 detailed for each fund by department or by other organization unit, and program, purpose or
41 activity, method of financing such expenditures and methods to measure outcomes and
42 performance related to the goals;

43 (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed
44 for each fund by department or by other organization unit when practical, the proposed method of
45 financing each such capital expenditure and methods to measure outcomes and performance
46 related to the goals; and

47 (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for
48 each utility or other enterprise fund or internal service fund operated by the town and methods to
49 measure outcomes and performance related to the goals; provided, however, that for any fund, the
50 total of proposed expenditures shall not exceed the total of estimated income plus carried forward
51 fund balance exclusive of reserves.

52 (b) Budget Message - The town manager's message shall explain the budget both in fiscal terms
53 and in terms of the work programs, linking those programs to organizational goals and
54 community priorities. It shall outline the proposed financial policies of the town for the ensuing
55 fiscal year and the impact of those policies on future years. It shall describe the important features
56 of the budget, indicate any major changes from the current year in financial policies, expenditures
57 and revenues together with the reasons for such changes, summarize the town's debt position,
58 including factors affecting the ability to raise resources through debt issues and include such other
59 material as the town manager deems desirable.

60 **SECTION 6-3. ACTION OF THE BUDGET**

61 (a) Public Hearing - The town council shall publish in a newspaper of general circulation in the
62 town, a summary of the proposed operating budget as submitted by the town manager by a notice
63 stating: (1) the times and places where copies of the entire proposed budget are available for
64 inspection by the public; and (2) the date, time and place not less than 14 days after the
65 publication, when a public hearing on the proposed budget will be held by the town council. For
66 the purpose of this section, the summary of the proposed operating budget that is required to be
67 published shall contain proposed appropriations, funding sources and any narrative summary
68 deemed necessary by the town council. The proposed budget will be published on the town's
69 website not less than 14 days before the date of the public hearing.

70 (b) Adoption of the Budget – The town council shall adopt the budget, with or without
71 amendments, within 45 days following the date the budget is filed with the clerk of the town
72 council. In amending the budget, the town council may delete or decrease any programs or
73 amounts except expenditures required by-law or for debt service. The town council shall not
74 increase any line item without a corresponding decrease in an identified line item and the total
75 proposed budget may not be increased from what was proposed unless otherwise authorized by
76 any general or special law. If the town council fails to take action with respect to any item in the
77 budget within 45 days after receipt of the budget, the amount shall, without any action by the
78 town council become a part of the appropriations for the year and be available for the purposes

79 specified. The adopted budget will be published on the town’s website not less than 14 days after
80 adoption.

81 (c) Budget to Actual Assessments - The town manager shall conduct a mid-year budget to actual
82 comparison, showing significant variances, for review and presentation to the public. The
83 midyear assessment will be published on the town’s website not less than 14 days after review
84 with the public.

85 **SECTION 6-4. SUPPLEMENTARY BUDGETS AND APPROPRIATIONS**

86 Whenever the town manager submits to the town council a request for an appropriation of any
87 sum of money, whether as a supplement to the annual operating budget or for an item not
88 included therein, the town council shall not act upon the request until it has given notice by
89 publication in a local newspaper of the request and held a public hearing concerning the request.
90 The publication and the public hearing shall be in conformity with the provisions of subsection
91 (a) of section 6-3 concerning the proposed annual operating budget.

92 (a) Supplemental Appropriations - If during or before the fiscal year begins, the town manager
93 certifies that there are available for appropriation, revenues in excess of those estimated in the
94 budget, town council by ordinance may make supplemental appropriations for the year up to the
95 amount of the excess.

96 (b) Emergency Appropriations - To address a public emergency affecting life, health, property or
97 the public peace, the town council may make emergency appropriations. The appropriations may
98 be made by emergency ordinance in accordance with Article II. To the extent that there are no
99 available unappropriated revenues or a sufficient fund balance to meet the appropriations, the
100 town council may by an emergency ordinance authorize the issuance of emergency notes, which
101 may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall
102 be paid or refinanced as long-term debt not later than the last day of the fiscal year next
103 succeeding that in which the emergency appropriation was made.

104 (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the
105 town manager that the revenues or fund balances available will be insufficient to finance the
106 expenditures for which appropriations have been authorized, the manager shall report to the town
107 council without delay, indicating the estimated amount of the deficit, any remedial action taken
108 by the town manager and recommendations as to any other steps to be taken. The town council
109 shall then take the further action as it deems necessary to prevent or reduce any deficit and for
110 that purpose it may by ordinance reduce or eliminate 1 or more appropriations.

111 (d) Transfer of Appropriations - At any time during or before the fiscal year, the town manager,
112 with concurrence from the finance committee and the town council, may transfer up to a
113 maximum of \$25,000 of the unencumbered appropriation balance from 1 department, fund,
114 service, strategy or organizational unit to the appropriation for other departments or
115 organizational units or a new appropriation and shall report the transfers to the town council in
116 writing within a 14-day period. The town manager may also, with concurrence from the finance
117 committee and town council, transfer funds among line items within a department, fund, service,

118 strategy or organizational unit and shall report the transfers to the town council in writing within a
119 14-day period.

120 (e) Limitation; Effective Date - No appropriation for debt service may be reduced or transferred,
121 except to the extent that the debt is refinanced and less debt service is required and no
122 appropriation may be reduced below an amount required by-law to be appropriated or by more
123 than the amount of the unencumbered balance thereof. The supplemental and emergency
124 appropriations and reduction or transfer of appropriations authorized by this section may be made
125 effective immediately upon adoption.

126 **SECTION 6-5. ADMINISTRATION AND FIDUCIARY OVERSIGHT OF THE BUDGET**
127 The town council shall provide by ordinance the procedures for administration and fiduciary
128 oversight of the budget.

129 **SECTION 6-6. CAPITAL IMPROVEMENTS PROGRAM**
130 (a) Preparation - The town manager shall, in conjunction with any committee established for such
131 purpose, annually submit a 5-year capital improvement program to the town council at least 30
132 days before the date for submission of the operating budget, unless some other time is provided
133 by ordinance.

- 134 (b) Contents - The capital improvement program shall include:
- 135 (1) A clear general summary of its contents;
 - 136 (2) Identification of the long-term goals of the community;
 - 137 (3) A list of all capital improvements and other capital expenditures proposed to be
138 undertaken during the fiscal years next ensuing, with appropriate supporting information as to
139 the necessity for each;
 - 140 (4) Cost estimates and recommended time schedules for each improvement or other capital
141 expenditure;
 - 142 (5) Method of financing upon which each capital expenditure is to be reliant;
 - 143 (6) The estimated annual cost of operating and maintaining the facilities to be constructed or
144 acquired;
 - 145 (7) A commentary on how the plan addresses the sustainability of the community and the
146 region of which it is a part; and
 - 147 (8) Methods to measure outcomes and performance of the capital plan related to the long-
148 term goals of the community.

149 The above shall be revised and extended each year with regard to capital improvements still
150 pending or in process of construction or acquisition.

151 (d) Public Hearing - The town council shall publish in a newspaper of general circulation in the
152 town a summary of the proposed capital improvement plan as submitted by the town manager by
153 a notice stating: (1) the times and places where copies of the entire proposed capital improvement
154 plan are available for inspection by the public; and (2) the date, time and place not less than 14
155 days after the publication, when a public hearing on the proposed capital improvement plan will
156 be held by the town council. The proposed capital improvement plan will be published on the
157 town's website not less than 14 days before the date of the public hearing.

158 (e) Adoption of the Capital Improvement Program - Town council shall adopt the capital
159 improvement plan, with or without amendments, provided that each amendment must be voted
160 separately and that any increase in the capital improvement plan as submitted must clearly
161 identify and approve the method of financing proposed to accomplish the increase. The proposed
162 capital improvement plan will be published on the town's website upon adoption.

163 **SECTION 6-7. LONG TERM FINANCIAL FORECAST**

164 (a) The town manager shall annually prepare a 5-year financial forecast of town revenue,
165 expenditures and the general financial condition of the town. The forecast shall include, but not
166 be limited to: (1) an identification of factors which will impact on the financial condition of the
167 town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues
168 and any long or short-term actions which may be taken that may enhance the financial condition
169 of the town. The forecast shall be submitted to the town council and finance committee and shall
170 be available to the public for inspection. The long-term financial forecast shall be published on
171 the town's website and when updates occur, they shall be posted in a timely manner.

172 **SECTION 6-8. ANNUAL INDEPENDENT AUDIT**

173 The town council shall provide for an independent annual audit of all town accounts and may
174 provide for more frequent audits as it deems necessary. An independent certified public
175 accountant or firm of such accountants shall make the audits. The audits should be performed in
176 accordance with generally-accepted auditing standards and generally-accepted governmental
177 auditing standards.

178 The town council shall designate no fewer than 3 of its members to serve as an audit committee.

179 The committee shall:

180 (1) Lead the process of selecting an independent auditor;

181 (2) Direct the work of the independent auditor as to the scope of the annual audit and any matters
182 of concern with respect to internal controls; and

183 (3) Receive the report of the internal auditor and present that report to the town council with any
184 recommendations from the committee.

185 The town council shall, using competitive bidding, designate such accountant or firm annually or
186 for a period not exceeding 5 years, but the designation for a particular fiscal year shall be made
187 not later than 30 days after the beginning of the fiscal year. The standard for independence is that

188 the auditor must be capable of exercising objective and impartial judgment on all issues
189 encompassed within the audit engagement. No accountant or firm may provide other services to
190 the town during the time it is retained to provide independent audits to the town. The town
191 council may waive this requirement by a majority vote at a public hearing. If the commonwealth
192 makes such an audit, the council may accept it as satisfying the requirements of this section.

193 **SECTION 6-9. FINANCIAL COMMITTEE**

194 (a) There shall be a finance committee consisting of 9 members, appointed each for a 3-year
195 staggered term, the members of which shall be appointed as follows: 3 members by the town
196 manager, 3 members by the town council and 3 members by the elected town clerk. The finance
197 committee shall report its recommendations on finance related matters before the town council, in
198 writing, at least 10 days before a scheduled town council meeting. Before preparing its
199 recommendations, the finance committee shall hold 1 or more public meetings to permit
200 discussion of all finance matters before the town council, except those matters subject to public
201 hearings by other multiple-member town bodies and not containing appropriations. The finance
202 committee shall have such additional powers and duties as may be provided by the General Laws,
203 by this charter or by by-law.

204 (b) The finance committee, town accountant and town treasurer-collector shall support the overall
205 budget process. The town accountant and town treasurer-collector shall have ex-officio
206 membership, without voting rights on the committee. The finance committee shall carry out its
207 duties in accordance with the provisions of general law, this charter and by-law and it shall have
208 regular and free access and inspection rights to all books and accounts of any town department or
209 office. The committee shall carefully examine all budget and appropriations proposals and shall
210 issue its review thereon before consideration, debate and vote by the town council.

211 **SECTION 6-10. FINANCIAL MANAGEMENT STANDARDS**

212 The town council may by ordinance establish reasonable standards relating to the management of
213 financial systems and practices. Any standards adopted shall conform to modern concepts of
214 financial management.

215 **SECTION 6-11. PUBLIC RECORDS**

216 Copies of the budget, capital program, independent audits and appropriation and revenue
217 ordinances shall be public records and shall be published on the town's website.

1 **ARTICLE VII - ELECTIONS AND; RELATED MATTERS**

2 **SECTION 7-1. TOWN ELECTIONS**

3 The regular town election of town officers shall be held annually on the Saturday preceding the
4 last Monday in April.

5 **SECTION 7-2. NON-PARTISAN ELECTIONS**

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

8 **SECTION 7-3. SIGNATURE REQUIREMENTS; INFORMATION TO VOTERS; BALLOT**
9 **POSITION**

10 (a) Signature Requirements - The number of signatures of voters required to place the name of a
11 candidate on the official ballot to be used at an election shall be as follows: For an office which is
12 to be filled by the voters of the whole town, not less than 150. For an office which is to be filled
13 by the voters of a district, not less than 100 from such district.

14 (b) Information to Voters - If the candidate in a regular town election is an incumbent elected by
15 the voters to the office to which the candidate seeks election, against the candidate's name shall
16 appear the phrase "candidate for re-election".

17 (c) Ballot Position - The order in which names of candidates appear on the ballot for each office
18 in a regular town election shall be determined by a drawing by lot conducted by the elected town
19 clerk. At least 35 days before the date of the election, the town clerk shall post in a conspicuous
20 place in the town hall the names and residences of the candidates for election who have duly
21 qualified as candidates for election. The order of the names as to appear on the ballot shall be
22 drawn by the town clerk. In drawing by lot for position on the ballot the candidates shall have an
23 opportunity to be present in person or by one representative each.

24 **SECTION 7-4. DISTRICTS**

25 The territory of the town shall be divided into 7 districts so established as to consist of as nearly
26 an equal number of inhabitants as it is possible to achieve based on compact and contiguous
27 territory, bounded insofar as possible by the center line of known streets or ways or by other well
28 defined limits. Each such district shall be composed of 1 or more voting precincts established in
29 accordance with general laws. The town council shall from time to time, but at least once in each
30 10 years, review such districts to insure their uniformity in number of inhabitants.

31 **SECTION 7-5. APPLICATION OF STATE LAWS**

32 Except as expressly provided in the charter and authorized by any general or special law, all town
33 elections shall be governed by federal, state and local laws relating to the right to vote, the
34 registration of voters, the nomination of candidates, the conduct of elections, the submission of
35 charter amendments and other propositions, the counting of votes and the declaration of results.

1 **ARTICLE VIII - CITIZEN PARTICIPATION MECHANISMS**

2 **SECTION 8-1. CITIZEN INITIATIVE MEASURES**

3 (a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative
4 petition with the elected town clerk. The petition shall be addressed to the town council, shall
5 contain a request for the passage of a particular measure which shall be set forth in full in the
6 petition and shall be signed by at least 50 voters. The petition shall be accompanied by an
7 affidavit signed by 10 voters and containing their residential addresses stating they will constitute
8 the petitioners' committee and be responsible for circulating the petition and filing it in proper
9 form. The person whose signature appears first on the affidavit accompanying such petition shall
10 be designated as clerk.

11 (b) Referral to Town Attorney - The elected town clerk shall, forthwith following receipt of each
12 such proposed petition, deliver a copy of the petition to the town attorney. The town attorney
13 shall, within 15 days following receipt of a copy of the petition, in writing, advise the elected
14 town clerk whether the measure as proposed may lawfully be proposed by the initiative process
15 and whether, in its present form, it may be lawfully adopted by the town council. If the opinion of
16 the town attorney is that the measure is not in proper form, the reply shall state the reasons for
17 such opinion, in full. A copy of the opinion of the town attorney shall also be mailed by the
18 elected town clerk to the clerk of the petitioners' committee.

19 (c) Submission to elected Town Clerk - If the opinion of the town attorney is that the petition is in
20 proper form, the elected town clerk shall provide blank forms for the use of subsequent signers
21 and shall print at the top of each blank a fair, concise summary of the proposed measure, as
22 determined by the town attorney, together with the names and addresses of the first 10 voters who
23 signed the originating petition. Within 10 days following the date the blank forms are issued by
24 the elected town clerk the petitions shall be returned and filed with the elected town clerk signed
25 by at least 10 per cent of the total number of voters as of the date of the most recent town
26 election. Signatures to an initiative petition need not all be on 1 paper, but all such papers
27 pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument,
28 with the endorsement thereon of the name and residence address of the person designated as
29 filing the same. With each signature on the petition there shall also appear the street and number
30 of the residence of each signer. Within 10 days following the filing of the petition the board of
31 registrars of voters shall ascertain by what number of voters the petition has been signed and what
32 percentage that number is of the total number of voters as of the date of the most recent election
33 and shall return the petition along with a certificate showing the results of the examination of the
34 registrars of voters to the elected town clerk. A copy of the certificate of the board of registrars of
35 voters shall also be mailed to the person designated as clerk of the petitioners' committee.

36 (d) Action on Petitions - Within 30 days following the date a petition has been returned to the
37 elected town clerk and after publication in accordance with this section, the town council may
38 pass the measure without alteration, subject to the referendum vote provided by this charter or,
39 the town council shall call a special election to be held on a date fixed by it not less than 35 nor
40 more than 60 days after the date of the certificate hereinbefore mentioned and shall submit the

41 proposed measure without alteration to a vote of the voters at that election; provided, however,
42 that if a town election is otherwise to occur within 120 days after the date of the certificate, the
43 town council may, at its discretion, omit the calling of a special election and submit the proposed
44 measure to the voters at the approaching election. The ballots used when voting upon a proposed
45 measure under this section shall state the nature of the measure in terms sufficient to show the
46 substance thereof as set forth in subsection (f).

47 (e) Publication - The full text of any initiative measure which is submitted to the voters shall be
48 published in a local newspaper and on the town's website not less than 7 nor more than 14 days
49 preceding the date of the election at which the question is to be voted upon. Additional copies of
50 the full text shall be available for distribution to the public in the office of the elected town clerk
51 and on the town's website.

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

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

55 (Here insert a fair, concise summary prepared by the town attorney.)

56 YES NO

57 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the
58 measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

59 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage If
60 within 10 days after the final passage of a measure, a petition signed by voters equal in number to
61 at least 5 per cent of the total number of voters and addressed to the town council, protesting
62 against the measure or any part thereof taking effect, is filed with the elected town clerk, the same
63 shall thereupon and thereby be suspended from taking effect and the town council, as the case
64 may be, shall immediately reconsider the measure or part thereof and if such measure or part
65 thereof is not entirely rescinded, the town council shall submit the same, to a vote of the voters
66 either at the next regular town election or at a special election which may, in its discretion, be
67 called for the purpose and the measure or part thereof shall forthwith become null and void unless
68 a majority of the voters voting on the same at the election vote in favor thereof.

69 SECTION 8-3. REQUIRED VOTER PARTICIPATION

70 For a measure to be effective under the initiative procedure and for any measure to be declared
71 null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an
72 election upon which an initiative or referendum question is submitted to the voters.

73 SECTION 8-4. MEASURES NOT SUBJECT TO INITIATIVE AND REFERENDUM

74 Measures which include the following subject matter shall not be subject to initiative and
75 referendum procedures:

76 (1) Revenue loan orders;

- 77 (2) Appropriations for the payment of debt or debt service;
- 78 (3) Internal operational procedures of the town council;
- 79 (4) Emergency measures;
- 80 (5) The town budget as a whole or the school committee budget as a whole;
- 81 (6) Appropriation of funds to implement a collective bargaining agreement;
- 82 (7) Procedures relating to election, appointment, removal, discharge or other personnel action;
- 83 and
- 84 (8) Proceedings providing for the submission or referral of a matter to the voters at an election.

85 **SECTION 8-5. SUBMISSION OF PROPOSED MEASURE TO VOTERS**

86 The town council may, of its own motion, submit any proposed measure or a proposition for the
87 repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a general
88 or special town election. The town council shall also allow for the submissions upon request of
89 the regional school committee if a measure originates with the committee and pertains to the
90 affairs under its administration. Such action of the town council shall have the same force and
91 effect as are provided herein for submission of the measures on petition by the voters.

92 **SECTION 8-6. MEASURES WITH CONFLICTING PROVISIONS**

93 If 2 or more proposed measures passed at the same election contain conflicting provisions, only
94 the one receiving the greater number of affirmative votes shall take effect.

95 **SECTION 8-7. FREE PETITION**

96 (a) Individual Petitions, Action Discretionary - The town council shall receive all petitions which
97 are addressed to them and signed by a voter, as certified by the town board of registrars of voters,
98 or its successor, and may, at their discretion, take such action with regard to the petitions as they
99 deem necessary and appropriate.

100 (b) Group Petitions; Action Required - The town council shall hold a public hearing and act by
101 taking a vote on the merits of every petition which is addressed to it and is signed by at least 150
102 voters, as certified by the Town Board of Registrars of Voters, or its successor. The hearing shall
103 be held by the town council or by a committee or subcommittee thereof and the action by the
104 town council shall be taken not later than 2 months after the petition is filed with the elected town
105 clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and
106 place. The elected town clerk shall mail notice of the hearing to the 10 petitioners whose names
107 first appear on each petition at least 7 days before the hearing. Notice by publication at least 7
108 days before such hearings shall also be made and shall be at the public expense. No hearing shall
109 be heard upon any one subject more than once in any given 12 month period. All papers with
110 signatures shall be filed in the office of elected town clerk as one instrument on one date and
111 time.

1 **ARTICLE IX - GENERAL PROVISIONS**

2 **SECTION 9-1. CONFLICTS OF INTEREST**

3 (a) Conflicts of Interest - The use of public office for private gain is prohibited. The town council
4 shall implement this prohibition by ordinance, the terms of which shall include, but not be limited
5 to: (1) acting in an official capacity on matters in which the official has a private financial interest
6 clearly separate from that of the general public; (2) the acceptance of gifts and other things of
7 value; (3) acting in a private capacity on matters dealt with as a public official; (4) the use of
8 confidential information; and (5) appearances by town officials before other town agencies on
9 behalf of private interests. This ordinance shall include a statement of purpose and shall provide
10 for reasonable public disclosure of finances by officials with major decision making authority
11 over monetary expenditures and contractual and regulatory matters and, insofar as permissible
12 under state law, shall provide for fines and imprisonment for violations.

13 **SECTION 9-2. PROHIBITIONS**

14 (a) Activities Prohibited – The following activities are prohibited:

15 (1) No person shall be appointed to or removed from, or in any way favored or discriminated
16 against with respect to a town position or appointive town administrative office because of race,
17 gender, age, sexual orientation, disability, religion, country of origin or political affiliation;

18 (2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to
19 a test, certification or appointment under the provisions of this charter or the rules and regulations
20 made thereunder or in any manner commit or attempt to commit any fraud preventing the
21 impartial execution of the provisions, rules and regulations;

22 (3) No person who seeks appointment or promotion with respect to a town position or appointive
23 town administrative office shall directly or indirectly give, render or pay any money, service or
24 other valuable thing to a person for or in connection with the applicant or employee's,
25 appointment, proposed appointment, promotion or proposed promotion.

26 (4) During working hours, no town employee shall knowingly or willfully participate in any
27 aspect of a political campaign on behalf of, or opposition to, a candidate for town office. This
28 section shall not be construed to limit a person's right to exercise rights as a citizen to express
29 opinions or to cast a vote, nor shall it be construed to prohibit a person from active participation
30 in political campaigns at any other level of government.

31 (b) Penalties - A person found to be in violation of this section shall be ineligible for a period 5
32 years following such conviction to hold a town office or position and, if an officer or employee of
33 the town, shall immediately forfeit the employee's office or position. The town council shall
34 establish by ordinance such further penalties as it may deem appropriate.

35 **SECTION 9-3. CAMPAIGN FINANCE**

36 (a) Disclosure - The town council shall enact ordinances to protect the ability of town residents to
37 be informed of the financing used in support of, or against, campaigns for locally-elected office.

38 The terms of the ordinances shall include, but not be limited to, requirements upon candidates and
39 candidate committees to report in a timely manner to the appropriate town office: contributions
40 received, including the name, address, employer, and occupation of each contributor who has
41 contributed \$200 or more; expenditures made; and obligations entered into by the candidate or
42 candidate committee. In so far as is permissible under general or special law, the regulations shall
43 also provide for fines and imprisonment for violations. The ordinance shall provide for
44 convenient public disclosure pursuant to section 26 of chapter 55 of the General Laws.

45 (b) Contribution and Spending Limitations - In order to combat the potential for, and appearance
46 of, corruption and to preserve the ability of all qualified citizens to run for public office, the town
47 shall, in so far as is permitted by general or special law and federal law, have the authority to
48 enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates
49 for locally-elected office. Ordinances under this section may include, but are not limited to:
50 limitations on candidate and candidate committees that affect the amount, time, place, and source
51 of financial and in-kind contributions; and, voluntary limitations on candidate and candidate
52 committee expenditures tied to financial or non-financial incentives.

53 **SECTION 9-4. CHARTER REVISION OR AMENDMENT**

54 (a) In General - The charter may be replaced, revised or amended in accordance with any
55 procedure made available by Article LXXXIX of the Amendments to the Constitution and any
56 general or special law enacted to implement the constitutional amendment.

57 (b) Periodic Review - Not later than the first day of July, at 6-year intervals, the town council
58 shall provide for a review and propose revisions to the town charter. The review shall be
59 conducted by a special committee to consist of 7 residents of the town appointed by the council
60 president with the approval of the town council. The committee shall file a report within the year
61 recommending any changes in the charter which it may deem to be necessary or desirable, unless
62 an extension is granted by vote of the town council.

63 **SECTION 9-5. SEVERABILITY**

64 The provisions of this charter are severable. If any of the provisions of this charter are held to be
65 unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby.

66 If the application of this charter, or any of its provisions, to any person or circumstances is held to
67 be invalid, the application of the charter and its provisions to other persons or circumstances shall
68 not be affected thereby.

69 **SECTION 9-6. RULES OF INTERPRETATION**

70 The following rules shall apply when interpreting the charter:

71 (a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall
72 conflict with any provision expressed in general terms, the specific provision shall prevail;

73 (b) Number and Gender - Words imparting the singular number may extend and be applied to
74 several persons or things, words imparting the plural number may include the singular and words
75 imparting the masculine gender shall include the feminine gender;

76 (c) References to General Laws - All references to the general or special laws contained in the
77 charter refer to the general laws of the commonwealth and are intended to include any
78 amendments or revisions to the chapters and sections or to the corresponding chapters and
79 sections of any rearrangement of the general laws enacted subsequent to the adoption of the
80 charter; and

81 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time
82 under the charter, if 7 days or less, only business days, not including Saturdays, Sundays or legal
83 holidays shall be counted; if more than 7 days, every day shall be counted.

84 **SECTION 9-7. REMOVAL OF MEMBER OF MULTIPLE MEMBER APPOINTED BODIES**
85 An official appointed by the town manager to a multiple-member body, may be removed from
86 office by the town manager if the official fails to attend regularly scheduled meetings for a period
87 of 3 consecutive months without express leave from the chairman of the multiple member body,
88 unless the town manager shall determine otherwise. The appointed official shall be automatically
89 removed from office if the official is convicted of a felony or if the official is absent from the
90 duties for the period of 6 months notwithstanding the permission from the council president to be
91 absent.

92 A removal shall be accomplished in accordance with the following procedure:

93 (1) A written notice of the intent to remove and a statement of the reasons therefore shall be
94 delivered by registered mail to the last known address of the appointed official sought to be
95 removed.

96 (2) Within 14 days of delivery of the notice the appointed official may request a public hearing
97 before the appointing authority;

98 (3) If the appointed official fails to request a public hearing, then the appointed official shall be
99 discharged forthwith;

100 (4) The appointed official may be represented by private counsel at the hearing and shall be
101 entitled to present evidence, to call witnesses and to examine any witness appearing at the
102 hearing;

103 (5) Within 10 days after the public hearing is adjourned, the appointing authority may, by a
104 majority vote, remove the appointed official for good cause;

105 (6) A notice of a decision to remove the appointed official and the reasons therefore shall be
106 delivered by registered mail to the last known address of the appointed official;

107 (7) Within 14 days of delivery of the notice, the appointed official may request a public hearing
108 before the town council;

109 (8) If the appointed official fails to request a public hearing, then the appointed official shall be
110 discharged forthwith;

111 (9) The appointed official may be represented by private counsel at the hearing and shall be
112 entitled to present evidence, to call witnesses and to examine any witness appearing at the
113 hearing; and

114 (10) Within 10 days after the public hearing is adjourned, the town council may, by a two-thirds
115 vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

116 Nothing in this section shall be construed as granting a right to a hearing when an appointed
117 official who has been appointed to a fixed term is not reappointed when the appointed official's
118 original term expires.

119 **SECTION 9-8. POSTING OF PUBLIC DOCUMENTS**

120 The board of selectmen and town manager shall ensure that all pertinent, public town documents
121 be posted to the town website. Examples of these documents include, but are not limited to, the
122 following: administrative code, audit results, budget, financial management policies, ordinances
123 and personnel policies and procedures.

1 **ARTICLE X - TRANSITIONAL PROVISIONS**

2 **SECTION 10-1. CONTINUATION OF EXISTING LAWS**

3 All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the
4 time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in
5 full force until amended or repealed.

6 Where provisions of this charter conflict with provisions of town by-laws, rules, regulations,
7 orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions
8 of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall
9 remain in force.

10 **SECTION 10-2. EXISTING OFFICIALS AND EMPLOYEES**

11 A person holding a town office or employment under the town, shall retain the office or
12 employment and shall continue to perform the duties of the office until provisions shall have been
13 made in accordance with this charter for the performance of the duties by another person or
14 agency.

15 **SECTION 10-3. CONTINUATION OF GOVERNMENT**

16 All town offices, boards, commissions or agencies shall continue to perform their duties until
17 reappointed or re-elected, or until successors to their respective positions are fully appointed or
18 elected or until their duties have been transferred and assumed by another town office, board,
19 commission or agency.

20 **SECTION 10-4. TRANSFER OF RECORDS AND PROPERTY**

21 All records, property and equipment whatsoever of an office, board, commission, committee or
22 agency or part thereof, the powers and duties of which are assigned in whole or in part to another
23 town office, board, commission or agency, shall be transferred forthwith to the office, board,
24 commission or agency.

25 **SECTION 10-5. CONTINUATION OF PERSONNEL**

26 A person holding a town office or a position in the administrative service of the town, or a person
27 holding full-time employment under the town, shall retain the office, position or employment or
28 be retained in a capacity as similar to their former capacity as it is practical to do so.

29 The person shall continue to perform the duties of the office, position or employment until
30 provisions have been made for the performance of those duties by another person or agency;
31 provided, however, that no person in the permanent full-time service of the town shall forfeit the
32 person's pay grade or time in service of the town.

33 **SECTION 10-6. EFFECT ON OBLIGATIONS, TAXES, ETC.**

34 All official bonds, recognizances, obligations, contracts and other instruments entered into or
35 executed by or to the town before the adoption of this charter and all taxes, assessments, fines,
36 penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and
37 collected and all writs, prosecutions, actions and cause of action, except as herein otherwise

38 provided, shall continue without abatement and remain unaffected by the charter and no legal act
39 done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

40 **SECTION 10-7. TIME OF TAKING EFFECT**

41 This charter shall become fully effective upon ratification by the voters as provided for by the
42 General Laws, except as provided in this section:

43 (a) The election to elect the first town council under this charter shall be scheduled as promptly as
44 possible by the board of selectmen then in office, as a special transition election, not later than
45 180 days after adoption of the charter.

46 (b) The officials so elected shall take office on the first day in January that does not fall on a
47 weekend or holiday, of the year after adoption by the voters of the town. The expiration of the
48 initial transitional terms shall be determined by random draw conducted by the town clerk at least
49 35 days before the date of the election subject to the following:

50 If the charter is approved by the voters at an annual town election:

51 Three council members shall expire at the 2nd anniversary of the approval of the charter by the
52 voters;

53 Three council members shall expire at the 3rd anniversary of approval of the charter by the
54 voters;

55 Three council members shall expire at the 4th anniversary of approval of the charter by the
56 voters.

57 If the charter is approved by the voters at an election other than an annual election:

58 Three council members shall expire at the annual town election next prior to the 2nd anniversary
59 of approval of the charter by the voters;

60 Three council members shall expire at the annual town election next prior to 3rd anniversary of
61 approval of the charter by the voters;

62 Three council members shall expire at the annual town election next prior to the 4th anniversary
63 of approval of the charter by the voters.

64 **SECTION 10-8. TRANSITION FROM MUNICIPAL ADMINISTRATOR TO TOWN
65 MANAGER**

66 Upon the effective date of this charter, the person serving in the position of municipal
67 administrator shall be deemed the appointed town manager as described in this charter in Article
68 4 to serve for the remaining term of the person's contract with the town.

69 **SECTION 10-9. TOWN COUNCIL / TOWN MANAGER TRANSITION DUTIES**

70 (a) As one of its first priorities during the transition period, the town manager working with the
71 town council shall begin development of the administrative code structure, which shall describe
72 the details of the departmental organization and associated operating rules and regulations.

73 A key input source to the creation of the administrative code shall be the final report of the town
74 government study committee, published in May 2009. This report shall guide the functional
75 realignment of all town offices, agencies, boards, and committees, as well as any changes to
76 elected or appointed positions, boards or committees.

77 (b) The town council shall also begin a review of all town by-laws, to analyze and amend as
78 necessary, as a result of charter implementation.