

# **Town of Bourne Charter**

Per Chapter 408 of the Acts of 2022  
(Adopted by Special Town Meeting November 15, 2021)

Chapter 408 of the Acts of 2022 AN ACT AMENDING THE CHARTER OF THE TOWN OF BOURNE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The following shall be the charter of the town of Bourne:

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## **PREAMBLE**

We, the people of Bourne, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment, article LXXXIX of the amendments to the Constitution of the Commonwealth, do hereby adopt the following home rule charter for the town of Bourne.

### **Article 1**

#### **Existence and Authority.**

##### **Section 1-1: Incorporation.**

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

##### **Section 1-2: Charter and Form of Government.**

This instrument shall be known and may be cited as the Bourne home rule charter. This charter provides for an open town meeting, select board, town administrator form of government.

##### **Section 1-3: Division of Powers.**

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch which shall be headed by a select board. The legislative powers shall be exercised by an open town meeting.

##### **Section 1-4: Powers of the Town; Intent of the Voters.**

It is the intent and purpose of the voters of the town of Bourne, through the adoption of this charter, to secure for the town all of the powers possible under the Constitution and laws of the commonwealth, as fully and as completely as though each power were specifically and individually enumerated herein.

##### **Section 1-5: Interpretation of Powers.**

The powers of the town under this charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power shall not limit in any way the general powers of the town as stated in section 1-4.

##### **Section 1-6: Intergovernmental Relations.**

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

### **Article 2**

#### **Legislative Branch.**

##### **Section 2-1: Open Town Meeting.**

The legislative powers of the town shall continue to be exercised by a town meeting open to all voters.

##### **Section 2-2: Presiding Officer.**

The town moderator, elected as provided in section 6-2, shall preside at all sessions of the town meeting, shall regulate the proceedings at town meeting, shall decide all questions of order and shall make public declarations of all votes.

**Section 2-3: Time of Meetings.**

The annual town meeting shall convene at such time as provided by by-law. Special town meetings shall be convened at such times as may be called by the select board, by petition of the voters as provided by law or at such other times as may be provided by by-law.

**Section 2-4: Warrants.**

A town meeting shall be called by a warrant issued by the select board, which shall state the date, time and location at which the meeting is to convene and, by separate articles, the subject matters to be acted upon. The publication of the warrant for a town meeting shall be in accordance with town by-laws governing such matters.

**Section 2-5: Initiation of Warrant Articles.**

(a) The select board shall receive at any time before the warrant closes and insert in the warrant all petitions addressed to it which request the submission of any matter to the town meeting and which are submitted to it by: (1) an elected town official; (2) a town elected or appointed governmental body acting by vote of a majority of its members; (3) 10 or more voters stating their residences with street numbers, if any, subject to the subsequent certification by the board of registrars that at least 10 per cent of the signers are voters; provided, however, that in the case of a special town meeting, the number of voters shall be 100 or 10 per cent of the total amount of voters in the town, whichever is lesser; and (4) the town administrator.

(b) The select board shall close the warrant not less than 50 days prior to the date for the annual town meeting and not less than 30 days prior to the date for any special town meeting. By 4/5<sup>th</sup> vote of the members present and voting, the select board may waive the aforementioned requirements for the special town meeting in case of emergency or when calling a special town meeting less than 30 days before the date of the special town meeting.

(c) The voter handbook shall include the text of any annual or special town meeting warrant with the recommendations and counted votes of the finance committee, select board and any other appointed or elected board or committee proposing an article. In the voter handbook for the annual town meeting, the select board shall include the recommended operating budget with revenue projections, its budget goals, departmental goals for the upcoming fiscal year, an organizational chart, and 5-year financial, debt and capital projections. The voter handbook shall be available to the public at the town hall, the public library and the town's website not less than 15 days before the annual town meeting or any special town meeting. By majority vote, the select board may waive the requirements for a special town meeting in case of an emergency or when calling a special town meeting less than 30 days before the date of the special town meeting.

**Section 2-6: Availability of Town Officials at Town Meetings.**

Town officials, members of governmental bodies and department heads or their duly designated representatives shall attend town meetings to furnish information when proposals affecting their respective offices, governmental bodies or departments are included in the warrant.

**Section 2-7: Clerk of the Meeting.**

The town clerk shall serve as clerk of the town meeting, shall give notice of all adjourned sessions thereof, shall record its proceedings and perform such additional duties in connection therewith as may be provided by the General Laws, this charter, by-law or other town meeting vote.

**Section 2-8: Rules of Procedure.**

Except for provisions addressed in this charter, the town meeting may, by by-law, establish and, from time to time, amend, revise or repeal rules governing the conduct of town meetings.

**Section 2-9: Finance Committee.**

A finance committee shall be appointed as provided by by-law. Town employees, including school employees, shall not be eligible for appointment to, or service on, the finance committee. The finance committee shall choose from its members a chairperson and fill such other offices as it may create. The chairperson of the finance committee may not chair any other governmental body.

**Article 3**

**Executive Branch, Select Board.**

**Section 3-1: Term of Office, Composition.**

There shall be a select board to consist of 5 members to be elected for 3- year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The select board shall also act as sewer commissioners until such time as the town adopts legislation creating a board of sewer commissioners.

**Section 3-2: Vacancy.**

A vacancy in the office of the select board shall be filled in accordance with the General Laws.

**Section 3-3: Policy Role.**

The select board shall serve as the chief goal-setting and policy-making agency of the town, keeping in mind the goals, policies and action items of the strategic plan and local comprehensive plan, or LCP, and shall appoint a town administrator to carry out such policies. Annual goals as voted by the select board shall be filed with the town administrator not later than September 1<sup>st</sup> after the regular spring town election and shall be published in the annual town report.

An individual select board member shall have no independent authority unless specifically authorized by a vote of the select board. Select board members shall deal with administrative agencies and departments only through the town administrator. Select board members, individually or as a board, shall not become involved in the day-to-day administration of a town department. The select board shall act only through the adoption of written policy goals, strategic plan goals, policies and action items which shall be implemented by the town administrator and written in a policy book that shall be available to the public for review.

**Section 3-4: Powers and Duties.**

Except as otherwise provided by this charter, all executive powers of the town shall be vested in the select board and the board shall have all of the powers and duties given to select boards under the Constitution and General Laws of the commonwealth, the authority to adopt rules and regulations, after public hearing and publication, for the conduct of town business, the use of town real and personal property, and other matters within its jurisdiction and to set the penalties for violations thereof, and such additional powers and duties as may be authorized by this charter, by by-law or by town meeting vote. The select board shall cause the laws and orders for the government of the town to be enforced and shall cause a record to be kept of all its official acts.

**Section 3-5: Appointing Powers.**

The select board shall appoint the town administrator, town counsel, registrars of voters, and constables. The board shall also have the power to appoint other governmental bodies for whom no other

appointment provision is made in this charter or by by-law. Representatives of governmental bodies specified as members of a governmental body shall be designated by their respective governmental body. Governmental bodies established by the select board shall possess and exercise all powers given to them under the Constitution and laws of the commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by by-law or by vote of town meeting. This charter names those governmental bodies which are mandated or authorized by the laws of the commonwealth and exercise regulatory or other authority. All governmental bodies appointed by the select board shall be responsible to the select board.

**Section 3-6: Prohibitions.**

(a) No member of the select board shall serve on an elected or appointed governmental body established by this charter, by by-law, or by town meeting, unless otherwise specified in the charter, by-law, by town meeting or by any other applicable law.

(b) No member of the select board shall hold any other elected town office or town employment during that member's term in office.

(c) No person who has served as a member of the select board shall be employed by the town for two years after that member's resignation or after the member's term of office has expired.

**Section 3-7: Intergovernmental Relations.**

Members of the select board shall represent the town on federal, state, regional and intermunicipal governmental bodies or may designate a town employee or other person to represent the town on those governmental bodies. The select board shall maintain an active list of the governmental bodies and representation thereon and make the list accessible to the public on the town's website.

**Section 3-8: Rules of Procedure.**

The select board shall adopt, make public and abide by its own rules of procedure to govern the conduct of its meetings. An agenda shall be posted with each notice of public meeting. A period of public comment shall be scheduled before the beginning of agenda items. In addition, a public comment period shall be provided before any vote on a policy issue. The select board may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

**Article 4**

**Town Administrator.**

**Section 4-1: Appointment; Qualification; Term.**

The select board shall appoint a town administrator search committee of not fewer than five and not more than nine residents of the community to assist the select board in the recruitment and selection of the town administrator. If the select board does not select one of the candidates presented by the search committee within 60 days, then the search committee shall resume its search and submit an additional list of candidates to the select board within 60 days after it resumes the search.

The select board, by an affirmative vote of four members, shall appoint the town administrator for a term defined by contract and fix the town administrator's compensation within the amount annually appropriated for that purpose. The town administrator's contract shall not automatically renew each contract period. The select board, by an affirmative vote of 4 of its members, may renew the contract. The town administrator shall be appointed solely on the basis of executive and administrative qualifications.

The town administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The town administrator shall have at least a bachelor's degree, but preferably a master's degree, in public administration, business management or a related field, at least seven years experience in an upper level executive municipal position or any equivalent combination of education and experience. The town administrator need not be a resident of the town.

The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during the administrator's term unless such action has been approved in writing in advance of such action by the select board. The town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate.

**Section 4-2: Relationship of the Town Administrator and the Select Board.**

The town administrator shall be the primary official responsible for the implementation of the broad policy directives of the select board and for the attainment of yearly goals. The daily administration of the affairs of the town shall be the responsibility of the town administrator only. The town administrator may create advisory ad hoc committees to assist in the execution of the town administrator's duties.

The town administrator shall be evaluated by the select board annually for the town administrator's ability to effectuate policy, to accomplish goals established by the select board, to effectively administer town government and to properly supervise all municipal employees, except school employees.

**Section 4-3: Vacancy in Office.**

Any permanent vacancy in the office of town administrator shall be filled as soon as possible by the select board. Pending the appointment of a town administrator, the select board shall, within 30 days, appoint a qualified person to serve as the acting town administrator.

**Section 4-4: Temporary Absence.**

The town administrator shall, by letter filed with the town clerk and select board, designate as acting town administrator, a qualified official or employee of the town, to perform the duties of the town administrator during a temporary absence or disability. If the absence or disability is greater than ten business days, any designation made by the town administrator shall be subject to the approval of the select board. If the town administrator fails to make a designation or if the person so designated is unable to serve, the select board shall designate a qualified employee of the town to perform the duties of the town administrator until the town administrator shall return. The select board reserves the right to limit the powers and duties of the acting or interim town administrator by a majority vote of the select board.

**Section 4-5: Procedures for Removal of Town Administrator.**

The select board, by an affirmative vote of 4 of its members, may initiate the removal of the town administrator by adopting a preliminary resolution of removal. The resolution shall set forth in reasonable detail the reasons for such removal. The preliminary resolution may suspend the town administrator for

a period not to exceed 30 days. The resolution shall be delivered to the town administrator forthwith upon its adoption. The administrator, within 5 days of receipt of the resolution of removal, may request a public hearing by the select board on the reasons stated in the resolution of removal. The select board shall convene the requested hearing not less than 7 and not more than 30 days after receipt of the request by the town administrator. The town administrator may be represented by counsel of the town administrator's choosing, may call and question witnesses and may file a statement on the town administrator's own behalf.

If the town administrator does not request a public hearing, then the select board may adopt a final resolution of removal not earlier than 10 days after the delivery of the preliminary resolution of removal and not later than 20 days after the delivery of the preliminary resolution. If the town administrator requests a public hearing, the select board may adopt a final resolution of removal not earlier than 5 days and not later than 10 days after the close of the public hearing. A final resolution of removal shall have an affirmative vote of 4 members of the select board. Failure to adopt a final resolution of removal within the time limits set forth herein shall nullify the preliminary resolution of removal.

The action of the select board in suspending or removing the town administrator shall be final. The town administrator shall continue to receive the town administrator's salary until a final resolution of removal becomes effective.

**Section 4-6: Powers and Duties.**

The town administrator shall be the chief administrative officer of the town. The town administrator shall be responsible to the select board for the proper administration of all town affairs placed in the town administrator's charge by or under the charter. The town administrator shall have the following powers and perform the following duties:

(a) implement and carry out all policies and goals established by the select board, included in the strategic plan;

(b) appoint and, in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees, including members of the board of assessors and other employees for whom no other appointment provision is made in this charter; provided, however, that appointments made by the town administrator shall be effective immediately; provided, further, that an appointment of a department head or member of the board of assessors shall become effective on the fifteenth day after the day on which notice of the proposed appointment is filed with the select board unless a majority of the select board votes to reject the appointment within that period;

(c) prepare and submit an annual operating budget and capital improvement plan and capital improvement budget in accordance with sections 7-1 and 7-2 and the policies and goals established by the select board.

(d) investigate or inquire into the affairs of a town department under the jurisdiction of the town administrator or, when authorized by the select board, investigate or inquire into the affairs of any other town department;

(e) attend all regular and special meetings of the select board, unless unavailable for reasonable cause; provided, however, that the town administrator shall have a voice, but no vote, in all proceedings of the select board;

(f) keep the select board fully informed of all issues and problems it needs to address.

(g) inform the select board on departmental operations, fiscal matters and administrative actions and provide regular periodic reports to the select board;

(h) inform the select board of the availability of public and private funding opportunities;

(i) administer human resource policies, practices, rules and regulations, compensation plans and related matters for all municipal employees, except school employees;

(j) be responsible for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of the schools, on behalf of the select board;

(k) have jurisdiction over all town property, ensuring that a full inventory of all real and personal property is kept, excluding property under the jurisdiction of the school committee;

(l) be responsible for and oversee the purchase of all supplies, materials, services and equipment and approve the award of all contracts for all town departments; provided, however, that the town administrator shall secure the approval of the select board for contracts of not less than 3 years;

(m) fix the compensation of all town employees and officials appointed by the town administrator within the limits of the town's compensation plan, collective bargaining agreements and other employment agreements and inform the select board of all changes in compensation made within 30 days;

(n) oversee the activities of all appointed and elected governmental bodies; provided, however, that the town administrator may require elected governmental bodies and individuals to meet with and provide information to the town administrator at reasonable times;

(o) create new full-time, compensated positions, subject to the approval of the select board and funding by the town meeting; provided, however, that the town administrator may enter into employment contracts for these positions;

(p) supervise, direct and be responsible for the efficient administration of all officials appointed by the town administrator and their respective departments, and for all functions for which the town administrator is given responsibility, authority or control by this charter, by-law, by town meeting vote or by vote of the select board;

(q) delegate, authorize or direct any subordinate or employee appointed by the town administrator to exercise any power, duty or responsibility which the office of the town administrator is authorized to exercise; provided, however, that all such acts shall be deemed to be the acts of the town administrator;

(r) administer and enforce either directly or through a person supervised by the town administrator, in accordance with this charter, all provisions of law applicable to the town, all by-laws and all regulations established by the select board; and

(s) attend all sessions of the town meeting to answer questions addressed to the town administrator that are related to warrant articles and matters of general supervision of the town administrator.

## **Article 5**

### **Administrative Organization.**

#### **Section 5-1: Organizational Chart.**

The town administrator shall annually submit an organizational chart establishing personnel requirements within all town departments to the select board by June 1. The organizational chart shall become effective unless rejected by the select board within 30 days following its submission.

#### **Section 5-2: Organization of Town Government.**

Subject only to the express prohibitions in the Constitution, General Laws or this charter, the town administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as the town administrator considers necessary or advisable. The town administrator may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless specifically authorized in this charter or transferred to another agency in accordance with section 5-3. The town administrator shall not be prohibited by this charter from including the department of public works or the department of integrated solid waste management in any plan to organize, reorganize, consolidate or abolish a town agency that the town administrator considers necessary or advisable in accordance with this section. Any proposed plan submitted under this section by the town administrator shall be approved by an affirmative vote of three members of the select board.

#### **Section 5-3: Public Hearing and Effective Date.**

Before the select board approves a proposed plan under section 5-2, it shall hold one or more public hearings on the proposal, giving notice by publication in a local newspaper at least seven days in advance of the hearing. The notice shall describe the scope of the proposal and the date and place where the hearing will be held. The select board shall have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. Where the reorganization moves a function or funding from one department to another, voters may petition for a special town meeting to address those changes. The proposed organization shall become effective not sooner than 60 days following the select board members' vote on the final plan.

#### **Section 5-4: Department of Public Works.**

(a) There shall be a department of public works which shall be responsible for those public works functions described in this article and as may be assigned from time to time by the town administrator or town meeting.

(b) The department of public works shall be under the direct control of a director of public works who shall be appointed by and who shall be directly responsible to the town administrator. The director of public works shall be a registered civil engineer or a person otherwise especially suited by education,

training and experience to perform the duties of the office. The director of public works shall keep full and complete records of the doings of the director's office and shall render a report of all operations to the town administrator as may be required. The director shall keep the town administrator fully advised as to the needs of the town within the scope of the director's duties.

(c) The responsibilities of the department of public works shall include, but not be limited to: highways and streets; storm drains; tree and park maintenance; public sewers; rubbish collection and the maintenance and repair of town buildings, except school buildings unless requested by the school committee and approved by the select board.

#### **Section 5-5: Department of Integrated Solid Waste Management.**

(a) There shall be a department of integrated solid waste management which shall be responsible for the solid waste functions described in this article and as may be assigned from time to time by the town administrator or town meeting;

(b) The department of integrated solid waste management shall be under the direct control of a general manager of waste management who shall be appointed by and directly responsible to the town administrator.

(c) The general manager shall be especially qualified by education, training and previous experience to perform the duties of the office. The general manager shall keep full and complete records of the doings of the office and report on all operations under its control to the town administrator as may be required. The general manager shall keep the town administrator fully advised as to the needs of the town within the scope of its duties.

(d) The department of integrated solid waste management shall include the solid waste functions approved under the site assignment administered by the board of health and in accordance with the policies established by the select board. The department's functions shall also include the implementation of additional solid waste functions as approved by the select board and consistent with the site assignment.

#### **Section 5-6: Department of Finance.**

(a) There shall be a department of finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies. The department of finance shall include the functions of accountant, treasurer, collector and assessors. The department of finance shall be responsible for, and shall include, the following functions:

- (1) coordination of all financial services and activities of town government;
- (2) maintenance of all accounting records and other financial statements for all town offices and agencies;
- (3) payment of all financial obligations on behalf of the town;
- (4) investment of town funds and management of debt;
- (5) receipt of all funds due to the town from any source;
- (6) maintenance of the system of property valuation under the direction of the board of assessors;
- (7) rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal affairs;
- (8) monitoring throughout the fiscal year the expenditure of funds by town offices and agencies;

- (9) under the direction of the town administrator, supervise the purchase of all goods, services, materials and supplies by the town;
- (10) general supervision of related financial data processing functions, financial activities and equipment of town offices and agencies; and
- (11) such additional functions as may from time to time be assigned by the town administrator.

(b) The director of finance shall be appointed as provided in subsection (b) of section 4-6. The director of finance shall be especially fitted by education, training and experience to perform the duties of the office. The director of finance may serve as town accountant, town treasurer, town collector or principal assessor, but the finance director shall not serve as town accountant and town treasurer or as town accountant and town collector simultaneously. At the discretion of the town administrator, the director of finance may serve as the head of any division within the department. The town administrator may also designate a person to serve as head of more than one division within the department. The director of finance shall be responsible to the town administrator for the effective operation of the department of finance and all fiscal and financial activities of town government. The director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the town administrator, may direct and assign all personnel serving in that department. The director of finance shall be responsible to the town administrator and shall have the following specific powers and duties, subject to the direction of the town administrator:

- (1) coordinating the financial functions of all departments and agencies and supervising the following functions: accounting; treasury; tax collections; assessing; and budgeting and procurement and ensuring that each function is operating efficiently and in accordance with applicable laws, by-laws, codes and accepted practices;
- (2) planning, organizing and providing administrative direction for all financial functions;
- (3) working with the town administrator to develop strategic financial plans and policies;
- (4) compiling and submitting an annual operating budget and an annual capital improvement plan to the town administrator; provided, however, that the director shall receive all requests made for the expenditure of town funds from each town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year; and provided, further, that the proposed budget shall show in detail all estimated income from the proposed property tax levy and from every other source by category; and
- (5) general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.

(c) There shall be a board of assessors, consisting of three members to be appointed by the town administrator for overlapping three year terms. The board of assessors shall have all of the duties and responsibilities assigned to boards of assessors by the General Laws.

(d) There shall be a town accountant appointed as provided for in subsection (b) of section 4-6. The town accountant shall be qualified in accordance with the General Laws and shall have a bachelor's degree in accounting and at least three years of prior full-time accounting experience. The town accountant shall have all of the powers and duties conferred upon town accountants by the General Laws. The town accountant shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town accountant's duties.

(e) There shall be a town treasurer appointed as provided for in subsection (b) of section 4-6. The treasurer shall be especially fitted by education, training and experience to perform the duties of the

office. The treasurer shall have all of the powers and duties conferred and imposed upon town treasurers by the General Laws, this charter and town by-laws. The town treasurer shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town treasurer's duties.

(f) There shall be a town collector appointed as provided for in subsection (b) of section 4-6. The town collector shall be especially fitted by education, training and experience to perform the duties of the office. The town collector shall have all of the powers and duties conferred upon town collectors and tax collectors by the General Laws, this charter and town by-laws. The town collector shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town collector's duties.

#### **Section 5-7: Police Department.**

There shall be a police department which shall be under the control and supervision of a chief of police. The chief of police shall be appointed pursuant to clause (b) of section 4-6. The town administrator shall be the appointing authority for all police officers under control of the chief of police. The chief of police may from time to time make suitable regulations governing the police department, and the officers thereof, subject to approval of the town administrator; provided, however, that such regulations shall become effective without that approval if the town administrator fails to take action thereon within thirty days after the regulations have been submitted to the town administrator by the chief of police. The chief of police shall be in immediate control of all town property used by the police department and shall be in charge of the police officers. The chief of police shall assign to the police officers their respective duties and the police officers shall obey all orders of the chief of police.

#### **Section 5-8: Fire Department.**

There shall be a fire department which shall be under the control and supervision of a chief of the fire department. The chief of the fire department shall be appointed pursuant to clause (b) of section 4-6. The chief of the fire department shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. The chief of the fire department shall purchase and keep in repair all property and apparatus used for and by the fire department, with the approval of the town administrator. The chief of the fire department shall have and exercise all the powers and discharge all the duties conferred or imposed by law upon fire chiefs in towns except as herein provided. The chief of the fire department shall appoint such deputy chiefs and such officers and firefighters as the chief deems necessary and may remove the same at any time for cause and after a hearing. The chief of the fire department shall have full and absolute authority in the administration of the fire department, shall make all rules and regulations for its operation, shall report to the town administrator from time to time as the administrator may require and shall annually report to the town the condition of the department, including any recommendations thereon. In the expenditure of money, the chief of the fire department shall be subject to such further limitations as the town may from time to time prescribe.

### **Article 6**

#### **Governmental Bodies and Officials.**

##### **Section 6-1: Other Governmental Bodies and Officials.**

(a) Following the adoption of this charter, the only officials to be elected shall be the town moderator, town clerk and a constable.

(b) In addition to the select board, the following governmental bodies shall be elected:

- (1) school committee;
- (2) board of health;
- (3) planning board;
- (4) housing authority;
- (5) recreation authority;
- (6) trustees of Jonathan Bourne Public Library;
- (7) trustees of soldier's memorials;
- (8) Upper Cape Cod Regional Vocational Technical District school committee; and
- (9) such town members of regional districts, governmental bodies and authorities as are now or may be established as elective offices by the General Laws, by a vote of town meeting or by an intergovernmental agreement.

**Section 6-2: Moderator.**

There shall be a town moderator who shall be elected at the annual town election for a one year term.

The town moderator, as provided in section 2-2, shall be the presiding official at town meetings. The town moderator shall have all of the powers and duties given to town moderators under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

The town moderator shall perform such other duties as may from time to time be assigned to the office of town moderator by by-law or by other town meeting vote.

**Section 6-3: Town Clerk.**

There shall be a town clerk who shall be elected at the annual town election for a three year term.

The town clerk shall keep the official records of the town, record vital statistics, issue licenses and shall be the clerk of the board of registrars of voters. The town clerk shall have all of the powers and duties of town clerks as provided by the General Laws, by this charter, by by-law or by other town meeting vote.

**Section 6-4: Constable.**

There shall be a constable elected for a three year term.

The constable shall have all of the powers and duties given to constables under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-5: School Committee.**

There shall be a school committee to consist of seven members who shall be elected for three year overlapping terms.

The school committee shall have general charge of all public schools in the town and shall have all of the powers and duties provided to school committees under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-6: Board of Health.**

There shall be a board of health to consist of five members who shall serve for three year overlapping terms. The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health. It shall have all of the powers and duties given to boards of health under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-7: Planning Board.**

There shall be a planning board to consist of nine members who shall be elected for three-year overlapping terms.

The planning board shall make studies and prepare plans concerning the development of the town. The planning board shall prepare the town local comprehensive plan and submit it to the town meeting. It shall hold public hearings and make recommendations to town meeting on all warrant articles seeking to amend the town zoning by-laws. The planning board shall have all of the powers and duties given to planning boards under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-8: Housing Authority.**

There shall be a housing authority to consist of five members, four of whom shall be elected and one of whom shall be appointed by the secretary of housing and community development or as otherwise provided by law. Housing authority members shall serve for five year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The housing authority shall have all of the powers and duties given to housing authorities under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-9: Recreation Authority.**

In accordance with chapter 820 of the acts of 1970, there shall be a Bourne Recreation Authority to consist of five members. One member shall be appointed by the governor and four members shall be elected for three year terms. The Bourne Recreation Authority shall have all of the powers and duties specified in said chapter 820.

**Section 6-10: Trustees of the Jonathan Bourne Public Library.**

There shall be a library board to be known as the trustees of the Jonathan Bourne public library to consist of six members who shall be elected for three year overlapping terms.

The trustees shall be responsible for:

- a) the custody and management of the library and all property of the town related thereto.
- b) The selection of the library director consistent with the General Laws and this charter.
- c) Providing an annual performance review of the library director and submission of the review to the town administrator.
- d) Reviewing and advising the library director regarding preliminary budget prior to being submitted to the town administrator's budget report to the select board.
- e) Expending all money raised or appropriated by the town for the library's support and maintenance and administering all money or property that the town may receive for the library by gift or bequest in accordance with the gift or bequest.

- f) Establishing and acting upon their policies and by-laws consistent with the General Laws, town by-laws and this charter; and
- g) all other the powers and duties given to boards of library trustees under the Constitution and General Laws of the commonwealth and such additional powers and duties as may be authorized by this charter, by-law or by town meeting vote.

**Section 6-11: Trustees of the Soldiers' Memorials.**

In accordance with section 105 of chapter 41 of the General Laws, there shall be a trustees of soldiers' memorials to consist of six trustees, five of whom shall be elected for three year terms so arranged that as nearly an equal number of terms as possible shall expire each year and one of whom shall be the chairman of the select board.

**Section 6-12: Upper Cape Cod Regional Vocational Technical School Committee.**

There shall be two Bourne residents elected to the upper Cape Cod regional vocational technical school committee. Members shall serve for terms of four years so arranged that the terms of the members shall overlap.

**Article 7**

**Finance and Fiscal Procedures.**

**Section 7-1: Budget Process.**

Prior to the annual town meeting and within a time fixed by by-law, the town administrator shall submit to the select board a proposed operating budget and a capital improvement plan and capital improvement budget for all town departments, including the school department, for the ensuing fiscal year. The school committee budget shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation on the total town budget and make recommendations on same. The proposed operating budget shall be accompanied by a budget message and supporting documents. The budget message shall explain the budget both in fiscal terms and in terms of expected outcomes, delivery of services, and initiatives. The proposed operating budget shall be balanced and shall show both proposed expenditures and anticipated revenue. The proposed operating budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town administrator deems desirable or as the select board requires. The proposed operating budget shall include a listing of the funds requested by town departments and agencies. The select board shall review the proposed operating budget and capital improvement plan and make such changes as it deems appropriate prior to transmitting the proposed operating budget and capital improvement plan to the finance committee.

**Section 7-2: Capital Improvement Plan and Capital Improvement Budget.**

The town administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement plan to the select board 10 days prior to the date fixed by by-law and prior to the submission of the operating budget. The capital improvement plan shall include a clear summary of its contents, an itemization of all capital improvements, including those of the school department, proposed to be undertaken during the next 5 fiscal years with supporting data, cost estimates, methods of financing and recommended time schedules. The first year's budget shall be the capital budget and shall include the estimated annual cost of operating and maintaining the facilities included.

**Section 7-3: Long-Term Financial Forecast.**

The town administrator shall annually prepare, in a format the town administrator deems desirable or as the select board requires, a 5 year financial forecast of town revenue, expenditures and general financial condition of the town which shall be submitted to the select board as part of the annual budget message. The forecast shall include, but not be limited to, the identification of factors which impact the financial condition of the town; revenue and expenditure trends; potential sources of new or expanded revenues and any long or short term actions which may be taken that will enhance the financial condition of the town. The forecast shall be submitted to the select board and the select board shall make it available to the public for inspection.

**Section 7-4: Finance Committee Action.**

The select board shall submit the proposed operating budget and the capital improvement plan and capital improvement budget to the finance committee by a date fixed by by-law. The finance committee, upon receipt of the same from the select board, shall consider in public meetings the detailed expenditures for each town department and agency and shall conduct at least 1 or more public hearings on the proposed operating and capital improvement budgets, including the school budget. The finance committee shall issue its recommendations in a detailed written report, which shall include the fiscal and tax implications of the proposed operating budget, a statement outlining its support or opposition to the proposed operating budget or any sections thereof and its vote, by roll call, on all warrant articles.

The finance committee shall make copies of its report available to the voters in the town hall and the public library not less than 20 days before the scheduled date of the town meeting. The report shall be prepared in sufficient time to be incorporated into the annual town meeting voter handbook.

The finance committee may request the town administrator provide it with necessary information from any town agency and the town administrator shall promptly respond to such requests. The office of the town administrator shall provide staff support to the finance committee in issuing its recommendations on the proposed operating budget and capital improvement budget. The budget to be acted upon by the town meeting shall be the budget approved by the select board.

**Section 7-5: Approval of Warrants for Payment.**

Warrants for payments of town funds, authorized and prepared by the town accountant, shall be submitted to the town administrator for approval. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer.

**Article 8**

**General Provisions.**

**Section 8-1: Charter Changes.**

(a) This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX of the amendments to the Constitution of the Commonwealth and any legislation enacted to implement said article LXXXIX.

(b) At least once every 5 years a special committee shall be appointed by the select board to review the charter and make a report to the town meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed following an annual town meeting and shall make its report at the next annual town meeting. The select board may, by majority vote, extend the time the charter review committee needs to meet the duties and responsibilities of

article LXXXIX of the Amendments to the Constitution of the Commonwealth enacted to implement said article LXXXIX.

**Section 8-2: Severability.**

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

**Section 8-3: Specific Provisions Prevail.**

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

**Section 8-4: References to General Laws.**

All references to General Laws contained in the charter refer to the General Laws of the commonwealth.

**Section 8-5: Elections.**

The election of town officials and referendum questions shall be acted upon and determined by voters on official ballots, without party designation, on the date fixed in the by-laws of the town.

All elections conducted pursuant to this charter shall be conducted in accordance with the election laws of the commonwealth.

**Section 8-6: Procedures for Governmental Bodies.**

(a) All governmental bodies of the town whether elected, appointed or otherwise constituted shall meet at such times and in places open to the public within the town as they may by their own rules prescribe. Special meetings of a governmental body shall be held at the call of the respective chair or by a majority of the members thereof. Public posting of all meetings shall be made in accordance with the open meeting laws. The meetings of a governmental body shall be open to the public and the press, except as may be otherwise authorized by law.

(b) A majority of the members of a governmental body shall constitute a quorum but a smaller number may adjourn from time to time unless otherwise provided by law.

(c) Each governmental body shall provide for the keeping of the minutes of its proceedings. Pursuant to the open meeting law, public bodies are required to create and approve minutes in a timely manner; provided, however that a "timely manner" shall mean within the next 3 public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body shows good cause for further delay. The minutes shall be a public record and a copy of the minutes shall be filed with the office of the town clerk, once approved by the governmental body as outlined above.

(d) Meetings of the select board, the school committee, the board of health and the planning board shall be televised, recorded, livestreamed or broadcasted on the local cable channel or recorded and posted on the town's website. The town shall choose the most effective method but technical difficulties with equipment shall not cause a meeting to be postponed.

**Section 8-7: Computation of Time.**

In computing times under this charter, "days" shall mean calendar days unless otherwise specified.

**Section 8-8: Definitions.**

For the purposes of this charter, the following words shall have the following meanings unless the context clearly requires otherwise:

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

“Gender Neutrality”, any reference to gender in this charter shall be construed as meaning any person, people, individual or multiple individuals.

“Goal”, the desired outcome of a policy, program or other action.

“Governmental Body”, (i) any federal, state, local, municipal or other government; (ii) any governmental, regulatory or administrative agency, commission or other authority lawfully exercising or entitled to exercise any administrative, executive, judicial, legislative, police, regulatory or taxing authority or power; and (iii) any court or governmental tribunal.

“Library”, the Jonathan Bourne public library and any branch thereof.

“Local Comprehensive Plan”, an important planning tool used to guide the growth and direction of the town while balancing a wide variety of needs, including economic growth, protection of environmental resources, quality of life and community character.

“Local newspaper”, a newspaper of general circulation within the town.

“Majority vote”, as to a town meeting, a majority of those present and voting; as to a multiple member body voting to adopt any motion, order, appointment approval or disapproval or to take any action not entirely procedural in nature, the affirmative vote of a majority of all members present and voting unless otherwise provided by law.

“Policy”, a statement of a preferred practice.

“Strategic Plan”, the long-term vision, goals and objectives for the town as codified in a document accepted by the select board.

“Town”, the town of Bourne.

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

“Town meeting”, the town meeting of the town of Bourne.

“Town official”, an elected or appointed official of the town who, in the performance of that person’s official duties, exercises some portion of the sovereign power of the town, whether great or small;

provided, however, that a person may be a town official whether or not that person receives compensation for their services.

“Voter handbook”, the voter handbook provided for in subsection (c) of section 2-5.

“Voters”, the registered voters of the town.

**Section 8-9: Rules and Regulations.**

A town agency shall file a copy of its rules and regulations, if any, in the office of the town clerk and shall be made available to any person who makes a request for such information.

**Article 9**

**Recall Provisions.**

**Section 9-1: Application.**

Any person who holds elective office in the town of Bourne may be recalled therefrom by the registered voters of the town in the manner provided herein.

**Section 9-2: Recall Petition.**

Any 250 or more qualified voters of the town may file with the town clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds for recall. Within 10 working days thereafter, the town clerk shall deliver to any one or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the town clerk, with the town clerk’s signature and official seal attached thereto. The blanks shall be dated and addressed to the select board shall contain the name of the elected official sought to be recalled, the office from which recall is sought and the grounds for recall as stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 45 days after its issuance. The petition, before being returned and filed with the town clerk, shall be signed by not less than 10 per cent of the qualified voters as of the most recent annual town election and to every signature shall be added the place of residence of the signer, including the street and number, if any. The town clerk shall, within five working days following the date of such filing, submit the petition to the registrars of voters and the registrars shall forthwith verify thereon the number of signatures which are names of registered voters as of the date of the most recent town election.

**Section 9-3: Recall Election.**

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit it with the town clerk’s certification to the select board without delay. The select board shall forthwith give written notice of receipt of the certificate to the official sought to be recalled. If the official does not resign within five calendar days after receipt of the written notice, the select board shall order a recall election to be held on a date fixed by the board which shall be not less than 60 and not more than 90 days after the date of the town clerk’s certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to be held within 120 days after the date of the certificate, the select board may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in the office after a recall election has been ordered by the select board, the election shall proceed as provided in this section.

**Section 9-4: Nomination of Candidates.**

Any official whose recall is sought may be a candidate for re-election to the same office and, unless the individual requests otherwise in writing, the town clerk shall place that official’s name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the General Laws related to town elections unless otherwise provided in this article.

**Section 9-5: Incumbent Status.**

The incumbent shall continue to perform the duties of the office until the recall election. If the official is not recalled, the official shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in section 9-7. If the official is recalled, the official shall be deemed removed upon the qualification of the successor, who shall serve for the balance of the unexpired term of the official recalled. If the successor fails to qualify within five working days after receiving notification of election, the incumbent shall thereupon be removed and the office vacant.

**Section 9-6: Propositions on Ballot.**

Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of official)

Against the recall of (name of official)

Adjacent to each proposition there shall be a place to vote for either of the propositions. After the propositions shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of the candidates nominated as hereinbefore provided. If the elected official who is the subject of the recall petition is a candidate, that person’s name shall be the first listed and all others shall be listed alphabetically. If the majority of the votes cast upon the question of recall is in the affirmative, the official shall be deemed to be recalled and the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of recall is in the negative, the ballots for recall need not be counted.

**Section 9-7: Time Limitation.**

No recall petition shall be accepted by the town for filing against an elected official within six months after that official takes office and no recall petition shall be accepted against an elected official who was subjected to a recall petition and not removed thereby until at least six months after that recall election.

**Section 9-8: Limit on Recalled Official.**

No person who has been recalled from office or who has resigned from office while recall proceedings were pending against that person shall be elected or appointed to a town office within one year after such recall or resignation.

**Article 10**

**Transitional Provisions.**

**Section 10-1: Continuation of Existing Laws.**

All General Laws, special laws, town by-laws, town meeting votes and rules and regulations of or pertaining to the town that are in force when this charter takes effect and not specifically repealed herein shall continue in full force and effect until amended or rescinded or until they expire by operation

of law. Notwithstanding any general or special law to the contrary, if specific provisions of this charter conflict with any town by-laws, rules, regulations, orders, special acts and acceptances of General Laws, the charter provisions shall control.

**Section 10-2: Continuation of Government.**

Except as specifically provided in this charter, all town agencies shall continue in existence and all town employees and officials shall continue to perform their duties until successors to their respective positions are duly appointed or elected or their duties have been transferred.

**Section 10-3: Continuation of Personnel.**

Any person holding a town office or employment shall retain such office or employment and shall continue to perform the duties of that office or employment until provisions shall have been made in accordance with this charter for the performance of those duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit their pay grade or time in service. Each such person shall be retained in a capacity as similar to their former capacity as is practical.

**Section 10-4: Transfer of Records and Property.**

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

**Article 11**

**Charter Compliance Committee.**

There shall be a charter compliance committee which shall consist of seven members who shall be appointed by the town moderator for three year overlapping terms, so arranged that the term of not more than three members shall expire each year. No appointee shall be a town employee or a member of an existing governmental body governed by the charter.

The committee shall take action only after receiving a written complaint filed by one or more voters of the town alleging a violation of this charter by reason of an act or a failure to act by the town administrator, the select board, the school committee, the finance committee or a member of a governmental body.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or governmental body responsible for the violation and the act or failure to act resulting in the violation. The complaint shall be filed with the town clerk who shall immediately send, by certified mail, return receipt requested, a copy to each member of the committee.

Within three weeks after receipt of the complaint by the town clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chair shall give written notification to the town clerk. If the committee votes to not dismiss the complaint, the chair shall set a time and date for a hearing and mail notice of the hearing to the town clerk, any complainants and the individual or governmental body named in the complaint. The town clerk shall post and publish the notice in a newspaper of general circulation for not less than seven days before the hearing date. The hearing shall occur within 60 days after the date on which the complaint was received by the town clerk.

At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within three weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint and shall mail a notice of its decision to the complainant, to the individual, and to the governmental body named in the complaint and to the town clerk. The town clerk shall post a copy of the decision at the town hall and on the town's website.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact town counsel who may file a complaint on behalf of the town in the superior court. Nothing in this article shall limit the right to seek enforcement of this charter as otherwise provided by law.

SECTION 2. This act shall take effect upon its passage.

Charter Review Committee Amendments Approved, October 20, 2021.

## APPENDIX

- Article 1: **EXISTENCE AND AUTHORITY Amended by Ch.408, Acts 2022**  
Section 3 Division of Powers **Amended by Article 21, 2011 ATM**
- Article 2: **LEGISLATIVE BRANCH Amended by Ch.408, Acts 2022**  
Section 2-2 Presiding Officer **Amended by Ch.408, Acts 2022**  
Section 2-5 Initiation of Warrant Articles-subsection (a-1) **Amended by Ch.408, Acts 2022**  
Section 2-5 Initiation of Warrant Articles-subsection (a-2) **Amended by Ch.408, Acts 2022**  
Section 2-5 Initiation of Warrant Articles-subsection (a-3) **Amended by Article 22, 2011 ATM**  
Section 2-5 Initiation of Warrant Articles-subsections (b) and (c) **Amended by Article 21, 2011 ATM**  
Section 2-5 Initiation of Warrant Articles-subsections (b) and (c) **Amended by Article 29, 2016 ATM**  
Section 2-5 Initiation of Warrant Articles-subsections (b) and (c) **Amended by Article 12, 2021 STM**  
Section 2-5 Initiation of Warrant Articles-subsection (b) and (c) **Amended by Ch.408, Acts 2022**  
Section 2-6 Availability of Town Officials at Town Meetings **Amended by Ch.408, Acts 2022**  
Section 2-9 Finance Committee **Amended by Article 12, 2021 STM**  
Section 2-9 Finance Committee **Amended by Ch.408, Acts 2022**
- Article 3: **Executive Branch, Select Board Amended by Ch.408, Acts 2022**  
Section 3-1 Term of Office, Composition **Amended by Article 22, 2011 ATM**  
Section 3-1 Term of Office, Composition **Amended by Article 12, 2021 STM**  
Section 3-1 Term of Office, Composition **Amended by Ch.408, Acts 2022**  
Section 3-2 Vacancy **Amended by Ch.408, Acts 2022**  
Section 3-3 Policy Role **Amended by Ch. 85, Acts 2007**  
Section 3-3 Policy Role **Amended by Article 22 2011 ATM**  
Section 3-3 Policy Role **Amended by Article 29 2016 ATM**  
Section 3-3 Policy Role **Amended by Article 12 20121 STM**  
Section 3-3 Policy Role **Amended by Ch.408, Acts 2022**  
Section 3-4 Powers and Duties **Amended by Article 12 2021 STM**  
Section 3-4 Powers and Duties **Amended by Ch.408, Acts 2022**  
Section 3-5 Appointing Powers **Amended by Article 29 2016 ATM**  
Section 3-5 Appointing Powers **Amended by Ch.408, Acts 2022**  
Section 3-5 Appointing Powers **Amended by Article 12 2021 STM**  
Section 3-6 Prohibitions **Amended by Ch. 85, Acts 2007**  
Section 3-6 Prohibitions **Amended by Article 22, 2011 ATM**  
Section 3-6 Prohibitions-subsection (a) **Amended by Ch.408, Acts 2022**  
Section 3-6 Prohibitions-subsections (a) (b) and (c) **Amended by Article 29, 2016 ATM**  
Section 3-7 Intergovernmental Relations **Amended by Article 12 2021 STM**  
Section 3-7 Intergovernmental Relations **Amended by Ch.408, Acts 2022**  
Section 3-8 Rules of Procedure **Amended by Ch. 85, Acts 2007**  
Section 3-8 Rules of Procedure **Amended by Article 22, 2011 ATM**
- Article 4: **TOWN ADMINISTRATOR Amended by Ch.408, Acts 2022**  
Section 4-1 Appointment, Qualification, Term **Amended by Ch. 85, Acts 2007**

Section 4-1 Appointment; Qualification; Term **Amended by Article 21, 2011 ATM**  
Section 4-1 Appointment; Qualification; Term **Amended by Article 22, 2011 ATM**  
Section 4-1 Appointment; Qualification; Term **Amended by Article 29, 2016 ATM**  
Section 4-1 Appointment; Qualification; Term **Amended by Article 12, 2021 STM**  
Section 4-1 Appointment; Qualification; Term **Amended by Ch.408, Acts 2022**  
Section 4-2 Relationship of the Town Administrator and the Board of Selectmen **Amended by Ch. 85, Acts 2007**  
Section 4-2 Relationship of the Town Administrator and Selectboard **Amended by Ch.408, Acts 2022**  
Section 4-3 Vacancy in Office **Amended by Article 12 2021 STM**  
**Section 4-3 Vacancy in Office Amended by Ch.408, Acts 2022**  
Section 4-4 Temporary Absence **Amended by Ch. 85, Acts 2007**  
Section 4-4 Temporary Absence **Amended by Article 21, 2011 ATM**  
Section 4-4 Temporary Absence **Amended by Article 29, 2016 ATM**  
Section 4-4 Temporary Absence **Amended by Ch.408, Acts 2022**  
Section 4-6 (a) Powers and Duties **Amended by Article 12, 2021 STM**  
Section 4-6 (b) Powers and Duties **Amended by Ch. 85, Acts 2007**  
Section 4-6 (b) Powers and Duties **Amended by Article 12, 2021 STM**  
Section 4-6 (c) Stricken **Amended by Ch. 85, Acts 2007**  
Section 4-6 (c) Powers and Duties **Amended by Article 12, 2021 STM**  
Section 4-6 (f) Powers and Duties **Amended by Article 12, 2021 STM**

Section 4-6 Powers and Duties **Amended by Article 22, 2011 ATM**  
Section 4-6 Powers and Duties-subsections (c) (f) and (m) **Amended by Article 29, 2016 ATM**  
Section 4-6 (i) Powers and Duties **Amended by Article 12, 2021 STM**  
Section 4-6 (n) Powers and Duties **Amended by Article 12, 2021 STM**  
Section 4-6 Powers and Duties-subsections (a-s) Powers and Duties **Amended by Ch.408, Acts 2022**

Article 5: ADMINISTRATIVE ORGANIZATION **Amended by Ch.408, Acts 2022**  
Section 5-1 Table of Organization **Amended by Article 29, 2016 ATM**  
Section 5-1 Table of Organization **Amended by Article 12, 2021 STM**  
Section 5-1 Organizational Chart **Amended by Ch.408, Acts 2022**  
Section 5-2 Organization of Town Government **Amended by Ch. 85, Acts 2007**  
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Section 5-2 Organization of Town Government **Amended by Ch.408, Acts 2022**  
Section 5-3 Public Hearing and Effective Date **Amended by Article 21, 2011 ATM**  
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Section 5-3 Public Hearing and Effective Date **Amended by Ch.408, Acts 2022**  
Section 5-4 Department of Public Works-subsection (a) **Amended by Article 12, 2021 STM**  
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Section 5-4 Department of Public Works-subsections (a-c) **Amended by Ch.408, Acts 2022**  
Section 5-5 Department of Integrated Solid Waste Management-subsection (a) **Amended by Article 12, 2021 STM**

Section 5-5 Department of Integrated Solid Waste Management-subsection (a) **Amended by Ch.408, Acts 2022**

Section 5-5 Department of Integrated Solid Waste Management-subsection (c) **Amended by Article 21, 2011 ATM**

Section 5-5 Department of Integrated Solid Waste Management-subsection (c) **Amended by Article 12, 2021 STM**

Section 5-5 Department of Integrated Solid Waste Management-subsection (c) **Amended by Ch.408, Acts 2022**

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Section 5-5 Department of Integrated Solid Waste Management-subsection **Amended by Ch.408, Acts 2022**

Section 5-6 Department of Finance (a)(10) **Amended by Article 12, 2021 STM**

Section 5-6 Department of Finance (a)(10) **Amended by Ch.408, Acts 2022**

Section 5-6 Department of Finance (a) 11 **Amended by Ch. 85, Acts 2007**

Section 5-6 Department of Finance (b)(1) **Amended by Article 12, 2021 STM**

Section 5-6 Department of Finance (b) 3 **Amended by Ch. 85, Acts 2007**

Section 5-6 Department of Finance-subsections (b) through (f) **Amended by Article 21, 2011 ATM**

Section 5-7 Police Department **New Section Added by Article 29, 2016**

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Section 6-10 Trustees of the Jonathan Bourne Public Library- subsections (a-g) **Amended by Ch.408, Acts 2022**

Section 10 (b) Trustees of the Jonathan Bourne Public library **Amended by Article 12, 2021 STM**

Section 10 (c) Trustees of the Jonathan Bourne Public library **Amended by Article 12, 2021 STM**

Section 10 (d) Trustees of the Jonathan Bourne Public library **Amended by Article 12, 2021 STM**

Section 10 (f) Trustees of the Jonathan Bourne Public library **Amended by Article 12, 2021 STM**

Section 10 (g) Trustees of the Jonathan Bourne Public library **Amended by Article 12, 2021 STM**

Article 7: Section 7-1 Budget process **Amended by Article 12, 2021 STM**

Section 7-1 Budget Process **Amended by Ch.408, Acts 2022**

Section 7-2 Capital Improvement Program and Capital Budget **Amended by Article 21, 2011 ATM**

Section 7-2 Capital Improvement Program and Capital Budget **Amended by Article 12, 2021 STM**

Section 7-2 Capital Improvement Plan and Capital Improvement Budget **Amended by Ch.408, Acts 2022**

Section 7-3 Long Term Financial Forecast **Amended by Article 29, 2016**

Section 7-3 Long Term Financial Forecast **Amended by Article 12, 2021 STM**  
Section 7-3 Long Term Financial Forecast **Amended by Ch.408, Acts 2022**  
Section 7-4 Finance and Fiscal Procedures **Amended by Article 12, 2021 STM**  
Section 7-4 Finance and Fiscal Procedures **Amended by Ch.408, Acts 2022**

Article 8: Section 8-1 Charter Changes-subsection (b) **Amended by Article 21, 2011 ATM**  
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