

Town of Bourne

Amended 2007 Charter

TABLE OF CONTENTS

TOWN OF BOURNE HOME RULE CHARTER

ARTICLE 1 EXISTENCE AND AUTHORITY

- Section 1-1 Incorporation
- Section 1-2 Charter and Form of Government
- Section 1-3 Division of Powers
- Section 1-4 Powers of the Town; Intent of the Voters
- Section 1-5 Interpretation of Powers
- Section 1-6 Intergovernmental Relations

ARTICLE 2 LEGISLATIVE BRANCH

- Section 2-1 Open Town Meeting
- Section 2-2 Presiding Officer
- Section 2-3 Time of Meetings
- Section 2-4 Warrants
- Section 2-5 Initiation of Warrant Articles
 - (a) Initiation
 - (b) Time for Closing Town Meeting Warrants
 - (c) Availability of the Voter Handbook
- Section 2-6 Availability of Town Officials at Town Meetings
- Section 2-7 Clerk of the Meeting
- Section 2-8 Rules of Procedure
- Section 2-9 Finance Committee

ARTICLE 3 EXECUTIVE BRANCH, BOARD OF SELECTMEN

- Section 3-1 Term of Office, Composition
- Section 3-2 Vacancy
- Section 3-3 Policy Role
- Section 3-4 Powers and Duties
- Section 3-5 Appointing Powers
- Section 3-6 Prohibitions
- Section 3-7 Intergovernmental Relations
- Section 3-8: Rules of Procedure

ARTICLE 4 TOWN ADMINISTRATOR

- Section 4-1 Appointment; Qualification; Term
- Section 4-2 Relationship of the Town Administrator and the Board of Selectmen
- Section 4-3 Vacancy in Office
- Section 4-4 Temporary Absence
- Section 4-5 Procedures for Removal of Town Administrator
- Section 4-6 Powers and Duties

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

- Section 5-1 Table of Organization
- Section 5-2 Organization of Town Government
- Section 5-3 Public Hearing and Effective Date
- Section 5-4 Department of Public Works
 - (a) Establishment
 - (b) Superintendent of Public Works
 - (c) Scope and Functions

(d) Policy
Section 5-5 Department of Integrated/Solid Waste Management

- (a) Establishment
- (b) General Manager
- (c) Scope and Functions
- (d) Policy

Section 5-6 Department of Finance

- (a) Establishment and Scope
- (b) Director of Finance
- (c) Board of Assessors
- (d) Town Accountant
- (e) Treasurer
- (f) Town Collector

ARTICLE 6 OTHER ELECTED TOWN BOARDS AND OFFICERS

Section 6-1 Other Elected Town Boards and Officers

- (a) General Provisions
- (b) Town boards to be elected in addition to the Board of Selectmen

Section 6-2 Moderator

Section 6-3 Town Clerk

Section 6-4 Constable

Section 6-5 School Committee

Section 6-6 Board of Health

Section 6-7 Planning Board

Section 6-8 Housing Authority

Section 6-9 Recreation Authority

Section 6-10 Trustees of the Jonathan Bourne Library

Section 6-11 Trustees of the Soldiers Memorials

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

ARTICLE 7 FINANCE AND FISCAL PROCEDURES

Section 7-1 Budget Process

Section 7-2 Capital Improvement Program and Capital Budget

Section 7-3 Long Term Financial Forecast

Section 7-4 Finance Committee Action

Section 7-5 Approval of Warrants for Payment

ARTICLE 8 GENERAL PROVISIONS

Section 8-1 Charter Changes

(a) Charter Revisions and Amendments

(b) Periodic Charter Review

Section 8-2 Severability

Section 8-3 Specific Provisions Prevail

Section 8-4 References to General Laws

Section 8-5 Elections

Section 8-6 Procedures for Multiple Member Bodies

(a) Meetings

(b) Quorum

(c) Minutes

Section 8-7 Computation of Time

Section 8-8 Number and Gender

Section 8-9 Definitions

Section 8-10 Rules and Regulations

ARTICLE 9 RECALL PROVISIONS

Section 9-1 Application

Section 9-2 Recall Petition

Section 9-3 Recall Election

Section 9-4 Nomination of Candidates

Section 9-5 Incumbent Status

Section 9-6 Propositions on Ballot

Section 9-7 Time Limitation

Section 9-8 Limit on Recalled Official

ARTICLE 10 TRANSITIONAL PROVISIONS

Section 10-1 Continuation of Existing Laws

Section 10-2 Continuation of Government

Section 10-3 Continuation of Personnel

Section 10-4 Transfer of Records and Property

Section 10-5 Effective Date

ARTICLE 11 – CHARTER COMPLIANCE COMMITTEE

Section 2-1: Open Town Meeting

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

Section 2-2: Presiding Officer

The Moderator, elected as provided in Section 6-2, shall preside at all sessions of the Town Meeting, shall regulate the proceedings at Town Meeting, decide all questions of order, and make public declaration of all votes.

Section 2-3: Time of Meetings

The annual Town Meeting shall convene at such time as provided by by-law of the town. Special Town Meetings shall be convened at such times as may be called by the Board of Selectmen, by petition of registered voters as provided by law, or at such time or times as may be provided by by-law of the town.

Section 2-4: Warrants

Every Town Meeting shall be called by a warrant issued by the Board of Selectmen, which shall state the date, time and location at which the meeting is to convene, and by separate articles, the subject matter to be acted upon. The publication of the warrant for every Town Meeting shall be in accordance with town by-law governing such matters.

Section 2-5: Initiation of Warrant Articles

- (a) Initiation - The Board of Selectmen shall receive at any time 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) any elected town officer; (2) any town elected or appointed multiple member body acting by vote of a majority of its members; (3) petition of registered voters as provided by law; and, (4) the Town Administrator.
- (b) Time for Closing Town Meeting Warrants - The Board of Selectmen shall close the Warrant not less than seventy-five (75) days prior to the date for the annual Town Meeting, and not less than forty-five (45) days prior to the date for any special Town Meeting. By four-fifths vote, the Board of Selectmen may waive the aforementioned requirements for the special Town Meeting, in case of emergency.
- (c) Availability of the Voter Handbook - 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, Board of Selectmen, and any other appointed or elected board or committee proposing an article. In the Voter Handbook for the Annual Town Meeting the Selectmen shall include the recommended operating budget with revenue projections, the departmental goals for the upcoming fiscal year, and five year financial, debt and capital projections. The **Voter Handbook** shall be available to the public at town hall and the public library not less than fifteen (15) days prior to the **Annual** Town Meeting.

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

Town officers, members of boards and commissions, department heads, or their duly designated representatives, shall attend Town Meeting for the purpose of furnishing information when proposals affecting their particular office, board, commission, or department are included in the warrant.

Section 2-7: Clerk of the Meeting

The Town Clerk shall serve as clerk of the Town Meeting, give notice of all adjourned sessions thereof, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this charter, by by-law, or by 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 to govern the conduct of all Town Meetings.

Section 2-9: Finance Committee

A Finance Committee shall be appointed as provided by by-law. Town of Bourne 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.

Section 3-1: Term of Office, Composition

There shall be a Board of Selectmen consisting of five members elected for three (3) year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The Board of Selectmen shall also serve as Sewer Commissioners.

Section 3-2: Vacancy

A vacancy in the office of Selectmen shall be filled in accordance with General Law.

Section 3-3: Policy Role

The Board of Selectmen 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 Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than 45 days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments shall act through the adoption of broad policy guidelines through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy goals, policies and action items, which are to be implemented by the Town Administrator.

Section 3-4: Powers and Duties

Except as otherwise provided by this charter, all executive powers of the town shall be vested in the Board of Selectmen and it shall have all of the powers and duties given to Boards of Selectmen under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by this charter, by by-law, or by Town Meeting vote. The Board of Selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept.

Section 3-5: Appointing Powers

The Board of Selectmen shall appoint the Town Administrator, Town Counsel, Registrars of Voters, Constables, and members of all multi-member bodies for whom no other appointment provision is made in this charter of by by-law. All appointed boards, committees and commissions, appointed by the Board of Selectmen, shall be responsible to the Board of Selectmen.

Section 3-6: Prohibitions

No member of the Board of Selectmen shall serve on any appointed town board established by this charter or by by-law, Town Meeting or the Board of Selectmen for which the Board of Selectmen is the appointing authority.

Section 3-7: Intergovernmental Relations

Members of the Board of Selectmen will represent the town on federal, state, regional and inter-municipal committees, or may designate a town employee or other person to represent the town.

Section 3- 8: Rules of Procedure

The Board of Selectmen 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 must be provided before any vote on a policy issue. The Board of Selectmen may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

Section 4-1: Appointment; Qualification; Term

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than 5 and not more than 9 residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. If the Board of Selectmen does not select one of the candidates presented by the search committee within thirty 30 days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within 60 days after it resumes the search.

The Board of Selectmen, by an affirmative vote of 4 members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within the amount annually appropriated for this purpose. The office of the Town Administrator shall not be subject to the Personnel by-law. 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 a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience.

The 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 his or her term, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

Section 4-2: Relationship of the Town Administrator and the Board of Selectmen

The Town Administrator shall be the primary officer responsible for the implementation of the broad policy directives of the Board of Selectmen 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 Board of Selectmen annually for the Town Administrator's ability to effectuate policy, to accomplish goals as established by the Board of Selectmen, 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 Board of Selectmen. Pending the appointment of a Town Administrator, the Board of Selectmen shall, within thirty (30) days, appoint some other qualified person to serve as the Acting Town Administrator.

Section 4-4: Temporary Absence

The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen designate as Acting Town Administrator, a qualified officer or employee of the town to perform the duties of the Town Administrator during a temporary absence or disability. If this absence or disability exceeds 30 days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. If the Town Administrator fails to make a designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other qualified employee of the town to perform the duties of the Town Administrator until the Town Administrator shall return.

Section 4-5: Procedures for Removal of Town Administrator

The Board of Selectmen, by an affirmative vote of four (4) of its members, may initiate the removal of the Town Administrator by adopting a preliminary resolution of removal. Said resolution shall set forth in reasonable detail the reason or reasons for said removal. The preliminary resolution may suspend the Administrator for a period not to exceed thirty (30) days. The resolution shall be delivered to the Administrator forthwith upon its adoption.

The Administrator, within five (5) days of receipt of the resolution of removal, may request a public hearing by the Board of Selectmen on the reasons stated in the resolution of removal. The Board of Selectmen shall convene the requested hearing not less than seven (7) nor more than thirty (30) days after receipt of the request by the Town Administrator. The Town Administrator may be represented by counsel of his or her choice, may call witnesses, may question witnesses and may file a statement on his or her behalf.

If the Town Administrator does not request a public hearing then the Board of Selectmen may adopt a final resolution of removal not earlier than ten (10) days after the delivery of the preliminary resolution of removal and not later than twenty (20) days after the delivery of the preliminary resolution. If the Town Administrator does request a public hearing, then the Board of Selectmen may adopt a final resolution of removal not earlier than five (5) days nor later than ten (10) days after the close of the public hearing. A final resolution of removal must have an affirmative vote of four (4) members of the Board of Selectmen. 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 Board of Selectmen in suspending or removing the Town Administrator shall be final. The Administrator shall continue to receive his or her 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 Board of Selectmen for the proper administration of all town affairs placed in his or her 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 Board of Selectmen;
- (b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members 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 Board of Selectmen, unless a majority of the Board of Selectmen votes to reject the appointment within this period.
- (c) prepare and submit an annual operating budget and capital improvement program and budget, in accordance with Sections 7-1 and 7-2 of this charter;
- (d) investigate or inquire into the affairs of any town department under his jurisdiction or when authorized by the Board of Selectmen, investigate or inquire into the affairs of any town department;
- (e) attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings;
- (f) keep the Board of Selectmen fully informed as to the needs of the town and make recommendations to the board;
- (g) inform the Board of Selectmen on departmental operations, fiscal matters, administrative actions and provide regular periodic reports to the Board of Selectmen;
- (h) inform the Board of Selectmen of the availability of public and private funding opportunities;
- (i) administer personnel policies, practices, and rules and regulations, any compensation plan and any related matter 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 Board of Selectmen;
- (k) have jurisdiction over all town property, insuring that a full inventory of all real and personal property is kept excluding property under the jurisdiction of the school committee;
- (l) shall 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;
- (m) fix the compensation of all town employees and officers appointed by the Town Administrator within the limits of the town's compensation plan and/or collective bargaining agreements and other employment agreements;
- (n) coordinate the activities of all appointed and elected boards, committees and commissions and may require elected boards and individuals to meet with and provide information to the Town Administrator, at reasonable times for the purpose of coordination and financial planning;
- (o) may create new full time, compensated positions subject to the approval of the Board of Selectmen and funding by town meeting;
- (p) supervise, direct and be responsible for the efficient administration of all officers 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 by-law, by Town Meeting vote or by vote of the Board of Selectmen;
- (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 that all acts that are performed under such delegation are deemed to be the acts of the Town Administrator;
- (r) administer and enforce either directly or through a person or persons supervised by the Town Administrator, in accordance with this charter all provisions of the laws of the Commonwealth applicable to the town, all by-laws, and all regulations established by the Board of Selectmen;
- (s) attend all sessions of the Town Meeting to answer all questions addressed to the Town Administrator and which are related to warrant articles and matters of general supervision of the Town Administrator.

Section 5-1: Table of Organization

The Town Administrator shall prepare, for submission to the Board of Selectmen, a table of organization establishing personnel requirements within the town agencies created by the charter, by by-law or by administrative code. The table of organization shall become effective unless rejected by the Board of Selectmen within thirty (30) days following its submission.

Section 5-2: Organization of Town Government

Subject only to the express prohibitions in the constitution, general laws or the charter, the Town Administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as it 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; but no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other.

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 any town agency that Town Administrator may consider necessary or advisable in accordance with this Section. Any proposed plan submitted under this section by the Town Administrator must be approved by an affirmative vote of three members of the Board of Selectmen.

Section 5-3: Public Hearing and Effective Date

Whenever the Board of Selectmen approves such a proposed plan, it shall hold 1 or more public hearings on the proposal, giving notice by publication in a local newspaper at least 7 days in advance of such hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The Selectmen have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. The proposed organization shall become effective no sooner than 60 days following the Selectmen's vote on the final plan. Where the reorganization moves function or funding from 1 department to another, voters may petition for a Special Town Meeting to address the changes.

Section 5-4: Department of Public Works

- (a) Establishment - There shall be a Department of Public Works responsible for those public works functions described in this Article and as may be assigned from time to time by the Board of Selectmen, Town Administrator and Town Meeting.
- (b) Superintendent of Public Works - The Department of Public Works shall be under the direct control of a Superintendent of Public Works who shall be appointed by and who shall be directly responsible to the Town Administrator. The Superintendent of Public Works shall be a registered civil engineer, or a person otherwise especially suited by education, training or previous experience to perform the duties of the office.
The Superintendent of Public Works shall keep full and complete records of the doings of his office and shall render a report of all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties.
The position of Superintendent of Public Works shall be a permanent classified position under the salary administration plan by-law, as from time to time amended and supplemented.
- (c) Scope and Functions - The Department of Public Works shall include, but not be limited to, the following functions: highways and streets; storm drains; tree and park maintenance; public sewers; rubbish collection; maintenance and repair of town buildings, except school buildings unless requested by the School Committee and approved by the Board of Selectmen.
- (d) Policy - The Board of Selectmen, acting through the Town Administrator, shall establish priorities and policies to govern the operation of the Department of Public Works.

Section 5-5: Department of Integrated Solid Waste Management

- (a) Establishment - There shall be a Department of Integrated Solid Waste Management responsible for those solid waste functions described in this article and as may be assigned from time to time by the Board of Selectmen, Town Administrator and Town Meeting
- (b) General Manager - The Department of Integrated Solid Waste Management shall be under the direct control of a General Manager who shall be appointed by and directly responsible to the Town Administrator.
- (c) The General Manager shall be 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 his office and report on all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties. The position of General Manager of solid waste shall be a permanent classified position under the salary administration plan by-law as from time to time amended and supplemented.
- (d) (c) Scope and Functions - The Department of Integrated Solid Waste Management shall include, but not be limited to, the following functions: sanitary landfill; composting and recycling
- (e) Policy - The Board of Selectmen, acting through the Town Administrator, shall establish priorities and policies to govern the operation of the Department of Integrated Solid Waste Management.

Section 5-6: Department of Finance

- (a) Establishment and Scope - 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 government 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 of 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 data processing functions, activities and equipment of town government offices and agencies; and
 11. such additional functions as from time to time may be assigned by the Town Administrator.
- (b) Director of Finance - The Director of Finance shall be appointed as provided in Section 4-6(c). The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office. The first Director of Finance shall also serve as Town Accountant. Successive Directors of Finance may serve as Town Accountant, Treasurer, Town Collector or Principal Assessor, but the Finance Director may not serve as Town Accountant and 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 (1) 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, shall have the authority to 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. coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, related data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by-law, code accepted practice;
 2. accountability for planning, organizing and providing administrative direction for all financial functions;
 3. working with the Town Administrator in developing strategic financial plans and policies;
 4. compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Administrator. The Director shall receive all requests made for the expenditure of town funds from every 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. 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) Board of Assessors – There shall be a Board of Assessors, consisting of three members, appointed by the Town Administrator for overlapping terms of three years. The Board of Assessors shall have all of the duties and responsibilities assigned to Boards of Assessors by Massachusetts General Law.
- (d) Town Accountant - There shall be a Town Accountant appointed as provided for in Section 4-6(b). 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 prior full time accounting experience. The Town Accountant shall have the powers and duties conferred upon Town Accountants by General Laws. The Town Accountant shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his or her duties.
- (e) Treasurer – There shall be a Town Treasurer appointed as provided for in Section 4-6[c] and Section 10-5[g]. The Treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The Treasurer shall have the powers and duties conferred and imposed upon Town Treasurers by General Laws, this Charter and Town Bylaws. The Treasurer shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his or her duties.
- (f) Town Collector –There shall be a Town Collector appointed as provided for in Section 4-6[c] and Section 10-5[g]. The Town Collector shall be especially fitted by education, training and experience to perform the duties of the office. The Town Collector shall have the powers and duties conferred upon Town Collectors and Tax Collectors by General Laws, this Charter and Town Bylaws. The Town Collector shall be responsible to the Finance Director and in turn the Town Administrator for the proper performance of his or her duties.

Section 6-1: Other Elected Town Boards and Officers

- (a) General Provisions - Following the adoption of this charter, the only officers to be elected shall be the Town Moderator, Town Clerk and a Constable.
- (b) Town boards to be elected in addition to the Board of Selectmen shall be:
 - 1. School Committee
 - 2. Board of Health
 - 3. Planning Board
 - 4. Housing Authority
 - 5. Recreation Authority
 - 6. Trustees of Jonathan Bourne Library
 - 7. Trustees of Soldier's Memorials
 - 8. Upper Cape Cod Regional Vocational Technical School Committee
 - 9. Such town members of regional districts, multi-member bodies and authorities as are now, or may be, established as elective offices by General Law, vote of Town Meeting or intergovernmental agreement.

Section 6-2: Moderator

A Town Moderator shall be elected at the Annual Town Election for a one (1) year term.

The Moderator, as provided in Section 2-2 shall be the presiding officer at Town Meeting. He shall have all the powers and duties given to moderators under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by this charter, by by-law or by other Town Meeting vote.

He shall perform such other duties as may from time to time be assigned to the office of Moderator by by-law or other vote of the Town Meeting.

Section 6-3: Town Clerk

A Town Clerk shall be elected at the Annual Town Election for a three (3) 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 Clerk shall have the powers and duties of Town Clerks as provided by general law, this charter, by by-law and vote of the Town Meeting.

Section 6-4: Constable

There shall be one Constable elected for a three (3) year term.

The Constable shall have all of the powers and duties given to Constables under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other Town Meeting vote.

Section 6-5: School Committee

A School Committee of seven (7) members shall be elected for three (3) year overlapping terms.

The School Committee shall have general charge of all public schools in the town and shall have the powers and duties school committees are given under the constitution and general laws of the Commonwealth 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 consisting of five (5) members. All members shall serve for three (3) 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 the powers and duties given to Boards of Health under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other Town Meeting vote.

Section 6-7: Planning Board

There shall be a planning board consisting of nine (9) members elected for three (3) 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-law. The Planning Board shall have all of the powers and duties given to Planning Boards under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other Town Meeting vote.

Section 6-8: Housing Authority

There shall be a Housing Authority consisting of five (5) members. Four (4) of the members shall be elected and the fifth member shall be appointed by the Secretary of the Department of Housing and Community Development or as otherwise provided by law. Housing authority members shall serve three (3) 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 general laws of the Commonwealth and such additional powers and duties as may be authorized by the 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 Recreation Authority consisting of five (5) members. One (1) member shall be appointed by the Governor, and four (4) members shall be elected for three (3) year terms.

The Recreation Authority shall have those powers and duties as specified in Chapter 820 of the Acts of 1970, a special act of the Legislature establishing a recreation authority for the Town of Bourne.

Section 6-10: Trustees of the Jonathan Bourne Library

There shall be a library board known as The Trustees of the Jonathan Bourne Library consisting of six (6) members elected for three (3) year overlapping terms.

The Trustees shall have the custody and management of the library and of all property of the town related thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the Trustees, and all money or property that the town may receive for the library by gift or bequest shall be administered by the Trustees in accordance with the provisions of such gift or bequest. The Trustees of the Jonathan Bourne Library shall have all of 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 the charter, by by-law or by other Town Meeting vote.

Section 6-11: Trustees of the Soldier's Memorials

In accordance with the provisions of Chapter 41, Section 105 of the general laws, there shall be Trustees of Soldiers Memorials consisting of six (6) trustees, five (5) elected for three (3) year terms, so arranged that as nearly an equal number of terms as possible shall expire each year, and one (1) the Chairman of the Board of Selectmen.

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

There shall be two (2) Bourne residents elected to the Upper Cape Cod Regional Vocational Technical School Committee. Members shall serve for a term of three (3) years so arranged that terms of all members of said School Committee shall overlap.

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 Board of Selectmen a proposed operating budget and a capital program and capital budget for all town departments, including the School Department, for the ensuing fiscal year. The proposed 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 work programs. The proposed budget shall be balanced and shall show both proposed expenditures and anticipated revenue. The proposed 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 the board of selectmen require. The proposed budget shall include a listing of the funds requested by town departments and agencies. The Board of Selectmen shall review the proposed budget and capital plan and make changes as the board deems appropriate prior to transmitting the budget and capital plan to the finance committee.

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.

Section 7-2: Capital Improvement Program and Capital Budget

The Town Administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement program to the Board of Selectmen 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 five fiscal years with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities included. The first year's budget would be the capital budget.

Section 7-3: Long Term Financial Forecast

The Town Administrator shall prepare annually a five (5) year financial forecast of town revenue, expenditures and general financial condition of the town. The forecast shall include but not be limited to, an 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 Board of Selectmen who shall make it available to the public for inspection.

Section 7-4: Finance Committee Action

The Board of Selectmen shall submit the operating budget and the capital improvement program and capital budget to the Finance Committee by a date fixed by bylaw. The Finance Committee shall, upon receipt of the operating and capital improvement program and capital budget from the Board of Selectmen, consider in public meetings the detailed expenditures for each town department and agency and shall conduct one (1) or more public hearings on the proposed operating and capital 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 budget, a statement outlining its support or opposition to the proposed budget or sections of it and its vote by roll call on all warrant articles.

The Finance Committee will make copies of its report available to the voters in town hall and the public library at least twenty-one (21) days prior to 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 to provide necessary information from any town agency and the Town Administrator shall promptly respond to such requests. The Office of the Town Administrator will provide staff support to the Finance Committee in issuing its recommendations on the operating budget and capital improvement program. The budget to be acted upon by the Town Meeting shall be the budget approved by the Board of Selectmen.

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.

Section 8-1: Charter Changes

- (a) Charter Revisions and Amendments: This charter may be replaced, revised or amended in accordance with the procedures made available by Article LXXXIX (89) of the amendments to the constitution of the Commonwealth and any legislation enacted to implement the said amendment.
- (b) Periodic Charter Review: At least once in every five years a special committee shall be appointed by the Board of Selectmen for the purpose of reviewing the provisions of the charter and to make a report to the Town Meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed immediately following an annual Town Meeting and shall make its report at the next annual Town Meeting.

Section 8-2: Severability

The provisions of this charter are severable. If any provision of the charter is held 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 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 of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the charter.

Section 8-5: Elections

The election of town officers and referenda 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 the charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.

Section 8-6 Procedures for Multiple Member Bodies

- (a) Meetings - All multiple member 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 any multiple member body shall be held on the call of the respective chairman or by a majority of the members thereof. Public posting of all meetings shall be made in accordance with the Open Meeting Law of the Commonwealth of Massachusetts. All meetings of all multiple member bodies shall be open to the public and the press, except as may otherwise be authorized by law.
- (b) Quorum - A majority of the members of the multiple member body shall constitute a quorum but a smaller number may adjourn from time to time, unless otherwise provided by law.
- (c) Minutes - Each multiple member body shall provide for the keeping of minutes of its proceedings. These minutes shall be a public record and a copy of such minutes shall be filed with the office of the Town Clerk.

Section 8-7: Computation of Time

In computing times under the charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted. If more than seven days, every day shall be counted.

Section 8-8: Number and Gender

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

Section 8-9: Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meaning:

- (a) Charter – The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under Article LXXXIX (89) of the amendments to the state constitution.
- (b) Town – The word "town" shall mean the Town of Bourne.
- (c) Town Agency – The word "town agency" or "agency" shall mean any board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.
- (d) Town Meeting – The words "Town Meeting" shall mean the Town Meeting of the Town of Bourne established in Article 2 of this charter.
- (e) Library – The word "library" shall mean the Jonathan Bourne Library and any branch or branches that may be established thereof.
- (f) Local Newspaper – The words "local newspaper" shall mean a newspaper of general circulation within the town.
- (g) Multiple Member Body – The words "multiple member body" shall mean any board, commission or committee consisting of two or more persons, whether elected or appointed.
- (h) Town Officer – The words "town officer" shall mean an elected or appointed official of the town who in the performance of his duties of office exercises some portion of the sovereign power of the town, whether great or small. A person may be a town official whether or not he receives any compensation for his services.
- (i) Voters – The word "voters" shall mean registered voters of the town.
- (j) Majority Vote – The words "majority vote" shall mean, as to the Town Meeting, a majority of those present and voting. As to all multiple member bodies, the affirmative vote of a majority of all its members present and voting shall be necessary to adopt any motion, order, appointment or approval or disapproval, to take any action not entirely procedural in nature, unless otherwise provided by law.
- (k) Voter Handbook – The words "Voter Handbook" shall mean the Voter Handbook established in Section 2-5 (c) and referenced in Section 7-4.

Section 8-10: Rules and Regulations

A copy of any rules and regulations adopted by any town agency shall be filed in the office of the town clerk and made available for review by any person who requests such information.

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 of recall. Said Town Clerk within ten (10) working days shall thereupon deliver to any one or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the town; shall contain the name of the official sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office.

A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after its issuance.

The petition, before being returned and filed with the Town Clerk, shall have been 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, giving the street and number, if any.

The Town Clerk shall, within five (5) 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 Clerk shall submit it with the Clerk's certification to the Board of Selectmen without delay. The Board of Selectmen 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 such written notice, the Board of Selectmen shall order a recall election to be held on a date fixed by them not less than sixty (60) nor more than ninety (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 one hundred twenty days (120) after the date of the certificate, the Board of Selectmen may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in said office after a recall election has been ordered by the Board of Selectmen, the election shall proceed as provided in this section.

Section 9-4: Nomination of Candidates

Any officer whose recall is sought may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his 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 his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 9-7. If the elected official is recalled, he shall be deemed removed upon the qualification of his successor, who shall serve for the balance of the unexpired term of the officer removed. If the successor fails to qualify within five working days after receiving notification of his 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 officer)

Against the recall of (name of officer)

Adjacent to each proposition there shall be a place to vote of either of the said propositions. After the propositions shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws, as amended and supplemented, 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, his name shall be the first listed; all others shall be listed alphabetically. If the majority of the votes cast upon the question 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 (6) months after he takes office, nor in the case of an elected official subjected to a recall petition and not removed thereby, until at least six (6) months after that recall election.

Section 9-8: Limit on Recalled Official

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

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 expire by operation of law. Where specific provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders, special acts and acceptances of general law, the charter provisions shall govern and supersede any law to the contrary.

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 officers 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 under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit his pay grade or time in service. Each such person shall be retained in a capacity as similar to his 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.

Section 10-5: Effective Date

The charter shall become fully effective upon its approval by the voters, except as otherwise provided:

- (a) Upon adoption of the charter, the Board of Selectmen, Registrars of Voters, the Town Clerk and other election officers of the town shall be empowered to hold and shall hold a special election to be held on the fourth Wednesday in June following its adoption by the voters. Two vacancies on the Board of Selectmen shall be filled at said election enlarging the Board of Selectmen to consist of five (5) members.
- (b) At the special election, the two additional Selectmen shall be chosen as follows: the candidate receiving the largest number of votes shall be elected Selectmen for a term ending on the day of the annual town election in 2004; and the candidate receiving the second largest number of votes shall be elected Selectmen for a term ending on the day of the annual town election in 2003. Annually thereafter, there shall be elected a Selectman or Selectmen equivalent to the number of vacant positions to be filled at each annual election.
- (c) Persons elected to the Board of Selectmen at the special election shall be sworn into office immediately upon certification of the vote by the Town Clerk.
- (d) Upon adoption of the charter and prior to the special election, the Board of Selectmen shall appoint a qualified person to serve as temporary Town Administrator who shall exercise the rights and perform the duties of the Town Administrator. The temporary Town Administrator shall serve in this capacity for a period not to exceed six (6) months or until such time as the Town Administrator is appointed and qualified or for no more than an additional six (6) months. The temporary Town Administrator shall be ineligible for appointment as Town Administrator.
- (e) Upon adoption of the charter a Town Administrator Search Committee shall be established to assist the Board of Selectmen in the recruitment and selection of the first Town Administrator. The Town Administrator Search Committee shall consist of seven (7) members and shall be established as follows: two (2) members of the 2000 Charter Commission selected by the Charter Commission; two (2) members of the public appointed by the Moderator; one (1) member of the Finance Committee selected by that committee and two (2) members appointed by the Selectmen not to include a Selectman. The search committee shall advertise, solicit and interview candidates for the position of Town Administrator. The search committee shall present not less than four (4) and not more than seven (7) candidates for the position of Town Administrator to the Board of Selectmen. In the event the Board of Selectmen does not select one of the candidates presented to it within thirty (30) days then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within sixty (60) days of its resuming of the search.

- (f) Upon adoption of the Charter, and prior to the date the Charter Commission ceases to exist, said Commission shall select two (2) of its members who shall serve on the Town Administrator Search Committee described in Section 10-5(e) above and forward the names of those individuals to the Board of Selectmen.
- (g) Until such time as the annual salary for the Town Administrator is otherwise established the initial salary shall be set at not less than \$80,000 per annum.
- (h) The Town Treasurer and Town Collector who have heretofore been elected and who will henceforth be appointed under the provisions of this charter shall serve for the balance of their terms or a sooner vacancy of office, but their successors shall be appointed. Upon the expiration of the terms of office of the Treasurer and Town Collector, or anytime thereafter, the Town Administrator may combine these positions into a single position.
- (i) Beginning with the town election in the year following the year in which the charter is adopted, members of the Planning Board shall be elected for three (3) year terms. One member shall be elected in 2002 for a two (2) year term, expiring in 2004. The three members to be elected in 2004 shall be elected for three (3) year terms. One member shall be elected in 2003 for a two (2) year term to expire in 2005. The three members to be elected in 2005 shall be elected for a three (3) year term. One member shall be elected in 2003 for a three (3) year term, expiring in 2006. The three members to be elected in 2006 shall be elected for a three (3) year term
- (j) The provisions of this charter that relate to the establishment of a Department of Finance shall become effective on July 1, 2002.

Not more than thirty (30) days after the adoption of this charter the By-law Committee shall begin to review the existing general by-laws of the town and to make a report, with recommendations for possible changes or amendments, to the Town Meeting in the year following the year in which the charter is adopted.

- (k) Following the appointment of the first Town Administrator as provided for in Section 10-5 (e) above, said Administrator shall appoint a Board of Assessors. The initial three (3) appointments shall be phased to coincide with the expiration of the terms of office of Selectmen/Assessors elected prior to approval of this Charter. In the event that the Town Administrator has not been appointed by the expiration of the first term of the elected Selectman/Assessor in April 2002, the Board of Selectmen shall appoint the first member of the Board of Assessors.

There shall be a Charter Compliance Committee consisting of 7 members, appointed by the Town Moderator for 3-year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. At least 1 member of the committee shall reside in each of the town's 6 precincts. No appointee shall be a town employee or a member of any existing board or committee governed by the Charter.

The committee shall take action only after receiving a written complaint, filed by 1 or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board 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, via certified mail with return receipt requested, a copy to each member of the committee.

Within 3 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 chairman shall give written notification to the Town Clerk. If the committee votes not to dismiss the complaint, the chairman shall set a time and date for a hearing, mail notice of the hearing to the Town Clerk, the complainants and the individual or board named in the complaint. The Town Clerk shall post and publish the notice in a newspaper of general circulation for at least 7 days before the hearing date. The hearing shall occur within 60 days after the date 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 3 weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post a copy of the decision at Town Hall and on the town's web site.

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 with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

APPENDIX

Article 3: Section 3-3 Policy Role **Amended by Ch. 85, Acts 2007**
Section 3-6 Prohibitions **Amended by Ch. 85, Acts 2007**
Section 3-8 Rules of Procedure **Amended by Ch. 85, Acts 2007**

Article 4: Section 4-1 Appointment, Qualification, Term **Amended by Ch. 85, Acts 2007**
Section 4-2 Relationship of the Town Administrator and the Board of Selectmen **Amended by Ch. 85, Acts 2007**
Section 4-4 Temporary Absence **Amended by Ch. 85, Acts 2007**
Section 4-6 (b) Powers and Duties **Amended by Ch. 85, Acts 2007**
Section 4-6 (c) Stricken **Amended by Ch. 85, Acts 2007**

Article 5: Section 5-2 Organization of Town Government **Amended by Ch. 85, Acts 2007**
Section 5-6 Department of Finance (a) 11 **Amended by Ch. 85, Acts 2007**
Section 5-6 Department of Finance (b) 3 **Amended by Ch. 85, Acts 2007**

Article 9: Section 9-2 Recall Petition **Amended by Ch. 85, Acts 2007**

Article 11: Charter Compliance Committee - New Article **Added by Ch. 85, Acts 2007**