



TOWN OF BOURNE 2010 CHARTER REVIEW COMMITTEE

REPORT TO TOWN MEETING

February 16, 2011

John A. Johnson, Chairman
Malcolm Parker McDowell, Vice-Chairman
Wesley J. Ewell, Clerk
Stephen P. Mahoney
Neil F. Langille
Judith W. Conron
Jacqueline M. Loring
William F. Rhatigan
Joyce Lorman

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Introduction

The Town of Bourne elected a Charter Commission in 2000 to create the town's first home rule charter. The first charter was adopted by the town's registered voters on April 4, 2001. This charter changed Bourne's basic form of government from administration by a full-time three-person Board of Selectmen to administration by a professional Town Administrator, working under policies established by a part-time five-person Board of Selectmen.

One provision of the charter calls for review every five years by an appointed Charter Review Committee. The purpose—and sole power—of a Charter Review Committee is to report to the Town Meeting on how the charter is working and to recommend changes to make it work better. Unlike an elected Charter Commission, an appointed Charter Review Committee cannot make changes in the form of government, such as going from an open town meeting to an elected representative town meeting.

The 2005 Charter Review Committee dealt primarily with issues related to the transition from a full-time administrative Board of Selectmen to a part-time policy-setting Board of Selectmen working with a full-time professional Town Administrator. As such, its recommendations aimed at achieving two objectives: to clarify and strengthen the role of the Board of Selectmen as the chief policy-making body for the town; and to clarify the responsibility of the Town Administrator for the daily operation of the town.

At that time, the town government was in a great deal of turmoil, eventually resulting in the departure of the first Town Administrator and the recall of two selectmen. As a result, the Charter Review Committee, because of time constraints, was limited in the scope of potential changes that it was able to address. Its recommendations to town meeting were thoroughly debated and not all were adopted. It did succeed, however, in its goal of better defining the roles of the Town Administrator and the Board of Selectmen.

The 2010 Charter Review Committee was appointed by the Board of Selectmen on July 27, 2010 and convened its first meeting on August 18. Like the earlier committees, this group conducted a public survey and interviewed every public official who wished to meet with it. It also interviewed several members of the earlier committees and the consultant who assisted the town during its transition from an administrative Board of Selectmen to a professional administrator.

During the course of its review of the existing charter and interviews with town officials, the committee identified more than fifty issues for further discussion. Some of these issues were internal conflicts and minor errors in spelling or grammar, and some were found to be outside of the scope of the charter or better dealt with by the Board of Selectmen or the Town Administrator. The committee has drafted two articles for review by Town Meeting. The first is a house-keeping article to fix the minor errors; the second recommends ten changes in the charter to fix problems that have arisen during the past five years. The proposed articles are included in this report, along with brief explanations for each recommendation.

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Public Survey

One of the first things the Charter Review Committee did was draft a public opinion survey to invite comments and suggestions on how well the charter is working and what needs to change. The survey was published in full in the Bourne Enterprise and posted on the town web site. It was also promoted but not published by the Bourne Courier.

The 2000 Charter Commission received more than 1100 responses to its survey. The 2005 Charter Review Committee received 35 responses to its survey. The 2010 committee received only eleven, and it appeared that several of them may have been written by the same person. While this response may seem insignificant, the committee felt that a survey was important to provide a means for the public to participate in its work. It also indicates that the charter is working well and that significant changes are not warranted at this time. A copy of the survey and list of all responses is included in the appendix to this report.

Formal Interviews

The following public officials and experts appeared before the committee to share their experience, expertise and concerns. The committee wishes to thank each of them for their time and their help in shaping its recommendations.

Charles Miller, Member of the 2000 Charter Commission and the 2005 Review Committee

Robert Troy, Town Counsel (Mr. Troy met twice with the committee)

Michelle Ford, Clerk of the 2005 Review Committee and author of its report to Town Meeting

Linda Marzelli, Director of Finance and Town Accountant

Earl Baldwin, Chief of Police

Thomas Groux, Management Consultant and first Interim Town Manager in Bourne

Thomas Guerino, Town Administrator (Mr. Guerino met twice with the committee)

John Ford, Chairman of the Board of Selectmen

Donald Pickard, Selectman

Stephen Mealy, Selectman

Mary Meli, Selectman

Robert Parady, Town Moderator, former Selectman and Member of the Charter Commission

Barry Johnson, Town Clerk and Former Selectman

Mary Jane Mastrangelo, Vice-chair of Finance Committee, Chair of Capital Outlay Committee

The committee sent a letter to all department heads and committee chairs but few responded and none, other than those listed above, chose to appear.

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Public Participation

Charles Miller, in addition to his official appearance before the committee, attended several meetings and participated in the discussion until his untimely passing at the end of November.

James Mulvey attended most of the committee's meetings and participated in the discussions.

Other members of the public who attended one or more regular meetings included Priscilla Ko-leishes, Stanley Andrews and Mike Lyons, a member of the Board of Health. Selectman John Ford and Town Administrator Thomas Guerino each sat in on several meetings.

A public meeting was conducted on February 9, 2010 attended by James Mulvey, Richard Con-ron, former Selectman Mark Tirell, Selectman Donald Picard, Joseph Carrera, Sr., Maureen Dunn and Christopher Farrell.

The committee wishes to thank Diana Barth, of the Bourne Enterprise, and Paul Gateley, of the Bourne Courier, for their regular attendance and reporting of the meetings, as well as Heather Wysocki, of the Cape Cod Times, who covered the public meeting on February 9. The commit-tee is especially appreciative of the Bourne Enterprise, which published the public survey in full.

The Issues

Each recommendation of the 2010 Charter Review Committee is explained in this Report to Town Meeting. Several issues that the committee debated at length, however, are not included. The most prominent of these is the number of votes by selectmen needed to appoint or dismiss the Town Administrator. The charter currently requires four votes for each, although most towns require only a simple majority. This committee was nearly evenly split on this issue when it voted not to make a change. A complete list of issues considered by the committee, along with the actions taken by the committee, is included in Appendix A to this report.

Housekeeping Recommendations to May, 2011 Annual Town Meeting

The Charter Review Committee recommends the following changes to the Amended 2007 Char-ter. Changes are in bold for easy reading. Text to be struck is shown in bold and struck through.

General Explanation – The purpose of these housekeeping recommendations is to codify and cause to make uniform the use of gender specific and numerical references. Also there are cor-rections to referenced sections of the Charter. Specific explanations are provided in the appropri-ate section for additional changes to correct outdated references.

Article 2 Section 2-5: Initiation of Warrant Articles-subsections (b) and (c)

(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 Meet-ing, and not less than forty-five (45) days prior to the date for any special Town Meeting.

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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.

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(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 (4/5) 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 (5) 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.

Article 3 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.

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The Board of Selectmen shall serve as the chief goal setting and policy-making agency of

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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 **sixty five (65)** 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 **only** 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 through the adoption of broad policy goals, policies, and action items, which are to be implemented by the Town Administrator.

Explanation – The 2007 Annual Spring Town Meeting approved the proposed change as part of Article 26 as amended by a vote of 184 to 2. When the proposed text of the change was transcribed the following errors were introduced:

- 1.) Paragraph 1- **45** days should be 65 days
- 2.) Paragraph 1- ~~shall act through the adoption of broad policy guidelines~~ is extraneous text and should be deleted
- 3.) Paragraph 1- the word **only** was deleted and should be added
- 4.) Paragraph 2- the word **only** was inserted and should be deleted.

The Massachusetts General Court approved the language as shown in Section 3-3. The purpose of this change is to restore the action of Town Meeting and send to the correct language to the General Court for their affirmation.

Article 4 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

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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.

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The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than **five** (5) and not more than **nine** (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 **sixty** (60) days after it resumes the search.

The Board of Selectmen, by an affirmative vote of **four** (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 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 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.

Explanation – The Personnel by-law no longer exists therefore the reference to it should be deleted from the Charter.

Article 4 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

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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.

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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 **thirty** (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.

Article 4 Section 4-6: Powers and Duties-subsections (b)

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:

(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.

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(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 (**15th**) 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.

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Article 5 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.

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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 **he** 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 **(3)** members of the Board of Selectmen.

Article 5 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.

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Before the Board of Selectmen approves such a proposed plan, it shall hold **one** (1) or more public hearings on the proposal, giving notice by publication in a local newspaper at least **seven** (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 **fourteen** (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 **sixty** (60) days following the Selectmen's vote on the final plan. Where the reorganization moves function or funding from **one** (1) department to another, voters may petition for a Special Town Meeting to address the changes.

Explanation – The word “before” implies a unique time when specific actions and events are to occur and as such is a more appropriate word than “whenever”.

Article 5 Section 5-4: Department of Public Works-subsection (b)

(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.~~

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(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.

Explanation – The salary administration plan by-law no longer exists therefore the reference to it needs to be deleted from the Charter,

Article 5 Section 5-5: Department of Integrated Solid Waste Management-subsection (c)

(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

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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.~~

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(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.

Explanation – The salary administration plan by-law no longer exists therefore the reference to it needs to be deleted from the Charter.

Article 5 -Section 5-6: Department of Finance-subsections (b) through (f)

(b) Director of Finance - The Director of Finance shall be appointed as 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

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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.

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- (b) Director of Finance - The Director of Finance shall be appointed as 4-6(b). The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office. 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 pro-

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vide 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 (3) members, appointed by the Town Administrator for overlapping terms of three (3) 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 (3) 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 duties.
- (e) Treasurer – There shall be a Town Treasurer appointed as provided for in Section 4-6[b]. 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 duties.
- (f) Town Collector –There shall be a Town Collector appointed as provided for in Section 4-6[b]. 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

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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 duties.

Explanation – The transitional position of “First Director of Finance” has expired and reference to language and duties specific to that position needs to be deleted from the Charter.

The transitional Section 10-5[g] in subsections (e) and (f) should be 10-5[h] but Section 10-5[h] has occurred making it irrelevant and in conflict with Section 4-6[b] and as such it should be deleted from this Section and the Charter.

Article 6 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.

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There shall be one **(1)** 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.

Article 7 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.

to

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 **(5)** 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.

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Article 8 Section 8-1: Charter Changes-subsection (b)

(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

to

(b) Periodic Charter Review: At least once in every five **(5)** 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.

Article 8 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.

to

In computing times under the charter, if seven **(7)** days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted. If more than seven **(7)** days, every day shall be counted.

Article 8 Section 8-9: Definitions-subsection (g)

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:

(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.

to

(g) Multiple Member Body – The words "multiple member body" shall mean any board, commission or committee consisting of two **(2)** or more persons, whether elected or appointed

Article 9 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

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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.

to

Any **two hundred and fifty** (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 (**1**) 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 ~~ten~~ per cent (**10%**) 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.

Article 9 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

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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.

to

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 (5) 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.

Article 9 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.

to

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 (5) working days after receiving notification of his election, the incumbent shall thereupon be removed and the office vacant.

Article 9 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.

to

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 of-

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office within one (1) year after such recall or resignation.

Article 10 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)~~

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~~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.~~

to

Article 10 Section 10-5: Effective Date-intentionally left blank

Explanation – The transitional effective dates and specific actions to be taken have oc-

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curred thus making this Section irrelevant and as such it should be deleted from the Charter. If there is a subsequent change in form of government by a Charter Commission then new language would be crafted to affect the changes and this Section could be referenced in the archives if deemed useful for the construction of that language.

Article 11: Charter Compliance Committee

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.

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

to

There shall be a Charter Compliance Committee consisting of **seven** (7) members, appointed by the Town Moderator for **three** (3) year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. At least **one** (1) member of the committee shall reside in each of the town's **six** (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 **one** (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 **three** (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 **seven** (7) days before the hearing date. The hearing shall occur within **sixty** (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 **three** (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.

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

Issue Recommendations to May 2011 Annual Town Meeting

Article 1 Section 3: Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Board of Selectmen ~~and Town Administrator~~. The legislative powers shall be exercised by an Open Town Meeting.

to

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Board of Selectmen. The legislative powers shall be exercised by an Open Town Meeting.

Explanation – The existing wording implies that the Town Administrator is on the same level as the Selectmen which conflicts with other provisions in Articles 3 and 4. This clarifies and affirms that the Town Administrator is responsible to the Selectmen.

Article 2 Section 2-5: Initiation of Warrant Articles-subsection (a)(3)

(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.

to

(a) Initiation - The Board of Selectmen 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) any elected town officer; (2) any town elected or appointed multiple member body acting by vote of a majority of its members; (3) **any ten (10) or more registered voters stating their residence with street number, if any; subject to the subsequent certification by the board of registrars that at least ten (10) of the signers are voters. In the case of a Special Town meeting, the number of registered voters shall be one hundred (100) or ten percent (10%) of the total amount of registered voters of the town, whichever number is the lesser;** and, (4) the Town Administrator.

Explanation – This change spells out for a resident the procedure to initiate the submission of a warrant article without having to consult MGL (Part I, Title VII, Chapter 39, Section 10). It also clarifies the cut off time to submit warrant articles.

Article 3 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

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year. The Board of Selectmen shall also serve as Sewer Commissioners.

to

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, **until such time as the town of Bourne adopt appropriate legislation creating a Board of Sewer Commissioners and the Board of Selectmen appoint such a Board**

Explanation-At some time in the near future the town will be forced either by events or legislation to develop and execute a sewer plan for the entire town. Present legislation (MGL Chapter 40N) would serve as an excellent guide to assist in developing a Board of Sewer Commissioners. For now it is recommended that the Board of Selectmen appoint a Sewer Commissioner Committee to investigate the question of sewerage the Town of Bourne, the creation of a separate Sewer Commission and any and all related matters, including the feasibility of combining all water and sewer activities under one authority, the question of regional sewer districts, and any alternative technologies, and to report to the town at the next annual town meeting.

Article 3 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 ~~sixty five (65)~~ 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 only 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 through the adoption of ~~broad~~ policy goals, policies, and action items, which are to be implemented by the Town Administrator.

to

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 **forty five (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 only 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

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shall act through the adoption of **written** policy goals, policies, and action items, which are to be implemented by the Town Administrator, **and written in a policy book that shall be publicly available for review.**

Explanation – This Section was previously approved to restore the language of the 2007 Charter Changes. Included in that restoration was the time period of sixty five (65) days for the Selectmen to file policies and goals with the Town Administrator. The time period of forty five 45 days, which the Board has been operating under, has been found to be adequate for the Selectmen to complete this task. Approval of this language will codify this time frame to forty five 45 days. The adjective defining policy is changed from “broad” to written with the addition of a policy book for public record.

Article 3 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.

to

- a. 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.
- b. No Selectmen shall hold any other elected town office or full time town employment during his term as Selectman.**
- c. No former Selectmen shall hold any compensated appointed town office or full time town employment until two (2) years after the expiration of his term as Selectman.**

Explanation –It is the purpose of the addition of (b) to focus the Selectmen on their job as the chief executives of the town. The addition of (c) prevents any former Selectmen from using his former position to gain an advantage over other candidates for town jobs. This type of prohibition is routinely found in charters and is not meant to be punitive to any one individual.

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.

to

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

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a policy issue. The Board of Selectmen may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action. **No provision or rule of procedure set by the Board of Selectmen shall supersede or obviate the State Open Meeting Law (MGL Chapter 30A, Sections 18 through 25).**

Explanation – The intention of this change is to re-establish the supremacy of the State Open Meeting Law in any area that it may conflict with this section.

Article 4 Section 4-1: Appointment; Qualification; Term

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than five (5) and not more than nine (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 sixty (60) days after it resumes the search.

The Board of Selectmen, by an affirmative vote of four (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 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 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.

to

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than five (5) and not more than nine (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 sixty (60) days after it resumes the search.

The Board of Selectmen, by an affirmative vote of four (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 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, es-

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pecially 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 Town Administrator need not be a resident of the Town of Bourne when appointed but shall establish primary residence within Barnstable, Bristol, or Plymouth Counties within one (1) year of the date of appointment. Provided that the Board of Selectmen may, by simple majority vote of the Selectmen in office at the time of appointment, extend to a time certain the time for establishing residence, or allow the administrator to reside outside of said counties.**

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.

Explanation – The intention of this change is to express the preference that the Town Administrator establishes a residence to facilitate developing strong community ties while not inhibiting the selection of the best available candidate. Municipalities have maintained an expectation of proximity for their senior leaders and administrators to ensure a common sense of community and shared ownership of critical policy decisions and administrative actions. This change will only be applicable to future Town Administrator applicants.

Article 4 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)-(k);

(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)-(n);

(o) may create new full time, compensated positions subject to the approval of the Board of Selectman and funding by Town Meeting;

(p)-(s);

to

(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 **except for any contracts having a term of three (3) years or more, the Town Administrator must secure the approval of the Board of Selectmen.**

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(o) may create new full time, compensated positions subject to the approval of the Board of Selectman and funding by Town Meeting, **and shall have the authority to enter into employment contracts for these positions;**

Explanation – Section (l) change will require the Board of Selectmen to review and approve long-term contracts since they can be a problem because the town funds the budget annually. The term of three (3) years was arbitrarily chosen as a reasonable period to mandate Selectmen review. It should be noted that this does NOT preclude Selectmen to set policies of either shorter contract periods or set a limit on contract values that they may want to review.

Explanation - Section (o) change will correct a situation that arose when the Selectmen approved the hiring of the Human Resource Director, funding was approved by Town Meeting, and Town Counsel determined that the Town Administrator had not been given the authority by the Charter to provide a contract for the person hired. This change gives him this authority, which can apply, to other positions that may develop in the future.

Article 8 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.

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(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.

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filed with the office of the Town Clerk. **Minutes of all multiple member bodies shall also be permanently posted on the Town of Bourne Web Site.**

(d) The meetings of the Board of Selectman, the School Committee, the Board of Health, and the Planning Board shall, if possible, have their meetings televised or streamed on the town web site. Technical difficulties with equipment shall not cause the meetings to be postponed.

Explanation- this change is an effort to make it easier for the citizens to keep up with the various Boards and Committees in Town. The Selectmen currently post their meeting minutes on the web site and televise each meeting. In doing this most people have been able to know what actions they are taking. The committee feels that these procedures should be extended to other boards and Committees.

Article 3 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.

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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.

The Board of Selectmen shall appoint the Police Chief pursuant to M.G.L. Chapter 41:Section 97A and Fire Chief pursuant to M.G.L. Chapter 48:Section 42. All appointed boards, committees and commissions, appointed by the Board of Selectmen, shall be responsible to the Board of Selectmen.

Article 4 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)

(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.

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(c-h)

(i) administer personnel policies, practices, and rules and regulations, any compensation plan and any related matter for all municipal employees, except school employees;

(j-s)

to

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)

(b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads, **except for the Police Chief and Fire Chief**, 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. **He shall recommend to the Board of Selectmen candidates for appointment to the position of Police Chief and Fire Chief.**

(c-h)

(i) administer personnel policies, practices, and rules and regulations, any compensation plan and any related matter for all municipal employees, except school, **fire, and police** employees;

(j-s)

Explanation—The change to Section 3-5 makes the Selectmen the appointing authority for the positions of Police and Fire Chiefs in accordance the appropriate Massachusetts General Law previously adopted in the Town of Bourne By-Laws.

Explanation—The change in Section 4-6 (b) removes the appointment authority for the positions of Police and Fire Chiefs from the Town Administrator and also gives him the responsibility of recommending candidates to the Selectmen.

Explanation—The change in Section 4-6 (i) removes personal policy, staffing, and regulations from the Town Administrator and by authority of the appropriate Massachusetts General Law previously adopted in the Town of Bourne By-Laws, the Police and Fire Chiefs retain these functions for their respective departments.

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Respectfully Submitted,

Bourne 2010 Charter Review Committee

John A. Johnson, Chairman
Malcolm Parker McDowell, Vice-Chairman
Wesley J. Ewell, Clerk
Stephen P. Mahoney
Neil F. Langille
Judith W. Conron
Jacqueline M. Loring
William F. Rhatigan
Joyce Lorman

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Appendix

A. Public Opinion Survey

A total of eleven responses to the public opinion survey were received: two from the town website; five from the newspaper; and four from forms distributed at the town hall, library and civic center. Most included comments and one respondent attached copies of two magazine articles advocating changes in local government. Here are the questions with responses and comments:

1. Bourne is currently governed by an open town meeting that sets budgets and enacts ordinances, a part-time board of selectmen that establishes policies, and a full-time professional executive administrator.

Do you favor the current form of government? Yes 9 *No* 2 *No opinion* 0

Suggestions:

Applying for permits take way too much time. There must be a better way. Seems like the purpose is only to collect fees...fine, but let us get on with our work and not be held hostage for months and months and in the end get a rubber stamp and no one usually comes out to inspect anyway. I'm waiting on plumbing inspections going back 5 years.

Return to 3 Selectmen form of gov't.

Implement representative town meeting

Go back to 3 full time Board of Selectmen or Village representatives. No more Town Meeting or make governing more relevant.

Eliminate Selectmen from 5 to 3

Move to representative town meeting

3 votes to remove administrator to overall a workable structure

2. The Bourne Home Rule Charter promotes the following goals. How well have these goals been met?

a. Improve coordination among government departments, boards, committees and agencies. *Excellent* 2 *Good* 2 *Fair* 6 *Poor* 1 *No opinion* 0

Suggestions:

It seems to get better with time and the refinement of the Charter.

Consolidate committees and departments that overlap in duties.

Eliminate positions not needed.

b. Centralize executive authority to improve accountability throughout town government.

Excellent 3 *Good* 1 *Fair* 6 *Poor* 1 *No opinion* 0

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Suggestions:

Must be tightened up. Some departments are impossible to deal with. Clerks act as though they have no one to answer to, and their only goal is to show you how important they are.

Get rid of Town Administrator.

Who is responsible for ISWM decisions?

More Transparency

Fire Dept is glaring failure

c. Improve the quality of fiscal planning.

Excellent 1 Good 6 Fair 1 Poor 2 No opinion 1

Suggestions:

Ensure that the School Dept. budget fiasco never happens again.

Establish alternative income sources. Think outside the box—that's what Selectmen are paid for.

Get unions to pay more or go find another job.

d. Improve the quality of physical planning.

Excellent 0 Good 5 Fair 1 Poor 4 No opinion 1

Suggestions:

There should be some physical planning, as opposed to the current system of almost none. Town buildings are in need of serious maintenance. We are setting ourselves up for a crisis. Someone needs to take action.

Take control of Main St. Buzzards Bay issue. —> Stop waiting for someone else to clean up your mess.

Good start

e. Improve the quality of management and administration.

Excellent 2 Good 2 Fair 3 Poor 3 No opinion 1

Suggestions:

Police and Fire Chiefs should be allowed to run their own departments. They're the experts.

Give Fire Chief more authority!

TOO MANY COMMITTEES!

f. Encourage and promote broader representation and citizen participation.

Excellent 2 Good 3 Fair 4 Poor 0 No opinion 2

Suggestions:

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Has gotten better, but the credit goes to the Open Meeting Law.

Take this seriously

3. Should any provisions of the current charter be changed?

Yes 8 *No* 1 *No opinion* 1

Suggestions:

While dept. heads are reportable to TA, they should be allowed & required to run their departments efficiently, timely, courteously, and professionally.

Eliminate open town meeting and move to representative form of town meeting

Give more power back to the people. Establish Village Council Representatives instead of Board of Selectmen—preferable to #1

Prevent mess we had with “Weeks Affair”.

See 2 attachments. Taxpayers need more transparency and we need unions to pay more for health and pensions

Limit elected officials to only one elected office (i.e. Skip Barlow was a Selectman + member of the Board of Health at the same time.)

Rep. Town Meeting. Take control back to the “people” and not special interest people!

Representative Town Mtg

3 votes to remove administrator. This is not a reflection on Tom Guerino

4. Is Bourne your primary residence? 9 *Second home?* 1 *Work location only?* 0

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These two pages of comments have been scanned and reproduced here as they were submitted.

Do you favor the current form of government.....
I think this is a three part question.

Open Town Meeting - I do believe in the open town meeting. I think it is the right of any townspeople to be able to participate in town meeting decisions and I am sure to attend our town meetings unless there is a very good reason that prohibits me from doing so.

Part Time Board of Selectmen - I do not think that the part time board of selectmen is working very well. I'm not sure this would be the case now; but in the past, full time selectmen seemed to be more committed to our town and its work and needs.

It seems to me that this current board of selectmen wants to use their position to pick at the Town Administrator. Although I may not always agree with Mr. Guerino's decisions, I do think that he is trying to do what is best for our town. The Selectmen should focus on policies that will help our town move forward and work with the Town Administrator instead of pulling apart his work.

The Selectmen should focus on their responsibilities and stop micromanaging departments. They could accomplish their goals by updating their policies. They should lead by example..... Attend all functions, show respect for people in their positions and stop trying to circumvent the chain of command to get things that they want for themselves.....their job is to lead our town to move forward, not to get things for their families and friends.

Full-time professional executive administrator -It is disappointing that the Charter has not required that the Town Administrator live in our town. I think that would help the Town Administrator in his/her decision making. They should have to live with decisions made for townspeople. Mr. Guerino does a good job with what he has been given for support help. (Maybe a change in help in the Town Administrator's office would help...get Nancy to retire.)

Bourne Home Rule charter

a. Unfortunately, there doesn't seem to be an organizational chart for the town.

I have seen School Committee meeting discussions to try to schedule an organizational chart for their departments....but nothing for the town.

Do the Selectmen try to follow policies to coordinate communication with departments or do they get involved just when they want something for themselves?

b. Centralize executive authority to improve accountability throughout the town government.
.....FAIR

there seems to be no attempt to centralize executive authority to improve accountability throughout the town government.....

I imagine that this could be accomplished through policy updates and review.

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c. Improve the quality of fiscal planning....POOR.....

Sad to say, but this probably won't change until you have a change in personnel....

when the School Department had a short fall in their budget....the town had a field day pointing fingers at the Superintendent and School Director of Business Services...

but never once did anyone question why the Treasurer's department personnel didn't share any responsibility..... Folks, The financial director knew of the business director's mistakes from day one.....

For some reason, we never want to look out of the box when hiring personnel.....and sad to say, our town gets the government we deserve....

d. Quality of physical planning....

do we do any planning of our facilities?

Not sure.....we should be embarrassed at how we maintain our property..... yes, it is expensive to keep up our facilities...but with proper planning, we should have facilities that townspeople are proud to own. We should be in the situation we are with town hall, Coady, Hoxieother fields and properties. We should have facilities that our townspeople..... young and old can use without always have a crisis to resolve.

e. Improve the quality of management and administration....

that will probably start when we have good quality people run for office. Once we have people willing to invest time and energy into their elected positions, we will probably improve the quality of management and administration.

f. Encourage and promote broader representation and citizen participation.....

Well..... I think we've done a very poor job at trying to encourage and promote broader representation and citizen participation. I'm not sure that is all the fault of the town or society in general..... Property values are sky rocketing.....and our current generation of young people is very busy....working a job that may include lots of time traveling.... so that they may afford to live in our town. They have registered their children to participate in too many activities because we tell them to keep their children busy, so they won't get into trouble or into drugs. Therefore, do they have time to participate in our town government?

It seems that people who have volunteered when they were in their thirties & forties are still volunteering in their 60s & 70s.....because no one else is stepping up to the plate.

SHOULD ANY PROVISIONS OF THE CHARTER BE CHANGED.....

YES, Please make it a requirement that the Town Administrator live in our town. I believe it is a disservice to have someone making decisions for our town and not having to live in town to experience the ramifications of those decisions.

The following page shows the public survey as it was published.

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2010 CHARTER REVIEW COMMITTEE PUBLIC SURVEY

The Bourne Charter Review Committee wants your opinion on how town government is working since adoption of the Bourne Home Rule Charter in 2001 and its revision in 2007. You can find the current charter on line at the town website: www.townofbourne.com.

1. Bourne is currently governed by an open town meeting that sets budgets and enacts ordinances, a part-time board of selectmen that establishes policies, and a full-time professional executive administrator.

Do you favor the current form of government? Yes____ No____ No opinion____

Suggestions_____

2. The Bourne Home Rule Charter promotes the following goals. How well have these goals been met?

a. Improve coordination among government departments, boards, committees and agencies.

Excellent____ Good____ Fair____ Poor____ No opinion____

Suggestions_____

b. Centralize executive authority to improve accountability throughout town government.

Excellent____ Good____ Fair____ Poor____ No opinion____

Suggestions_____

c. Improve the quality of fiscal planning.

Excellent____ Good____ Fair____ Poor____ No opinion____

Suggestions_____

d. Improve the quality of physical planning.

Excellent____ Good____ Fair____ Poor____ No opinion____

Suggestions_____

e. Improve the quality of management and administration.

Excellent____ Good____ Fair____ Poor____ No opinion____

Suggestions_____

f. Encourage and promote broader representation and citizen participation.

Excellent____ Good____ Fair____ Poor____ No opinion____

Suggestions_____

3. Should any provisions of the current charter be changed? Yes____ No____ No opinion____

Suggestions_____

_____ (Continue on back or on attached sheets)

4. Is Bourne your primary residence? ____ Second home? ____ Work location only? ____

Thank you for your help and participation. Please forward your completed survey by October 15 to
Charter Review Committee, 24 Perry Avenue, Buzzards Bay, MA 02532
or email to the committee at charterreview@townofbourne.com

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B. List of items flagged for discussion and disposition as of February 9, 2011

1. Apparent conflict between wording of Section 1-3 and Sections 3 and 4, re: authority of the selectmen and administrator. **A Warrant Article will be submitted to correct this.**
2. Wording of the last sentence in the first paragraph of Section 3-3. **A Housekeeping Article will be submitted to correct this.**
3. Deadline for submitting the selectman goals in Section 3-3. **A Warrant Article will be submitted to correct this.**
4. Wording of the last sentence in the second paragraph of Section 3-3. **A Housekeeping Article will be submitted to correct this.**
5. Additional powers of the selectmen that might be included in Article 3. **The committee felt that this item did not need to be addressed and was dismissed.**
6. Issues previously voted down by town meeting in Section 3-5. **The committee felt that this item was incorrectly referenced and dismissed. See Item 12.**
7. Conflict with open meeting law in Section 3-8, and possibly a separate section making an overall statement about any conflict between the charter and state statutes. **Town Counsel suggests change. A Warrant Article will be submitted to address this.**
8. Residency requirements, number of votes for appointment and discharge of the town administrator, and indefinite term issues. **A Warrant Article will be submitted to address residency. A straw vote (4/5) was taken and the preference of the Committee was not to change the appointment or discharge vote or term issue. After much debate and with guidance from the Town Counsel, it was revealed that any Charter change regarding appointment and/or term of office of the Town Administrator could only be allowed by an elected Charter Commission, OR by a warrant article with affirmative vote of Town Meeting AND subsequent petition to the General Court.**
9. Degree to which the charter should specify whether selectmen's goals are broad or specific. **A Warrant Article will be submitted to address this.**
10. Question of how many votes are required for the selectmen to hire or fire the town administrator. **See Item 8**
11. Should reference to a non-existent personnel bylaw remain in the charter. **A Housekeeping Article will be submitted to correct this.**
12. Amendments to Section 3-6 that were proposed by the earlier review committee but voted down by town meeting. **A Warrant Article will be submitted to address this.**
13. Should the town administrator be required to have Massachusetts experience. **The committee felt that this may limit qualified candidates and Item dismissed.**
14. Provision for the selectmen or the administration to sign employment contracts. **A warrant has been submitted to correct this.**

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15. Administration of the Community Center building. **The committee felt that this item was not a charter issue and being resolved by parties involved.**
- ~~16.~~ Deleting references to an employee handbook and employee bylaw. **A Housekeeping Article will be submitted to correct this.**
17. Deleting references to DPW and ISWM in Section 5-2. **The committee felt that this item was not a charter issue due to Enterprise Accounts.**
18. Administrator's span of control. **The committee felt that this item was not a charter issue and that the Town Administrator is best to determine his needs and personnel deployment.**
19. Technical errors in Section 5-6 (References to 4-6(b) in lieu of 4-6(c) et al. **A Housekeeping Article will be submitted to correct this.**
20. Reference to salary administration bylaw in Section 5-4(b). **A Housekeeping Article will be submitted to correct this.**
21. Replace "Whenever" with "Before" in Section 5-3. **A Housekeeping Article will be submitted to correct this.**
22. Spell out numerals in Section 5-3 (and elsewhere). **A Housekeeping Article will be submitted to correct this.**
23. Change "it" to "he" in reference to administrator in Section 5-2. **A Housekeeping Article will be submitted to correct this.**
24. Remove reference to the first Director of Finance from Section 5-6(b). **A Housekeeping Article will be submitted to correct this.**
25. Clarify wording on multiple finance positions in Section 5-6. **A Housekeeping Article will be submitted to correct this.**
26. Define who signs long-term contracts, possibly with new Section 5-7. **A Warrant Article will be submitted to correct this.**
27. Consider adding assistant administrator position, or combined with human resources. **The committee felt that this item was not a charter issue and that the Town Administrator is best to determine his needs and personnel deployment.**
28. Review oversight of ISWM. **The committee felt that this item was not a charter issue.**
29. Look at term "primary officer" in Section 4-6. **The committee felt that since the Town Administrator may delegate authority he must be held accountable as the primary officer so the language remains and Item dismissed.**
30. Can the Director of Finance appeal to the selectmen if a disagreement with the administrator cannot be resolved between them? **The committee felt that this item was not a charter issue.**
31. Including reference to M.G.L. Chapter 41, Section 97A and Section 42. **A Warrant Article will be submitted to address this issue regarding the Police and Fire Chiefs.**

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Straw votes were taken 8/1each, and the preference of the Committee was to have selectmen appoint chiefs.

32. Designating the Board of Selectmen as arbitrators in disputes between the administrator and the police or fire chiefs. **See Item 31, this will be moot.**
33. Striking Section 10-5 since the first administrator has already been appointed. **A House-keeping Article will be submitted to correct this.**
34. Reducing number of members on the planning board. **The committee felt that this item did not need to be addressed and was dismissed.**
35. Requiring appointment of a Comprehensive Plan Committee every five years. **This issue is already required by Regional Plan Agency and was dismissed.**
36. Control of the community center building maintenance and operations. **See Item 15**
37. Resolving the question of who sets the form of the annual budget. **The committee felt that this item was not a charter issue.**
38. Reviewing the administrator's span of control. **See Item 18**
39. Clarifying the definitions of "appoint" and "hire." **The committee felt that this item did not need to be addressed since dictionary has similar definitions for both words.**
40. Resolve the question of charter priority over bylaws set out in Section 10-1. **Town Counsel informed the committee that the Home Rule Charter does have priority over Town By-law and State Statutes (MGL).**
41. Eliminating all transition items from Article 10. **A Housekeeping Article will be submitted to correct this.**
42. Changing timing of charter review. **The committee felt that this item was not an issue that needs to be addressed.**
43. Setting time limits on filling personnel vacancies. **The committee felt that this item was not a charter issue.**
44. Giving selectman review over major decisions and contracts by administrator. **See Item 26**
45. Clearer definition of policy authority between selectmen and administrator. **Several changes in language in articles submitted should help clarify this.**
46. Having police and fire chiefs appointed by and reporting to the selectmen. **See Item 31, this will be moot.**
47. Designating the selectmen as licensing authority in the charter. **The committee felt that this item was not a charter issue since State Law covers it.**
48. Defining who acts as substitute if administrator is suspended. **No Action was taken since Sec 4-3 or 4-4 would apply, thus item dismissed.**
49. Clearing up apparent conflict in wording between Section 9-1 and Section 9-7. **Upon further review it was decided that no action needs to be taken.**

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50. Requiring that recall petition be distributed by precinct. **The committee felt that this item was not an issue that needs to be addressed.**
51. Eliminating requirement at charter compliance committee be by precinct. **The committee felt that this item was not an issue that needs to be addressed.**
52. Consider charter compliance without a committee. **The committee felt that this item was not an issue that needs to be addressed.**
53. Setting up a separate board of sewer commissioners from selectmen. **A Warrant Article will be submitted to address this.**
54. Limiting current or former selectmen from being appointed administrator. **See Item 12.**
55. Imposing more review on school budgets and expenses. **The committee felt that this item was not a charter issue.**
56. Clarifying difference between “reporting to” and “administered by”. **No Action was taken and item dismissed.**

C. Correspondence

1. Town Counsel Memo to Town Administrator dated September 2, 2010,
re: Employment Contracts
2. Town Counsel Memo to Town Administrator dated November 22, 2010,
re: Response to Committee’s Questions
3. Town Counsel Memo to Lucia Fulco dated September 26, 2005, re: Charter Issues
4. Town Administrator Employment Agreement dated July 7, 2008

D. Massachusetts General Laws (MGL) referenced

1. MGL Chapter 39, Section 10-Warrant issuance and contents
2. MGL Chapter 30A, Sections 18 through 25-Open Meeting Law
3. MGL Chapter 41:Section 97A-Chief of Police, powers and duties
(adopted by Town March 7, 1932)
4. MGL Chapter 48:Section 42-Fire Chief, powers and duties
(adopted by Town March 7, 1966)
5. MGL Chapter 40N-Model Sewer and Water Commission

E. Reference Materials reviewed by the Committee

1. Various Town Charters from other cities and towns, all or in part
2. Town of Bourne Charter Commission Final Report, 2-5-01
3. Town of Bourne Charter Review Committee Report to Town Meeting May, 2006.
4. Town of Bourne 2006 Annual Spring Town Meeting Warrant Article 26-warrant article recommended by Charter Review Committee.
5. Minutes of Town of Bourne 2006 Annual Spring Town Meeting Warrant Article 26.
6. Chapter 85 of the Acts of 2007-General Court Act relative to Bourne Home Rule Charter
7. Town of Bourne By-Laws where applicable
8. Town of Bourne Organizational Chart