

**HOUSE . . . . . No. 3414**

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Text of an amendment, offered by Messrs. Timilty of Milton, Ayers of Quincy and Driscoll of Braintree, to the Senate Bill providing the voters of the town of Randolph a choice of charters for a new form of Government. March 9, 2009.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
In the Year Two Thousand and Nine.  
\_\_\_\_\_

Striking out all after the enacting clause and inserting in place thereof the following:—

1    **SECTION 1.** At the first regular or special municipal election held in and for the town of Randolph  
2    after the effective date of this act, including a special election  
  
3    solely for the purpose of placing the questions set forth in this act on the ballot, the voters of the town of  
4    Randolph shall be afforded an opportunity to vote on the following ballot questions; provided, however,  
5    that the town of Randolph may hold such election on April 7, 2009 for the purpose of placing such  
6    questions on the ballot notwithstanding the time periods set forth in section 42C of chapter 54 of the  
7    General Laws to the contrary.

8

9    Question One: Shall the town adopt a new Charter for a Town Manager – Town Council form of  
10   Government? Yes \_\_\_\_\_ No \_\_\_\_\_

11   Question Two: Shall the town adopt a new Charter for a Town Manager – Selectmen – Representative  
12   Town Meeting form of Government? Yes \_\_\_\_\_ No \_\_\_\_\_

13   A summary of each form of government shall be provided with the ballot questions as may be prepared  
14   by attorneys for the town. Instructions to voters regarding the effect of their vote shall also be included  
15   on the ballot.

16   **SECTION 2.** If neither question one nor question two set forth in section 1, passes by a majority of the  
17   votes cast, then neither form of government shall take effect and the town of Randolph shall continue with  
18   its present form of town meeting – selectmen form of government as provided in special acts including,  
19   but not limited to, chapter 49 of the acts of 1792, chapter 324 of the acts of 1947 and chapter 460 of the  
20   acts of 1989. If either question one or question two set forth in said section 1, passes by a majority of the  
21   votes cast, that form of government that has obtained the majority favorable vote shall take effect in  
22   accordance with the terms set forth in the charter so approved.

23 If both question one and question two pass by a majority of the votes cast, that charter for a new form of  
24 government that obtains the highest number of votes cast in favor shall take effect in accordance with the  
25 terms set forth in the charter so approved.

26 **SECTION 3.** Charter for a TOWN MANAGER – TOWN COUNCIL form of government. In  
27 the event that the voters of the town of Randolph adopt the charter for a town manager – town  
28 council form of government pursuant to section 2, the following charter shall become effective in  
29 accordance with its terms:

30 **TOWN MANAGER – TOWN COUNCIL CHARTER**

31 **ARTICLE 1**

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

33 Section 1-1 Incorporation

34 The inhabitants of the town of Randolph, within its territorial limits as now or may hereafter be  
35 established by the laws of the commonwealth, shall continue to be a body politic and corporate, known as  
36 the “town of Randolph.”

37 Section 1-2 Short Title

38 This instrument may be cited and shall be known as the Randolph Charter.

39 Section 1-3 Division of Powers

40 All legislative powers of the town shall be exercised by a town council hereafter established. The  
41 administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch  
42 headed by the town manager.

43 Section 1-4 Powers of the Town

44 The intent and purpose of this charter is to secure for the voters of the town of Randolph, through the  
45 adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of  
46 the Amendments to the Constitution of the Commonwealth and laws of the commonwealth, as fully and  
47 as though each such power were specifically and individually enumerated herein.

48 Section 1-5 Interpretation of Powers

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

52 Section 1-6 For the purposes of classifying Randolph in those instances in which the laws of the  
53 commonwealth may distinguish between municipalities classified as “towns” and other municipalities  
54 classified as “cities,” it is intended that this charter shall be construed as providing a city form of  
55 government.

56 Section 1-7 Intergovernmental Relations

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

59 **ARTICLE 2**

60 **LEGISLATIVE BRANCH**

61 Section 2-1 Composition, Term of Office

62 (a) Composition - There shall be a town council consisting of 9 members which shall  
63 exercise the legislative powers of the town. Five of these members, to be known as councillors-  
64 at-large, shall be nominated and elected by and from the voters-at-large. Four of these members,  
65 to be known as district councillors, shall be nominated and elected by and from the voters of

66 each district, 1 such district councillor to be elected from each of the 4 council districts into  
67 which the town is divided, in accordance with section 7- 4.

68 (b) Term of Office - The terms of town councillors shall be for 2 years each and shall  
69 begin following such town councillors' election on the first day of January that does not fall on a  
70 weekend or holiday and shall continue until their successors are qualified.

71 (c) Eligibility - Any voter shall be eligible to hold the office of councillor-at-large. A  
72 district councillor shall, at the time of his election, be a voter of the district from which he is  
73 elected; provided, however, that if any such district councillor shall, during the term for which he  
74 was elected, remove to another district in the town, or be so removed by a revision of district  
75 lines, such councillor may continue to serve for the balance of the term for which he was elected.  
76 If a councillor-at-large or a district councillor removes from the town during the term for which  
77 elected, the office shall be considered vacant and filled in the manner provided in section 2-10.  
78 Councillors shall not serve as the chairman of any appointed board, committee or commission.

79 Section 2-2 Council President

80 (a) Election and Term - As soon as practical after the councillors-elect have been  
81 qualified following each biennial election, the members of the town council shall elect from  
82 among its members a council president who shall serve during the current term of office.

83 (b) Powers and Duties - The council president shall preside at all meetings of the  
84 town council, regulate its proceedings and shall decide all questions of order. The council  
85 president shall appoint all members of all committees of the town council, whether special or  
86 standing. The council president shall have the same powers to vote upon all measures coming  
87 before the town council as any other member of the town council. The council president shall

88 perform such other duties consistent with the office as may be provided by charter, by ordinance  
89 or by other vote of the town council. The council president shall be recognized as the official  
90 head of the town for all ceremonial purposes and shall be recognized by the courts for the  
91 purposes of serving civil process.

92 (c) Council Vice-President - The members of the town council shall also elect from  
93 among the council's members a council vice-president who shall serve as acting president during  
94 the temporary absence or disability of the council president during the current term of office.  
95 The powers of an acting council president shall be limited to only those powers of the office  
96 indispensably essential to the performance of the duties of the office during the period of such  
97 temporary absence or disability and no others.

98 Section 2-3 Conflict Of Interest

99 No person shall simultaneously hold more than 1 elective town office. Unless such service may  
100 otherwise be authorized by the charter, no member of the town council shall, while a member of the town  
101 council hold any other town office or employment for which a salary or other emolument is payable from  
102 the town treasury; but this restriction shall not apply to an office or position under the school committee.  
103 No councillor shall hold any compensated appointed town office or employment until 1 year following  
104 the date on which his council service has terminated. This provision shall not prevent a town officer or  
105 town employee who has taken a leave of absence from such office or employment from resuming the  
106 same office or employment following service as a member of the town council.

107 Section 2-4 Compensation, Expenses

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

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

111 Section 2-5 General Powers

112 Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in  
113 the town council which shall provide for the exercise thereof and for the performance of all duties and  
114 obligations imposed upon the town by such law. The town may enter into contracts for the exercise of its  
115 corporate powers on such terms and conditions as are authorized by the town council by ordinance. The  
116 town council shall be the licensing authority of the town of Randolph and shall, as authorized by the laws  
117 of the commonwealth, have all the power to issue licenses, to make all necessary rules and regulations  
118 regarding the issuance of such licenses, to attach conditions and restrictions to such licenses as it deems to  
119 be in the public interest and to enforce all laws relating to such licensed businesses.

120 Section 2-6 Exercise Of Powers; Quorum; Rules

121 (a) Exercise of Powers - Except as otherwise provided by general law or by this  
122 charter, the legislative powers of the town council may be exercised in a manner determined by  
123 it.

124 (b) Quorum - The presence of 5 members shall constitute a quorum for the  
125 transaction of business, but a smaller number may adjourn from time to time. Except as  
126 otherwise provided by the charter, the affirmative vote of 5 members shall be required to adopt  
127 any ordinance or appropriation order.

128 (c) Rules of Procedure - The town council shall, from time to time, adopt rules  
129 regulating its procedures which shall be in addition to the following:

- 130 i. Regular meetings of the town council shall be held at a time and place fixed  
131 by ordinance.
- 132 ii. Special meetings of the town council shall be held at the call of the council  
133 president, or, on the call of any 3 or more members, by written notice

134 delivered in hand or to the place of residence of each member and which  
135 contains a listing of the items to be acted upon. A copy of the notice to  
136 members shall, forthwith, be posted upon the town bulletin board.

137 iii. All sessions of the town council and of every committee or subcommittee  
138 thereof, shall meet subject to sections 23A to 23C, inclusive, and section 24  
139 of chapter 39 of the General Laws.

140 Section 2-7 Access to Information

141 (a) In General - The town council may make investigations into the affairs of the  
142 town and into the conduct and performance of any town agency and for this purpose may  
143 subpoena witnesses, administer oaths and require the production of evidence.

144 (b) Town Officers, Members of Town Agencies, Employees - The town council may  
145 require any town officer, member of a town agency or town employee to appear before it to give  
146 such information as the town council may require in relation to the municipal services, functions,  
147 powers, or duties which are within the scope of responsibility of such person.

148 (c) Town Manager -The town council may require the town manager to appear before  
149 it at any time to provide specific information on the conduct of any aspect of the business of the  
150 town which is within his control under this charter or under any law of the commonwealth.

151 The town manager may bring with him on any such occasion any assistant, department head or  
152 other town officer or employee to assist him in responding to questions which may be posed to  
153 him.

154 (d) Notice - Except in cases of emergency the town council shall give not less than 5  
155 days notice in writing to any person it may request to appear before it under this section. The

156 notice shall include specific questions on which the town council seeks information and no  
157 person called to appear before the town council under this section shall be required to respond to  
158 any question not relevant or related to those presented to him in advance and in writing. Notice  
159 shall be by delivery in hand, or by registered or certified mail to the last known place of  
160 residence of any such person.

161 Section 2-8 Officers Appointed by the Council or Council President

162 (a) The town council, by the affirmative vote of at least 5 members, shall appoint a  
163 town accountant, a town attorney and a board of registrars.

164 (b) Clerk of the Council - The council president shall appoint, subject to the approval  
165 of the town council, a clerk of the council, who may be the town clerk, to serve for a term of 3  
166 years and until his successor is chosen and qualified. The clerk of the council shall give notice  
167 of council meetings to the members thereof and to the public, keep the journal of its proceedings  
168 and perform such other duties as may be provided by ordinance or by other vote of the town  
169 council.

170 (c) Salaries -The officers appointed by the council president shall receive such  
171 salaries as may, from time to time, be provided for such office by ordinance.

172 Section 2-9 Ordinances and Other Measures

173 (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is  
174 introduced, except in case of special emergency involving the health or safety of the people or  
175 their property.

176 No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared  
177 in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of 6 members  
178 of the town council.

179 No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or  
180 special privilege of any kind or nature shall be passed as an emergency measure, and, except as provided  
181 in sections 70 and 71 of chapter 164 and in chapter 166 of the General Laws, no such grant, renewal or  
182 extension shall be made otherwise than by ordinance.

183 Emergency ordinances shall stand repealed on the sixty-first day following the adoption thereof, unless an  
184 earlier expiration date is specified in the emergency ordinance, or unless a measure passed in conformity  
185 with the procedures for measures generally has been passed extending it.

186 (b) Measures, In General - Excepting only proposed ordinances, appropriation orders  
187 and loan authorizations, the town council may pass any other measure through all of its stages at  
188 any 1 meeting, unless a member of the town council objects; but, if a single member objects, a  
189 vote on the measure shall be postponed to the next meeting of the town council.

190 On the first occasion that the question of adopting any measure is put to the town council,  
191 except an emergency measure as defined in subsection (a), if a single member objects to the  
192 taking of a vote, the vote shall be postponed until the next meeting of the town council regular or  
193 special meeting. If, when the matter is next taken up for a vote, 4 or more members object to the  
194 taking of the vote, the matter shall be further postponed for not less than an additional 5 days.  
195 This procedure shall not be used more than once for any measure, notwithstanding any  
196 amendment made to the original measure.

197 (c) Publication - Every proposed ordinance, appropriation order or loan authorization  
198 except emergency ordinances as provided in subsection (a), shall be published once in full in a

199 local newspaper and in any additional manner as may be provided by ordinance, at least 5 days  
200 before its final passage. After final passage the proposed ordinance shall be posted on the town  
201 bulletin board and otherwise published as may be required by ordinance; provided, however,  
202 that whenever a proposed ordinance or codification of ordinances or other measure would exceed  
203 in length 10 column inches, in lieu of publication in a local newspaper, the same may be  
204 published and made available at the office of the town clerk in booklet or pamphlet form and if  
205 so published and available at least 10 days before its final passage shall be deemed sufficient  
206 notice. Whenever the town council provides for publication in a booklet or pamphlet form in  
207 lieu of the newspaper publication, it shall, at least 5 days before final passage, publish in a local  
208 newspaper a general summary of the proposed ordinance, or ordinances and a notice stating the  
209 times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the  
210 public.

211 Section 2-10 Filling of Vacancies

212 (a) Councillor-at-Large - If a vacancy shall occur in the office of councillor-at-large  
213 during the first 18 months of the term for which councillors are elected, the vacancy shall be  
214 filled in descending order of votes received by the candidate for the office of councillor-at-large  
215 at the preceding town election who received the largest number of votes without being elected,  
216 provided, however, that such person remains eligible and willing to serve, and provided, further,  
217 that such person received votes at least equal to 30 per cent of the vote total received by the  
218 person receiving the largest number of votes for the office of councillor-at-large at said election.  
219 The town clerk shall certify such candidate to the office of councillor-at-large to serve for the  
220 balance of the then unexpired term.

221           If a vacancy shall occur in the office of councillor-at-large during the last 6 months of the  
222 term for which councillors-at-large are elected, the vacancy shall be filled by the person who  
223 receives the highest number of votes for the office of councillor-at-large at the biennial town  
224 election and who is not then serving as a member of the town council. Such person shall  
225 forthwith be certified and shall serve for the last 2 months of the concluding term in addition to  
226 the term for which such person was elected.

227           (b) District - If a vacancy shall occur in the office of district councillor, the vacancy  
228 shall be filled in the same manner as provided in subsection (a) for the office of councillor-at-  
229 large except that the list shall be of the candidates for the office of district councillor in the  
230 district in which the vacancy occurs; provided, however, if there exists no candidate on such list  
231 who remains eligible and willing to serve, the next highest ranking candidate from among the  
232 candidates for election as councillor at-large who is a resident of the district in which the  
233 vacancy exists shall be certified and shall serve until the next regular election if such candidate  
234 remains a resident of the district, is willing to serve as a district councillor and received votes in  
235 the district at least equal to 30 per cent of the vote total received by the person receiving the  
236 largest number of votes for the office of district councillor at said election. The town clerk shall  
237 certify such candidate to the office of district councillor to serve for the balance of the then  
238 unexpired term.

239           (c) Filling of Vacancies By Town Council - Whenever a vacancy shall occur in the  
240 office of councillor-at-large or in that of district councillor and there is no available candidate to  
241 fill such vacancy in the manner provided in subsections (a) or (b), the vacancy shall be filled by  
242 the remaining members of the town council. Persons elected to fill a vacancy by the town  
243 council shall serve only until the next regular election or, if so decided, a special election, at

244 which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy  
245 shall forthwith be sworn and shall serve for the remainder of the unexpired term. Persons  
246 serving as town councillors under this section shall not be entitled to have the words “candidate  
247 for re-election” printed against their names on the election ballot.

248 **ARTICLE 3**

249 **TOWN MANAGER**

250 Section 3-1 Appointment, Term of Office, Qualifications

251 (a) Appointment, Term of Office - The town council, by the affirmative vote of at  
252 least two-thirds of the members, shall appoint a town manager to serve for a term of office of up  
253 to 5 years.

254 (b) Qualifications - The town manager shall be a person of proven administrative  
255 ability, specially qualified by education and training with at least 5 years full-time paid  
256 experience as a city or town manager, or an assistant city or town manager or the equivalent  
257 public or private sector level experience. The town council may, from time to time, establish  
258 such additional qualifications as it deems necessary and appropriate.

259 The town manager shall devote his full-time to the office and shall not hold any other public office,  
260 elected or appointed, nor shall he engage in any other business, occupation or profession during his term  
261 unless such action is approved, in advance, by the town council.

262 The town council may, by ordinance, establish other qualifications for the office of town manager.

263 Section 3-2 Powers and Duties

264 The town manager shall be the chief administrative officer of the town and shall be responsible to the  
265 town council for the proper administration of all town affairs placed under his charge under the charter.

266 The powers and duties of the town manager shall include, but are not intended to be limited to, the  
267 following:

268 He shall supervise, direct and be responsible for the efficient administration of all town activities placed  
269 under his control by the charter, by ordinance, or otherwise, including all officers appointed by him and  
270 their respective agencies.

271 He shall be responsible for the coordination of the activities of all agencies under his control with the  
272 activities of all other town agencies, including those elected by the voters of Randolph and those  
273 appointed by other elected officials.

274 Except as otherwise provided by this charter and subject to the civil service law and any collective  
275 bargaining agreements as may be applicable, the town manager shall appoint, based upon merit and  
276 fitness alone, all department heads, officers, subordinates, employees and all appointed multiple member  
277 bodies for whom no other method of selection is provided in this charter except employees of the school  
278 department. Appointments made by the town manager shall become effective upon the approval of the  
279 council; provided, however, that such approval is received within 15 days of filing such notice of  
280 appointment. If the town council shall fail to act, appointments made by the town manager shall become  
281 effective on the fifteenth day following the day on which notice of the proposed appointment is filed with  
282 the town council. For the purpose of this section, notice of appointment shall be considered filed with the  
283 town council when such notice is filed at an open meeting of the town council. Department heads shall  
284 appoint all officers, subordinates and employees within their department subject to the approval of the  
285 town manager.

286 He shall administer all personnel policies, practices, or rules and regulations, any compensation  
287 plan and any related matters for all municipal employees and administer all collective bargaining  
288 agreements, except for school department agreements, entered into by the town.

289 He shall be responsible for the negotiation of all union and non-union contracts with town  
290 employees over wages and other terms and conditions of employment, except employees of the  
291 school department. The town manager may, subject to the approval of the town council, employ  
292 special counsel to assist in the performance of these duties. Contracts shall be subject to the  
293 approval of the town council.

294 He shall be responsible for making sure that all of the provisions of the laws of the commonwealth, the  
295 town charter, town ordinances and other votes of the town council which require enforcement by him, or  
296 by officers or employees subject to his supervision, are faithfully carried out and enforced.

297 He shall prepare and submit an annual operating budget and a capital outlay program as provided in  
298 article 5.

299 He shall be responsible for making sure that a full and complete record of the financial and administrative  
300 activities of the town is kept and shall render a complete report to the town council at the end of each  
301 fiscal year and at such times as the town council may reasonably require.

302 He shall execute contracts, subject to such prior town council approval as may be prescribed by  
303 ordinance.

304 He shall have full jurisdiction over the rental and use of all town facilities, except school or library  
305 buildings and grounds and properties under the jurisdiction of the conservation commission pursuant to  
306 section 8C of chapter 40 of the General Laws. He shall be responsible for the maintenance and repair of  
307 all town-owned property, including school or library buildings and grounds, but not including vacant land  
308 under the jurisdiction of the conservation commission pursuant to said section 8C of said chapter 40, if a  
309 town ordinance authorizing a central town maintenance department is created.

310 He may at any time inquire into the conduct of office of any officer, employee or department  
311 under his supervision.

312 He shall be responsible for ensuring that a full and complete inventory of all property owned by the town,  
313 both real and personal, is kept.

314 He shall keep the town council fully advised as to the financial condition of the town and of the  
315 administration of the town's affairs by filing written reports with the town council not less than quarterly  
316 throughout the year.

317 He shall, from time to time, as in his judgment the needs of the town require, make such  
318 recommendations to the town council for action to be taken by it as he may deem to be necessary or  
319 desirable.

320 He may authorize any subordinate officer or employee to exercise any power or perform any function  
321 which he is authorized to exercise or perform; provided, however, that all acts performed under any such  
322 delegation shall be deemed to be acts of the town manager.

323 He shall determine the existence of a public emergency or danger and shall assume responsibility for the  
324 maintenance of public safety, public order and enforcement of the laws of the commonwealth. The  
325 manager shall notify the council president as soon as practical, but within 24 hours, of such a public  
326 emergency or danger and of the actions taken. Should the public emergency continue more than 24  
327 hours, the town council may meet to review, ratify or terminate such public emergency.

328 He shall execute all deeds conveying town real property; provided, however, that any such conveyance  
329 shall have been previously authorized by the vote of the town council pursuant to the applicable  
330 provisions of the laws of the commonwealth.

331 He shall publish an annual report comprised of the complete statistical record of the operations of every  
332 town department, commission and committee for the preceding year and such report shall be published  
333 annually and made available for distribution to the public not later than 4 months after the end of the  
334 period on which the report is based.

335 He shall perform such other functions as may, from time to time, be assigned to the office of town  
336 manager by ordinance or other vote of the town council, or otherwise.

337 Section 3-3 Compensation

338 The town manager shall receive compensation as may be established by the town council, from time to  
339 time, for the office of town manager.

340 Section 3-4 Removal

341 The person serving as town manager shall cease to be town manager upon expiration of his contract or  
342 term of office.

343 Earlier in time than the expiration described in the preceding sentence, the town council, by affirmative  
344 vote of a two-thirds majority of the full board, may vote to terminate, remove or suspend the town  
345 manager from office in accordance with the following procedure.

346 Before the town manager may be removed, if he so demands, he shall be given a written statement of the  
347 reasons alleged for his removal and shall have a right to be heard thereon at a meeting of the town council  
348 prior to the final vote on the question of his removal, but pending and during such hearing the town  
349 council may suspend him from office. The action of the town council in suspending or removing the  
350 town manager shall be final, it being the intention of this section to vest all authority and to fix all  
351 responsibility for such suspension or removal in the town council. The town manager shall continue to  
352 receive his salary until the effective date of a final vote of removal. The town council may, by ordinance,  
353 establish a procedure governing the removal from office of a town manager in such detail as it may deem  
354 necessary or desirable.

355 No contract of employment for a town manager shall be inconsistent with this section.

356 Section 3-5 Acting Town Manager

357 (a) Temporary Absence - The town manager shall, by letter filed with the town  
358 council and a copy filed with the town clerk, designate a qualified town officer or administrative  
359 employee to exercise the powers and perform the duties of his office during a temporary absence.  
360 During the first 10 working days of a temporary absence of the town manager, the town council  
361 may revoke such designation by a two-thirds vote and, after the expiration of 10 working days,  
362 by a majority vote, whereupon it may appoint another qualified town officer or employee to  
363 serve as acting town manager until the town manager shall return and resume his duties.

364 (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as  
365 possible by the town council but pending such appointment, the town council shall designate a  
366 qualified town officer or administrative employee to exercise the powers and perform the duties  
367 of the town manager on an acting basis. The appointment of an acting town manager shall be for  
368 a term not to exceed 4 months; provided, however, 1 renewal, not to exceed a second 4 months,  
369 may be permitted.

370 (c) Powers and Duties - The powers of a temporary or acting town manager shall be  
371 limited to matters not admitting of delay; provided, however, that no temporary town manager  
372 acting under subsection (a) shall have authority to make any permanent appointment to, or  
373 removal from, any office or position under the town.

374 Section 3-6 Evaluation of Town Manager

375 There shall be an annual review of the town manager's job performance conducted by town council.

376 **ARTICLE 4**

377 **OTHER ELECTED OFFICES**

378 Section 4-1 School Committee

379 (a) Composition - There shall be a school committee of 7 members, 6 of whom shall  
380 be nominated and elected by and from the voters at large and the seventh member shall be the  
381 council president or a designee from the town council.

382 (b) Terms of Office - At each biennial election, 3 school committee members shall be  
383 elected at large and shall serve for a 4-year term. The terms of school committee members shall  
384 begin following their election on the first day of January that does not fall on a weekend or  
385 holiday and shall continue until their successors are qualified.

386 (c) Eligibility - Any voter shall be eligible to hold the office of school committee  
387 member.

388 (d) Powers and Duties - The school committee shall have general charge and  
389 superintendence of the public schools and for this purpose shall have all of the powers and duties  
390 which are given to school committees under the Constitution of the Commonwealth and laws of  
391 the commonwealth and such additional powers and duties as may be authorized by the charter,  
392 by-law or by the vote of the town council.

393 (e) Expenses – Subject to school department appropriation, members of the school  
394 committee shall be entitled to reimbursement of their actual and necessary expenses incurred in  
395 the performance of their duties.

396 (f) Conflict of Interest - Unless such service may otherwise be authorized by the  
397 charter, no member of the school committee, including the council representative, shall hold any  
398 other office or position under the school committee for which a salary or other emolument is  
399 payable from the town treasury; provided, however, that if the council president shall hold such  
400 an office or position, the town council shall, by vote, designate another member of the town  
401 council not so ineligible to serve as school committee member in his place and all references in  
402 this section to the powers of the council president serving as school committee member shall  
403 apply to such person.

404 No person shall simultaneously hold more than 1 elective town office. No school committee  
405 member shall hold any compensated employment until 1 year following the date on which his service as a  
406 member of the school committee has terminated.

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

409 Section 4-2 Trustees of The Stetson Fund

410 (a) Term of Office - There shall be a 3-member board of trustees of the Stetson  
411 School Fund elected by the voters for a term of 4 years, so arranged that the term of 1 member  
412 shall expire at the first biannual election and the term of 2 members shall expire at the next  
413 biennial election and continuing thereafter.

414 (b) Powers and Duties – Except as provided in subsection (a), the trustees shall be  
415 governed in accordance with the document entitled “The Stetson Donation of a Town House and  
416 Fund for a high school to the Town of Randolph”, voted on February 18, 1843 and article 18 of  
417 the Special Town Meeting of November 13, 1996.

418 (c) The terms of Stetson Fund trustees shall begin following their election on the first  
419 day of January that does not fall on a weekend or holiday and shall continue until their  
420 successors are qualified.

421 **ARTICLE 5**

422 **FINANCIAL PROCEDURES**

423 Section 5-1 Budget Hearing and Goal Setting

424 The president of the town council shall call a meeting of the town council prior to the commencement of  
425 the budget process, but not later than November 30, to review the financial condition of the town, revenue  
426 and expenditure forecasts and other information relevant to the budget process. The president also shall  
427 invite representatives of the school committee and trustees of the Stetson Fund to attend this meeting.  
428 Subsequent to this meeting, the town council shall meet to set policy goals with input from the town  
429 manager and the community. Based on these goals, the town manager shall develop budgetary goals and  
430 the town budget.

431 Section 5-2 Submission of Budget. Message

432 The town manager shall, within 7 days after the receipt of departmental budget proposals, but in no event  
433 later than February first, prepare and submit to the town council a synopsis of all proposed budget  
434 initiatives and requests for additional funding for its review and prioritization. The synopsis shall include  
435 a summary of each initiative, its justification and the estimated costs therefor. Councillors may also  
436 propose budget initiatives for review and prioritization. Any such proposal shall include a summary,  
437 justification and estimate of costs. The town manager shall provide an estimate of projected revenues.

438 By the first regularly scheduled town council meeting in April, or a later date if approved by a vote of the  
439 town council, the town manager shall submit to the town council a proposed operating budget for the  
440 ensuing fiscal year, which shall provide a complete financial plan of all town funds and activities for the  
441 ensuing fiscal year, an accompanying budget message and supporting documents. The preliminary  
442 budget, as adopted by the school committee, shall be submitted to the town manager at least 90 days  
443 before the town manager's presentation of the budget to the council to enable the town manager to  
444 consider the effect of the school department's requested appropriation upon the total town budget.

445 The message of the town manager shall explain the proposed budget for all town agencies, both in fiscal  
446 terms and in terms of work programs. It shall outline the proposed financial policies of the town for the  
447 ensuing fiscal year, describe the important features of the budget, indicate any major changes from the  
448 current fiscal year in terms of financial policies, expenditures or revenues, together with the reasons for  
449 such changes, summarize the town's debt position and include such other material as the town manager  
450 deems desirable or that the town council may reasonably require.

451 Section 5-3 Action on The Budget

452 (a) Public Hearing - The town council shall, within 7 days following its receipt of the  
453 proposed budget, publish in 1 or more local newspapers the general summary of the proposed  
454 budget as submitted by the town manager and a notice stating: (1) the times and places where  
455 complete copies of the proposed budget and supporting documents shall be available for

456 examination by the public; and (2) the date, time and place, not less than 10 days after such  
457 publication, when the town council, or a standing committee of the town council, shall hold a  
458 public hearing on the proposed budget as submitted by the town manager.

459 (b) Adoption - The town council shall adopt the budget, with or without amendments,  
460 within 60 days following the day the proposed budget is received by it, or such other period as  
461 may be provided by general law. In amending the budget, the town council may delete or  
462 decrease any programs or amounts, except expenditures required by the laws of the  
463 commonwealth or for debt service. If the town council fails to take any action with respect to  
464 any item in the proposed budget within 60 days following the date of its receipt of the proposed  
465 budget, or such other period as may be provided by general law, such amount shall, without any  
466 action by the town council, become a part of the appropriations for the ensuing fiscal year and  
467 shall be available for the purposes specified.

468 Section 5-4 Independent Audit

469 Each year an outside audit of the books and accounts of the town shall be conducted. In the event that the  
470 commonwealth shall fail in any such period to provide for such an audit to be conducted, within 60 days  
471 following the date the town council makes a written request therefor, the town council shall provide for  
472 such an audit to be conducted by a certified public accountant, or firm of such accountants.

473 Section 5-5 Capital Outlay Program

474 (a) Submission- The town manager shall prepare and submit to the town council a 5-  
475 year capital outlay program at least 3 months prior to the final date for submission of a proposed  
476 annual operating budget.

477 (b) Contents - The capital outlay program in the form submitted shall include:

478 a clear general summary of its contents;  
479 a listing of all capital expenditures which are proposed to be made during the 5 fiscal years next ensuing,  
480 with appropriate financial and other details concerning each such expenditure;  
481 cost estimates, proposed methods of financing and a time schedule for each such expenditure; and  
482 the estimated annual cost of operating or maintaining any facilities to be acquired or constructed.  
483 The information required by this subsection shall be revised and extended annually.

484 **ARTICLE 6**

485 **ADMINISTRATIVE ORGANIZATION**

486 Section 6-1 Reorganization Plans by Ordinance

487 Except as to types of reorganizations otherwise expressly prohibited by general law or by the charter, the  
488 town council may, by ordinance, reorganize, consolidate or abolish any existing town agency, in whole or  
489 in part, establish new town agencies and prescribe the functions of any town agency. All town agencies  
490 under the direction and supervision of the town manager shall be headed and administered by officers  
491 appointed by the manager.

492 Section 6-2 Reorganization Plans By Administrative Code

493 (a) Submission - The town manager may, from time to time, prepare and submit to  
494 the town council reorganization plans which may, unless expressly prohibited by general law or  
495 this charter, reorganize, consolidate or abolish any existing town agency, in whole or in part,  
496 establish new town agencies and prescribe the functions of any town agency. Each such  
497 reorganization plan shall be accompanied by an explanatory message when submitted to the  
498 town council.

499 (b) Council Action - Every such reorganization plan shall, upon receipt by the town  
500 council, be referred to an appropriate standing committee of the town council for study and  
501 report. Within 30 days following its referral to a committee, a public hearing shall be held  
502 concerning the proposal, either before the standing committee or before the full town council.  
503 Within 14 days following the conclusion of the public hearing, the standing committee to which  
504 such matter was referred shall file a report stating either that it approves of the reorganization  
505 plan or that it disapproves of it. A reorganization plan shall become effective on the sixtieth day  
506 following the date of its receipt by the town council, unless a later date is specified in the  
507 reorganization plan, or unless the town council has, within such period, voted to disapprove of it.  
508 A reorganization plan submitted by the town manager under this section may not be amended by  
509 the town council and shall either be approved or disapproved in the form as submitted.

510 Section 6-3 Publication of Reorganization Plans

511 An up-to-date record of reorganization plans under section 6-2(b) shall be kept on file in the office of the  
512 town clerk and copies of all such plans shall be published as an appendix to any publication of the  
513 ordinances of the town.

514 **ARTICLE 7**

515 **NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM**

516 Section 7-1 Town Elections: General

517 The regular general town election shall be held on the first Tuesday following the first Monday in  
518 November in each odd-numbered year.

519 Section 7-2 Non-Partisan Elections

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

522 Section 7-3 Signature Requirements

523 The number of signatures of voters required to place the name of a candidate on the official ballot to be  
524 used at an election shall be as follows: for councillor-at-large, school committee member, or Stetson Fund  
525 trustee, 50 signatures, not more than 25 of which shall be from any 1 district; for the office of district  
526 councillor, 50 signatures from the district from which the nomination is sought.

527 Section 7-4 Districts

528 The territory of the town shall be divided into 4 districts so established as to consist of as nearly an equal  
529 number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded  
530 insofar as possible by the center line of known streets or ways or by other well-defined limits. Each such  
531 district shall be composed of voting precincts established in accordance with the General Laws. The town  
532 council shall, from time to time, but at least once in each 10 years, review such districts.

533

534 Section 7-5 Application of General Laws

535 Except as expressly provided in this charter and authorized by general law, all town elections shall be  
536 governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the  
537 nomination of candidates, the conduct of general and special elections, the submission of charters, charter  
538 amendments and other propositions to the voters, the counting of votes, the recounting of votes and the  
539 determination of results.

540 Section 7-6 Petitions To Council Or School Committee

541 The town council or the school committee shall hold a public hearing and act with respect to  
542 every petition which is addressed to it, which is signed by 150 voters, or more, and which seeks  
543 the passage of a measure. The hearing shall be held by the town council or the school  
544 committee, or, in either case, by a committee or subcommittee thereof and the action by the town

545 council or the school committee shall be taken not later than 3 months after the petition is filed  
546 with the clerk of the council or the administrative assistant to the superintendent, as may be  
547 appropriate. Hearings on 2 or more petitions filed under this section may be held at the same  
548 time and place. The clerk of the council or the administrative assistant to the superintendent  
549 shall mail notice of the hearing to the 10 persons whose names appear first on the petition at least  
550 48 hours before the hearing. Notice, by publication of all such hearings, shall be at public  
551 expense.

552 Section 7-7 Citizen Initiative Measures

553 (a) Commencement - Initiative procedures shall be started by the filing of an  
554 initiative petition with the clerk of the council or the administrative assistant to the  
555 superintendent, as the case may be. The petition shall be addressed to the town council or to the  
556 school committee, shall contain a request for the passage of a particular measure, which shall be  
557 set forth in full in the petition, and shall be signed by at least 5 per cent of the total number of  
558 voters as of the date of the most recent town election. Signatures to an initiative petition need  
559 not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together  
560 and shall be filed as a single instrument, with the endorsement thereon of the name and residence  
561 address of the person designated as filing the same. With each signature on the petition, there  
562 shall also appear the street and number of the residence of each signer.

563 The clerk of the council or the administrative assistant to the superintendent, as the case  
564 may be, shall forthwith deliver a copy of the petition to the board of registrars. Within 10 days  
565 following the filing of the petition, the board of registrars shall ascertain by what number of  
566 voters the petition has been signed and what percentage that number is of the total number of  
567 voters as of the date of the most recent town election. The board of registrars shall attach its

568 certificate to the petition, which shall certify the signatures and addresses of those voters to the  
569 clerk of the council or the administrative assistant to the superintendent according to how the  
570 petition is addressed. A copy of its certificate shall also be mailed to the person designated upon  
571 such petition as having filed the same.

572 (b) Referral to Town Attorney - If the board of registrars determines that a petition  
573 has been signed by a sufficient number of voters, the clerk of the council or the administrative  
574 assistant to the superintendent, as the case may be, shall forthwith following receipt of such  
575 certificate deliver a copy of the petition to the town attorney. Within 15 days following the date  
576 a copy of the petition is delivered to him, the town attorney shall, in writing, advise the town  
577 council or the school committee, as may be appropriate, whether the measure, as proposed, may  
578 lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully  
579 adopted by the town council or by the school committee. If the opinion of the town attorney is  
580 that the measure is not in proper form, he shall state his reasons in full in his reply. A copy of  
581 the opinion of the town attorney shall also be mailed to the person designated on the petition as  
582 having filed the same.

583 (c) Action on Citizen Initiative Petitions - Within 30 days following the date a citizen  
584 initiative petition has been returned to the clerk of the council or to the administrative assistant to  
585 the superintendent by the town attorney as being lawful, and after publication in accordance with  
586 section 2-9(c), the town council or the school committee shall act with respect to each initiative  
587 petition by passing it without change, by passing a measure which is stated to be in lieu of an  
588 initiative measure, or by rejecting it. The passage of a measure which is in lieu of the initiative  
589 measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of such  
590 30 days, the town council or the school committee has not voted on such petition, no other

591 business of said council or committee shall be in order or lawfully acted upon until a vote to  
592 approve of the measure, to disapprove of the measure, or to adopt some other measure in lieu  
593 thereof, has been taken.

594 (d) Supplementary Petitions - Within 45 days following the date an initiative petition  
595 has been rejected, a supplemental initiative petition may be filed with the clerk of the council or  
596 the administrative assistant to the superintendent. The clerk of the council or the administrative  
597 assistant to the superintendent, as the case may be, shall forthwith deliver a copy of the  
598 supplemental initiative petition to the board of registrars. The supplemental initiative petition  
599 shall be signed by a number of additional voters which is equal to 5 per cent of the total number  
600 of voters as of the date of the most recent town election, which may include the signatures of  
601 voters who signed the original petition if they sign the supplemental petition, or other additional  
602 voters. If the number of signatures to such supplemental petition is found to be sufficient by the  
603 board of registrars, the town council shall call a special election to be held on a date fixed by it  
604 not less than 35 nor more than 45 days following the date of the certificate of the board of  
605 registrars that a sufficient number of voters has signed the supplemental initiative petition and  
606 shall submit the proposed measure, without alteration, to the voters for determination; provided,  
607 however, that if any other town election is to be held within 120 days following the date of said  
608 certificate, the town council may omit the calling of such special election and cause such  
609 question to appear on the election ballot at such approaching election for determination by the  
610 voters.

611 (e) Publication - The full text of any initiative measure which is submitted to the  
612 voters shall be published in a local newspaper not less than 7 nor more than 14 days preceding

613 the date of the election at which such question is to be voted upon. Additional copies of the full  
614 text shall be available for distribution to the public in the office of the board of registrars.

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

617

618 Shall the following measure which was proposed by voters in an initiative petition take effect?

619 (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the town  
620 counsel.)

621

622 YES \_\_\_ NO \_\_\_

623 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the  
624 affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified  
625 in such measure; provided, however, that no such measure shall be deemed to be adopted if  
626 fewer than 20 per cent of the total number of voters of the town, as of the date of the most recent  
627 town election, participated at such election.

628 Section 7-8 Citizen Referendum Procedures

629 (a) Petition, Effect on Final Vote - If, within 20 days following the date on which the  
630 town council or the school committee has voted finally to approve of any measure, a petition  
631 signed by a number of voters equal to 5 per cent of the total number of voters as of the date of  
632 the most recent town election and addressed to the town council or to the school committee, as  
633 the case may be, against the measure, or any part thereof, is filed with the administrative  
634 assistant to the superintendent or clerk of the council, the effective date of such measure shall be  
635 temporarily suspended. The school committee or the town council shall forthwith reconsider its

636 vote on such measure, or part thereof, and, if such measure is not rescinded, the town council  
637 shall provide for the submission of the question for a determination by the voters either at a  
638 special election which it may call at its convenience, or within such time as may be requested by  
639 the school committee, or at the next regular town election. Pending such submission and  
640 determination, the effect of such measure shall continue to be suspended.

641 (b) Certain Initiative Provisions to Apply - The petition described in this section shall  
642 be termed a referendum petition and insofar as applicable, section 7-7 (a), (b), (e) and (f) shall  
643 apply to such referendum petitions, except that the words “measure or part thereof protested  
644 against” shall be deemed to replace the word “measure” in said sections wherever it may occur  
645 and the word “referendum” shall be deemed to replace the word “initiative” wherever it may  
646 occur in said sections.

647 Section 7-9 Ineligible Measures

648 None of the following shall be subject to the initiative or the referendum procedures: (1) proceedings  
649 relating to the internal organization or operation of the town council or of the school committee; (2) an  
650 emergency measure adopted in conformity with the charter; (3) the town budget or the school committee  
651 budget as a whole; (4) revenue loan orders; (5) any appropriation for the payment of the town’s debt or  
652 debt service; (6) an appropriation of funds to implement a collective bargaining agreement; (7)  
653 proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer,  
654 demotion or other personnel action of municipal employees; (8) any proceedings repealing or rescinding a  
655 measure or part thereof which is already undergoing challenge by referendum procedures; and (9) any  
656 proceedings providing for the submission or referral of any measure to the voters at an election.

657 Section 7-10 Submission of Other Matters to Voters

658 The town council may, on its own motion and shall, at the request of the school committee if a measure  
659 originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular  
660 town election for adoption or rejection any measure in the same manner and with the same force and  
661 effect as is hereby provided for submission by petitions of voters.

662 Section 7-11 Conflicting Provisions

663 If 2 or more measures passed at the same election contain conflicting provisions, only the 1 receiving the  
664 greatest number of affirmative votes shall take effect.

665 Section 7-12 Recall of Elected Officials

666 (a) Any holder of elective office may be recalled therefrom by the registered voters of the  
667 town of Randolph as provided in this charter.

668 (b) Any 500 registered voters of the town of Randolph may file with the town clerk an  
669 affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall.  
670 The registrars of voters shall, within 5 days, certify thereon the number of signatures which are names of  
671 registered voters of the town. The town clerk shall, upon certification by the board of registrars, deliver  
672 to the first 10 persons named on the affidavit copies of petition blanks demanding such recall, copies of  
673 which shall be kept available. The blanks shall be issued by the town clerk with the clerk's signature and  
674 official seal attached thereto. They shall be dated, addressed to the town council and contain the names of  
675 the 10 persons to whom they are issued, the name of the person whose recall is sought, the grounds of  
676 recall as stated in the affidavit and the demand for the election of a successor to said office. A copy of the  
677 petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition  
678 shall be returned and filed with the town clerk within 21 days after the certification of the affidavit and  
679 shall have been signed by at least 20 per cent of the registered voters of the town who shall add to their  
680 signatures the street and number, if any, of their residences. The town clerk shall, within 24 hours of

681 receipt, submit the petition to the registrars of voters in the town and the registrars shall, within 14 days,  
682 certify thereon the number of signatures which are names of registered voters of the town.

683 For the recall of a district councillor, the above procedures shall apply, except that: all signatures  
684 shall be obtained from the affected district; 150 signatures shall be required on the initial affidavit; the  
685 recall petition shall be signed by at least 20 per cent of the registered voters of the district; and an election  
686 held for the recall of a district councillor shall be held only in the affected district.

687 (c) If the petition shall be found and certified by the registrars of voters to be sufficient, the  
688 registrars shall submit the same with their certificate to the town council without delay and said council  
689 shall, within 7 days, give written notice of the receipt of the certificate to the officer sought to be recalled  
690 and shall, if the officer does not resign within 5 days thereafter, order an election to be held on a date  
691 fixed by them not less than 64 nor more than 90 days after the date of the registrar's certificate that a  
692 sufficient petition has been filed; provided, however, that if any other town election is to occur within 100  
693 days after the date of certification, the town council shall postpone the holding of the recall election to the  
694 date of such other election.

695 If a vacancy occurs in said office after a recall election has been ordered, the election shall  
696 nevertheless proceed as provided in this section.

697 (d) An officer sought to be removed may be a candidate to succeed himself and, unless the  
698 officer requests otherwise in writing, the town clerk shall place his name on the ballot without  
699 nomination. The nomination of other candidates, the publication of the warrant for the removal election  
700 and the conduct of the same, shall all be in accordance with the general laws relating to elections, unless  
701 otherwise provided in the charter.

702 (e) The incumbent shall continue to perform the duties of his office until the recall election.  
703 If the recall fails or the incumbent is re-elected, he shall continue in office for the remainder of the  
704 unexpired term, subject to recall as before, except as provided in subsection (g). If not re-elected in the

705 recall election, the officer shall be deemed removed upon the qualification of his successor who shall hold  
706 office during the unexpired term. If the successor fails to qualify within 5 days after receiving  
707 notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

708 (f) Ballots used in a recall election shall submit the following proposition in the order  
709 indicated:

710 For the recall of (name of officer)

711 Against the recall of (name of officer)

712 Immediately at the right of each proposition, there shall be a square in which the voter, by  
713 making a cross mark "X", may vote for either proposition. Under the proposition there shall appear the  
714 word "Candidates," the direction to voters required by section 42 of chapter 54 of the General Laws and  
715 beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast  
716 upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall  
717 be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates  
718 need not be counted.

719 (g) No recall affidavit shall be filed against an officer within 6 months after he takes  
720 office, nor in the case of an officer subject to a recall election, until at least 6 months after the  
721 election at which his recall was submitted to the voters.

## 722 **ARTICLE 8**

### 723 **GENERAL PROVISIONS**

#### 724 Section 8-1 Charter Changes

725 (a) In General - This charter may be replaced, revised or amended in accordance with  
726 any procedure made available under the Constitution of the Commonwealth, or by general or  
727 special law.

728 (b) Periodic Review - The town council shall provide, in every year ending in a 0, for  
729 a review of the charter by the entire council and 6 additional persons to be appointed by the  
730 council president. The committee shall file a report within the year recommending any changes  
731 to the charter which it deems necessary or desirable, unless an extension is authorized by vote of  
732 the town council.

733 Section 8-2 Severability

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

738 Section 8-3 Specific Provision to Prevail

739 To the extent that any specific provision of this charter may conflict with any other provision expressed in  
740 general terms, the specific provision shall prevail.

741 Section 8-4 Rules and Regulations

742 A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the  
743 town clerk and shall be available for review by any person who requests such information at any  
744 reasonable time. No rule or regulation adopted by any town agency shall become effective until 5 days  
745 following the date it is so filed.

746 Section 8-5 Review of Ordinances

747 The town council shall provide, by appointment of a committee, or as it may  
748 determine, that in each year ending in 6 or 1, for a review of the ordinances of the town for the  
749 purpose of determining if any amendments or revisions thereto may be necessary or desirable.  
750 Such review shall be completed within the year and shall be conducted under the supervision of

751 the town attorney or as the town council so directs by special counsel appointed for that purpose.  
752 The impact of any charter amendments, revisions and special acts of the legislature shall be  
753 examined to determine the effect on the town's ordinances.

754 Section 8-6 Uniform Procedures Applicable to Multiple Member Bodies

755 (a) Meetings - All multiple-member bodies of the town shall meet regularly at such  
756 times and places as they may, by their own rules, prescribe, unless some other provision is made  
757 by ordinance or by-law. Special meetings of any multiple-member body shall be held subject to  
758 the call of the chair or by one-third of the members thereof, by written notice delivered in hand  
759 or to the place of residence of each member and which contains a list of the item or items to be  
760 acted upon. Except in case of an emergency, such notice shall be delivered at least 48 hours in  
761 advance of the time set for such meeting. A copy of such notice to members shall, forthwith, be  
762 posted upon the town bulletin board.

763 (b) Rules and Journals - Each multiple-member body shall determine its own rules  
764 and order of business unless another provision is made by ordinance or by-law and shall provide  
765 for the keeping of a journal of its proceedings. These rules and journals shall be a public record  
766 and certified copies shall be kept on file in the office of the town clerk and in the Turner Free  
767 Public Library.

768 (c) Voting - If requested by any member, any vote of any multiple-member body  
769 shall be taken by a call of the roll and the vote of each member shall be recorded in the journal;  
770 provided, however, that if the vote is unanimous only that fact need be recorded.

771 (d) Quorum - A majority of the members of a multiple-member body shall constitute  
772 a quorum, but a smaller number may meet and adjourn from time to time.

773 Section 8-7 Number and Gender

774 Words importing the singular number may extend and be applied to several persons or things; words  
775 importing the plural number may include the singular ; words imparting the masculine gender shall  
776 include the feminine gender.

777 Section 8-8 References to General Laws

778 All references to General Laws contained in the charter refer to the General Laws of the commonwealth  
779 and are intended to refer to and to include any amendments or revisions to such chapters or sections, or to  
780 the corresponding chapters and sections of any rearrangement, recodification or revision of such statutes  
781 enacted or adopted subsequent to the adoption of this charter.

782 Section 8-9 Certificate of Election or Appointment

783 Every person who is elected, including those elected by the town council, or appointed to an office of the  
784 town shall receive a certificate of such election or appointment from the town clerk. Except as otherwise  
785 provided by the laws of the commonwealth, before performing any act under an appointment or election,  
786 all elected or appointed persons shall take and subscribe to an oath of office and be sworn to the faithful  
787 performance of their duties.

788 Section 8-10 Notice of Vacancies

789 Whenever a vacancy shall occur in any town office or in the employment of the town, or, when by reason  
790 of a retirement, resignation, expiration of a fixed term, or otherwise, a vacancy can be anticipated, the  
791 town manager or other appointing authority shall forthwith cause public notice of such vacancy or  
792 impending vacancy to be publicly posted on the town bulletin board and website for not less than 10 days.  
793 Each such notice shall contain a brief description of the duties of the office or position and shall indicate a  
794 list of necessary or desirable qualifications for the office or position. Any person who desires to be  
795 considered for an appointment to fill such vacancy may, within 10 days following the date the notice is  
796 posted, or such longer period as may be indicated in such announcement, file with the appointing

797 authority a statement setting forth with reasonable clarity and specificity, the qualifications of such person  
798 for such appointment. No permanent appointment to fill any position shall be effective until at least 14  
799 days have elapsed following such posting to permit the reasonable consideration of all applicants. This  
800 section shall not apply to positions covered under the civil service law and rules or if in conflict with the  
801 provisions of a collective bargaining agreement.

802 Section 8-11 Definitions

803 Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the  
804 following words and phrases as used in this charter shall have the following meanings:

805 (a) "Charter", this charter and any amendment to it hereafter adopted.

806 (b) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or  
807 condition which necessitates immediate action or response.

808 (c) "Local newspaper", a newspaper of general circulation within the town of  
809 Randolph, with either a weekly or daily circulation.

810 (d) "Majority vote", a majority of those present and voting, unless another provision  
811 is made by ordinance, by-law or by its own rules.

812 (e) "Measure", any ordinance, order, resolution, or other vote or proceeding adopted,  
813 or which might be adopted, by the town council or the school committee.

814 (f) "Multiple-member body", any board, commission, committee, subcommittee, or  
815 other body consisting of 2 or more members whether elected, appointed or otherwise constituted,  
816 but not including the town council, the school committee or the trustees of the Stetson Fund.

817 (g) "Town", the town of Randolph.

818 (h) "Town agency", any multiple-member body, any department, division or office of  
819 the town of Randolph.

820 (i) "Town bulletin board", the bulletin board in the administration building on which  
821 the town clerk posts official notices of meetings and upon which other official town notices are  
822 posted and the bulletin boards at any other locations as may be designated town bulletin boards  
823 by the town council.

824 (j) "Town officer", a person having charge of an office or department of the town  
825 who in the exercise of his powers or duties exercises some portion of the sovereign power of the  
826 town, unless the term "town officer" is used with qualification or description.

827 (k) "Voters", registered voters of the town of Randolph.

828 **ARTICLE 9**

829 **TRANSITIONAL PROVISIONS**

830 Section 9-1 Continuation of Existing Laws

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

834 If provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders, or special  
835 acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules,  
836 regulations, orders and special acts not superseded by this charter shall remain in force.

837 Section 9-2 Existing Officials and Employees

838 Any person holding a town office or employment under the town shall retain such office or employment  
839 and shall continue to perform the duties of the office until provisions shall have been made in accordance  
840 with this charter for the performance of such duties by another person or agency.

841 Section 9-3 Continuation of Government

842 All town offices, boards, commissions or agencies shall continue to perform the duties thereof until re-  
843 appointed or re-elected, or until successors to their respective positions are fully appointed or elected or  
844 until their duties have been transferred and assumed by another town office, board, commission or  
845 agency.

846 Section 9-4 Transfer of Records and Property

847 All records, property and equipment whatsoever of any office, board, commission, committee or agency  
848 or part thereof, the powers and duties of which are assigned, in whole or in part, to another town office,  
849 board, commission or agency, shall be transferred forthwith to such office, board, commission or agency.

850 Section 9-5 Continuation of Personnel

851 Any person holding a town office, or a position in the administrative service of the town, or any person  
852 holding full-time employment under the town, shall retain such office, position or employment and shall  
853 continue to perform the duties of such office, position or employment until provision shall have been  
854 made for the performance of those duties by another person or agency; provided, however, that no person  
855 in the permanent full-time service of the town shall forfeit his pay grade or time in service of the town.

856 Section 9-6 Incumbent officer holders

857 Upon the adoption of this charter, the incumbents serving in the office of treasurer-collector,  
858 town clerk and the incumbent assessor serving as a full-time assessor shall be subject to the  
859 town's personnel by-law and shall be granted all benefits and rights provided by said by-law.  
860 The incumbents shall be granted sick leave, vacation leave or other such leave based upon the

861 number of years such incumbents have served in an elective office and as an employee of the  
862 town of Randolph. Such incumbents shall be entitled to and credited with retroactive sick leave  
863 at the rate of 9 days for each year of full-time service as an elected official and as an employee of  
864 the town.

865 Section 9-7 Effect On Obligations, Taxes, Etc.

866 All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by  
867 or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures,  
868 incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions,  
869 actions and causes of action, except as herein otherwise provided, shall continue without abatement and  
870 remain unaffected by the charter. No legal act done by or in favor of the town shall be rendered invalid by  
871 reason of the adoption of this charter.

872 Section 9-8 Time of Taking Effect

873 This charter shall take effect such that elections for office shall be held on the first Tuesday  
874 following the first Monday in November beginning in the first year when no regular state  
875 election in November is scheduled following adoption of this charter and biannually thereafter,  
876 unless the date of such election would be more than 3 months after the adoption of the charter, in  
877 which case the board of selectmen then in office may schedule a special transition election as  
878 promptly as possible after adoption, but not later than 180 days after the adoption of the charter.  
879 The officials so elected shall take office on the first day in January that does not fall on a  
880 weekend or holiday, of the year after adoption by the voters of the town. The initial transitional  
881 term expires when the successors to those officials initially elected by the charter take office  
882 after the date of the next election to be scheduled for the first Tuesday following the first

883 Monday in November beginning in the first year when no regular state election in November is  
884 scheduled.

885 Section 9-9 Town Manager Transition Selection Process

886 Forthwith following the election at which this charter is adopted, the town moderator, or if the  
887 position of town moderator is not in effect, the person to last hold the position, shall initiate  
888 proceedings whereby a screening committee shall be established to review applicants for the  
889 position of town manager. The screening committee shall consist of 9 persons, representing as  
890 nearly as possible the town demographic and occupational base.

891 Not more than 30 days following the election at which this charter is adopted, the 9 persons  
892 appointed as aforesaid shall meet to organize and to plan a process for the selection of the town  
893 manager.

894 The committee shall review and screen all applications and provide for interviews with such  
895 candidates for the position as it deems necessary.

896 Not more than 120 days following the date the committee meets to organize, the committee shall  
897 submit to the town council the names of not less than 3, but not more than 5 candidates for the  
898 position. Within 60 days following the date the list of nominees is submitted, the town council  
899 shall choose 1 of the nominees to be appointed to the office of town manager.

900 Upon the appointment of a town manager, the committee established hereunder shall be  
901 discharged.

902 (a) Upon the appointment of the town manager the office of executive secretary shall be  
903 abolished.

904 (b) Until such time as the town manager is appointed, the town council shall exercise  
905 all the powers, duties and responsibilities necessary to insure orderly operation of town  
906 government.

907 **SECTION 4.** In the event that the voters of the town of Randolph adopt the charter for a town manager –  
908 selectmen – representative town meeting form of government, pursuant to sections 1 and 2, the following  
909 charter shall become effective in accordance with its terms:

910 **ARTICLE 1**

911 **INCORPORATION AND AUTHORITY**

912 Section 1-1 Incorporation

913 The inhabitants of the town of Randolph, within its territorial limits as now or may hereafter be  
914 established by law, shall continue to be a body politic and corporate, known as the “town of Randolph.”

915 Section 1-2 Short Title

916 This instrument may be cited and shall be known as the Randolph Home Rule Charter.

917 Section 1-3 Division of Powers

918 All legislative powers of the town shall be exercised by a representative town meeting. The  
919 administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch  
920 headed by the board of selectmen and town manager.

921 Section 1-4 Powers of the Town

922 The intent and purpose of this charter is to secure for the voters of the town of Randolph, through the  
923 adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of  
924 the Amendments to the Constitution of the Commonwealth and laws of the commonwealth, as fully and  
925 as though each such power were specifically and individually enumerated herein.

926 Section 1-5 Interpretation of Powers

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

930 Section 1-6 Intergovernmental Relations

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

933 **ARTICLE 2**

934 **LEGISLATIVE BRANCH/REPRESENTATIVE TOWN MEETING**

935 Section 2-1 Town Meeting Composition

936 The legislative body of the town shall be a representative town meeting consisting of 120 members who  
937 shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town.

938 There shall be 15 members elected from each of the 8 districts. Members shall be elected for terms of 3  
939 years each, so arranged that the terms of one-third of the members shall expire each year.

940 Section 2-2 Establishment of Districts

941 The territory of the town shall be divided into 8 districts so established as to consist of as nearly  
942 an equal number of inhabitants as it is possible to achieve based on compact and contiguous  
943 territory, bounded insofar as possible by the center line of known streets or ways or by other  
944 well-defined limits. Each such district shall be composed of voting precincts established in  
945 accordance with general laws. The boundaries of the districts shall be reviewed and wholly or  
946 partially revised by the board of selectmen; (a) at least once every 10 years; (b) whenever it is

947 directed to do so by vote of the town meeting; and (c) whenever required to do so by the General  
948 Laws.

949 The board of selectmen shall, within 20 days after any revision of districts, but not later than January  
950 twentieth of the succeeding year, file a report of its doings with the town clerk and the assessors with a  
951 map or maps or description of the districts and the names and addresses of the voters therein. The board  
952 shall cause to be posted in at least 1 public place in each district a map or description of that district with  
953 the names and addresses of the voters therein. Whenever the districts are revised, the town clerk shall  
954 forthwith give written notice thereof to the state secretary, stating the number and designation of such  
955 districts.

956 Section 2-3 Town Meeting Membership

957 (a) Eligibility. Any voter shall be eligible to be a candidate, to be elected and to  
958 serve as a town meeting member.

959 (b) Nomination Procedures. Nomination of candidates for town meeting member  
960 shall be made by nomination papers signed by 10 voters of the district in which the candidate  
961 resides and from which the candidate seeks election in accordance with the General Laws.

962 Section 2-4 Election

963 The voters in every district shall, at the first annual town election held following any district revision that  
964 affects them, elect, by ballot, the number of voters of the district prescribed in this section to be town  
965 meeting members. The first third in order of votes received shall serve for 3 years; the second third of  
966 such order shall serve for 2 years and the remaining third in such order shall serve for 1 year from the date  
967 of the annual town election. In case of a tie vote affecting the division into thirds, the members elected  
968 from the district shall determine the same by ballot. Thereafter, except as otherwise provided herein, at  
969 each annual election the voters of each district shall, in like manner, elect for 3-year terms one-third of the

970 number of town meeting members to which each district is entitled and shall fill for the unexpired terms  
971 any such vacancies then existing. In the event of a tie vote for the office of town meeting member, the  
972 town clerk shall, within 7 days following the election, call all of the town meeting members of that district  
973 together at a convenient place. Under the supervision of the town clerk, any such tie shall then and there  
974 be broken by ballots cast by the elected town meeting members present.

975 Section 2-5 Vacancies

976 (a) Resignation. A town meeting member may resign by filing a written resignation  
977 with the town clerk. Such resignation shall take effect upon the date of such filing unless a date  
978 certain is specified therein when it shall take effect.

979 (b) Removal from Town or District. A town meeting member who moves from the  
980 town shall forthwith cease to be a town meeting member. A town meeting member who moves  
981 from 1 district to another, or who is so removed by a revision of district lines, may continue to  
982 serve as a town meeting member from the district from which the member was elected until the  
983 next annual town election at which the remainder of the member's term, if any, shall be filled by  
984 ballot. Any person so removed from office may be elected at the same election as a town  
985 meeting member from the district to which the member has moved.

986 (c) Forfeiture of Office. If any person elected as a town meeting member shall fail to  
987 take the oath of office within 30 days following the election of such person, or shall fail to attend  
988 more than one-half of the sessions of the town meeting held in a calendar year, the member shall,  
989 upon certification by the town clerk of such attendance, be deemed to have resigned and the  
990 member's place shall be declared vacant. Any such vacancy shall be filled as provided in  
991 subsection (e).

992 Any town meeting member who shall fail to attend more than one-half of the sessions of the

993 town meeting held in a calendar year, may appeal the declaration of vacancy by requesting a  
994 hearing on removal. The member who files such an appeal shall continue to serve until the  
995 outcome of the appeal has been determined. A request for hearing shall be in writing and shall  
996 be filed with the town clerk on or before January fifteenth of the following calendar year. A  
997 hearing shall be held before a committee consisting of the town clerk, town moderator and town  
998 counsel to be held not later than January twenty-fifth of such year. Upon a showing of good  
999 cause by the member, the committee may excuse 1 or more absences and may rescind the  
1000 declaration of vacancy provided the town meeting member has attended at least one-half of the  
1001 unexcused sessions of the town meeting during such calendar year.

1002 (d) Write-in candidates. A write-in candidate for the office of town meeting shall  
1003 receive 10 or more votes in the district in which they are eligible to vote in order to be elected to  
1004 that district.

1005 (e) Filling vacancies. Any town meeting member vacancy from any district, whether  
1006 arising from a failure of the registered voters thereof to elect, or from any other cause, may be  
1007 filled by the remaining members of the district from among the registered voters thereof, until  
1008 the next annual election. Upon petition therefor, signed by not less than 10 town meeting  
1009 members from the district, notice of any vacancy shall promptly be given by the town clerk to  
1010 the remaining members from the district in which the vacancy or vacancies exist and he shall call  
1011 a special meeting of such members for the purpose of filling such vacancy or vacancies. The  
1012 town clerk shall cause to be mailed to every such member, not less than 5 days before the time  
1013 set for the meeting, a notice specifying the object, time and place of the meeting. At the meeting,  
1014 a majority of the members from such district shall constitute a quorum, and they shall elect from  
1015 their own number a chairman and a clerk. The choice to fill any vacancy shall be by ballot, and a

1016 majority of the votes cast shall be required for such choice. The chairman and clerk shall count  
1017 the ballots and shall make a certificate of the choice and forthwith file the same with the town  
1018 clerk, together with a written acceptance by the member or members so chosen, who shall  
1019 thereupon be deemed elected and qualified as a town meeting member or members.

1020 Section 2-6 Compensation

1021 Representative town meeting members shall serve without compensation.

1022 Section 2-7 Presiding Officer

1023 All sessions of the town meeting shall be presided over by a town moderator, elected as provided in  
1024 article 3. The town moderator shall regulate the proceedings, decide questions of order and make public  
1025 declarations of all votes. The town moderator shall perform such other functions as may be authorized by  
1026 charter, by-law or other town meeting vote.

1027 Section 2-8 Clerk to the Meeting

1028 At the annual and special town meetings a stenographer shall record the entire proceedings and furnish  
1029 transcripts thereof to the town clerk and other town officials.

1030 The town clerk, or his designee, shall serve as the clerk of the town meeting. The clerk shall give notice  
1031 of all town meetings to the members and to the public, keep the journal of such proceedings, cause the  
1032 publication of town meeting attendance and perform such other functions as may be provided by charter,  
1033 by-law or other town meeting vote.

1034 Section 2-9 Participation by Non-Town Meeting Members

1035 (a) Residents. Any resident of the town who is not an elected town meeting member  
1036 may attend sessions of the town meeting but may not vote. However, subject to such rules as  
1037 may, from time to time, be adopted, any resident may participate in proceedings.

1038 (b) Representatives of Town Agencies. Each town agency may designate a  
1039 representative to attend all sessions of the representative town meeting for the purpose of  
1040 providing town meeting members with information pertinent to warrant articles concerning such  
1041 agencies.

1042 Section 2-10 General Powers and Duties of the Town Meeting

1043 The representative town meeting shall be vested with all the legislative powers of the town, as provided  
1044 by charter or general laws. The representative town meeting shall provide for the exercise of all powers of  
1045 the town and for the performance of all duties and obligations imposed upon the town.

1046 Section 2-11 Warrant Articles

1047 (a) Initiation. Except procedural matters, all subjects to be acted upon by any town  
1048 meeting shall be placed on warrants issued by the board of selectmen in accordance with section  
1049 10 of chapter 39 of the General Laws; provided, however, that the board of selectmen shall place  
1050 on the warrant all petitions which are addressed to it and which request the submission of a  
1051 particular subject matter to the representative town meeting and filed by: (i) any elected town  
1052 officer including a member of a multiple-member body; (ii) any appointed multiple member  
1053 body acting by a majority of its members; (iii) any 10 voters; (iv) the office of town manager;  
1054 and (v) any other person, persons or town agency as authorized by by-law. All such requests for  
1055 the inclusion of subjects shall be in writing, but shall not be required to conform to any particular  
1056 style or form, except that each request for a particular subject shall be submitted as a separate  
1057 petition.

1058 (b) Publication. Publication and distribution of the warrant shall be determined by  
1059 by-law.

1060 Section 2-12 Procedures

1061 (a) Time of Meeting. The representative town meeting shall meet at least twice each  
1062 calendar year or as may be otherwise determined by the board of selectmen. These 2 meetings  
1063 shall be held in 2 sessions to be known as the spring annual town meeting and the fall town  
1064 meeting. Each session of the town meeting shall be called by separate warrant. The spring  
1065 annual town meeting shall be held as specified by by-law and shall be primarily concerned with  
1066 the determination of matters involving the expenditure and commitment of town funds including,  
1067 but not limited to, the adoption of an annual operating budget for all town agencies.  
1068 The fall town meeting shall be held on such date and time as specified by by-law and shall be  
1069 deemed to have all the powers of an annual town meeting.

1070 (b) Quorum. Sixty-one town meeting members shall constitute a quorum for the  
1071 transaction of all business to come before the representative town meeting, but a smaller number  
1072 may adjourn; provided, however, that if an insufficient number of town meeting members are  
1073 present at the first session of a duly called town meeting, a majority of the members present may  
1074 vote to recess and reconvene when a quorum is present.

1075 (c) Duty of Town Meeting Member. It shall be the duty of town meeting members to  
1076 keep abreast of town business and review materials forwarded to members by the board of  
1077 selectmen and the town manager. It is expected that town meeting members will attend selected  
1078 meetings of multiple-member bodies, attend hearings held by the finance committee and actively  
1079 prepare for each session of the town meeting.

1080 (d) Establishment of Committees. The representative town meeting may, by vote or  
1081 by-law, establish committees for the review of warrant articles, consideration and study of any  
1082 subjects of concern to the town meeting and the discussion of town business. The representative

1083 town meeting members in any precinct may organize, meet and confer on town business, subject  
1084 to sections 23A to 23C, inclusive and section 24 of chapter 39 of the General Laws.

1085 (e) Meetings of Town Boards, Committees and Commissions. No multiple-member  
1086 body of the town shall schedule a meeting to be held during the time the town meeting is in  
1087 session for the transaction of business except for meetings at town meeting itself.

1088 Section 2-13 Referendum Procedures

1089 (a) Effective Date of Final Votes. No final affirmative vote of a town meeting on any  
1090 warrant article, except a vote to adjourn or dissolve, votes appropriating money for the payment  
1091 of notes or bonds of the town and interest thereon becoming due within the then current fiscal  
1092 year, votes for the temporary borrowing of money in anticipation of revenue, or a vote declared  
1093 by preamble by a two-thirds vote of the town meeting to be an emergency measure necessary for  
1094 the immediate preservation of the peace, health, safety or convenience of the town shall be  
1095 operative until after the expiration of 7 days, exclusive of Sundays and holidays, from the  
1096 dissolution of the town meeting. If a referendum petition is not filed within such 7-day period,  
1097 the vote of the town meeting shall become operative.

1098 (b) Referendum Petition. If, within such 7-day period, a petition signed by not less  
1099 than 5 per cent of the registered voters of the town, containing the voters' names and addresses  
1100 as they appear on the list of registered voters, is filed with the board of selectmen requesting that  
1101 any question, not yet effective as defined in subsection (a) be submitted to the voters of the town  
1102 at large, the operation of such vote shall be suspended pending its determination as provided  
1103 herein. The board of selectmen shall forthwith submit the petition to the board of registrars who,  
1104 within 5 days, shall ascertain by what number of voters the petition has been signed and what  
1105 percentage that number is of the total number of voters as of the date of the most recent town

Comment [jc1]: Shall should be left in

1106 election. The board of registrars shall attach its certificate to the petition, which shall certify the  
1107 signatures and addresses of those voters to the board of selectmen. The board of selectmen shall,  
1108 within 5 days after the certification of such a petition, call a special election in accordance with  
1109 the general laws relative to elections, for the purpose of presenting to the voters at large the  
1110 question or questions which are the subject of a petition. If, however, a regular or special  
1111 election is to be held between 35 and 45 days following the date the petition is certified, the  
1112 board of selectmen may provide that any such questions be presented to the voters at the same  
1113 election.

1114 (c) Referendum Election. The polls shall be opened not later than 2 o'clock in the  
1115 afternoon and shall be closed not later than 8 o'clock in the evening and all votes upon the  
1116 question or questions so submitted shall be taken by ballot and the conduct of such election shall  
1117 be in accordance with the general laws relative to elections. The questions so submitted shall be  
1118 determined by a majority vote of the voters voting thereon, but no action of the representative  
1119 town meeting shall be reversed unless at least 15 per cent of the registered voters vote on the  
1120 question.

1121 (d) Format of Questions. Each question so submitted shall be in the form of the  
1122 following question which shall be placed upon the official ballot: "Shall the town vote to  
1123 approve the action of the representative town meeting whereby it was voted (brief description of  
1124 the substance of the vote and by what vote thereon if such vote was tabulated prepared by the  
1125 town counsel)?"

## 1126 **ARTICLE 3**

### 1127 **ELECTED TOWN OFFICERS**

1128 Section 3-1 Elected Town Officers, In General

1129 (a) Elective Offices - The offices to be filled by the voters shall be a board of  
1130 selectmen, a school committee, a town moderator and trustees of the Stetson Fund. Such other  
1131 regional authorities, districts, or committees as may be established by the laws of the  
1132 commonwealth or interlocal agreement may also be filled by the voters.

1133 (b) Eligibility - Any voter shall be eligible to hold any elective town office. No  
1134 person shall simultaneously hold more than 1 elective town office; provided, however, that any  
1135 person elected to a town office may be a candidate and be elected to serve as a representative  
1136 town meeting member.

1137 (c) Vacancies in Office - Any vacancy in any elective office shall be filled in the  
1138 manner provided by chapter 41 of the General Laws.

1139 Section 3-2 Board of Selectmen

1140 (a) Composition, Term of Office - There shall be a board of selectmen composed of 5  
1141 members elected for terms of 3 years each, so arranged that the terms of as nearly an equal  
1142 number of members as is possible shall expire each year, with the terms of 2 expiring in 1 year, 2  
1143 in the next year and 1 in the third year. Selectmen shall not serve as the chairman of any  
1144 appointed board, committee or commission.

1145 (b) Powers and Duties - The executive authority of the town shall be vested in the  
1146 board of selectmen which shall be deemed to be the chief executive office in the town. The  
1147 board of selectmen shall be the chief policymaking agency of the town and shall have all the  
1148 powers and duties of boards of selectmen as may be authorized by charter, general law, by-law  
1149 or town meeting vote, except those powers granted to the town manager under this charter. The  
1150 board of selectmen shall prepare reports of town business and distribute such reports to all town

1151 meeting members. The board of selectman shall act by the issuance of policy guidelines and  
1152 directives. The board of selectmen shall act only through the adoption of policy directives and  
1153 guidelines which are to be implemented by the officers and employees appointed by or under its  
1154 authority. The town manager shall be the primary officer responsible for the implementation of  
1155 policy directives and guidelines adopted by the board of selectmen. The daily administration of  
1156 the affairs of the town shall be the exclusive responsibility of the town manager.

1157 (c) Appointment Powers - The board of selectmen shall appoint a town manager, a  
1158 town counsel, a town accountant and a board of registrars of voters. The board of selectmen  
1159 shall also appoint such other multiple-member bodies as may be provided by general law or by-  
1160 law. No selectman shall hold any compensated town office or employment until 1 year  
1161 following the date by which his selectman service has been terminated. Unless such service is  
1162 otherwise authorized by the charter, no member of the board of selectmen shall, while a member  
1163 of the board, hold any other town office or employment for which a salary or other emolument is  
1164 payable from the town treasury.

1165 (d) Licensing Authority - The board of selectmen shall be the licensing authority of  
1166 the town and shall have all the power to issue licenses as authorized by the laws of the  
1167 commonwealth, to make all necessary rules and regulations regarding the issuance of such  
1168 licenses and to attach conditions and restrictions on any such license it may issue as it deems to  
1169 be in the public interest and to enforce all the laws of the commonwealth relating to all such  
1170 businesses for which it issues licenses.

1171 (e) Salary - The board of selectmen shall serve without compensation.

1172 Section 3-3 School Committee

1173 (a) Composition, Terms of Office - There shall be a school committee composed of 7  
1174 members, 6 elected for terms of 3 years each and the chairman of the board of selectmen or a  
1175 another member of such board, as designated by the board of selectmen, so arranged that the  
1176 terms of as nearly an equal number of members as is possible shall expire each year.

1177 (b) Powers and Duties - No member of the school committee shall hold any  
1178 compensated town office or employment until 1 year following the date on which his school  
1179 committee service terminated. The school committee shall have general charge and  
1180 superintendence of the public schools and for this purpose shall have all of the powers and duties  
1181 which are given to school committees under the Constitution and laws of the commonwealth and  
1182 such additional powers and duties as are authorized by this charter, by by-law or vote of town  
1183 meeting.

1184 Section 3-4 Town Moderator

1185 (a) Term of Office - A town moderator shall be elected by the voters for a term of 3  
1186 years.

1187 (b) Powers and Duties - The town moderator shall preside and regulate the  
1188 proceedings at all town meetings, decide all questions of order and make a public declaration of  
1189 all votes. No person may address a town meeting without leave of the moderator. The  
1190 moderator shall appoint a finance committee as provided by by-law. The town moderator shall  
1191 have all the powers and duties provided that office by the General Laws, this charter, by-law or  
1192 other town meeting vote.

1193 Section 3-5 Trustees of the Stetson Fund

1194 (a) Term of Office - There shall be a 3-member board of trustees of the Stetson  
1195 School Fund elected by the voters for a term of 3 years, so arranged that the term of 1 member  
1196 shall expire each year.

1197 (b) Powers and Duties – Except as provided in subsection (a), the trustees shall be governed  
1198 in accordance with the document titled, The Stetson Donation of a Town House and Fund for a high  
1199 school to the town of Randolph, voted on February 18, 1843 and by article 18 of the special town meeting  
1200 of November 13, 1996.

1201 Section 3-6 Recall of Elected Officers

**Comment [A2]:** Same revisions as section 7-12 in previous charter.

1202 (a) Any holder of elective office, except a representative town meeting member, may be  
1203 recalled therefrom by the registered voters of the town of Randolph as provided in this section.

1204 (b) Any 500 registered voters of the town of Randolph may file with the town clerk of said  
1205 town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for  
1206 recall. The registrars of voters shall, within 5 days, certify thereon the number of signatures which are  
1207 names of registered voters of the town. The town clerk shall, upon certification by the board of registrars,  
1208 deliver to the first 10 persons named on the affidavit copies of petition blanks demanding such recall, copies  
1209 of which shall be kept available. The blanks shall be issued by the town clerk with the clerk's signature and  
1210 official seal attached thereto. The blanks shall be dated, addressed to the board of selectmen and contain  
1211 the names of the 10 persons to whom they are issued, the name of the person whose recall is sought, the  
1212 grounds of recall as stated in the affidavit and the demand for the election of a successor to such office. A  
1213 copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall  
1214 petition shall be returned and filed with the town clerk within 21 days after the certification of the affidavit  
1215 and shall have been signed by at least 20 per cent of the registered voters of the town who shall add to their  
1216 signatures the street and number, if any, of their residences.

1217           The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of voters in  
1218 the town and the registrars shall, within 14 days, certify thereon the number of signatures which are  
1219 names of registered voters of the town.

1220           (c)     If the petition shall be found and certified by the registrars of voters to be sufficient, the  
1221 registrars shall submit the same with their certificate to the board of selectmen without delay and the  
1222 board shall, within 7 days, give written notice of the receipt of the certificate to the officer sought to be  
1223 recalled and shall, if the officer does not resign within 5 days thereafter, order an election to be held on a  
1224 date fixed by them not less than 64 nor more than 90 days after the date of the registrars' certificate that a  
1225 sufficient petition has been filed; provided, however, that if any other town election is to occur within 100  
1226 days after date of certification, the board of selectmen shall postpone the holding of the recall election to  
1227 the date of such other election.

1228           If a vacancy occurs in such office after a recall election has been ordered, the election shall  
1229 nevertheless proceed as provided in this section.

1230           (d)     An officer sought to be removed may be a candidate to succeed himself and, unless the  
1231 officer requests otherwise in writing, the town clerk shall place his name on the ballot without  
1232 nomination. The nomination of other candidates, the publication of the warrant for the removal election  
1233 and the conduct of the same, shall all be in accordance with the General Laws relating to elections, unless  
1234 otherwise provided in this charter.

1235           (e)     The incumbent shall continue to perform the duties of his office until the recall election.  
1236 If the recall fails or the incumbent is re-elected, he shall continue in office for the remainder of the  
1237 unexpired term, subject to recall as before, except as provided in subsection (g). If not re-elected in the  
1238 recall election, the officer shall be deemed removed upon the qualification of his successor who shall hold  
1239 office during the unexpired term. If the successor fails to qualify within 5 days after receiving  
1240 notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

1241 (f) Ballots used in a recall election shall submit the following proposition in the order  
1242 indicated:

1243 For the recall of (name of officer)

1244 Against the recall of (name of officer)

1245 Immediately at the right of each proposition, there shall be a square in which the voter, by making a  
1246 cross mark "X", may vote for either proposition. Under the proposition there shall appear the word  
1247 "Candidates," the direction to voters required by section 42 of chapter 54 of the General Laws and  
1248 beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes  
1249 cast upon the question of recall is in the affirmative, the candidate receiving the highest number of  
1250 votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots  
1251 for candidates need not be counted.

1252 (g) No recall affidavit shall be filed against an officer within 6 months after he takes office, nor  
1253 in the case of an officer subject to a recall election, until at least 6 months after the election at which his  
1254 recall was submitted to the voters.

1255 **ARTICLE 4**

1256 **TOWN MANAGER**

1257 Section 4-1 Appointment, Qualifications, Term of Office

1258 The board of selectmen shall appoint by a four-fifths vote a town manager for a period not longer than a  
1259 5-year term. The town manager shall be a person of proven administrative ability, especially qualified by  
1260 education and training with at least 5 years full-time paid experience as a city or town manager, or an  
1261 assistant city or town manager or the equivalent public or private sector level experience. The board of  
1262 selectmen may, from time to time, establish such additional qualifications as it deems necessary and  
1263 appropriate. The town moderator shall appoint a screening committee to assist in the recruitment and

1264 selection of the town manager. The screening committee shall present at least 3 candidates to the board  
1265 of selectmen for consideration.

1266 The town manager shall devote full-time to the duties of the office and shall not hold any other elective or  
1267 appointive office, nor shall the town manager engage in any other business unless such action is approved  
1268 in advance in writing by the board of selectmen.

1269 Section 4-2 Powers of Appointment.

1270 Except as otherwise provided by this charter and subject to the civil service law and any collective  
1271 bargaining agreements as may be applicable, the town manager shall appoint, based upon merit and  
1272 fitness alone, all department heads, officers, subordinates, employees and all appointed multiple-member  
1273 bodies for whom no other method of selection is provided in this charter except employees of the school  
1274 department.

1275 Appointments made by the town manager shall become effective upon the approval of the board of  
1276 selectmen; provided, however, that such approval is received within 15 days of filing such notice of  
1277 appointment. If the board of selectmen shall fail to act, appointments made by the town manager shall  
1278 become effective on the fifteenth day following the day on which notice of the proposed appointment is  
1279 filed with the board of selectmen. For the purpose of this section, notice of appointment shall be  
1280 considered filed with the board of selectmen when such notice is filed at an open meeting of the board of  
1281 selectmen.

1282 Department heads shall appoint all officers, subordinates and employees within their department subject  
1283 to the approval of the town manager.

1284 Section 4-3 Administrative Powers and Duties

1285 The town manager shall be the chief administrative officer of the town and shall be responsible to the  
1286 board of selectmen for the proper operation of town affairs for which the town manager is given

1287 responsibility under this charter. The powers, duties and responsibilities of the town manager shall  
1288 include, but are not intended to be limited to, the following:

1289 (a) To supervise, direct and be responsible for the efficient administration of all  
1290 officers appointed by the town manager and their respective departments and of all functions for  
1291 which the town manager is given responsibility, authority or control by this charter, by by-law,  
1292 by town meeting vote, or by vote of the board of selectmen.

1293 (b) To administer, either directly or through a person or persons supervised by the  
1294 town manager, in accordance with this charter, the laws of the commonwealth applicable to the  
1295 town, all by-laws and all regulations established by the board of selectmen.

1296 (c) To coordinate all activities of town departments under the direction of the town  
1297 manager and the board of selectmen with the activities of departments under the control of  
1298 officers, boards or commissions elected directly by the voters of the town.

1299 (d) To attend all regular and special meetings of the board of selectmen, unless  
1300 excused.

1301 (e) To attend all sessions of the town meeting and answer all questions addressed to  
1302 the town manager which are related to the warrant articles and matters under the general  
1303 supervision of the town manager.

1304 (f) To keep the board of selectmen fully informed as to the needs of the town and  
1305 recommend to the selectmen for adoption such measures requiring action by them or by the town  
1306 as the town manager deems necessary or expedient.

1307 (g) To insure that complete and full records of the financial and administrative  
1308 activity of the town are maintained and to render reports to the board of selectmen as may be  
1309 required.

1310 (h) To be responsible for the management, rental, use, maintenance and repair of all  
1311 town facilities and land, except those under the jurisdiction of the school committee, the board of  
1312 library trustees and the conservation commission.

1313 (i) To be responsible for the purchase of all supplies, materials and equipment,  
1314 except books and other educational materials for schools and books and other media materials  
1315 for libraries and approve the award of all contracts for all town departments with the exception of  
1316 the school department, subject to the approval of the board of selectmen.

1317 (j) To develop and maintain a full and complete inventory of all town-owned real  
1318 and personal property.

1319 (k) To administer, in cooperation with the personnel board, if any, personnel policies,  
1320 practices, rules and regulations, any compensation plan and any related matters for all municipal  
1321 employees and all collective bargaining agreements entered into by the town, except for school  
1322 department agreements.

1323 (l) To fix the compensation of all town employees and officers appointed by the  
1324 town manager within the limits established by appropriation and any applicable compensation  
1325 plan.

1326 (m) To be responsible for the negotiation of all union and non-union contracts with  
1327 town employees over wages and other terms and conditions of employment, except employees of  
1328 the school department. The town manager may, subject to the approval of the board of

1329 selectmen, employ special counsel to assist in the performance of these duties. Contracts shall  
1330 be subject to the approval of the board of selectmen and such other approvals as required by  
1331 chapter 150E of the General Laws.

1332 (n) To prepare and submit an annual operating budget and capital improvement  
1333 program as provided in article 6.

1334 (o) To keep the board of selectmen and the finance committee fully informed as to  
1335 the financial condition of the town and make recommendations to the board of selectmen and  
1336 other elected and appointed officials as the town manager deems necessary or expedient.

1337 (p) To investigate or inquire into the affairs of any town department or office under  
1338 the supervision of the town manager or the job-related conduct of any officer or employee  
1339 thereof.

1340 (q) To delegate, authorize or direct any subordinate or employee of the town to  
1341 exercise any power, duty or responsibility which the office of town manager is authorized to  
1342 exercise. All acts performed under such delegation shall be deemed to be the acts of the town  
1343 manager.

1344 (r) To perform such other duties as are necessary or as may be assigned by this  
1345 charter, by-law, town meeting vote or vote of the board of selectmen.

1346 (s) To determine the existence of a public emergency or danger and shall assume  
1347 responsibility for the maintenance of public safety, public order and enforcement of the laws of  
1348 the commonwealth. The manager shall notify the chairman of the board of selectmen as soon as  
1349 practical, but within 24 hours, of such a public emergency or danger and of the actions taken.

1350 Should the public emergency continue for more than 24 hours, the board of selectmen may meet  
1351 to review, ratify or terminate the public emergency.

1352 Section 4-4 Compensation

1353 The town manager shall receive such compensation for services as the board of selectmen shall  
1354 determine, but such compensation shall be within the limits of available appropriations as approved by  
1355 town meeting.

1356 Section 4-5 Vacancy in Office

1357 Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen.  
1358 Pending appointment of the town manager or the filling of any vacancy, the board of selectmen shall  
1359 forthwith appoint some other qualified person to perform the duties of the town manager. The  
1360 appointment of the acting town manager shall be for a term not to exceed 4 months, provided however,  
1361 that a renewal, not to exceed an additional 4 months may be provided.

1362 Section 4-6 Temporary Absence

1363 The town manager may designate, by letter filed with the board of selectmen and town clerk, a qualified  
1364 officer of the town to perform the duties of the town manager during a temporary absence or disability. If  
1365 such temporary absence or disability shall exceed 14 days, any designation made by the town manager  
1366 shall be subject to the approval of the board of selectmen. In the event of failure of the town manager to  
1367 make such designation or if the person so designated is for any reason unable to serve, or is deemed not  
1368 qualified by the board of selectmen, the board of selectmen may designate some other qualified person to  
1369 perform the duties of the town manager until the town manager shall return.

1370 Section 4-7 Removal of Town Manager

1371 The person serving as town manager shall cease to be town manager upon expiration of his contract or  
1372 term of office, which ever occurs earlier.

1373 Earlier in time than the expiration described in the preceding sentence, the board of selectmen by  
1374 affirmative vote of a four-fifths majority of the full board may vote to terminate, remove or suspend the  
1375 town manager from office, in accordance with the following procedure:

1376 Prior to removal or termination, the board of selectmen shall adopt a preliminary resolution of removal by  
1377 the affirmative vote of a majority of the full board. The preliminary resolution may suspend the town  
1378 manager for a period not to exceed 30 days. A copy of the resolution shall be delivered to the town  
1379 manager forthwith.

1380 If so requested by the town manager, the board of selectmen shall provide a written statement setting forth  
1381 the reasons for the removal or termination.

1382 Within 5 days after the receipt of the preliminary resolution, the town manager may request a public  
1383 hearing by filing a written request for such hearing with the board of selectmen. If such a hearing is  
1384 requested, the hearing shall be held at a meeting of the board of selectmen not later than 20 days from the  
1385 date of request.

1386 If a public hearing has not been requested by the town manager, the board of selectmen may adopt a final  
1387 resolution of removal, which may be effective immediately, by affirmative vote of four-fifths of its  
1388 members at any time after 10 days following the date of delivery of a copy of the preliminary resolution  
1389 to the town manager. If the town manager requests a public hearing, the selectmen may, at the conclusion  
1390 of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an  
1391 affirmative vote of four-fifths of its members.

1392 The board of selectmen may suspend the town manager by an affirmative vote of a majority of the full  
1393 board, pending and during any public hearing as requested by the town manager. The town manager shall  
1394 continue to receive a salary until the final date of removal shall become effective unless the board of  
1395 selectmen otherwise provides. The action of the board of selectmen in terminating, removing or  
1396 suspending the town manager shall be final.

1397 No contract of employment for a town manager shall be inconsistent with this section.

1398 Section 4-8 Evaluation of Town Manager

1399 There shall be an annual review of the town manager's job performance conducted by the board  
1400 of selectmen.

1401 **ARTICLE 5**

1402 **ADMINISTRATIVE ORGANIZATION**

1403 Section 5-1 Powers of Organization

1404 Except as to types of reorganizations otherwise expressly prohibited by general law or the charter, the  
1405 town manager, subject to the approval of the board of selectmen, may reorganize, create, consolidate or  
1406 abolish committees, commissions, offices, departments and agencies under the supervision of the town  
1407 manager, in whole or in part, may establish new committees, commissions, offices, departments and  
1408 agencies as deemed necessary and may, for such purposes, transfer the duties and powers and so far as is  
1409 consistent with the use for which the funds were voted by the town, transfer the appropriation of 1  
1410 committee, commission, office, department or agency to another.

1411 **ARTICLE 6**

1412 **FINANCIAL PROVISIONS**

1413 Section 6-1 Annual Budget Policy

1414 The board of selectmen and school committee shall meet and confer, prior to and during the budget  
1415 process, to review the financial condition of the town, revenue and expenditure forecasts and other  
1416 relevant information in order to develop a coordinated and balanced budget. The finance committee shall  
1417 participate in the discussions with the board of selectmen and the school committee in an advisory  
1418 capacity. The school superintendent and the town manager shall jointly develop guidelines consistent  
1419 with policies developed by the board of selectmen and school committee.

1420 Section 6-2 Budget Process

1421 The town manager shall annually submit to the finance committee a proposed budget and capital  
1422 improvement program for the ensuing fiscal year with an accompanying budget message and supporting  
1423 documents before February first. The budget message submitted by the town manager shall explain the  
1424 budget in fiscal terms and in terms of work programs for all town agencies. The budget message shall  
1425 outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of  
1426 the proposed budget and indicate any major variations from the current budget, fiscal policies,  
1427 expenditures and revenues, together with the reasons for such change. The proposed budget shall provide  
1428 a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems  
1429 desirable.

1430 The preliminary budget, as adopted by the school committee, shall be submitted to the town manager at  
1431 least 14 days prior to the town manager submitting the proposed budget to the finance committee to  
1432 enable the town manager to consider the effect of the school department's requested appropriation upon  
1433 the total town budget which is required to be submitted under this section.

1434 Section 6-3 Finance Committee Action

1435 The finance committee shall, upon receipt of the budget and capital improvement program, consider in  
1436 public meetings the detailed expenditures for each town agency proposed by the town manager. The  
1437 finance committee may confer with representatives from any town agency in connection with its  
1438 deliberations. The finance committee may request the town manager or any town agency to provide  
1439 additional information. The finance committee shall file a proposed budget and report its  
1440 recommendations for action 7 days prior to the date on which the town meeting is to act on the proposed  
1441 budget. The budget to be acted upon by the town meeting shall be the budget proposed by the town  
1442 manager with the accompanying recommendations of the finance committee.

1443 Section 6-4 Capital Improvement Program and Long Term Financial Plan

1444 The town manager shall, in conjunction with the capital planning committee, submit a capital  
1445 improvement program to the board of selectmen and finance committee at the date fixed by by-law for the  
1446 submission of the proposed operating budget unless some other time is provided by the laws of the  
1447 commonwealth. Annually the board of selectmen, in conjunction with the town manager, shall prepare a  
1448 5-year financial forecast of town revenue, expenditures and the general financial condition of the town.  
1449 The plan shall be submitted to the finance committee and shall be available to the public.

1450 Section 6-5 Approval of Warrants

1451 Warrants for payments of town funds prepared by the town accountant shall be submitted to the town  
1452 manager for approval.

1453 Section 6-6 Management of Town Funds

1454 The treasurer shall be responsible for the management of all town funds.

1455 Section 6-7 Annual Audit

1456 The board of selectmen shall provide for an annual audit of the books and accounts of the town to be  
1457 made by a certified public accountant, or firm of accountants, who have no personal interest, direct or  
1458 indirect, in fiscal affairs of the town government or any of its offices.

1459 **ARTICLE 7**

1460 **GENERAL PROVISIONS**

1461 Section 7-1 Charter Revision or Amendment

1462 (a) In General - This charter may be replaced, revised or amended in accordance with  
1463 any procedure made available under the Constitution of the Commonwealth, or by general or  
1464 special law.

1465 (b) Periodic Review - The board of selectmen shall provide, in every year ending in a  
1466 0, for a review of the charter by the entire board and 6 additional persons to be appointed by the  
1467 board. The committee shall file a report within the year recommending any changes in the  
1468 charter which it may deem to be necessary or desirable, unless an extension is authorized by vote  
1469 of the board of selectmen.

1470 Section 7-2 Severability

1471 The provisions of this charter are severable. If any of the provisions of this charter are held to be  
1472 unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the  
1473 application of this charter, or any of its provisions, to any person or circumstances is held to be invalid,  
1474 the application of said charter and its provisions to other persons or circumstances shall not be affected  
1475 thereby.

1476 Section 7-3 Rules of Interpretation

1477 The following rules shall apply when interpreting the charter:

1478 (a) Specific provisions to prevail. To the extent that any specific provision of the  
1479 charter shall conflict with any provision expressed in general terms, the specific provision shall  
1480 prevail.

1481 (b) Number and Gender. Words imparting the singular number may extend and be  
1482 applied to several persons or things; words imparting the plural number may include the singular;  
1483 words imparting the masculine gender shall include the feminine gender.

1484 (c) References to General Laws. All references to the General Laws contained in the  
1485 charter refer to the General Laws of the commonwealth and are intended to include any  
1486 amendments or revisions to such chapters and sections or to the corresponding chapters and

1487 sections of any rearrangement of the general laws enacted subsequent to the adoption of the  
1488 charter.

1489 (d) Computation of time. Time shall be computed in accordance with the General  
1490 Laws.

1491 Section 7-4 Definitions

1492 Unless another meaning is clearly apparent from the manner in which the word is used, the following  
1493 words as used in the charter shall have the following meanings:

1494 (a) "Charter", this charter and any amendments to it made through any methods  
1495 provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

1496 (b) "Majority vote", a majority of those present and voting, provided a quorum is  
1497 present when a vote is taken, unless a higher number is required by the laws of the  
1498 commonwealth, this charter, or by the town meeting's own rules.

1499 (c) "Multiple-member body", any board, commission or committee but not including  
1500 the board of selectmen, the school committee or the trustees of the Stetson Fund.

1501 (d) "Town", the town of Randolph.

1502 (e) "Town agency" or "agency", any board, commission, committee, department or  
1503 office of town government, whether elected, appointed or otherwise constituted.

1504 (f) "Voters", registered voters of the town.

1505 **ARTICLE 8**

1506 **TRANSITIONAL PROVISIONS**

1507 Section 8-1 Continuation of Existing Laws

1508 All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time  
1509 this charter is adopted, not inconsistent with this charter, shall continue in full force until amended or  
1510 repealed.

1511 If provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders and special  
1512 acts and acceptances of general or special laws, the charter provisions shall govern. All provisions of  
1513 town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in  
1514 force.

1515 Section 8-2 Existing Officials and Employees

1516 Any person holding a town office or employment under the town shall retain such office or employment  
1517 and shall continue to perform the duties of the office until provisions shall have been made in accordance  
1518 with this charter for the performance of the said duties by another person or agency.

1519 Section 8-3 Continuation of Government

1520 All town offices, boards, commissions or agencies shall continue to perform the duties therefore until re-  
1521 appointed, re-elected, until successors to their respective positions are fully appointed or elected or until  
1522 their duties have been transferred and assumed by another town office, board, commission or agency.

1523 Section 8-4 Transfer of Records and Property

1524 All records, property and equipment whatsoever of any office, board, commission, committee or agency  
1525 or part thereof, the powers and duties of which are assigned in whole or in part to another town office,  
1526 board, commission or agency, shall be transferred forthwith to such office, board, commission or agency.

1527 Section 8-5 Continuation of Personnel

1528 Any person holding a town office, or a position in the administrative service of the town, or any person  
1529 holding full-time employment under the town, shall retain such office or position or employment and  
1530 shall continue to perform the duties of such office, position or employment until provision shall have been

1531 made for the performance of those duties by another person or agency; provided, however, no person in  
1532 the permanent, full-time service of the town shall forfeit his or her pay grade, or time in service of the  
1533 town.

1534 Section 8-6 Time of Taking Effect

1535 This charter shall become fully effective upon ratification by the voters, except as otherwise provided in  
1536 this section:

1537 (a) A special election for the purpose of electing 120 persons to serve as  
1538 representative town meeting members, in the manner provided in article 2, shall be held within  
1539 180 days of the adoption of this charter. The term of office of persons so elected shall be  
1540 extended so that the terms of office of the first third, in order of votes received, shall expire at the  
1541 town election held in the fourth year following the year in which the charter is adopted; the terms  
1542 of office of the second third, in such order of votes received, shall expire at the town election  
1543 held in the third year following the year in which the charter is adopted; and the terms of office  
1544 of the remaining third, in such order of votes received, shall expire at the town election held in  
1545 the second year following the year in which the charter is adopted. At the expiration of terms of  
1546 office, town meeting members shall be elected for terms of 3 years as provided in article 2. At  
1547 the same election, 1 additional member of the school committee shall be elected. The additional  
1548 school committee member shall serve a term that shall result in 2 members of the school  
1549 committee being elected each year.

1550 (b) Forthwith following the election at which the charter is adopted the town  
1551 moderator shall initiate proceedings whereby a screening committee shall be established to  
1552 review applicants for the position of town manager. The screening committee is to consist of 9  
1553 persons, representing as nearly as possible the town demographic and occupational base.

1554 Not more than 30 days following the election at which this charter is adopted the 9  
1555 persons appointed as aforesaid shall meet to organize and to plan a process for the selection of  
1556 the town manager.

1557 The committee shall review and screen all applications and provide for interviews with  
1558 such candidates for the position as it deems to be necessary.

1559 Not more than 120 days following the date the committee meets to organize, the  
1560 committee shall submit to the board of selectmen the names of not less than 3 nor more than 5  
1561 candidates for the position. Within 60 days following the date the list of nominees is submitted  
1562 to it, the board of selectmen shall choose 1 of the nominees to be appointed to the office of town  
1563 manager.

1564 Upon the appointment of a town manager, the committee established hereunder shall be  
1565 considered discharged. Until such time as another screening committee is established by by-law,  
1566 a screening committee, as called for by the town moderator and members selected as herein  
1567 provided, shall serve whenever the office of town manager shall become vacant.

1568 (c) Upon the appointment of the town manager, the office of executive secretary shall  
1569 be abolished.

1570 (d) Until such time as the town manager is appointed, the board of selectmen shall  
1571 exercise all the powers, duties and responsibilities necessary to insure orderly operation of town  
1572 government.

1573 (e) Upon the adoption of this charter, the incumbents serving in the office of  
1574 treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall be  
1575 subject to the town's personnel by-law and shall be granted all benefits and rights provided by

1576 such by-law. The incumbents shall be granted sick leave, vacation leave or other such leaves  
1577 based upon the number of years the incumbents have served in an elective office and as an  
1578 employee of the town of Randolph. Such incumbents shall be entitled to, and be credited with,  
1579 retroactive sick leave at the rate of 9 days for each year of full-time service as an elected official  
1580 and as an employee of the town.

1581 (f) At the next annual town meeting following the adoption of this charter, the town  
1582 moderator shall appoint a committee of 5 members to review town by-laws and report back to  
1583 the town meeting with recommendations to bring by-laws into conformity with this charter.

1584 (g) Unless otherwise provided by this charter, the composition and term of office of  
1585 any town agency, board, commission, committee or department existing at the time of the  
1586 adoption of this charter shall continue to exist until such time as a different form of organization  
1587 is provided in accordance with the procedures made available under section 5-1.

1588 (h) Unless otherwise provided by by-law, the personnel board shall continue to be  
1589 composed of the same number of members as currently constituted; provided, however, that the  
1590 appointments made by the selectmen shall, upon the expiration of the term of office of such  
1591 members, or if a vacancy shall sooner occur, be made by the town manager.

1592 (i) The moderator shall, as soon as practical, after the election of the representative  
1593 town meeting appoint a 7-member committee to prepare a code of ethics for the town of  
1594 Randolph. Said committee shall be composed of 1 elected town official, 1 appointed town  
1595 official, 1 town employee and 4 voters at-large from the town. The code of ethics shall be  
1596 applicable to all elected and appointed officials and town employees. The committee shall report  
1597 back to the town meeting within 12 months after the committee has been appointed with a  
1598 recommended code of ethics for consideration by the representative town meeting.

1599 **SECTION 5.** This act shall take effect upon its passage.”