

HOUSE No. 4316

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the town administrator in the town of Hingham.

PETITION OF:

NAME:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

HOUSE No. 4316

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 4316) of Garrett J. Bradley (by vote of the town) that the board of selectmen of the town of Hingham be authorized appoint a town administrator. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the town administrator in the town of Hingham.

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

1 SECTION 1. Notwithstanding any general or special law or by-law of the town of
2 Hingham to the contrary, the board of selectmen of the town of Hingham shall appoint a town
3 administrator for a term of 1 or 3 years or any such longer term as may hereafter be authorized
4 by law and, in its discretion, for successive terms thereafter, and to remove the town
5 administrator at its discretion. The town administrator shall act by and for the board in any
6 matter which the board may assign, relating to the administration of the affairs of the town or of
7 any town office or department under the supervision and control of the board, and, with the
8 approval of the board, may perform such other duties as may be requested by any other town
9 officer, board, committee or commission. A town administrator appointed pursuant to this
10 section shall be sworn to the faithful performance of his or her duties. While in office, the town
11 administrator shall devote full-time to the position of town administrator and shall not engage in
12 any other business or occupation and shall not hold elective town office, but may be appointed

13 by the board of selectmen or, with their approval, by any other town officer, board, committee or
14 commission, to any other town office or other position consistent with this office.

15 The town administrator shall be appointed solely on the basis of executive and
16 administrative qualifications and shall be a person of proven professional ability fitted by
17 education, training and previous full-time employment in a responsible public or business
18 administrative position. No appointee shall have held elective office within the town for a period
19 of 12 months prior to appointment as town administrator.

20 The position of town administrator shall not be subject to the personnel by-law of the
21 town of Hingham. The board of selectmen shall enter into an employment contract with the town
22 administrator.

23 The board of selectmen shall provide the town administrator with an annual job
24 performance review with input from department heads, employees and members of elected and
25 appointed boards. As part of its annual review, the board shall evaluate the town administrator's
26 performance, including the ability to: (i) supervise municipal employees properly, (ii) administer
27 town government effectively, (iii) effectuate policy and (iv) accomplish established goals.

28 SECTION 2. The town administrator shall be the chief administrative officer of the town
29 of Hingham and shall be responsible for: (i) the administration and supervision of all town
30 departments and appointed personnel under the jurisdiction of the board of selectmen and as
31 otherwise provided by law or these by-laws; (ii) directing the overall activity of the municipality
32 when exercising authority for finances, operations and oversight; and (iii) implementing town
33 policies.

34 Notwithstanding any general or special law or by-law of the town of Hingham to the
35 contrary, the powers and duties of the town administrator shall include, but not be limited to, the
36 following:

37 (a) The authority and responsibility to exercise overall responsibility for human resources
38 for the town, including but not limited to: (i) authority for hiring, supervision, evaluation,
39 discipline and removal of town employees under the jurisdiction of the board of selectmen; and
40 (ii) the responsibility to assist the personnel board in the implementation and administration of
41 the personnel by-law of the town of Hingham and salary and classification plan.

42 The town administrator shall coordinate the recruitment and screening of suitable
43 candidates for consideration and appointment of the chief of police, the fire chief and the
44 superintendent of public works by vote of the board of selectmen. The town administrator shall
45 provide the board with relevant materials for the evaluation of no more than 5 such candidates.
46 In the event that the board does not appoint any of the candidates, the town administrator shall
47 continue to present 1 or more candidates until 1 is appointed. The chief of police, the fire chief
48 and the superintendent of the department of public works may be removed by vote of the board
49 of selectmen, after consultation with the town administrator.

50 The town administrator shall appoint and remove all department heads under the
51 jurisdiction of the board of selectmen except the chief of police, the fire chief and the
52 superintendent of public works and except as may otherwise be provided by law. The town
53 administrator shall consult with the appropriate elected or appointed board, commission,
54 committee or official, as well as the board of selectmen, prior to appointing a department head
55 or undertaking a department head's removal. Prior to finalizing a department head appointment,

56 the town administrator shall provide notice to the board of selectmen of the anticipated
57 appointment and the terms and conditions of employment for the appointment. The board of
58 selectmen shall approve or disapprove the appointment and the terms and conditions of
59 employment within 14 days of the notice. A failure of the board of selectmen to act within this
60 14-day period shall be deemed approval of the appointment and the terms and conditions thereof.
61 Any termination or removal of such department heads shall be subject to the same notice and
62 approval requirements for appointments.

63 The town administrator or a designee shall appoint and remove all other town employees
64 under the jurisdiction of the board of selectmen except civil service employees in the police
65 department.

66 The town administrator shall be responsible for the supervision, management, evaluation
67 and discipline of all other town employees under the jurisdiction of the board of selectmen. The
68 town administrator annually shall be responsible for performance evaluations of all department
69 heads and shall oversee the performance evaluation program conducted by department heads for
70 employees within their respective departments. The town administrator shall act as hearing
71 officer for appeals of civil service disciplinary suspensions of 5 days or less and act on behalf of
72 the board of selectmen in the grievance process pursuant to collective bargaining agreements.

73 (b) The authority and responsibility to, in a timely manner, prepare, develop and
74 assemble the town budget for all non-school departments and accounts and following the
75 development of the budget, the town administrator shall submit the entire budget document to
76 the board of selectmen for review. The town administrator shall forward the budget document,

77 including any alterations approved and incorporated therein by the board of selectmen, to the
78 advisory committee.

79 (c) The authority and responsibility to act as the chief procurement officer for the town.
80 The town administrator shall exercise full authority for procurement pursuant to chapter 30B of
81 the General Laws. The town administrator shall be responsible for the purchase of all supplies,
82 materials, services and equipment, and shall have the authority to award and sign all contracts
83 which do not exceed \$50,000, in addition to all Massachusetts highway contracts and state and
84 federal grants. Any contract that exceeds \$50,000 shall require the approval of the board of
85 selectmen. The town administrator shall have the authority to sign all contracts approved by the
86 board of selectmen on behalf of the town. All contracts and grants signed by the town
87 administrator shall be promptly reported, in writing, to the board of selectmen.

88 (d) The authority and responsibility to:

89 (1) attend all regular and special meetings of the board of selectmen, unless unavailable
90 for reasonable cause, and have a voice, but no vote, in all of its proceedings and keep full and
91 complete records of the same;

92 (2) fully inform the board of selectmen as to the needs of the town and make
93 recommendations to the board with regard thereto;

94 (3) fully inform the board of selectmen as to departmental operations, fiscal matters,
95 administrative actions and provide regular reports to the board on all such matters and provide
96 special reports to the board at its request;

97 (4) coordinate collective bargaining negotiations under the jurisdiction of the board of
98 selectmen, on behalf of and at the direction of the board of selectmen;

99 (5) administer and enforce collective bargaining agreements and other employment
100 agreements under the jurisdiction of the board of selectmen, at the direction of and on behalf of
101 the board of selectmen;

102 (6) manage all real and personal property of the town under the jurisdiction of the board
103 of selectmen;

104 (7) oversee the purchase of all supplies, materials, services and equipment, and approve
105 the award of all contracts for all town departments exclusive of the schools, subject to subsection
106 (c);

107 (8) determine the compensation of all non-school employees within the limits of the
108 town's salary and classification plan, collective bargaining agreements and other employment
109 agreements, and subject to the personnel by-law;

110 (9) coordinate the activities of all appointed and elected boards, committees and
111 commissions and have the authority to require such bodies and individuals to meet with and
112 provide information to the town administrator, at reasonable times for the purpose of
113 coordination and financial planning. In addition, the town administrator shall be a resource to all
114 elected and appointed boards and departments;

115 (10) reorganize, abolish, consolidate or establish any department or position under the
116 town administrator's authority as the town administrator deems appropriate from time to time,

117 subject to the approval of the board of selectmen before implementation and funding by town
118 meeting, if necessary;

119 (11) supervise, direct and be responsible for the efficient administration of all town
120 departments under the jurisdiction of the board of selectmen and for all functions for which the
121 town administrator is given responsibility, authority or control by the board of selectmen;

122 (12) delegate, authorize or direct any employee appointed under the jurisdiction of the
123 board of selectmen to exercise any power, duty or responsibility which the office of the town
124 administrator is authorized to exercise;

125 (13) administer and enforce either directly or through a person supervised by the town
126 administrator, all laws of the commonwealth applicable to the town, by-laws, and all regulations
127 and policies established by the board of selectmen;

128 (14) investigate or inquire into the affairs of any town department under the jurisdiction
129 of the board of selectmen and have access to all books and records of the same;

130 (15) attend all sessions of town meeting, whether regular or special, unless unavailable
131 for reasonable cause and answer all questions addressed to the town administrator, particularly
132 those questions that are related to town finances, warrant articles and matters under the general
133 supervision of the town administrator; and

134 (16) coordinate the prosecution, defense and compromise of all litigation to which the
135 town is a party solely at the direction of and on behalf of the board of selectmen.

136 (e) The town administrator shall exercise such additional authority and perform such
137 other duties as are lawfully assigned by the board of selectmen.

138 SECTION 3. In the event of a vacancy in the position of town administrator, the board of
139 selectmen of the town of Hingham shall appoint an interim town administrator to serve until such
140 time as a town administrator is appointed; provided, however, that the appointment shall be no
141 longer than 8 months.

142 SECTION 4. This act shall take effect upon its passage.