

SENATE No. 12

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to provide the voters of the town of Randolph a choice of charters for a new form of government..

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. At the first regular or special municipal election held in and for the Town
2 of Randolph after the effective date of this Act, including a special election just for the purpose
3 of the questions set forth in this Act, the voters of the town of Randolph shall be afforded an
4 opportunity to vote on the following ballot questions:

5 Question One: Shall the town adopt a new Charter for a Town Manager – Town Council
6 form of Government? Yes _____ No _____

7 Question Two: Shall the town adopt a new Charter for a Town Manager – Selectmen –
8 Representative Town Meeting form of Government? Yes _____ No _____

9 A summary of each form of government may be provided with the ballot questions as
10 may be prepared by attorneys for the town.

11 SECTION 2. If neither Question One nor Question Two set forth in section 1 of this Act
12 passes by a majority of the votes cast, then neither form of government shall take effect and the

13 Town of Randolph shall continue with the present form of town meeting – selectmen
14 Government as described in various special acts including but not limited to chapter 49 of the
15 Acts of 1792, chapter 324 of the Acts of 1947 and chapter 460 of the Acts of 1989. If either
16 Question One or Question Two set forth in section 1 of this Act passes by a majority of the votes
17 cast, then that form of government that has obtained the majority favorable vote shall take effect
18 in accordance with the terms set forth in the Charter so approved.

19 If both Question One and Question Two passes by a majority of the votes cast, then that
20 Charter for a new form of government that obtains the highest number of votes cast in favor shall
21 take effect in accordance with the terms set forth in the Charter so approved.

22 SECTION 3 Charter for a TOWN MANAGER – TOWN COUNCIL form of
23 government. In the event that the voters of the Town adopt the Charter for a Town Manager –
24 Town Council Form of Government pursuant to section 2 of this Act, the following Charter shall
25 become effective in accordance with its terms:

26 TOWN MANAGER – TOWN COUNCIL CHARTER

27 ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS

28 Section 1-1 Incorporation

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

32 Section 1-2 Short Title

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

34 Section 1-3 Division of Powers

35 All legislative powers of the town shall be exercised by a Town Council hereafter
36 established. The administration of all town fiscal, prudential and municipal affairs shall be
37 vested in the executive branch headed by the town manager.

38 Section 1-4 Powers of the Town

39 The intent and purpose of this charter is to secure for the voters of the Town of Randolph,
40 through the adoption of this charter, all the powers possible to secure for their government under
41 Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of the
42 commonwealth, as fully and as though each such power were specifically and individually
43 enumerated herein.

44 Section 1-5 Interpretation of Powers

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

48 Section 1-6 For the purposes of classifying Randolph in those instances where laws of
49 the Commonwealth may distinguish between municipalities classified as “towns” and other
50 municipalities classified as “cities,” it is intended that this charter shall be construed as providing
51 a city form of government.

52 Section 1-7 Intergovernmental Relations

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

55 ARTICLE 2 LEGISLATIVE BRANCH

56 Section 2-1 Composition, Term of Office

57 (a) Composition - There shall be a town council of nine (9) members which shall
58 exercise the legislative powers of the town. Five (5) of these members, to be known as
59 councillors-at-large, shall be nominated and elected by and from the voters-at-large. Four (4) of
60 these members, to be known as district councillors, shall be nominated and elected by and from
61 the voters of each district, one (1) such district councillor to be elected from each of the four (4)
62 council districts into which the town is divided, in accordance with section 7- 4.

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

66 (c) Eligibility - Any voter shall be eligible to hold the office of councillor-at-large. A
67 district councillor shall, at the time of his or her election, be a voter of the district from which he
68 or she is elected; provided, however, that if any such district councillor shall, during the term for
69 which he or she was elected remove to another district in the town, or be so removed by a
70 revision of district lines, such councillor may continue to serve for the balance of the term for
71 which he or she was elected. Councillors shall not serve as the chairman of any appointed board,
72 committee or commission.

73 Section 2-2 Council President

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

77 (b) Powers and Duties - The council president shall preside at all meetings of the
78 town council, regulate its proceedings and shall decide all questions of order. The council
79 president shall appoint all members of all committees of the town council, whether special or
80 standing. The council president shall have the same powers to vote upon all measures coming
81 before the town council as any other member of the town council. The council president shall
82 perform such other duties consistent with the office as may be provided by charter, by ordinance
83 or by other vote of the town council. The council president shall be recognized as the official
84 head of the town for all ceremonial purposes and shall be recognized by the courts for the
85 purposes of serving civil process.

86 (c) Council Vice-President - The members of the town council shall also elect from
87 among its members a council vice-president who shall serve as acting president during the
88 temporary absence or disability of the council president during the current term of office. The
89 powers of an acting council president shall be limited to only those powers of the office
90 indispensably essential to the performance of the duties of the office during the period of such
91 temporary absence or disability and no others.

92 Section 2-3 Conflict Of Interest

93 No person shall simultaneously hold more than one (1) elective town office. Unless such
94 service may otherwise be authorized by law, no member of the town council shall, while a
95 member of the town council hold any other town office or employment for which a salary or

96 other emolument is payable from the town treasury; but this restriction shall not apply to an
97 office or position under the school committee. No councillor shall hold any compensated
98 appointed town office or employment until one (1) year following the date on which his or her
99 council service has terminated. This provision shall not prevent a town officer or town employee
100 who has taken a leave of absence from such office or employment from resuming the same office
101 or employment following service as a member of the town council.

102 Section 2-4 Compensation, Expenses

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

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

106 Section 2-5 General Powers

107 Except as otherwise provided by general law or by this charter, all powers of the town
108 shall be vested in the town council which shall provide for their exercise and for the performance
109 of all duties and obligations imposed upon the town by law. The town may enter into contracts
110 for the exercise of its corporate powers on such terms and conditions as are authorized by the
111 town council by ordinance.

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

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

116 (b) Quorum - The presence of five (5) members shall constitute a quorum for the
117 transaction of business, but a smaller number may adjourn from time to time. Except as
118 otherwise provided by general law or by this charter the affirmative vote of five (5) members
119 shall be required to adopt any ordinance or appropriation order

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

122 i. Regular meetings of the town council shall be held at a time and place fixed by
123 ordinance.

124 ii. Special meetings of the town council shall be held at the call of the council
125 president, or, on the call of any three (3) or more members, by written notice delivered in hand or
126 to the place of residence of each member and which contains a listing of the items to be acted
127 upon. A copy of the notice to members shall, forthwith, be posted upon the town bulletin board.

128 iii. All sessions of the town council and of every committee or sub committee
129 thereof, shall at all times be in compliance with chapter 39, section 23A, 23B and 23C of the
130 General Laws of the Commonwealth, commonly, known as the “open meeting law..

131 Section 2-7 Access to Information

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

135 (b) Town Officers, Members of Town Agencies, Employees - The town council may
136 require any town officer, member of a town agency or town employee to appear before it to give

137 such information as the town council may require in relation to the municipal services, functions,
138 powers, or duties which are within the scope of responsibility of such person.

139 (c) Town Manager -The town council may require the town manager to appear before
140 it at any time to provide specific information on the conduct of any aspect of the business of the
141 town which is within his or her control by or under this charter or by or under any statute or law.

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

145 (d) Notice - Except in cases of Emergency the town council shall give not less than
146 five (5) days notice in writing to any person it may request to appear before it under the
147 provisions of this section. The notice shall include specific questions on which the town council
148 seeks information, and no person called to appear before the town council under this section shall
149 be required to respond to any question not relevant or related to those presented to him or her in
150 advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to
151 the last known place of residence of any such person.

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

153 (a) The Town Council, by the affirmative vote of at least five (5) members, shall
154 appoint a Town Accountant, a town attorney, and a board of registrars.

155 (b) Clerk of the Council - The council president shall appoint, subject to approval of
156 the town council, a clerk of the council, who may be the town clerk, to serve for a term of three
157 (3) years and until his or her successor is chosen and qualified. The clerk of the council shall

158 give notice of its meetings to its members and to the public, keep the journal of its proceedings
159 and perform such other duties as may be provided by ordinance or by other vote of the town
160 council.

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

163 Section 2-9 Ordinances and Other Measures

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

167 No ordinance shall be regarded as an emergency ordinance unless the Emergency is
168 defined and declared in a preamble to such ordinance, separately voted upon and receiving the
169 affirmative vote of six (6) members of the town council.

170 No ordinance making a grant, renewal or extension, whatever its kind or nature, of any
171 franchise or special privilege of any kind or nature shall be passed as an Emergency measure,
172 and except as provided in sections seventy and seventy-one of chapter one-hundred sixty-four
173 and in chapter one-hundred sixty-six of the General Laws of the Commonwealth, no such grant,
174 renewal or extension shall be made otherwise than by ordinance.

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

179 (b) Measures, In General - Excepting only proposed ordinances, appropriation orders
180 and loan authorizations, the town council may pass any other measure through all of its stages at
181 any one meeting, provided that no member of the town council shall object; but, if any single
182 member objects, a vote on the measure shall be postponed to the next meeting of the town
183 council.

184 On the first occasion that the question of adopting any measure is put to the town council,
185 except an emergency measure as defined in section 2-9(a), if a single member objects to the
186 taking of a vote, the vote shall be postponed until the next meeting of the town council regular or
187 special. If when the matter is next taken up for a vote, four (4) or more members object to the
188 taking of the vote, the matter shall be further postponed for not less than an additional five (5)
189 days. This procedure shall not be used more than once for any measure, notwithstanding any
190 amendment made to the original measure.

191 (c) Publication - Every proposed ordinance, appropriation order or loan authorization,
192 except emergency ordinances as provided in section 2-9(a), shall be published once in full in a
193 local newspaper, and in any additional manner as may be provided by ordinance, at least five (5)
194 days before its final passage. After final passage, it shall be posted on the town bulletin board
195 and otherwise published as may be required by ordinance. Provided, however, that whenever a
196 proposed ordinance or codification of ordinances or other measure would exceed in length ten
197 column inches, then in lieu of publication in a local newspaper, the same may be published and
198 made available at the office of the town clerk in booklet or pamphlet form, and if so published
199 and available at least ten (10) days before its final passage shall be deemed sufficient notice.
200 Whenever the town council provides for publication in a booklet or pamphlet form in lieu of the
201 newspaper publication, it shall, at least five(5) days before final passage publish in a local

202 newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the
203 times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the
204 public.

205 Section 2-10 Filling of Vacancies

206 (a) Councillor-at-Large - If a vacancy shall occur in the office of councillor-at-large
207 during the first eighteen (18) months of the term for which councillors are elected the vacancy
208 shall be filled in descending order of votes received by the candidate for the office of councillor-
209 at-large at the preceding town election who received the largest number of votes without being
210 elected, provided such person remains eligible and willing to serve and provided such person
211 received votes at least equal to thirty (30%) percent of the vote total received by the person
212 receiving the largest number of votes for the office of councillor-at-large at the said election.
213 The town clerk shall certify such candidate to the office of councillor-at-large to serve for the
214 balance of the then unexpired term.

215 If a vacancy shall occur in the office of councillor-at-large during the last six (6) months
216 of the term for which councillors-at-large are elected, such vacancy shall be filled by the person
217 at the biennial town election who receives the highest number of votes for the office of
218 councillor-at-large and who is not then serving as a member of the town council. Such person
219 shall forthwith be certified and shall serve for the last two (2) months of the concluding term in
220 addition to the term for which such person was elected.

221 (b) District Councillor - If a vacancy shall occur in the office of district councillor it
222 shall be filled in the same manner as provided in section 2-10(a) for the office of councillor-at-
223 large except that the list shall be of the candidates for the office of district councillor in the

224 district in which the vacancy occurs, provided however, if there be no candidate on such list who
225 remains eligible and willing to serve the next highest ranking candidate from among the
226 candidates for election to the council at large who is a resident of the district in which the
227 vacancy exists shall be certified and shall serve until the next regular election provided such
228 candidate remains a resident of the district, is willing to serve as a district councillor and
229 received votes in the district at least equal to thirty (30%) percent of the vote total received by
230 the person receiving the largest number of votes for the office of district councillor at the said
231 election. The town clerk shall certify such candidate to the office of district councillor to serve
232 for the balance of the then unexpired term.

233 (c) Filling of Vacancies By Town Council - Whenever a vacancy shall occur in the
234 office of councillor-at-large or in that of district councillor and there is no available candidate to
235 fill such vacancy in the manner provided in section 2-10 (a) or (b), the vacancy shall be filled by
236 the remaining members of the town council. Persons elected to fill a vacancy by the town
237 council shall serve only until the next regular election, or if so decided, a special election, at
238 which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy
239 shall forthwith be sworn and shall serve for the remainder of the unexpired term. Persons
240 serving as town councillors under this section shall not be entitled to have the words “candidate
241 for re-election” printed against their names on the election ballot.

242 ARTICLE 3 TOWN MANAGER

243 Section 3-1 Appointment, Term of Office; Qualifications

244 (a) Appointment, Term of Office - The town council, by the affirmative vote of at
245 least two-thirds (2/3) of the members, shall appoint a town manager to serve for a term of office
246 of up to five (5) years.

247 (b) Qualifications - The town manager shall be a person of proven administrative
248 ability, specially qualified by education and training with at least five (5) years full time paid
249 experience as a city or town manager, or an assistant city or town manager or the equivalent
250 public or private sector level experience. The Town Council may from time to time establish
251 such additional qualifications as seems necessary and appropriate.

252 The town manager shall devote his or her full time to the office and shall not hold any
253 other public office, elected or appointed, nor shall he or she engage in any other business,
254 occupation or profession during his or her term unless such action is approved, in advance, by
255 the town council.

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

258 Section 3-2 Powers and Duties

259 The town manager shall be the chief administrative officer of the town and shall be
260 responsible to the town council for the proper administration of all town affairs placed under his
261 or her charge by or under the charter. The powers and duties of the town manager shall include,
262 but are not intended to be limited to, the following:

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

266 He or she shall be responsible for the coordination of the activities of all agencies under
267 his or her control with the activities of all other town agencies, including those elected by the
268 voters of Randolph and those appointed by other elected officials.

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

282 He or she shall administer all personnel policies, practices, or rules and regulations, any
283 compensation plan and any related matters for all municipal employees and administer all

284 collective bargaining agreements, except for school department agreements, entered into by the
285 town.

286 He or she shall be responsible for the negotiation of all union and non-union contracts
287 with town employees over wages, and other terms and conditions of employment, except
288 employees of the school department. The Town Manager may, subject to the approval of the
289 Town Council, employ special counsel to assist in the performance of these duties. Contracts
290 shall be subject to the approval of the Town Council.

291 He or she shall be responsible for making sure that all of the provisions of the General
292 Laws of the Commonwealth, the town charter, town ordinances, and other votes of the town
293 council which require enforcement by him or her, or by officers or employees subject to his or
294 her supervision, are faithfully carried out and enforced.

295 He or she shall prepare and submit an annual operating budget and a capital outlay
296 program as provided in Article 5.

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

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

303 He or she shall have full jurisdiction over the rental and use of all town facilities, except
304 school and/or library buildings and grounds and properties under the jurisdiction of the

305 Conservation Commission pursuant to Chapter 40, section 8C of the General Laws. He or she
306 shall be responsible for the maintenance and repair of all town-owned property, including school
307 and/or library buildings and grounds but not including vacant land under the jurisdiction of the
308 Conservation Commission pursuant to Chapter 40, section 8C of the General Laws of the
309 Commonwealth, should a town ordinance authorizing a central town maintenance department be
310 created.

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

313 He or she shall be responsible for making sure that a full and complete inventory of all
314 property owned by the town, both real and personal, is kept.

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

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

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

324 He or she shall determine the existence of a public emergency or danger and shall assume
325 responsibility for the maintenance of public safety, public order and enforcement of laws. The

326 manager shall notify the council president as soon as practical, but within twenty-four (24) hours,
327 of such a public emergency or danger and of the actions taken. Should the public emergency
328 continue more than twenty-four (24) hours, the town council may meet to review, ratify, or
329 terminate said public emergency.

330 He or she shall execute all deeds conveying town real property, but that any such
331 conveyance shall have been previously authorized by the vote of the town council pursuant to the
332 applicable provisions of the General Laws of the Commonwealth.

333 He or she shall publish an annual report comprising the complete statistical record of the
334 operations of every town department, commission and committee for the preceding year, and it
335 shall be published annually and made available for distribution to the public not later than four
336 (4) months after the end of the period on which the report is based.

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

339 Section 3-3 Compensation

340 The town manager shall receive compensation as may be established by the Council from
341 time to time for the office of town manager.

342 Section 3-4 Removal

343 The person serving as Town Manager shall cease to be Town Manager upon expiration of
344 contract or term of office.

345 Earlier in time than the expiration described in the preceding sentence, the Council, by
346 affirmative vote of a two-thirds (2/3) majority of the full board may vote to terminate, remove or
347 suspend the town manager from office in accordance with the following procedure.

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

358 No contract of employment for a town manager shall be inconsistent with the provisions
359 of this section.

360 Section 3-5 Acting Town Manager

361 (a) Temporary Absence - The town manager shall, by letter filed with the town
362 council and a copy filed with the town clerk, designate a qualified town officer or administrative
363 employee to exercise the powers and perform the duties of his or her office during his or her
364 temporary absence. During the first ten (10) working days of a temporary absence of the town
365 manager, the town council may revoke such designation by a two-thirds (2/3) vote and, after the
366 expiration of ten (10) working days, by a majority vote, whereupon it may appoint another

367 qualified town officer or employee to serve as acting town manager until the town manager shall
368 return and resume his or her duties.

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

375 (c) Powers and Duties - The powers of a temporary or acting town manager shall be
376 limited to matters not admitting of delay; provided, however, no temporary town manager under
377 (a) above shall have authority to make any permanent appointment to, or removal from, any
378 office or position under the town.

379 Section 3-6 Evaluation of Town Manager

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

382 ARTICLE 4 OTHER ELECTED OFFICES

383 Section 4-1 School Committee

384 (a) Composition - There shall be a school committee of seven (7) members, six (6) of
385 whom shall be nominated and elected by and from the voters at large, and the seventh member
386 shall be the council president or a designee from the Town Council.

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

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

393 (d) Powers and Duties - The School Committee shall have general charge and
394 superintendence of the public schools and for this purpose shall have all of the powers and duties
395 which are given to school committees under the constitution and laws of the Commonwealth,
396 and such additional powers and duties as may be authorized by the charter, bylaw or by the vote
397 of the town council.

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

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

409 No person shall simultaneously hold more than one (1) elective town office. No school
410 committee member shall hold any compensated employment until one (1) year following the
411 date on which his or her service as a member of the school committee has terminated.

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

414 Section 4-2 Trustees of The Stetson Fund

415 (a) Term of Office - There shall be a three (3) member board of trustees of the
416 Stetson School Fund elected by the voters for a term of four (4) years, so arranged that the term
417 of one (1) member will expire at the first biannual election and term of two (2) members shall
418 expire at the next biennial election, and continuing thereafter.

419 (b) Powers and Duties – Except as provided in section 4-2(a) above, the trustees shall
420 be governed in accordance with the document entitled “The Stetson Donation of a Town House
421 and Fund for a high school to the Town of Randolph”, voted on February 18, 1843 and Article
422 18 of the Special Town Meeting of November 13, 1996.

423 (c) The terms of Stetson Fund Trustees shall begin following their election on the
424 first day of January that does not fall on a weekend or holiday, and shall continue until their
425 successors are qualified.

426 ARTICLE 5 FINANCIAL PROCEDURES

427 Section 5-1 Budget Hearing and Goal Setting

428 The president of the town council shall call a meeting of the town council prior to the
429 commencement of the budget process, but not later than November 30, to review the financial

430 condition of the town, revenue and expenditure forecasts, and other information relevant to the
431 budget process. The president also shall invite representatives of the school committee and
432 trustees of the Stetson Fund to attend this meeting. Subsequent to this meeting, the town council
433 shall meet to set policy goals with input from the town manager and the community. Based on
434 these goals, the town manager shall develop budgetary goals and the town budget.

435 Section 5-2 Submission of Budget, Message

436 The town manager shall, within seven (7) days after the receipt of departmental budget
437 proposals, but in no event later than February 1st, prepare and submit to the town council a
438 synopsis of all proposed budget initiatives and requests for additional funding for its review and
439 prioritization. The synopsis shall include a summary of each initiative, its justification and its
440 estimated costs. Councillors may also propose budget initiatives for review and prioritization.
441 Any such proposal must include a summary, justification and estimate of costs. The town
442 manager shall provide an estimate of projected revenues.

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

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

458 Section 5-3 Action on The Budget

459 (a) Public Hearing - The town council shall, within seven (7) days following its
460 receipt of the proposed budget, publish in one or more local newspapers the general summary of
461 the proposed budget as submitted by the town manager and a notice stating: (1) the times and
462 places where complete copies of the proposed budget and supporting documents shall be
463 available for examination by the public and (2) the date, time and place, not less than ten (10)
464 days after such publication, when the town council, or a standing committee of the town council,
465 will hold a public hearing on the proposed budget as submitted by the town manager.

466 (b) Adoption - The town council shall adopt the budget, with or without amendments,
467 within sixty (60) days following the day the proposed budget is received by it, or such other
468 period as may be provided by general law. In amending the budget the town council may delete
469 or decrease any programs or amounts, except expenditures required by law, or for debt service.
470 If the town council fails to take any action with respect to any item in the proposed budget within
471 sixty (60) days following the date of its receipt of the proposed budget, or such other period as
472 may be provided by general law, such amount shall, without any action by the town council,

473 become a part of the appropriations for the ensuing fiscal year and shall be available for the
474 purposes specified.

475 Section 5-4 Independent Audit

476 Each year an outside audit of the books and accounts of the town shall be made. In the
477 event that the Commonwealth shall fail in any such period to provide for such an audit to be
478 conducted, within sixty (60) days following the date a written request for them to do so is made
479 by the town council, the town council shall provide for such an audit to be conducted by a
480 certified public accountant, or firm of such accountants.

481 Section 5-5 Capital Outlay Program

482 (a) Submission- The town manager shall prepare and submit to the town council a
483 five year capital outlay program at least three (3) months prior to the final date for submission of
484 a proposed annual operating budget.

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

486 A clear general summary of its contents;

487 A listing of all capital expenditures which are proposed to be made during the five (5)
488 fiscal years next ensuing, with appropriate financial and other details concerning each such
489 expenditure;

490 Cost estimates, proposed methods of financing, and a time schedule for each such
491 expenditure; and

492 The estimated annual cost of operating or maintaining any facilities to be acquired or
493 constructed.

494 The above information shall be revised and extended, annually.

495 ARTICLE 6 ADMINISTRATIVE ORGANIZATION

496 Section 6-1 Reorganization Plans by Ordinance

497 Except as otherwise prohibited by general law or by the charter, the town council may, by
498 ordinance, reorganize, consolidate, or abolish any existing town agency in whole or in part,
499 establish new town agencies, and prescribe the functions of any town agency. All town agencies
500 under the direction and supervision of the town manager shall be headed and administered by
501 officers appointed by the manager.

502 Section 6-2 Reorganization Plans By Administrative Code

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

508 (b) Council Action - Every such reorganization plan shall, upon receipt by the town
509 council, be referred to an appropriate standing committee of the town council for study and
510 report. Within thirty (30) days following its referral to a committee a public hearing shall be
511 held concerning the proposal, either before the standing committee, or before the full town
512 council. Within fourteen (14) days following the conclusion of the public hearing the standing

513 committee to which such matter was referred shall file a report stating either that it approves of
514 the reorganization plan or that it disapproves of it. A reorganization plan shall become effective
515 on the sixtieth day following the date of its receipt by the town council, unless a later date is
516 specified in the reorganization plan, or unless the town council has within said period voted to
517 disapprove of it. A reorganization plan submitted by the town manager under this section may
518 not be amended by the town council but shall either be approved or disapproved in the form as
519 submitted.

520 Section 6-3 Publication of Reorganization Plans

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

524 ARTICLE 7NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM

525 Section 7-1 Town Elections: General

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

528 Section 7-2 Non-Partisan Elections

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

531 Section 7-3 Signature Requirements

532 The number of signatures of voters required to place the name of a candidate on the
533 official ballot to be used at an election shall be as follows: for councillor-at-large, school
534 committee member, or Stetson trustee, not less than fifty such signatures, not more than twenty-
535 five (25) of which shall be from any one (1) district; for the office of district councillor not less
536 than fifty (50) such signatures from the district from which the nomination is sought.

537 Section 7-4 Districts

538 The territory of the town shall be divided into four (4) districts so established as to consist
539 of compact and contiguous territory, bounded insofar as possible by the center line of known
540 streets or ways or by other well defined limits. Each such district shall be composed of voters
541 established in accordance with the General Laws. The town council shall from time to time
542 review such districts to insure their uniformity in number of inhabitants.

543 Section 7-5 Application of State General Laws

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

549 Section 7-6 Petitions To Council Or School Committee

550 The town council or the school committee shall hold a public hearing and act with respect
551 to every petition which is addressed to it, which is signed by one-hundred-fifty (150) voters, or
552 more, and which seeks the passage of a measure. The hearing shall be held by the town council

553 or the school committee, or, in either case, by a committee or sub committee thereof, and the
554 action by the town council or the school committee shall be taken not later than three (3) months
555 after the petition is filed with the clerk of the council or the Administrative Assistant to the
556 Superintendent, as may be appropriate. Hearings on two (2) or more petitions filed under this
557 section may be held at the same time and place. The clerk of the council or the Administrative
558 Assistant to the Superintendent shall mail notice of the hearing to the ten (10) persons whose
559 names appear first on the petition at least forty-eight (48) hours before the hearing. Notice, by
560 publication, of all such hearings shall be at public expense.

561 Section 7-7 Citizen Initiative Measures

562 (a) Commencement - Initiative procedures shall be started by the filing of an
563 initiative petition with the clerk of the council or the Administrative Assistant to the
564 Superintendent, as the case may be. The petition shall be addressed to the town council or to the
565 school committee, shall contain a request for the passage of a particular measure, which shall be
566 set forth in full in the petition, and shall be signed by at least five (5%) percent of the total
567 number of voters as of the date of the most recent town election. Signatures to an initiative
568 petition need not all be on one paper, but all such papers pertaining to any one measure shall be
569 fastened together and shall be filed as a single instrument, with the endorsement thereon of the
570 name and residence address of the person designated as filing the same. With each signature on
571 the petition there shall also appear the street and number of the residence of each signer.

572 Within ten (10) days following the filing of the petition the Board of Registrars shall
573 ascertain by what number of voters the petition has been signed, and what percentage that
574 number is of the total number of voters as of the date of the most recent town election. The

575 Board of Registrars shall attach its certificate to the petition, which shall certify the signatures
576 and addresses of those residents to the clerk of the council or the Administrative Assistant to the
577 Superintendent according to how the petition is addressed. A copy of their certificate shall also
578 be mailed to the person designated upon such petition as having filed the same.

579 (b) Referral to Town Attorney - If the Board of Registrars determines that a petition
580 has been signed by a sufficient number of voters, the clerk of the council or the Administrative
581 Assistant to the Superintendent, as the case may be, shall forthwith following receipt of such
582 certificate deliver a copy of the petition to the town attorney. Within fifteen (15) days following
583 the date a copy of the petition is delivered to him or her, the town attorney shall, in writing,
584 advise the town council or the school committee, as may be appropriate, whether the measure as
585 proposed may lawfully be proposed by the initiative process and whether, in its present form, it
586 may be lawfully adopted by the town council or by the school committee. If the opinion of the
587 town attorney is that the measure is not in proper form, he or she shall state his or her reasons in
588 full in his or her reply. A copy of the opinion of the town attorney shall also be mailed to the
589 person designated on the petition as having filed the same.

590 (c) Action on Citizen Initiative Petitions - Within thirty (30) days following the date a
591 citizen initiative petition has been returned to the clerk of the council or to the Administrative
592 Assistant to the Superintendent by the town attorney as being lawful, and after publication in
593 accordance with the provisions of section 2-9(c), the town council or the school committee shall
594 act with respect to each initiative petition by passing it without change, by passing a measure
595 which is stated to be in lieu of an initiative measure, or by rejecting it. The passage of a measure
596 which is in lieu of the initiative measure shall be deemed to be a rejection of the initiative
597 measure. If, at the expiration of the said thirty (30) days the town council or the school

598 committee has not voted on such petition, no other business of said council or committee shall be
599 in order or lawfully acted upon until a vote to approve of the measure, to disapprove of the
600 measure, or to adopt some other measure in lieu thereof, has been taken.

601 (d) Supplementary Petitions - Within forty-five (45) days following the date an
602 initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk
603 of the council or the Administrative Assistant to the Superintendent. The supplemental initiative
604 petition shall be signed by a number of additional voters which is equal to five (5%) percent of
605 the total number of voters as of the date of the most recent town election, which may include the
606 signatures of voters who signed the original petition if they sign again, or other additional voters.
607 If the number of signatures to such supplemental petition is found to be sufficient by the Board
608 of Registrars, the town council shall call a special election to be held on a date fixed by it not less
609 than thirty nor more than forty-five (45) days following the date of the certificate of the Board of
610 Registrars that a sufficient number of voters have signed the supplemental initiative petition, and
611 shall submit the proposed measure, without alteration, to the voters for determination; provided,
612 however, if any other town election is to be held within one-hundred-twenty (120) days
613 following the date of the said certificate, the town council may omit the calling of such special
614 election and cause said question to appear on the election ballot at such approaching election for
615 determination by the voters.

616 (e) Publication - The full text of any initiative measure which is submitted to the
617 voters shall be published in a local newspaper not less than seven (7) nor more than fourteen (14)
618 days preceding the date of the election at which such question is to be voted upon. Additional
619 copies of the full text shall be available for distribution to the public in the office of the Board of
620 Registrars.

621 (f) Form of Question - The ballots used when voting on a measure proposed by the
622 voters under this section shall contain a question in substantially the following form: Shall the
623 following measure which was proposed by voters in an initiative petition take effect?

624 (Here insert the full text of the proposed measure, or a fair, concise summary prepared by
625 the petitioners, and approved by the Board of Registrars.) YES ____ NO ____

626 Time of Taking Effect - If a majority of the votes cast on the question is in the
627 affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified
628 in such measure; provided, however, that no such measure shall be deemed to be adopted if
629 fewer than twenty (20%) percent of the total number of voters of the town, as of the date of the
630 most recent town election, participate at such election.

631 Section 7-8 Citizen Referendum Procedures

632 (a) Petition, Effect on Final Vote - If, within twenty (20) days following the date on
633 which the town council or the school committee has voted finally to approve of any measure, a
634 petition signed by a number of voters equal to five (5%) percent of the total number of voters as
635 of the date of the most recent town election and addressed to the town council or to the school
636 committee, as the case may be, against the measure or any part thereof is filed with the
637 Administrative Assistant to the Superintendent or clerk of the council, the effective date of such
638 measure shall be temporarily suspended. The school committee or the town council shall
639 forthwith reconsider its vote on such measure or part thereof, and, if such measure is not
640 rescinded the town council shall provide for the submission of the question for a determination
641 by the voters either at a special election which it may call at its convenience, or within such time

642 as may be requested by the school committee, or at the next regular town election, but pending
643 such submission and determination the effect of such measure shall continue to be suspended.

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

650 Section 7-9 Ineligible Measures

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

661 Section 7-10 Submission of Other Matters to Voters

662 The town council may of its own motion, and shall, at the request of the school
663 committee, if a measure originates with that body and pertains to affairs under its jurisdiction,

664 submit to the voters at any regular town election for adoption or rejection any measure in the
665 same manner and with the same force and effect as are hereby provided for submission by
666 petitions of voters.

667 Section 7-11 Conflicting Provisions

668 If two (2) or more measures passed at the same election contain conflicting provisions,
669 only the one (1) receiving the greatest number of affirmative votes shall take effect.

670 Section 7-12 Recall of Elected Officials

671 (a) Any holder of elective office may be recalled therefrom by the registered voters
672 of the Town of Randolph as provided in this charter.

673 (b) Any five hundred (500) registered voters of the Town of Randolph may file with
674 the town clerk of said town an affidavit containing the name of the officer sought to be recalled
675 and a statement of the grounds for recall. Said town clerk shall, within five (5) days, certify
676 thereon the number of signatures which are names of registered voters of the town. The town
677 clerk shall, upon certification, deliver to said voters making the affidavit copies of petition blanks
678 demanding such recall, copies of which shall be kept available. The blanks shall be issued by the
679 town clerk with the clerk's signature and official seal attached thereto. They shall be dated,
680 addressed to the Town Council and contain the names of all person to whom they are issued, the
681 name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and the
682 demand for the election of a successor to said office. A copy of the petition shall be entered in a
683 record book to be kept in the office of the town clerk. The recall petition shall be returned and
684 filed with the town clerk within twenty-one (21) days after the certification of the affidavit and
685 shall have been signed by at least twenty (20%) percent of the registered voters of the town who

686 shall add to their signatures the street and number, if any, of their residences. The town clerk
687 shall, within twenty-four (24) hours of receipt, submit the petition to the registrars of voters in
688 the town and the registrars shall, within fourteen (14) days, certify thereon the number of
689 signatures which are names of registered voters of the town.

690 For the recall of a district councilor, the above procedures shall apply, except as follows.

691 All signatures shall be obtained from the affected district. The number of signatures required on
692 the initial affidavit is one hundred fifty (150). The recall petition shall be signed by at least
693 twenty (20%) percent of the registered voters of the district. An election held for the recall of a
694 district councilor will be held only in the affected district.

695 (c) If the petition shall be found and certified by the town clerk to be sufficient,
696 he/she shall submit the same with his/her certificate to the Town Council without delay, and said
697 council shall, within seven (7) days, give written notice of the receipt of the certificate to the
698 officer sought to be recalled and shall, if the officer does not resign within five (5) days
699 thereafter, order an election to be held on a date fixed by them not less than sixty (60) nor more
700 than ninety (90) days after the date of the town clerk's certificate that a sufficient petition has
701 been filed; provided, however, that if any other town election is to occur within one hundred
702 (100) days after date of certification, the Town Council shall postpone the holding of the recall
703 election to the date of such other election.

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

706 (d) An officer sought to be removed may be a candidate to succeed himself/herself
707 and, unless the officer requests otherwise in writing, the town clerk shall place his/her name on

708 the ballot without nomination. The nomination of other candidates, the publication of the
709 warrant for the removal election and the conduct of the same, shall all be in accordance with the
710 provisions of law relating to elections, unless otherwise provided in this act.

711 (e) The incumbent shall continue to perform the duties of office until the recall
712 election. If then re-elected, he/she shall continue in office for the remainder of the unexpired
713 term, subject to recall as before, except as provided in subsection (g). If not re-elected in the
714 recall election, the officer shall be deemed removed upon the qualification of his/her successor
715 who shall hold office during the unexpired term. If the successor fails to qualify within five (5)
716 days after receiving notification of his/her election, the incumbent shall thereupon be deemed
717 removed and the office vacant.

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

720 For the recall of (name of officer)

721 Against the recall of (name of officer)

722 Immediately at the right of each proposition, there shall be a square in which the
723 voter, by making a cross mark (X), may vote for either of the said proposition. Under the
724 proposition there shall appear the word "Candidates," the direction to voters required by section
725 forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates
726 nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is
727 in the affirmative, the candidate receiving the highest number of votes shall be declared elected.
728 If a majority of votes on the question is in the negative, the ballots for candidates need not be
729 counted.

730 (g) No recall affidavit shall be filed against an officer within six months after he/she
731 takes office, nor in the case of an officer subject to a recall election and recalled thereby, until at
732 least six (6) months after the election at which his/her recall was submitted to the voters.

733 ARTICLE 8 GENERAL PROVISIONS

734 Section 8-1 Charter Changes

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

737 (b) Periodic Review - The town council shall provide, in every year ending in a zero,
738 for a review of the charter by the entire council and six (6) additional persons to be appointed by
739 the council president. The said committee shall file a report within the said year recommending
740 any changes to the charter which it may deem to be necessary or desirable, unless an extension is
741 authorized by vote of the town council.

742 Section 8-2 Severability

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

747 Section 8-3 Specific Provision to Prevail

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

750 Section 8-4 Rules and Regulations

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

755 Section 8-5 Review of Ordinances

756 (a) The Town council shall provide, by appointment of a committee, or as it may
757 determine, that in each year ending in six (6) or one (1), for a review of the ordinances of the
758 town for the purpose of determining if any amendments or revisions or amendments may be
759 necessary or desirable. Such reviews shall be completed within said year and shall be conducted
760 under the supervision of the town attorney or at the town council so directs by special counsel
761 appointed for that purpose. The impact of any charter amendments, revisions and special acts of
762 the legislature shall be examined to determine the effect on the town's ordinances.

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

764 (a) Meetings - All multiple-member bodies of the town shall meet regularly at such
765 times and places as they may, by their own rules, prescribe, unless some other provision is made
766 by ordinance or bylaw. Special meetings of any multiple-member body shall be held subject to
767 the call of the chair or by one third(1/3) of the members thereof, by written notice delivered in
768 hand or to the place of residence of each member and which contains a list of the item or items to
769 be acted upon. Except in case of an emergency such notice shall be delivered at least forty-eight
770 (48) hours in advance of the time set for such meeting. A copy of such notice to members shall,
771 forthwith, be posted upon the town bulletin board.

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

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

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

782 Section 8-7 Number

783 Words importing the singular number may extend and be applied to several persons or
784 things; words importing the plural number may include the singular.

785 Section 8-8 References to General Laws

786 All references to General Laws contained in the charter refer to the General Laws of the
787 Commonwealth of Massachusetts and are intended to refer to and to include any amendments or
788 revisions to such chapters or sections, or to the corresponding chapters and sections of any
789 rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the
790 adoption of this charter.

791 Section 8-9 Certificate of Election or Appointment

792 Every person who is elected, including those elected by the town council, or appointed to
793 an office of the town shall receive a certificate of such election or appointment from the town
794 clerk. Except as otherwise provided by general or special law, before performing any act under
795 an appointment or election, all elected or appointed persons shall take and subscribe to an oath of
796 office and be sworn to the faithful performance of their duties.

797 Section 8-10 Notice of Vacancies

798 Whenever a vacancy shall occur in any town office or in the employment of the town, or,
799 when by reason of a retirement, or resignation, or the expiration of a fixed term, or otherwise, a
800 vacancy can be anticipated, the town manager or other appointing authority shall forthwith cause
801 public notice of such vacancy or impending vacancy to be publicly posted on the town bulletin
802 board and website for not less than ten (10) days. Each such notice shall contain a brief
803 description of the duties of the office or position and shall indicate a list of necessary or desirable
804 qualifications for the office or position. Any person who desires to be considered for an
805 appointment to fill such vacancy may, within ten (10) days following the date the notice is
806 posted, or such longer period as may be indicated in such announcement, file with the appointing
807 authority a statement setting forth with reasonable clarity and specificity, the qualifications of
808 such person for such appointment. No permanent appointment to fill any position shall be
809 effective until at least fourteen (14) days have elapsed following such posting to permit the
810 reasonable consideration of all such applicants. This section shall not apply to positions covered
811 under the civil service law and rules or if in conflict with the provisions of a collective
812 bargaining agreement.

813 Section 8-11 Definitions

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

817 (a) "Charter" - this charter and any amendment to it hereafter adopted.

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

820 (c) "Local Newspaper" - a newspaper of general circulation within Randolph, with
821 either a weekly or daily circulation.

822 (d) "Majority Vote" - a majority of those present and voting, unless another provision
823 is made by ordinance, bylaw, or by its own rules.

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

826 (f) "Multiple-member Body" - any board, commission, committee, sub committee, or
827 other body consisting of two (2) or more members whether elected, appointed or otherwise
828 constituted, but not including the town council, the school committee or the Trustees of the
829 Stetson Fund.

830 (g) "Town" - the Town of Randolph.

831 (h) "Town Agency" - any multiple-member body, any department, division or office
832 of the town of Randolph.

833 (i) "Town Bulletin Board" - the bulletin board in the administration building on
834 which the town clerk posts official notices of meetings and upon which other official town
835 notices are posted, and the bulletin boards at any other locations as may be designated town
836 bulletin boards by the town council.

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

840 (k) "Voters" - registered voters of the town of Randolph.

841 ARTICLE 9 TRANSITIONAL PROVISIONS

842 Section 9-1 Continuation of Existing Laws

843 All bylaws, resolutions, rules, regulations, and votes of the town meeting which are in
844 force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall
845 continue in full force until amended or repealed.

846 Where provisions of this charter conflict with provisions of town bylaws, rules,
847 regulations, orders or special acts or acceptances of laws the charter provisions shall govern. All
848 provisions of town bylaws, rules, regulations, orders and special acts not superseded by this
849 charter shall remain in force.

850 Section 9-2 Existing Officials and Employees

851 Any person holding a town office or employment under the town shall retain such office
852 or employment and shall continue to perform the duties of the office until provisions shall have

853 been made in accordance with this charter for the performance of the said duties by another
854 person or agency.

855 Section 9-3 Continuation of Government

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

860 Section 9-4 Transfer of Records and Property

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

865 Section 9-5 Continuation of Personnel

866 Any person holding a town office, or a position in the administrative service of the town,
867 or any person holding full time employment under the town, shall retain such office or position
868 or employment, and shall continue to perform the duties of such office, position or employment
869 until provision shall have been made for the performance of those duties by another person or
870 agency; provided, however, that no person in the permanent full time service of the town shall
871 forfeit his or her pay grade, or time in service of the town.

872 Section 9-6 Incumbent officer holders

873 Upon the adoption of this charter the incumbents serving in the office of treasurer-
874 collector, town clerk and the incumbent assessor serving as a full-time assessor shall be subject
875 to the town's personnel bylaw and shall be granted all benefits and rights provided by said
876 bylaw. The incumbents shall be granted sick leave, vacation leave or other such leaves based
877 upon the number of years said incumbents have served in an elective office and as an employee
878 of the town of Randolph. Said incumbents shall be entitled to and credited with retroactive sick
879 leave at the rate of nine (9) days for each year of full-time service as an elected official and as an
880 employee of the town.

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

882 All official bonds, recognizances, obligations, contracts, and other instruments entered
883 into or executed by or to the town before the adoption of this charter, and all taxes, assessments,
884 fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and
885 collected, and all writs, prosecutions, actions and cause of action, except as herein otherwise
886 provided, shall continue without abatement and remain unaffected by the charter; and no legal
887 act done by or in favor of the town shall be rendered invalid by reason of the adoption of this
888 charter.

889 Section 9-8 Time of Taking Effect

890 This Charter shall take effect such that elections for office shall be held on the first
891 Tuesday in November beginning in the first year when no regular state election in November is
892 scheduled following adoption of this Charter, and biannually thereafter, unless the date of such
893 election would be more than three (3) months after the adoption of the Charter, in which case the
894 Board of Selectmen then in office shall schedule a special transition election as promptly as

895 possible after adoption not later than one hundred eighty (180) days after the adoption of the
896 Charter. The officials so elected shall take office on the first day in January that does not fall on
897 a weekend or holiday, of the year after adoption by the voters of the town. The initial
898 transitional term expires when the successors to those officials initially elected by the charter
899 take office after the date of the next election to be scheduled for the first Tuesday in November
900 beginning in the first year when no regular state election in November is scheduled.

901 Section 9-9 Town Manager Transition Selection Process

902 Forthwith following the election at which this charter is adopted the Town Moderator, or
903 if the position of Town Moderator is not in effect, the person to last hold the position, shall
904 initiate proceedings whereby a screening committee shall be established to review applicants for
905 the position of town manager. The screening committee shall consist of nine (9) persons,
906 representing as nearly as possible the town demographic and occupational base.

907 Not more than thirty (30) days following the election at which this charter is adopted the
908 nine (9) persons appointed as aforesaid shall meet to organize and to plan a process for the
909 selection of the town manager.

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

912 Not more than one hundred and twenty (120) days following the date the committee
913 meets to organize, the committee shall submit to the Town Council the names of not less than
914 three (3), but not more than five (5) candidates for the position. Within sixty (60) days following
915 the date the list of nominees is submitted, the Town Council shall choose one (1) of the nominees
916 to be appointed to the office of town manager.

917 Upon the appointment of a town manager, the committee established hereunder shall be
918 considered discharged.

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

921 (b) Until such time as the town manager is appointed, the Town Council shall
922 exercise all the powers, duties and responsibilities necessary to insure orderly operation of town
923 government.

924 Section 4, Charter for a TOWN MANAGER – SELECTMEN – REPRESENTATIVE
925 TOWN MEETING form of Government. In the event that the voters of the Town adopt the
926 Charter for a Town Manager – Selectmen – representative Town Meeting Form of Government
927 pursuant to sections 1 and 2 of this Act, the following Charter shall become effective in
928 accordance with its terms:

929 ARTICLE 1 INCORPORATION AND AUTHORITY

930 Section 1-1 Incorporation

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

934 Section 1-2 Short Title

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

936 Section 1-3 Division of Powers

937 All legislative powers of the town shall be exercised by a representative town meeting.
938 The administration of all town fiscal, prudential and municipal affairs shall be vested in the
939 executive branch headed by the Board of Selectmen and town manager.

940 Section 1-4 Powers of the Town

941 The intent and purpose of this charter is to secure for the voters of the Town of Randolph,
942 through the adoption of this charter, all the powers possible to secure for their government under
943 Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of the
944 commonwealth, as fully and as though each such power were specifically and individually
945 enumerated herein.

946 Section 1-5 Interpretation of Powers

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

950 Section 1-6 Intergovernmental Relations

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

953 ARTICLE 2 LEGISLATIVE BRANCH/REPRESENTATIVE TOWN MEETING

954 Section 2-1 Town Meeting Composition

955 The legislative body of the town shall be a representative town meeting consisting of one
956 hundred and twenty (120) members who shall be elected to meet, deliberate, act and vote in the

957 exercise of the corporate powers of the town. There shall be fifteen (15) members elected from
958 each of the eight (8) districts. Members shall be elected for terms of three (3) years each, so
959 arranged that the terms of one-third (1/3) of the members shall expire each year.

960 Section 2-2 Establishment of Districts

961 The board of selectmen shall divide the town into eight (8) convenient voting districts so
962 established as to consist of as nearly equal number of inhabitants as possible, in compact and
963 contiguous territory, bounded insofar as possible by the center line of known streets and ways or
964 by other well-defined limits. The boundaries of the districts shall be reviewed and wholly or
965 partially revised by the board of selectmen (a) at least once in every ten (10) years, (b) whenever
966 it is directed to do so by vote of the town meeting, and (c) whenever it is apparent from the street
967 list, census data or other official information that the number of inhabitants in any one (1) district
968 varies by ten (10%) percent or more from the total number of inhabitants of the town divided by
969 the number of districts. The board of selectmen shall, within twenty (20) days after any revision
970 of districts, but not later than January twentieth of the succeeding year, file a report of its doings
971 with the town clerk and the assessors with a map or maps or description of the districts and the
972 names and addresses of the voters therein. The board shall cause to be posted in at least one (1)
973 public place in each district a map or description of that district with the names and addresses of
974 the voters therein. Whenever the districts are revised, the town clerk shall forthwith give written
975 notice thereof to the state secretary, stating the number and designation of such districts.

976 Section 2-3 Town Meeting Membership

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

979 (b) Nomination Procedures. Nomination of candidates for town meeting member
980 shall be made by nomination papers signed by not less than ten (10) voters of the district in
981 which the candidate resides and from which the candidate seeks election. Nomination papers
982 shall be filed with the Board of Registrars at least forty-nine (49) days preceding the date of the
983 town election. Every nomination paper shall be submitted to the registrars of voters for
984 certification of names thereon on or before five o'clock in the afternoon of the fourteenth day
985 preceding the day on which it shall be filed with the town clerk. The written acceptance of the
986 candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

987 Section 2-4 Election

988 The voters in every district shall, at the first annual town election held following any
989 district revision that affects them, elect by ballot the number of voters of the district prescribed in
990 this subsection to be town meeting members. The first third in order of votes received shall
991 serve for three (3) years; the second third of such order shall serve for two (2) years and the
992 remaining third in such order shall serve for one (1) year from the date of the annual town
993 election. In case of a tie vote affecting the division into thirds, the members elected from the
994 district shall determine the same by ballot. Thereafter, except as otherwise provided herein, at
995 each annual election the voters of each district shall, in like manner, elect for three (3) year terms
996 one-third (1/3) of the number of town meeting members to which each district is entitled and
997 shall fill for the unexpired terms any such vacancies then existing. In the event of a tie vote for
998 the office of town meeting member the town clerk shall, within seven (7) days following the
999 election, call all of the town meeting members of that district together at a convenient place.
1000 Under the supervision of the town clerk, any such tie shall then and there be broken by ballots
1001 cast by the elected town meeting members present.

1002 Section 2-5 Vacancies

1003 (a) Resignation. A town meeting member may resign by filing a written resignation
1004 with the town clerk; such resignation shall take effect upon the date of such filing unless a date
1005 certain is specified therein when it shall take effect.

1006 (b) Removal from Town or District. A town meeting member who moves from the
1007 town shall forthwith cease to be a town meeting member. A town meeting member who moves
1008 from one district to another, or who is so removed by a revision of district lines, may continue to
1009 serve as a town meeting member from the district from which the member was elected until the
1010 next annual town election at which the remainder of the member's term, if any, shall be filled by
1011 ballot. Any person so removed from office may be elected at the same election as a town
1012 meeting member from the district to which the member has moved.

1013 (c) Forfeiture of Office. If any person elected as a town meeting member shall fail to
1014 take the oath of office within thirty (30) days following the election of such person, or shall fail
1015 to attend more than one-half (1/2) of the sessions of the town meeting held in a calendar year, the
1016 member shall, upon certification by the Town Clerk of such attendance, be deemed to have
1017 resigned and the member's place shall be declared vacant. Any such vacancy shall be filled as
1018 provided in section 2-5(e). Any town meeting member who shall fail to attend more than one-
1019 half (1/2) of the sessions of the town meeting held in a calendar year, may appeal the declaration
1020 of vacancy by requesting a hearing on removal. The member who files such an appeal shall
1021 continue to serve until the outcome of the appeal has been determined. A request for hearing
1022 shall be in writing and shall be filed with the Town Clerk on or before January 15th of the
1023 following calendar year. A hearing shall be held before a committee consisting of the Town

1024 Clerk, Town Moderator and Town Counsel to be held no later than January 25th of said year.

1025 Upon the showing of good cause by the member, the committee may excuse one or more
1026 absences and may rescind the Declaration of Vacancy provided the Town meeting member has
1027 attended at least one-half (1/2) of the unexcused sessions of the Town Meeting during said
1028 calendar year.

1029 (d) Write-in candidates. A write-in candidate for the office of town meeting must
1030 receive 10 or more votes in the district in which they are eligible to vote in order to be elected to
1031 that district.

1032 (e) Filling vacancies. Any vacancy in the full number of town meeting members
1033 from any district, whether arising from a failure of the registered voters thereof to elect, or from
1034 any other cause, may be filled, until the next annual election, by the remaining members of the
1035 district from among the registered voters thereof. Upon petition therefor, signed by not less than
1036 ten (10) town meeting members from the district, notice of any vacancy shall promptly be given
1037 by the town clerk to the remaining members from the district in which the vacancy or vacancies
1038 exist, and he shall call a special meeting of such members for the purpose of filling such vacancy
1039 or vacancies. He shall cause to be mailed to every such member, not less than five (5) days
1040 before the time set for the meeting, a notice specifying the object, time and place of the meeting.
1041 At the said meeting, a majority of the members from such district shall constitute a quorum, and
1042 they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy
1043 shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman
1044 and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the
1045 same with the town clerk, together with a written acceptance by the member or members so

1046 chosen, who shall thereupon be deemed elected and qualified as a town meeting member or
1047 members.

1048 Section 2-6 Compensation

1049 Representative town meeting members shall serve without compensation.

1050 Section 2-7 Presiding Officer

1051 All sessions of the town meeting shall be presided over by a town moderator, elected as
1052 provided in Article III. The town moderator shall regulate the proceedings, decide questions of
1053 order, and make public declarations of all votes. The town moderator shall perform such other
1054 functions as may be authorized by the charter, bylaw or other town meeting vote.

1055 Section 2-8 Clerk to the Meeting

1056 At the Annual and Special Town Meetings a stenographer shall record the entire
1057 proceedings and furnish transcripts thereof to the Town Clerk and other town officials.

1058 The town clerk or his designee shall serve as the clerk of the town meeting. The clerk
1059 shall give notice of all town meetings to the members and to the public, keep the journal of such
1060 proceedings, cause the publication of town meeting attendance and perform such other functions
1061 as may be provided by charter, bylaw or other town meeting vote.

1062 Section 2-9 Participation by Non-Town Meeting Members

1063 (a) Residents. Any resident of the town who is not an elected town meeting member
1064 may attend sessions of the town meeting but may not vote. However, subject to such rules as
1065 may from time to time be adopted, any resident may participate in proceedings.

1066 (b) Representatives of Town Agencies. Each town agency may designate a
1067 representative to attend all sessions of the representative town meeting for the purpose of
1068 providing town meeting members with information pertinent to warrant articles concerning such
1069 agencies.

1070 Section 2-10 General Powers and Duties of the Town Meeting

1071 The representative town meeting shall be vested with all the powers of the town, except
1072 as otherwise provided by charter or general laws. The representative town meeting shall provide
1073 for the exercise of all powers of the town and for the performance of all duties and obligations
1074 imposed upon the town.

1075 Section 2-11 Warrant Articles

1076 (a) Initiation. Except procedural matters, all subjects to be acted upon by any town
1077 meeting shall be placed on warrants issued by the board of selectmen in accordance with Chapter
1078 39, section 10 of the General Laws; provided, however, that the board of selectmen shall place
1079 on the warrant all petitions which are addressed to it and which request the submission of a
1080 particular subject matter to the representative town meeting and which are filed by: (i) any
1081 elected town officer including a member of a multiple member body; (ii) any appointed multiple
1082 member body acting by a majority of its members; (iii) any ten (10) voters; (iv) the office of
1083 Town Manager and (v) any other person, persons or town agency as may be authorized by
1084 bylaw. All such requests for the inclusion of subjects shall be in writing, but they shall not be
1085 required to conform to any particular style or form, except that each request for a particular
1086 subject shall be submitted as a separate petition.

1087 (b) Publication. Publication and distribution of the warrant shall be determined by
1088 bylaw.

1089 Section 2-12 Procedures

1090 (a) Time of Meeting. The representative town meeting shall meet at least twice each
1091 calendar year or as may be otherwise determined by the Board of Selectmen. These two (2)
1092 meetings shall be held in two (2) sessions to be known as the Spring Annual Town Meeting and
1093 the Fall Town Meeting. Each session of the Town Meeting shall be called by separate warrant.
1094 The Spring Annual Town Meeting shall be held as specified by bylaw and shall be primarily
1095 concerned with the determination of matters involving the expenditure and commitment of town
1096 funds, including but not limited to the adoption of an annual operating budget for all town
1097 agencies. The Fall Town Meeting shall be held on such date and time as specified by bylaw
1098 and shall be deemed to have all the powers of an Annual Town Meeting.

1099 (b) Quorum. Sixty-one town meeting members shall constitute a quorum for the
1100 transaction of all business to come before the representative town meeting, but a smaller number
1101 may adjourn; provided, however, that if an insufficient number of town meeting members are
1102 present at the first session of a duly called town meeting, a majority of the members present may
1103 vote to recess and reconvene when a quorum is present.

1104 (c) Duty of Town Meeting Member. It shall be the duty of town meeting members to
1105 keep abreast of town business and review materials forwarded to members by the board of
1106 selectmen and the town manager. It is expected that town meeting members will attend selected
1107 meetings of multiple member bodies, attend hearings held by the finance committee and actively
1108 prepare for each session of the town meeting.

1109 (d) Establishment of Committees. The representative town meeting may by vote or
1110 bylaw establish committees for the review of warrant articles, consideration and study of any
1111 subjects of concern to the town meeting, and the discussion of town business. The representative
1112 town meeting members in any precinct may organize, meet, and confer on town business, subject
1113 to provisions of the open meeting law.

1114 (e) Meetings of Town Boards, Committees and Commissions. No multiple member
1115 body of the town shall schedule a meeting to be held during the time the town meeting is in
1116 session for the transaction of business except for meetings at town meeting itself.

1117 Section 2-13 Referendum Procedures

1118 (a) Effective Date of Final Votes. No final affirmative vote of a town meeting on any
1119 warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the
1120 payment of notes or bonds of the town and interest thereon becoming due within the then current
1121 fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote
1122 declared by preamble by a two-thirds (2/3) vote of the town meeting to be an emergency measure
1123 necessary for the immediate preservation of the peace, health, safety or convenience of the town,
1124 shall be operative until after the expiration of seven (7) days, exclusive of Sundays and holidays,
1125 from the dissolution of the town meeting. If a referendum petition is not filed within the said
1126 seven (7) days, the vote of the town meeting shall become operative.

1127 (b) Referendum Petition. If, within such seven (7) day period, a petition signed by
1128 not less than five (5%) percent of the registered voters of the town, containing the voters' names
1129 and addresses as they appear on the list of registered voters, is filed with the board of selectmen
1130 requesting that any question, not yet effective as defined in subsection (a) be submitted to the

1131 voters of the town at large, the operation of such vote shall be suspended pending its
1132 determination as provided herein. The board of selectmen shall, within five (5) days after the
1133 filing of such a petition, call a special election in accordance with the general laws relative to
1134 elections, for the purpose of presenting to the voters at large the question or questions which are
1135 the subject of a petition. If, however, a regular or special election is to be held not more than
1136 thirty (30) days following the date the petition is filed, the board of selectmen may provide that
1137 any such questions be presented to the voters at the same election.

1138 (c) Referendum Election. The polls shall be opened no later than two o'clock in the
1139 afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon the
1140 question or questions so submitted shall be taken by ballot, and the conduct of such election shall
1141 be in accordance with the general laws relative to elections. The questions so submitted shall be
1142 determined by a majority vote of the voters voting thereon, but no action of the representative
1143 town meeting shall be reversed unless at least fifteen (15%) percent of the registered voters vote
1144 on the question.

1145 (d) Format of Questions. Each question so submitted shall be in the form of the
1146 following question which shall be placed upon the official ballot: "Shall the town vote to
1147 approve the action of the representative town meeting whereby it was voted (brief description of
1148 the substance of the vote and by what vote thereon if such vote was tabulated)?"

1149 ARTICLE 3 ELECTED TOWN OFFICERS

1150 Section 3-1 Elected Town Officers, In General

1151 (a) Elective Offices - The offices to be filled by the voters shall be a board of
1152 selectmen, a school committee, a town moderator, and trustees of the Stetson Fund. Such other

1153 regional authorities, districts, or committees as may be established by law or interlocal
1154 agreement may also be filled by the voters.

1155 (b) Eligibility - Any voter shall be eligible to hold any elective town office. No
1156 person shall simultaneously hold more than one (1) elective town office, provided however, any
1157 person elected to a town office as defined in this section may be a candidate and be elected to
1158 serve as a representative town meeting member.

1159 (c) Vacancies in Office - Any vacancy in any elective office shall be filled in the
1160 manner provided by chapter 41 of the General Laws.

1161 Section 3-2 Board of Selectmen

1162 (a) Composition, Term of Office - There shall be a board of selectmen composed of
1163 five members elected for terms of three (3) years each, so arranged that the terms of as nearly an
1164 equal number of members as is possible shall expire each year, with the terms of two (2) expiring
1165 in one year, two (2) in the next and one (1) in the third year. Selectmen shall not serve as the
1166 chairman of any appointed board, committee or commission.

1167 (b) Powers and Duties - The executive authority of the town shall be vested in the
1168 board of selectmen which shall be deemed to be the chief executive office in the town. The
1169 board of selectmen shall be the chief policy making agency of the town and shall have all the
1170 powers and duties given to boards of selectmen as may be authorized by charter, general or
1171 special law, bylaw or town meeting vote, except those powers granted to the town manager
1172 under this charter. The board of selectmen shall prepare reports of town business and distribute
1173 such reports to all town meeting members. The board of selectman shall act by the issuance of
1174 policy guidelines and directives. It is the intention of this provision that the board of selectmen

1175 shall act only through the adoption of policy directives and guidelines which are to be
1176 implemented by the officers and employees appointed by or under its authority. The town
1177 manager shall be the primary officer responsible for the implementation of policy directives and
1178 guidelines adopted by the board of selectmen. The daily administration of the affairs of the town
1179 shall be the exclusive responsibility of the town manager.

1180 (c) Appointment Powers - The board of selectmen shall appoint a town manager, a
1181 town counsel, a town accountant and a board of registrars of voters. The board of selectmen
1182 shall also appoint such other multiple member bodies as may be provided by general law or
1183 bylaw. No selectman shall hold any compensated town office or employment until one (1) year
1184 following the date of which his or her selectman service has been terminated. Unless such
1185 service is otherwise authorized by law, no member of the board of selectmen shall, while a
1186 member of the board hold any other town office or employment for which a salary or other
1187 emolument is payable from the town treasury.

1188 (d) Licensing Authority - The board of selectmen shall be the licensing authority of
1189 the town and shall have all the power to issue licenses as authorized by law, to make all
1190 necessary rules and regulations regarding the issuance of such licenses and to attach conditions
1191 and restrictions on any such license it may issue as it deems to be in the public interest, and to
1192 enforce all laws relating to all such businesses for which it issues any licenses.

1193 (e) Salary - The Board of Selectmen shall serve without compensation.

1194 Section 3-3 School Committee

1195 (a) Composition, Terms of Office - There shall be a school committee composed of
1196 seven (7) members, six (6) elected for terms of three (3) years each, and the Chairman of the

1197 Board of Selectmen or a member of the Board of Selectmen as designated by the Board of
1198 Selectmen, so arranged that the terms of as nearly an equal number of members as is possible
1199 shall expire each year.

1200 (b) Powers and Duties - No member of the School Committee shall hold any
1201 compensated town office or employment until one (1) year following the date of which his or her
1202 School Committee service has been terminated. The School Committee shall have general
1203 charge and superintendence of the public schools and for this purpose shall have all of the
1204 powers and duties which are given to school committees under the constitution and laws of the
1205 Commonwealth, and such additional powers and duties as are authorized by this charter by
1206 bylaw or by the vote of town meeting.

1207 Section 3-4 Town Moderator

1208 (a) Term of Office - A town moderator shall be elected by the voters for a term of
1209 three (3) years.

1210 (b) Powers and Duties - The town moderator shall preside and regulate the
1211 proceedings at all town meetings; decide all questions of order; and make public declaration of
1212 all votes. No person may address a town meeting without leave of the moderator. The
1213 moderator shall appoint a finance committee as provided by bylaw. The town moderator shall
1214 have all the powers and duties provided that office by the general laws, this charter, bylaw or
1215 other town meeting vote.

1216 Section 3-5 Trustees of the Stetson Fund

1217 (a) Term of Office - There shall be three (3) member board of trustees of the Stetson
1218 School Fund elected by the voters for a term of three (3) years, so arranged that the term of one
1219 (1) member shall expire each year.

1220 (b) Powers and Duties – Except as provided in section 3.5(a) above, the trustees shall
1221 be governed in accordance with the document titled, The Stetson Donation of a Town House and
1222 Fund for a high school to the Town of Randolph, voted on February 18, 1843 and Article 18 of
1223 the Special Town Meeting of November 13, 1996.

1224 Section 3-6 Recall of Elected Officers

1225 (a) Any holder of elective office, except a representative town meeting member, may
1226 be recalled therefrom by the registered voters of the Town of Randolph as provided in this
1227 section.

1228 (b) Any five hundred (500) registered voters of the Town of Randolph may file with
1229 the town clerk of said town an affidavit containing the name of the officer sought to be recalled
1230 and a statement of the grounds for recall. Said town clerk shall, within five (5) days, certify
1231 thereon the number of signatures which are names of registered voters of the town. The town
1232 clerk shall, upon certification, deliver to said voters making the affidavit copies of petition blanks
1233 demanding such recall, copies of which shall be kept available. The blanks shall be issued by the
1234 town clerk with the clerk's signature and official seal attached thereto. The blanks shall be
1235 dated, addressed to the Board of Selectmen and contain the names of all person to whom they are
1236 issued, the name of the person whose recall is sought, the grounds of recall as stated in the
1237 affidavit, and the demand the election of a successor to said office. A copy of the petition shall
1238 be entered in a record book to be kept in the office of the town clerk. The recall petition shall be

1239 returned and filed with the town clerk within twenty-one (21) days after the certification of the
1240 affidavit and shall have been signed by at least twenty (20%) percent of the registered voters of
1241 the town who shall add to their signatures the street and number, if any, of their residences.

1242 The town clerk shall, within twenty-four (24) hours of receipt, submit the petition to the
1243 registrars of voters in the town and the registrars shall, within fourteen (14) days, certify thereon
1244 the number of signatures which are names of registered voters of the town.

1245 (c) If the petition shall be found and certified by the town clerk to be sufficient,
1246 he/she shall submit the same with his/her certificate to the Board of Selectmen without delay,
1247 and said board shall, within seven (7) days, give written notice of the receipt of the certificate to
1248 the officer sought to be recalled and shall, if the officer does not resign within five (5) days
1249 thereafter, order an election to be held on a date fixed by them not less than sixty (60) nor more
1250 than ninety (90) days after the date of the town clerk's certificate that a sufficient petition has
1251 been filed; provided, however, that if any other town election is to occur within one hundred
1252 (100) days after date of certification, the board of selectmen shall postpone the holding of the
1253 recall election to the date of such other election.

1254 If a vacancy occurs in said office after a recall election has been ordered, the election
1255 shall nevertheless proceed as provided in this section.

1256 (d) An officer sought to be removed may be a candidate to succeed himself/herself
1257 and, unless the officer requests otherwise in writing, the town clerk shall place his/her name on
1258 the ballot without nomination. The nomination of other candidates, the publication of the
1259 warrant for the removal election and the conduct of the same, shall all be in accordance with the
1260 general laws relating to elections, unless otherwise provided in this charter.

1261 (e) The incumbent shall continue to perform the duties of office until the recall
1262 election. If then re-elected, he/she shall continue in office for the remainder of the unexpired
1263 term, subject to recall as before, except as provided in subsection (g). If not re-elected in the
1264 recall election, the officer shall be deemed removed upon the qualification of his/her successor
1265 who shall hold office during the unexpired term. If the successor fails to qualify within five (5)
1266 days after receiving notification of his/her election, the incumbent shall thereupon be deemed
1267 removed and the office vacant.

1268 (f) Ballots used in a recall election shall submit the following proposition in the order
1269 indicated:

1270 For the recall of (name of officer)

1271 Against the recall of (name of officer)

1272 Immediately at the right of each proposition, there shall be a square in which the voter, by
1273 making a cross mark (X), may vote for either of the said proposition. Under the proposition
1274 there shall appear the word "Candidates," the direction to voters required by section forty-two of
1275 chapter fifty-four of the General Laws, and beneath this the names of candidates nominated as
1276 hereinbefore provided. If a majority of the votes cast upon the question of recall is in the
1277 affirmative, the candidate receiving the highest number of votes shall be declared elected. If a
1278 majority of votes on the question is in the negative, the ballots for candidates need not be
1279 counted.

1280 (g) No recall affidavit shall be filed against an officer within six months after he/she
1281 takes office, nor in the case of an officer subject to a recall election and recalled thereby, until at
1282 least six months after the election at which his/her recall was submitted to the voters.

1283 ARTICLE 4TOWN MANAGER

1284 Section 4-1 Appointment, Qualifications, Term of Office

1285 The board of selectmen shall appoint by a four-fifths (4/5) vote a town manager for a
1286 period no longer than a five (5) year term. The town manager shall be a person of proven
1287 administrative ability, especially qualified by education and training with at least five (5) years
1288 full time paid experience as a city or town manager, or an assistant city or town manager or the
1289 equivalent public or private sector level experience. The board of selectmen may from time to
1290 time establish such additional qualifications as seems necessary and appropriate. The Town
1291 Moderator shall appoint a screening committee to assist in the recruitment and selection of the
1292 town manager. The screening committee shall present at least three (3) candidates to the board
1293 of selectmen for consideration.

1294 The town manager shall devote full time to the duties of the office and shall not hold any
1295 other elective or appointive office, nor shall the town manager engage in any other business
1296 unless such action is approved in advance in writing by the board of selectmen.

1297 Section 4-2 Powers of Appointment.

1298 Except as otherwise provided by this charter, and subject to the civil service law and any
1299 collective bargaining agreements as may be applicable, the town manager shall appoint, based
1300 upon merit and fitness alone, all department heads, officers, subordinates, employees and all
1301 appointed multiple member bodies for whom no other method of selection is provided in this
1302 charter except employees of the school department.

1303 Appointments made by the town manager shall become effective upon the approval of
1304 the board of selectmen, provided, however, that such approval is received within fifteen (15)
1305 days of filing such notice of appointment. If the board of selectmen shall fail to act,
1306 appointments made by the town manager shall become effective on the fifteenth day following
1307 the day on which notice of the proposed appointment is filed with the board of selectmen. For
1308 the purpose of this section, notice of appointment shall be considered filed with the board of
1309 selectmen when such notice is filed at an open meeting of the board of selectmen.

1310 Department heads shall appoint all officers, subordinates and employees within their
1311 department subject to the approval of the town manager.

1312 Section 4-3 Administrative Powers and Duties

1313 The town manager shall be the chief administrative officer of the town and shall be
1314 responsible to the board of selectmen for the proper operation of town affairs for which the town
1315 manager is given responsibility under this charter. The powers, duties and responsibilities of the
1316 town manager shall include, but are not intended to be limited to, the following:

1317 (a) To supervise, direct and be responsible for the efficient administration of all
1318 officers appointed by the town manager and their respective departments and of all functions for
1319 which the town manager is given responsibility, authority or control by this charter, by bylaw, by
1320 town meeting vote, or by vote of the board of selectmen.

1321 (b) To administer either directly or through a person or persons supervised by the
1322 town manager, in accordance with this charter, all provisions of general or special laws
1323 applicable to the town, all bylaws, and all regulations established by the board of selectmen.

1324 (c) To coordinate all activities of town departments under the direction of the town
1325 manager and the board of selectmen with the activities of departments under the control of
1326 officers, boards or commissions elected directly by the voters of the town.

1327 (d) To attend all regular and special meetings of the board of selectmen, unless
1328 excused.

1329 (e) To attend all sessions of the town meeting and answer all questions addressed to
1330 the town manager which are related to the warrant articles and matters under the general
1331 supervision of the town manager.

1332 (f) To keep the board of selectmen fully informed as to the needs of the town, and
1333 recommend to the selectmen for adoption such measures requiring action by them or by the town
1334 as the town manager deems necessary or expedient.

1335 (g) To insure that complete and full records of the financial and administrative
1336 activity of the town are maintained and render reports to the board of selectmen as may be
1337 required.

1338 (h) To be responsible for the management, rental, use, maintenance and repair of all
1339 town facilities and land, except those under the jurisdiction of the school committee, the board of
1340 Library Trustees and the Conservation Commission.

1341 (i) To be responsible for the purchase of all supplies, materials and equipment,
1342 except books and other educational materials for schools and books and other media materials
1343 for libraries, and approve the award of all contracts for all town departments with the exception
1344 of the school department, subject to the approval of the board of selectmen.

1345 (j) To develop and maintain a full and complete inventory of all town owned real and
1346 personal property.

1347 (k) To administer, in cooperation with the personnel board, if any, personnel policies,
1348 practices, or rules and regulations, any compensation plan and any related matters for all
1349 municipal employees and administer all collective bargaining agreements, except for school
1350 department agreements, entered into by the town.

1351 (l) To fix the compensation of all town employees and officers appointed by the
1352 town manager within the limits established by appropriation and any applicable compensation
1353 plan.

1354 (m) To be responsible for the negotiation of all union and non-union contracts with
1355 town employees over wages, and other terms and conditions of employment, except employees
1356 of the school department. The town manager may, subject to the approval of the board of
1357 selectmen, employ special counsel to assist in the performance of these duties. Contracts shall
1358 be subject to the approval of the board of selectmen and such other approvals as required by
1359 Chapter 150E of the General Laws.

1360 (n) To prepare and submit an annual operating budget and capital improvement
1361 program as provided in Article VI.

1362 (o) To keep the board of selectmen and the finance committee fully informed as to
1363 the financial condition of the town and make recommendations to the board of selectmen and
1364 other elected and appointed officials as the town manager deems necessary or expedient.

1365 (p) To investigate or inquire into the affairs of any town department or office under
1366 the supervision of the town manager or the job-related conduct of any officer or employee
1367 thereof.

1368 (q) To delegate, authorize or direct any subordinate or employee of the town to
1369 exercise any power, duty or responsibility which the office of town manager is authorized to
1370 exercise, provided, that all acts that are performed under such delegation shall be deemed to be
1371 the acts of the town manager.

1372 (r) To perform such other duties as necessary or as may be assigned by this charter,
1373 by bylaw, by town meeting vote, or by vote of the board of selectmen.

1374 (s) He or she shall determine the existence of a public emergency or danger and shall
1375 assume responsibility for the maintenance of public safety, public order and enforcement of
1376 laws. The manager shall notify the Chairman of the Board of Selectmen as soon as practical, but
1377 within twenty-four (24) hours, of such a public emergency or danger and of the actions taken.
1378 Should the public emergency continue more than twenty-four (24) hours, the Board of Selectmen
1379 may meet to review, ratify, or terminate said public emergency.

1380 Section 4-4 Compensation

1381 The town manager shall receive such compensation for services as the board of selectmen
1382 shall determine, but such compensation shall be within the limits of available appropriations as
1383 approved by Town Meeting.

1384 Section 4-5 Vacancy in Office

1385 Any vacancy in the office of town manager shall be filled as soon as possible by the
1386 board of selectmen. Pending appointment of the town manager or the filling of any vacancy, the
1387 board of selectmen shall forthwith appoint some other qualified person to perform the duties of
1388 the town manager. The appointment of the acting town manager shall be for a term not to
1389 exceed four (4) months, provided however, that a renewal, not to exceed an additional four (4)
1390 months may be provided.

1391 Section 4-6 Temporary Absence

1392 The town manager may designate by letter filed with the board of selectmen and town
1393 clerk a qualified officer of the town to perform the duties of the town manager during a
1394 temporary absence or disability. If such temporary absence or disability shall exceed fourteen
1395 (14) days, any designation made by the town manager shall be subject to the approval of the
1396 board of selectmen. In the event of failure of the town manager to make such designation or if
1397 the person so designated is for any reason unable to serve, or is deemed not qualified by the
1398 board of selectmen, the board of selectmen may designate some other qualified person to
1399 perform the duties of the town manager until the town manager shall return.

1400 Section 4-7 Removal of Town Manager

1401 The person serving as Town Manager shall cease to be Town Manager upon expiration of
1402 contract or term of office, which ever occurs earlier.

1403 Earlier in time than the expiration described in the preceding sentence, the board of
1404 selectmen by affirmative vote of a four-fifths (4/5) majority of the full board may vote to
1405 terminate, remove or suspend the town manager from office, in accordance with the following
1406 procedure:

1407 Prior to removal or termination, the board of selectmen shall adopt a preliminary
1408 resolution of removal by the affirmative vote of a majority of the full board. The preliminary
1409 resolution may suspend the town manager for a period not to exceed thirty (30) days. A copy of
1410 the resolution shall be delivered to the town manager forthwith.

1411 If so requested by the town manager, the board of selectmen shall provide a written
1412 statement setting forth the reasons for the removal or termination.

1413 Within five (5) days after the receipt of the preliminary resolution, the town manager may
1414 request a public hearing by filing a written request for such hearing with the board of selectmen.
1415 If such a hearing is requested, the hearing shall be held at a meeting of the board of selectmen
1416 not later than twenty (20) days from the date of request.

1417 If a public hearing has not been requested by the town manager, the board of selectmen
1418 may adopt a final resolution of removal, which may be effective immediately, by affirmative
1419 vote of four-fifths (4/5) of its members at any time after ten (10) days following the date of
1420 delivery of a copy of the preliminary resolution to the town manager. If the town manager
1421 requests a public hearing, the selectmen may, at the conclusion of the hearing or within five (5)
1422 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote
1423 of four-fifths (4/5) of its members.

1424 The board of selectmen may suspend by an affirmative vote of a majority of the full
1425 board, the town manager pending and during any public hearing as requested by the town
1426 manager. The town manager shall continue to receive a salary until the final date of removal
1427 shall become effective unless the board of selectmen otherwise provides. The action of the board
1428 of selectmen in terminating, removing or suspending the town manager shall be final.

1429 No contract of employment for a town manager shall be inconsistent with this section.

1430 Section 4-8 Evaluation of Town Manager

1431 There shall be an annual review of the town manager's job performance conducted by the
1432 Board of Selectmen.

1433 ARTICLE 5 ADMINISTRATIVE ORGANIZATION

1434 Section 5-1 Powers of Organization

1435 The town manager, subject to the approval of the board of selectmen, may reorganize,
1436 create, consolidate or abolish committees, commissions, offices, departments, and agencies
1437 under the supervision of the town manager, in whole or in part, may establish new committees,
1438 commissions, offices, departments, and agencies as deemed necessary, and may for such
1439 purposes transfer the duties and powers, and so far as is consistent with the use for which the
1440 funds were voted by the town, transfer the appropriation of one committee, commission, office,
1441 department or agency to another.

1442 ARTICLE 6 FINANCIAL PROVISIONS

1443 Section 6-1 Annual Budget Policy

1444 The board of selectmen and school committee shall meet and confer prior to and during
1445 the budget process to review the financial condition of the town, revenue and expenditure
1446 forecasts and other relevant information in order to develop a coordinated and balanced budget.
1447 The finance committee shall participate in the discussions with the board of selectmen and the
1448 school committee in an advisory capacity. The school superintendent and the town manager

1449 shall jointly develop guidelines consistent with policies developed by the board of selectmen and
1450 school committee.

1451 Section 6-2 Budget Process

1452 The town manager shall annually submit to the finance committee a proposed budget and
1453 capital improvement program for the ensuing fiscal year with an accompanying budget message
1454 and supporting documents before February 1st. The budget message submitted by the town
1455 manager shall explain the budget in fiscal terms and in terms of work programs for all town
1456 agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year;
1457 describe important features of the proposed budget and indicate any major variations from the
1458 current budget, fiscal policies, expenditures and revenues together with the reasons for such
1459 change. The proposed budget shall provide a complete fiscal plan of all town funds and
1460 activities and shall be in the form the town manager deems desirable.

1461 The preliminary budget as adopted by the school committee shall be submitted to the
1462 town manager at least fourteen (14) days prior to the Town Manager submitting the proposed
1463 budget to the finance committee to enable the town manager to consider the effect of the school
1464 department's requested appropriation upon the total town budget which is required to be
1465 submitted under this section.

1466 Section 6-3 Finance Committee Action

1467 The finance committee shall, upon receipt of the budget and capital improvement
1468 program, consider in public meetings the detailed expenditures for each town agency proposed
1469 by the town manager. The finance committee may confer with representatives from any town
1470 agency in connection with its deliberations. The finance committee may request the town

1471 manager or any town agency to provide additional information. The finance committee shall file
1472 a proposed budget and report its recommendations for action seven (7) days prior to the date on
1473 which the town meeting is to act on the proposed budget. The budget to be acted upon by the
1474 town meeting shall be the budget proposed by the town manager with the accompanying
1475 recommendations of the finance committee.

1476 Section 6-4 Capital Improvement Program and Long Term Financial Plan

1477 The town manager shall, in conjunction with the capital planning committee, submit a
1478 capital improvement program to the board of selectmen and finance committee at the date fixed
1479 by bylaw for the submission of the proposed operating budget unless some other time is provided
1480 by general or special law. Annually the board of selectmen, in conjunction with the town
1481 manager, shall prepare a five (5) year financial forecast of town revenue, expenditures and the
1482 general financial condition of the town. The plan shall be submitted to the finance committee
1483 and shall be available to the public.

1484 Section 6-5 Approval of Warrants

1485 Warrants for payments of town funds prepared by the Town Accountant shall be
1486 submitted to the Town Manager for approval.

1487 Section 6-6 Management of Town Funds

1488 The treasurer shall be responsible for the management of all town funds.

1489 Section 6-7 Annual Audit

1490 The board of selectmen shall provide for an annual audit of the books and accounts of the
1491 town to be made by a certified public accountant, or firm of accountants, who have no personal
1492 interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

1493 ARTICLE 7 GENERAL PROVISIONS

1494 Section 7-1 Charter Revision or Amendment

1495 (a) In General - This charter may be replaced, revised or amended in accordance with any
1496 procedure made available under the Constitution of the Commonwealth, or by general law.

1497 (b) Periodic Review - The Board of Selectmen shall provide, in every year ending in
1498 a zero, for a review of the charter by the entire board and six (6) additional persons to be
1499 appointed by the Board. The said committee shall file a report within the said year
1500 recommending any changes in the charter which it may deem to be necessary or desirable, unless
1501 an extension is authorized by vote of the Board of Selectmen.

1502 Section 7-2 Severability

1503 The provisions of this charter are severable. If any of the provisions of this charter are
1504 held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be
1505 affected thereby. If the application of this charter, or any of its provisions, to any person or
1506 circumstances is held to be invalid, the application of said charter and its provisions to other
1507 persons or circumstances shall not be affected thereby.

1508 Section 7-3 Rules of Interpretation

1509 The following rules shall apply when interpreting the charter:

1510 (a) Specific provisions to prevail. To the extent that any specific provision of the
1511 charter shall conflict with any provision expressed in general terms, the specific provision shall
1512 prevail.

1513 (b) Number and Gender. Words imparting the singular number may extend and be
1514 applied to several persons or things; words imparting the plural number may include the singular;
1515 words imparting the masculine gender shall include the feminine gender.

1516 (c) References to General Laws. All references to the general laws or the laws of the
1517 commonwealth contained in the charter refer to the general laws of the Commonwealth of
1518 Massachusetts and are intended to include any amendments or revisions to such chapters and
1519 sections or to the corresponding chapters and sections of any rearrangement of the general laws
1520 enacted subsequent to the adoption of the charter.

1521 (d) Computation of time. In computing time under the charter, if seven (7) days or
1522 less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted; if
1523 more than seven (7) days, every day shall be counted.

1524 Section 7-4 Definitions

1525 Unless another meaning is clearly apparent from the manner in which the word is used,
1526 the following words as used in the charter shall have the following meanings:

1527 (a) “Charter” –this charter and any amendments to it made through any methods
1528 provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

1529 (b) “Majority Vote” –a majority of those present and voting, provided a quorum is
1530 present when a vote is taken, unless a higher number is required by general or special law, this
1531 charter, or by the town meeting’s own rules.

1532 (c) “Multiple member body” – any board, commission or committee but not
1533 including the Board of Selectmen, the School Committee or the Trustees of the Stetson Fund.

1534 (d) “Town” –the Town of Randolph.

1535 (e) “Town agency” or “agency” – any board, commission, committee, department or
1536 office of town government, whether elected, appointed or otherwise constituted.

1537 (f) “Voters” –registered voters of the town.

1538 ARTICLE 8 TRANSITIONAL PROVISIONS

1539 Section 8-1 Continuation of Existing Laws

1540 All bylaws, resolutions, rules, regulations, and votes of the town meeting which are in
1541 force at the time this charter is adopted, not inconsistent with this charter, shall continue in full
1542 force until amended or repealed.

1543 If provisions of this charter conflict with provisions of town bylaws, rules, regulations,
1544 orders, and special acts and acceptances of general or special laws, the charter provisions shall
1545 govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded
1546 by this charter shall remain in force.

1547 Section 8-2 Existing Officials and Employees

1548 Any person holding a town office or employment under the town shall retain such office
1549 or employment and shall continue to perform the duties of the office until provisions shall have
1550 been made in accordance with this charter for the performance of the said duties by another
1551 person or agency.

1552 Section 8-3 Continuation of Government

1553 All town offices, boards, commissions or agencies shall continue to perform their duties
1554 until re-appointed, or re-elected, or until successors to their respective positions are fully
1555 appointed or elected or until their duties have been transferred and assumed by another town
1556 office, board, commission or agency.

1557 Section 8-4 Transfer of Records and Property

1558 All records, property and equipment whatsoever of any office, board, commission,
1559 committee or agency or part thereof the powers and duties of which are assigned in whole or in
1560 part to another town office, board, commission or agency shall be transferred forthwith to such
1561 office, board, commission or agency.

1562 Section 8-5 Continuation of Personnel

1563 Any person holding a town office, or a position in the administrative service of the town,
1564 or any person holding full time employment under the town, shall retain such office or position
1565 or employment, and shall continue to perform the duties of such office, position or employment
1566 until provision shall have been made for the performance of those duties by another person or
1567 agency; provided, however, no person in the permanent full time service of the town shall forfeit
1568 his or her pay grade, or time in service of the town.

1569 Section 8-6 Time of Taking Effect

1570 This charter shall become fully effective upon ratification by the voters, except as
1571 otherwise provided in this section:

1572 (a) A special election for the purpose of electing one hundred twenty (120) persons to
1573 serve as representative town meeting members, in the manner provided in Article II of this
1574 charter, shall be held within one hundred eighty (180) days of the adoption of this charter. The
1575 term of office of persons so elected shall be extended so that the terms of office of the first third
1576 in order of votes received shall expire at the town election held in the fourth (4th) year following
1577 the year in which the charter is adopted; the terms of office of the second third in such order of
1578 votes received shall expire at the town election held in the third year following the year in which
1579 the charter is adopted; and the terms of office of the remaining third in such order shall expire at
1580 the town election held in the second year following the year in which the charter is adopted. At
1581 the expiration of terms of office town meeting members shall be elected for terms of three (3)
1582 years as provided in Article II of the charter.

1583 At the same election, one (1) additional member of the school committee shall be elected.
1584 The additional school committee member shall serve a term that will result in two (2) members
1585 of the school committee being elected each year.

1586 (b) Forthwith following the election at which the charter is adopted the Town
1587 Moderator shall initiate proceedings whereby a screening committee shall be established to
1588 review applicants for the position of town manager. The screening committee is to consist of
1589 nine (9) persons, representing as nearly as possible the town demographic and occupational base.

1590 Not more than thirty (30) days following the election at which this charter is adopted the
1591 nine (9) persons appointed as aforesaid shall meet to organize and to plan a process for the
1592 selection of the town manager.

1593 The committee shall review and screen all applications, and provide for interviews with
1594 such candidates for the position as it deems to be necessary.

1595 Not more than one hundred and twenty (120) days following the date the committee
1596 meets to organize, the committee shall submit to the board of selectmen the names of not less
1597 than three (3) nor more than five candidates for the position. Within sixty (60) days following
1598 the date the list of nominees is submitted to it, the board of selectmen shall choose one of the
1599 nominees to be appointed to the office of town manager.

1600 Upon the appointment of a town manager, the committee established hereunder shall be
1601 considered discharged. Until such time as another screening committee is established by bylaw,
1602 a screening committee as called for by the Town Moderator and members selected as herein
1603 provided shall serve whenever the office of town manager shall become vacant.

1604 (c) Upon the appointment of the town manager the office of executive secretary is
1605 abolished.

1606 (d) Until such time as the town manager is appointed, the board of selectmen shall
1607 exercise all the powers, duties and responsibilities necessary to insure orderly operation of town
1608 government.

1609 (e) Upon the adoption of this charter the incumbents serving in the office of
1610 treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall be

1611 subject to the town's personnel bylaw and shall be granted all benefits and rights provided by
1612 such bylaw. The incumbents shall be granted sick leave, vacation leave or other such leaves
1613 based upon the number of years the incumbents have served in an elective office and as an
1614 employee of the town of Randolph. Such incumbents shall be entitled to and be credited with
1615 retroactive sick leave at the rate of nine (9) days for each year of full-time service as an elected
1616 official and as an employee of the town.

1617 (f) At the next annual town meeting following the adoption of this charter, the town
1618 moderator shall appoint a committee of five (5) members to review town bylaws and report back
1619 to the town meeting with recommendations to bring bylaws in conformity with this charter.

1620 (g) Unless otherwise provided by this charter, the composition and term of office of
1621 any town agency, board, commission, committee or department shall continue as it has been until
1622 such time as a different form of organization is provided in accordance with the procedures made
1623 available in Section 5-1 of this charter.

1624 (h) Unless otherwise provided by bylaw, the personnel board shall continue to be
1625 composed of the same number of members as currently constituted provided, however, that the
1626 appointments made by the selectmen shall, upon the expiration of the term of office of such
1627 members, or if a vacancy shall sooner occur, be made by the town manager.

1628 (i) The moderator shall, as soon as practical, after the election of the representative
1629 town meeting appoint a seven (7) member committee to prepare a code of ethics for the town of
1630 Randolph. Said committee shall be composed of one (1) elected town official, one (1) appointed
1631 town official, one (1) town employee and four (4) voters at large from the town. The code of
1632 ethics shall be applicable to all elected and appointed officials and town employees. The

1633 committee shall report back to the town meeting within twelve (12) months after the committee
1634 has been appointed with a recommended code of ethics for consideration by the representative
1635 town meeting.

1636 Section 5. This Act shall take effect upon passage, provided however, the various
1637 Charter form of government that is offered to the town of Randolph by this Act shall only take
1638 effect in accordance with the time of taking effect provisions of the specific Charter form of
1639 government adopted by the voters in accordance with section 2 of this Act.