

SENATE No. 14

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

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

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

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

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

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

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

29 TOWN MANAGER – TOWN COUNCIL CHARTER

30 ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS

31 Section 1-1 Incorporation

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

35 Section 1-2 Short Title

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

37 Section 1-3 Division of Powers

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

41 Section 1-4 Powers of the Town

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

47 Section 1-5 Interpretation of Powers

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

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

55 Section 1-7 Intergovernmental Relations

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

58 ARTICLE 2 LEGISLATIVE BRANCH

59 Section 2-1 Composition, Term of Office

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

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

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

75 Section 2-2 Council President

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

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

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

94 Section 2-3 Conflict Of Interest

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

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

104 Section 2-4 Compensation, Expenses

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

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

108 Section 2-5 General Powers

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

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

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

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

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

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

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

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

137 Section 2-7 Access to Information

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

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

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

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

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

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

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

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

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

169 Section 2-9 Ordinances and Other Measures

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

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

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

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

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

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

195 (c) Publication - Every proposed ordinance, appropriation order or loan authorization
196 except emergency ordinances as provided in subsection (a), shall be published once in full in a
197 local newspaper and in any additional manner as may be provided by ordinance, at least 5 days
198 before its final passage. After final passage the proposed ordinance shall be posted on the town
199 bulletin board and otherwise published as may be required by ordinance; provided, however,
200 that whenever a proposed ordinance or codification of ordinances or other measure would exceed
201 in length 10 column inches, in lieu of publication in a local newspaper, the same may be

202 published and made available at the office of the town clerk in booklet or pamphlet form and if
203 so published and available at least 10 days before its final passage shall be deemed sufficient
204 notice. Whenever the town council provides for publication in a booklet or pamphlet form in
205 lieu of the newspaper publication, it shall, at least 5 days before final passage publish in a local
206 newspaper a general summary of the proposed ordinance, or ordinances and a notice stating the
207 times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the
208 public.

209 Section 2-10 Filling of Vacancies

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

219 If a vacancy shall occur in the office of councillor-at-large during the last 6 months of the
220 term for which councillors-at-large are elected, the vacancy shall be filled by the person who
221 receives the highest number of votes for the office of councillor-at-large at the biennial town
222 election and who is not then serving as a member of the town council. Such person shall

223 forthwith be certified and shall serve for the last 2 months of the concluding term in addition to
224 the term for which such person was elected.

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

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

246 ARTICLE 3 TOWN MANAGER

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

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

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

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

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

261 Section 3-2 Powers and Duties

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

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

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

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

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

287 collective bargaining agreements, except for school department agreements, entered into by the
288 town.

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

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

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

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

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

306 He shall have full jurisdiction over the rental and use of all town facilities, except school
307 or library buildings and grounds and properties under the jurisdiction of the conservation

308 commission pursuant to section 8C of chapter 40 of the General Laws. He shall be responsible
309 for the maintenance and repair of all town-owned property, including school or library buildings
310 and grounds but not including vacant land under the jurisdiction of the conservation commission
311 pursuant to said section 8C of said chapter 40, if a town ordinance authorizing a central town
312 maintenance department is created.

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

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

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

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

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

326 He shall determine the existence of a public emergency or danger and shall assume
327 responsibility for the maintenance of public safety, public order and enforcement of the laws of
328 the commonwealth. The manager shall notify the council president as soon as practical, but

329 within 24 hours, of such a public emergency or danger and of the actions taken. Should the
330 public emergency continue more than 24 hours, the town council may meet to review, ratify or
331 terminate such public emergency.

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

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

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

341 Section 3-3 Compensation

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

344 Section 3-4 Removal

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

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

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

359 No contract of employment for a town manager shall be inconsistent with 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 office during a temporary absence.
364 During the first 10 working days of a temporary absence of the town manager, the town council
365 may revoke such designation by a two-thirds vote and, after the expiration of 10 working days,
366 by a majority vote, whereupon it may appoint another qualified town officer or employee to
367 serve as acting town manager until the town manager shall return and resume his duties.

368 (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as
369 possible by the town council but pending such appointment, the town council shall designate a
370 qualified town officer or administrative employee to exercise the powers and perform the duties
371 of the town manager on an acting basis. The appointment of an acting town manager shall be for

372 a term not to exceed 4 months; provided, however, 1 renewal, not to exceed a second 4 months,
373 may be permitted.

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

378 Section 3-6 Evaluation of Town Manager

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

381 ARTICLE 4 OTHER ELECTED OFFICES

382 Section 4-1 School Committee

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

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

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

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

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

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

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

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

413 Section 4-2 Trustees of The Stetson Fund

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

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

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

425 ARTICLE 5 FINANCIAL PROCEDURES

426 Section 5-1 Budget Hearing and Goal Setting

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

434 Section 5-2 Submission of Budget, Message

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

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

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

457 Section 5-3 Action on The Budget

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

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

474 Section 5-4 Independent Audit

475 Each year an outside audit of the books and accounts of the town shall be conducted. In
476 the event that the commonwealth shall fail in any such period to provide for such an audit to be
477 conducted, within 60 days following the date the town council makes a written request therefore,

478 the town council shall provide for such an audit to be conducted by a certified public accountant,
479 or firm of such accountants.

480 Section 5-5 Capital Outlay Program

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

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

485 A clear general summary of its contents;

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

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

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

493 The information required by this subsection shall be revised and extended annually.

494 ARTICLE 6 ADMINISTRATIVE ORGANIZATION

495 Section 6-1 Reorganization Plans by Ordinance

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

501 Section 6-2 Reorganization Plans By Administrative Code

502 (a) Submission - The town manager may, from time to time, prepare and submit to
503 the town council reorganization plans which may, unless expressly prohibited by general law or
504 this charter, reorganize, consolidate or abolish any existing town agency, in whole or in part,
505 establish new town agencies and prescribe the functions of any town agency. Each such
506 reorganization plan shall be accompanied by an explanatory message when submitted to the
507 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 30 days following its referral to a committee a public hearing shall be held
511 concerning the proposal, either before the standing committee, or before the full town council.
512 Within 14 days following the conclusion of the public hearing, the standing committee to which
513 such matter was referred shall file a report stating either that it approves of the reorganization
514 plan or that it disapproves of it. A reorganization plan shall become effective on the sixtieth day
515 following the date of its receipt by the town council, unless a later date is specified in the
516 reorganization plan, or unless the town council has within such period voted to disapprove of it.

517 A reorganization plan submitted by the town manager under this section may not be amended by
518 the town council but shall either be approved or disapproved in the form as submitted.

519 Section 6-3 Publication of Reorganization Plans

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

523 ARTICLE 7NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM

524 Section 7-1 Town Elections: General

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

527 Section 7-2 Non-Partisan Elections

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

530 Section 7-3 Signature Requirements

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

536 Section 7-4 Districts

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

542 Section 7-5 Application of General Laws

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

548 Section 7-6 Petitions To Council Or School Committee

549 The town council or the school committee shall hold a public hearing and act with respect
550 to every petition which is addressed to it, which is signed by 150 voters, or more and which
551 seeks the passage of a measure. The hearing shall be held by the town council or the school
552 committee, or, in either case, by a committee or subcommittee thereof and the action by the town
553 council or the school committee shall be taken not later than 3 months after the petition is filed
554 with the clerk of the council or the administrative assistant to the superintendent, as may be
555 appropriate. Hearings on 2 or more petitions filed under this section may be held at the same
556 time and place. The clerk of the council or the administrative assistant to the superintendent
557 shall mail notice of the hearing to the 10 persons whose names appear first on the petition at least

558 48 hours before the hearing. Notice, by publication, of all such hearings shall be at public
559 expense.

560 Section 7-7 Citizen Initiative Measures

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

571 Within 10 days following the filing of the petition, the board of registrars shall ascertain
572 by what number of voters the petition has been signed and what percentage that number is of the
573 total number of voters as of the date of the most recent town election. The board of registrars
574 shall attach its certificate to the petition, which shall certify the signatures and addresses of those
575 residents to the clerk of the council or the administrative assistant to the superintendent
576 according to how the petition is addressed. A copy of its certificate shall also be mailed to the
577 person designated upon such petition as having filed the same.

578 (b) Referral to Town Attorney - If the board of registrars determines that a petition
579 has been signed by a sufficient number of voters, the clerk of the council or the administrative

580 assistant to the superintendent, as the case may be, shall forthwith following receipt of such
581 certificate deliver a copy of the petition to the town attorney. Within 15 days following the date
582 a copy of the petition is delivered to him, the town attorney shall, in writing, advise the town
583 council or the school committee, as may be appropriate, whether the measure, as proposed may
584 lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully
585 adopted by the town council or by the school committee. If the opinion of the town attorney is
586 that the measure is not in proper form, he shall state his reasons in full in his reply. A copy of
587 the opinion of the town attorney shall also be mailed to the person designated on the petition as
588 having filed the same.

589 (c) Action on Citizen Initiative Petitions - Within 30 days following the date a citizen
590 initiative petition has been returned to the clerk of the council or to the administrative assistant to
591 the superintendent by the town attorney as being lawful and after publication in accordance with
592 section 2-9(c), the town council or the school committee shall act with respect to each initiative
593 petition by passing it without change, by passing a measure which is stated to be in lieu of an
594 initiative measure, or by rejecting it. The passage of a measure which is in lieu of the initiative
595 measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of such
596 30 days the town council or the school committee has not voted on such petition, no other
597 business of said council or committee shall be in order or lawfully acted upon until a vote to
598 approve of the measure, to disapprove of the measure, or to adopt some other measure in lieu
599 thereof, has been taken.

600 (d) Supplementary Petitions - Within 45 days following the date an initiative petition
601 has been rejected, a supplemental initiative petition may be filed with the clerk of the council or
602 the administrative assistant to the superintendent. The supplemental initiative petition shall be

603 signed by a number of additional voters which is equal to 5 per cent of the total number of voters
604 as of the date of the most recent town election, which may include the signatures of voters who
605 signed the original petition if they sign the supplemental petition, or other additional voters. If
606 the number of signatures to such supplemental petition is found to be sufficient by the board of
607 registrars, the town council shall call a special election to be held on a date fixed by it not less
608 than 30 nor more than 45 days following the date of the certificate of the board of registrars that
609 a sufficient number of voters have signed the supplemental initiative petition and shall submit the
610 proposed measure, without alteration, to the voters for determination; provided, however, if any
611 other town election is to be held within 120 days following the date of said certificate, the town
612 council may omit the calling of such special election and cause such question to appear on the
613 election ballot at such approaching election for determination by the voters.

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

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

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

622 (Here insert the full text of the proposed measure, or a fair, concise summary prepared by
623 the petitioners and approved by the board of registrars.)

624 YES ___ NO ___

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

630 Section 7-8 Citizen Referendum Procedures

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

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

647 and the word “referendum” shall be deemed to replace the word “initiative” wherever it may
648 occur in said sections.

649 Section 7-9 Ineligible Measures

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

660 Section 7-10 Submission of Other Matters to Voters

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

666 Section 7-11 Conflicting Provisions

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

669 Section 7-12 Recall of Elected Officials

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

672 (b) Any 500 registered voters of the town of Randolph may file with the town clerk
673 an affidavit containing the name of the officer sought to be recalled and a statement of the
674 grounds for recall. The town clerk shall, within 5 days, certify thereon the number of signatures
675 which are names of registered voters of the town. The town clerk shall, upon certification,
676 deliver to the voters making the affidavit copies of petition blanks demanding such recall, copies
677 of which shall be kept available. The blanks shall be issued by the town clerk with the clerk's
678 signature and official seal attached thereto. They shall be dated, addressed to the town council
679 and contain the names of all persons to whom they are issued, the name of the person whose
680 recall is sought, the grounds of recall as stated in the affidavit and the demand for the election of
681 a successor to said office. A copy of the petition shall be entered in a record book to be kept in
682 the office of the town clerk. The recall petition shall be returned and filed with the town clerk
683 within 21 days after the certification of the affidavit and shall have been signed by at least 20 per
684 cent of the registered voters of the town who shall add to their signatures the street and number,
685 if any, of their residences. The town clerk shall, within 24 hours of receipt, submit the petition to
686 the registrars of voters in the town and the registrars shall, within 14 days, certify thereon the
687 number of signatures which are names of registered voters of the town.

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

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

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

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

708 (e) The incumbent shall continue to perform the duties of his office until the recall
709 election. If then re-elected, he shall continue in office for the remainder of the unexpired term,

710 subject to recall as before, except as provided in subsection (g). If not re-elected in the recall
711 election, the officer shall be deemed removed upon the qualification of his successor who shall
712 hold office during the unexpired term. If the successor fails to qualify within 5 days after
713 receiving notification of his election, the incumbent shall thereupon be deemed removed and the
714 office vacant.

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

717 For the recall of (name of officer)

718 Against the recall of (name of officer)

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

726 (g) No recall affidavit shall be filed against an officer within 6 months after he takes
727 office, nor in the case of an officer subject to a recall election and recalled thereby, until at least
728 6 months after the election at which his recall was submitted to the voters.

729 ARTICLE 8 GENERAL PROVISIONS

730 Section 8-1 Charter Changes

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

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

739 Section 8-2 Severability

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

744 Section 8-3 Specific Provision to Prevail

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

747 Section 8-4 Rules and Regulations

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

752 Section 8-5 Review of Ordinances

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

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

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

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

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

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

779 Section 8-7 Number and Gender.

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

783 Section 8-8 References to General Laws

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

789 Section 8-9 Certificate of Election or Appointment

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

795 Section 8-10 Notice of Vacancies

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

810 Section 8-11 Definitions

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

814 (a) “Charter”, this charter and any amendment to it hereafter adopted.

815 (b) “Emergency”, a sudden, unexpected, unforeseen happening, occurrence or
816 condition which necessitates immediate action or response.

817 (c) “Local newspaper”, a newspaper of general circulation within the town of
818 Randolph, with either a weekly or daily circulation.

819 (d) “Majority vote”, a majority of those present and voting, unless another provision
820 is made by ordinance, by-law or by its own rules.

821 (e) “Measure”, any ordinance, order, resolution, or other vote or proceeding adopted,
822 or which might be adopted, by the town council or the school committee.

823 (f) “Multiple-member body” , any board, commission, committee, sub committee, or
824 other body consisting of 2 or more members whether elected, appointed or otherwise constituted,
825 but not including the town council, the school committee or the Trustees of the Stetson Fund.

826 (g) “Town”, the town of Randolph.

827 (h) “Town agency”, any multiple-member body, any department, division or office of
828 the town of Randolph.

829 (i) “Town bulletin board” , the bulletin board in the administration building on which
830 the town clerk posts official notices of meetings and upon which other official town notices are
831 posted and the bulletin boards at any other locations as may be designated town bulletin boards
832 by the town council.

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

836 (k) “Voters”, registered voters of the town of Randolph.

837 ARTICLE 9 TRANSITIONAL PROVISIONS

838 Section 9-1 Continuation of Existing Laws

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

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

846 Section 9-2 Existing Officials and Employees

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

851 Section 9-3 Continuation of Government

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

856 Section 9-4 Transfer of Records and Property

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

861 Section 9-5 Continuation of Personnel

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

868 Section 9-6 Incumbent officer holders

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

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

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

885 Section 9-8 Time of Taking Effect

886 This charter shall take effect such that elections for office shall be held on the first
887 Tuesday in November beginning in the first year when no regular state election in November is
888 scheduled following adoption of this charter and biannually thereafter, unless the date of such
889 election would be more than 3 months after the adoption of the charter, in which case the board
890 of selectmen then in office shall schedule a special transition election as promptly as possible
891 after adoption, but not later than 180 days after the adoption of the charter. The officials so
892 elected shall take office on the first day in January that does not fall on a weekend or holiday, of
893 the year after adoption by the voters of the town. The initial transitional term expires when the
894 successors to those officials initially elected by the charter take office after the date of the next
895 election to be scheduled for the first Tuesday in November beginning in the first year when no
896 regular state election in November is scheduled.

897 Section 9-9 Town Manager Transition Selection Process

898 Forthwith following the election at which this charter is adopted, the town moderator, or
899 if the position of town moderator is not in effect, the person to last hold the position, shall initiate

900 proceedings whereby a screening committee shall be established to review applicants for the
901 position of town manager. The screening committee shall consist of 9 persons, representing as
902 nearly as possible the town demographic and occupational base.

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

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

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

912 Upon the appointment of a town manager, the committee established hereunder shall be
913 discharged.

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

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

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

922 ARTICLE 1 INCORPORATION AND AUTHORITY

923 Section 1-1 Incorporation

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

927 Section 1-2 Short Title

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

929 Section 1-3 Division of Powers

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

933 Section 1-4 Powers of the Town

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

939 Section 1-5 Interpretation of Powers

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

943 Section 1-6 Intergovernmental Relations

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

946 ARTICLE 2 LEGISLATIVE BRANCH/REPRESENTATIVE TOWN MEETING

947 Section 2-1 Town Meeting Composition

948 The legislative body of the town shall be a representative town meeting consisting of 120
949 members who shall be elected to meet, deliberate, act and vote in the exercise of the corporate
950 powers of the town. There shall be 15 members elected from each of the 8 districts. Members
951 shall be elected for terms of 3 years each, so arranged that the terms of one-third of the members
952 shall expire each year.

953 Section 2-2 Establishment of Districts

954 The board of selectmen shall divide the town into 8 convenient voting districts so
955 established as to consist of as nearly equal the number of inhabitants as possible, in compact and
956 contiguous territory, bounded insofar as possible by the center line of known streets and ways or
957 by other well-defined limits. The boundaries of the districts shall be reviewed and wholly or
958 partially revised by the board of selectmen; (a) at least once every 10 years; (b) whenever it is
959 directed to do so by vote of the town meeting; and (c) whenever it is apparent from the street list,

960 census data or other official information that the number of inhabitants in any 1 district varies by
961 10 per cent or more from the total number of inhabitants of the town divided by the number of
962 districts. The board of selectmen shall, within 20 days after any revision of districts, but not later
963 than January twentieth of the succeeding year, file a report of its doings with the town clerk and
964 the assessors with a map or maps or description of the districts and the names and addresses of
965 the voters therein. The board shall cause to be posted in at least 1 public place in each district a
966 map or description of that district with the names and addresses of the voters therein. Whenever
967 the districts are revised, the town clerk shall forthwith give written notice thereof to the state
968 secretary, stating the number and designation of such districts.

969 Section 2-3 Town Meeting Membership

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

972 (b) Nomination Procedures. Nomination of candidates for town meeting member
973 shall be made by nomination papers signed by not less than 10 voters of the district in which the
974 candidate resides and from which the candidate seeks election. Nomination papers shall be filed
975 with the board of registrars at least 49 days preceding the date of the town election. Every
976 nomination paper shall be submitted to the registrars of voters for certification of names thereon,
977 on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it
978 shall be filed with the town clerk. The written acceptance of the candidate shall be on or
979 attached to the nomination papers when filed in order for it to be valid.

980 Section 2-4 Election

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

994 Section 2-5 Vacancies

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

998 (b) Removal from Town or District. A town meeting member who moves from the
999 town shall forthwith cease to be a town meeting member. A town meeting member who moves
1000 from 1 district to another, or who is so removed by a revision of district lines, may continue to
1001 serve as a town meeting member from the district from which the member was elected until the
1002 next annual town election at which the remainder of the member's term, if any, shall be filled by

1003 ballot. Any person so removed from office may be elected at the same election as a town
1004 meeting member from the district to which the member has moved.

1005 (c) Forfeiture of Office. If any person elected as a town meeting member shall fail to
1006 take the oath of office within 30 days following the election of such person, or shall fail to attend
1007 more than one-half of the sessions of the town meeting held in a calendar year, the member shall,
1008 upon certification by the town clerk of such attendance, be deemed to have resigned and the
1009 member's place shall be declared vacant. Any such vacancy shall be filled as provided in
1010 subsection (e). Any town meeting member who shall fail to attend more than one-half of the
1011 sessions of the town meeting held in a calendar year, may appeal the declaration of vacancy by
1012 requesting a hearing on removal. The member who files such an appeal shall continue to serve
1013 until the outcome of the appeal has been determined. A request for hearing shall be in writing
1014 and shall be filed with the town clerk on or before January fifteenth of the following calendar
1015 year. A hearing shall be held before a committee consisting of the town clerk, town moderator
1016 and town counsel to be held not later than January twenty-fifth of such year. Upon a showing of
1017 good cause by the member, the committee may excuse 1 or more absences and may rescind the
1018 declaration of vacancy provided the town meeting member has attended at least one-half of the
1019 unexcused sessions of the town meeting during such calendar year.

1020 (d) Write-in candidates. A write-in candidate for the office of town meeting shall
1021 receive 10 or more votes in the district in which they are eligible to vote in order to be elected to
1022 that district.

1023 (e) Filling vacancies. Any town meeting member vacancy from any district, whether
1024 arising from a failure of the registered voters thereof to elect, or from any other cause, may be

1025 filled by the remaining members of the district from among the registered voters thereof, until
1026 the next annual election. Upon petition therefor, signed by not less than 10 town meeting
1027 members from the district, notice of any vacancy shall promptly be given by the town clerk to
1028 the remaining members from the district in which the vacancy or vacancies exist and he shall call
1029 a special meeting of such members for the purpose of filling such vacancy or vacancies. The
1030 town clerk shall cause to be mailed to every such member, not less than 5 days before the time
1031 set for the meeting, a notice specifying the object, time and place of the meeting. At the meeting,
1032 a majority of the members from such district shall constitute a quorum, and they shall elect from
1033 their own number a chairman and a clerk. The choice to fill any vacancy shall be by ballot, and a
1034 majority of the votes cast shall be required for such choice. The chairman and clerk shall count
1035 the ballots and shall make a certificate of the choice and forthwith file the same with the town
1036 clerk, together with a written acceptance by the member or members so chosen, who shall
1037 thereupon be deemed elected and qualified as a town meeting member or members.

1038 Section 2-6 Compensation

1039 Representative town meeting members shall serve without compensation.

1040 Section 2-7 Presiding Officer

1041 All sessions of the town meeting shall be presided over by a town moderator, elected as
1042 provided in article 3. The town moderator shall regulate the proceedings, decide questions of
1043 order and make public declarations of all votes. The town moderator shall perform such other
1044 functions as may be authorized by charter, by-law or other town meeting vote.

1045 Section 2-8 Clerk to the Meeting

1046 At the annual and special town meetings a stenographer shall record the entire
1047 proceedings and furnish transcripts thereof to the town clerk and other town officials.

1048 The town clerk, or his designee, shall serve as the clerk of the town meeting. The clerk
1049 shall give notice of all town meetings to the members and to the public, keep the journal of such
1050 proceedings, cause the publication of town meeting attendance and perform such other functions
1051 as may be provided by charter, by-law or other town meeting vote.

1052 Section 2-9 Participation by Non-Town Meeting Members

1053 (a) Residents. Any resident of the town who is not an elected town meeting member
1054 may attend sessions of the town meeting but may not vote. However, subject to such rules as
1055 may, from time to time, be adopted, any resident may participate in proceedings.

1056 (b) Representatives of Town Agencies. Each town agency may designate a
1057 representative to attend all sessions of the representative town meeting for the purpose of
1058 providing town meeting members with information pertinent to warrant articles concerning such
1059 agencies.

1060 Section 2-10 General Powers and Duties of the Town Meeting

1061 The representative town meeting shall be vested with all the legislative powers of the
1062 town, as provided by charter or general laws. The representative town meeting shall provide for
1063 the exercise of all powers of the town and for the performance of all duties and obligations
1064 imposed upon the town.

1065 Section 2-11 Warrant Articles

1066 (a) Initiation. Except procedural matters, all subjects to be acted upon by any town
1067 meeting shall be placed on warrants issued by the board of selectmen in accordance with section
1068 10 of chapter 39 of the General Laws; provided, however, that the board of selectmen shall place
1069 on the warrant all petitions which are addressed to it and which request the submission of a
1070 particular subject matter to the representative town meeting and filed by: (i) any elected town
1071 officer including a member of a multiple-member body; (ii) any appointed multiple member
1072 body acting by a majority of its members; (iii) any 10 voters; (iv) the office of town manager;
1073 and (v) any other person, persons or town agency as authorized by by-law. All such requests for
1074 the inclusion of subjects shall be in writing, but shall not be required to conform to any particular
1075 style or form, except that each request for a particular subject shall be submitted as a separate
1076 petition.

1077 (b) Publication. Publication and distribution of the warrant shall be determined by
1078 by-law.

1079 Section 2-12 Procedures

1080 (a) Time of Meeting. The representative town meeting shall meet at least twice each
1081 calendar year or as may be otherwise determined by the board of selectmen. These 2 meetings
1082 shall be held in 2 sessions to be known as the spring annual town meeting and the fall town
1083 meeting. Each session of the town meeting shall be called by separate warrant. The spring
1084 annual town meeting shall be held as specified by by-law and shall be primarily concerned with
1085 the determination of matters involving the expenditure and commitment of town funds including,
1086 but not limited to, the adoption of an annual operating budget for all town agencies. The fall

1087 town meeting shall be held on such date and time as specified by by-law and shall be deemed to
1088 have all the powers of an annual town meeting.

1089 (b) Quorum. Sixty-one town meeting members shall constitute a quorum for the
1090 transaction of all business to come before the representative town meeting, but a smaller number
1091 may adjourn; provided, however, that if an insufficient number of town meeting members are
1092 present at the first session of a duly called town meeting, a majority of the members present may
1093 vote to recess and reconvene when a quorum is present.

1094 (c) Duty of Town Meeting Member. It shall be the duty of town meeting members to
1095 keep abreast of town business and review materials forwarded to members by the board of
1096 selectmen and the town manager. It is expected that town meeting members will attend selected
1097 meetings of multiple-member bodies, attend hearings held by the finance committee and actively
1098 prepare for each session of the town meeting.

1099 (d) Establishment of Committees. The representative town meeting may, by vote or
1100 by-law, establish committees for the review of warrant articles, consideration and study of any
1101 subjects of concern to the town meeting and the discussion of town business. The representative
1102 town meeting members in any precinct may organize, meet and confer on town business, subject
1103 to sections 23A to 23C, inclusive and section 24 of chapter 39 of the General Laws.

1104 (e) Meetings of Town Boards, Committees and Commissions. No multiple-member
1105 body of the town shall schedule a meeting to be held during the time the town meeting is in
1106 session for the transaction of business except for meetings at town meeting itself.

1107 Section 2-13 Referendum Procedures

1108 (a) Effective Date of Final Votes. No final affirmative vote of a town meeting on any
1109 warrant article, except a vote to adjourn or dissolve, votes appropriating money for the payment
1110 of notes or bonds of the town and interest thereon becoming due within the then current fiscal
1111 year, votes for the temporary borrowing of money in anticipation of revenue, or a vote declared
1112 by preamble by a two-thirds vote of the town meeting to be an emergency measure necessary for
1113 the immediate preservation of the peace, health, safety or convenience of the town shall be
1114 operative until after the expiration of 7 days, exclusive of Sundays and holidays, from the
1115 dissolution of the town meeting. If a referendum petition is not filed within such 7-day period,
1116 the vote of the town meeting shall become operative.

1117 (b) Referendum Petition. If, within such 7-day period, a petition signed by not less
1118 than 5 per cent of the registered voters of the town, containing the voters' names and addresses
1119 as they appear on the list of registered voters, is filed with the board of selectmen requesting that
1120 any question, not yet effective as defined in subsection (a) be submitted to the voters of the town
1121 at large, the operation of such vote shall be suspended pending its determination as provided
1122 herein. The board of selectmen shall, within 5 days after the filing of such a petition, call a
1123 special election in accordance with the general laws relative to elections, for the purpose of
1124 presenting to the voters at large the question or questions which are the subject of a petition. If,
1125 however, a regular or special election is to be held not more than 30 days following the date the
1126 petition is filed, the board of selectmen may provide that any such questions be presented to the
1127 voters at the same election.

1128 (c) Referendum Election. The polls shall be opened not later than two o'clock in the
1129 afternoon and shall be closed not earlier than 8 o'clock in the evening and all votes upon the
1130 question or questions so submitted shall be taken by ballot and the conduct of such election shall

1131 be in accordance with the general laws relative to elections. The questions so submitted shall be
1132 determined by a majority vote of the voters voting thereon, but no action of the representative
1133 town meeting shall be reversed unless at least 15 per cent of the registered voters vote on the
1134 question.

1135 (d) Format of Questions. Each question so submitted shall be in the form of the
1136 following question which shall be placed upon the official ballot: "Shall the town vote to
1137 approve the action of the representative town meeting whereby it was voted (brief description of
1138 the substance of the vote and by what vote thereon if such vote was tabulated)?"

1139 ARTICLE 3 ELECTED TOWN OFFICERS

1140 Section 3-1 Elected Town Officers, In General

1141 (a) Elective Offices - The offices to be filled by the voters shall be a board of
1142 selectmen, a school committee, a town moderator and trustees of the Stetson Fund. Such other
1143 regional authorities, districts, or committees as may be established by the laws of the
1144 commonwealth or interlocal agreement may also be filled by the voters.

1145 (b) Eligibility - Any voter shall be eligible to hold any elective town office. No
1146 person shall simultaneously hold more than 1 elective town office; provided, however, that any
1147 person elected to a town office may be a candidate and be elected to serve as a representative
1148 town meeting member.

1149 (c) Vacancies in Office - Any vacancy in any elective office shall be filled in the
1150 manner provided by chapter 41 of the General Laws.

1151 Section 3-2 Board of Selectmen

1152 (a) Composition, Term of Office - There shall be a board of selectmen composed of 5
1153 members elected for terms of 3 years each, so arranged that the terms of as nearly an equal
1154 number of members as is possible shall expire each year, with the terms of 2 expiring in 1 year, 2
1155 in the next year and 1 in the third year. Selectmen shall not serve as the chairman of any
1156 appointed board, committee or commission.

1157 (b) Powers and Duties - The executive authority of the town shall be vested in the
1158 board of selectmen which shall be deemed to be the chief executive office in the town. The
1159 board of selectmen shall be the chief policy making agency of the town and shall have all the
1160 powers and duties of boards of selectmen as may be authorized by charter, general law, by-law
1161 or town meeting vote, except those powers granted to the town manager under this charter. The
1162 board of selectmen shall prepare reports of town business and distribute such reports to all town
1163 meeting members. The board of selectman shall act by the issuance of policy guidelines and
1164 directives. The board of selectmen shall act only through the adoption of policy directives and
1165 guidelines which are to be implemented by the officers and employees appointed by or under its
1166 authority. The town manager shall be the primary officer responsible for the implementation of
1167 policy directives and guidelines adopted by the board of selectmen. The daily administration of
1168 the affairs of the town shall be the exclusive responsibility of the town manager.

1169 (c) Appointment Powers - The board of selectmen shall appoint a town manager, a
1170 town counsel, a town accountant and a board of registrars of voters. The board of selectmen
1171 shall also appoint such other multiple-member bodies as may be provided by general law or by-
1172 law. No selectman shall hold any compensated town office or employment until 1 year
1173 following the date by which his selectman service has been terminated. Unless such service is
1174 otherwise authorized by the charter, no member of the board of selectmen shall, while a member

1175 of the board, hold any other town office or employment for which a salary or other emolument is
1176 payable from the town treasury.

1177 (d) Licensing Authority - The board of selectmen shall be the licensing authority of
1178 the town and shall have all the power to issue licenses as authorized by the laws of the
1179 commonwealth, to make all necessary rules and regulations regarding the issuance of such
1180 licenses and to attach conditions and restrictions on any such license it may issue as it deems to
1181 be in the public interest and to enforce all the laws of the commonwealth relating to all such
1182 businesses for which it issues licenses.

1183 (e) Salary - The board of selectmen shall serve without compensation.

1184 Section 3-3 School Committee

1185 (a) Composition, Terms of Office - There shall be a school committee composed of 7
1186 members, 6 elected for terms of 3 years each and the chairman of the board of selectmen or a
1187 another member of such board, as designated by the board of selectmen, so arranged that the
1188 terms of as nearly an equal number of members as is possible shall expire each year.

1189 (b) Powers and Duties - No member of the school committee shall hold any
1190 compensated town office or employment until 1 year following the date on which his school
1191 committee service terminated. The school committee shall have general charge and
1192 superintendence of the public schools and for this purpose shall have all of the powers and duties
1193 which are given to school committees under the Constitution laws of the commonwealth and
1194 such additional powers and duties as are authorized by this charter, by by-law or vote of town
1195 meeting.

1196 Section 3-4 Town Moderator

1197 (a) Term of Office - A town moderator shall be elected by the voters for a term of 3
1198 years.

1199 (b) Powers and Duties - The town moderator shall preside and regulate the
1200 proceedings at all town meetings, decide all questions of order and make a public declaration of
1201 all votes. No person may address a town meeting without leave of the moderator. The
1202 moderator shall appoint a finance committee as provided by by-law. The town moderator shall
1203 have all the powers and duties provided that office by the general laws, this charter, by-law or
1204 other town meeting vote.

1205 Section 3-5 Trustees of the Stetson Fund

1206 (a) Term of Office - There shall be a 3-member board of trustees of the Stetson
1207 School Fund elected by the voters for a term of 3 years, so arranged that the term of 1 member
1208 shall expire each year.

1209 (b) Powers and Duties – Except as provided in subsection (a), the trustees shall be
1210 governed in accordance with the document titled, The Stetson Donation of a Town House and
1211 Fund for a high school to the town of Randolph, voted on February 18, 1843 and by article 18 of
1212 the special town meeting of November 13, 1996.

1213 Section 3-6 Recall of Elected Officers

1214 (a) Any holder of elective office, except a representative town meeting member, may
1215 be recalled therefrom by the registered voters of the town of Randolph as provided in this
1216 section.

1217 (b) Any 500 registered voters of the town of Randolph may file with the town clerk
1218 of said town an affidavit containing the name of the officer sought to be recalled and a statement
1219 of the grounds for recall. The town clerk shall, within 5 days, certify thereon the number of
1220 signatures which are names of registered voters of the town. The town clerk shall, upon
1221 certification, deliver to such voters making the affidavit copies of petition blanks demanding
1222 such recall, copies of which shall be kept available. The blanks shall be issued by the town clerk
1223 with the clerk's signature and official seal attached thereto. The blanks shall be dated, addressed
1224 to the board of selectmen and contain the names of all persons to whom they are issued, the
1225 name of the person whose recall is sought, the grounds of recall as stated in the affidavit and the
1226 demand for the election of a successor to such office. A copy of the petition shall be entered in a
1227 record book to be kept in the office of the town clerk. The recall petition shall be returned and
1228 filed with the town clerk within 21 days after the certification of the affidavit and shall have been
1229 signed by at least 20 per cent of the registered voters of the town who shall add to their
1230 signatures the street and number, if any, of their residences.

1231 The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of
1232 voters in the town and the registrars shall, within 14 days, certify thereon the number of
1233 signatures which are names of registered voters of the town.

1234 (c) If the petition shall be found and certified by the town clerk to be sufficient, he
1235 shall submit the same with his certificate to the board of selectmen without delay and the board
1236 shall, within 7 days, give written notice of the receipt of the certificate to the officer sought to be
1237 recalled and shall, if the officer does not resign within 5 days thereafter, order an election to be
1238 held on a date fixed by them not less than 60 nor more than 90 days after the date of the town
1239 clerk's certificate that a sufficient petition has been filed; provided, however, that if any other

1240 town election is to occur within 100 days after date of certification, the board of selectmen shall
1241 postpone the holding of the recall election to the date of such other election.

1242 If a vacancy occurs in such office after a recall election has been ordered, the election
1243 shall nevertheless proceed as provided in this section.

1244 (d) An officer sought to be removed may be a candidate to succeed himself and,
1245 unless the officer requests otherwise in writing, the town clerk shall place his name on the ballot
1246 without nomination. The nomination of other candidates, the publication of the warrant for the
1247 removal election and the conduct of the same, shall all be in accordance with the general laws
1248 relating to elections, unless otherwise provided in this charter.

1249 (e) The incumbent shall continue to perform the duties of his office until the recall
1250 election. If then re-elected, he shall continue in office for the remainder of the unexpired term,
1251 subject to recall as before, except as provided in subsection (g). If not re-elected in the recall
1252 election, the officer shall be deemed removed upon the qualification of his successor who shall
1253 hold office during the unexpired term. If the successor fails to qualify within 5 days after
1254 receiving notification of his election, the incumbent shall thereupon be deemed removed and the
1255 office vacant.

1256 (f) Ballots used in a recall election shall submit the following proposition in the order
1257 indicated:

1258 For the recall of (name of officer)

1259 Against the recall of (name of officer)

1260 Immediately at the right of each proposition, there shall be a square in which the voter, by
1261 making a cross mark “X”, may vote for either proposition. Under the proposition there shall
1262 appear the word “Candidates,” the direction to voters required by section 42 of chapter 54 of the
1263 General Laws and beneath this the names of candidates nominated as hereinbefore provided. If a
1264 majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving
1265 the highest number of votes shall be declared elected. If a majority of votes on the question is in
1266 the negative, the ballots for candidates need not be counted.

1267 (g) No recall affidavit shall be filed against an officer within 6 months after he takes
1268 office, nor in the case of an officer subject to a recall election and recalled thereby, until at least
1269 6 months after the election at which his recall was submitted to the voters.

1270 ARTICLE 4 TOWN MANAGER

1271 Section 4-1 Appointment, Qualifications, Term of Office

1272 The board of selectmen shall appoint by a four-fifths vote a town manager for a period
1273 not longer than a 5-year term. The town manager shall be a person of proven administrative
1274 ability, especially qualified by education and training with at least 5 years full-time paid
1275 experience as a city or town manager, or an assistant city or town manager or the equivalent
1276 public or private sector level experience. The board of selectmen may, from time to time,
1277 establish such additional qualifications as it deems necessary and appropriate. The town
1278 moderator shall appoint a screening committee to assist in the recruitment and selection of the
1279 town manager. The screening committee shall present at least 3 candidates to the board of
1280 selectmen for consideration.

1281 The town manager shall devote full-time to the duties of the office and shall not hold any
1282 other elective or appointive office, nor shall the town manager engage in any other business
1283 unless such action is approved in advance in writing by the board of selectmen.

1284 Section 4-2 Powers of Appointment.

1285 Except as otherwise provided by this charter and subject to the civil service law and any
1286 collective bargaining agreements as may be applicable, the town manager shall appoint, based
1287 upon merit and fitness alone, all department heads, officers, subordinates, employees and all
1288 appointed multiple-member bodies for whom no other method of selection is provided in this
1289 charter except employees of the school department.

1290 Appointments made by the town manager shall become effective upon the approval of
1291 the board of selectmen; provided, however, that such approval is received within 15 days of
1292 filing such notice of appointment. If the board of selectmen shall fail to act, appointments made
1293 by the town manager shall become effective on the fifteenth day following the day on which
1294 notice of the proposed appointment is filed with the board of selectmen. For the purpose of this
1295 section, notice of appointment shall be considered filed with the board of selectmen when such
1296 notice is filed at an open meeting of the board of selectmen.

1297 Department heads shall appoint all officers, subordinates and employees within their
1298 department subject to the approval of the town manager.

1299 Section 4-3 Administrative Powers and Duties

1300 The town manager shall be the chief administrative officer of the town and shall be
1301 responsible to the board of selectmen for the proper operation of town affairs for which the town

1302 manager is given responsibility under this charter. The powers, duties and responsibilities of the
1303 town manager shall include, but are not intended to be limited to, the following:

1304 (a) To supervise, direct and be responsible for the efficient administration of all
1305 officers appointed by the town manager and their respective departments and of all functions for
1306 which the town manager is given responsibility, authority or control by this charter, by by-law,
1307 by town meeting vote, or by vote of the board of selectmen.

1308 (b) To administer, either directly or through a person or persons supervised by the
1309 town manager, in accordance with this charter, the laws of the commonwealth applicable to the
1310 town, all by-laws and all regulations established by the board of selectmen.

1311 (c) To coordinate all activities of town departments under the direction of the town
1312 manager and the board of selectmen with the activities of departments under the control of
1313 officers, boards or commissions elected directly by the voters of the town.

1314 (d) To attend all regular and special meetings of the board of selectmen, unless
1315 excused.

1316 (e) To attend all sessions of the town meeting and answer all questions addressed to
1317 the town manager which are related to the warrant articles and matters under the general
1318 supervision of the town manager.

1319 (f) To keep the board of selectmen fully informed as to the needs of the town and
1320 recommend to the selectmen for adoption such measures requiring action by them or by the town
1321 as the town manager deems necessary or expedient.

1322 (g) To insure that complete and full records of the financial and administrative
1323 activity of the town are maintained and to render reports to the board of selectmen as may be
1324 required.

1325 (h) To be responsible for the management, rental, use, maintenance and repair of all
1326 town facilities and land, except those under the jurisdiction of the school committee, the board of
1327 library trustees and the conservation commission.

1328 (i) To be responsible for the purchase of all supplies, materials and equipment,
1329 except books and other educational materials for schools and books and other media materials
1330 for libraries and approve the award of all contracts for all town departments with the exception of
1331 the school department, subject to the approval of the board of selectmen.

1332 (j) To develop and maintain a full and complete inventory of all town-owned real
1333 and personal property.

1334 (k) To administer, in cooperation with the personnel board, if any, personnel policies,
1335 practices, rules and regulations, any compensation plan and any related matters for all municipal
1336 employees and all collective bargaining agreements entered into by the town, except for school
1337 department agreements.

1338 (l) To fix the compensation of all town employees and officers appointed by the
1339 town manager within the limits established by appropriation and any applicable compensation
1340 plan.

1341 (m) To be responsible for the negotiation of all union and non-union contracts with
1342 town employees over wages and other terms and conditions of employment, except employees of

1343 the school department. The town manager may, subject to the approval of the board of
1344 selectmen, employ special counsel to assist in the performance of these duties. Contracts shall
1345 be subject to the approval of the board of selectmen and such other approvals as required by
1346 chapter 150E of the General Laws.

1347 (n) To prepare and submit an annual operating budget and capital improvement
1348 program as provided in article 6.

1349 (o) To keep the board of selectmen and the finance committee fully informed as to
1350 the financial condition of the town and make recommendations to the board of selectmen and
1351 other elected and appointed officials as the town manager deems necessary or expedient.

1352 (p) To investigate or inquire into the affairs of any town department or office under
1353 the supervision of the town manager or the job-related conduct of any officer or employee
1354 thereof.

1355 (q) To delegate, authorize or direct any subordinate or employee of the town to
1356 exercise any power, duty or responsibility which the office of town manager is authorized to
1357 exercise. All acts performed under such delegation shall be deemed to be the acts of the town
1358 manager.

1359 (r) To perform such other duties as are necessary or as may be assigned by this
1360 charter, by-law, town meeting vote or vote of the board of selectmen.

1361 (s) To determine the existence of a public emergency or danger and shall assume
1362 responsibility for the maintenance of public safety, public order and enforcement of the laws of
1363 the commonwealth. The manager shall notify the chairman of the board of selectmen as soon as

1364 practical, but within 24 hours, of such a public emergency or danger and of the actions taken.
1365 Should the public emergency continue for more than 24 hours, the board of selectmen may meet
1366 to review, ratify or terminate the public emergency.

1367 Section 4-4 Compensation

1368 The town manager shall receive such compensation for services as the board of selectmen
1369 shall determine, but such compensation shall be within the limits of available appropriations as
1370 approved by town meeting.

1371 Section 4-5 Vacancy in Office

1372 Any vacancy in the office of town manager shall be filled as soon as possible by the
1373 board of selectmen. Pending appointment of the town manager or the filling of any vacancy, the
1374 board of selectmen shall forthwith appoint some other qualified person to perform the duties of
1375 the town manager. The appointment of the acting town manager shall be for a term not to
1376 exceed 4 months, provided however, that a renewal, not to exceed an additional 4 months may
1377 be provided.

1378 Section 4-6 Temporary Absence

1379 The town manager may designate, by letter filed with the board of selectmen and town
1380 clerk, a qualified officer of the town to perform the duties of the town manager during a
1381 temporary absence or disability. If such temporary absence or disability shall exceed 14 days,
1382 any designation made by the town manager shall be subject to the approval of the board of
1383 selectmen. In the event of failure of the town manager to make such designation or if the person
1384 so designated is for any reason unable to serve, or is deemed not qualified by the board of

1385 selectmen, the board of selectmen may designate some other qualified person to perform the
1386 duties of the town manager until the town manager shall return.

1387 Section 4-7 Removal of Town Manager

1388 The person serving as town manager shall cease to be town manager upon expiration of
1389 his contract or term of office, which ever occurs earlier.

1390 Earlier in time than the expiration described in the preceding sentence, the board of
1391 selectmen by affirmative vote of a four-fifths majority of the full board may vote to terminate,
1392 remove or suspend the town manager from office, in accordance with the following procedure:

1393 Prior to removal or termination, the board of selectmen shall adopt a preliminary
1394 resolution of removal by the affirmative vote of a majority of the full board. The preliminary
1395 resolution may suspend the town manager for a period not to exceed 30 days. A copy of the
1396 resolution shall be delivered to the town manager forthwith.

1397 If so requested by the town manager, the board of selectmen shall provide a written
1398 statement setting forth the reasons for the removal or termination.

1399 Within 5 days after the receipt of the preliminary resolution, the town manager may
1400 request a public hearing by filing a written request for such hearing with the board of selectmen.
1401 If such a hearing is requested, the hearing shall be held at a meeting of the board of selectmen
1402 not later than 20 days from the date of request.

1403 If a public hearing has not been requested by the town manager, the board of selectmen
1404 may adopt a final resolution of removal, which may be effective immediately, by affirmative
1405 vote of four-fifths of its members at any time after 10 days following the date of delivery of a

1406 copy of the preliminary resolution to the town manager. If the town manager requests a public
1407 hearing, the selectmen may, at the conclusion of the hearing or within 5 days of the conclusion of
1408 the hearing, adopt a final resolution of removal by an affirmative vote of four-fifths of its
1409 members.

1410 The board of selectmen may suspend the town manager by an affirmative vote of a
1411 majority of the full board, pending and during any public hearing as requested by the town
1412 manager. The town manager shall continue to receive a salary until the final date of removal
1413 shall become effective unless the board of selectmen otherwise provides. The action of the board
1414 of selectmen in terminating, removing or suspending the town manager shall be final.

1415 No contract of employment for a town manager shall be inconsistent with this section.

1416 Section 4-8 Evaluation of Town Manager

1417 There shall be an annual review of the town manager's job performance conducted by the
1418 board of selectmen.

1419 ARTICLE 5 ADMINISTRATIVE ORGANIZATION

1420 Section 5-1 Powers of Organization

1421 Except as to types of reorganizations otherwise expressly prohibited by general law or the
1422 charter, the town manager, subject to the approval of the board of selectmen, may reorganize,
1423 create, consolidate or abolish committees, commissions, offices, departments and agencies under
1424 the supervision of the town manager, in whole or in part, may establish new committees,
1425 commissions, offices, departments and agencies as deemed necessary and may, for such
1426 purposes, transfer the duties and powers and so far as is consistent with the use for which the

1427 funds were voted by the town, transfer the appropriation of 1 committee, commission, office,
1428 department or agency to another.

1429 ARTICLE 6 FINANCIAL PROVISIONS

1430 Section 6-1 Annual Budget Policy

1431 The board of selectmen and school committee shall meet and confer, prior to and during
1432 the budget process, to review the financial condition of the town, revenue and expenditure
1433 forecasts and other relevant information in order to develop a coordinated and balanced budget.
1434 The finance committee shall participate in the discussions with the board of selectmen and the
1435 school committee in an advisory capacity. The school superintendent and the town manager
1436 shall jointly develop guidelines consistent with policies developed by the board of selectmen and
1437 school committee.

1438 Section 6-2 Budget Process

1439 The town manager shall annually submit to the finance committee a proposed budget and
1440 capital improvement program for the ensuing fiscal year with an accompanying budget message
1441 and supporting documents before February first. The budget message submitted by the town
1442 manager shall explain the budget in fiscal terms and in terms of work programs for all town
1443 agencies. The budget message shall outline the proposed fiscal policies of the town for the
1444 ensuing fiscal year; describe important features of the proposed budget and indicate any major
1445 variations from the current budget, fiscal policies, expenditures and revenues, together with the
1446 reasons for such change. The proposed budget shall provide a complete fiscal plan of all town
1447 funds and activities and shall be in the form the town manager deems desirable.

1448 The preliminary budget, as adopted by the school committee, shall be submitted to the
1449 town manager at least 14 days prior to the town manager submitting the proposed budget to the
1450 finance committee to enable the town manager to consider the effect of the school department's
1451 requested appropriation upon the total town budget which is required to be submitted under this
1452 section.

1453 Section 6-3 Finance Committee Action

1454 The finance committee shall, upon receipt of the budget and capital improvement
1455 program, consider in public meetings the detailed expenditures for each town agency proposed
1456 by the town manager. The finance committee may confer with representatives from any town
1457 agency in connection with its deliberations. The finance committee may request the town
1458 manager or any town agency to provide additional information. The finance committee shall file
1459 a proposed budget and report its recommendations for action 7 days prior to the date on which
1460 the town meeting is to act on the proposed budget. The budget to be acted upon by the town
1461 meeting shall be the budget proposed by the town manager with the accompanying
1462 recommendations of the finance committee.

1463 Section 6-4 Capital Improvement Program and Long Term Financial Plan

1464 The town manager shall, in conjunction with the capital planning committee, submit a
1465 capital improvement program to the board of selectmen and finance committee at the date fixed
1466 by by-law for the submission of the proposed operating budget unless some other time is
1467 provided by the laws of the commonwealth. Annually the board of selectmen, in conjunction
1468 with the town manager, shall prepare a 5-year financial forecast of town revenue, expenditures

1469 and the general financial condition of the town. The plan shall be submitted to the finance
1470 committee and shall be available to the public.

1471 Section 6-5 Approval of Warrants

1472 Warrants for payments of town funds prepared by the town accountant shall be submitted
1473 to the town manager for approval.

1474 Section 6-6 Management of Town Funds

1475 The treasurer shall be responsible for the management of all town funds.

1476 Section 6-7 Annual Audit

1477 The board of selectmen shall provide for an annual audit of the books and accounts of the
1478 town to be made by a certified public accountant, or firm of accountants, who have no personal
1479 interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

1480 ARTICLE 7 GENERAL PROVISIONS

1481 Section 7-1 Charter Revision or Amendment

1482 (a) In General - This charter may be replaced, revised or amended in accordance with any
1483 procedure made available under the Constitution of the Commonwealth, or by general or special
1484 law.

1485 (b) Periodic Review - The board of selectmen shall provide, in every year ending in a
1486 0, for a review of the charter by the entire board and 6 additional persons to be appointed by the
1487 board. The committee shall file a report within the year recommending any changes in the

1488 charter which it may deem to be necessary or desirable, unless an extension is authorized by vote
1489 of the board of selectmen.

1490 Section 7-2 Severability

1491 The provisions of this charter are severable. If any of the provisions of this charter are
1492 held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be
1493 affected thereby. If the application of this charter, or any of its provisions, to any person or
1494 circumstances is held to be invalid, the application of said charter and its provisions to other
1495 persons or circumstances shall not be affected thereby.

1496 Section 7-3 Rules of Interpretation

1497 The following rules shall apply when interpreting the charter:

1498 (a) Specific provisions to prevail. To the extent that any specific provision of the
1499 charter shall conflict with any provision expressed in general terms, the specific provision shall
1500 prevail.

1501 (b) Number and Gender. Words imparting the singular number may extend and be
1502 applied to several persons or things; words imparting the plural number may include the singular;
1503 words imparting the masculine gender shall include the feminine gender.

1504 (c) References to General Laws. All references to the General Laws contained in the
1505 charter refer to the General Laws of the commonwealth and are intended to include any
1506 amendments or revisions to such chapters and sections or to the corresponding chapters and
1507 sections of any rearrangement of the general laws enacted subsequent to the adoption of the
1508 charter.

1509 (d) Computation of time. In computing time under the charter, if 7 days or less, only
1510 business days, not including Saturdays, Sundays, or legal holidays shall be counted; if more than
1511 7 days, every day shall be counted.

1512 Section 7-4 Definitions

1513 Unless another meaning is clearly apparent from the manner in which the word is used,
1514 the following words as used in the charter shall have the following meanings:

1515 (a) “Charter”, this charter and any amendments to it made through any methods
1516 provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

1517 (b) “Majority vote”, a majority of those present and voting, provided a quorum is
1518 present when a vote is taken, unless a higher number is required by the laws of the
1519 commonwealth, this charter, or by the town meeting’s own rules.

1520 (c) “Multiple-member body”, any board, commission or committee but not including
1521 the board of selectmen, the school committee or the trustees of the Stetson Fund.

1522 (d) “Town”, the town of Randolph.

1523 (e) “Town agency” or “agency”, any board, commission, committee, department or
1524 office of town government, whether elected, appointed or otherwise constituted.

1525 (f) “Voters”, registered voters of the town.

1526 ARTICLE 8 TRANSITIONAL PROVISIONS

1527 Section 8-1 Continuation of Existing Laws

1528 All by-laws, resolutions, rules, regulations and votes of the town meeting which are in
1529 force at the time this charter is adopted, not inconsistent with this charter, shall continue in full
1530 force until amended or repealed.

1531 If provisions of this charter conflict with provisions of town by-laws, rules, regulations,
1532 orders and special acts and acceptances of general or special laws, the charter provisions shall
1533 govern. All provisions of town by-laws, rules, regulations, orders and special acts not
1534 superseded by this charter shall remain in force.

1535 Section 8-2 Existing Officials and Employees

1536 Any person holding a town office or employment under the town shall retain such office
1537 or employment and shall continue to perform the duties of the office until provisions shall have
1538 been made in accordance with this charter for the performance of the said duties by another
1539 person or agency.

1540 Section 8-3 Continuation of Government

1541 All town offices, boards, commissions or agencies shall continue to perform the duties
1542 therefore until re-appointed, re-elected, until successors to their respective positions are fully
1543 appointed or elected or until their duties have been transferred and assumed by another town
1544 office, board, commission or agency.

1545 Section 8-4 Transfer of Records and Property

1546 All records, property and equipment whatsoever of any office, board, commission,
1547 committee or agency or part thereof, the powers and duties of which are assigned in whole or in

1548 part to another town office, board, commission or agency, shall be transferred forthwith to such
1549 office, board, commission or agency.

1550 Section 8-5 Continuation of Personnel

1551 Any person holding a town office, or a position in the administrative service of the town,
1552 or any person holding full-time employment under the town, shall retain such office or position
1553 or employment and shall continue to perform the duties of such office, position or employment
1554 until provision shall have been made for the performance of those duties by another person or
1555 agency; provided, however, no person in the permanent, full-time service of the town shall
1556 forfeit his or her pay grade, or time in service of the town.

1557 Section 8-6 Time of Taking Effect

1558 This charter shall become fully effective upon ratification by the voters, except as
1559 otherwise provided in this section:

1560 (a) A special election for the purpose of electing 120 persons to serve as
1561 representative town meeting members, in the manner provided in Article 2, shall be held within
1562 180 days of the adoption of this charter. The term of office of persons so elected shall be
1563 extended so that the terms of office of the first third, in order of votes received, shall expire at the
1564 town election held in the fourth year following the year in which the charter is adopted; the terms
1565 of office of the second third, in such order of votes received, shall expire at the town election
1566 held in the third year following the year in which the charter is adopted; and the terms of office
1567 of the remaining third, in such order of votes received, shall expire at the town election held in
1568 the second year following the year in which the charter is adopted. At the expiration of terms of
1569 office, town meeting members shall be elected for terms of 3 years as provided in Article 2. At

1570 the same election, 1 additional member of the school committee shall be elected. The additional
1571 school committee member shall serve a term that shall result in 2 members of the school
1572 committee being elected each year.

1573 (b) Forthwith following the election at which the charter is adopted the town
1574 moderator shall initiate proceedings whereby a screening committee shall be established to
1575 review applicants for the position of town manager. The screening committee is to consist of 9
1576 persons, representing as nearly as possible the town demographic and occupational base.

1577 Not more than 30 days following the election at which this charter is adopted the 9
1578 persons appointed as aforesaid shall meet to organize and to plan a process for the selection of
1579 the town manager.

1580 The committee shall review and screen all applications and provide for interviews with
1581 such candidates for the position as it deems to be necessary.

1582 Not more than 120 days following the date the committee meets to organize, the
1583 committee shall submit to the board of selectmen the names of not less than 3 nor more than 5
1584 candidates for the position. Within 60 days following the date the list of nominees is submitted
1585 to it, the board of selectmen shall choose 1 of the nominees to be appointed to the office of town
1586 manager.

1587 Upon the appointment of a town manager, the committee established hereunder shall be
1588 considered discharged. Until such time as another screening committee is established by by-law,
1589 a screening committee, as called for by the town moderator and members selected as herein
1590 provided, shall serve whenever the office of town manager shall become vacant.

1591 (c) Upon the appointment of the town manager, the office of executive secretary shall
1592 be abolished.

1593 (d) Until such time as the town manager is appointed, the board of selectmen shall
1594 exercise all the powers, duties and responsibilities necessary to insure orderly operation of town
1595 government.

1596 (e) Upon the adoption of this charter, the incumbents serving in the office of
1597 treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall be
1598 subject to the town's personnel by-law and shall be granted all benefits and rights provided by
1599 such by-law. The incumbents shall be granted sick leave, vacation leave or other such leaves
1600 based upon the number of years the incumbents have served in an elective office and as an
1601 employee of the town of Randolph. Such incumbents shall be entitled to, and be credited with,
1602 retroactive sick leave at the rate of 9 days for each year of full-time service as an elected official
1603 and as an employee of the town.

1604 (f) At the next annual town meeting following the adoption of this charter, the town
1605 moderator shall appoint a committee of 5 members to review town by-laws and report back to
1606 the town meeting with recommendations to bring by-laws into conformity with this charter.

1607 (g) Unless otherwise provided by this charter, the composition and term of office of
1608 any town agency, board, commission, committee or department existing at the time of the
1609 adoption of this charter shall continue to exist until such time as a different form of organization
1610 is provided in accordance with the procedures made available under section 5-1.

1611 (h) Unless otherwise provided by by-law, the personnel board shall continue to be
1612 composed of the same number of members as currently constituted; provided, however, that the

1613 appointments made by the selectmen shall, upon the expiration of the term of office of such
1614 members, or if a vacancy shall sooner occur, be made by the town manager.

1615 (i) The moderator shall, as soon as practical, after the election of the representative
1616 town meeting appoint a 7-member committee to prepare a code of ethics for the town of
1617 Randolph. Said committee shall be composed of 1 elected town official, 1 appointed town
1618 official, 1 town employee and 4 voters at-large from the town. The code of ethics shall be
1619 applicable to all elected and appointed officials and town employees. The committee shall report
1620 back to the town meeting within 12 months after the committee has been appointed with a
1621 recommended code of ethics for consideration by the representative town meeting.

1622 SECTION 5. This act shall take effect upon passage.