

HOUSE No. 3680

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

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

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

An Act amending the charter of the town of Yarmouth.

PETITION OF:

NAME:

Timothy R. Whelan

DISTRICT/ADDRESS:

1st Barnstable

HOUSE No. 3680

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 3680) of Timothy R. Whelan (by vote of the town) relative to amending the charter of the town of Yarmouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act amending the charter of the town of Yarmouth.

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. Section 4-3-3 of chapter 4 of the charter of the town of Yarmouth, which is
2 on file with the archivist of the commonwealth, as provided in section 12 of chapter 43B of the
3 General Laws, is hereby amended by striking out clause (i) and inserting in place thereof the
4 following clause:-

5 (i) negotiating collective bargaining contracts on behalf of the board of selectmen, unless
6 the town administrator, with the approval of the board of selectmen, has designated another
7 negotiator or negotiating team;

8 provided, however, that all such contracts shall be subject to the approval of the board of
9 selectmen;.

10 SECTION 2. Section 4-4 Chapter 4 of said charter is hereby amended by inserting after
11 section 4-4-5 the following section:-

12 4-4-6 To the extent permitted by law and, as may be applicable, the requirements of the
13 effective collective bargaining agreement, the Town Administrator shall be empowered to
14 employ, discipline, and terminate employees that he/she appoints pursuant to this Charter or
15 other applicable law, bylaw or regulation.

16 SECTION 3. Section 4-6 Said chapter 4 of said charter is hereby amended by striking out
17 section 4-6-1 and inserting in place thereof the following section:-

18 4-6-1 The board of selectmen shall annually evaluate the performance of the town
19 administrator. The selectmen shall adopt a written set of procedures and criteria which shall form
20 the basis for the evaluation.

21 SECTION 4. Section 5-1 of chapter 5 of said charter is hereby amended by striking out
22 clause (g) and inserting in place thereof the following clause:-

23 (g) The board of selectmen shall appoint all department heads. The town administrator
24 shall submit to the board of selectmen the names of not less than 3 candidates for department
25 head interview and subsequent appointment, unless otherwise waived by the Board of Selectmen.
26 The group of department heads shall include those who are designated as such by the town
27 administrator and approved by the board of selectmen.

28 SECTION 5. Said section 5-1 of said chapter 5 of said charter is hereby amended by
29 adding the following clause:-

30 (i) To the extent permitted by law and, as may be applicable, the requirements of the
31 effective collective bargaining agreement, the board of selectmen shall be empowered to

32 terminate employees it appoints pursuant to this Charter or other applicable law, bylaw or
33 regulation, by the same majority as required to appoint them.

34 SECTION 6. Section 5-3 Said chapter 5 of said charter is hereby amended by striking out
35 section 5-3-1 and inserting in place thereof the following section:-

36 5-3-1 The town administrator may appoint an assistant town administrator. Appointments
37 to the position of assistant town administrator shall become effective not later than the twenty-
38 first day following the day on which notice

39 of the proposed appointment is filed with the board of selectmen, unless four- fifths of the
40 members of the board of selectmen vote to reject such an appointment within such period.

41 SECTION 7. Section 5-5 Said chapter 5 of said charter is hereby amended by striking out
42 section 5-5-1 and inserting in place thereof the following section:-

43 5-5-1 To the extent permitted by law and, as may be applicable, the requirements of the
44 effective collective bargaining agreement, department heads may employ, discipline, and
45 terminate employees under their departmental jurisdiction, subject to the approval of the town
46 administrator and any other applicable law, bylaw or regulation.

47 SECTION 8. Section 6-2 Chapter 6 of said charter is hereby amended by striking out
48 section 6-2-2 and inserting in place thereof the following section:-

49 6-2-2 At the discretion of the board of selectmen, all multi-member bodies shall annually
50 either meet with, or provide a written annual report to, the board of selectmen.