

HOUSE No. 3968

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

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

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

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>6/27/2019</i>

HOUSE No. 3968

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3968) of William M. Straus (by vote of the town) relative to the town administrator and the board of public works in the town of Fairhaven. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

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

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 1 of chapter 381 of the acts of 2014 is hereby amended by striking
2 out subsection (c) and inserting in place thereof the following subsection:-

3 (c) appoint the town counsel and any special counsels, and all members of committees,
4 boards and commissions except the finance committee and except those appointed by the
5 moderator, elected by the voters or under the jurisdiction of the school committee or of the board
6 of public works and may make appointments to temporary posts and committees the board
7 creates for special purposes;.

8 SECTION 2. Section 2 of said chapter 381 is hereby amended by striking out subsection
9 9 (e) and inserting in place thereof the following subsection:-

10 (e) Manage and direct the daily reporting and supervision of all town departments under
11 the jurisdiction of the board of selectmen, including: assessors, building commission, council on
12 aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring

13 inspector and weights and measures inspector, recreation, tree, planning, finance, finance
14 director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by
15 and under the jurisdiction of the board of selectmen and the fire department, subject to section 42
16 of chapter 48 of the General Laws, but not including the school department or the public works
17 department.

18 SECTION 3. Said section 2 of said chapter 381 is hereby further amended by striking
19 out subsection (g) and inserting in place thereof the following subsection:-

20 (g) Except with respect to the school department, and except with respect to the hiring
21 and firing of employees within the public works department, the town administrator shall have
22 sole authority over the administration of personnel policies for all town employees. With respect
23 to the fire department, such authority shall be subject to section 42 of chapter 48 of the General
24 Laws. The town administrator shall act as the personnel board under all applicable laws and by-
25 laws, except as otherwise set forth in this act. The personnel board as presently constituted shall
26 be eliminated upon the appointment of the town administrator. The town may enact by-laws
27 establishing the wages, salaries and other benefits of employees, which shall be consistent with
28 the authority granted to the town administrator in this act. Notwithstanding the elimination of the
29 personnel board, all actions taken prior to the appointment of the town administrator by the
30 personnel board within its authority, and by any other town official or board, with respect to
31 personnel, including the appointment of all officers and employees, shall continue in full force
32 and effect subject to future action by the town administrator within the town administrator's
33 authority.

34 SECTION 4. Said section 2 of said chapter 381 is hereby further amended by striking out
35 subsection (k) and inserting in place thereof the following subsection:-

36 (k) With the approval of the board of selectmen, negotiate all collective bargaining
37 agreements on behalf of the town, except for the school department. In collective bargaining
38 negotiations with unions representing employees in the public works department, the town will
39 be represented by the town administrator, the superintendent of public works, and a member of
40 the board of public works. The town administrator may seek the assistance of labor counsel if
41 the town administrator deems it necessary to effect successful negotiations. All final agreements
42 must be approved and executed by the board of selectmen.

43 SECTION 5. Said section 2 of said chapter 381 is hereby further amended by striking
44 out subsection (m) and inserting in place thereof the following subsection:-

45 (m) Submit to the board of selectmen a written proposed budget for town government for
46 the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources,
47 and all proposed expenditures, including debt service for the previous, current and ensuing 5
48 years. The proposed budget shall include proposed expenditures for both current operations and
49 capital projects during the ensuing year, detailed by department, committee, agency, purpose and
50 position and proposed financing methods. The proposed budget shall include estimated revenues
51 and free cash available at the close of the fiscal year, including estimated balances in special
52 accounts. The town may, by by-law establish additional financial information and reports to be
53 provided by the town administrator. To assist the town administrator in preparing the proposed
54 annual budget of revenue and expenditures, the finance director, all boards, officers and
55 committees of the town, including the school committee and the board of public works, shall

56 furnish to the town administrator, in a writing in such a form as the town administrator shall
57 establish, all relevant information in their possession, including a detailed estimate of the
58 appropriations required and any available funds.

59 SECTION 6. Said section 2 of said chapter 381 is hereby further amended by striking out
60 subsection (v) and inserting in place thereof the following subsection:-

61 (v) Manage and oversee the use, maintenance, security and, with the approval of the
62 board of selectmen, regulate the rental for all the town buildings, properties and facilities,
63 including information technology, except those under the jurisdiction of the school department or
64 the public works department, unless so requested by either of those departments.

65 SECTION 7. Said section 2 of said chapter 381 is hereby further amended by striking out
66 subsection (x) and inserting in place thereof the following subsection:-

67 (x) With the approval of the board of selectmen, prosecute, defend and settle all litigation
68 for or against the town or its officers and employees, subject to such appropriation as may be
69 necessary to effect settlement, except for litigation involving only the school department or the
70 public works department, unless so requested by either of those departments.

71 SECTION 8. Chapter 389 of the acts of 2014 is hereby repealed.

72 SECTION 9. This act shall take effect upon its passage.