

HOUSE No. 5370

Substituted, on motion of Ms. Garlick of Needham, for a bill with the same title (House, No. 4576) [Local Approval Received]. October 31, 2022.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act amending the charter of the town of Bourne.

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. Article 1 of the charter of the town of Bourne, which is on file in the
2 office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the
3 General Laws, is hereby amended by striking out the words “board of selectmen”, each time they
4 appear, and inserting in place thereof, in each instance, the following words:- select board.

5 SECTION 2. Article 2 of said charter is hereby amended by striking out the words “board
6 of selectmen”, each time they appear, and inserting in place thereof, in each instance, the
7 following words:- select board.

8 SECTION 3. The section subtitle of section 2-2 of said article 2 of said charter is hereby
9 amended by striking out the word “officer” and inserting in place thereof the following word:-
10 official.

11 SECTION 4. Subsection (a) of section 2-5 of said article 2 of said charter is hereby
12 amended by striking out the word “officer” and inserting in place thereof the following word:-
13 official.

14 SECTION 5. Said subsection (a) of said section 2-5 of said article 2 of said charter is
15 hereby further amended by striking out the words “multiple member body” and inserting in place
16 thereof the following words:- governmental body.

17 SECTION 6. Subsection (b) of said section 2-5 of said article 2 of said charter is hereby
18 amended by striking out the figure “25” and inserting in place thereof the following figure:- 30.

19 SECTION 7. Said subsection (b) of said section 2-5 of said article 2 of said charter is
20 hereby further amended by striking out the words “majority vote” and inserting in place thereof
21 the following words:- 4/5th vote of members present and voting.

22 SECTION 8. Said subsection (b) of said section 2-5 of said article 2 of said charter is
23 hereby further amended by inserting after the word “emergency”, the following words:- or when
24 calling a special town meeting less than 30 days before the date of the special town meeting.

25 SECTION 9. Said section 2-5 of said article 2 of said charter is hereby further amended
26 by striking out subsection (c) and inserting in place thereof the following subsection:-

27 (c) The voter handbook shall include the text of any annual or special town meeting
28 warrant with the recommendations and counted votes of the finance committee, select board and
29 any other appointed or elected governmental body proposing an article. In the voter handbook
30 for the annual town meeting, the select board members shall include the recommended operating
31 budget with revenue projections, their budget goals, departmental goals for the upcoming fiscal
32 year, an organizational chart and five-year financial, debt and capital projections. The voter

33 handbook shall be available to the public at the town hall, the public library and the town's
34 website not less than 15 days before the annual town meeting or any special town meeting. By
35 majority vote, the select board may waive the requirements for a special town meeting in case of
36 an emergency or when calling a special town meeting less than 30 days before the date of the
37 special town meeting.

38 SECTION 10. Section 2-6 of said article 2 of said charter is hereby amended by striking
39 out the word "officers" and inserting in place thereof the following word:- officials.

40 SECTION 11. Said section 2-6 of said article 2 of said charter is hereby further amended
41 by striking out the word "boards and commissions" and inserting in place thereof the following
42 words:- governmental bodies.

43 SECTION 12. Said section 2-6 of said article 2 of said charter is hereby further amended
44 by striking out the word "boards, commissions" and inserting in place thereof the following
45 words:- governmental bodies.

46 SECTION 13. Section 2-9 of said article 2 of said charter is hereby amended by adding
47 the following sentence:- The chairperson of the finance committee may not chair any other
48 governmental body.

49 SECTION 14. The section subtitle of article 3 of said charter is hereby amended by
50 striking out the words "Board of Selectmen" and inserting in place thereof the following words:-
51 select board.

52 SECTION 15. Said article 3 is hereby amended by striking out the words “board of
53 selectmen”, each time they appear, and inserting in place thereof, in each instance, the following
54 words:- select board.

55 SECTION 16. Section 3-1 of said article 3 of said charter is hereby amended by striking
56 out the word “serve” and inserting in place thereof the following word:- act.

57 SECTION 17. Section 3-2 of said article 3 of said charter is hereby amended by striking
58 out the word “selectmen” and inserting in place thereof the following words:- the select board.

59 SECTION 18. Said article 3 of said charter is hereby further amended by striking out
60 section 3-3 and inserting in place thereof the following section:-

61 Section 3-3: Policy Role.

62 The select board shall serve as the chief goal-setting and policy-making agency of the
63 town, keeping in mind the goals, policies and action items of the strategic plan and local
64 comprehensive plan, or LCP, and shall appoint a town administrator to carry out such policies.
65 Annual goals as voted by the select board shall be filed with the town administrator not later than
66 September first after the regular spring town election and also published in the annual town
67 report.

68 An individual select board member shall have no independent authority unless
69 specifically authorized by a vote of the select board. Select board members shall deal with
70 administrative agencies and departments only through the town administrator. Select board
71 members, individually or as a board, shall not become involved in the day-to-day administration
72 of the town department. The select board shall act only through the adoption of written policy

73 goals, strategic plan goals, policies and action items which shall be implemented by the town
74 administrator and written in a policy book that shall be available to the public for review.

75 SECTION 19. Section 3-4 of said article 3 of said charter is hereby amended by striking
76 out the words “boards of selectmen” and inserting in place thereof the following words:- select
77 boards.

78 SECTION 20. Said section 3-4 of said article 3 of said charter is hereby further amended
79 by inserting after the word “commonwealth,” the following words:- shall have the power and
80 authority to adopt rules and regulations, after public hearing and publication, for the conducting
81 of town business, the use of town real and personal property, and other matters within its
82 jurisdiction and to set the penalties for violations thereof.

83 SECTION 21. Said article 3 of said charter is hereby further amended by striking out
84 section 3-5 and inserting in place thereof the following section:-

85 Section 3-5: Appointing Powers.

86 The select board shall appoint the town administrator, town counsel, registrars of voters
87 and constables. The board shall also have the power to appoint other governmental bodies for
88 whom no other appointment provision is made in this charter or by by-law. Representatives of
89 governmental bodies specified as members of a governmental body shall be designated by their
90 respective governmental body. Governmental bodies established by the select board shall possess
91 and exercise all powers given to them under the Constitution and laws of the commonwealth and
92 shall possess and exercise such additional powers and duties as may be authorized by this
93 charter, by by-law or by vote of town meeting. This charter names those governmental bodies
94 which (1) are mandated or authorized by the laws of the commonwealth and (2) exercise

95 regulatory or other authority. All governmental bodies appointed by the select board shall be
96 responsible to the select board.

97 SECTION 22. Section 3-6 of said article 3 of said charter is hereby amended by striking
98 out the words “town board or committee” and inserting in place thereof the following words:-
99 governmental body.

100 SECTION 23. Section 3-7 of said article 3 of said charter is hereby amended by striking
101 out the word “committees”, each time it appears, and inserting in place thereof, in each instance,
102 the following words:- governmental bodies.

103 SECTION 24. Said section 3-7 of said article 3 of said charter is hereby amended by
104 adding the following sentence:- The select board shall maintain an active list of the governmental
105 bodies and representation and make said list accessible to the public on the town’s website.

106 SECTION 25. Article 4 of said charter is hereby amended by striking out the words
107 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the
108 following words:- select board.

109 SECTION 26. The second paragraph of section 4-1 of said article 4 of said charter is
110 hereby amended by inserting after the first sentence the following 2 sentences:- The town
111 administrator’s contract shall not automatically renew each contract period. The select board, by
112 an affirmative vote of 4 of its members, may renew the contract.

113 SECTION 27. Said section 4-1 of said article 4 of said charter is hereby further amended
114 by striking out the words, as inserted by section 13 of chapter 37 of the acts of 2018, “when
115 appointed but shall establish primary residence in the town of Bourne within 1 year after the date

116 of appointment; provided, however, that the board of selectmen may, by simple majority vote of
117 the selectmen in office at the time of appointment, extend the time for establishing residence or
118 otherwise allow the town administrator to reside elsewhere. Once a residency exemption is
119 granted to a specific town administrator, it shall not be rescinded in future contracts with that
120 town administrator”.

121 SECTION 28. Section 4-2 of said article 4 of said charter is hereby amended by striking
122 out the word “officer” and inserting in place thereof the following word:- official.

123 SECTION 29. Section 4-3 of said article 4 of said charter is hereby amended by striking
124 out the words “some other” and inserting in place thereof the following word:- a.

125 SECTION 30. Section 4-4 of said article 4 of said charter is hereby amended by striking
126 out the word “officer” and inserting in place thereof the following word:- official.

127 SECTION 31. Said section 4-4 of said article 4 of said charter is hereby further amended
128 by striking out the words “some other” and inserting in place thereof the following word:- a.

129 SECTION 32. Said section 4-4 of said article 4 of said charter is hereby further amended
130 by adding the following sentence:- The select board reserves the right to limit the powers and
131 duties of the acting or interim town administrator by a majority vote of the select board.

132 SECTION 33. Said article 4 is hereby further amended by striking out section 4-6 and
133 inserting in place thereof the following section:-

134 Section 4-6: Powers and Duties.

135 The town administrator shall be the chief administrative official of the town. The town
136 administrator shall be responsible to the select board for the proper administration of all town

137 affairs placed in the town administrator's charge by or under the charter. The town administrator
138 shall have the following powers and perform the following duties:

139 (a) implement and carry out all policies and goals established by the select board,
140 included in the strategic plan;

141 (b) appoint and, in appropriate circumstances, remove, subject to civil service laws and
142 collective bargaining agreements where applicable, all department heads and employees,
143 including members of the board of assessors and other employees for whom no other
144 appointment provision is made in this charter; provided, however, that appointments made by the
145 town administrator shall be effective immediately; provided, further, that an appointment of a
146 department head or member of the board of assessors shall become effective on the fifteenth day
147 after the day on which notice of the proposed appointment is filed with the select board unless a
148 majority of the select board votes to reject the appointment within that period;

149 (c) prepare and submit an annual operating budget and capital improvement plan and
150 capital improvement budget in accordance with sections 7-1 and 7-2 of this charter and in
151 accordance with the policies and goals established by the select board;

152 (d) investigate or inquire into the affairs of a town department under the jurisdiction of
153 the town administrator or, when authorized by the select board, investigate or inquire into the
154 affairs of any other town department;

155 (e) attend all regular and special meetings of the select board, unless unavailable for
156 reasonable cause; provided, however, that the town administrator shall have a voice, but no vote,
157 in all proceedings of the select board;

158 (f) keep the select board fully informed of all issues and problems it needs to address;

159 (g) inform the select board on departmental operations, fiscal matters and administrative
160 actions and provide regular periodic reports to the select board;

161 (h) inform the select board of the availability of public and private funding opportunities;

162 (i) administer human resource policies, practices, rules and regulations, compensation
163 plans and related matters for all municipal employees, except school employees;

164 (j) be responsible for the negotiation, administration and enforcement of collective
165 bargaining agreements and other employment agreements, exclusive of the schools, on behalf of
166 the select board;

167 (k) have jurisdiction over all town property, ensuring that a full inventory of all real and
168 personal property is kept, excluding property under the jurisdiction of the school committee;

169 (l) be responsible for and oversee the purchase of all supplies, materials, services and
170 equipment and approve the award of all contracts for all town departments; provided, however,
171 that the town administrator shall secure the approval of the select board for contracts of 3 or
172 more years;

173 (m) fix the compensation of all town employees and officials appointed by the town
174 administrator within the limits of the town's compensation plan, collective bargaining
175 agreements and other employment agreements and inform the select board of all changes in
176 compensation made within 30 days;

177 (n) oversee the activities of all appointed and elected governmental bodies; provided,
178 however, that the town administrator may require elected governmental bodies and individuals to
179 meet with and provide information to the town administrator at reasonable times;

180 (o) create new full-time, compensated positions, subject to the approval of the select
181 board and funding by the town meeting; provided, however, that the town administrator may
182 enter into employment contracts for these positions;

183 (p) supervise, direct and be responsible for the efficient administration of all officials
184 appointed by the town administrator and their respective departments, and for all functions for
185 which the town administrator is given responsibility, authority or control by this charter, by by-
186 law, by town meeting vote or by vote of the select board;

187 (q) delegate, authorize or direct any subordinate or employee appointed by the town
188 administrator to exercise any power, duty or responsibility which the office of the town
189 administrator is authorized to exercise; provided, however, that all such acts shall be deemed to
190 be the acts of the town administrator;

191 (r) administer and enforce either directly or through a person supervised by the town
192 administrator, in accordance with this charter, all provisions of law applicable to the town, all by-
193 laws and all regulations established by the select board; and

194 (s) attend all sessions of the town meeting to answer questions addressed to the town
195 administrator which are related to warrant articles and matters of general supervision of the town
196 administrator.

197 SECTION 34. Article 5 of said charter is hereby amended by striking out the words
198 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the
199 following words:- select board.

200 SECTION 35. The section subtitle of section 5-1 of said article 5 of said charter is hereby
201 amended by striking out the words “Table of Organization” and inserting in place thereof the
202 following words:- Organizational Chart.

203 SECTION 36. Said section 5-1 of said article 5 of said charter is hereby amended by
204 striking out the words “table of organization” and inserting in place thereof the following
205 words:- organizational chart.

206 SECTION 37. Section 5-2 of said article 5 of said charter is hereby amended by inserting
207 after the words “authorized in this charter”, the following words:- or transferred to another
208 agency in accordance with the provisions of section 5-3.

209 SECTION 38. Section 5-3 of said article 5 of said charter is hereby amended by striking
210 out the fourth sentence.

211 SECTION 39. Said article 5 of said charter is hereby further amended by striking out
212 section 5-4 and inserting in place thereof the following section:-

213 Section 5-4: Department of Public Works.

214 (a) There shall be a department of public works, which shall be responsible for those
215 public works functions described in this article and as may be assigned from time to time by the
216 town administrator or town meeting.

217 (b) The department of public works shall be under the direct control of a director of
218 public works who shall be appointed by and who shall be directly responsible to the town
219 administrator. The director of public works shall be a registered civil engineer or a person
220 otherwise especially suited by education, training and previous experience to perform the duties
221 of the office. The director of public works shall keep full and complete records of the doings of
222 the director's office and shall render a report of all operations to the town administrator as may
223 be required. The director shall keep the town administrator fully advised as to the needs of the
224 town within the scope of the director's duties.

225 (c) The department of public works shall include, but not be limited to, the following
226 functions: highways and streets; storm drains; tree and park maintenance; public sewers; rubbish
227 collection; and the maintenance and repair of town buildings, except school buildings unless
228 requested by the school committee and approved by the select board.

229 SECTION 40. Section 5-5 of said article 5 of said charter is hereby amended by striking
230 out subsection (a) and inserting in place thereof the following subsection:-

231 (a) there shall be a department of integrated solid waste management responsible for
232 those solid waste functions described in this article and as may be assigned from time to time by
233 the town administrator or town meeting.

234 SECTION 41. Subsection (c) of said section 5-5 of said article 5 of said charter is hereby
235 amended by striking out the second sentence and inserting in place thereof the following
236 sentence:- The general manager shall keep full and complete records of the doings of the office
237 and report on all operations under its control to the town administrator as may be required.

238 SECTION 42. Said section 5-5 of said article 5 of said charter is hereby further amended
239 by striking out subsection (e).

240 SECTION 43. Item (10) of subsection (a) of section 5-6 of said article 5 of said charter is
241 hereby amended by striking out the words “related data processing function,” and inserting in
242 place thereof the following words:- related financial data processing functions, financial.

243 SECTION 44. The section subtitle of article 6 of said charter is hereby amended by
244 striking out the words “Town Boards and Officers” and inserting in place thereof the following
245 words:- Governmental Bodies and Officials.

246 SECTION 45. Said article 6 is hereby amended by striking out the words “board of
247 selectmen”, each time they appear, and inserting in place thereof, in each instance, the following
248 words:- select board.

249 SECTION 46. Said article 6 of said charter is hereby amended by striking out section 6-1
250 and inserting in place thereof the following section:-Section 6-1: Other Governmental Bodies
251 and Officials.

252 (a) Following the adoption of this charter, the only officials to be elected shall be the
253 town moderator, town clerk and a constable.

254 (b) Governmental bodies to be elected in addition to the select board shall be:

255 (1) school committee;

256 (2) board of health;

257 (3) planning board;

- 258 (4) housing authority;
- 259 (5) recreation authority;
- 260 (6) trustees of Jonathan Bourne Public Library;
- 261 (7) trustees of soldier's memorials;
- 262 (8) upper cape cod regional vocational technical school committee; and
- 263 (9) such town members of regional districts, governmental bodies and authorities as are
- 264 now or may be established as elective offices by the General Laws, a vote of town meeting or an
- 265 intergovernmental agreement.

266 SECTION 47. Section 6-2 of said article 6 of said charter is hereby amended by striking

267 out the word "officer" and inserting in place thereof the following word:- official.

268 SECTION 48. Section 6-10 of said article 6 of said charter is hereby amended by

269 inserting after the word "Bourne" the following word:- Public.

270 SECTION 49. Said section 6-10 of said article 6 of said charter is hereby further

271 amended by striking out the second paragraph and inserting in place thereof the following:-

272 The Trustees have the following powers, duties, and responsibilities: (a) The

273 trustees shall have the custody and management of the library and all property of the town

274 related thereto.

275 (b) The selection of the library director consistent with the General Laws and this charter.

276 (c) Provide an annual review of performance of the library director and submit to the
277 town administrator.

278 (d) Review and advise the library director regarding preliminary budget prior to being
279 submitted to the town administrator's budget report to the select board.

280 (e) All money raised or appropriated by the town for its support and maintenance shall
281 be expended by the trustees and all money or property that the town may receive for the library
282 by gift or bequest shall be administered by the trustees in accordance with the gift or bequest.

283 (f) The trustees will establish and act upon their policies and by-laws consistent with the
284 General Laws, town by-laws and this charter.

285 (g) The trustees of the Jonathan Bourne public library shall have all of the powers and
286 duties given to boards of library trustees under the Constitution and General Laws and such
287 additional powers and duties as may be authorized by this charter, by by-law or by other town
288 meeting vote.

289 SECTION 50. Article 7 of said charter is hereby amended by striking out section
290 7-1 and inserting in place thereof the following section:-

291 Section 7-1: Budget Process.

292 Prior to the annual town meeting and within a time fixed by by-law, the town
293 administrator shall submit to the select board a proposed operating budget and a capital
294 improvement plan and capital improvement budget for all town departments, including the
295 school department, for the ensuing fiscal year. The school committee budget shall be submitted
296 to the town administrator in sufficient time to enable the town administrator to consider the

297 effect of the school department's requested appropriation on the total town budget and make
298 recommendations on the same. The proposed budget shall be accompanied by a budget message
299 and supporting documents. The budget message shall explain the budget both in fiscal terms and
300 in terms of expected outcomes, delivery of services and initiatives. The proposed budget shall be
301 balanced and shall show both proposed expenditures and anticipated revenue. The proposed
302 budget shall provide a complete fiscal plan of all town funds and activities and shall be in the
303 form the town administrator deems desirable or as the select board requires. The proposed
304 budget shall include a listing of the funds requested by town departments and agencies. The
305 select board shall review the proposed budget and capital improvement plan and make such
306 changes as the board deems appropriate prior to transmitting the budget and capital improvement
307 plan to the finance committee.

308 SECTION 51. Said article 7 of said charter is hereby further amended by striking out
309 section 7-2 and inserting in place thereof the following section:-

310 Section 7-2 Capital Improvement Plan and Capital Improvement Budget.

311 The town administrator, in conjunction with any committee established for such purpose,
312 shall annually submit a capital improvement plan to the select board 10 days prior to the date
313 fixed by by-law and prior to the submission of the operating budget. The capital improvement
314 plan shall include a clear summary of its contents, an itemization of all capital improvements,
315 including those of the school department, proposed to be undertaken during the next 5 fiscal
316 years with supporting data, cost estimates, methods of financing and recommended time
317 schedules. The first year's budget would be the capital budget and include the estimated annual
318 cost of operating and maintaining the facilities included.

319 SECTION 52. Section 7-3 of said article 7 of said charter is hereby amended by inserting
320 after the word “annually”, the following words:- , in a format the town administrator deems
321 desirable or as the select board requires,.

322 SECTION 53. Said section 7-3 of article 7 of said charter is further amended by striking
323 out the words “board of selectmen”, each time they appear, and inserting in place thereof, in each
324 instance, the following words:- select board.

325 SECTION 54. Said article 7 of said charter is hereby further amended by striking out
326 section 7-4 and inserting in place thereof the following section:-

327 Section 7-4: Finance Committee Action.

328 The select board shall submit the operating budget and the capital improvement plan and
329 capital budget to the finance committee by a date fixed by by-law. The finance committee, upon
330 receipt of the operating and capital improvement plan and capital improvement budget from the
331 select board, shall consider in public meetings the detailed expenditures for each town
332 department and agency and shall conduct 1 or more public hearings on the proposed operating
333 and capital improvement budgets, including the school budget. The finance committee shall issue
334 its recommendations in a detailed written report, which shall include the fiscal and tax
335 implications of the proposed budget, a statement outlining its support or opposition to the
336 proposed budget or any sections thereof and its vote, by roll call, on all warrant articles.

337 The finance committee shall make copies of its report available to the voters in the town
338 hall and the public library at least 20 days before the scheduled date of the town meeting. The
339 report shall be prepared in sufficient time to be incorporated into the annual town meeting voter
340 handbook.

341 The finance committee may request the town administrator to provide necessary
342 information from any town agency and the town administrator shall promptly respond to such
343 requests. The office of the town administrator shall provide staff support to the finance
344 committee in issuing its recommendations on the operating budget and capital improvement
345 budget. The budget to be acted upon by the town meeting shall be the budget approved by the
346 select board.

347 SECTION 55. Section 8-1 of article 8 of said charter is hereby amended by striking out
348 the words “board of selectmen” and inserting in place thereof the following words:- select board.

349 SECTION 56. Subsection (b) of said section 8-1 of said article 8 of said charter is hereby
350 amended by striking out the word “immediately”.

351 SECTION 57. Said subsection (b) of said section 8-1 of said article 8 of said charter is
352 hereby further amended by adding the following sentence:- The select board may extend time to
353 the charter review committee by majority vote to meet the duties and responsibilities of article
354 LXXXIX enacted to implement said article LXXXIX.

355 SECTION 58. Section 8-5 of said article 8 of said charter is hereby amended by striking
356 out the word “officers” and inserting in place thereof the following word:- officials.

357 SECTION 59. Said article 8 of said charter is hereby further amended by striking out
358 section 8-6 and inserting in place thereof the following section:-

359 Section 8-6: Procedures for Governmental Bodies.

360 (a) All governmental bodies of the town whether elected, appointed or otherwise
361 constituted shall meet at such times and in places open to the public within the town as they may

362 by their own rules prescribe. Special meetings of a governmental body shall be held at the call of
363 the respective chairman or by a majority of the members thereof. Public posting of all meetings
364 shall be made in accordance with the open meeting laws. The meetings of a governmental body
365 shall be open to the public and the press, except as may otherwise be authorized by law.

366 (b) A majority of the members of a governmental body shall constitute a quorum but a
367 smaller number may adjourn from time to time unless otherwise provided by law.

368 (c) Each governmental body shall provide for the keeping of the minutes of its
369 proceedings. The Open Meeting Law requires public bodies to create and approve minutes in a
370 timely manner. A “timely manner” is considered to be within the next 3 public body meetings or
371 30 days from the date of the meeting, whichever is later, unless the public body can show good
372 cause for further delay. The minutes shall be a public record and a copy of the minutes shall be
373 filed with the office of the town clerk, once approved by the governmental body as outlined
374 above.

375 (d) Meetings of the select board, the school committee, the board of health and the
376 planning board shall be televised, recorded, livestreamed or broadcasted on the local cable
377 channel or recorded and posted on the town’s website. The town shall choose the most effective
378 method but technical difficulties with equipment shall not cause a meeting to be postponed.

379 SECTION 60. Said article 8 of said charter is hereby amended by striking out section 8-7
380 and inserting in place thereof the following section:-

381 Section 8-7: Computation of Time.

382 In computing times under this charter, “days” will be defined as calendar days unless
383 otherwise specified.

384 SECTION 61. Said article 8 of said charter is hereby amended by striking out section 8-8.

385 SECTION 62. Said article 8 of said charter is hereby further amended by striking out
386 section 8-9 and inserting in place thereof the following section:-

387 Section 8-8: Definitions.

388 For the purposes of this charter, the following words shall, unless the context clearly
389 requires otherwise, have the following meanings:-

390 "Charter", this charter and any amendments to it made through any of the methods
391 provided under Article LXXXIX of the amendments to the Constitution of the Commonwealth.

392 “Gender Neutrality”, any reference to gender in this charter shall be construed as
393 meaning any person, people, individual or individuals.

394 "Goal", the desired outcome of a policy, program or other action.

395 “Governmental Body”, any federal, state, local, municipal or other government; any
396 governmental, regulatory or administrative agency, commission or other authority lawfully
397 exercising or entitled to exercise any administrative, executive, judicial, legislative, police,
398 regulatory or taxing authority or power; and any court or governmental tribunal.

399 "Library", the Jonathan Bourne Public Library and any branch thereof that may be
400 established.

401 “Local Comprehensive Plan”, an important planning tool used to guide the growth and
402 direction of the town while balancing a wide variety of needs, including economic growth,
403 protection of environmental resources, quality of life and community character.

404 "Local newspaper", a newspaper of general circulation within the town.

405 "Majority vote", as to a town meeting, a majority of those present and voting; as to a
406 multiple member body, the affirmative vote of a majority of all members present and voting shall
407 be necessary to adopt any motion, order, appointment or approval or disapproval or to take any
408 action not entirely procedural in nature, unless otherwise provided by law.

409 "Policy", a statement of a preferred practice.

410 “Strategic Plan”, the long-term vision, goals and objectives for the town of Bourne
411 codified in a document accepted by the select board.

412 "Town", the town of Bourne.

413 "Town agency", a board, commission, committee, department or office of town
414 government, whether elected, appointed or otherwise constituted.

415 "Town meeting", the town meeting of the town of Bourne established in article 2.

416 "Town official", an elected or appointed official of the town who, in the performance of
417 that person's official duties, exercises some portion of the sovereign power of the town, whether
418 great or small; provided, however, that a person may be a town official whether or not that
419 person receives compensation for his services.

420 "Voter handbook", the voter handbook established in subsection (c) of section 2-5 and
421 referenced in section 7-4.

422 "Voters", the registered voters of the town.

423 SECTION 63. The section subtitle of section 8-10 of said article 8 of said charter is
424 hereby amended by striking out the figure "8-10" and inserting in place thereof the following
425 figure:- 8-9.

426 SECTION 64. Article 9 of said charter is hereby amended by striking out the words
427 "board of selectmen", each time they appear, and inserting in place thereof, in each instance, the
428 following words:- select board.

429 SECTION 65. Section 9-4 of said article 9 of said charter is hereby amended by striking
430 out the first sentence and inserting in place thereof the following sentence:- Any official whose
431 recall is sought may be a candidate for re-election to the same office and, unless the individual
432 requests otherwise in writing, the town clerk shall place that official's name on the ballot without
433 nomination.

434

435 SECTION 66. Section 9-6 of said article 9 of said charter is hereby amended by striking
436 out the word "officer", each time it appears, and inserting in place thereof, in each instance, the
437 following word:- official.

438

439 SECTION 67. Section 10-2 of article 10 of said charter is hereby amended by striking out
440 the word "officers" and inserting in place thereof the following word:- officials.

441 SECTION 68. Section 10-3 of said article 10 of said charter is hereby amended by
442 striking out the word “his”, each time it appears, and inserting in place thereof, in each instance,
443 the following word:- their.

444 SECTION 69. Said article 10 of said charter is hereby further amended by striking out
445 section 10-5.

446 SECTION 70. Said charter is hereby further amended by striking out article 11 and
447 inserting in place thereof the following article:-

448 Article 11

449 Charter Compliance Committee.

450 There shall be a charter compliance committee to consist of 7 members who shall be
451 appointed by the town moderator for 3-year overlapping terms, so arranged that the term of not
452 more than 3 members shall expire each year. No appointee shall be a town employee or a
453 member of an existing governmental body governed by the charter.

454 The committee shall take action only after receiving a written complaint, filed by 1 or
455 more voters of the town, alleging a violation of this charter by reason of an act or a failure to act
456 by the town administrator, the select board, the school committee, the finance committee or a
457 member of such governmental body.

458 The complaint shall state the specific section of this charter that is the subject of the
459 violation, the individual, governmental body responsible for the violation and the act or failure to
460 act resulting in the violation. The complaint shall be filed with the town clerk who shall

461 immediately send, via certified mail, return receipt requested, a copy to each member of the
462 committee.

463 Within 3 weeks after receipt of the complaint by the town clerk, the committee shall vote
464 whether to dismiss the complaint without further action. If the committee so votes, the chair shall
465 give written notification to the town clerk. If the committee votes to not dismiss the complaint,
466 the chair shall set a time and date for a hearing and mail notice of the hearing to the town clerk,
467 the complainants and the individual, governmental body named in the complaint. The town clerk
468 shall post and publish the notice in a newspaper of general circulation for at least 7 days before
469 the hearing date. The hearing shall occur within 60 days after the date on which the complaint
470 was received by the town clerk. At the hearing, the committee shall allow any person to address
471 the committee on the merits of the complaint.

472 Within 3 weeks after the hearing, the committee shall vote on whether there has been a
473 violation of this charter as alleged in the complaint and shall mail a notice of its decision to the
474 complainant, to the individual, governmental body named in the complaint and to the town clerk.
475 The town clerk shall post a copy of the decision at the town hall and on the town's website.

476 If the committee determines that there has been a violation of this charter as alleged by
477 the complaint, and if, following its vote, there continues to be a violation, the committee may
478 contact town counsel who may file a complaint on behalf of the town with the superior court.
479 Nothing in this article shall limit the right to seek enforcement of this charter as otherwise
480 provided by law.

481 SECTION 71:- Chapter 117 of the acts of 2012 is hereby amended by striking out the
482 words “board of selectmen”, each time they appear, and inserting in place thereof, in each
483 instance, the following words:- select board.

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