

HOUSE No. 3898

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 to amend the town of Natick home rule charter.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/11/2025</i>

HOUSE No. 3898

By Representative Linsky of Natick, a petition (accompanied by bill, House, No. 3898) of David Paul Linsky (by vote of the town) relative to the charter of the town of Natick. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to amend the town of Natick home rule charter.

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. After enactment of this Act, the Town of Natick shall place a ballot
2 question on the ballot at the next regular municipal or state election, or earlier special election, if
3 so called, which ballot question shall read:

4 “Shall the Town of Natick adopt the Charter amendments voted by Natick Town Meeting
5 under Article 25 at the 2023 Fall Annual Town Meeting and under Article 2 of 2024 Special
6 Town Meeting #1 and under Article 29 of 2024 Fall Annual Town Meeting and as enacted by the
7 General Court in a Special Act, the text of which amendments are on file with the Office of the
8 Town Clerk of Natick?

9 Yes _____ No _____”

10 If the number of “Yes” votes exceed the number of “No” votes at such election, these
11 amendments shall take immediate effect, otherwise these amendments shall not take effect.

SECTION 2: Amendments applicable to all sections of the Charter

The title of the Town of Natick position of “town administrator” is hereby changed to “town manager” and that all references to “town administrator” in the pre-existing Town of Natick Home Rule Charter are hereby deleted and said title is herewith replaced with the term “town manager,” preserving the existing case formatting of the Town of Natick Home Rule Charter such that where the term “town administrator” appears in lower case it shall be replaced with the lower case phrase “town manager” and where term “Town Administrator” appears in upper case it shall be replaced with the upper case phrase “Town Manager”.

SECTION 3: Charter Article 2 amendments

Charter Section 2-6. The pre-existing Section 2-6(c) and the pre-existing Section 2-6(d) of the Town of Natick Home Rule Charter are hereby deleted and replaced, in numerical order, with the following replacement text as set forth below.

Section 2-6 Vacancies

(c) List of Persons Eligible to Fill Vacancies - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons: (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members.

32 The lists so prepared and maintained shall at all times be subject to the review and
33 approval of the Town Moderator or the Town Moderator's designee. The Town Moderator may
34 prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain
35 the same on a timely basis.

36 (d) Filling of Vacancies - Whenever a vacancy has been declared to exist either by a letter
37 of resignation filed with the town clerk, or (1) by the issuance of a certificate from the town clerk
38 that such person has died or has removed from the town, or has failed to take the oath of office,
39 or (2) there is a failure to elect a town meeting member, such vacancy shall be filled until the
40 next town election from the list of persons eligible to fill vacancies in the precinct. The Town
41 Moderator shall make appointments in accordance with the descending order of votes received
42 on the lists. If necessary to resolve ties, the Town Moderator shall appoint a town meeting
43 member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a
44 time and place open to the public.

45 In the event of a failure to appoint a person to fill a vacancy in a position of town meeting
46 member, or the failure of a person so appointed to qualify, the Town Moderator shall schedule a
47 caucus among the then current town meeting members in the precinct in question for the purpose
48 of selecting a person to fill the vacant town meeting member position. Any such caucus shall be
49 conducted at a time and place open to the public. The Town Moderator shall provide written
50 notice of the date, time and location of such caucus to the then current town meeting members in
51 the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where
52 such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours' notice is not possible due to town meeting scheduling requirements.

The Town Moderator or the Town Moderator's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

Charter Article 2-10. The pre-existing Section 2-10(a) of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement text as set forth below.

(a) Representatives of Town Agencies – The Town Moderator may require and schedule designated representatives of each town agency to attend any specific or all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such town agencies. The Town Moderator may require such attendance to be in the same manner as attendance by town meeting members. If any such person is deterred by illness or other reasonable cause from attending, such person or the Town Moderator shall designate a deputy to attend in their place. The Town Moderator may establish procedures and requirements concerning remote accessibility of, contact for or participation by representatives from any town agency for the purposes of pertinent information to town meeting members. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same

right to speak as a town meeting member, but shall have no right to make motions, or to vote. Nothing in this section shall prevent the Select Board, the School Committee, other elected multiple member body, the town manager, or the school superintendent from directing persons under their supervision or appointive control to attend any session of representative town meeting.

Charter Section 2-11. The pre-existing Section 2-11(b) of the Town of Natick Home Rule Charter is hereby deleted and replaced, respectively in numerical order, with the following replacement text set forth below.

(b) Initiation of Articles - The Select Board shall insert in the warrant all petitions which are addressed to and received by it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any eligible multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law.

All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.

SECTION 4: Charter Article 3 amendments

Charter Section 3-1(d) (8). The pre-existing Section 3-1(d)(8) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the following replacement language set forth below.

(8) Application of State Laws - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick. The foregoing procedures on preliminary elections shall not apply whenever the laws of the Commonwealth regarding ranked choice voting in local elections shall be effective in the town.

Charter Section 3-1(f). The pre-existing Section 3-1(f) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the following replacement language, as set forth below.

(f) Coordination - Notwithstanding their election by the voters, the town officers, excluding the Town Moderator named in this section shall be subject to the call of the Select Board or the town manager , at all reasonable times, for consultation, conference and discussion on any matter relating both i) to their respective offices and ii) joint or overlapping areas of administrative activity or policy for the purpose of furthering coordinated administration of fiscal, prudential or municipal affairs of the executive branch of the town. Persons appointed by the Moderator are not subject to the call of the Select Board or town manager.

Notwithstanding this provision, the Select Board or town manager may request consultation, conference, or discussion with any multiple member body or town agency on any matter concerning the administration referenced in this sub section.”

Charter Section 3-2(b). The pre-existing Section 3-2(b) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the replacement language set forth below.

(b) Powers and Duties - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall serve as the chief policy making town agency. It shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all agencies of the town into harmony. Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Select Board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority.

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town manager as provided in Article 4.

Charter Section 3.2(c). The pre-existing Section 3-2(c) is hereby deleted and replaced, respectively in numerical order, with the following replacement language as set forth below.

(c) Appointment Powers - The Select Board shall, by a majority vote of the Select Board then elected and serving, appoint a town manager for a term of not more than three years, and may by a two thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed five years; three registrars of voters for terms of three years each,

139 so arranged that one such term of office shall expire each year; a board of appeals to consist of
140 five members appointed for terms of three years each, so arranged that as nearly an equal number
141 of such terms as is possible shall expire each year, and three associate members appointed for
142 terms of three years each, so-arranged that one such term of office shall expire each year; a
143 conservation commission to consist of seven members appointed for terms of three years each,
144 so arranged that as nearly an equal number of such terms as is possible shall expire each year;
145 and shall either appoint or, by affirmative vote, approve the appointment of such other town
146 agencies or officers as provided and specified in Article 6.

147 The Select Board shall also appoint such other members of multiple member bodies as
148 may be provided by town meeting vote or by their own vote for the purpose of conducting
149 various studies.

150 Charter Section 3-10(c). A new Charter Section 3-10(c) is hereby inserted with the
151 following new language as set forth below.

152 (c) Appointment Powers - The town moderator shall appoint a deputy moderator, to
153 preside temporarily over representative town meeting in the temporary absence of the moderator.
154 The moderator may also direct the deputy moderator to assist the moderator in performance of
155 the moderator's duties and responsibilities. The deputy moderator shall be appointed for a term
156 not to exceed the remaining term of the moderator. The town moderator, but not the deputy
157 moderator, shall have such other appointment power as provided in statute, charter or the bylaws
158 or other vote of town meeting.

159 Charter Section 3-12 . The pre-existing Section 3-12(b) of the Town of Natick Home
160 Rule Charter is hereby deleted and replaced with the following replacement language, as set
161 forth below.

162 (b) Powers and Duties - The recreation and parks commission shall advise the town
163 manager and the responsible department heads on all matters relating to recreational programs
164 conducted by the recreation and parks department and on the maintenance of recreational
165 facilities where those

166 programs are conducted. The commission shall assure that programs are devised and
167 conducted to meet the leisure time needs of all segments of the population. The recreation and
168 parks commission shall also advise the Select Board on policies and practices for parks and
169 recreation in the town. Whenever the position of director of recreation and parks department
170 shall become vacant, the commission shall serve as a screening committee for the filling of such
171 vacancy and shall submit two or more names to the town manager from whom the appointment
172 shall be made.

173 SECTION 5: Charter Article 4 amendments

174 Charter Section 4-1(a), (b), and (c). The pre-existing Section 4-1(a), (b), and (c) of the
175 Town of Natick Home Rule Charter are hereby deleted and replaced, respectively in numerical
176 order, with the following replacement language set forth below.

177 TOWN MANAGER

178 Section 4-1 Appointment, Review, Other Activities

179 (a) Appointment, Term of Office - The Select Board shall, by a majority vote of the
180 Select Board then elected and serving, appoint a town manager, to serve for a term of not more
181 than three years, and may by a two-thirds vote of the Select Board then elected and serving
182 appoint

183 a town manager for a longer term not to exceed five years provided, however, that the
184 first six months of any individual's first appointment to the office shall be considered a
185 probationary period. The Select Board shall make the appointment of a town manager from a list
186 prepared by a screening committee in accordance with procedures and qualifications established
187 by bylaw.

188 The town manager shall be appointed solely on the basis of executive and administrative
189 qualifications and shall be a person especially fitted by education, training and previous
190 experience in business or public administration to perform the duties of the office of town
191 manager.

192 (b) Performance Review - The Select Board shall annually provide for a review of the job
193 performance of the town manager which shall, at least in summary form, be a public record.

194 (c) Restriction on Other Activities - The town manager shall devote full time to the duties
195 of the office and shall not hold any other public office, elective or appointive, nor shall the town
196 manager engage in any other business, occupation, or profession during their term unless such
197 action is approved, in advance, in writing, by the Select Board.”

198 Charter Section 4-2 and Section 4-3(a), (b) and (c). The pre-existing Section 4-2, the
199 preexisting Sections 4-3(a), (b) and (c) of the Town of Natick Home Rule Charter are hereby

deleted, and replaced, respectively in numerical order, with the following replacement language set forth below.

Section 4-2 Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the Select Board for the proper administration of all town affairs placed under the town manager's charge by or under the charter and by-laws. The powers and duties of the town manager shall include, but are not intended to be limited to, those listed below in this section.

Accordingly, the town manager:

1) Shall supervise, direct and be responsible for the efficient administration of all functions placed under the town manager's control by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by the town manager and their respective department.

2) Shall coordinate the activities of all town agencies under the town manager's control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.

3) Shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments of the town manager shall be posted forthwith on the town bulletin board. Except as provided elsewhere in the charter or by-law concerning

221 appointments requiring affirmative vote approval of the Select Board, appointments made by the
222 town manager shall become effective on the fifteenth day following the day on which notice of
223 the proposed appointment is filed with the Select Board, unless the Select Board shall within
224 such period by majority vote of the full board vote to reject such appointment or has sooner
225 voted to affirm it.

226 4) Shall be entrusted with the administration of a town personnel system, including, but
227 not limited to personnel policies and practices, rules and regulations, including provisions for an
228 annual employee performance review, and amendments to the personnel by-law as warranted.
229 The town manager shall prepare, maintain, and keep current, a plan establishing the personnel
230 staffing requirements of each town agency, except those under the jurisdiction of the school
231 committee. The town manager may be advised in connection with the administration of the town
232 personnel system by a personnel board established by by-law.

233 5) Shall attend all regular and special meetings of the Select Board, unless excused at the
234 town manager's own request, and shall have a voice, but no vote, in all of its proceedings.

235 6) Shall attend all sessions of the representative town meeting and shall answer all
236 questions addressed to the town manager related to warrant articles and which are related to
237 matters under the town manager's general supervision.

238 7) Shall assure that all provisions of state laws, the charter, the by-laws and other votes of
239 the town meeting, votes of the Select Board and of other town agencies which require=
240 enforcement either by the town manager or by officers or employees subject to the town
241 manager's general supervision and direction, are faithfully carried out, performed and enforced.

242 8) Shall prepare and submit, in the manner provided in Article 5, the fiscal documents
243 pertaining to the annual operating budget and proposed capital outlay program for the town.

244 9) Shall keep the Select Board fully informed as to the fiscal condition and needs of the
245 town and shall make such recommendations to the Select Board and to other elected and
246 appointive officers as the town manager may deem to be necessary or desirable.

247 10) Shall assure that full and complete records of the financial and administrative
248 activities of the town are kept and shall render full reports to the Select Board at the end of each
249 fiscal year and at such other periods as it may reasonably require.

250 11) Shall have full jurisdiction over the rental and use of all town facilities except those
251 under the jurisdiction of the school committee. The town manager shall be responsible for the
252 maintenance and repair of all town facilities, including, if authorized by a town meeting vote,
253 those under the jurisdiction of the school committee.

254 12) May at any time inquire into the conduct of the office or performance of duty of any
255 town officer, town employee or town agency under the town manager's general supervision.

256 13) Shall assure that a full and complete inventory of all town-owned property, both real
257 and personal, is kept including all property under the jurisdiction of the school committee and
258 other elected town officers or multiple member bodies. However, immaterial or de minimis items
259 shall not be subject to this inventory requirement.

260 14) Shall be responsible for the negotiation of all contracts and collective bargaining
261 agreements with town employees over wages, hours, and other terms and conditions of
262 employment, except those under the jurisdiction of the school committee.

15) Shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. The town manager shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town

department, except the school department and shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town, except for the school department.

16) May in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under the town manager's general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.

17) Shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.

18) May authorize any subordinate officer or employee to exercise any power or duty which the town manager is authorized to perform, provided however, that all acts which are performed under any such delegation shall be deemed to be the town manager's acts.

19) Shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.

Section 4-3 Acting Town Manager

(a) Temporary Absence - The town manager shall, by letter filed with the Select Board and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of the office of town manager during such temporary

absence. During the temporary absence of the town manager, the Select Board may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town manager until the town manager shall return and assume town manager's duties.

(b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the Select Board but pending such appointment the Select Board shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town manager on an acting basis. The appointment of an acting town manager shall be for a term not to exceed three months, provided, however, renewals not to exceed three months each and not to exceed a total of an additional nine months may be provided.

(c) Powers and Duties - The powers of a temporary or acting town manager, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town manager, only an acting appointment or designation may be made unless a permanent appointment is authorized in advance by the Select Board and the appointee is subsequently approved by the Select Board.

Charter Section 4-4. The pre-existing Section 4-4, including subsections 4-4(a), (b), (c), (d) and (e), of the Town of Natick Home Rule Charter is hereby deleted and replaced, respectively in numerical order, with the following replacement language set forth below and a

new Charter Section 4(f) is hereby inserted to follow replaced Charter Section 4(e), the text of which new Charter Section 4 (f) is set forth below.

Section 4-4 Removal and Suspension

The Select Board, by a vote of the majority of the Select Board then elected and serving, taken with the prior notice to all Select Board members such that all Select Board members have a reasonable opportunity to be present, may terminate the town manager from such office in accordance with the following procedure:

(a) During probationary period: notice in writing of termination.

(b) After probationary period: The town manager shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, the town manager shall have been notified of such intended vote; nor unless, if town manager so requests in writing, the town manager shall have been furnished by the Select Board with a written statement of the charge or charges or the cause or causes for which such dismissal is proposed; nor unless, if the town manager so requests in writing, the town manager has been given a hearing before the Select Board which may be either public or private at the option of the town manager, and at which the town manager may be represented by counsel, present evidence, and call witnesses to testify in the town manager's behalf and examine them.

(c) Anything contained in this provision to the contrary notwithstanding, the nonrenewal of the term of appointment of the town manager shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.

(d) The town manager may be suspended from office by a procedure following the same steps outlined above for removal.

(e) The town manager shall continue to receive full salary until thirty days following the date a final vote of removal has become effective.

(f) Notwithstanding any provision of the charter to the contrary, no performance review of the town manager by a Select Board and no defect or omission by a Select Board in the performance review of the town manager, or failure of the Select Board to conduct a performance review of the town manager, shall constitute an impediment or barrier to removal or suspension under this section.”

SECTION 6: Charter Article 5 Amendments

Charter Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6, and Section 5-8

The pre-existing Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6 and Section 5-8 of the Town of Natick Home Rule Charter are hereby deleted, and replaced, respectively in numerical order, with the following replacement language set forth below.

Section 5-2 School Department Budget

(a) Submission to Town Manager - The superintendent of schools’ proposed budget shall be submitted to the town manager in sufficient time to enable the town manager to consider its effect on the total town budget which the town manager is required to submit under this article.

Section 5-3 Submission of Preliminary Budget

347 Within a time fixed by by-law, before the date on which the representative town meeting
348 is to meet in its spring session, the town manager shall submit to the finance committee a
349 preliminary budget for the ensuing year, with an accompanying budget message and supporting
350 documents. The town manager shall, simultaneously, provide for the publication in a local
351 newspaper a general summary of the preliminary budget. This notice shall also indicate the times
352 and places at which complete copies of the preliminary budget and accompanying materials are
353 available for examination by the public.

354 Section 5-4 Budget Message

355 The budget message submitted by the town manager shall, at a minimum:

- 356 • Provide a comprehensive overview of the proposed budget;
- 357 • Explain the Town's fiscal condition including noteworthy changes in various
358 revenue and expense categories as well as reserves;
- 359 • Outline proposed financial policies of the town for the ensuing fiscal year;
- 360 • Indicate any major variations from the current financial policies together with the
361 reasons for such changes;
- 362 • Identify changed priorities and the reasons for such changes;
- 363 • Summarize the town's debt position;
- 364 • Provide an analysis of significant trends and fiscal challenges and the
365 administration's proposed responses thereto;

- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes;
- Include such additional information as the town manager deems desirable or the Select Board may require;
- The Representative Town Meeting may, by by-law, require certain information on assets and liabilities of the Town to be provided as part of the budget message.

Section 5-5 The Preliminary Budget

The preliminary budget, in conjunction with the town manager's budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools' proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town manager's recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town manager deems desirable, or as the Select Board may require. In the presentation of the preliminary budget, the town manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.

(c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the Town Manager's Preliminary Budget

(a) Public Hearing - The finance committee shall forthwith, upon receipt of the preliminary budget, provide for the publication in a local newspaper of a notice stating the initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance committee on the preliminary budget.

(b) Review - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any submitted budget.

(c) Presentation to the Representative Town Meeting - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed

407 budget. When the proposed budget is before the town meeting for action it shall first be subject
408 to amendment, if any, by the finance committee.

409 Section 5-8 Capital Improvement Program

410 The town manager shall submit a capital improvement program to the Select Board and
411 to the finance committee at least thirty days prior to the date fixed by by-law for the submission
412 of the proposed operating budget. The capital improvement program shall include, but need not
413 be limited to the following:

414 (a) A clear, concise, general summary of its contents.

415 (b) A listing of all capital expenditures proposed to be made, by years, during the five
416 fiscal years next ensuing, with supporting information as to the need for each such expenditure.

417 (c) Cost estimates, methods of financing and recommended time schedules.

418 (d) The estimated annual cost of operating and of maintaining any new facility or piece of
419 major equipment involved.

420 The information is to be annually revised with regard to all items still pending, or in the
421 process of being acquired, improved or constructed.

422 SECTION 7: Charter Article 6 amendments

423 Charter Section 6-1. The pre-existing Section 6-1, including subsections 6-1(a) and 6-
424 1(b), is hereby deleted and replaced, respectively in numerical order, with the following
425 replacement language set forth below.

426 Section 6-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through one of the methods provided in this section.

(a) By-Laws - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency.

The charter and by-laws shall take precedence over any other organization, reorganization, or modification under this Section 6-1.

(b) Administrative Code - The town manager, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town manager prepares such a plan, the town manager shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town manager shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town

meeting shall not vote to amend or to alter the proposed plan. No proposed plan under this subsection shall contradict the provisions of any by-law.

Charter Article 6 Sections 6-3 and 6-4 and 6-5 . The pre-existing Section 6-3 and the pre-existing Section 6-4 and Section 6-5 are hereby deleted. Further, new Charter Section 6-3 and new Charter Section 6- 4 are hereby inserted in the Natick Home Rule Charter, respectively in numerical order, with the following new language as set forth below.

Section 6-3 Additional Appointments by the Select Board

(a) Appointments - In addition to appointments provided in statute, elsewhere in the charter or in by-law, the Select Board shall appoint a town comptroller as provided for in by-law for a term of up to five years, a director of veterans' services for a term of up to five years, a police chief for a term of up to five years, a fire chief for a term of up to five years and town counsel as provided in by-law. Subject to by-law, the town comptroller appointed by the Select Board under this sub section may appoint assistants subject to the approval of the Select Board.

(b) Approval of Appointments Made By The Town Manager - The appointments made by the Town Manager for treasurer-collector, assistant treasurer collector, and town clerk shall each separately be subject to the affirmative vote approval of the Select Board. Failure of the Select Board to act regarding the approval or disapproval of any such appointee of the town manager within thirty days of notice to the Select Board shall constitute an affirmative approval by the Select Board. To empower the approval by the Select Board under this subsection, the Town Manager shall forthwith notify the Select Board of any vacancy or resignation from the positions in this subsection. In the event of any failure of the town manager to appoint or to promote on a timely basis, such appointments and promotions may be made by the Select Board

following the same requirements referenced in the following section. The provisions of this subsection shall apply to reappointments.

Section 6-4 Additional Appointments by the Town Manager

(a) Additional Appointments - In addition to other appointments as may be required or provided for elsewhere in the charter or by-laws, the town manager shall, notwithstanding any law to the contrary, appoint, subject to the provisions of Section 6-3, the positions in this Section 6-4 as provided below. The town meeting may, by by-law and not inconsistent with law, establish minimum qualifications, education, experience duties and responsibilities for the positions named in this subsection. The town meeting may, by by-law, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions. Any person appointed under this subsection may be removed or suspended by the Town Manager accordance with Article 7 Section 7-11. The provisions of this subsection shall apply to reappointments.

(b) Treasurer Collector and Assistant Treasurer Collector - There shall be a treasurer-collector appointed by the Town Manager for a term of up to five years and an assistant treasurer-collector appointed by the Town Manager for a term of up to five years.

(c) Town Clerk - There shall be a town clerk appointed by the Town Manager for a term of three years.

Transition Provisions

The Special Legislation to Amend the Home Rule Charter of the Town of Natick hereby provides by inserting under the heading therein “Transition Provisions,” as new section 6-5, the following language set forth below.

6-5 Transition Provisions for Office of the Comptroller, Assistant Comptroller, Treasurer- Collector, Treasurer, Collector and Assistant Treasurer Collector and Town Clerk The pre-existing provisions of Section 6-3, pertaining to the qualifications, powers and duties of the Office of the Comptroller and the Assistant Comptroller, and the pre-existing provisions of Section 6-4, pertaining to the Treasurer-Collector, Treasurer, Collector, and the Assistant Treasurer-Collector and the pre-existing provisions of Section 6-5 pertaining to the Town Clerk shall remain in effect in the Town of Natick until a by-law addressing said matters in said sections shall take effect in the Town.

SECTION 8: Charter Article 7 amendments

Charter Section 7-5. The pre-existing Section 7-5 of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement language as set forth below.

Section 7-5 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words, if any, importing a particular gender shall include all genders.

Charter Section 7-7. The pre-existing subsections (e) and (g) of Section 7-7, entitled “Definitions”, are hereby deleted and replaced, in numerical order, with the following replacement language as set forth below.

(e) Local Newspaper – Unless otherwise required by the general laws, the words “local newspaper” shall, for the purposes of the town charter and by-laws, mean a newspaper of general circulation in the town of Natick, the town’s website, public temporary signage, social media and/or other communication means that alone or in any combination are reasonably capable of reaching and informing the citizens of the town based on a good faith determination made, from time to time, by the Select Board at a public hearing.

(g) Multiple Member Body - The words “multiple member body” shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting. An “eligible multiple member body” is any existing multiple member body that has been created by and given a charge of powers, duties and/or responsibilities in statute, charter, by-law or vote of town meeting.

Charter Section 7-10. The pre-existing Section 7-10, entitled “Notice of Vacancies,” is hereby deleted and replaced, in numerical order, with the following replacement language as set forth below.

Section 7-10 Notice of Vacancies

(a) Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the Select Board, or other appointing authority shall forthwith cause public notice of the vacancy or impending

531 vacancy to be posted for not less than ten days. Such notice shall contain a description of
532 the duties of the office or position and a listing of necessary or desirable qualifications for the
533 position. No permanent appointment to fill a position shall be effective until at least fourteen
534 days have elapsed following such posting, to permit reasonable consideration of all
535 applicants. This section shall not apply to positions covered by the civil service law and rules or
536 if in conflict with the requirements provided under the terms of a collective bargaining
537 agreement.

538 (b) When the term of any non-compensated appointed position is due to expire, the
539 position shall be advertised, even if a vacancy is not anticipated.

540 (c) The above requirements do not apply to the expiration of appointments for a
541 compensated positions where a vacancy does not exist or is not anticipated.