

**HOUSE . . . . . No. 2482**

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The Commonwealth of Massachusetts

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Senate, December 24, 2012.

BILL #: H04473

BILL STATUS: Recommended Amendment

DISSENTERS:

None

ACCOMPANIED BILLS:

None

For the committee,

CYNTHIA S. CREEM

# SENATE . . . . . No. 2482

[Pin Slip]

## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

1 SECTION 1. Section 1-4 of part I of the charter of the town of Chatham is hereby  
2 amended by striking out the words “fully and ” and inserting in place thereof the following  
3 words:- fully.

4 SECTION 2. Said part I of said charter is hereby further amended by striking out section  
5 1-6 and inserting in place thereof the following 2 sections:-

6 Section 1-6 Consistency with Town By-laws

7 Where provisions of this charter conflict with provisions of town by-laws, rules,  
8 regulations, orders, general laws, special acts and acceptances of general laws, the charter shall  
9 govern. All town by-laws, rules, regulations, orders and special acts not superseded by this  
10 charter shall remain in force.

11 Section 1-7 Intergovernmental Relations

12 The town, through the board of selectmen, may enter into agreements with any other unit  
13 of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or  
14 functions.

15 SECTION 3. Said part I of said charter is hereby further amended by adding the  
16 following section:-

17 Section 1-8 Ethical Standards

18 Elected and appointed officers, officials and employees of the town of Chatham are  
19 expected to demonstrate, in their general conduct and in the performance of their duties and  
20 responsibilities, the highest ethical standards. Elected and appointed officers, officials and  
21 employees of the town of Chatham are expected to recognize that they hold their offices or  
22 positions for the benefit of the public and that while acting in their official capacities they are  
23 expected to faithfully discharge the duties of their offices in the public interest, regardless of  
24 personal considerations. Elected and appointed officers, officials and employees of the town of  
25 Chatham shall not use their official positions to secure or to grant special consideration,  
26 treatment, advantage, privilege or exemption to themselves or to any other person beyond that  
27 which is available to every person.

28 SECTION 4. Part II of said charter is hereby amended by adding the following section:-

29 Section 2-8 Town Meeting Action

30 The exercise of the legislative power by a vote of town meeting shall be presumed to be  
31 binding and shall be implemented by a designated town agency or department in conformance  
32 with the law or such vote.

33 SECTION 5. Subsection (b) of section 3-2 of part III of said charter is hereby amended  
34 by inserting after the word “ commission” the following words:- , unless the board of selectmen  
35 choose to delegate those powers and duties to another town agency.

36 SECTION 6. Subsection (c) section 3-2 of said part III of said charter is hereby amended  
37 by striking out the words “election officials, and members of boards, commissions, or  
38 committees for which no other provision is made in this charter” and inserting in place thereof  
39 the following words:- and election officials. The board of selectmen shall appoint members of  
40 boards, commissions or committees for which no other appointment provision is made in this  
41 charter.

42 SECTION 7. Subsection (a) of section 5-1 of part V of said chapter is hereby amended  
43 by inserting after the first paragraph the following paragraph:-

44 At a minimum, the town manager shall provide for the following governmental functions:

45 (i) administrative and finance; (ii) law enforcement; (iii) fire protection and rescue  
46 services; (iv) operation and maintenance of the town’s roads, parks, buildings and other  
47 facilities; (v) management and protection of coastal resources; (vi) town planning and  
48 enforcement of zoning and building codes; (vii) enforcement of health and environmental  
49 regulations; and (viii) operation of the water and sewer systems.

50 SECTION 8. The second paragraph of said subsection (a) of said section 5-1 of said part  
51 V of said charter is hereby amended by inserting after the word “selectmen”, the first time it  
52 appears, the following words:- and the office of the town clerk.

53 SECTION 9. Subsection (b) of said section 5-1 of said part V of said charter is hereby  
54 amended by inserting after the word “functions” the following word:- , purpose.

55 SECTION 10. Said subsection (b) of said section 5-1 of said part V of said charter is  
56 hereby further amended by striking out the words “any ad hoc study or research committee” and

57 inserting in place thereof the following words:- 1 or more committees. Votes of town meeting  
58 which authorize the formation of such committees shall state the charge, composition and town  
59 agency to be the appointing authority, if it is not the board of selectmen. The tenure of any such  
60 committee shall continue under its charge and until abolition by or change by a subsequent town  
61 meeting.

62 SECTION 11. Subsection (d) of said section 5-1 of said part V of said charter is hereby  
63 amended by inserting after the word “manager” the following words:- and the office of the town  
64 clerk.

65 SECTION 12. Said part V of said charter is hereby further amended by striking out  
66 section 5-2 and inserting in place thereof the following section:-

67 Section 5-2 Sunset Provision

68 Annually, the board of selectmen shall consider the administrative and practical needs of  
69 all town boards, commissions and committees under the jurisdiction of the board of selectmen.  
70 During the course of such consideration, the board of selectmen shall review whether each board,  
71 commission or committee has a defined purpose or functions or if there is another possible  
72 method of achieving the mission of the board, commission or committee. If board of selectmen  
73 determines that any board, commission or committee does not appear to serve a purpose or that  
74 another method of achieving the board, commission or committee’s mission is desirable, the  
75 board of selectmen shall hold a public hearing and take any action deemed necessary.

76 All boards, committees or commissions shall annually, on a date determined by the board  
77 of selectmen, submit a report of activities, achievements and other information to the board of  
78 selectmen.

79 SECTION 13. Section 5-3 of said part V of said charter is hereby amended by striking  
80 out the word “may” and inserting in place thereof the following word:- shall.

81 SECTION 14. Said section 5-3 of said part V of said charter is hereby further amended  
82 by striking out the words “but not be limited to” and inserting in place thereof the following  
83 words:- at least.

84 SECTION 15. Said section 5-3 of said part V of said charter is hereby further amended  
85 by inserting after the words “grievance procedures;” the following words:- a written performance  
86 evaluation system for all full-time year-round employees;.

87 SECTION 16. Said section 5-3 of said part V of said charter is hereby further amended  
88 by striking out the last paragraph and inserting in place thereof the following paragraph:-

89 The board of selectmen may appoint a 3-member personnel committee which shall serve  
90 in an advisory capacity to the town manager. One member of the personnel committee shall be a  
91 town employee who is subject to the personnel rules and regulations. That member shall be  
92 appointed by the board of selectmen upon a majority vote of the non-union employees who are  
93 subject to the personnel rules and regulations. The remaining 2 members shall have training  
94 background and education in human resource issues.

95 SECTION 17. Part VI of said charter is hereby amended by striking out section 6-1 and  
96 inserting in place thereof the following section:-

97 Section 6-1 Budget Process

98           At the onset of the annual budget process, the town manager shall meet with the board of  
99 selectmen, the school committee and the finance committee to discuss the upcoming operating  
100 and capital budgets.

101           Within a time fixed by by-law, prior to the annual meeting, the town manager shall  
102 submit to the board of selectmen and the finance committee a proposed operating and capital  
103 budget for all town departments, including the operating and capital budgets as adopted by the  
104 school committee, for the ensuing fiscal year with an accompanying budget message and  
105 supporting documents.

106           The budget as adopted by the school committee shall be submitted to the town manager  
107 in sufficient time to enable the town manager to consider the effect of the school department's  
108 requested appropriation on the total town budget which is required to be submitted under this  
109 section.

110           The budget message submitted by the town manager shall explain the budget in fiscal  
111 terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for  
112 the ensuing fiscal year, describe important features of the proposed budget and indicate any  
113 major variations from the current budget, fiscal policies, expenditures and revenues together with  
114 reasons for the changes. The proposed budget shall provide a complete fiscal plan of all town  
115 funds and activities and shall be in the form the board of selectmen deems desirable.

116           Upon receipt of the town manager's proposed operating budget, the board of selectmen  
117 shall announce the date on which they intend to act on the budget, but that date shall not be  
118 earlier than 30 days after receipt.

119 SECTION 18. Section 6-2 of said part VI of said charter is hereby amended by inserting  
120 after the word “selectmen” the following words:- and the finance committee.

121 SECTION 19. Said section 6-2 of said part VI of said charter is hereby further amended  
122 by striking out the word “concerning” and inserting in place thereof the following word:-  
123 regarding.

124 SECTION 20. Said section 6-2 of said part VI of said charter is hereby further amended  
125 by adding the following 2 paragraphs:-

126 The first year of the 5-year capital improvements program shall be submitted with the  
127 operating budget for the ensuing fiscal year.

128 Upon receipt of the town manager’s proposed capital improvement budget, the board of  
129 selectmen shall announce the date on which they intend to act on the budget, but the date shall  
130 not be earlier than 30 days after receipt.

131 SECTION 21. Section 6-3 of said part VI of said charter is hereby amended by striking  
132 out the words “budget improvements from the board of selectmen” and inserting in place thereof  
133 the following words:- budgets from the town manager.

134 SECTION 22. Said section 6-3 of said part VI of said charter is hereby further amended  
135 by striking out the last 4 sentences and inserting in place thereof the following sentence:- The  
136 finance committee shall make budget recommendations and report those recommendations to the  
137 board of selectmen in sufficient time for the board of selectmen to consider those  
138 recommendations prior to the board of selectmen voting on the operating and capital budgets.

139 SECTION 23. Said part VI of said charter is hereby further amended by striking out  
140 section 6-4 and inserting in place thereof the following 3 sections:-

141 Section 6-4 Board of Selectmen Action

142 Within a time fixed by by-law, the board of selectmen shall review the operating and  
143 capital budget improvements program, make changes as deemed appropriate and place their  
144 approved budget on the annual town meeting warrant. The board of selectmen shall transmit  
145 their approved budget to the finance committee.

146 Section 6-5 Town Meeting Action

147 The finance committee shall vote their recommendations for action on the budget as  
148 received from the board of selectmen. Additionally, the finance committee shall file a report of  
149 its recommendations for action prior to the date on which the town meeting is to act on the  
150 budget. The report of the finance committee shall include the fiscal and tax implications of the  
151 budget and a statement outlining support or opposition to the budget or sections of the budget.  
152 The report of the finance committee shall be prepared in sufficient time to be incorporated in the  
153 annual town meeting warrant. The budget to be acted upon by the town meeting shall be the  
154 budget approved by the board of selectmen with the accompanying recommendations of the  
155 finance committee.

156 Section 6-6 Approval of Warrants for Payment

157 Warrants for payments of town funds, prepared by the town accountant, shall be  
158 submitted to the town manager for approval. The approval of any such warrant by the town  
159 manger shall be sufficient authority to authorize payment by the town treasurer.

160 SECTION 24. Section 7-6 of part VII of said charter is hereby amended by striking out  
161 the words “a square” and inserting in place thereof the following words:- an area.

162 SECTION 25. Said section 7-6 of said part VII of said charter is hereby further amended  
163 by striking out the words “a cross mark (x)” and inserting in place thereof the following words:-  
164 a mark in accordance with the instructions on the ballot,.

165 SECTION 26. The first paragraph of section 9-1 of part IX of said charter is hereby  
166 amended by inserting after the word “All” the following word:- town.

167 SECTION 27. The first paragraph of said section9-1 of said part IX of said charter is  
168 hereby further amended by inserting after the word “regulations,” the following words:-orders,  
169 special acts.

170 SECTION 28. The first paragraph of said section 9-1 of said part IX of said charter is  
171 hereby further amended by striking out the words “at the time this charter is adopted”.

172 SECTION 29. Said section 9-1 of said part IX of said charter is hereby further amended  
173 by striking out the second paragraph.

174 SECTION 30. Said part IX of said charter is hereby further amended by striking out  
175 section 9-2 and inserting in place thereof the following section:-

176 Section 9-2 Transfer of Records and Property

177 All records, property and equipment of any office, board, commission, committee or  
178 agency or part thereof, the powers and duties of which are assigned in whole or in part to another  
179 town office, board, commission or agency shall be transferred forthwith to such office , board,  
180 commission or agency.

181 SECTION 31. Said part IX of said charter is hereby further amended by striking out  
182 section 9-3.

183 SECTION 32. Said part IX of said charter is hereby further amended by striking out  
184 section 9-5.

185 SECTION 33. This act shall take effect upon its passage.