

**CHANGE AGENT FOR CENTRALIZATION OF TOWN
GOVERNMENT**

TOWN OF CLINTON, MASSACHUSETTS

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ARTICLE 1: APPOINTMENTS

SECTION 1-1: Office of Town Treasurer

The offices of Town Treasurer shall be appointed by the Town Administrator for a term of not to exceed three years and the person so appointed shall have all the powers and duties vested in the office of Town Treasurer by the General Laws of the Commonwealth.

This appointment shall become effective on the twenty first day following the day notice is filed with the Board of Selectmen, unless the Board of Selectmen by a majority vote of the full board, vote to reject such appointment within that period.

SECTION 1-2: Office of Town Collector

The office of Town Collector shall be appointed by the Town Administrator for a term of not to exceed three years and the person so appointed shall have all the powers and duties vested in the office of Town Collector by the General Laws of the Commonwealth.

This appointment shall become effective on the fifteenth day following the day notice is filed with the Board of Selectmen, unless the Board of Selectmen by a majority vote of the full board, vote to reject such appointment within that period.

SECTION 1-3: Office of Town Accountant

The office of Town Accountant shall be appointed by the Board of Selectmen for a term of not to exceed three years and the person so appointed shall have all the powers and duties vested in the office of Town Accountant by the General Laws of the Commonwealth.

ARTICLE 2: BOARD OF SELECTMEN

SECTION 2-1: Board of Selectmen

(a) **Composition, Term of Office** - There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly equal number of members as is possible shall expire each year.

(b) **Powers and Duties** - The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the Town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise, except those powers and duties assigned by this document, by bylaw or by other Town Meeting vote to the Town Administrator. The Board of Selectmen shall serve as the chief policy making agency of the Town. The Board of Selectmen shall be responsible for the formulation and promulgation of policy to be followed by all Town Agencies serving under it and, in conjunction with other elected Town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all Town Agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day to day administration of any Town Agency.

(c) **Licensing Powers** - The Board of Selectmen shall be the licensing board of the Town and shall have the power to issue licenses, to make reasonable rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest provided such rules, regulations, conditions and restrictions are not incompatible with applicable law. The Board of Selectmen shall enforce the laws relating to all businesses for which it issues licenses

(d) **Appointing Powers** - The Board of Selectmen shall appoint the Town Administrator, Town Accountant, Board of Election Commissioners, and members of multiple members bodies for whom no other method of selection is provided by bylaw, except officials appointed by state officers. All other appointments of multiple member bodies are enumerated in section five further of this document.

(e) **Investigations** - The Board of Selectmen may make investigations and may authorize the Town Administrator to investigate the affairs of the Town and the conduct of any Town Agency including any doubtful claims against the Town. The report of the results of such investigation shall be placed on file in the office of the Town Clerk and a report summarizing the results of such investigation shall be printed in the next annual Town report.

ARTICLE 3: TOWN ADMINISTRATOR

The following section describes the appointment, qualifications, terms of service, powers and duties, reappointment, as well as the suspension and removal process for the Town Administrator. This section also contains the process required to fill a vacancy in the office of Town Administrator after his/her removal, resignation or inability to serve in the office.

SECTION 3-1: Appointment, Qualifications, Term and Re-appointment

(a) The Board of Selectmen, by an affirmative vote of a majority of the full board, shall appoint a Town Administrator for a three (3) year term, and fix the compensation of the Town Administrator within the amount annually appropriated for this purpose. The office of the Town Administrator shall not be subject to the Town personnel plan or bylaw, if any. The Town Administrator shall be appointed solely on the basis of his/her executive and administrative qualifications. He/She shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. His/Her education shall consist of a Bachelor's degree. A Master's Degree is preferred. He/She shall have had at least five (5) years of full time paid experience as City or Town Manager, Administrator or Assistant City or Town Administrator, or the equivalent level of public or private sector experience. He/she shall not have served as a member of the Board of Selectmen for at least twelve (12) months prior to his/her appointment.

(b) He/she shall devote full time to the office and shall hold no other public office, elective or appointive, nor engage in any other business or occupation during his/her term, unless such action is approved in advance, in writing, by the Board of Selectmen. The Town may from time to time, by bylaw, establish such additional qualifications, as it deems necessary and appropriate.

(c) The Town Administrator shall execute a bond, in a form and amount satisfactory to the Board of Selectmen, in favor of the Town of Clinton, for the faithful performance of his/her duties. The Town shall pay the cost of the bond.

(d) If it is the desire of the Board of Selectmen, by an affirmative vote of a majority of the full board, the Town Administrator may be re-appointed after the expiration of his/her three-year term of office. The selectmen shall provide confirmation of this re-appointment to the Town Administrator at least 90 days prior to the expiration of his/her term of office.

SECTION 3-2: Powers and Duties

The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his/her charge by this document. The powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

(a) To supervise direct and be responsible for the efficient administration of all functions for the office of Town Administrator and as may be authorized by this Document, by bylaw, by his/her contract, by other town meeting vote by vote of the Board of Selectmen or otherwise.

(b) To appoint and remove, subject to the civil service laws where applicable, department heads to include the Police Chief, Fire Chief, DPW Superintendent, Town Collector and Town Treasurer. These department heads shall have appointing authority within their own departments; these appointments shall be subject to approval by the Town Administrator. Appointments of department heads made by the Town Administrator shall become effective on the fifteenth day following the day notice is filed with the Board of Selectmen, unless the Board of Selectmen by a majority vote of the full board, vote to reject such appointment within that period.

(c) The Town Administrator shall be entrusted with the administration of a town personnel system, including but not limited to policies, practices and related matters, including provisions for an annual employee performance review and personnel by-law. The Town Administrator shall be co-responsible along with the

board of selectmen for the negotiation of all collective bargaining agreements entered into by the town. The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency that reports to the board of selectmen.

(d) The Town Administrator shall comply with all written and/or oral directives of the board of selectmen. The town administrator shall be responsible for preparing the agenda for the board of selectmen for each board meeting. The agenda for a regularly scheduled meeting shall be closed or set by the town administrator by Thursday 12:00 pm the week prior to the regularly scheduled biweekly meeting. The selectmen's package along with all necessary attachments shall be available for each member of the Select board and the Town Solicitor by midnight Friday prior to the regularly scheduled meeting

(e) To conduct an annual performance evaluation of all department heads who are subject to the select board or Town Administrator's appointment.

(f) To attend all regular and special meetings of the Board of Selectmen, except those meetings where the Town Administrator's removal is to be discussed, unless excused at his/her own request, and have a voice, but no vote, in all discussions.

(g) To attend all sessions of Town Meeting and answer all questions directed to him/her which are related to the office of Town Administrator.

(h) To see that all provisions of the general laws, of the Document, of the by-laws and other Town Meeting votes, and directives of the Board of Selectmen that require enforcement by him/her or officers and employees subject to his/her direction and supervision, are faithfully carried out.

(i) To annually prepare and present a proposed operating budget to the board of selectmen, The Town Administrator shall work with all department heads whether elected or appointed, to develop and to prepare their data for inclusion in the Annual Town Report.

(j) To assure that a full and complete record of the financial and administrative activities of the Town is kept and render a full report to the Board of Selectmen at the end of each fiscal year and at such other times as it may require.

(k) The Town Administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the board of selectmen's control, by by-law, by vote of the town or otherwise.

(l) To inquire, at any time, into the conduct of any office or officer, employee or department under his/her or the Board of Selectmen's control. The Town Administrator shall have access to all town records to obtain information necessary for this purpose.

(m) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee. The Town Administrator shall have access to all town records to obtain information necessary for this purpose."

(n) As the Chief Procurement Officer of the Town, he/she shall be responsible for the purchase of all supplies, material and equipment, and shall award all contracts for all departments and activities of the Town according to Massachusetts General Law 30B. He/she shall examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies and equipment delivered to or received by any Town Agency secured through the purchasing procedure.

(o) To be the Town's Risk Administrator. He/she shall be responsible for ensuring that all pertinent policies are in effect, that adequate insurance coverage is provided, that claims are properly processed, and shall conduct cost benefit analyses on existing policies or proposed changes. He/she shall render an annual report to the Board of Selectmen on all claims and losses.

(p) To serve, in the event of a vacancy, as the head of any department to which the Town Administrator is authorized to appoint the department head.

(q) To perform any other duties required by bylaw, other Town Meeting vote, by the Board of Selectmen or as required by his employment contract.

(r) The Town Administrator or his/her designee shall be the "enforcing person" for any and all non-criminal dispositions within the Town of Clinton, in accordance with M.G.L. c. 40 section 21D.

(s) Any appointments made by subordinates of the Town Administrator shall be considered filled unless rejected within (15) days by the Town Administrator.

(t) To serve as, or appoint someone to serve as the Town of Clinton's Americans With Disabilities Act (ADA) Coordinator ensuring compliance with the ADA and other applicable local, state and federal laws concerning the rights of the disabled.

(u) To serve as, or appoint someone to serve as the Town of Clinton's Affirmative Action Officer, Contract Compliance Officer and Fair Housing Officer to ensure compliance with Massachusetts Commission Against Discrimination (MCAD) rules and regulations as well as other relevant local, state and federal laws.

(v) The Town Administrator shall be responsible for approving all content on the town's website once developed, overseeing, development of the website and to be the single point of contact for the town's computer equipment and network. The administrator shall be responsible for naming an alternate if needed.

SECTION 3-3: Suspension

(a) The Board of Selectmen may suspend the Town Administrator by the affirmative vote of a majority vote of the full Board of Selectmen. At least thirty (30) days before such proposed suspension shall become effective, the selectmen shall adopt a preliminary resolution setting forth the reasons for the proposed suspension. The resolution shall be given to the Town Administrator forthwith or mailed to him/her by registered mail at his/her last known address.

(b) The Administrator may, within seven (7) days of receipt of such resolution, file a written request with the Board of Selectmen for a public hearing as to the reasons for his/her suspension. If the Administrator so requests, the Board of Selectmen shall hold a public hearing neither earlier than three (3) days nor later than twenty (20) days after the filing of such request. The chairman of the Board of Selectmen shall conduct the hearing, or may designate a hearing officer.

(c) After such public hearing, if any, otherwise at the expiration of thirty (30) days following the adoption of the preliminary resolution, and after full consideration, the Board of Selectmen, by an affirmative vote of a majority of the full board, may adopt a final resolution of suspension. Until the final resolution, the Town Administrator shall receive compensation according to the terms of his/her contract.

(d) If the Board of Selectmen votes for a final resolution of suspension, said suspension may be for a period of time determined by the Board of Selectmen and the suspension may be with or without compensation as determined by the Board of Selectmen.

(e) The action of the Board of Selectmen in suspending the Town Administrator shall be final.

SECTION 3-4: Removal

The Board of Selectmen may choose to remove the Town Administrator in one of two ways: by not re-employing or by removal for cause. If the Board of Selectmen act not to renew the Town Administrator's contract at the end of his/her three year term, by the affirmative votes of three members of the full board, then the selectmen shall notify the Town Administrator of this decision in writing at least ninety (90) days before the expiration of his/her term. If the Board of Selectmen removes the Town Administrator for cause, then the following procedure shall be used:

(a) The Board of Selectmen may remove the Town Administrator by the affirmative vote of a majority vote of the full Board of Selectmen. At least thirty (30) days before such proposed removal shall become effective, the selectmen shall adopt a preliminary resolution setting forth the reasons for the proposed removal. The resolution shall be given to the Town Administrator forthwith or mailed to him/her by registered mail at his/her last known address. The selectmen may at the same time choose to suspend the Town Administrator from duty, but shall pay any unpaid balance of his/her salary for the then current month, and any additional amount, not in excess of one month's salary.

(b) The Town Administrator may, within seven (7) days of receipt of such resolution, file a written request with the Board of Selectmen for a public hearing as to the reasons for his/her removal. If the Town Administrator so requests, the Board of Selectmen shall hold a public hearing neither earlier than three (3) days nor later than twenty (20) days after the filing of such request. The chairman of the Board of Selectmen shall conduct, or may designate a hearing officer for, said hearing.

(c) After such public hearing, if any, otherwise at the expiration of thirty (30) days following the adoption of the preliminary resolution, and after full consideration, the Board of Selectmen, by an affirmative vote of a majority of the full board, may adopt a final resolution of removal.

(d) If the Board of Selectmen vote a final resolution of removal, the termination pay of the Town Administrator, so removed, shall be as specified in the terms of his/her contract.

(e) The action of the Board of Selectmen in removal of the Town Administrator shall be final.

SECTION 3-5: Resignation

In the event that the Town Administrator resigns his/her position with the Town of Clinton, he/she must provide written notification to the Board of Selectmen at least 45 days prior to the effective date of his/her resignation. The Town Administrator may not make any permanent personnel appointments or changes during this forty-five day period.

SECTION 3-6: Vacancy in the Office of Town Administrator

(a) **Permanent Vacancy** – The Board of Selectmen shall fill any permanent vacancy in the office of Town Administrator as soon as possible in accordance with section 4-1 (a) of this Document. Pending the appointment of a Town Administrator or the filling of any vacancy, the Board of Selectmen shall, within a reasonable period of time, not to exceed 14 days appoint some other capable person to temporarily perform the duties of the Town Administrator until a permanent replacement is appointed.

(b) **Temporary Absence or Disability** – The Town Administrator may designate by letter filed with the Town Clerk and Board of Selectmen a capable officer of the Town to perform the duties of the Town Administrator during a temporary absence or disability.

If such absence or disability exceeds thirty days, any designation made by the administrator shall be subject to the approval of the Board of Selectmen. In the event of failure of the Town Administrator to make such designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other capable person to perform the duties of the Town Administrator until the Town Administrator shall return.

(c) **Powers and Duties** - The powers of a temporary or acting Town Administrator, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to Town office or employment, but not to make permanent appointments or designations.

ARTICLE 4: GENERAL PROVISIONS

SECTION 4-1: Document Changes

This Document may be replaced, revised or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

SECTION 4-2: Severability

The provisions of this Document are severable. If any provision of this Document is held invalid, the other provisions of this Document shall not be affected thereby. If the application of this Document or any of its provisions to any person or circumstances is held invalid, the application of this Document and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 4-3: Specific Provisions to Prevail

To the extent that any specific provision of this Document shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

SECTION 4-4: 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 importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

SECTION 4-5: Rules and Regulations

A copy of all rules and regulations adopted by any Town Agency shall be filed in the Office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any Town Agency shall become effective until ten days following the date it has been so filed in the office of the Town Clerk.

SECTION 4-6: Periodic Review, Document

Document Review - At least once in every ten years, in each year ending in a zero, a special committee to consist of nine members shall be established for the purpose of reviewing this Document and to make a report, with recommendations, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who shall be chosen as follows: the Board of Selectmen, the School Committee, and the Finance Committee shall each designate two persons, and three persons shall be appointed by the Board of Selectmen. Persons appointed by the said agencies may, but need not, be members of the agency, which designates them. The committee shall meet to organize forthwith following the final adjournment of the Annual Town Meeting.

ARTICLE 5: TRANSITIONAL PROVISIONS

SECTION 5-1: Continuation of Existing Laws

All general laws, special laws, Town bylaws, votes, rules and regulations of or pertaining to the Town which are in force when the Document takes effect and which are not specifically or by application repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

SECTION 5-2: Continuation of Government

All Town Agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town Agency in accordance with the provisions of this Document.

SECTION 5-3: Continuation of Administrative Personnel

Any person, holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town, shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the Document, for the performance of the said duties by another person or agency.

Town Administrative Organization - Until such time as a different form of Organization shall be provided, the following outline of organization shall be operative:

SECTION 5-4: The Board of Selectmen Shall Appoint

- A Town Administrator to serve for a renewable three year term;
- A Town Accountant to serve for a renewable three-year term;
- A Board of Registrars of Voters and other election officers, in the manner provided by general law;
- A Zoning Board of Appeals, to consist of five regular members, appointed for renewable terms of three years each, and two associate members, appointed for terms of three years each, as provided in the zoning bylaws;
- A Director of Community and Economic Development with the authority to hire department personnel;
- A Personnel Board to consist of five members;
- Constables;
- A Conservation Commission;
- A Clinton Historical Commission;
- A Council on Aging;
- A Cultural (Arts) Council;
- A Commission on Disability;
- A Clinton Cable Television Commission;
- A Recycling Commission;
- All other officers, department heads, and employees for whom no other method of selection is provided.

Unless otherwise provided all appointments made by the Board of Selectmen shall be for renewable terms of three years, appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms of members as possible shall expire each year.

SECTION 5-5: The Town Administrator Shall Appoint

- A Town Treasurer to serve for a renewable three year term;
- A Town Collector to serve for a renewable three year term;
- A Department of Public Works Superintendent with the authority to hire department personnel to serve for an indefinite term;
- A Police Chief, with the authority to hire police officers and other department personnel, to serve for an indefinite term;
- A Fire Chief, serving as a strong chief under MGL chapter 48, Section 42 with the authority to hire firefighters and other department personnel, to serve for an indefinite term;
- An Emergency Management Director with authority to appoint department personnel;

- A Veteran's Services Director, Veterans Agent, Veteran's Graves Officer and Burial Agent;
- An Animal Control Officer and an Animal Disposal Officer;

Unless otherwise provided all appointments made by the Town Administrator shall be for renewable terms of three years, appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms of members as possible shall expire each year. These appointment shall become effective on the twenty first day following the day notice is filed with the Board of Selectmen, unless the Board of Selectmen by a majority vote of the full board, vote to reject such appointment within that period

SECTION 5-5: Elected Positions

- Board of Selectmen;
- Board of Health
- Town Moderator;
- Town Assessors
- School Committee;
- Town Clerk;
- Planning Board;
- Library Trustees;
- Housing Authority;
- Parks and Recreation Commission;
- Town Solicitor

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ADDENDUM 1: PROPOSED WARRANT ARTICLES (2007 TM)

Town Collector

To see if the Town of Clinton, consistent with M.G. L. Chapter 41, Section 1B, will vote to have the elected position of Town Collector become an appointed Town Collector of the Town; provided however, that this vote is contingent upon successful passage of a ballot question pertaining thereto on a Town Ballot. If approved and the office becomes appointed, any incumbent serving at the time of voter acceptance continues to serve until the remainder of his or her term expires. If a person is elected to the position at the time the change to an appointed status occurs, the newly elected office holder serves until an appointment is made. Such appointment shall be made by the Town Administrator for a term not to exceed three years, unless such mode of appointment or term is otherwise provided by law, or act in any manner relating thereto. This appointment shall become effective on the twenty first day following the day notice is filed with the Board of Selectmen, unless the Board of Selectmen by a majority vote of the full board, vote to reject such appointment within that period.

Town Treasurer

To see if the Town of Clinton, consistent with M.G. L. Chapter 41, Section 1B, will vote to have the elected position of Treasurer become an appointed Treasurer of the Town; provided however, that this vote is contingent upon successful passage of a ballot question pertaining thereto on a Town Ballot. If approved and the office becomes appointed, any incumbent serving at the time of voter acceptance continues to serve until the remainder of his or her term expires. If a person is elected to the position at the time the change to an appointed status occurs, the newly elected office holder serves until an appointment is made. Such appointment shall be made by the Town Administrator for a term not to exceed three years, unless such mode of appointment or term is otherwise provided by law, or act in any manner relating thereto. This appointment shall become effective on the twenty first day following the day notice is filed with the Board of Selectmen, unless the Board of Selectmen by a majority vote of the full board, vote to reject such appointment within that period.

ADDENDUM 2: FOR DISCUSSION

For the board's consideration, here are other town boards and agencies that could become appointed and or changed:

- Board of Health
- Town Solicitor
- Parks and Recreation Commission - Could be split into separate entities, one being Recreation Director responsible for the recreation activities of the towns inhabitants and the second would be to fold the parks maintenance into the DPW, preferably the Cemetery division which could become the division of cemeteries and parks.