

FINAL RECOMMENDATIONS OF THE TOWN OF EASTON
SPECIAL ACT CHARTER COMMITTEE

DECEMBER 31, 2009

To the Board of Selectmen and the Citizens of the Town of Easton:

The Special Act Charter Committee (Committee) was created by the Board of Selectmen in mid 2008. Its task was not to decide on alternative forms of government that might be available to the town but rather to assume that the preferred form of government would be a town manager/town council system as recommended by the prior Government Study Committee. Over the last 18 months, the Committee approached this rather daunting project in a deliberate and methodical manner attempting to be transparent in process and welcoming citizen input at every phase.

During this process, the Committee held 18 meetings, conducted 3 public hearings, made a preliminary presentation before the May 2009 annual Town Meeting, met with the Board of Selectmen and Finance Committee, issued press releases that were printed in the Easton Journal, Brockton Enterprise and Boston Globe, conducted interviews with 15 current and former Selectmen and 3 current or past Town Administrators, spoke with municipal government experts at the Commonwealth of Massachusetts, Department of Housing and Community Development, reviewed 10 charters from other Massachusetts municipal governments with similar structures and 2 charters recommended by the National Civic League, and interviewed numerous officials from other towns that either have either switched to town manager/town council or have committees studying the concept.

Most importantly, we heard from the citizens of Easton by email, letter and in person. Town officials and employees, volunteer board and commission members and just the average citizen made it abundantly clear to us that while they all understood the need for more efficient town government, they were also reluctant to do away with the right for a person to speak his/her mind at open Town Meeting (TM) unless an alternative format is presented for this vital purpose. Our Committee heard this loudly and clearly and is recommending a number of different ways for citizen voices to be heard and still be part of the government and legislative process. These include recall, referendum, initiative petition and the right of some public participation at Town Council meetings.

We have said throughout this process that much of the process is judgment and not right or wrong. We have made our best efforts to exercise our collective judgment fairly and wisely and are prepared to explain the rationale for any choices that we have recommended. We have tried to take the existing Charter and use it as the basis for our new Charter making the needed changes to reflect our task.

Major highlights of our recommendations include:

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1. A nine person Town Council, 6 elected by precinct (1 for each existing precinct) and 3 elected town wide or at large.
2. 4 year staggered terms instead of the current 2 year terms. (Precinct council at 1 election and at large at the next.)
3. A strong Town Manager with personnel and budget authority (similar to the current Town Administrator)
4. Retention of the Finance Committee as a 5 person board appointed by the Town Council to continue to give advice on town finances
5. The right of citizen participation at each Town Council meeting subject to preprinted rules for the orderly conducting of Council business.
6. The right to recall elected officials.
7. The right of both referendum and initiative petition.
8. Open Council meetings including prepublication of any proposed bylaw.
9. Open budgetary process including public hearings on the annual budget.

How and when this form of government is to be implemented is determined by whether the Board of Selectmen choose to submit this before TM. If the proposal is successful there then a Special Act must be filed and approved by the State Legislature. Finally a town wide vote is usually required. We hope everyone will keep an open mind and if called upon to vote on the merits of this proposal that each votes in the best interests of our town. Kindly do not dismiss the whole Charter because of a dislike of one section. Although sometimes stressful, we enjoyed the opportunity to serve our town in this capacity.

Respectfully submitted,

Bob Carvin
Alex Maller (resigned April 2009 to move out of state)
Steve Merlin, Chair

ARTICLE ONE

INCORPORATION; SHORT TITLE; POWERS

Section 1-1. Incorporation

The inhabitants of the Town of Easton within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Easton."

Section 1-2. Short Title

This instrument shall be known and may be cited as the Revised Easton Home Rule Charter.

Section 1-3. Powers

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Easton to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

Section 1-4. Construction

The powers of the Town of Easton under the charter are to be construed liberally in its favor and the specific mention of particular powers is not intended to limit in any way the general powers of the Town of Easton as stated in section 1-3.

Section 1-5. Intergovernmental Relations

Subject to the applicable requirements of any provision of the constitution or statutes of the Commonwealth, the Town of Easton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or agency thereof.

ARTICLE TWO

TOWN COUNCIL

Section 2-1 Composition and Membership

The legislative body of the Town shall be a Town Council whose members shall be elected to meet, deliberate, act and vote in the exercise of the corporate business of the Town.

Nine (9) council members shall be nominated and elected. There shall be three (3) at large and six (6) by precinct each elected by and from each town precinct.

Council members shall serve for a four (4) year staggered term so that all at large Council members shall be elected at one election and all precinct Councilors elected at the next election.

Town council members shall receive initial compensation at the rate set in the budget for the previously elected Board of Selectman. Thereafter, their compensation shall be set in the annual Town Budget.

The term of office shall begin on the first day of December following the election and continuing until their successors are qualified.

Section 2-2 Eligibility

Any registered voter of the Town shall be eligible for election to the Town Council. However, no person holding another elective office of the Town as established in Massachusetts General Laws, this charter or any town bylaw shall take the oath or affirmation of office as a Town Councilor.

No Town Councilor shall, while a member of the Town Council, hold any other compensated town office or position. No former councilor shall hold any compensated appointive office or employment until one year after the expiration of service on the Town Council. This provision shall not prevent a town officer or employee who has taken a leave of absence from such duties in order to serve as a member of the Town Council from returning to such office or employment following service as a member of the Town Council.

Section 2-3 President, Vice President and Clerk At the first Council meeting following each regular town election, the Council shall choose from its membership a

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President and Vice President each to serve for a one year term of office. The Chairman shall preside at meetings of the council and perform such other duties as provided by this Charter, by-law or Council vote. The Vice President shall act as President during the absence or disability of the President.

The Town Clerk shall be the Clerk of the Council. He/she shall give notice of all Council meetings to its members and to the public, maintain a journal of all Council proceedings and perform such other duties as may be assigned by this Charter, by-law or other vote of the Town Council. The Town Clerk shall receive no stipend for the additional duties of Clerk of the Council but his/her compensation level shall be set to reflect said duties.

Vacancies which occur in the offices of President or Vice President shall be filled at the next regular Council meeting following the vacancy. All appointments to fill vacancies shall be for the remainder of the original one-year term of office.

Section 2-4 General Powers and Duties

Except as otherwise may be provided by this Charter, all general, corporate, legislative and appropriation powers of the Town shall be vested in the Town Council.

The Council may enact bylaws, rules, regulations, and other orders, not inconsistent with this charter, governing its own proceedings, town functions, and all matters bearing on the exercise of its powers and duties.

The Council shall provide for a journal of its proceedings to be kept and maintained as a public record in the office of the Town Clerk.

The Council shall have the power to appoint the following:

(a) a Town Manager (b) a President and Vice President of the Council (c) a Clerk of Council (d) a Finance Committee (e) any other committees as it deems necessary for the orderly conducting of Town business and policy. Nothing in this subsection shall prohibit the Council from appointing one (1) or more of its own members to such committees.

Section 2-5 Council Procedures

The Town Council shall meet regularly at least twice in each month. Special meetings may be held at any time if called by the President or by four (4) members of the Council, provided that for any special meeting at least twenty-four (24) hours personal notice shall be given to each Council member. All Council meetings including any subcommittee thereof shall be conducted in accordance with the open meeting provisions of the Massachusetts General Laws. Except as otherwise provided by the Massachusetts General Laws regarding Executive Session, all meetings of the Council and any subcommittees thereof shall be open to the public, and residents, employees and any

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other interested parties shall have a reasonable opportunity to be heard at any such meeting. The Council shall adopt such rules and regulations which may include a reasonable advance notice requirement so that public participation shall occur in an orderly fashion. Such rules and regulations may also include time limitations.

A majority of the full Council shall constitute a quorum for the purpose of conducting business. Business shall be conducted according to Robert's Rules of Order.

Section 2-6 Town Bylaws

Proposed bylaws shall deal with one (1) subject only and shall be introduced in writing and in the form necessary for final adoption. Any proposed bylaw shall be published in a newspaper of general circulation within the Town of Easton not less than seven days prior to its second reading except for emergency bylaws.

Any bylaw which amends or repeals a portion of any Town bylaw shall set out in full the portion to be so amended or repealed, by the use of strikeout type, brackets or underscoring.

Prior to final passage, each introduced bylaw shall be read at two (2) separate Council meetings, except in case of special emergency involving the health or safety of the people or their property. No bylaw shall be declared an emergency unless such an emergency is defined and declared in a preamble thereto, separately voted on and receiving the affirmative vote of at least two-thirds (2/3) of the full Council membership.

The affirmative vote of a majority of the full Council membership, except as otherwise provided by Massachusetts General Laws or this Charter, shall be necessary for the final passage of any bylaw.

All votes on regular and emergency bylaws shall be taken by roll call and shall be recorded in the journal.

Section 2-7 Action Requiring a Bylaw

In addition to other acts required by statute or this Charter to be accomplished through bylaw, those acts of the Town Council shall be through bylaw which: (a) adopt or amend administrative bylaws or establish, alter or abolish any Town department, office or agency; and (b) provide for a fine or other penalty, or establish a rule or regulation for the violation of which a fine or other penalty is imposed; and (c) establish all fees which are not set by Massachusetts General Laws.

Section 2-8 Vacancy

Unless recalled in accordance with Article Six of this Charter, a vacancy in the office of a Councilor shall be declared by the Town Clerk following notification of, death,

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permanent disability to serve, resignation, and/or failure to maintain a permanent residency in the Town of Easton or in the case of a Councilor from a precinct, the failure to maintain a permanent residency within that precinct. A permanent disability to serve shall mean missing all meetings held within ninety (90) days of the last meeting attended unless said Councilor is on active military duty.

If a vacancy shall occur in the office of councilor at large and there is more than three months remaining in said term, the vacancy shall be filled in descending order of votes received by the candidate for office of councilor at large at the preceding town election who received the largest number of votes without being elected, provided, however, that such person remains eligible and willing to serve, and provided, further, that such person received at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor at large at said election. The town clerk shall certify such candidate to the office of councilor at large for the balance of the then unexpired term. If a vacancy shall occur in the office of councilor at large and there is less than three months remaining in said term, the vacancy shall remain and be not be filled until the next election.

If a vacancy shall occur in the office of precinct councilor and there is more than three months remaining in said term, the vacancy shall be filled in descending order of votes received by the candidate for office of that precinct councilor at the preceding town election who received the largest number of votes without being elected, provided, however, that such person remains eligible and willing to serve, and provided, further, that such person received at least 30 per cent of the vote total for the office of that precinct councilor at said election. The town clerk shall certify such candidate to the office of councilor at large for the balance of the then unexpired term. If a vacancy shall occur in the office of precinct councilor and there is less than three months remaining in said term, the vacancy shall remain and not be filled until the next election.

Whenever a vacancy shall occur in the office of councilor at large or in that of a precinct councilor and there is no available candidate to fill such vacancy in the manner provided above then the vacancy shall be filled by the remaining members of the town council. Persons elected to fill a vacancy by the town council shall serve only until the next regular election or, if so decided, a special election, at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve the remainder of the unexpired term.

ARTICLE THREE

OTHER ELECTED OFFICIALS

Section 3-1. General Provisions

(a) **Elective Offices** - The other offices to be filled by ballot of the whole town shall be a school committee, a board of assessors, a board of health, a housing authority, and such members of regional authorities or districts as may be established by statute, inter local agreement or otherwise.

(b) **Eligibility** - Any voter shall be eligible to hold any elective town office; but no elected town official shall simultaneously hold any other elected town office.

(c) **Appointment** - The Town Council shall appoint for fixed terms, constables, a town accountant and election officers. They shall appoint for fixed overlapping terms the members of the board of appeals, planning and zoning board, registrars of voters, conservation commission, cemetery commission, recreation commission, historical commission, industrial development commission and trustees of special funds and such other boards or commissions that may from time to time be established. They shall appoint for indefinite terms veterans officers, a town counsel, a town manager and individuals who are to serve as representatives or delegates of the town to the governing or advisory boards of regional or district authorities.

Section 3-2, School Committee: Composition; Term; Compensation; Powers and Duties

(a) **Composition, Term of Office** - There shall be a school committee consisting of five (5) members elected by the voters for four year terms. Three shall be elected at one election and two shall be elected at the next election.

(b) **Compensation** - School committee members shall serve without salary.

(c) **Powers and Duties** - The school committee shall have all of the powers and duties school committees may have under the constitution and General Laws of the Commonwealth, and it shall have such additional powers and duties as may be authorized by this charter or by by-law.

Section 3-3 Board of Assessors: Composition, Term of Office; Compensation, Powers and Duties

(a) **Composition, Term of Office** - There shall be a board of assessors consisting of three (3) members elected by the voters for four-year terms. Two shall be elected at one election and one shall be elected at the next election.

(b) **Compensation** - The assessors shall receive for their services such compensation as may annually be provided for that purpose by appropriation.

(c) **Powers and Duties** - The assessors shall annually make a fair cash valuation of all the estate, real and personal, subject to taxation within the town. They shall have such other powers and duties as are provided by law for assessors.

Section 3-4 Board of Health: Composition, Term of Office; Compensation; Powers and Duties

- a) **Composition, Term of Office** - There shall be a board of health consisting of three (3) members elected by the voters for terms of four years .Two shall be elected at one election and one shall be elected at the next election.
- (b) **Compensation** - The members of the board of health shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- (c) **Powers and Duties** - The board of health may make reasonable health regulations and shall enforce the laws relating to public health, the provisions of the state sanitary code and all local health regulations.

Section 3-5. Housing Authority: Composition, Term of Office; Compensation; Powers and Duties

- (a) **Composition, Term of Office** - There shall be a housing authority consisting of five (5) members, four (4) elected by the voters and one appointed by the commissioner of the state department of community affairs for five-year terms. Two shall be elected at one election and two shall be elected at the next election.
- (b) **Powers and Duties** - The housing authority shall have all of the powers and duties which such authorities may have under the general laws.

Section 3-6, Vacancy

A vacancy in any elected position other than Town Council shall be filled by a joint meeting of the Town Council and the elected board in question. Each board must have a quorum before a vacancy shall be filled. Said vote shall be by roll call and the person so elected shall hold the position only until the next regular election at which time the position shall be voted on by the citizens and the person so elected shall hold the position for the balance of any unexpired term.

ARTICLE FOUR

TOWN MANAGER

Section 4-1. Appointment; Qualifications; Term

The Town Council shall appoint a town manager for an indefinite term and fix his/her compensation within the amount appropriated by the town. The town manager shall be appointed solely on the basis of his/her executive and administrative qualifications. He/she shall be a person especially fitted by education, training and previous experience in public administration to perform the duties of the office. He/she need not be a resident of the town or of the commonwealth at the time of his/her appointment, but he/she must establish residence in a city or town that has borders within 25 miles of the town of Easton within twelve (12) months following his/her appointment. He/she shall not have served in an elective office in the town government for at least twelve months prior to his/her appointment. He/she shall devote full time to the office and shall not hold any 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 Town Council. The town may from time to time establish by by-law such additional qualifications as seems necessary and appropriate.

Any vacancy in the office of the town manager shall be filled as soon as possible by the Town Council, and meanwhile they shall appoint a suitable person as temporary town manager to perform the duties of the office. Such temporary appointment may not exceed three (3) months but one additional renewal may be voted by the Town Council not to exceed a second three (3) months. Compensation for such person shall be set by the Town Council.

Section 4-2. Powers and Duties

The town manager shall be the chief administrative officer of the town and be directly responsible to the Town Council for the administration of all town affairs placed in his/her charge or by under this charter. He/she shall have the following powers and duties:

- (a) He/she shall supervise and direct the administration of all departments, agencies and offices for whose function he/she is responsible.
- (b) He/she shall appoint, subject to the provisions of the civil service law where applicable and except as otherwise authorized by the charter, all department heads, officers, members of boards and commissions and employees. Such appointments when made shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the Town Council, unless the Town Council shall within that period by a majority of all of its members vote to reject such appointment.
- (c) He/she shall fix the compensation of all town officers and employees appointed by him/her within the limits established by existing appropriations.
- (d) He/she shall attend all regular meetings of the Town Council unless excused at his/her own request, except meetings at which his/her removal is being considered, and shall have a voice but no vote in all of its deliberations.

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(e) He/she shall keep full and complete records of his/her office and shall render as often as may be required by the Town Council, but not less than once in each year, a full report of all operations during the period reported on, which report shall be made available to the public.

(f) He/she shall keep the Town Council fully advised as to the needs to the town and shall recommend to the Town Council for adoption such measures requiring action by them as he/she may deem necessary or expedient.

(g) He/she shall have full jurisdiction over the rental and use of all town property except school property and property under the control of the conservation commission. He/she shall be responsible for the maintenance and repair of all town buildings and facilities placed under his/her control by this charter, by by-law, by vote of the Town Council or otherwise.

(h) He/she shall prepare and present to the Town Council the annual budget of the town and shall also be responsible for the development and annual updating of the capital improvement program as provided in Article .

(i) He/she shall keep a full and complete inventory of all property of the town, both real and personal.

(j) He/she shall negotiate contracts involving any subject within his/her jurisdiction.

These proposed contracts shall be subject to final approval and execution by the Town Council. The Town Council may delegate final approval of some or all contracts for the procurement of goods and services to the Town Manager.

(k) He/she shall be responsible for purchasing all supplies, material and equipment for all departments and activities of the town, but not including food for schools, school books and other instructional material, supplies and equipment, library books and related printed and audio visual material unless otherwise specifically requested by the school committee.

(l) He/she shall see that all of the provisions of the general laws, of the charter and votes of the Town Council which require enforcement by him/her or officers subject to his/her direction and supervision are faithfully carried out.

(m) He/she shall prepare and revise, as necessary, a plan establishing personnel requirements. It shall include job descriptions, together with wage and salary schedules, for all departments established by this charter, administrative code or town by-law, except school department employees, and it shall become effective within 30 days after submission to the Town Council unless rejected by them.

(n) He/she may at any time inquire into the conduct of office of any officer or employee or department, board or commission under his/her control.

(o) He/she shall perform any other duties required by the by-laws, administrative code, or the votes of the Town Council.

(p) He/she shall advertise all vacancies on town boards and committees in a newspaper of general circulation and shall actively recruit candidates for all appointments to be made by himself/herself or the Town Council

Section 4-3 Acting Town Manager

By letter filed with the town clerk, the town manager shall designate a qualified town administrative employee or officer to exercise the powers and perform the duties of town manager during his temporary absence. During his/her absence the Town Council may

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not revoke such designation until at least ten (10) working days have elapsed whereupon it may appoint another qualified town administrative employee or officer to serve until the town administrator shall return.

Section 4-4 Removal

The Town Council may remove the town manager from office in accordance with the following procedure.

(a) The Town Council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the town manager forthwith.

(b) Within five (5) days after receipt of the preliminary resolution the town manager may request a public hearing by filing a written request for such hearing with the Town Council. This hearing shall be held at a meeting of the Town Council not later than thirty (30) days after the request is filed nor earlier than twenty (20) days. The town manager may file a written statement in justification of his/her tenure of office with the Town Council provided the same is received at their office more than forty-eight (48) hours in advance of the public hearing.

(c) The Town Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all of its members at any time after ten (10) days following the date of delivery of a copy of the preliminary resolution to the town manager, if he/she has not requested a public hearing, or, any time after the public hearing if he/she has requested one. Within ten (10) days following their vote to make their resolution final but in no event later than forty-five (45) days following the date of adoption of the first resolution the Town Council must, by majority vote of the full membership, either affirm or dismiss the final resolution of removal. Failure to affirm a final resolution of removal shall nullify the vote to dismiss the town manager.

The town manager shall continue to receive his/her salary until the effective date of a final resolution of removal. The action of the Town Council in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the Town Council.

ARTICLE FIVE

FINANCE COMMITTEE AND BUDGET PROCESS

Section 5-1

In all matters concerning finances and financial procedures of the Town, the provisions of the Massachusetts General Laws shall apply together with such other requirements as are provided by this Charter and any applicable bylaw.

Section 5-2, Composition

A Finance Committee of five members shall be appointed by the Town Council for three-year staggered terms of office so that two members shall be appointed one year, two members shall be appointed the second year and one member shall be appointed the third year. The Finance Committee shall elect from its membership a chairman, a vice-chairman and a clerk. The Town Accountant shall have ex-officio membership, without voting rights, on the Committee. No elected or appointed Town officer, or compensated Town employee shall serve on the Committee. Committee members shall serve without compensation.

Section 5-3, Vacancies

Vacancies on the Finance Committee shall be filled promptly by the Council for the unexpired term.

Section 5-4, General Duties

The Finance Committee shall carry out its duties in accordance with the Massachusetts General Laws, this Charter and any applicable Town bylaw. The Committee shall carefully examine all budget and appropriation proposals and shall issue its recommendations thereon prior to consideration, debate and final vote by the Town Council.

Section 5-5, Annual Budget Process

Within the period provided by the Massachusetts General Laws, the Town Manager shall submit to the Town Council and file copies with the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and any supporting documents.

The budget message shall explain the budget for all Town agencies and departments in fiscal and programmatic terms. It shall: (a) outline proposed financial policies of the Town for the ensuing year; (b) describe important features of the budget; (c) indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such variations; (d) summarize the Town's debt position; and (e) include such other materials as the Town Manager may deem desirable or necessary for an understanding and review of the budget by the Town Council and the Finance Committee,

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In submitting the proposed budget, the Town Manager shall utilize modern fiscal principals so as to afford maximum information and financial controls. At a minimum, the budget shall detail all estimated revenue from the property tax levy, State aid and other sources. It shall also detail all proposed expenditures, including debt service to: the previous, current and ensuing years and shall indicate separately: (a) proposed expenditures for current operations and capital projects during the ensuing year, detailed by agency/department purpose and position, together with proposed financing methods; and (b) estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts.

The Town Council shall conduct at least two public hearings on the proposed budget, and it shall publish, in one or more newspapers of general circulation in the Town, a general summary of the budget and a notice stating: (a) the times and places where copies of the budget shall be available for inspection, and (b) the dates, times and places, not less than seven days after publication, when the public hearings on the budget proposal shall be conducted. The Town Council may adjourn the second public hearing to another date without further need of publication. The Finance Committee shall issue printed recommendations and make copies available at the time of the public hearings. Failure of the Finance Committee to make written recommendations shall not preclude the Town Council from passing the annual budget.

The Town Council shall not vote on the proposed budget at any of the public hearings. The Town Council shall adopt the budget, with or without amendments, prior to the close of the current fiscal year. Adoption of the budget shall constitute appropriation of the amounts specified therein.

ARTICLE SIX

ADMINISTRATIVE ORGANIZATION

Section 6-1. Creation of Departments, Divisions, Agencies and Offices

The organization of the town into operating departments, divisions, offices and agencies may be accomplished through either of the methods provided in this article.

(a) **By-Laws** - Subject to express prohibitions in state statutes and the provisions of the charter, the Town Council may, by by law reorganize, consolidate, or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or unless this charter specifically so provides, assigned to any other.

(b) **Administrative Code** - The Town Council, after consultation with the Town Manager, may from time to time prepare plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

The Town Council may, through the administrative code, and subject to express prohibitions in state statutes and this charter, reorganize, consolidate or abolish all town agencies in whole or in part; establish such new town agencies as they deem necessary; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another.

Section 6-2. Publication of Administrative Code and Personnel Plan

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of the by-laws of the town of Easton. The personnel plan as prepared by the town manager shall be published annually in the town report.

Section 6-3. Merit Principle

All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

Section 6-4. Department of Public Works

There shall be a department of public works, headed by a director of public works, who shall be either the town manager or a director of public works appointed by the town manager. The appointment of a director of public works by the town manager shall become effective on the fifteenth day following the day notice of the appointment is filed with the Town Council unless the Town Council shall within that period, by a majority of all of its members, vote to reject such appointment. The director of public works so appointed shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.

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The director of public works shall be responsible for the supervision and coordination of all public works operations of the town which are placed under his/her control by this charter, by by-law, or by the Town Council. Public works operations may include, but need not be limited to the following operations: refuse collection and disposal, sewerage, water supply and distribution, forestry services and maintenance of physical plant.

The Town Council acting through the town manager shall be responsible for the overall supervision of the department of public works and for the establishment of priorities to govern the operation of the department provided, however, that the Town Council shall not in any way become involved with the day to day operations of the said department.

Section 6-5. Water Resource Advisory Commission; Composition; Term of Office, Powers and Duties

(a) **Composition, Term of Office** - There shall be a water resource advisory commission consisting of three members appointed by the Town Council for overlapping terms of three years.

(b) **Powers and Duties** - The water resource advisory commission shall be responsible for advising the town on the adequacy in quantity and quality of the public water supply. They may recommend that the town take by eminent domain, or acquire by purchase or otherwise, and hold the waters or any portion thereof, of any pond, brook, spring, stream or ground water sources within town limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; and also for said purpose they may recommend that the town may take by eminent domain, or acquire by purchase or otherwise, and hold all lands, rights of way and other easements necessary for collecting, storing, holding purifying and treating such water and protecting and preserving the purity thereof.

ARTICLE SEVEN

TOWN ELECTIONS

Section 7-1, Biennial Town Elections

The regular biennial election for all town offices and Town Council members shall be by official ballot held on the first Tuesday following the first Monday in November of each even numbered year. All elections of town officers and Town Council members shall be non partisan and all election ballots shall be printed without any party mark or other political emblem.

The order of candidate names on the official ballot shall be drawn by lot at a time and place designated by the Town Clerk that shall be adequately publicized in advance and open to the public. There shall be no preliminary election and all qualified candidates shall appear on the ballot on election day.

Except as may otherwise be provided by this Charter, the provisions of the Massachusetts General Laws with respect to nominations and elections to town offices shall apply.

The nomination of candidates for election or reelection as Town Council members shall be made by nomination papers filed with the Town Clerk not later than the last day on which candidates for other Town Offices must be filed. For the office Councilor at Large, such papers shall be signed by at least one hundred (100) qualified voters of the Town. For the office of Precinct Councilor, such papers shall be signed by at least forty (40) qualified voters by and from that precinct.

Section 7-2, Initiative

The voters of the Town shall have the power to propose and act upon any legislative matter falling within the authority of the Town Council so to act, except emergency measures as provided in Section 2-6 of this Charter.

Initiative legislation may be proposed by submission to the Town Clerk of a petition signed by qualified voters of the Town equal in number to not fewer than five percent (5%) of those registered at the last town election. Each copy of the petition shall clearly state the question or questions to be voted on. Each question shall deal with one (1) subject only.

If within seven days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provision shall be made for a special initiative election to be conducted within thirty five (35) days thereafter for the sole purpose of voting on the petitioned question or questions.

Each question to be voted on the special initiative election shall be in the same form and language as stated on the initiative petition.

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No special initiative election shall be valid unless at least twenty five percent (25.0 %) of the qualified voters of the Town shall cast a ballot on each question submitted.

Section 7-3, Referendum

No bylaw, order or other measure adopted by the Town Council except a vote: (a) to appropriate a sum of money less than fifty thousand dollars (\$50,000) or (b) to enact an emergency measure as detailed in Section 2-6 of this Charter or (c) an appointment to a board, agency or other Town position shall become operative until the expiration of fourteen (14) days following the Council's final vote thereon. The annual budget, however, shall not be the subject of a referendum.

If within such fourteen (14) day period a petition signed by qualified voters of the Town equal in number to not fewer than five percent (5%) of those registered at the last town election is filed with the Town Clerk, asking that any question involved in such a vote be submitted to the voters, then a referendum shall be held for the sole purpose of presenting the question or questions to the voters of the Town.

If within seven days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provision shall be made for a referendum to be conducted within thirty five (35) days thereafter.

Each question to be voted on in the referendum shall be in the same form and language as when finally voted on by the Town Council.

All procedures for voting upon referendum questions shall be in the same manner as provided by general law for the conduct of town elections.

No referendum against any action of the Town Council shall be valid unless at least twenty five percent (25.0 %) of the qualified voters of the Town shall cast a ballot on each question submitted.

Section 7-4, Recall of elective officers

Any elected officer of the Town may be recalled and removed from office by the voters as herein provided. Any voter may file with the Town Clerk a petition containing the name and title of the elective officer whose removal is sought. For all elective officers including precinct councilors such petition shall be signed by the qualified voters of the Town equal in number to at least five percent (5%) of those registered at the last regular Town election. Such recall petition must be filed within fourteen (14) days following its initial date of issuance.

If within seven (7) days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provisions shall be made for a recall election to be held within sixty (60) but not sooner than forty five (45) days thereafter, provided that no such election shall take place if the regular Town election or another

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special election shall be held within (90) days. All procedures for voting upon the recall question and filling any vacancy caused by the recall of an officer shall be in the same manner as provided by the Massachusetts General Laws for the conduct of Town elections.

Any officer sought to be removed may be a candidate to succeed to the same office, and unless the officer requests otherwise in writing, the Town Clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with provisions of the Massachusetts General Laws and this Charter relating to elections. Ballots used in a recall election shall ask if the officer sought to be recalled shall be recalled; and shall provide for the names of candidates seeking the office of the officer recalled.

If the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected provided that at least twenty five percent (25.0%) of all those qualified shall have voted.

ARTICLE EIGHT

GENERAL PROVISIONS

Section 8-1, Charter Changes

This charter may be replaced, revised or amended in accordance with any procedure made available in accordance with any procedure made available under the Constitution of the Commonwealth or by general or special law.

Section 8-2, Periodic Review

The town council shall provide, in every year ending in a 0, for a review of the charter by a committee consisting of no less than 5 or no more than 9 persons. At least 1 such person shall be from the then sitting council. The committee shall file a report within 1 year recommending any changes to the charter which it deems necessary or desirable, unless an extension is authorized by vote of the town council.

Section 8-3, Severability

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

Section 8-4, Uniform Procedures Applicable to Multiple Member Bodies

Meetings- All multiple member bodies of the town shall meet regularly at such times and places as they may, by their own rules, prescribe, unless some other provision is made by ordinance or by-law. Special meetings of any multiple member body shall be held subject to the call of the chair or by one-third of the members thereof, by written notice delivered in hand or in the place of residence of each member and which contains a list of the item or items to be acted upon. All meetings must be posted and comply with the Open Meeting Laws of the Commonwealth.

Rules and Journals- Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by-law and shall provide for the keeping of a journal of its proceedings. These rules and journals shall be a public record and kept on file in the office of the town clerk.

Voting- If requested by any member, any vote of any multiple member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal; provided, however, that if the vote is unanimous only that fact need be recorded.

Quorum- A majority of the members of a multiple member body shall constitute a quorum, but a smaller member may meet and adjourn from time to time.

ARTICLE NINE

TRANSITIONAL PROVISIONS

Section 9-1, Continuation of Existing Laws

All by-laws, resolutions, rules, regulations and votes of town meeting which are in force at the time this charter is adopted, not inconsistent with this Charter, shall continue in full force until amended or repealed.

If provisions of this Charter conflict with provisions of town by-laws, rules, regulations, orders, or special acts or acceptances of law, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

Section 9-2, Existing Officials and Employees

Any person holding a town office or town employment shall retain such office or employment and shall continue to perform the duties of office until provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency.

Section 9-3, Continuation of Government

All town officers, boards, commissions or agencies shall continue to perform the duties thereof until reappointed or reelected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.

Section 9-4, Transfer of Records and Property

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

Section 9-5, Continuation of Personnel

Any person holding a town office, or position in the administrative service of the town, or any person holding full time employment under the Town, shall retain such office, position or employment and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full time service of the Town shall forfeit his pay grade or time in service of the Town.

Section 9-6, Effect on Obligations, Taxes, Etc.

All official bonds, obligations, contracts and other instruments entered into or executed by or to the town before adoption of this Charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town, shall be enforced and collected and all writs, prosecutions, actions and causes of action, excepted as may be herein otherwise provided, shall continue without abatement and remain unaffected by

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this Charter. No legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption of this Charter.