

CHARTER AND BY-LAW REVIEW COMMITTEE MEETING
20 January 2010
VERSION 2

The Charter and By-Law Review Committee (CBRC) held a duly posted meeting on 20 January 2010, in the Community Development Conference Room in Town Hall. The Vice-Chair, Mr. Sidney called the meeting to order at 4:32 PM.

Members present: Mr. Jay Ball, Mrs. Barbara Chinetti, Ms. Karen Adelman Foster, Mr. Robert Healey, Mr. Anthony Lista and Mr. Richard Sidney (Vice-Chair).

Member(s) absent: Ms. Carol Gloff.

Others present: Mr. Richard Jennett Jr. (Chairman of the Finance Committee) and Ms. Martha White (Town Administrator) arrived at 4:45 PM.

Other(s) present via teleconference call. Mr. Paul Griesmer (Article 9, Special Town Meeting #1 Proponent).

Attachments: Document "A" – CBRC Review of 2010 Special Town Meeting #1 Article 9, (one page) listing of seven (7) items referenced in the minutes.

Item 1: A three-page presentation from the proponent describing the proposed changes to Charter Article 4 and 5.

Item 2: A four-page copy of changes to Charter Article 4 voted by the Fall Annual Town Meeting.

Item 3: A four-page document noting proposed changes to Charter Article 4 by the proponent.

Item 4: A four-page document noting proposed changes to Charter Article 4, added to FATM, shown against prior version of the Article.

Item 5: A three-page document showing changes to Charter Article 5 as voted by FATM.

Item 6: A three-page document noting potential changes to Charter Article 5 discussed at Finance Committee meeting of 12 January 2010.

Item 7: A four-page document noting proposed changes to Charter Article 5 by the proponent of Article 9.

Note for clarification the following terms:

Charter = Natick Home Rule Charter
FATM = 2009 Fall Annual Town Meeting
TM = 2010 Special Town Meeting #1

DISCUSSION OF CHARTER and BY-LAW REVIEW STATUS

Vice-Chair Mr. Sidney briefly discussed the aforementioned attachments with the CBRC and others present, presenting guidelines regarding this evening's proceeding.

The CBRC moved into discussion of the aforementioned Item 3.

Mr. Griesmer discussed suggested changes. Mr. Ball asked for clarification regarding the term in Charter Article 4, section 4-2 (8) "the fiscal documents."

After further discussion Mr. Ball suggested to 'lay-on-the-table' Item 3 until completion of Charter Article 5 discussions, since changes to Charter Article 4 were/are contingent on results of Charter Article 5 review. Mrs. Chinetti seconded and the CBRC so moved by a 6-0-0 vote.

Ms. White arrived at 4:45 PM.

Discussion advanced to the aforementioned Item 7. The CBRC entered into detailed discussions regarding sections 5-4, 5-5, 5-6(a), 5-6(b) and 5-6(c). Extended discussion ensued regarding the terms "proposed budget, preliminary budget and submitted budget."

Ms. White discussed how the Town Administrator prepares and presents the budget, Mr. Jennett, Mr. Lista, Mr. Sidney and Mr. Griesmer discussed the budget process through the eyes of the Finance Committee, relative to Charter Articles 4 and 5.

Mrs. Chinetti noted the original Charter where 'less words are used in the Charter with more words in the By-Laws.'

Mr. Sidney noted any budget is only "proposed" until it reaches the floor of Town Meeting and Ms. Adelman Foster noted that only Town Meeting action makes any budget "final."

Many various and wide-ranging options were discussed with no motions forthcoming.

The CBRC then returned to the aforementioned Item 3, Article 4, Section 4-2(8).

Mr. Lista moved the following actions:

- 1. Delete the comma after the word 'submit';**
- 2. Insert the words "the fiscal documents" after the word 'submit';**
- 3. Delete the words "a proposed" after the words 'Article 5';**
- 4. Insert the words "pertaining to the" after the words 'Article 5';**
- 5. Delete the word "a" after the words 'operating budget and';**

So the paragraph shall read:

"He shall prepare and submit the fiscal documents in the manner provided in Article 5 pertaining to the annual operating budget and proposed capital outlay program for the town."

Ms. Adelman Foster seconded, the CBRC voted 6-0-0 to approve the motion.

The CBRC then move to the aforementioned Item 7, Section 5-5. A spirited discussion ensued regarding a “balance budget” requirement herein.

Ms. White spoke against requiring a “balance budget” at a preliminary stage without all required data available, Ms. Adelman Foster spoke against a balance budget at this point, and Mr. Jennett discussed how the school budget process worked and how the school budget presented various tiers of cuts if necessary.

Mr. Griesmer detailed his concerns and Mr. Lista elucidated his points of question.

During extended debate, the suggestion was made to refrain from a specific balanced budget presentation but rather that set(s) of alternatives or scenarios be presented to the Finance Committee. After further clarification:

Mr. Lista moved the following actions in Charter Article 5-5:

- 1. In the second sentence, replace the words “the means” with the words ‘identify one or more scenarios’;**
- 2. In the last sentence prior to sub-paragraph a), replace the words “The budget” with the words ‘Any and all submitted budgets’;**

So that the paragraph shall read:

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

Mr. Ball seconded and the CBRC voted 6-0-0 to approve the motion.

The CBRC then discussed 5-6 (b) and the aforementioned related item 6:

Mr. Lista move the following actions in Charter Article 5-6(b):

- 1. In the final sentence, replace the words “the preliminary” with the words “any submitted”.**

So that the paragraph shall read:

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

Mr. Ball seconded and the CBRC voted 6-0-0 to approve the motion.

Mrs. Chinetti had to leave the meeting at 5:50 PM; however, a quorum remained so the meeting continued.

A brief discussion on Section 5-6(c) ensued with no motions from the floor.

Mr. Ball moved to adjourn, seconded by Ms. Adelman Foster, meeting adjourned at 5:54 PM.

Respectfully submitted by Bob Healey, CBRC member.

Minutes approved on February 1, 2010 by a vote of 4-0-1.

CBRC Review of 2010 Special Town Meeting #1 Article 9

This document contains the following information relevant to 2010 Special Town Meeting #1 Article 9. Pages in this document may be identified by text in the Footer of the document.

In the following discussion the following terms are used:

- Charter: Natick Home Rule Charter
- FATM: 2010 Fall Annual Town Meeting.
- TM: 2010 Special Town Meeting #1

Document Description	Identifying Footer Text
1. A presentation from the proponent describing the changes he is proposing to Charter Articles 4 and 5.	
2. The changes to Charter Article 4 voted by the FATM, shown as track-changes from the prior version of the article.	Charter Art 4 changes voted by Fall 2010 ATM
3. Changes proposed to Charter Article 4, shown as track-changes from both the prior version of the article and containing the additional changes.	TM Art 9 proposed additional changes to Charter Art 4
4. Changes proposed to Charter Article 4, showing only the additional changes from the vote at FATM	TM Art 9 specific proposed changes to Charter Art 4
5. The changes to Charter Article 5 voted by the FATM, shown as track-changes from the prior version of the article.	Charter Art 5 changes voted by Fall 2010 ATM
6. Potential changes to Charter Article 5 as discussed generally at the Finance Committee meeting of 12 Jan, 2010 and the CBRC meeting of 13 Jan 2010. This document shows track-changes for both the changes voted at FATM and the additional potential changes. <i>Note: These changes were not voted by either the Finance Committee or the Charter and By-law Review Committee. This document is solely the product of discussions held during meetings of these bodies.</i>	TM Art 9 FinCom proposed changes to Charter Art 5
7. The proposed changes to Charter Article 5 presented by the proponent of TM Article 9. The track-changes in this document only show the proponent's proposed changes. Notes: 1. The proponent sent an additional change to this document under separate cover, which is shown in the track-changes in a different color. 2. I corrected some minor grammatical errors in the new text (extra spaces and an extra word) that were indicated by the Word Editor.	TM Art 9 Proponent proposed changes to Charter Art 5

These documents will be used during the CBRC meeting of Wed, 20 January.

Proposed changes to Article 5 of the Charter as voted by Fall 2009 TM are presented below in italics and explained in 1. through 8.

1. In addition to any other information, the preliminary budget shall include a balanced budget.

This change would require that the preliminary budget include a balanced budget but not require that it consist solely of a balance budget. This change is within the scope of iii) of Article 9 of STM warrant.

2. The preliminary budget, including the estimates, analyses and assumptions contained or incorporated therein, shall be based on the best information available to the Town Administrator at the time of submission of the preliminary budget.

This change establishes a quality requirement for the preliminary budget as a baseline needed for the later definition of a Proposed Budget. In this regard the definition of the Proposed Budget (that comes later) is in reference to and subsumes the preliminary budget. This change is in the scope of i) of Article 9 of the STM warrant. The warning to add a requirement of a Proposed or Final Budget includes the definition of same. Item i) includes Proposed Budget as a defined term. This change is also within the scope of the last "and/or" clause of Article 9 of the STM warrant. The alternative would be to add an entire new section dealing with and defining the Proposed or Final Budget contemplated under i) of Article 9 of the STM warrant.

3. The preliminary and any subsequent budget shall be arranged....

This change would require that the details in 5-6 a, b and c would apply to subsequent budgets and budget changes. This change is in the scope of the first iv) of Article 9 of the STM warrant.

4. Where changes to the preliminary budget are submitted by the Town Administrator , the requirements of Section 5-6-(a) through (c) inclusive shall apply with regard to such changes.

This change is consistent with the change immediately above and is continuation of that change clarifying that the details of 5-6 a, b and c need apply only to the changes of the preliminary budget (in as much as the changes to the preliminary budget when added to the preliminary budget effectively make a brand new overall budget.) This change is added as a convenience to avoid the potential implication of the detail of the entire budget needing to be repeated with every change. This change is in the scope of the first iv) of Article 9 of the STM warrant.

5. The preliminary budget shall be subject to change i) by the Town Administrator based on changes in information after the date of submission, ii)by the finance committee in its review and public hearing process or iii) both.

This change specifies how the required Proposed or Final Budget comes to be; i.e. the required submission comes about through changes to the preliminary budget. This change also provides that the Finance Committee can make changes to the preliminary budget. These changes are in the scope of i) and the second iv) of Article 9 of the STM warrant.

In the event that the Moderator determines that the change proposed in 2. above is not in the scope of the Article 9 of the STM warrant (because it changes the requirements of the preliminary budget as well) , the sponsors would propose a different alternative change here in 5. which would be:

The preliminary budget shall be subject to change i) by the Town Administrator based on changes in information, analyses, assumptions and/or estimates which become available to the Town Administration after the date of submission of the preliminary budget, ii) by the finance committee in its review and public hearing process or iii) both.

5. necessary to assist it in its review of the preliminary *and any other* budget or *budget changes*.

This change provides that the Finance Committee reviews the submission of changes to the preliminary budget or outright substitutes of the preliminary budget or the Proposed or Final Budget. The alternative is to re write the earlier language of Section 5-5 to include the required submission of the Proposed Budget and to rescind the insertion of the "preliminary " in the Fall 2009 TM changes in the sentence that was changed to read in part " necessary to assist it in its review of the preliminary budget. The same result is achieved and both are in the scope of Article 9 of the STM warrant.

6. In connection with any budget change which is submitted by the Town Administrator and which materially affects any town agency, the finance committee shall provide the same notice and public hearing as in Section 5-6-(a). This additional notice requirement shall not apply to changes proposed by the finance committee or the public during finance committee's review process. The preliminary budget together with all changes, if any, submitted by the Town Administrator shall become the Proposed Budget at the conclusion of the finance committee review and public hearing process. Further changes made by the finance committee during its review under this section shall be constitute amendments to the Proposed Budget.

This change requires that changes to the preliminary budget are noticed to the public . This change is in scope of i) and vi) of Article 9 of the STM warrant but is narrower in regard to vi) in that it applies only to certain types of changes and not all changes(i.e. minor changes). In this regard , the earlier points about changes making effectively a brand new overall budget are repeated.

7. In the event of a failure or inability of the Town Administrator to submit the preliminary budget as required, the finance committee may, under this section, complete the budget with the assistance of any or each town agency.

This change provides that the Finance Committee can pick up the process in the interests of the Town in the event the TA doesn't or can't. This change allows the Finance Committee to move to get the public's business completed in the event that it isn't happening either at all or on a timely basis. TM members and members of the public will recall that the town had such a problem in January 2002. The proponents believe that the town also had this problem in January 2009 and currently. The language would leave it to the Finance Committee (by a majority vote of its members) to decide whether and when to take up this power. This change is in the scope of v) of Article 9 of the STM warrant. The sponsors believe that the term "inability" is another form of "failure" . However, the sponsors believe that the change works even if the words "or inability" are deleted.

8. The finance committee shall file a report containing its recommendations for actions on the ~~p~~Proposed ~~b~~Budget which shall be available at least seven days prior to the date on which the town meeting acts on the ~~p~~Proposed ~~b~~Budget. When the ~~p~~Proposed ~~b~~Budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

This change carries the required submission of the Proposed Budget into Section 5-6-c and provides both the minimum time frame before consideration before Town Meeting and provides for the Finance Committee's amendment power. These changes are within the scope of viii) and the second iv) of Article 9 of the STM warrant.

The changes to Article 4 Section 2-8 are presented and explained below.

1. He shall prepare and submit *the fiscal documents*, in the manner provided in Article 5, *pertaining to the ~~a-proposed~~ annual operating budget and proposed capital outlay program for the town.*

This change requires the submission of all fiscal documents contemplated under Article 5. This change is in scope of x) of Article 9 of the STM warrant.

Alternative

The sponsors believe that the alternative to these changes above is to rescind the changes made last fall to Article 5 Sections 3, 4, 5 and 6 in their entirety and to refer the subject matter for further review and a subsequent Town Meeting.

ARTICLE 4

TOWN ADMINISTRATOR

Section 4-1 Appointment, Review, Other Activities

(a) **Appointment, Term of Office** - The board of selectmen shall appoint a town administrator to serve for a term of not less than three nor more than five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The board of selectmen shall make the appointment of a town administrator from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town administrator shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town administrator.

(b) **Review of Performance** - The board of selectmen shall annually provide for a review of the job performance of the town administrator which shall, at least in summary form, be a public record.

(c) **Restriction on Other Activities** - The town administrator shall devote his full time to the duties of his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, in writing, by the board of selectmen.

Section 4-2 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 under his charge by or under the charter **and by-laws**. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- 1) He shall supervise, direct and be responsible for the efficient administration of all functions placed under his control by the charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise, including all officers appointed by him and their respective department.
- 2) He shall coordinate the activities of all town agencies under his control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) He shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments

of the town administrator shall be posted forthwith on the town bulletin board. Appointments made by the town administrator shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen, unless the board of selectmen shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.

- 4) He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and all collective bargaining agreements entered into on behalf of the town. He shall, in conjunction with the personnel board prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.
- 5) He shall attend all regular and special meetings of the board of selectmen, unless excused at his own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) He shall attend all sessions of the representative town meeting and shall answer all questions addressed to him related to warrant articles and which are related to matters under his general supervision.
- 7) He shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the board of selectmen and of other town agencies which require enforcement by him or by officers or employees subject to his general supervision and direction, are faithfully carried out, performed and enforced.
- 8) He shall prepare and submit, in the manner provided in Article 5 a proposed annual operating budget and a proposed capital outlay program for the town.
- 9) He shall keep the board of selectmen fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the board of selectmen and to other elected and appointive officers as he may deem to be necessary or desirable.
- 10) He shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the board of selectmen at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) He shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. He shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.

- 12) He may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under his general supervision.
- 13) He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies.
- 14) He shall be responsible for the negotiation of all contracts with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, ~~material~~materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, ~~material~~materials and equipment for all departments of the town, except for the school department.
- 16) He may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under his general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- ~~17)~~ He may authorize any subordinate officer or employee to exercise any power of duty
- 18) which he is authorized to perform, however, that all acts which are performed under any such delegation shall be deemed to be his acts.
- ~~18)~~ He shall perform such other duties as may be required by the charter, by by-law, by
- 19) town meeting vote, by vote of the board of selectmen, or otherwise.

Section 4-3 Acting Town Administrator

(a) **Temporary Absence** - The town administrator shall, by letter filed with the board of selectmen and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of his office during his temporary absence. During the temporary absence of the town administrator, the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another

qualified town officer or employee to serve as acting town administrator until the town administrator shall return and assume his duties.

(b) **Vacancy** - Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town administrator on an acting basis. The appointment of an acting town administrator shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.

(c) **Powers and Duties** - The powers of a temporary or acting town administrator, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town administrator, only an acting appointment or designation may be made.

Section 4-4 Removal and Suspension

The board of selectmen, by a two-thirds vote taken with the full board present, may terminate the town administrator from his office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests in writing, he shall have been furnished by the board of selectmen with a written statement of the charge or charges or the cause or causes for which his dismissal is proposed; nor unless, if he so requests in writing, he has been given a hearing before the board of selectmen which may be either public or private at the option of the town administrator, and at which he may be represented by counsel, present evidence, and call witnesses to testify in his behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town administrator shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town administrator may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town administrator shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.

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(b) **Review of Performance** - The board of selectmen shall annually provide for a review of the job performance of the town administrator which shall, at least in summary form, be a public record.

(c) **Restriction on Other Activities** - The town administrator shall devote his full time to the duties of his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, in writing, by the board of selectmen.

Section 4-2 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 under his charge by or under the charter and by-laws. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- 1) He shall supervise, direct and be responsible for the efficient administration of all functions placed under his control by the charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise, including all officers appointed by him and their respective department.
- 2) He shall coordinate the activities of all town agencies under his control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) He shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments

of the town administrator shall be posted forthwith on the town bulletin board. Appointments made by the town administrator shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen, unless the board of selectmen shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.

- 4) He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and all collective bargaining agreements entered into on behalf of the town. He shall, in conjunction with the personnel board prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.
- 5) He shall attend all regular and special meetings of the board of selectmen, unless excused at his own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) He shall attend all sessions of the representative town meeting and shall answer all questions addressed to him related to warrant articles and which are related to matters under his general supervision.
- 7) He shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the board of selectmen and of other town agencies which require enforcement by him or by officers or employees subject to his general supervision and direction, are faithfully carried out, performed and enforced.
- 8) He shall prepare and submit the fiscal documents; in the manner provided in Article 5 ~~a proposed~~ pertaining to the annual operating budget and ~~a~~ proposed capital outlay program for the town.
- 9) He shall keep the board of selectmen fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the board of selectmen and to other elected and appointive officers as he may deem to be necessary or desirable.
- 10) He shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the board of selectmen at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) He shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. He shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town

meeting vote, those under the jurisdiction of the school committee.

- 12) He may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under his general supervision.
- 13) He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies.
- 14) He shall be responsible for the negotiation of all contracts with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments of the town, except for the school department.
- 16) He may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under his general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- 18) He may authorize any subordinate officer or employee to exercise any power of duty which he is authorized to perform, however, that all acts which are performed under any such delegation shall be deemed to be his acts.
- 19) He shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise.

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designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town administrator until the town administrator shall return and assume his duties.

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The board of selectmen, by a two-thirds vote taken with the full board present, may terminate the town administrator from his office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests in writing, he shall have been furnished by the board of selectmen with a written statement of the charge or charges or the cause or causes for which his dismissal is proposed; nor unless, if he so requests in writing, he has been given a hearing before the board of selectmen which may be either public or private at the option of the town administrator, and at which he may be represented by counsel, present evidence, and call witnesses to testify in his behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town administrator shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town administrator may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town administrator shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.

ARTICLE 4

TOWN ADMINISTRATOR

Section 4-1 Appointment, Review, Other Activities

(a) **Appointment, Term of Office** - The board of selectmen shall appoint a town administrator to serve for a term of not less than three nor more than five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The board of selectmen shall make the appointment of a town administrator from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town administrator shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town administrator.

(b) **Review of Performance** - The board of selectmen shall annually provide for a review of the job performance of the town administrator which shall, at least in summary form, be a public record.

(c) **Restriction on Other Activities** - The town administrator shall devote his full time to the duties of his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, in writing, by the board of selectmen.

Section 4-2 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 under his charge by or under the charter and by-laws. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- 1) He shall supervise, direct and be responsible for the efficient administration of all functions placed under his control by the charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise, including all officers appointed by him and their respective department.
- 2) He shall coordinate the activities of all town agencies under his control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) He shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments

of the town administrator shall be posted forthwith on the town bulletin board. Appointments made by the town administrator shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen, unless the board of selectmen shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.

- 4) He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and all collective bargaining agreements entered into on behalf of the town. He shall, in conjunction with the personnel board prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.
- 5) He shall attend all regular and special meetings of the board of selectmen, unless excused at his own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) He shall attend all sessions of the representative town meeting and shall answer all questions addressed to him related to warrant articles and which are related to matters under his general supervision.
- 7) He shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the board of selectmen and of other town agencies which require enforcement by him or by officers or employees subject to his general supervision and direction, are faithfully carried out, performed and enforced.
- 8) He shall prepare and submit [the fiscal documents](#); in the manner provided in Article 5 ~~a proposed~~ [pertaining to the](#) annual operating budget and ~~a~~ proposed capital outlay program for the town.
- 9) He shall keep the board of selectmen fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the board of selectmen and to other elected and appointive officers as he may deem to be necessary or desirable.
- 10) He shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the board of selectmen at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) He shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. He shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town

meeting vote, those under the jurisdiction of the school committee.

- 12) He may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under his general supervision.
- 13) He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies.
- 14) He shall be responsible for the negotiation of all contracts with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, ~~material~~materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, ~~material~~materials and equipment for all departments of the town, except for the school department.
- 16) He may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under his general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- ~~17)~~ He may authorize any subordinate officer or employee to exercise any power of duty
- 18) which he is authorized to perform, however, that all acts which are performed under any such delegation shall be deemed to be his acts.
- ~~18)~~ He shall perform such other duties as may be required by the charter, by by-law, by
- 19) town meeting vote, by vote of the board of selectmen, or otherwise.

Section 4-3 Acting Town Administrator

(a) **Temporary Absence** - The town administrator shall, by letter filed with the board of selectmen and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of his office during his temporary absence. During the temporary absence of the town administrator, the board of selectmen may not revoke such

designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town administrator until the town administrator shall return and assume his duties.

(b) **Vacancy** - Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town administrator on an acting basis. The appointment of an acting town administrator shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.

(c) **Powers and Duties** - The powers of a temporary or acting town administrator, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town administrator, only an acting appointment or designation may be made.

Section 4-4 Removal and Suspension

The board of selectmen, by a two-thirds vote taken with the full board present, may terminate the town administrator from his office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests in writing, he shall have been furnished by the board of selectmen with a written statement of the charge or charges or the cause or causes for which his dismissal is proposed; nor unless, if he so requests in writing, he has been given a hearing before the board of selectmen which may be either public or private at the option of the town administrator, and at which he may be represented by counsel, present evidence, and call witnesses to testify in his behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town administrator shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town administrator may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town administrator shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.

ARTICLE 5

FISCAL PROCEDURES

Section 5-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5-2 School ~~Committee~~Department Budget

(a) **Submission to Town Administrator** - The superintendent of schools' proposed budget ~~as adopted by the school committee~~ shall be submitted to the town administrator in sufficient time to enable him to consider its effect on the total town budget he is required to submit under this article.

(b) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of ~~its~~the proposed budget. ~~The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. They~~ This notice shall also indicate the times and places at which copies of ~~their complete draft~~the proposed budget are available for public examination, and the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.

Section 5-3 Submission of ~~Proposed~~Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town administrator shall submit to the finance committee a ~~proposed preliminary~~ budget for the ensuing year, with an accompanying budget message and supporting documents. He shall, simultaneously, provide for the publication in a local newspaper ~~of~~ a general summary of the ~~proposed preliminary~~ budget. ~~The summary shall specifically indicate any major variations from the current fiscal year budget and the reasons for such changes. The~~ This notice shall also indicate the times and places at which complete copies of the ~~proposed preliminary~~ budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town administrator shall ~~explain, at a minimum:~~

- Provide a comprehensive overview of the proposed preliminary budget for all town agencies, both in
- Explain the Town's fiscal terms condition including noteworthy changes in various revenue and in terms of work programs. It shall outline expense categories as well as reserves

- Outline proposed financial policies of the town for the ensuing fiscal year; ~~describe important features of the proposed budget; indicate~~
- Indicate any major variations from the current ~~budget in~~ financial policies; ~~expenditures and revenues~~, together with the reasons for such changes; ~~summarize~~
- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position;
- Provide an analysis of significant trends and ~~it shall include~~ fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town administrator deems desirable or the board of selectmen may ~~reasonably~~ require.

Section 5-5 The ~~Proposed~~Preliminary Budget

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

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the ~~Proposed~~Town Administrator's Preliminary Budget

(a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the ~~proposed preliminary~~ budget, provide for the publication in a local newspaper of a notice stating the date, time and place, not less than seven nor more than fourteen days following such

publication, when a public hearing will be held by the finance committee on the ~~proposed~~preliminary budget.

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

(c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-7 Capital Improvement Program

The town administrator shall submit a capital improvement program to the board of selectmen and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

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

ARTICLE 5

FISCAL PROCEDURES

Section 5-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5-2 School ~~Committee~~Department Budget

(a) **Submission to Town Administrator** - The superintendent of schools' proposed budget ~~as adopted by the school committee~~ shall be submitted to the town administrator in sufficient time to enable him to consider its effect on the total town budget he is required to submit under this article.

(b) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of ~~its~~the proposed budget. ~~The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. They~~ This notice shall also indicate the times and places at which copies of ~~their complete draft~~the proposed budget are available for public examination, and the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.

Section 5-3 Submission of ~~Proposed~~Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town administrator shall submit to the finance committee a ~~proposed preliminary~~ budget for the ensuing year, with an accompanying budget message and supporting documents. He shall, simultaneously, provide for the publication in a local newspaper ~~of~~ a general summary of the ~~proposed preliminary~~ budget. ~~The summary shall specifically indicate any major variations from the current fiscal year budget and the reasons for such changes. The~~ This notice shall also indicate the times and places at which complete copies of the ~~proposed preliminary~~ budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town administrator shall ~~explain, at a minimum:~~

- Provide a comprehensive overview of the proposed preliminary budget for all town agencies, both in
- Explain the Town's fiscal terms condition including noteworthy changes in various revenue and in terms of work programs. It shall outline expense categories as well as reserves

- Outline proposed financial policies of the town for the ensuing fiscal year; ~~describe important features of the proposed budget; indicate~~
- Indicate any major variations from the current ~~budget in~~ financial policies; ~~expenditures and revenues~~, together with the reasons for such changes; ~~summarize~~
- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position;
- Provide an analysis of significant trends and ~~it shall include~~ fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town administrator deems desirable or the board of selectmen may ~~reasonably~~ require.

Section 5-5 The ~~Proposed~~ Preliminary Budget

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

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the ~~Proposed~~ Town Administrator's Preliminary Budget

(a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the ~~proposed preliminary~~ budget, provide for the publication in a local newspaper of a notice stating the date, time and place, not less than seven nor more than fourteen days following such

publication, when a public hearing will be held by the finance committee on the ~~proposed preliminary any submitted~~ budgets.

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

(c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-7 Capital Improvement Program

The town administrator shall submit a capital improvement program to the board of selectmen and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

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

ARTICLE 5

FISCAL PROCEDURES

Section 5-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5-2 School Department Budget

(a) **Submission to Town Administrator** - The superintendent of schools' proposed budget shall be submitted to the town administrator in sufficient time to enable him to consider its effect on the total town budget he is required to submit under this article.

(b) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of the proposed budget. This notice shall also indicate the times and places at which copies of the proposed budget are available for public examination, and the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.

Section 5-3 Submission of Preliminary Budget

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

Section 5-4 Budget Message

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

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

- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town administrator deems desirable or the board of selectmen may require.

Section 5-5 The Preliminary Budget

The preliminary budget, in conjunction with the town administrator’s budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools’ proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town administrator’s recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and the means for addressing such variances. In addition to any other information, the preliminary budget shall include a balanced budget. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town administrator deems desirable, or as the board of selectmen may require. In his presentation of the preliminary budget, the town administrator shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. ~~Any and all submitted budgets~~The preliminary budget, including the estimates, analyses and assumptions contained or incorporated therein, shall be based on the best information available to the Town Administrator at the time of submission of the preliminary budget. The preliminary and any subsequent budget shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Where changes to the preliminary budget are submitted by the Town Administrator, the requirements of Section 5-6-(a) through (c) inclusive shall apply with regard to such changes.

Section 5-6 Action on the Town Administrator’s Preliminary Budget

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

(b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The preliminary budget shall be subject to change i) by the Town Administrator based on changes in information after the date of submission, ii) by the finance committee based on its review and public hearing process or iii) both. The finance committee may require the town administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any budget the preliminary and any other budget or budget changes. In connection with any budget change which is submitted by the Town Administrator and which materially affects any town agency, the finance committee shall provide the same notice and public hearing as in Section 5-6-(a). This additional notice requirement shall not apply to changes proposed by the finance committee or the public during finance committee's review process. The preliminary budget together with all changes, if any, submitted by the Town Administrator shall become the Proposed Budget at the conclusion of the finance committee review and public hearing process. FurtherOther changes made by the finance committee during its review under this section shall constitute amendments to the Proposed Budget.

In the event of a failure or inability of the Town Administrator to submit the preliminary budget as required, the finance committee may, under this section, complete the budget with the assistance of any or each town agency.

(c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the ~~proposed budget~~ Proposed Budget which shall be available at least seven days prior to the date on which the town meeting acts on the ~~proposed budget.~~ Proposed Budget. When the ~~proposed budget~~ Proposed Budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-7 Capital Improvement Program

The town administrator shall submit a capital improvement program to the board of selectmen and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

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