

*CHARTER AND BY-LAW REVIEW COMMITTEE MEETING*

March 24, 2010

The Charter and By-Law Review Committee (CBRC) held a meeting on March 24, 2010 at 8:15 a.m. in the Dlott Meeting Room, Town Hall. The meeting was duly posted by Carol Gloff, Chair. Ms. Gloff called the meeting to order at 8:22 a.m.

Members Present:	Barbara Chinetti, Carol Gloff, Robert Healey, Richard Sidney, Jay Ball (left @ 8:50 am), Karen Adelman Foster
Members Absent:	Tony Lista
Others Present:	Erica Ball
Attachments:	<ul style="list-style-type: none"><li>- 2-page Abstract from Spring 2010 Annual Town Meeting Warrant regarding By-Law Article 41</li><li>- Proposed changes to Charter Article 2-11 (d)</li></ul>

MEETING MINUTES

Meeting of March 18, 2010, presented by Ms. Chinetti. Motion to approve as presented by Mr. Sidney, seconded by Mr. Ball. Passed 6-0-0.

DISCUSSION OF CHARTER AND BY-LAWS

By-law 41: Contracts

Ms. Gloff presented an abstract from the warrant concerning By-Law Article 41 and expressed concern about the construction of the sentences in Section 3. Ms. Adelman Foster reviewed the language and proposed splitting the second sentence into two sentences for clarity.

The committee discussed the structure of the first sentence, but determined that it was acceptable. Ms. Adelman Foster wondered if the word “solicitation” should be plural, as the remainder of the objects of the sentence are plural. Mr. Healey indicated that this is contract language, and the word should clearly designate either a single or multiple solicitations and suggested that the letter “s” be placed in parentheses.

**Moved by Mr. Sidney to change “solicitation” to “solicitation(s)” in the first sentence of Section 3. Seconded by Mr. Ball. Passed 6-0-0.**

**Moved by Mr. Sidney to split the second sentence in Section 3 into two sentences, to remove the word “with” after “procurement officer,” and to insert the words “shall be submitted” after the words “if applicable,” in the second of the two sentences so that these sentences shall read:**

“Every Town board, official, employee or committee making or executing a contract on behalf of the Town shall furnish a copy of said documents to the procurement officer. The original contract and original amendments thereto, if applicable, shall be submitted to the Town Comptroller within ten (10) days after the execution of all such documents.”

*CHARTER AND BY-LAW REVIEW COMMITTEE MEETING*

March 24, 2010

**Seconded by Ms. Chinetti. Passed 5-1-0.**

Charter 2-11 (d) Publication of the Town Meeting Warrants

Mr. Sidney presented a proposal for modifying section 2-11 (d) of the Charter. The committee discussed whether the Town Clerk should be designated as receiving a copy of the warrant. The committee further discussed whether the Charter should mention the “full text” of the warrant.

**Moved by Mr. Ball to adopt the language as presented, with the following amendments:**

- 1. Include the Town Clerk in the list of officials receiving the warrant articles;**
- 2. Designate that the full text of the warrant articles be posted on the town bulletin board;**

**so that the text of this section reads:**

“(d) **Publication and Posting** - Within five days following the date the warrant for any town meeting shall close, the board of selectmen shall cause copies of the full text of the warrant articles for such meeting to be posted on the town bulletin board and to be mailed to the town clerk, town moderator, the chairman of the finance committee, and to such other persons as may be designated by by-law. Within five days after the board of selectmen has attested the warrant, the board of selectmen shall cause copies of said attested warrant to be posted on the town bulletin board and as designated by by-law. Copies of the warrant articles shall be made available for general distribution in the office of the town clerk.”

**Seconded by Mr. Sidney. Passed 6-0-0.**

Charter 5: Fiscal Procedures

Mr. Sidney commented that the committee has prior votes on record for revised wording in Charter Article 5 that is reasonable, assuming that the electorate passes the changes at the upcoming election. If those changes fail, then the committee might consider requesting either a referral to the Board of Selectmen or a “No Action” for this warrant article. No votes are required by the committee at this time, and the prior votes of the committee are sufficient to put the prior wording before Town Meeting, should the Town approve the changes.

OTHER BUSINESS

Ms. Gloff suggested contacting members of the public and advocating a “Yes” vote at the polls on Ballot Questions 3 through 6. Ms. Adelman Foster suggested writing a letter to the editor of the Metro West Daily News requesting a “Yes” vote, to be signed by the Chair on behalf of the committee.

**Moved by Ms. Adelman Foster to have the Chair sign a letter to the editor requesting a “Yes” vote on Ballot Questions 3 through 6 on Election Day. Seconded by Ms. Chinetti. Passed 5-0-0.**

*CHARTER AND BY-LAW REVIEW COMMITTEE MEETING*

March 24, 2010

Ms. Adelman Foster will draft the letter and Ms. Gloff will review and submit the letter to the editor.

CONCLUSION AND ADJOURNMENT

Adjournment was moved by Mr. Sidney and seconded by Ms. Adelman Foster. Ms. Gloff adjourned the meeting at 9:06 AM.

Respectfully submitted by Richard Sidney, CBRC member

Minutes approved on April 12, 2010 by a vote of 5-0-0.

- b) In the present first paragraph, first sentence, insert “,which must be authorized by the Chief Procurement Officer, or quotes” between “proposals” and “for”; delete the second sentence; and insert the words “or quotes” at the end of the present third sentence;
- c) In the present second paragraph, first sentence, insert “,which must be authorized by the Chief Procurement Officer, or bids” between “proposals” and “for”, and insert “or bids” at the end of the first sentence; in the second sentence, insert “or bids” between “proposals” and “will” and at the end of the second sentence; and insert two new sentences at the end of the paragraph, which read:

“The opening of all proposals shall be witnessed. All bids shall be opened in public.”

- d) In the present third paragraph, delete the first sentence, which reads “All proposals shall be opened in public”.
- e) Insert a new paragraph at the end of Section 1, which reads:

“All contracts of the Town of Natick shall bear the signature of the Comptroller verifying the availability of funds in the full amount of the contract.”

2. In Section 2:

- a) Insert at the beginning of the first sentence the words “To the extent permitted by applicable state procurement law”; insert the words “or the School Committee, as applicable,” between “Selectmen” and “may”; and delete from the end of the first sentence the words “or when no reasonably suitable substitute can be obtained for the article or service to be purchased or contracted for”.
- b) In the present second sentence insert “or School Committee, as applicable,” between “Selectmen” and “in”; insert “as soon as practical” between “contract” and “, and”; and insert “procurement” between “other” and “records”.

3. Delete the present text of Section 3 and insert in its place the following text:

“The designated procurement officer shall retain complete files for every procurement of the Town of Natick, including solicitation, responses, contracts, and amendments thereto, if applicable. Every Town board, official, employee or committee making or executing a contract on behalf of the Town shall furnish a copy of said documents to the procurement officer, with the original contract and original amendments thereto, if applicable, to

the Town Comptroller within ten (10) days after the execution of all such documents. The procurement officer and the Town Comptroller shall keep such documents on file consistent with applicable public records laws.”

4. In Section 5, delete “fifty dollars (\$50.00)” and insert in its place “five hundred dollars (\$500.00)” and insert “or School Committee, as applicable,” between “Selectmen” and “who”.
5. In Section 6, last sentence, insert “or successor legislation, or as said laws may hereinafter be amended” after “37-84A”.
6. In Section 11:
  - a) In the first paragraph, first sentence, insert “or successor legislation, or as said laws may hereinafter be amended” at the end of the sentence.
  - b) In the first paragraph, second sentence, insert “, except as may otherwise be required or allowed by these By-Laws or the Charter of the Town” at the end of the sentence.
  - c) In the second paragraph, first sentence, delete the word “yearly” and insert “as well in advance as practicable” at the end of the sentence.
7. In the table at the end of Article 41, in the column entitled “Official Responsible for Publication” change “Planning Director” to read “Community Development Director” in all three locations and in the column entitled “Title” insert “(Plan of Organization)” after “Administrative Code” so that Article 41, as amended, would read:

## **“ARTICLE 41**

### **CONTRACTS, TOWN PROPERTY, AND REGULATIONS OF TOWN BOARDS AND OFFICIALS**

#### **Section 1      Procedures for Award of Contracts**

The award of all contracts for the purchase of services, equipment, supplies or materials for all departments of the Town of Natick shall be made in accordance with MGL Chapter 30B; Chapter 30 Section 39M; Chapter 7; Chapter 149; or other applicable law, as may be amended. Administrative policies and/or procedures shall be established by the Town Administrator and the Superintendent of Schools as appropriate. Such policies and/or procedures shall, at a minimum, identify the municipal officials having the authority to legally bind the Town in a contract.

ARTICLE 2  
LEGISLATIVE BRANCH

Section 2-11 Town Meeting Warrants

(d) **Publication and Posting** - Within five days following the date the warrant for any town meeting shall close, the board of selectmen shall cause copies of the warrant articles for such meeting to be posted on the town bulletin board and posted in each precinct of the town and copies of said warrant articles to be mailed to the town moderator, the chairman of the finance committee, and to such other persons as may be designated by by-law. Within five days after the board of selectmen has attested the warrant, the board of selectmen shall cause copies of said attested warrant to be posted on the town bulletin board and as designated by by-law. Additional eCopies of the warrant articles shall be made available for general distribution in the office of the town clerk.

**Comment [RS1]:** This subsection talks about postings, so should be in the title.

**Comment [RS2]:** Post the early one as soon as possible, but only one place.

**Comment [RS3]:** No need to "mail" to the Town Clerk, especially in light of the requirement to place the early copy on the bulletin board and make it available for distribution in the clerk's office.

**Comment [RS4]:** Post the attested warrant, but, except for the bulletin board, defer to the by-laws as to how and where. Note the additional proposed change to By-Law 11 regarding the list of posting locations.

**Comment [RS5]:** Getting rid of extraneous word.