

ARTICLE 7

GENERAL PROVISIONS

Section 7-1 Charter Changes

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statute enacted in accordance with the state constitution.

Section 7-2 Severability

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

Section 7-3 Specific Provisions to Prevail

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

Section 7-4 Rules and Regulations

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and made available for review by any person who shall request such information.

Section 7-5 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender shall include the feminine gender.

Section 7-6 Periodic Review, Charter and By-Laws

(a) **Establishment of Committee** - The town meeting shall provide for the establishment of a special committee to be appointed by the Moderator, unless otherwise directed by vote of town meeting. Said committee shall review the provisions of the charter and the by-laws and shall make a report, with recommendations, to the town meeting, concerning any proposed amendments or revisions, which said committee may deem to be necessary or desirable.

The town meeting shall establish the committee at least within five years of the time the previous committee was dissolved and, at any time, may vote to extend the term of the committee or the time by which the committee is required to submit a report.

(b) **Review Procedures** - The committee shall conduct its review with the assistance of town counsel or, if the town meeting so directs, special counsel retained for that purpose. A report, with recommendations, shall be submitted to the town meeting not more than ten months following the date such committee is appointed or as otherwise provided by town meeting vote.

(c) **Copies of Charter and By-Laws** - Copies of the charter and by-laws of the town, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the town clerk. A charge, not to exceed the actual cost of reproduction of said material, may be charged. In an interval between publication of the charter or by-laws, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or by-laws since last published in consolidated form.

Section 7-7 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meanings:

- (a) **Charter** - The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.
- (b) **Days** - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
- (d) **general laws** - The words "general laws" (all lower case letters) shall mean laws which apply alike to all cities and towns, or to all towns, or to a class of municipalities of which Natick is a member.
- (e) **General Laws** - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently enacted.
- (f) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation in the town of Natick.
- (g) **Majority Vote** - The words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rules.
- (h) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting.

- (i) **Town** - The word "town" shall mean the town of Natick.
- (j) **Town Agency** - The words "town agency" shall mean any board, commission, committee or other multiple member body, department, division, or office of the town of Natick.
- (k) **Town Bulletin Boards** - The words "town bulletin boards" shall mean the bulletin board in the town hall on which official notices are posted, and those at such other locations within the town which may, from time to time, be established by the board of selectmen.
- (l) **Voters** - The word "voters" shall mean persons who are registered to vote in the town of Natick.

Section 7-8 Loss of Office, Excessive Absence

If any person appointed to serve as a member of a multiple member body shall fail to attend six or more consecutive meetings, or one half, or more of all meetings held during one calendar year, the remaining members of the multiple member body may by vote petition the appointing authority to remove such person in accordance with the procedures established in Section 7-11.

Section 7-9 Procedure Governing Multiple Member Bodies

(a) **Meetings** - All multiple member bodies, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places within the town as they may, by vote, prescribe. Special meetings of any multiple member body shall be held upon the call of its chairman, or by one-third of the members thereof, by notice to each member, except in the case of emergency, at least forty-eight hours in advance of the time set, which indicates the subject to be acted upon and the time and place of such special meeting, whether within or without the town. A copy of the same notice shall be posted on the town bulletin board. Regular meetings of all multiple member bodies shall be held in public buildings of the town of Natick.

(b) **Rules and Journals** - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter or by law, provided, however, that each multiple member body shall provide some period of time at each of its meetings for members of the public who are present to ask questions, state opinions and otherwise interchange information with the members of the multiple member body. Each multiple member body shall also provide for the keeping of a journal of its proceedings. These rules and the journal shall be a public record.

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

(d) **Quorum** - A majority of the full membership of a multiple member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority of those present and voting.

(e) **Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

Section 7-10 Notice of Vacancies

Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the board of selectmen, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted on the town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such posting, to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the requirements provided under the terms of a collective bargaining agreement.

Section 7-11 Removals and Suspensions

Any appointed officer or employee of the town, not covered by the provisions of general law or the terms of a collective bargaining agreement, whether appointed for a fixed or an indefinite term, may be suspended or removed from his duties by the appointing authority.

The appointing authority when acting to remove or to suspend any appointed officer or town employee, shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefor, shall be delivered in hand to the officer or employee, or mailed by registered or certified mail to his last known address.
- (b) Within five days following delivery of the said notice, the officer or employee may request a public hearing by submitting, in writing, a request therefor to the appointing authority, and by filing a copy of said request in the office of the town clerk.

- (c) The appointing authority shall hold a public hearing not less than seven nor more than fourteen days following the date of receipt of a request therefore, and shall give not less than five days written notice of such public hearing to the officer or employee affected. The officer or employee shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses and to introduce evidence at the public hearing.
- (d) Not more than fourteen days following the public hearing, or not more than fourteen days following the delivery of the original notice of intent if no public hearing has been requested, the appointing authority shall take final action on the removal or suspension and shall, forthwith, notify the officer or employee of the removal or suspension, or that the notice of intent has been rescinded.

Section 7-12 Conflict Between Town Agencies, Assignment of Counsel

Until such time as the town meeting may act, by by-law, to amend, revise or repeal it, the following provisions shall have the effect of a town by-law.

- (a) **Applicability** - Whenever one town agency shall determine it to be in the town's interest for such agency to be a party to any legal proceeding involving another town agency, it shall, before making any such decision final, notify the town administrator of its intention to do so, provided, however, that this section shall not apply with respect to the institution of any legal proceeding by one town agency involving another town agency if such agency is authorized to bring such proceeding in carrying out its rights, duties, and responsibilities under the general laws of the Commonwealth of Massachusetts.
- (b) **Procedure** - Whenever the town administrator shall be notified by one town agency of its intention to be a party to any legal proceeding involving another town agency, said town administrator shall forthwith call a special meeting of the town agencies involved and the board of selectmen. Unless a shorter time is made necessary because of time requirements imposed by the nature of the legal proceeding under consideration, such conference shall be held within ten days following the date of receipt of such notification by the town administrator.
- (c) **Mediation** - It shall be the duty of the board of selectmen at any such joint meeting to act as mediators and as conciliators in an effort to resolve the differences between the parties involved, or if a resolution of the differences is not possible, to reduce the areas of difference to the smallest possible number in order to facilitate the disposition of the legal issues involved.
- (d) **Expenditure of Funds** - No authorization for the expenditure of town funds for legal counsel shall be valid unless a conference between the parties involved and the board of selectmen as provided in this by-law has been held.

Article 8 deleted.