

TOWN OF NATICK
HOME RULE
CHARTER

Revised Edition

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TABLE OF CONTENTS

Article	Title	Page
1	Incorporation of Powers	1-1
2	Legislative Branch	2-1
3	Elected Officers	3-1
4	Town Administrator	4-1
5	Fiscal Procedures	5-1
6	Administrative Organization	6-1
7	General Provisions	7-1

ARTICLE 1

INCORPORATION AND POWERS

Section 1-1 Incorporation

The inhabitants of the Town of Natick, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "Town of Natick".

Section 1-2 Short Title

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

Section 1-3 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen. The legislative powers of the town shall be exercised by a representative town meeting.

Section 1-4 Powers of the Town; Intent of Voters

It is the intent and purpose of the voters of Natick, through the adoption of this charter, to secure for the town all of the powers possible to secure under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1-5 Interpretation of Powers

The powers of the town under the charter shall be construed liberally in favor of the town and the specific mention of any particular power is not intended to limit the general powers of the town as stated in Section 1-4, above.

Section 1-6 Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

ARTICLE 2

LEGISLATIVE BRANCH

Section 2-1 Representative Town Meeting

There shall continue to be a representative form of town meeting limited to those voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 2-2 Composition, Term of Office

The representative town meeting shall consist of one hundred and eighty members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

Section 2-3 Precincts

The board of selectmen shall divide the town into convenient voting precincts in accordance with, but not limited to, Sections 6, 7, and 8 of Chapter 54 of the General Laws.

The board of selectmen shall divide the town into convenient voting precincts in accordance with, but not limited to, Sections 6, 7, and 8 of Chapter 54 of the General Laws. The boundaries of the precincts shall be reviewed and wholly or partly revised by the board of the selectmen every ten years, in accordance with Section 6 of Chapter 54 of the General Law.

Section 2-4 Candidates

- (a) **Eligibility** - Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member.
- (b) **Nomination Procedure** - Nomination of candidates for the office of town meeting member shall be made by nomination papers signed by not less than ten voters resident in the precinct from which the candidate seeks to be elected. Nomination papers shall be filed with the town clerk at least thirty-five days preceding the date of the town election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the town clerk. The written acceptance of the candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

Section 2-5 Election

The voters in each precinct shall, at the first town election held following any revision of precincts which affect them, elect by ballot all of its town meeting members. The first third in order of votes received shall serve for three years; the second third in such order shall serve for

two years; and the remaining third in such order shall serve for one year from the date of the annual election and until their successors are chosen and qualified. Thereafter, except as otherwise provided, at each succeeding annual election the voters of each precinct shall elect for three-year terms one-third of its town meeting members, and shall fill for the unexpired terms any vacancies then existing. In case of a tie vote affecting the determination of which candidates are elected or affecting a division into thirds, the town clerk shall conduct a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

Section 2-6 Vacancies

- (a) **Resignation** - A town meeting member may resign by filing a written resignation with the town clerk; such resignation shall take effect upon the date of such filing unless a date certain is specified in the letter of resignation when it shall otherwise take effect.

- (b) **Removal From Town or Precinct** - A town meeting member who removes from the town shall forthwith cease to be a town meeting member. A town meeting member who removes from one precinct in the town to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which he was elected until the next town election at which the remainder of his term, if any, shall be filled by the voters. Any person so removed from office may be a candidate for election as a town meeting member from the precinct to which he has removed at the same election.

- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members.

- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The town clerk shall make appointments in accordance with the ordering of names on the lists. If necessary to resolve ties, the town clerk shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the town clerk shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The town clerk shall

provide written notice of the date, time and location of such caucus to the then current town meeting members in the precinct in question, at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The town clerk or the town clerk's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

Section 2-7 Compensation

Representative town meeting members shall receive no salary for their services as members of the town legislative body.

Section 2-8 Presiding Officer

A town moderator, chosen as provided in Section 3-10, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declarations of all votes and may, in open session, administer the oath to any town officer.

Section 2-9 General Powers

All powers of the town shall be vested in the representative town meeting, except as otherwise provided by law or the charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** - A designated representative of each town agency shall attend all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such agencies. If any such person is deterred by illness or other reasonable cause from attending, he shall designate a deputy to attend in his place. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote.

- (b) **Town Officers and Employees** - Any town officer or town employee, whether a town resident or not, who has information pertinent to the subject matter of any warrant article shall be entitled to speak, but shall have no right to make motions, or to vote.
- (c) **Residents and Taxpayers** - Any resident or taxpayer of the town may attend the sessions of the town meeting and, subject to such rules as may from time to time be adopted shall have a right to participate in the proceedings, but shall have no right to vote.

Section 2-11 Town Meeting Warrants

- (a) **In General** - Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the time and place of the meeting and, by separate articles, the subjects which are to be acted upon.
- (b) **Initiation of Articles** - The board of selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The board of selectmen shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.
- (c) **Time Requirements** - The board of selectmen shall place on the warrant for spring and fall town meetings the subject matter of all petitions which are received by it, in accordance with the provisions of this section, sixty or more days before the date, fixed by by-law, on which the representative town meeting is scheduled to meet. Whenever the board of selectmen shall decide it is necessary to call a special town meeting it shall, by publication in a local newspaper or by such other notice as is reasonably determined to reach and inform the citizens of the Town, give public notice of its intention. All requests for the inclusion of subjects, as provided above, which are received in the office of the board of selectmen prior to five o'clock in the afternoon of the second business day following such publication, or such longer period as may be authorized by a by-law adopted to further implement this provision, shall be included in the warrant for the said special town meeting.
- (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 provided to the town clerk, the town moderator, the chairman of the finance committee, and to such other persons as may be designated by by-law. Within ten 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.

- (e) **Committees** - The representative town meeting may, by by-law, provide for the establishment of standing committees to which shall be referred the subject matter of warrant articles for study, review and report in advance of town meeting action. Such committees may consist wholly of persons elected as town meeting members or of a combination of elected town meeting members and voters.

Section 2-12 Proceedings of Town Meetings

- (a) **Time of Meetings** - The representative town meeting shall meet at least twice in each calendar year. The first such meeting shall be held during February, March, April, or May, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all town agencies and which shall be deemed to be the annual meeting of the town. The second such meeting, the powers of which shall also be deemed to be those of an annual meeting, except that it shall not be construed to include the time for election of town officers and of other matters to be determined by ballots, shall be held during the last four calendar months, on a date fixed by by-law. In addition to these meetings, the board of selectmen may, in their sole discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.
- (b) **Open Meeting** - All sessions of the representative town meeting shall at all times be open and public.
- (c) **Quorum** - Ninety-one town meeting members shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.
- (d) **Clerk of the Meeting** - The town clerk or his designee shall serve as the clerk of the representative town meeting. The clerk shall give notice of all meetings to the town meeting members and to the public, keep the journal of its proceedings and perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.
- (e) **Meetings of Multiple Member Bodies During Town Meeting** - No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business. This provision shall not be construed as to prohibit an emergency meeting of a multiple member body held in the same building in which the town meeting is in session.

Section 2-13 Referendum Procedure

- (a) **Effective Date of Final Votes** - No final vote of the representative town meeting to approve or reject an affirmative main motion under a warrant article, but not including appropriating money for the payment of notes or bonds of the town and interest thereon coming due, a vote appropriating money in anticipation of taxes or other revenue, or a vote declared by preamble to be an emergency measure, necessary for the immediate preservation of the peace, health, safety or a convenience of the town, shall be operative until the expiration of seven days following the dissolution of the meeting.
- (b) **Subsidiary Motions** - The affirmative main motion subject to referendum shall be the final form of the motion as modified by any amendments adopted. Whenever a subsidiary motion to lay upon the table, to refer or to postpone indefinitely is applied to the affirmative main motion and is voted by the representative town meeting, the affirmative main motion shall be deemed to have been rejected.
- (c) **Petition** -
If a petition is filed with the board of selectmen requesting that any question as voted by the representative town meeting be referred to the voters for final determination, then the operation of such vote shall be suspended pending its determination by the voters; provided, however, that such petition must be filed within seven days after dissolution of said town meeting, and further provided that such petition must bear the signatures, as well as the names and addresses, of not less than five percent of the total number of registered voters as of the date of the most recent town election. Within ten days following the filing of such petition, the board of selectmen shall call a special election for submission of such question or questions to the voters for final determination. The board of selectmen shall fix the date of said special election not less than thirty-five days and nor more than sixty days after the date the petition was filed.
- (d) **Form of Question** - Questions submitted to the voters under this section shall be stated on the ballot in substantially the same language and form in which it was stated when presented to the town meeting members by the moderator, as appears from the records of such meeting, provided, however, the question shall always be stated in the affirmative form.
- (e) **Election** - All votes taken on questions so submitted shall be by ballot, and the conduct of such election shall be in accordance with the provisions of other laws relating to elections, generally. The questions so submitted shall be determined by majority vote, provided, however, that no vote which results in a different result than that as voted by the representative town meeting members shall be valid unless at least twenty per cent of the voters participate at such special election.

ARTICLE 3

ELECTED OFFICERS

Section 3-1 In General

- (a) **Elective Offices** - The offices to be filled by the voters shall be a board of selectmen, a school committee, a board of assessors, a town clerk, constables, a board of health, Trustees of the Morse Institute, a town moderator, a planning board, and a recreation and parks commission. In addition, members of a housing authority and representatives to such other regional authorities or districts as may be established by law or interlocal agreement may also be filled by the voters.
- (b) **Eligibility** - Any voter shall be eligible to hold any elective town office, provided, however, no person shall simultaneously hold more than one elected town office as defined in this section.
- (c) **Town Election** - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.
- (d) **Preliminary Elections**
 - (1) **Candidates** - Any person who is qualified to vote in the town of Natick may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided that he shall file nomination papers provided by the town clerk containing twenty-five signatures certified as voters of the town.
 - (2) **Date of Preliminary Election** - The preliminary election shall be held twenty-eight days preceding every regular or special town election.
 - (3) **Elections to be Nonpartisan** - No primary or caucus for the nomination of town officers shall be held. No ballot used at any preliminary, regular or special election in said town shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political designation or mark.
 - (4) **Filing of Nomination Papers** - Nomination papers must be filed with the town clerk not later than five o'clock in the afternoon of the thirty-fifth day preceding the preliminary election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it must be filed with the clerk.

(5) **Determination of the Candidates for Election** - The election officers shall immediately upon the closing of the polls at the preliminary election count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the town clerk who shall canvass said returns and shall forthwith determine the result thereof, and post the same in five conspicuous places in the town.

(6) **Number of Candidates to be Chosen** - The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such regular or special election, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon names of candidates to a number exceeding twice the number to be elected.

(7) **Conditions Making Preliminary Election Unnecessary** - If at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election not more than twice as many such papers have been filed with the town clerk for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the town clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in the town, no preliminary election shall be held.

(8) **Application of State Laws** - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick.

(e) **Compensation** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.

(f) **Coordination** - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(g) **Filling of Vacancies**

(1) **Town Officer** - If there is a failure to elect, or if a vacancy occurs in any town office, the selectmen shall, in writing, appoint a person to fill such vacancy until the next town election.

If there is a failure to elect or if a vacancy occurs in the office of town moderator, the representative town meeting members, at the next session of any town meeting following such vacancy, by a majority vote of those present and voting on a motion to elect a particular person as town moderator, shall fill such vacancy until the next town election. Until town meeting fills such vacancy the town clerk shall serve as temporary presiding officer of such body.

(2) **Multiple Member Body** - If there is a vacancy in a board consisting of two or more members, other than the board of selectmen and unless under the terms of a will or other trust some other provision is made, the remaining members shall give written notice of the existence of any such vacancy to the board of selectmen, who, with the remaining members or member of such board shall, after one week's notice, fill such vacancy by ballot.

(3) **Board of Selectmen** - If there is a failure to elect or if a vacancy occurs in the office of selectman, the remaining selectmen may call a special election to fill the vacancy and shall call such special election upon the request, in writing, of two hundred registered voters of the town.

(h) **Recall**

(1) **Application** - With the exception of town meeting members and trustees of the Morse Institute, any person who holds an elected town office, with more than six months remaining of the term of office, may be recalled from office by the voters, in the manner provided in this section.

(2) **Recall Petitions** - One hundred and fifty or more voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. The signatures on such petitions shall contain the names of at least ten voters in each of the precincts into which the town is divided for the purpose of electing town meeting members.

If the said petition is found to be valid, the town clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the board of selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within twenty days following

the date they are issued, signed by at least fifteen per cent of the total number of persons registered to vote as of the date of the most recent town election.

The town clerk shall, within twenty-four hours following such filing with him, submit the petitions to the board of registrars of voters which shall, within five days thereafter, certify thereon the number of signatures which are the names of voters.

(3) **Recall Elections** - If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with his certificate to the board of selectmen. Upon its receipt of the certified petition, the board of selectmen shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the board of selectmen shall order a special election to be held not less than thirty-five nor more than sixty days after the date of certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(4) **Nomination of Candidates** - An officer whose recall is sought may not be a candidate to succeed himself in the event the vote on the question of recall is in the affirmative. The number of signatures of voters required to place the name of a candidate on the official ballot for use at a recall election shall be not less than fifty; no preliminary election shall be held. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the general laws regulating elections.

(5) **Propositions on the Ballot** - Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of
(Name of officer)
Against the recall of
(Name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the names of candidates arranged alphabetically. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If a majority of the votes cast is in favor of the recall, and provided at least twenty per cent of the total number of voters as of the date of the most recent town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

(6) **Officeholder** - The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as provided in section (7) below.

(7) **Repeat of Recall Petition** - No recall shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to a recall election and

not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

Section 3-2 Board of Selectmen

- (a) **Composition, Term of Office** - There shall be a board of selectmen consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office in the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all agencies of the town into harmony. Provided, however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of them, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority.

The board of selectmen shall cause a record of all its official acts to be kept. To aid it to perform its duties, the board of selectmen shall appoint a town administrator as provided in Article 4.

- (c) **Appointment Powers** – Subject to the provisions of Article 6, the Board of Selectmen shall appoint a town administrator for a term of not less than three nor more than five years; a town comptroller for a term of three years; three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; a town counsel for a term of one year; a director of veterans' services; a police chief; and a fire chief.

The board of selectmen shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

- (d) **Licensing Authority** - The board of selectmen shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions

on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all such businesses for which it issues any licenses.

Section 3-3 School Committee

- (a) **Composition, Term of Office** - There shall be a school committee consisting of seven members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The school committee shall have all of the powers and duties which are given to school committees by general laws and it shall have such additional powers and duties as may be authorized by the charter, by by-law, or by other town meeting vote. The powers of the school committee shall include, but are not intended to be limited to the following:
 - (i) to appoint a superintendent of the schools and all other personnel permitted by law connected with the schools, to fix their compensation and to define their duties, make rules concerning their tenure of office and to discharge them.
 - (ii) to make all reasonable rules and regulations consistent with law for the administration and management of the public school system and for the conduct of its own business and affairs.

Section 3-4 Board of Assessors

- (a) **Composition, Term of Office** - There shall be a board of assessors consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.
- (b) **Powers and Duties** - The board of assessors shall annually make a fair valuation of all property, both real and personal, within the town. It shall determine, based on such valuation and such sums as may be authorized to be expended by vote of the town meeting, and consideration of other income and expenses of the town, annually the rate of taxation to apply to property within the town. The board of assessors shall have all of the powers and duties which are given to boards of assessors by general laws and it shall have such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-5 Town Clerk

- (a) **Term of Office** - There shall be a town clerk elected for a term of three years.
- (b) **Powers and Duties** - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal, shall administer the oath of office to any person, elected or appointed, who shall apply to him for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections, be the clerk of the representative town meeting, keep its records and, in the absence of the moderator, serve as a temporary presiding officer of such body. The town clerk shall have all other powers and duties which

are given to town clerks by general laws and he shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote.

Section 3-6 Constables

- (a) **Number, Term of Office** - There shall be six constables elected for terms of three years each.
- (b) **Powers and Duties** - Constables may serve such civil writs and processes as are authorized by law. They shall have the powers of sheriffs to require aid in the execution of their duties. They shall take due notice of and prosecute all violations of law respecting profane swearing and gaming. They shall serve all warrants and other processes directed to them by the selectmen of the town for notifying town meetings, or for other purposes.

Section 3-7 Board of Health

- (a) **Composition, Term of Office** - There shall be a board of health consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.
- (b) **Powers and Duties** - The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health and for the enforcement of state laws and the state sanitary code in matters affecting the public health. The board of health shall have all of the powers and duties which are given to boards of health by general laws, and such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-8 is deleted.

Section 3-9 Trustees, Morse Institute

- (a) **Composition, Term of Office** - There shall be a board of trustees of the Morse Institute consisting of five members elected for terms of five years each, so arranged that all of the terms of office of members shall expire at the same time.
- (b) **Vacancies** - In case a vacancy shall happen in said board by reason of the resignation or death of any of its members, or of their removal from the town, it shall be filled at the next annual town election, and until such vacancy is filled, the remaining members shall have and exercise all the powers of the full board.
- (c) **Powers and Duties** - The board of trustees of the Morse Institute shall have exclusive control of the said Institute. The trustees shall have all of the other powers and duties as are provided to them under the will of Mary Ann Morse, who died July 1, 1862.

Section 3-10 Town Moderator

- (a) **Term of Office** - There shall be a town moderator elected for a term of three years.

- (b) **Powers and Duties** - The town moderator shall be the presiding officer of the representative town meeting, as provided in Section 2-8, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

Section 3-11 Planning Board

- (a) **Composition, Term of Office** - There shall be a planning board consisting of five members elected for terms of five years each, so arranged that the term of one member shall expire each year. There shall be one associate member of the planning board elected for a term of five years and having such duties and powers as permitted by general laws, special laws, the charter or the by-laws.
- (b) **Powers and Duties** - The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall have the power to make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire town. The planning board shall have all of the other powers and duties planning boards are given by general laws, special laws, the charter or the zoning by-laws.

The planning board shall make recommendations to the representative town meeting on all matters affecting land use and development and estimates of their costs. The planning board shall have all of the other powers and duties planning boards are given by general laws.

Section 3-12 Recreation and Parks Commission

- (a) **Composition, Term of Office** - There shall be a recreation and parks commission consisting of nine members: 5 members, elected at large and 4 members appointed by the Board of Selectmen. Elected members shall serve a three-year term so arranged so that over a three-year period the terms of two members shall expire in the first year, the terms of two other members shall expire in the second year and the term of the fifth member shall expire in the third year. Appointed members shall serve a two-year term so arranged so that an equal number of terms shall expire each year.
- (b) **Powers and Duties** - The recreation and parks commission shall advise the town administrator and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. Whenever the position of director of recreation and parks department shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town administrator from whom the appointment shall be made.

Section 3-13 deleted.

Section 3-14 Natick Housing Authority

- (a) **Composition, Term of Office** - There shall be a Housing Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. Four of these members shall be elected by the voters and the fifth member shall be appointed by the Secretary of Communities and Development of the Commonwealth (or as may otherwise be provided by law).
- (b) **Powers and Duties** - The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

Sections 3-15 and 3-16 deleted.

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, and amendments to the personnel by-law as warranted. He shall 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, the fiscal documents pertaining to the annual operating budget and 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 and collective bargaining agreements 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 and activities 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 or duty which he is authorized to perform, provided 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.

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 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 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 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:

- (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 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 initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance committee on the 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 any submitted 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 6

ADMINISTRATIVE ORGANIZATION

Section 6-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency.
- (b) **Administrative Code** - The town administrator, after consultation with the board of selectmen, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town administrator prepares such a plan he shall, in conjunction with the board of selectmen, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town administrator shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to amend or to alter the proposed plan.

Section 6-2 Table of Organization

The town administrator shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each town agency, except those under the jurisdiction of the school committee.

Section 6-3 Office of the Comptroller

- (a) **Appointment; Qualifications; Term of Office** - There shall be a comptroller, appointed by the board of selectmen. The comptroller shall be a person especially fitted by education, training and experience, including not less than three years' prior full time accounting experience, to perform the duties of the office. The town may, by by-law, from time to time,

establish such additional qualifications for the office as seem necessary or desirable; provided, however, no change in such by-law shall apply to the incumbent of the office at the time such by-law is adopted. The comptroller shall devote his entire time to the performance of his duties and the supervision of the employees of his department. The comptroller shall be appointed in June of every third year for a three-year term to run from the first day of the following July until the qualification of his successor. The comptroller may be removed by the board of selectmen for cause and the vacancy filled by it, in the same manner as an original appointment, for the remainder of the unexpired term.

(b) **Powers and Duties** - The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants by general laws, the following powers and duties:

- (1) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several town officers and agencies; provided, however, that any change in the system of accounts shall first be discussed with the town administrator, board of selectmen and the town agencies affected.
- (2) He shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. He shall, after discussion with the town administrator prepare and submit rules, regulations and instructions relating thereto that, when approved by the board of selectmen, shall be binding upon all town agencies and employees.
- (3) He shall draw all warrants upon the town treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.
- (4) Prior to submitting any warrant to the board of selectmen he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examination, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any town officer or agency. If, upon examination, it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the board of selectmen and town treasurer a written report of the reasons for his findings.
- (5) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.

(c) **Vacancy** - If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the board of selectmen may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties until the comptroller who was disabled or absent resumes his duties, or until another comptroller is duly appointed. Said temporary appointment shall be in writing, signed by a majority of the board of selectmen and filed in the office of the town clerk.

- (d) **Assistant Comptroller** - The comptroller with the approval of a majority of the board of selectmen, may appoint, in writing, an assistant. Unless a temporary comptroller is appointed, the assistant may, in the absence of the comptroller, perform the duties of the comptroller and when performing such duties shall have the same power and be subject to the same requirements and penalties as the comptroller.

Section 6-4 Town Treasurer - Collector

- (a) **Appointment; Qualifications; Term of Office** - There shall be a town treasurer-collector appointed by the Town Administrator subject to confirmation of the Board of Selectmen for a term of three (3) years. Such appointment shall be based upon qualifications in the field of municipal finance. Minimum qualifications include a Bachelor's Degree in Finance or equivalent and five (5) years experience in finance administration or equivalent.

(b) Powers and Duties

Treasurer:

- (1) The treasurer receives all money belonging to the town, and expends and accounts for it according to the order of the town or its authorized officers.
- (2) The treasurer is the custodian of all funds of the town including other funds such as the stabilization fund, trust funds and tax titles.
- (3) The treasurer is responsible to make provisions for adequate funds to cover current obligations. This includes management of the funds so that obligations such as payroll, bills, payment on bonds, and other remittances are paid in a timely manner.
- (4) The treasurer must know the municipality's cash position on a daily basis. This is accomplished by depositing all cash received on a daily basis and requires reconciliation of all bank accounts.
- (5) The treasurer is required to possess knowledge of the provisions of various sections of Massachusetts General Laws Chapter 60 regarding tax titles and tax foreclosures.
- (6) The treasurer is responsible for all borrowing and arrangement of the terms of borrowing. All borrowing requires the approval of the Board of Selectmen.
- (7) The treasurer must give a bond annually for the faithful performance of required duties.
- (8) All duties and responsibilities for the Treasurer set forth in the Massachusetts General Laws.

Collector:

- (1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A, and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all available legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.
 - (2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.
 - (3) The collector is responsible for the collection and accounting of all unpaid fees and charges imposed by the Town that are reported to the Collector by the applicable Board, Department, or Officer.
 - (4) Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety company authorized to transact business for this purpose in the Commonwealth. The premium must be paid by the town.
- (c) **Vacancy** - If the treasurer-collector is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Administrator may appoint a temporary treasurer-collector to hold such office and exercise the powers and perform the duties of the treasurer-collector until the treasurer-collector who is disabled or absent resumes his duties, or until another treasurer-collector is duly appointed. Said temporary appointment shall be in writing, signed by the Town Administrator and filed with the Board of Selectmen and the office of the Town Clerk.
- (d) **Assistant Treasurer-Collector** - The treasurer-collector with the approval of the Town Administrator, may appoint, in writing, an assistant. Unless a temporary treasurer-collector is appointed, the assistant may, in the absence of the treasurer-collector, perform the duties of the treasurer-collector, and when performing such duties shall have the same power and be subject to the same requirements and penalties as the treasurer-collector.

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. All meeting of a multiple member body shall be held in a building that allows the public to enter and meets all Federal, state and local accessibility requirements, unless it is a site visit, and shall be scheduled and posted in accordance with all applicable laws, including but not limited to the Massachusetts Open Meeting Law. A copy of the same notice shall be posted on the town bulletin board.
- (b) **Rules and Minutes** - 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 exchange information with the members of the multiple member body. Each multiple member body shall also provide for the keeping of minutes of its proceedings. These rules and the minutes 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 minutes, 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. A quorum is required for a meeting to be held. If a quorum is no present at a

scheduled meeting, the meeting may only be adjourned. 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 ninety 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 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, whether appointed for a fixed or an indefinite term, may be suspended or removed from his duties by the appointing authority in accordance with the procedure set forth below. Provided, however, that said procedure shall not apply to those officers and employees for whom general law or the terms of a collective bargaining agreement supersede these provisions, and further provided that this section shall not apply to employees on probationary status.

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.

TOWN OF NATICK

HOME RULE CHARTER

APPENDICES

Appendix	Title*	Page
A	List of Charter Amendments by Number	A-1
B	List of Charter Amendments by Section	B-1

* Explanation of abbreviations is as follows:
Art., s. := Charter article and section
ATM, Art. := Annual Town Meeting date and warrant article
STM, Art. := Special Town Meeting date and warrant article

LIST OF CHARTER AMENDMENTS BY NUMBER

No.	Charter Reference	Town Meeting Approval	Voter Acceptance
1	Art. 2, s. 2-1; s. 2-3; s. 2-4; s. 2-5; s. 2-6; s. 2-11; Art. 3, s. 3-1; s. 3-15	ATM 4/12/88, Art. 37	3/27/89
2	Art. 3, s. 3-12	STM 4/5/90, Art. 12	3/25/91
3	Art. 2, s. 2-11; Art. 3, s. 3-1; s. 3-8; s. 3-12; s. 3-15; s. 3-16	ATM 10/8/92, Art. 25	3/29/93
4	Art. 7, s. 7-9	ATM 10/8/92, Art. 26	3/29/93
5	Art. 2, s. 2-11	ATM 10/12/95, Art. 28	3/26/96
6	Art. 3, s. 3-2	ATM 10/12/95, Art. 29	3/26/96
7	Art. 3, s. 3-3	ATM 10/12/95, Art. 30	3/26/96
8	Art. 3, s. 3-11	ATM 10/12/95, Art. 31	3/26/96
9	Art. 4, s. 4-1; s. 4-2	ATM 10/12/95, Art. 32	3/26/96
10	Art. 7, s. 7-9	ATM 10/12/95, Art. 33	3/26/96
11	Art. 7, s. 7-12	ATM 10/12/95, Art. 35	3/26/96
12	Art. 8	ATM 10/12/95, Art. 34	3/26/96
13	Art. 3, s. 3-2	ATM 10/12/95, Art. 36	3/26/96
14	Art. 2, s. 2-6	ATM 10/14/99, Art. 33	3/28/00
15	Art. 7, s. 7-6	ATM 10/14/99, Art. 34	3/28/00
16	Art. 3, s. 3-1; s. 3-13; Art. 6, s. 6-4	STM 4/25/00, Art.1	3/27/01
17	Art. 2, s. 2-5	ATM 10/2/01, Art. 19	3/26/02
18	Art. 2, s. 2-6	ATM 10/4/01, Art. 20	3/26/02
19	Art. 7, s. 7-6	ATM 10/4/01, Art. 21	3/26/02
20	Art. 2, s. 2-3; s. 2-4; Art. 3, s. 3-1	ATM 10/15/02, Art. 24	3/25/03
21	Art. 4, s. 4-1; s. 4-2; Art. 7, s. 7-12	ATM 10/17/02, Art. 33	3/25/03
22	Art. 3, s. 3-2; s. 3-6; s. 3-9; Art. 6, s. 6-4	ATM 10/17/02, Art. 34	3/25/03
23	Art. 4, s. 4-3	ATM 10/17/02, Art. 35	3/25/03

No.	Charter Reference	Town Meeting Approval	Voter Acceptance
24	Art. 3, s. 3-1; s. 3-12	ATM 10/22/02, Art. 39	3/25/03
25	Art. 2, s.2-13	ATM 10/21/04, Art. 23	3/29/05
26	Art 3, s.3-1-g	ATM 10/23/07, Art. 20	3/25/08
27	Art 2, s. 2-3; 2-6 (d); 2-13 (c)	ATM 10/27/09, Art. 24, Motions A and C	3/30/10
28	Art 4, s. 4-2 and s. 4-2 13), 15), 17), 18), and 19); s. 4-3 (b)	ATM 10/29/09, Art. 26	3/30/10
29	Art 5, s. 5-2 and s. 5-2 (a) and (b); s. 5-3, s. 5-4, s. 5-5; s. 5-6 and s. 5-6 (a) and (b)	ATM 10/29/09, Art. 27	3/30/10
30	Art 6, s. 6-3 (b) (5); s. 6-4 (1), (2) and (4)	ATM 11/3/09, Art. 28	3/30/10
31	Art. 2, s. 2-11(d)	ATM 4/27/10, Art. 26	3/29/11
32	Art. 4, s. 4-2(8)	ATM 4/27/10, Art. 27	3/29/11
33	Art. 5, s. 5-2(b); s. 5-5; s. 5-6(b)	ATM 4/27/10, Art. 28	3/29/11
34	Art. 2, s. 2-6 (c,d)	ATM 10/25/11, Art. 20	3/27/12
35	Art. 2, s. 2-3	ATM 10/25/11, Art. 21	3/27/12
36	Art. 5, s 5-6(a)	ATM 10/25/11, Art. 22	3/27/12
37	Art. 3, s 3-2 (c)	ATM 4/26/12, Art. 31	4/9/13
38	Art. 3, s 3-2 (c)	ATM 4/26/12, Art. 32	4/9/13
39	Art. 2, s 3, s 11 (c) and (d), s 13 (c)	ATM, 11/2/17, Art. 32	3/27/18
40	Art. 3, s 2 (c), s 12 (b)	ATM, 11/7/17, Art. 33	3/27/18
41	Art. 4, s 2 (4), (14)	ATM, 11/7/17, Art. 34	3/27/18
42	Art. 7 s 9 (a), (b), (c), (d), (e); s 10, and s 11	ATM 11/7/17, Art. 35	3/27/18
43	Art. 2, s 11(b)	ATM, 10/30/18, Art. 29	3/26/19

