

ROCKLAND TOWN CHARTER

CURRENT AND PROPOSED CHARTER LANGUAGE



ROCKLAND CHARTER REVIEW COMMITTEE

PREAMBLE

It is the intention of the people of the Town of Rockland, pursuant to Article LXXXIX of the Constitution of the Commonwealth of Massachusetts, to reaffirm the customary and traditional liberties of people with respect to the conduct of the affairs of the Town of Rockland in local matters, subject to the provisions of the Constitution of the United States of America and the Constitution of the Commonwealth of Massachusetts, and in connection therewith and in furtherance thereof, this Charter is adopted so that the affairs of the Town of Rockland may be carried out in a democratic and efficient manner and that the duties and responsibilities of the officials of the Town of Rockland may be clearly established and responsive to the will of the people of Rockland.

It is the purpose of this Charter, which may from time to time be amended, to provide an organizational framework within which the Town can govern itself as well as to provide broad guidelines for the principal administrative functions of the Town as herein set forth.

The specific instructions and duties of the officials of the Town are briefly described so that the townspeople may be fully aware of the authority vested in their officers.

PREAMBLE¹

We, the people of the Town of Rockland, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the Constitution of the Commonwealth, do hereby adopt the following charter for this Town.

¹ Rockland Charter Review Committee ("the Committee") proposes a completely new Preamble.

ARTICLE I

Powers of the Town of Rockland

C-1.01. Corporate powers.

The Town of Rockland shall have all of the corporate powers of a body politic possible for a town to have under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were specifically enumerated in this Charter and all of the powers of the Town under this Charter shall be construed liberally in favor of the town and no enumeration or omission contained herein shall in any way be construed as limiting the general powers stated in this article.

(END OF ARTICLE I IN THE CURRENT CHARTER)

ARTICLE I

Powers of the Town of Rockland²

C-1.01 Incorporation continued.

The inhabitants of the Town of Rockland, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the “Town of Rockland.”

C-1.02 Short title.

This instrument shall be known and may be cited as the “Rockland Home Rule Charter.”

C-1.03 Division of powers.

All legislative powers of the Town shall be exercised by a Town meeting open to all voters. The administration of all Town fiscal, prudential, and municipal affairs shall be vested in the executive branch comprised of the Select Board, Town Administrator, and elected independent boards pursuant to their enabling legislation.

C-1.04 Powers of the Town.

The intent and purpose of the Charter is to secure for the voters of the Town of Rockland, through the adoption of the Charter, all the powers possible to secure for their government under article LXXXIX of the amendments to the constitution and laws of the commonwealth, as fully as though each such power was specifically and individually enumerated herein.

² The Committee proposes a completely new Article I – Powers of the Town of Rockland.

ARTICLE I

Powers of the Town of Rockland (Cont'd)

C-1.05 Interpretation of powers.

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power shall not limit the general powers of the Town as stated in section C-1.04.

C-1.06 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 II

TOWN OFFICERS

C-2.01. Elected and appointed officials, boards, commissions and committees.

- A. The Town of Rockland shall be governed by elected Town officials and their appointees of such titles, numbers, and terms of office as are hereinafter set forth in the Charter and/or the Town By-laws.
- B. On multi-member boards filled by election, one-third (1/3) of the members (or as nearly as possible) shall be elected annually, unless otherwise specifically provided in this Charter or by the General Laws of the Commonwealth.
- C. All town elections shall be conducted only in such manner, time, and place as set forth in this Charter.

ARTICLE II

TOWN OFFICERS³

C-2.01 Elected and appointed officials, boards, commissions, and committees.⁴

- A. All elected and appointed officials of the Town shall have the powers and duties of their offices as hereinafter set forth, and in addition shall have all of the powers and duties conferred upon them by the General Laws of the Commonwealth.⁵
- B. On multi-member boards filled by election, one-third (1/3) of the members (or as nearly as possible) shall be elected annually, unless otherwise specifically provided in this Charter or by the General Laws of the Commonwealth.
- C. Appointed members of multiple-member bodies must be registered voters in the Town of Rockland unless otherwise permitted by General Law, Town Charter, or Town bylaws. Non-resident employees of the Town of Rockland may be appointed as non-voting or ex-officio members.^{6 7}

³ Section 2.16 Highway Superintendent has been deleted per vote of the Committee.

⁴ The following older Sections were deleted and updated numerically to reflect these requests by the Committee: Sections A, C, F, and H have been deleted and updated numerically. Other sections which were amended or replaced will be noted.

⁵ C-2.01 Section A was deleted and replaced with the former C-2.01 Section K.

⁶ Sections D and E amended to allow non-resident Town employees to serve on multiple-member bodies as nonvoting or ex-officio members.

⁷ Amended to allow non-resident Town employees to serve on multiple-member bodies as nonvoting or ex-officio members.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.01. Elected and appointed officials, boards, commissions and committees. (Cont'd)

- D. Elected and appointed town officials must be registered voters in the town of Rockland. The term appointed town officials shall only apply to those persons appointed to serve on the various boards and commissions. All full time administrative personnel shall not be town officials for the purpose of this section. [Amended by c. 98, Acts of 1997]
- E. No elected official shall hold any other elected office in the Town during the term to which he was elected to office, unless otherwise provided by this Charter.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.01 Elected and appointed officials, boards, commissions, and committees. (Cont'd)

- D. Any registered voter of the Town shall be eligible to hold any elective Town office. No elected official shall hold any other elected office in the Town during the term to which he was elected to office, unless otherwise provided by this Charter.
- E. Every multiple-member body shall adopt written rules of procedure governing the conduct of its meetings, hearings, and general business. These rules shall not be inconsistent with the terms and provisions of this Charter, the Town bylaws, or the General Laws of the Commonwealth. Each multiple-member body shall ensure an updated copy of its rules of procedure is filed with the Town Clerk.⁸

⁸ Section E: new language adopted by the Committee.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.01. Elected and appointed officials, boards, commissions and committees. (Cont'd)

- F. All elected officials shall, upon taking office, make an oath or affirmation that they will abide by the provisions of Chapter 39, Section 23D of the General Laws of the Commonwealth (the "Open Meeting Law"),⁹ and shall be given a copy thereof.
- G. Each elected and appointed town board, commission, and committee shall adopt written Rules of Procedure governing the conduct of its meetings, hearings, and general business; which rules shall not be inconsistent with the terms and provisions of this Charter, the Town By-laws, or the General Laws of the Commonwealth. Each board, commission, or committee, after adopting its Rules of Procedure, shall cause a copy of said Rules to be placed on file with the Town Clerk.

⁹ Editor's Note: The Open Meetings Law is now MGL c. 39, § 23B.

¹⁰ Formerly Section I, updated for clarity.

¹¹ Formerly Section J, updated for clarity.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.01 Elected and appointed officials, boards, commissions, and committees. (Cont'd)

- F. Each elected and appointed Town board, commission and committee whose business it is to adopt rules and regulations governing the issuance of licenses, permits, special permits, variances, orders of conditions, and other similar types of actions, shall, at least seven (7) days prior to the adoption of said rules and regulations, post them in their proposed form in a public place in the Town Offices and file a copy of them with the Town Clerk.¹⁰
- G. Each elected and appointed Town board, commission and committee shall meet not less often than once a month (unless otherwise provided for by the General Laws of the Commonwealth) at such times and places as may be specified by the presiding officer. A board, commission or committee may, however, by a two-thirds (2/3) vote of its members, elect not to meet at all for a period of time not to exceed eight (8) consecutive weeks. Emergency meetings may, when necessary, be called by the presiding officer of a board, commission or committee subject to the provisions of the "Open Meeting Law."¹¹

(END OF C-2.01 IN THE PROPOSED CHARTER)

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.01. Elected and appointed officials, boards, commissions and committees. (Cont'd)

- H. Each elected and appointed town board, commission, and committee shall keep a journal of its proceedings, which journal shall be a public record.
- I. Each elected and appointed town board, commission and committee whose business it is to adopt, from time to time, rules and regulations governing the issuance of licenses, permits, special permits, variances, orders of conditions, and other similar types of actions, shall, at least seven (7) days prior to the adoption of said rules and regulations, post them in their proposed form in a public place in the Town Offices and file a copy of them with the Town Clerk.
- J. Each elected and appointed town board, commission and committee shall meet not less often than once a month (unless otherwise provided for by the General Laws of the Commonwealth) at such times and places as may be specified by the presiding officer. A board, commission or committee may, however, by a two-thirds (2/3) vote of its members, elect not to meet at all for a period of time not to exceed eight (8) consecutive weeks. Emergency meetings may, when necessary, be called by the presiding officer of a board, commission or committee subject to the provisions of the "Open Meeting Law."

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.01. Elected and appointed officials, boards, commissions and committees. (Cont'd)

- K. All elected and appointed officials of the Town shall have the powers and duties of their offices as hereinafter set forth, and in addition shall have all of the powers and duties conferred upon them by the General Laws of the Commonwealth.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen.

- A. There shall be a Board of Selectmen consisting of five (5) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote, except as may be required by this Charter or the General Laws of the Commonwealth. The Selectmen shall be responsible for the general direction and management of the property and affairs of the Town, except as otherwise provided for by this Charter or by the General Laws of the Commonwealth.
- B. As agents for the Town, the Selectmen shall have authority to prosecute, defend, settle or compromise any and all claims by or against the Town. However, the Selectmen acting upon advice of counsel, shall not have the authority to settle or compromise any actions or claims against the Town if said settlement or compromise exceeds the funds appropriated for that purpose by vote of a duly called Town Meeting.
- C. The Selectmen may investigate the operation of any town department, in accordance with the procedures set forth in the General Laws of the Commonwealth.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02 Select Board.¹²

- A. There shall be a Select Board consisting of five (5) members, each elected for a three (3) year term. The Select Board shall choose a chair and shall act by majority vote, except as may be required by this Charter or the General Laws of the Commonwealth. Select Board members shall be responsible for the general direction and management of the affairs of the Town, except as otherwise provided for by this Charter or by the General Laws of the Commonwealth. **The Select Board shall manage the property of the Town, except as otherwise provided for by this Charter or by the General Laws of the Commonwealth.**
- B. As agents for the Town, the Select Board shall have authority to prosecute, defend, settle, or compromise any and all claims by or against the Town, upon advice of counsel.
- C. The Select Board may investigate the operation of any Town department, in accordance with the procedures set forth in the General Laws of the Commonwealth.

¹² Section N deleted and shall be revisited in the updated Article VII Transitional Provisions.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

- D. The selectmen shall cause the annual town report to be printed on or before May first of the following fiscal year, and shall cause a copy of the report to be distributed at the following locations: main entrance to the town hall, Rockland Public Library and the Rockland Senior Center. [Amended by c. 94, Acts of 2004]
- E. The selectmen shall prepare the warrant for the annual town meeting, which warrant shall be closed 50 days before the date of the meeting. The selectmen shall cause copies of the warrant for the annual town meeting to be distributed at the following locations: main entrance to the town hall, Rockland Public Library and Rockland Senior Center at least 14 days before holding the meeting. The warrant for the annual town meeting shall also be announced in a newspaper of general circulation within the town at least 14 days before the town meeting. The notice shall include locations where a copy of the warrant can be obtained. [Amended by c. 94, Acts of 2004]
 - (a) The selectmen shall have the power to order special town meetings as they consider necessary, and shall prepare the warrants for the meetings; but, to order a special town meeting the selectmen shall first adopt, by a majority vote of their board, a resolution stating clearly the emergency nature of the situation prompting their order.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Select Board. (Cont'd)

- D. The Select Board shall cause the Annual Town Report to be printed on or before May first of the following fiscal year and shall cause a copy of the report to be distributed digitally on the Town website and in conspicuous locations in the Town Hall and appropriate municipal buildings. [Amended by c. 94, Acts of 2004]
- E. The Select Board shall prepare the warrant for the Annual Town Meeting, which warrant shall be closed 50 days before the date of the meeting. The Select Board shall cause copies of the warrant for the Annual Town Meeting to be distributed in conspicuous locations at the Town Hall and appropriate municipal buildings at least fourteen (14) days before holding the meeting. The warrant for the Annual Town Meeting shall also be announced in a newspaper of general circulation within the Town at least fourteen (14) days before the Town meeting as well as digitally on the Town website. The notice shall include locations where a copy of the warrant can be obtained in print or online. [Amended by c. 94, Acts of 2004]
 - (a) The Select Board shall have the power to order Special Town Meetings as it considers necessary, and shall prepare the warrants for the meetings; but, to order a Special Town Meeting the Select Board shall first adopt, by a majority vote of their board, a resolution stating clearly the nature of the situation prompting their order.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

- (b) No warrant for a special town meeting shall close until at least 7 days have passed from the date of adoption of their resolution; and each article inserted in the warrant shall have attached to it a brief statement explaining the emergency nature of the article.
- (c) The selectmen shall cause copies of the warrant for each special town meeting to be distributed at the following locations: main entrance to the town hall, Rockland Public Library and the Rockland Senior Center at least 14 days before the town meeting. The warrant for each special town meeting shall also be announced in a newspaper of general circulation within the town at least 14 days before the town meeting. The notice shall include locations where the warrant can be obtained. Upon a majority vote of the board, the selectmen shall have the power to open any warrant after it has closed for the purpose of inserting articles, if the articles are of an emergency nature and have attached to them a brief statement explaining the emergency.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Select Board. (Cont'd)

- (b) No warrant for a Special Town Meeting shall close until at least seven (7) days have passed from the date of adoption of their resolution; and each article inserted in the warrant shall have attached to it a brief statement explaining the nature of the article.
- (c) The Select Board shall cause copies of the warrant for each Special Town Meeting to be distributed in **conspicuous locations at the Town Hall and appropriate municipal buildings** at least fourteen (14) days before the **Special Town Meeting**. The warrant for each Special Town Meeting shall also be announced in a newspaper of general circulation within the Town at least fourteen (14) days before the Town meeting **as well as digitally on the Town website**. The notice shall include locations where the warrant can be obtained in print or online. Upon a majority vote of the Select Board, they shall have the power to open any warrant after it has closed for the purpose of inserting articles, if the articles are of an emergency nature and have attached to them a brief statement explaining the **nature of the emergency**.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

- F. The Selectmen may issue permits and/or licenses subject to the requirements of the General Laws of the Commonwealth. However, their power to issue such permits and/or licenses shall not operate to limit the authority or affect the decision of any other town board, commission, or official who may be required to act in the same matter by the provisions of this Charter, any Town By-law, or the General Laws of the Commonwealth.
- G. The Selectmen shall annually, unless otherwise required, appoint the following town officials, whose powers shall be set forth in the Town By-laws: [Amended by c. 357, Acts of 1993; c. 170, Acts of 1994]
 - a. A Town Accountant for a term of three (3) year
 - b. A Town Counsel
 - c. A Building Inspector and Zoning Enforcement Officer for a term of three (3) years
 - d. A Director of Emergency Management
 - e. A Director of Veterans Affairs, who shall also be Veterans Burial Agent, for a term of three (3) years
 - f. A Forest Fire Warden
 - g. A Full Member of the Board of Appeals, for a five (5) year term

¹³ Section F has been amended for clarity.

¹⁴ Subsections a, c, e, f, i, j, k, m, n, o, p, q, r, s, and t have been deleted. Subsection (f) added to the Proposed Charter.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02 Select Board. (Cont'd)

- F. The Select Board may issue permits and/or licenses subject to the requirements of the General Laws of the Commonwealth. However, their power to issue such permits and/or licenses shall not operate to limit the authority of any other Town board, commission, or official to enforce compliance with the terms or conditions of the permit and/or license or the provisions of this Charter, any Town bylaw, or the General Laws of the Commonwealth governing the same subject matter.¹³
- G. The Select Board shall, unless otherwise required, appoint the following Town officials, whose powers shall be set forth in the Town bylaws: [Amended by c. 357, Acts of 1993; c. 170, Acts of 1994]¹⁴
 - (a) A Town Counsel.
 - (b) A Director of Emergency Management.
 - (c) A Full Member of the Board of Appeals, for a five (5) year term.
 - (d) An Associate Member of the Board of Appeals, for a three (3) year term.
 - (e) Election Officers, pursuant to the provisions and requirements of the General Laws of the Commonwealth.
 - (f) Two (2) members of the Capital Planning Committee.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

- h. An Associate Member of the Board of Appeals, for a three (3) year term
- i. Three (3) members of the Airport Committee
- j. A Dog Officer, who shall also be the Animal Inspector, for a term of three (3) years
- k. Three (3) members of the Charter Maintenance Committee
- l. Election Officers, pursuant to the provisions and requirements of the General Laws of the Commonwealth
- m. Two (2) Gas Inspectors
- n. A Parking Clerk
- o. An Inspector of Weights and Measures
- p. An Insect Control Superintendent
- q. Two (2) Inspectors of Wires
- r. A Director of the Council on Aging for a term of three (3) years
- s. An Assistant Zoning Enforcement Officer
- t. A Tree Warden.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

- H. The Selectmen shall make the following appointments annually to town boards, commissions, and committees, in such a manner that one-third (1/3), as nearly as possible, of the members of each board, commission, or committee shall be appointed each year. The boards, commissions, and committees listed below shall have such powers and duties as are set forth in the Town By-laws.
- a. One (1) member of the Board of Registrars of Voters, for a three (3) year term
 - b. Two (2) or three (3) members of the Conservation Commission, for three (3) year terms
 - c. Two (2) or three (3) members of the Industrial Development Commission, for three (3) year terms
 - d. One (1) or two (2) members of the Industrial Development Financing Authority, for a three (3) year term
 - e. Three (3) or four (4) members on the Council on Aging, for three (3) year terms [Amended by c. 357, Acts of 1993]
 - f. Two (2) or three (3) members of the Historical Commission, for three (3) year terms
 - g. One (1) or two (2) members of the Recreation Commission, for a three (3) year term [Amended by c. 331, Acts of 2020]

¹⁵ Subsections c and d have been deleted.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02 Select Board. (Cont'd)

- H. The Select Board shall make the following appointments annually to Town boards, commissions, and committees, in such a manner that one-third (1/3), as nearly as possible, of the members of each board, commission, or committee shall be appointed each year. The boards, commissions, and committees listed below shall have such powers and duties as are set forth in the Town bylaws.¹⁵
- (a) One (1) member of the Board of Registrars of Voters, for a three (3) year term.
 - (b) Two (2) or three (3) members of the Conservation Commission, for three (3) year terms.
 - (c) Three (3) or four (4) members on the Council on Aging, for three (3) year terms. [Amended by c. 357, Acts of 1993]
 - (d) Two (2) or three (3) members of the Historical Commission, for three (3) year terms.
 - (e) One (1) or two (2) members of the Recreation Commission, for a three (3) year term. [Amended by c. 331, Acts of 2020]

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

- I. a. The Selectmen shall, from time to time, appoint a Chief of Police, whose powers and duties shall be as set forth in the Town By-laws. Upon making said appointment the Selectmen shall execute with him a contract of employment for a term not to exceed five (5) years.

The chief of police shall have full authority to appoint, demote, suspend and terminate all the police officers and command officers of the police department, and for the purposes of the requirements of chapter 31 of the General Laws, and the rules made thereunder shall be considered the appointing authority for the police department. [Added by c. 346, Acts of 1998]

In original appointments to the permanent- intermittent force, regular full-time force or the promotion of any officer to any rank, said chief of police shall convene an assessment panel comprised of not less than three superior police officers of any police department, who shall interview and recommend the best candidates to said chief of police who shall choose among the names submitted to him by the assessment panel in accordance with the provisions of said chapter 31. [Added by c. 346, Acts of 1998]

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02 Select Board. (Cont'd)

- I. (a) The Select Board shall appoint a Chief of Police, whose powers and duties shall be as set forth in the Town bylaws. The Board shall appoint the Chief of Police for a term not to exceed five (5) years and may execute a contract for employment pursuant to Chapter 41, Sec. 108O.¹⁶

¹⁶ Amended upon advice of Town Counsel.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

Said chief of police shall appoint such clerical and civilian staff as is authorized by town meeting. [Added by c. 346, Acts of 1998]

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)¹⁷

b. The Selectmen shall, from time to time, appoint a Fire Chief, whose powers and duties shall be as set forth in the Town By-laws. The Fire Chief shall continue to hold office unless removed by the Selectmen for good cause after a public hearing, as detailed in § C-2.02(N).

K. The Selectmen shall appoint such other town officials, boards, and committees as may be required by the provisions of this Charter, any Town By-law, a vote of Town Meeting, or the General Laws of the Commonwealth. In addition, the Selectmen may appoint temporary or "ad hoc" committees to deal with special emergency situations; but the duration of any such committee shall not extend past the next Annual Town Meeting unless extended by vote of that Town Meeting.

L. The terms of office of town officials appointed annually, and of members of boards, commissions, and committees whose terms are expiring, shall end on the first day of May; except that all persons whose terms are expiring may serve until their successors are appointed and sworn in. The selectmen shall make their annual appointments within thirty days following the annual town election. [Amended by c. 357, Acts of 1993]

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02 Select Board. (Cont'd)

(b) The Select Board shall appoint a Fire Chief, whose powers and duties shall be as set forth in the Town bylaws. The Fire Chief shall continue to hold office unless removed by the Select Board for good cause after a public hearing, as detailed in C-2.02(N).

J. The Select Board shall appoint such other Town officials, boards, and committees as may be required by the provisions of this Charter, any Town bylaws, a vote of Town Meeting, or the General Laws of the Commonwealth. In addition, the Select Board may appoint temporary or "ad hoc" committees to deal with certain situations. The duration of any such committee shall be determined by the Select Board.

K. The terms of office of Town officials appointed annually, and of members of boards, commissions, and committees whose terms are expiring, shall end on the first day of May; except that all persons whose terms are expiring may serve until their successors are appointed and sworn in. The Select Board shall make its annual appointments within thirty (30) days following the Annual Town Election. [Amended by c. 357, Acts of 1993]

¹⁷ The current Charter skips "J" in the lettering conventions for C-2.02 Board of Selectmen.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02. Board of Selectmen. (Cont'd)

- M. A vacancy in any appointive office, due to death, disability, resignation, or removal of the person holding the office, shall be filled by the Selectmen without unreasonable delay. The Selectmen shall make no appointment to fill a vacancy, however, until they have publicly announced the availability of the position at least two (2) weeks prior to making the appointment. Any appointment made to fill a vacancy shall be for the unexpired term of office.

- N. In all cases where a procedure for removal from office is not specified in the General Laws of the Commonwealth, no person appointed to office by the Selectmen shall be removed from that office except for good cause, and after a public hearing. Said hearing shall take place not sooner than one (1) week after the person whose removal from office is sought has received written notice of the hearing and written particulars of the charges preferred against him. At the hearing that person shall be entitled to counsel, may introduce evidence and call witnesses on his behalf, and may cross-examine witnesses called against him. At the conclusion of the hearing, the Selectmen shall deliberate and vote upon the charges; the vote shall be by poll of the Board. No vote to remove from office shall be effective unless two-thirds (2/3) of the Selectmen present and voting shall have voted in the affirmative.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.02 Select Board. (Cont'd)¹⁸

- L. A vacancy in any appointive office, due to death, disability, resignation, or removal of the person holding the office, shall be filled by the Select Board without unreasonable delay. The Select Board shall make no appointment to fill a vacancy, however, until it has publicly announced the availability of the position at least two (2) weeks prior to making the appointment. Any appointment made to fill a vacancy shall be for the unexpired term of office.

¹⁸ Section N has been deleted in the proposed Charter, and appears as a topic for further study as a bylaw in Article VII Transitional Provisions.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.03. Town Clerk.

- A. There shall be a Town Clerk, elected, whose term of office shall be three (3) years.
- B. The Town Clerk shall have all of the powers and duties conferred upon the offices by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The Town Clerk shall appoint an Assistant Town Clerk, who shall serve at the pleasure of the Town Clerk. In the absence or incapacity of the Town Clerk, the Assistant Town Clerk shall exercise all of the powers and duties of that office.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.03 Town Clerk.

- A. There shall be an **elected Town Clerk**, whose term of office shall be three (3) years.
- B. The Town Clerk shall have all of the powers and duties conferred upon the offices by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The Town Clerk shall appoint an Assistant Town Clerk, **subject to approval by the Town Administrator**. In the absence or incapacity of the Town Clerk, the Assistant Town Clerk shall exercise all of the powers and duties of that office.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.04. Town Treasurer.

- A. There shall be a Town Treasurer, elected, whose term of office shall be three (3) years.
- B. The Town Treasurer shall have all of the powers and duties conferred upon the office by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The Town Treasurer shall appoint an Assistant Town Treasurer, who shall serve at the pleasure of the Town Treasurer. In the absence or incapacity of the Town Treasurer, the Assistant Town Treasurer shall exercise all of the powers and duties of that office.

C-2.05. Town Collector.

- A. There shall be a Town Collector, elected, whose term of office shall be three (3) years.
- B. The Town Collector shall have all of the powers and duties conferred upon the office by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.04 Town Treasurer/Collector¹⁹

- A. There shall be an appointed Town Treasurer/Collector.
- B. The Town Treasurer/Collector shall have all of the powers and duties conferred upon the office by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

¹⁹ Sections C-2.04. and C-2.05. have been combined in the proposed Charter to create an appointed, combined Treasurer/Collector.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.06. Board of Assessors.

- A. There shall be a Board of Assessors consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote.
- B. The Board of Assessors shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The Board of Assessors shall appoint a Director of Assessing, who shall serve at the pleasure of the Board. The duties of the Director of Assessing shall be such as may be legally conferred upon the Director of Assessing by the Board. [Amended by c. 331, Acts of 2020]

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.05 Board of Assessors.²⁰

- A. There shall be a Board of Assessors consisting of three (3) members, each elected for a three (3) year term, who shall choose a chair and shall act by majority vote.
- B. The Board of Assessors shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

²⁰ Section C has been deleted by the Committee.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.07. Board of Health.

- A. There shall be a Board of Health consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote.
- B. The Board of Health shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The Board of Health shall appoint a Health Agent, who shall serve at the pleasure of the Board. The duties of the Health Agent shall be such as may be legally conferred upon him by the Board, as well as those that are conferred upon him by the General Laws of the Commonwealth.
- D. In the event of public health emergency, as declared by a majority of the members of the Board of Health, the provisions of Section 2.01(I) shall not be deemed to apply.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.06 Board of Health.²¹

- A. There shall be a Board of Health consisting of three (3) members, each elected for a three (3) year term, who shall choose a chair and shall act by majority vote.
- B. The Board of Health shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. In the event of a public health emergency, as declared by a majority of the members of the Board of Health, the provisions of Section 2.01(G) shall not be deemed to apply.

²¹ Section C has been deleted by the Committee.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.08. Board of Water Commissioners.

- A. There shall be a Board of Water Commissioners consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote.
- B. The Board of Water Commissioners shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, the votes of Town Meetings, and the General Laws of the Commonwealth.
- C. In the event of a water emergency, as declared by a majority of the members of the Board of Water Commissioners, the provisions of Section 2.01 (I) shall not be deemed to apply.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.07 Board of Water Commissioners.

- A. There shall be a Board of Water Commissioners consisting of three (3) members, each elected for a three (3) year term, who shall choose a chair and shall act by majority vote.
- B. The Board of Water Commissioners shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, the votes of Town Meetings, and the General Laws of the Commonwealth.
- C. In the event of a water emergency, as declared by a majority of the members of the Board of Water Commissioners, the provisions of Section 2.01(G) shall not be deemed to apply.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.09. Board of Sewer Commissioners.

- A. There shall be a Board of Sewer Commissioners, consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote.
- B. The Board of Sewer Commissioners shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The board of sewer commissioners shall also be known as the drainage committee and shall have all the powers and duties conferred upon it by this charter, the town by-laws, votes of town meetings, and the General Laws. [Added by c. 134, Acts of 1997]

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.08 Board of Sewer Commissioners.²²

- A. There shall be a Board of Sewer Commissioners, consisting of three (3) members, each elected for a three (3) year term, who shall choose a chair and shall act by majority vote.
- B. The Board of Sewer Commissioners shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

²² Section C has been deleted by the Committee and upon advice of Town Counsel.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.10. Board of Library Trustees.

- A. There shall be a Board of Library Trustees consisting of six (6) members, each elected for a three (3) year term, who shall choose a chairman and shall act by a majority vote.
- B. The Board of Library Trustees shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.09 Board of Library Trustees.

- A. There shall be a Board of Library Trustees consisting of six (6) members, each elected for a three (3) year term, who shall choose a chair and shall act by a majority vote.
- B. The Board of Library Trustees shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.11. School Committee.

- A. There shall be a School Committee consisting of five (5) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote, except as may be otherwise required by the General Laws of the Commonwealth.
- B. The School Committee shall have general charge of all the public schools, including the evening schools and evening high schools, and of vocational schools when not otherwise provided for, and shall be responsible for the full administration of these schools.
- C. The School Committee shall be responsible for the supervision of such private schools or academies as may be established within the Town.
- D. The School Committee shall have all of the powers conferred upon it by this Charter, the Town By- laws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.10 School Committee.²³

- A. There shall be a School Committee consisting of five (5) members, each elected for a three (3) year term, who shall choose a chair and shall act by majority vote, except as may be otherwise required by the General Laws of the Commonwealth.
- B. The School Committee shall have general charge of all the public schools, including the evening schools and evening high schools, and of vocational schools when not otherwise provided for, and shall be responsible for the full administration of these schools.
- C. The School Committee shall appoint one (1) member of the Capital Planning Committee.
- D. The School Committee shall have all of the powers conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

²³ Section C has been deleted and replaced with new language relevant to appointment of members of the Capital Planning Committee.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.12. Planning Board.

- A. There shall be a Planning Board consisting of five (5) members, each elected for a five (5) year term, who shall choose a chairman and a clerk and shall act by majority vote, except as may be otherwise required by the General Laws of the Commonwealth.
- B. The Planning Board shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.11 Planning Board.

- A. There shall be a Planning Board consisting of five (5) members, each elected for a five (5) year term, who shall choose a chair and a clerk and shall act by majority vote, except as may be otherwise required by the General Laws of the Commonwealth.
- B. The Planning Board shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.13. Town Moderator.

- A. There shall be a Town Moderator, elected, whose term of office shall be three (3) years.
- B. The Town Moderator shall preside over and regulate all of the proceedings of the Town at Town Meetings, as hereinafter set forth in Article III of this Charter; and pursuant thereto, shall decide all questions of order and make public declaration of all votes. He shall otherwise have all of the powers and duties conferred upon him by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The Town Moderator shall appoint the members of the Finance Committee, as hereinafter set forth in Article VI, Section 6.04 (A) of this Charter.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.12 Town Moderator.

- A. There shall be an elected Town Moderator whose term of office shall be three (3) years.
- B. The Town Moderator shall preside over and regulate all of the proceedings of the Town at Town Meetings, as hereinafter set forth in Article III of this Charter; and pursuant thereto, shall decide all questions of order and make public declaration of all votes. They shall otherwise have all of the powers and duties conferred upon them by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.
- C. The Town Moderator shall appoint the members of the Finance Committee, as hereinafter set forth in Article VI, Section 6.04 (A) of this Charter.
- D. The Town Moderator shall appoint two (2) members of the Capital Planning Committee.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.14. Rockland Housing Authority.

- A. There shall be a Rockland Housing Authority consisting of five (5) members, four (4) of whom shall be elected for a term of five (5) years in such manner that the term of one (1) member will expire each year, and one member who shall be appointed by the State Housing Board. The Rockland Housing Authority shall choose a chairman and a vice chairman, and shall act by majority vote.
- B. The Rockland Housing Authority shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.13 Rockland Housing Authority.

- A. There shall be a Rockland Housing Authority consisting of five (5) members, four (4) of whom shall be elected for a term of five (5) years in such manner that the term of one (1) member will expire each year, and one (1) member who shall be appointed by the Commonwealth. The Rockland Housing Authority shall choose a chair and a vice chair and shall act by majority vote.
- B. The Rockland Housing Authority shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.15. Board of Park Commissioners.

- A. There shall be a Board of Park Commissioners consisting of three (3) members, each elected for a three (3) year term, who shall choose a chairman and shall act by majority vote.
- B. The Board of Park Commissioners shall have all of the powers and duties conferred upon it by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.14 Board of Park Commissioners.

- A. There shall be a Board of Park Commissioners consisting of three (3) members, each elected for a three (3) year term, who shall choose a chair and shall act by majority vote.
- B. The Board of Park Commissioners shall have all of the powers and duties conferred upon it by this Charter, the Town bylaws, votes of Town Meetings, and the General Laws of the Commonwealth.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.16. Highway Superintendent.²⁴

- A. There shall be a Highway Superintendent, elected, whose term of office shall be three (3) years.
- B. The Highway Superintendent shall have the responsibility for and control of the ordinary repair of public ways in the Town, and shall have all of the powers and duties of a highway surveyor under the General Laws of the Commonwealth. He shall, in addition, have all of the powers and duties conferred upon him by this Charter, the Town By-laws, votes of Town Meetings, and the General Laws of the Commonwealth.

²⁴ C-2.16 Highway Superintendent has been removed from the Proposed Charter and will become a position appointed by the Town Administrator (see Proposed Charter C-2.17 Powers and duties of the Town Administrator).

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Town Administrator.²⁵

The board of selectmen by an affirmative vote of not less than 4 members shall appoint a town administrator for a term of not more than 3 years and may extend such appointment for additional terms of not more than 3 years.

- (a) The town administrator shall be appointed solely on the basis of executive, administrative and municipal experience. His education should consist of a bachelor's degree in public or business administration or related field; a master's degree in public administration is preferred. In the absence of either degree, a minimum of 10 years actual work experience shall be required and shall consist of at least 5 years of progressively responsible experience in municipal management, 3 years of which shall be as a chief administrative or assistant administrator in a municipal organization. He shall not have served in an elective office in or for the town of Rockland for at least 12 months before his appointment.

²⁵ [Added by c. 58, Acts of 20053; amended by c. 331, Acts of 2020]

²⁶ [Added by c. 58, Acts of 20053; amended by c. 331, Acts of 2020]

²⁷ Sections A and B have been amended by the Committee.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.15 Town Administrator.^{26,27}

The Select Board by an affirmative vote of not less than four (4) members shall appoint a Town Administrator for a term of not more than three (3) years and may extend such appointment for additional terms of not more than (3) years.

- A. The Town Administrator shall be appointed by qualification of education and experience. They shall not have served in an elective office in or for the Town of Rockland for at least twelve (12) months before their appointment.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Town Administrator. (Cont'd)

- (b) The town administrator shall devote full time to the office and shall not hold any other public office, elected or appointed, nor engage in any other business, occupation, or profession during their term of office, unless the board of selectmen approves the action in advance in writing. The town may from time to time, by by-law establish additional qualifications as it considers necessary and appropriate.
- (c) The town administrator shall execute a bond in favor of the town of Rockland for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed by the board of selectmen. The town shall pay the cost of the bond.
- (d) The board of selectmen may appoint an assistant town administrator to perform duties assigned by the town administrator. The assistant town administrator shall perform the duties of the town administrator in the town administrator's absence.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.15 Town Administrator. (Cont'd)²⁸

- B. The Town Administrator shall devote full time to the office and shall not hold any other public office, elected or appointed, nor engage in any other business, occupation, or profession during their term of office, unless the Select Board approves the action in advance in writing.

²⁸ Sections C and D have been deleted by the Committee.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.18 Removal or suspension of the Town Administrator.²⁹

- (a) The board of selectmen by affirmative vote of not less than 2/3 of its members may suspend or remove the town administrator from office. If the board of selectmen affirmatively votes to suspend or remove the town's administrator, the board shall give at least 60 days notice as to the effective date of his suspension or termination, or provide 60 days of severance pay, or a combination of both notice and severance pay equivalent to at least 60 days. At least 30 days before the proposed suspension or termination becomes effective the board of selectmen shall file a preliminary written resolution with the town clerk setting forth in detail the specific reason for the proposed suspension or termination. A copy of the resolution shall be delivered to the town administrator. The town administrator may within 10 days of service of the resolution, reply in writing to the resolution and may request a public hearing. If the town administrator so requests, the board of selectmen shall hold a public hearing not earlier than 20 days nor later than 30 days after the filing of the request. After the public hearing, if any, otherwise at the expiration of 30 days following the filing of the preliminary resolution, the selectmen may suspend

²⁹ [Added by c. 58, Acts of 2005]

³⁰ [Added by c. 58, Acts of 2005]

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.16 Removal or suspension of the Town Administrator.³⁰

- (A) The Select Board by a 2/3rd vote in the affirmative, may suspend without pay or remove the Town Administrator from office. A vote to place the Town Administrator on paid administrative leave shall not be considered a suspension within the meaning of this paragraph. If the Select Board affirmatively votes to suspend or remove the Town Administrator, the Select Board shall give at least sixty (60) days' notice as to the effective date of their suspension or termination or provide sixty (60) days of severance pay, or a combination of both notice and severance pay equivalent to at least sixty (60) days. At least thirty (30) days before the proposed suspension or termination becomes effective, the Select Board shall file a preliminary written resolution with the Town Clerk setting forth in detail the specific reason for the proposed suspension or termination. A copy of the resolution shall be delivered to the Town Administrator. The Town Administrator may within ten (10) days of service of the resolution, reply in writing to the resolution and may request a public hearing. If the Town Administrator requests, the Select Board shall hold a public hearing not earlier than twenty (20) days nor later than thirty (30) days after the filing of the request. After the public hearing, if any, otherwise at the expiration of thirty (30) days following the filing of the prelimin-

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.18 Removal or suspension of the Town Administrator. (Cont'd)

or terminate the town administrator from duty. In the event the town administrator is charged with a criminal act alleged to have been perpetrated while performing his job, suspension without pay is immediate and if the town administrator is not exonerated of the charges, termination is immediate and no notice or severance shall be provided. Nothing contained herein shall limit the authority of the board of selectmen to suspend or terminate the town administrator as provided by state, federal or local law. [Amended by c. 331, Acts of 2020]

(b) If the office of town administrator is vacant, as a result of death, removal, resignation, or otherwise, or the town administrator is on a leave of absence exceeding 2 weeks, the board of selectmen by affirmative vote of at least 3 members, shall appoint a qualified town administrator officer, or employee to serve as acting town administrator. The acting town administrator shall receive compensation as set by the affirmative vote of at least 3 selectmen, but shall not exceed the rate of compensation approved for the town administrator being replaced. The appointment of the acting town administrator shall not exceed a 4-month period.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.16 Removal or suspension of the Town Administrator. (Cont'd)

any resolution, the Select Board may suspend or terminate the Town Administrator from duty. Nothing contained herein shall limit the authority of the Select Board to suspend or terminate the Town Administrator as provided by state, federal, or local law. [Amended by c. 331, Acts of 2020]

(B) If the office of Town Administrator is vacant, as a result of death, removal, resignation, or otherwise, or the Town Administrator is on a leave of absence exceeding two (2) weeks, the Select Board by affirmative vote of not less than 2/3 members, shall appoint a qualified Town Administrator officer, or employee to serve as Acting Town Administrator. The Acting Town Administrator shall receive compensation as set by the affirmative vote of not less than 2/3 members, but shall not exceed the rate of compensation approved for the Town Administrator being replaced. The appointment of the Acting Town Administrator shall not exceed a four (4)-month period.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.19 Powers and duties of the Town Administrator.

- (a) The town administrator shall be the administrative officer of the town of Rockland, reporting directly to the board of selectmen and acting as its agent. He shall be responsible for the effective and professional administration of the day-to-day affairs of the town in the absence of the board of selectmen as described herein.
- (b) The town administrator shall administer this charter, either directly or through a person or persons appointed by the board of selectmen.
- (c) The town administrator shall be responsible for the proper administration and development of the annual operating budget process.
- (d) The town administrator shall recommend to the board of selectmen strategic plans and objectives for mitigation or other purposes. He shall have prepared multi-year forecasts on revenues and expenditures for use in analyzing financial impacts in collective bargaining issues, insurance costs, and other long-term costs. He shall recommend to the board of selectmen, for their approval, debt management, and capital planning policies. He shall further

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator.³¹

The Town Administrator shall be the chief executive officer of the Town. The Town Administrator shall be responsible to the Select Board for the effective management of all Town affairs placed in the Town Administrator's charge by this Charter, the Select Board, or vote of the Town Meeting. The Town Administrator shall be responsible for the implementation of Town policies established by the Select Board. The functions and duties of the Town Administrator shall include, but not be limited to, the functions and duties in subsections A, B, and C provided, however, that this section shall not apply to employees of the Rockland School District, to the statutory responsibilities and functions of the School Committee and the Abington/Rockland Joint Water Works, or to the statutory responsibilities and functions of the Board of Water Commissioners.

A. Powers of Appointment

- (a) The Town Administrator shall appoint all non-elected department heads and approve the appointment of all other Town employees. The Town Administrator shall consult with the appropriate elected or appointed board, commission, committee, or official and the Select Board prior to making department head appointments. Prior to finalizing a department head appointment, the Town Administrator shall provide notice to the Select Board of

³¹ The Committee proposes a completely new C-2.17 Powers and duties of the Town Administrator.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.19 Powers and duties of the Town Administrator. (Cont'd)

recommend policies and long-range goals to improve the efficiency and effectiveness of town government.

- (e) The town administrator shall keep the board of selectmen fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions. He shall keep the board of selectmen and the finance committee informed as to the financial condition and the needs of the town.
- (f) The town administrator shall act as the town's insurance coordinator. He shall be responsible for ensuring that all pertinent policies are in effect, see that adequate insurance coverage is provided, ensure that claims are properly processed, conduct cost benefit analyses on existing policies and propose changes. He shall render an annual report to the board of selectmen on all claims made and losses sustained.
- (g) The town administrator shall act as grant coordinator for the town. He shall collect and distribute information concerning grants, establish uniform procedures for grant applications, prepare or assist in developing grant proposals and shall monitor all town grants to ensure fiscal and program compliance.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

the anticipated appointment and the terms and conditions of employment for the appointment. The Select Board shall approve or disapprove the appointment within 20 days of notice to the Select Board. A failure of the Select Board to act in this 20-day period shall be considered approval. Any adjustment to the terms and conditions of employment of department heads or the termination or removal of department heads shall be subject to the Town's personnel policy.

- (b) Department heads shall, in accordance with the human resources process, the Town personnel policy, and subject to the consent and approval of the Town Administrator, appoint or remove assistant department heads, officers, subordinates, and employees, including employees serving under elected and appointed boards, commissions, committees and officials for whom no other method of selection is provided in this Charter; provided, however, that the department head shall advise the appropriate elected or appointed board, commission, committee, or official prior to making such appointments or removals. The Town Administrator may transfer personnel between departments as needed.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.19 Powers and duties of the Town Administrator. (Cont'd)

- (h) The town administrator, in cooperation with other town officials selected by him, shall establish policies, procedures and guidelines for town procurements in accordance with applicable federal, state, and local laws. He shall keep an inventory of the real and fixed assets of the town.
- (i) The town administrator shall be responsible for the approval of the purchase of all supplies, materials, equipment, and other services, for departments or agencies under the jurisdiction of the board of selectmen.
- (j) The town administrator in the absence of the board of selectmen shall act as agent of the board of selectmen in coordinating activities, budgets, and day to day operations of the town departments, boards, committees, and commissions that come under the jurisdiction of the board of selectmen. He shall coordinate these activities with officers and boards elected by the voters, keeping all informed of ongoing activities and issues.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (c) All appointments under this section shall be based on merit and fitness alone.
- B. Administrative Duties
 - (a) The Town Administrator shall be responsible for the day-to-day supervision of all Town departments and direction of the operations of the Town.
 - (b) The Town Administrator shall supervise, direct, and be responsible for the efficient administration of all officers appointed by the Town Administrator and their representative departments, and of all functions for which the Town Administrator is given responsibility, authority, or control by this Charter, bylaw, Town Meeting vote, or vote of the Select Board.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.19 Powers and duties of the Town Administrator. (Cont'd)

- (k) The town administrator shall plan, organize and supervise the operational audits of the activities of town departments to evaluate the efficiency of resource utilization and the effectiveness of governmental services. Audit areas may include staffing, scheduling, vehicle management, and any other topic requested by the board of selectmen.
- (l) The town administrator shall participate in the collective bargaining process and see that the provisions of the collective bargaining agreements are enforced in departments under his jurisdiction.
- (m) The town administrator shall assist the board of selectmen in recruitment and selection of department heads under their jurisdiction.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (c) The Town Administrator shall reorganize, consolidate, or establish any department or position under the Town Administrator's direction or supervision, at the Town Administrator's discretion and with the Select Board's approval. With the approval of both the Select Board and Finance Committee, the Town Administrator may transfer all or part of any unexpended appropriation of a reorganized or consolidated department, board, or office to any other Town department, board, or office.
- (d) The Town Administrator shall administer, either directly or through a person that the Town Administrator appoints, all provisions of general and special laws applicable to the Town including federal and Massachusetts emergency management agencies' requirements, bylaws, votes of the Town within the scope of the Town Administrator's duty, all policy rules and regulations made by the Select Board, and this Charter.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.19 Powers and duties of the Town Administrator. (Cont'd)

- (n) The town administrator shall ensure that the town maintains a professional personnel system by monitoring the effectiveness of policies, procedures and practices as required by law, in accordance with proper personnel practices. He shall ensure that the recruitment, selection, promotion, transfer, discipline, and removal of employees are conducted in accordance with applicable state and federal laws, and with personnel by-laws and policies adopted pursuant to the same. He shall coordinate personnel administration with the personnel board.
- (o) In the absence of the board of selectmen, and at its direction, he shall perform public relations functions for the board of selectmen by presenting the town's position of issues, responding to citizens complaints, preparing press releases, and representing the board at conferences, hearings, and meetings with county, state, and federal agencies. He shall act as its liaison to business, industrial and community groups.
- (p) The town administrator shall be responsible for the use and maintenance of all town facilities and equipment under the jurisdiction of the board of selectmen.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (e) The Town Administrator shall establish control and data systems appropriate to monitoring expenditures by Town boards and departments to enable the Town Administrator to make periodic reports to the Select Board and the Finance Committee on the status of the Town's finances.
- (f) The Town Administrator shall manage and be responsible for creating and maintaining personnel policies subject to the approval of the Select Board.
- (g) The Town Administrator shall manage and be responsible for all Town buildings, properties and facilities.
- (h) The Town Administrator shall attend and participate in all regular and special Select Board meetings and Town Meetings as a non-voting attendee, unless excused therefrom by the Select Board.
- (i) The Town Administrator shall cause full and complete records of meetings of the Select Board to be taken and maintained, and compile reports of the meetings as requested by the Select Board.

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.19 Powers and duties of the Town Administrator. (Cont'd)

- (q) The town administrator shall attend all regular and special meetings of the board of selectmen and have voice but no vote in all meetings. He shall attend all regular and special sessions of the town meeting to answer questions and provide information. He shall oversee the preparation of the annual town report and town warrants.
- (r) The town administrator shall see that the General Laws, the Rockland town charter and Rockland town by-laws, and the votes of town meeting, and votes of the board of selectmen are carried out and performed.
- (s) The town administrator shall perform all other duties as may be required by the board of selectmen.

(END OF C-2.19 POWERS AND DUTIES OF THE TOWN ADMINISTRATOR)

ARTICLE II TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (j) The Town Administrator shall act as the liaison with, and represent the Select Board before, state, federal, and regional authorities.
- (k) The Town Administrator shall, subject to policies established by the Select Board, approve all warrants or vouchers, including payroll warrants, for payment of Town funds submitted by the Town accountant; provided, that any warrants generated by the Town Administrator shall be signed by the Select Board.
- (l) The Town Administrator shall be responsible for approving all grants submitted on behalf of the Town.
- (m) The Town Administrator shall act as the Town's insurance coordinator and shall be responsible for ensuring that all pertinent policies are in effect, see that adequate insurance coverage is provided, ensure that claims are properly processed, conduct cost benefit analyses on existing policies, and propose changes. The Town Administrator shall render an annual report to the Select Board on all claims made and losses sustained.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (n) In addition to the annual external financial audit, the Town Administrator may plan, organize, and supervise operational audits of the activities of Town departments to evaluate the efficiency of resource utilization and the effectiveness of governmental services. Audit areas may include staffing, scheduling, vehicle management, and any other topic requested by the Select Board.
- (o) The Town Administrator may investigate or inquire into the affairs of any Town department or office under the supervision of the Town Administrator.
- (p) The Town Administrator shall coordinate activities of all Town departments, officers, boards, or commissions.
- (q) The Town Administrator shall develop and maintain a full and complete inventory of all Town-owned real and personal property.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (r) The Town Administrator shall be responsible for and may delegate Town government communications, including, but not limited to, developing a timely and comprehensive communication strategy, coordinating the announcements and messages from department heads, communicating regularly with residents, and soliciting recommendations for greater communication from residents.
- (s) The Town Administrator shall perform any other duties consistent with the office of the Town Administrator as may be required by bylaw or vote of the Town or by vote of the Select Board.

C. Financial Powers and Duties

- (a) The Town Administrator shall prepare and submit at a public meeting to the Select Board and Finance Committee, not later than 90 days prior to the annual Town Meeting, a written proposed balanced budget for Town government, including the school department and the Abington/Rockland Joint Water Works, for the ensuing fiscal year.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (b) The proposed budget shall detail all estimated revenues from all sources, and all expenditures, including debt service for the previous, current and ensuing year. It shall include proposed expenditures for both current operations and capital during the ensuing year, together with estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts.
- (c) The Town may, by bylaw, establish additional financial reports to be provided by the Town Administrator.
- (d) To assist said Town Administrator in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the Town, including the School Committee and the Abington/Rockland Joint Water Works, shall, within the time frame requested by the Town Administrator, submit to the Town Administrator all relevant information in their possession and a detailed estimate of the appropriations required and available funds. This submission shall be given to the Town Administrator in writing and in such form as the Town Administrator shall establish.

ARTICLE II

TOWN OFFICERS (Cont'd)

C-2.17 Powers and duties of the Town Administrator. (Cont'd)

- (e) The Town Administrator shall negotiate collective bargaining contracts on behalf of the Select Board, subject to the approval, ratification, and execution by the Select Board. The Town Administrator shall provide the Select Board with regular updates as to the status of those negotiations. The Select Board may authorize the use of additional counsel, as requested by the Town Administrator to assist the Town Administrator in the negotiations at its discretion.
- (f) The Town Administrator shall administer and enforce collective bargaining agreements, personnel rules and regulations, and bylaws adopted by the Town.
- (g) The Town Administrator shall act as the chief procurement officer under the provisions of Massachusetts General Laws with respect to supplies and services, public construction, and designer selection, and be responsible for the purchasing of all supplies, materials, and equipment for the Town, including the bidding and awarding of all contracts.

ARTICLE III

TOWN MEETING

C-3.01 Legislative powers.

The legislative powers of the Town shall be vested in the qualified voters of the Town convened together in Annual or Special Town Meeting.

C-3.02. Annual Town Meetings.

The Annual Town Meeting (except for Article I, the Annual Town Election) shall be held on a date that will allow completion of all business not later than June thirtieth of that same year. The date shall be determined by the Board of Selectmen and designated by the Board not later than January thirty-first of each year. Seven (7) days notice shall be given prior to the actual meeting date by distribution of the Warrant for said Town meeting by said Board of Selectmen in accordance with the provisions of this Charter.

C-3.03. Special Town Meetings.

There shall be Special Town Meetings at such times as the Selectmen may order, upon fourteen (14) days notice by distribution of the Warrant for each Special Town Meeting by the Selectmen in accordance with the provisions of this Charter.

C-3.04. Quorum.³²

The quorum for the transaction of business at Town Meetings shall be one hundred and fifty (150) registered voters of the Town and the quorum for the transaction of business at an adjourned session of the same Town Meeting shall be fifty (50) registered voters of the Town. Any number of registered voters may adjourn or close a meeting.

³² [Amended by c. 109, Acts of 2013]

ARTICLE III

TOWN MEETING

C-3.01 Legislative powers.

The legislative powers of the Town shall be vested in the qualified voters of the Town convened together in Annual or Special Town Meeting.

C-3.02 Annual Town Meetings.

The Annual Town Meeting (except for Article I, the Annual Town Election) shall be held on a date that will allow completion of all business not later than June thirtieth (30th) of that same year. The date shall be determined by the Select Board and designated by the Select Board not later than January thirty-first (31st) of each year. Seven (7) days' notice shall be given prior to the actual meeting date by distribution of the warrant for said Town Meeting by said Select Board in accordance with the provisions of this Charter.

C-3.03 Special Town Meetings.

There shall be Special Town Meetings at such times as the Select Board may order upon fourteen (14) days' notice by distribution of the warrant for each Special Town Meeting by the Select Board in accordance with the provisions of this Charter.

C-3.04 Quorum.

The quorum for the transaction of business at Town Meetings shall be **one hundred (100)** registered voters of the Town and the quorum for the transaction of business at an adjourned session of the same Town Meeting shall be fifty (50) registered voters of the Town. Any number of registered voters may adjourn or close a meeting.

ARTICLE III

TOWN MEETING (Cont'd)

C-3.05. Matters subject to Town Meeting vote.

Town Meeting shall, from time to time, vote on such matters as may be required by law or by the provisions of this Charter. These matters include, but are not limited to, the following:

- (1) Authorization to borrow money on behalf of the Town.
- (2) The appropriation of funds for the operation of the various Town Departments, upon submission of a budget by the Selectmen as set forth in this Charter.
- (3) The conveyance or lease, or authorization of any conveyance or lease, of any real property owned by the Town.
- (4) The levying of taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget.
- (5) The amendment or repeal of any vote or action taken by a previous Town Meeting.

ARTICLE III

TOWN MEETING (Cont'd)

C-3.05 Matters subject to Town Meeting vote.³³

Town Meeting shall vote on such matters as may be required by law or by the provisions of this Charter. All action taken at any Town Meeting shall be only upon those items contained in the warrant for said Town Meeting, and all articles in the warrant shall be acted upon in order unless otherwise voted by the Town Meeting. Printed copies of each Town Meeting warrant, with the recommendations of the Finance Committee contained therein, shall be furnished to the voters of the Town in accordance with the provisions of this Charter.

³³ Sections 1-5 deleted and merged with C-3.06 for clarity.

(END OF ARTICLE III)

ARTICLE III

TOWN MEETING (Cont'd)

C-3.06.³⁴

All action taken at any Town Meeting shall be only upon those items contained in the Warrant for said Town Meeting, and all articles in the Warrant shall be acted upon in order unless otherwise voted by the Town Meeting. Printed copies of each Town Meeting Warrant, with the recommendations of the Finance Committee contained therein, shall be furnished to the voters of the Town in accordance with the provisions of this Charter.

³⁴ This section of the Current Charter does not have a title.

ARTICLE IV

RECALL ELECTION

C-4.01. Applicability to elective office.

Any holder of an elective office in the Town of Rockland, as defined in Article II of the Town charter, may be recalled and removed therefrom by the qualified voters of the Town as hereinafter provided.

C-4.02. Filing of affidavit.

Any five hundred (500) qualified voters of the Town may make and file with the Town Clerk an affidavit containing the name and position of the officer sought to be removed and a statement of the grounds of recall. The Town Clerk shall thereupon deliver to the voters making such affidavit sufficient number of copies of petition blanks demanding such recall and removal. The blanks shall be issued by the Town Clerk with his signature and official seal attached thereto. They shall be dated, shall be addressed to the Board of Selectmen, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within fourteen (14) days after filing the affidavit and shall be signed by at least fifteen (15) percent of the qualified voters of the Town as of the date such affidavit was filed with the Town Clerk. To every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five (5) o'clock in the afternoon of Monday preceding the day on which it must

³⁵ Section C-4.09 has been deleted.

³⁶ Language has been added to reiterate the nature of the affidavit.

ARTICLE IV

RECALL ELECTION³⁵

C-4.01 Applicability to elective office.

Any holder of an elective office in the Town of Rockland, as defined in Article II of the Town Charter, may be recalled and removed therefrom by the qualified voters of the Town as hereinafter provided.

C-4.02 Filing of sworn affidavit.³⁶

Any five hundred (500) qualified voters of the Town may make and file with the Town Clerk a sworn affidavit containing the name and position of the officer sought to be removed and a statement of the grounds of recall. The Town Clerk shall thereupon deliver to the voters making such sworn affidavit sufficient number of copies of petition blanks demanding such recall and removal. The blanks shall be issued by the Town Clerk with their signature and official seal attached thereto. They shall be dated, shall be addressed to the Select Board, shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the sworn affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within fourteen (14) days after filing the sworn affidavit and shall be signed by at least fifteen (15) percent of the qualified voters of the Town as of the date such sworn affidavit was filed with the Town Clerk. To every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five (5) o'clock in the afternoon of Monday preceding the day on which it must be filed, to the Registrar of

ARTICLE IV

RECALL ELECTION (Cont'd)

be filed, to the Registrar of Voters and the registrars shall forthwith certify thereon the number of signatures which are names of qualified voters in the Town of Rockland.

C-4.03. Procedures.

If the petition shall be found and certified by the Town Clerk to be sufficient, he shall submit the same with his certificate to the Board of Selectmen without delay, and said board shall forthwith give written notice to the officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five (5) days thereafter, thereupon order a recall election to be held on a day fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition is filed, provided, however, that if any other town election is to occur within one hundred (100) days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

C-4.04. Candidacy.

Any Officer sought to be recalled may be a candidate to succeed in an election to be held to fill such vacancy, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the Warrant for the recall election and any election to fill a vacancy caused by a recall election, and the conduct of the same, shall all be in accordance with the provisions of the laws relating to elections,

ARTICLE IV

RECALL ELECTION (Cont'd)

Voters and the registrars shall forthwith certify thereon the number of signatures which are names of qualified voters in the Town of Rockland.

C-4.03 Procedures.

If the petition shall be found and certified by the Town Clerk to be sufficient, they shall submit the same with their certificate to the Select Board without delay, and said board shall forthwith give written notice to the officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five (5) days thereafter, thereupon order a recall election to be held on a day fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition is filed, provided, however, that if any other Town election is to occur within one hundred (100) days after the date of said certificate, the Select Board may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

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Any Officer sought to be recalled may be a candidate to succeed in an election to be held to fill such vacancy, and unless they request otherwise in writing, the Town Clerk shall place their name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and any election to fill a vacancy caused by a recall election, and the conduct of the same, shall all be in accordance with the provisions of the laws relating to elections,

ARTICLE IV

RECALL ELECTION (Cont'd)

unless otherwise provided by this act. A majority of those voting at the recall election shall be sufficient to recall such elected officer.

C-4.05. Duties of incumbents.

The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

C-4.06. Ballots.

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)
Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as herein before provided. In case of machine voting, or punch card balloting, or other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter.

ARTICLE IV

RECALL ELECTION (Cont'd)

unless otherwise provided by this act. A majority of those voting at the recall election shall be sufficient to recall such elected officer.

C-4.05 Duties of incumbents.

The incumbent shall continue to perform the duties of their office until the recall election. If then re-elected, they shall continue in the office for the remainder of their unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, they shall be deemed removed upon the qualification of their successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of their election, the incumbent shall thereupon be deemed removed and the office vacant.

C-4.06 Ballots.

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)
Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as herein before provided. In case of machine voting, or punch card balloting, or other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter.

ARTICLE IV

RECALL ELECTION (Cont'd)

C-4.06. Ballots. (Cont'd)

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted, or any action taken relative thereto.

C-4.07. Time restrictions.

No recall petition shall be filed against an officer within six (6) months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six (6) months after that election.

C-4.08. Town appointments restricted.

No person who has been recalled from office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two (2) years after such removal by recall or resignation.

C-4.09. When effective.

This act shall take effect upon its passage.

ARTICLE IV

RECALL ELECTION (Cont'd)

C-4.06 Ballots. (Cont'd)

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted, or any action taken relative thereto.

C-4.07 Time restrictions.

No recall petition shall be filed against an officer within six (6) months after they take office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six (6) months after that election.

C-4.08 Town appointments restricted.

No person who has been recalled from office or who has resigned from office while recall proceedings were pending against them, shall be appointed to any Town office within two (2) years after such removal by recall or resignation.

ARTICLE V ELECTIONS

C-5.01. Annual Town Election.³⁷

The annual town election which is Article 1 of the annual town meeting shall be held on the second Saturday of April in each year.

C-5.02. Eligible voters.

All citizens of the Town who are qualified voters under the provisions of the General Laws of the Commonwealth shall be eligible to vote in town elections, and shall be eligible to be nominated for and elected to town office.

C-5.03. Conduct of elections.

All town elections shall be conducted pursuant to the provisions of the General Laws of the Commonwealth. The duly constituted election authorities may adopt such additional regulations for the conduct of town elections as they may deem necessary and desirable, provided said regulations are not inconsistent with the General Laws of the Commonwealth. Any such additional regulations adopted shall be public records, and a copy of them shall be placed on file in the Town Clerk's Office.

³⁷ [Amended by c. 357, Acts of 1993]

³⁸ C-5.02 Eligible voters has been deleted by the Committee.

ARTICLE V ELECTIONS³⁸

C-5.01 Annual Town Election.

The annual town election, which is Article 1 of the annual town meeting, shall be held on the second Saturday of April in each year.

C-5.02 Conduct of elections.

All town elections shall be conducted pursuant to the provisions of the General Laws of the Commonwealth. The duly constituted election authorities may adopt such additional regulations for the conduct of town elections as they may deem necessary and desirable, provided said regulations are not inconsistent with the General Laws of the Commonwealth. Any such additional regulations adopted shall be public records, and a copy of them shall be placed on file in the Town Clerk's Office.

ARTICLE VI FINANCIAL PROCEDURES

C-6.01. Fiscal year.

The fiscal year of the Town of Rockland shall be in accordance with the provisions of Chapter 44, Section 56 of the General Laws of the Commonwealth.

C-6.02. Submission of budget.

On or before the 31st day of December of each year the Selectmen shall prepare a budget for the ensuing fiscal year and shall submit said budget to the Finance Committee. Said budget shall be inserted in the Warrant for the Annual Town Meeting.

C-6.03. Budget requirements.

The budget shall provide a complete financial plan of all Town funds and activities for the ensuing Fiscal Year; and except as required by law, shall be in such forms as the Selectmen deem desirable. It shall begin with a clear general summary of its contents and shall show in detail all estimated income and proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year. It shall indicate in separate sections:

- (1) proposed expenditures for the current operation during the ensuing fiscal year, as detailed by officers, departments and agencies, and the method of financing such expenditures; and

ARTICLE VI FINANCIAL PROCEDURES

C-6.01 Fiscal year.

The fiscal year of the Town of Rockland shall be in accordance with the appropriate Laws of the Commonwealth of Massachusetts.

C-6.02 Submission of budget.

The Town Administrator shall prepare and submit a written proposed balanced budget for Town government in accordance with the provisions of Section 2.17.

C-6.03 Budget requirements.

The budget shall provide a complete financial plan of all Town funds and activities for the ensuing Fiscal Year; and except as required by law, shall be in such forms as the Select Board deem desirable. It shall begin with a clear general summary of its contents and shall show in detail all estimated income and proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year. It shall indicate in separate sections:

- (1) proposed expenditures for the current operation during the ensuing fiscal year, as detailed by officers, departments and agencies, and the method of financing such expenditures; and

ARTICLE VI FINANCIAL PROCEDURES (Cont'd)

C-6.03. Budget requirements. (Cont'd)

- (2) proposed capital expenditures during the ensuing fiscal year, as detailed by officers, departments and agencies, and the method of financing each such capital expenditure. The total of the proposed expenditures shall not exceed the total of the estimated income.

C-6.04. Finance Committee.

- A. There shall be a Finance Committee consisting of fifteen (15) registered voters of the Town of Rockland who shall be appointed by the Moderator for a term of three (3) years in such a manner that one-third (1/3) of said Finance Committee shall be appointed annually, said appointments being made as soon as practicable after the conclusion of each year's Annual Town Meeting.
- B. In the event that any member of the Finance Committee shall resign during his term of office, he shall not be eligible for reappointment to the Finance Committee until the expiration of one (1) year from the date of such resignation.

ARTICLE VI FINANCIAL PROCEDURES (Cont'd)

C-6.03 Budget requirements. (Cont'd)

- (2) proposed capital expenditures during the ensuing fiscal year, as detailed by officers, departments and agencies, and the method of financing each such capital expenditure. The total of the proposed expenditures shall not exceed the total of the estimated income.

C-6.04 Finance Committee.

- A. There shall be a Finance Committee consisting of fifteen (15) registered voters of the Town of Rockland who shall be appointed by the Moderator for a term of three (3) years in such a manner that one-third (1/3) of said Finance Committee shall be appointed annually, said appointments being made as soon as practicable after the conclusion of each year's Annual Town Meeting.
- B. In the event that any member of the Finance Committee shall resign during their term of office, they shall not be eligible for reappointment to the Finance Committee until the expiration of one (1) year from the date of such resignation.

ARTICLE VI

FINANCIAL PROCEDURES (Cont'd)

C-6.04. Finance Committee. (Cont'd)

- C. No person shall serve as a member of the Finance Committee who holds any Town position by reason of election or appointment. However, a member or members of the Finance Committee may serve on special committees established by vote of Town Meeting if such vote requires that a member or members of the Finance Committee be named to said special committee. Any member of the Finance Committee who shall become a candidate for elected office in the Town shall ipso facto be disqualified from continuing to serve as a member of the Finance Committee.
- D. The Finance Committee shall consider the budget as submitted to it by the Selectmen, and shall give its opinions as to each budgetary item together with an explanation of said opinion. The Selectmen shall cause the opinion of the Finance Committee to be included in appropriate places in the Warrant. The Finance Committee may hold hearings and take any other action necessary to discharge its duties hereunder. No appropriation shall be made at a Town Meeting until the Finance Committee has reported thereon. The Finance Committee shall endeavor to complete its duties and make its report within such time as to allow the Warrant to be printed and distributed by the Selectmen in accordance with the terms of this Charter.

ARTICLE VI

FINANCIAL PROCEDURES (Cont'd)

C-6.04 Finance Committee. (Cont'd)

- C. No person shall serve as a member of the Finance Committee who holds any Town position by reason of election or appointment. However, a member or members of the Finance Committee may serve on special committees established by vote of Town Meeting if such vote requires that a member or members of the Finance Committee be named to said special committee. Any member of the Finance Committee who shall become an **elected official** in the Town shall ipso facto be disqualified from continuing to serve as a member of the Finance Committee.
- D. The Finance Committee shall consider the budget as submitted to it by the Select Board and shall give its opinions as to each budgetary item together with an explanation of said opinion. The Select Board shall cause the opinion of the Finance Committee to be included in appropriate places in the warrant. The Finance Committee may hold hearings and take any other action necessary to discharge its duties hereunder. No appropriation shall be made at a Town Meeting until the Finance Committee has reported thereon. The Finance Committee shall endeavor to complete its duties and make its report within such time as to allow the warrant to be printed and distributed by the Select Board in accordance with the terms of this Charter.

ARTICLE VI FINANCIAL PROCEDURES (Cont'd)

C-6.04. Finance Committee. (Cont'd)

- E. A majority of those members appointed shall constitute a quorum; however, a lesser number may from time to time adjourn meetings of the Finance Committee.³⁹
- F. The Finance Committee shall choose its own officers and shall serve without compensation, except that the Secretary shall be paid an annual salary to be determined at the Annual Town Meeting.
- G. In addition to the specific powers enumerated above, the Finance Committee shall have all the powers and duties conferred upon it by the General Laws of the Commonwealth.

³⁹ [Amended by c. 59, Acts of 2005]

⁴⁰ Section G has added new language relevant to appointment of members of the Capital Planning Committee.

ARTICLE VI FINANCIAL PROCEDURES (Cont'd)

C-6.04 Finance Committee. (Cont'd)

- E. A majority of those members appointed shall constitute a quorum; however, a lesser number may adjourn meetings of the Finance Committee.
- F. The Finance Committee shall choose its own officers and shall serve without compensation, except that the Secretary shall be paid an annual stipend to be determined at the Annual Town Meeting.
- G. The Finance Committee shall appoint two (2) members of the Capital Planning Committee.⁴⁰
- H. In addition to the specific powers enumerated above, the Finance Committee shall have all the powers and duties conferred upon it by the General Laws of the Commonwealth.

ARTICLE VI

FINANCIAL PROCEDURES (Cont'd)

C-6.05. Public records.

A copy of the budget and the capital program as adopted shall be public records, and shall be deposited with the Town Clerk.

C-6.06. Expiration of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, or as otherwise provided by a vote at a Town Meeting. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) fiscal years pass without any disbursement from or encumbrance of the appropriation.

C-6.07. Capital Planning Committee.⁴¹

- (a) There shall be a capital planning committee comprised of 7 voting members, 2 of whom shall be appointed by the board of selectmen, 2 by the finance committee, 1 by the school committee, and 2 by the moderator. When first constituted the board of selectmen, the finance committee and the moderator shall each appoint 1 member for a 3-year term and the school committee 1 member for a 2-year term. The board of selectmen, the finance committee and the moderator shall each appoint 1 member for a 1-year term. Thereafter, following the annual town meeting, appointments to the committee shall

ARTICLE VI

FINANCIAL PROCEDURES (Cont'd)

C-6.05 Public records.

A copy of the budget and the capital program as adopted shall be public records and shall be deposited with the Town Clerk.

C-6.06 Expiration of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, or as otherwise provided by a vote at a Town Meeting. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) fiscal years pass without any disbursement from or encumbrance of the appropriation.

C-6.07 Capital Planning Committee.

- A. There shall be a Capital Planning Committee comprised of seven (7) voting members, two (2) of whom shall be appointed by the Select Board, two (2) by the Finance Committee, one (1) by the School Committee, and two (2) by the Moderator. The Select Board, the Finance Committee, and the Moderator shall each appoint one (1) member for a one (1)-year term. Thereafter, following the Annual Town Meeting, appointments to the Capital Planning Committee shall be made by the same appointing authorities so as to provide for overlapping three (3)-year terms. Two (2) members of the Capital Planning

⁴¹ [Added by c. 55, Acts of 2005]

ARTICLE VI

FINANCIAL PROCEDURES (Cont'd)

C-6.07. Capital Planning Committee. (Cont'd)

be made by the the same appointing authorities so as to provide for overlapping 3-year terms. Two members of the committee may also be current members of the finance committee. The town administrator and the town accountant shall be non-voting ex-officio members.

- (b) The capital planning committee shall study proposed capital projects and improvements involving major recurring and non-recurring tangible assets and projects which (1) are purchased or taken at intervals of not less than 5 years; or (2) have a useful life of at least 5 years, and; (3) cost over \$50,000. All officers, boards, departments, and committees, shall, by October 1 of each year, give to the capital planning committee, on forms furnished by the capital planning committee, information concerning all anticipated projects requiring town meeting appropriation during the ensuing 5 years. Using the revenue and expenditure projections prepared by the town administrator, the capital planning committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. An appropriation shall not be voted for a capital improvement request by the department, board, or committee unless the proposed capital improvements is considered in the committee's report or the committee shall

ARTICLE VI

FINANCIAL PROCEDURES (Cont'd)

C-6.07 Capital Planning Committee. (Cont'd)

Committee may also be current members of the Finance Committee. The Town Administrator and the Town Accountant shall be non-voting ex-officio members.⁴²

- B. The Capital Planning Committee shall study proposed capital projects and improvements involving major recurring and non-recurring tangible assets and projects which (1) are purchased or taken at intervals of not less than five (5) years; or (2) have a useful life of at least five (5) years, and; (3) cost over \$50,000. All officers, boards, departments, and committees, shall, by October 1 of each year, give to the Capital Planning Committee, on forms furnished by the Capital Planning Committee, information concerning all anticipated projects requiring Town Meeting appropriation during the ensuing five (5) years. Using the revenue and expenditure projections prepared by the Town Administrator, the Capital Planning Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town. An appropriation shall not be voted for a capital improvement request by the department, board, or committee unless the proposed capital improvements is considered in the Capital Planning Committee's report or the

⁴² The second sentence of this section has been deleted upon advice of Town Counsel.

ARTICLE VI FINANCIAL PROCEDURES (Cont'd)

C-6.07. Capital Planning Committee. (Cont'd)

first have submitted a report to the town meeting explaining the omission.

- (c) The capital planning committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year and a capital improvement program, including recommending budget for the next fiscal year and capital improvement program, including recommended capital improvements for the following 4 fiscal years. The report shall be submitted to the board of selectmen for review and recommendations.
- (d) The capital planning committee's report and the board of selectmen's recommended capital improvement budget shall be published and made available in a manner consistent with the distribution of the operating budget.

ARTICLE VI FINANCIAL PROCEDURES (Cont'd)

C-6.07 Capital Planning Committee. (Cont'd)

Committee shall first have submitted a report to the Town Meeting explaining the omission.

- C. The Capital Planning Committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year and a capital improvement program, including recommending budget for the next fiscal year and capital improvement program, including recommended capital improvements for the following four (4) fiscal years. The report shall be submitted to the Select Board for review and recommendations.
- D. The Capital Planning Committee's report and the Select Board's recommended capital improvement budget shall be published and made available in a manner consistent with the distribution of the operating budget.

ARTICLE VII

TRANSITIONAL PROVISIONS

C-7.01. Amendments.

Amendments to this Charter may be framed, proposed and acted upon in a manner as provided by the laws of the Commonwealth of Massachusetts or in accordance with the procedures therein contained and in no other manner. For the purpose of orderly supervision and review of this Charter from time to time, as conditions warrant, the Selectmen shall appoint a Charter Maintenance Committee composed of three (3) citizens of the Town who shall report to the Selectmen at least annually with recommendations for review of this Charter.

C-7.02. Severability.

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

C-7.03. Rights and privileges of Town officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of its adoption.

ARTICLE VII

TRANSITIONAL PROVISIONS⁴³

Section C-7.01 Effective date.

Except as provided herein, this Charter shall become effective immediately upon approval by the Massachusetts General Court, signature of the Governor of Massachusetts, and ratification by local election.

Section C-7.02 Initial bylaw review.

Not later than 30 days after the effective date, the Select Board shall appoint a special committee to begin a review of the Town bylaws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this Charter and to fully implement the provisions of this Charter. The committee shall complete its review and prepare recommendations to enact revisions to the Town bylaws within one (1) year following the adoption of this Charter. The Select Board shall vote upon the recommendations so submitted within 90 days of receipt of the recommendations.

Section C-7.03 Charter changes.

This Charter may be replaced, revised, or amended under any procedure made available under the Massachusetts constitution or general laws.

⁴³ The Committee proposed a completely new Article VII Transitional Provisions, ensuring appropriate implementation of proposed changes to the overall Charter.

ARTICLE VII

TRANSITIONAL PROVISIONS (Cont'd)

C-7.04. Continuation of rights, claims, actions, orders, contracts and legal and administrative proceedings.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case, shall be maintained, carried on, or dealt with by the town department, office, or agency appropriate under this Charter.

C-7.05. Continuation of statutory laws and local votes and bylaws.

All the General Laws of the Commonwealth of Massachusetts and all the votes and By-laws of the Town of Rockland shall continue in full force and effect when this Charter becomes effective, provided, however, that all such prior town votes and by-laws are hereby repealed as of the date this Charter becomes fully effective, to the extent that they are inconsistent with or interfere with the effective operation of this Charter.

C-7.06. Word usage.

As used herein and where the words so indicate the masculine shall mean the feminine, the feminine shall mean the masculine, the masculine shall mean the neuter and the feminine shall mean the neuter and the neuter shall mean the masculine and the neuter shall mean the feminine.

ARTICLE VII

TRANSITIONAL PROVISIONS (Cont'd)

Section C-7.04 Periodic review of Charter.

The Select Board shall provide, in every year ending in a five (5), a review of the Charter by a special committee to be established by the Select Board. All members of the committee shall be registered voters in the Town of Rockland. The committee shall file a report within one (1) year recommending any changes to the Charter that it deems necessary or desirable, unless an extension is authorized by vote of the Select Board. The Select Board shall vote upon the recommendations in the report within 90 days of receipt of the committee's recommendations. Nothing in this section precludes additional reviews of the Charter pursuant to section C-7.03.

Section C-7.05 Periodic review of bylaws.

Subsequent to the completion of the initial bylaw review established in section C-7.02, the Select Board shall provide, in every year ending in a seven (7) or in a two (2), for a review of the Town's general bylaws by a special committee to be established by the Select Board. All members of the committee shall be registered voters in the Town of Rockland. The committee shall file a report within one (1) year recommending any changes to the bylaws that it deems necessary or desirable, unless an extension is authorized by vote of the Select Board. The Select Board shall vote to adopt all, some, or none of the recommendations in the report within 90 days of receipt of the committee's recommendations. Nothing in this section precludes additional reviews of the bylaws more frequently than as provided by this section.

ARTICLE VII

TRANSITIONAL PROVISIONS (Cont'd)

C-7.07. Effective date.

This Charter shall be in full force and effect for all purposes on and after January 1, 1970.

ARTICLE VII

TRANSITIONAL PROVISIONS (Cont'd)

Section C-7.06 Continuation of existing laws.

All general laws, special laws, Town bylaws, resolutions, rules, regulations, and votes of the Town meeting that are in force at the time this Charter is adopted, not inconsistent with the provisions of this Charter, shall continue in full force until amended or repealed. If the provisions of this Charter conflict with provisions of Town bylaws, rules, regulations, orders, special acts, or acceptances of laws, the Charter provisions shall govern.

Section C-7.07 Severability.

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

Section C-7.08 Specific provisions to prevail.

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

ARTICLE VII**TRANSITIONAL PROVISIONS (Cont'd)****Section C-7.09 References to General Law.**

All references to Massachusetts General Laws contained in the Charter refer to the General Laws of Massachusetts and are intended to refer to and to include any amendments or revisions to those chapters or sections or to the corresponding chapters and sections of any rearrangement, revision, or recodification of such General Laws enacted or adopted subsequent to the adoption of this Charter.

Section C-7.10 Computation of time.

In computing time under this Charter, the day of the act or event shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday, or legal holiday. When the period of time designated is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall not be included; when the period is seven (7) days or more, every day shall be counted.

Section C-7.11 Number.

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

ARTICLE VII

TRANSITIONAL PROVISIONS (Cont'd)

Section C-7.12 Continuation of government and personnel.

All Town offices, boards, committees, commissions, or agencies shall continue to perform their duties until re-appointed, re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another Town office, board, committee, commission, or agency.

Any person holding a Town office or employment under the Town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this Charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the Town shall forfeit pay grade or time in service.

Section C-7.13 Transfer of records, property, and information.

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

ARTICLE VII**TRANSITIONAL PROVISIONS (Cont'd)****Section C-7.14 Effect on obligations, taxes, etc.**

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the Town before the adoption of this Charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town, shall be enforced and collected. All writs, prosecutions, actions, and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter. No legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption of this Charter.

Section C-7.15 Transition provisions – Select Board.

The Select Board shall have authority to adopt measures that clarify, confirm, or extend any of the transition provisions in order that the transition may be made in the most expeditious and least contentious manner possible.

ARTICLE VII**TRANSITIONAL PROVISIONS (Cont'd)****Section C-7.16 Topics for study.**

Within 90 days of the effective date of this Charter, the Select Board, with the assistance of the Town Administrator, shall form individual study committees to investigate the feasibility of taking each of the following actions. The list below is in no particular order or priority.

- A. Recommendations for a bylaw outlining procedures for removal from office of appointed board and committee members.
- B. Procedures for the transition from separate, elected treasurer and collector positions to a combined, appointed treasurer/collector position.
- C. Procedures for the transition from an elected highway superintendent position to an appointed position.