

SENATE No.

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to provide the voters of the town of Randolph a choice of charters for a new form of government.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	Norfolk, Bristol and Plymouth
Joseph R. Driscoll, Jr.	5th Norfolk
Bruce J. Ayers	1st Norfolk
Walter F. Timilty	7th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROVIDE THE VOTERS OF THE TOWN OF RANDOLPH A CHOICE OF CHARTERS FOR A NEW FORM OF GOVERNMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 *SECTION 1. At the first regular or special municipal election held in and for the Town of*
2 *Randolph after the effective date of this Act, including a special election just for the purpose of*
3 *the questions set forth in this Act, the voters of the town of Randolph shall be afforded an*
4 *opportunity to vote on the following ballot questions:*

5 *Question One: Shall the town adopt a new Charter for a Town Manager – Town Council form*
6 *of Government? Yes _____ No _____*

7 *Question Two: Shall the town adopt a new Charter for a Town Manager – Selectmen –*
8 *Representative Town Meeting form of Government? Yes _____ No _____*

9 *A summary of each form of government may be provided with the ballot questions as may be*
10 *prepared by attorneys for the town.*

11 *SECTION 2. If neither Question One nor Question Two set forth in section 1 of this Act passes*
12 *by a majority of the votes cast, then neither form of government shall take effect and the Town of*
13 *Randolph shall continue with the present form of town meeting – selectmen Government as*
14 *described in various special acts including but not limited to chapter 49 of the Acts of 1792,*
15 *chapter 324 of the Acts of 1947 and chapter 460 of the Acts of 1989. If either Question One or*
16 *Question Two set forth in section 1 of this Act passes by a majority of the votes cast, then that*
17 *form of government that has obtained the majority favorable vote shall take effect in accordance*
18 *with the terms set forth in the Charter so approved.*

19 *If both Question One and Question Two passes by a majority of the votes cast, then that Charter*
20 *for a new form of government that obtains the highest number of votes cast in favor shall take*
21 *effect in accordance with the terms set forth in the Charter so approved.*

22 *SECTION 3 Charter for a TOWN MANAGER – TOWN COUNCIL form of government. In the*
23 *event that the voters of the Town adopt the Charter for a Town Manager – Town Council Form*
24 *of Government pursuant to section 2 of this Act, the following Charter shall become effective in*
25 *accordance with its terms:*

26

27 **TOWN MANAGER – TOWN COUNCIL CHARTER**

28 **ARTICLE 1**

29 **INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS**

30 *Section 1-1 Incorporation*

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

34 *Section 1-2 Short Title*

35 *This instrument may be cited and shall be known as the Randolph Home Rule Charter.*

36 *Section 1-3 Division of Powers*

37 *All legislative powers of the town shall be exercised by a Town Council hereafter established.*
38 *The administration of all town fiscal, prudential and municipal affairs shall be vested in the*
39 *executive branch headed by the town manager.*

40 *Section 1-4 Powers of the Town*

41 *The intent and purpose of this charter is to secure for the voters of the Town of Randolph,*
42 *through the adoption of this charter, all the powers possible to secure for their government*
43 *under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of*
44 *the commonwealth, as fully and as though each such power were specifically and individually*
45 *enumerated herein.*

46 *Section 1-5 Interpretation of Powers*

47 *The powers of the town under the charter shall be construed and interpreted liberally in favor of*
48 *the town, and the specific mention of any particular power is not intended to limit in any way the*
49 *general powers of the town as provided in section 1-4.*

50 *Section 1-6 For the purposes of classifying Randolph in those instances where laws of the*
51 *Commonwealth may distinguish between municipalities classified as “towns” and other*
52 *municipalities classified as “cities,” it is intended that this charter shall be construed as*
53 *providing a city form of government.*

54 *Section 1-7 Intergovernmental Relations*

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

57 **ARTICLE 2**

58 **LEGISLATIVE BRANCH**

59 *Section 2-1 Composition, Term of Office*

60 *(a) Composition - There shall be a town council of nine (9) members which shall*
61 *exercise the legislative powers of the town. Five (5) of these members, to be known as*
62 *councillors-at-large, shall be nominated and elected by and from the voters-at-large. Four (4) of*

63 *these members, to be known as district councillors, shall be nominated and elected by and from*
64 *the voters of each district, one (1) such district councillor to be elected from each of the four (4)*
65 *council districts into which the town is divided, in accordance with section 7- 4.*

66 (b) *Term of Office - The terms of town councillors shall be for two (2) years each and*
67 *shall begin following their election on the first day of January that does not fall on a weekend or*
68 *holiday, and shall continue until their successors are qualified.*

69 (c) *Eligibility - Any voter shall be eligible to hold the office of councillor-at-large. A*
70 *district councillor shall, at the time of his or her election, be a voter of the district from which he*
71 *or she is elected; provided, however, that if any such district councillor shall, during the term for*
72 *which he or she was elected remove to another district in the town, or be so removed by a*
73 *revision of district lines, such councillor may continue to serve for the balance of the term for*
74 *which he or she was elected. Councillors shall not serve as the chairman of any appointed*
75 *board, committee or commission.*

76 *Section 2-2 Council President*

77 (a) *Election and Term - As soon as practical after the councillors-elect have been*
78 *qualified following each biennial election, the members of the town council shall elect from*
79 *among its members a council president who shall serve during the current term of office.*

80 (b) *Powers and Duties - The council president shall preside at all meetings of the*
81 *town council, regulate its proceedings and shall decide all questions of order. The council*
82 *president shall appoint all members of all committees of the town council, whether special or*
83 *standing. The council president shall have the same powers to vote upon all measures coming*
84 *before the town council as any other member of the town council. The council president shall*
85 *perform such other duties consistent with the office as may be provided by charter, by ordinance*
86 *or by other vote of the town council. The council president shall be recognized as the official*
87 *head of the town for all ceremonial purposes and shall be recognized by the courts for the*
88 *purposes of serving civil process.*

89 (c) *Council Vice-President - The members of the town council shall also elect from*
90 *among its members a council vice-president who shall serve as acting president during the*
91 *temporary absence or disability of the council president during the current term of office. The*
92 *powers of an acting council president shall be limited to only those powers of the office*
93 *indispensably essential to the performance of the duties of the office during the period of such*
94 *temporary absence or disability and no others.*

95 *Section 2-3 Conflict Of Interest*

96 *No person shall simultaneously hold more than one (1) elective town office. Unless such service*
97 *may otherwise be authorized by law, no member of the town council shall, while a member of the*
98 *town council hold any other town office or employment for which a salary or other emolument is*
99 *payable from the town treasury; but this restriction shall not apply to an office or position under*
100 *the school committee. No councillor shall hold any compensated appointed town office or*
101 *employment until one (1) year following the date on which his or her council service has*
102 *terminated. This provision shall not prevent a town officer or town employee who has taken a*
103 *leave of absence from such office or employment from resuming the same office or employment*
104 *following service as a member of the town council.*

105 *Section 2-4 Compensation, Expenses*

106 (a) *Salary - The town council shall serve without compensation.*

107 (b) *Expenses - Subject to appropriation, the council members shall be entitled to*
108 *reimbursement of their actual and necessary expenses incurred in the performance of their*
109 *duties.*

110 *Section 2-5 General Powers*

111 *Except as otherwise provided by general law or by this charter, all powers of the town shall be*
112 *vested in the town council which shall provide for their exercise and for the performance of all*
113 *duties and obligations imposed upon the town by law. The town may enter into contracts for the*
114 *exercise of its corporate powers on such terms and conditions as are authorized by the town*
115 *council by ordinance.*

116 *Section 2-6 Exercise Of Powers; Quorum; Rules*

117 (a) *Exercise of Powers - Except as otherwise provided by general law or by this*
118 *charter, the legislative powers of the town council may be exercised in a manner determined by*
119 *it.*

120 (b) *Quorum - The presence of five (5) members shall constitute a quorum for the*
121 *transaction of business, but a smaller number may adjourn from time to time. Except as*
122 *otherwise provided by general law or by this charter the affirmative vote of five (5) members*
123 *shall be required to adopt any ordinance or appropriation order*

124 (c) *Rules of Procedure - The town council shall from time, to time adopt rules*
125 *regulating its procedures, which shall be in addition to the following:*

126 i. *Regular meetings of the town council shall be held at a time and place fixed*
127 *by ordinance.*

128 ii. *Special meetings of the town council shall be held at the call of the council*
129 *president, or, on the call of any three (3) or more members, by written*
130 *notice delivered in hand or to the place of residence of each member and*
131 *which contains a listing of the items to be acted upon. A copy of the notice*
132 *to members shall, forthwith, be posted upon the town bulletin board.*

133 iii. *All sessions of the town council and of every committee or sub committee*
134 *thereof, shall at all times be in compliance with chapter 39, section 23A,*
135 *23B and 23C of the General Laws of the Commonwealth, commonly, known*
136 *as the "open meeting law..*

137 *Section 2-7 Access to Information*

138 (a) *In General - The town council may make investigations into the affairs of the town*
139 *and into the conduct and performance of any town agency and for this purpose may subpoena*
140 *witnesses, administer oaths and require the production of evidence.*

141 (b) *Town Officers, Members of Town Agencies, Employees - The town council may*
142 *require any town officer, member of a town agency or town employee to appear before it to give*
143 *such information as the town council may require in relation to the municipal services, functions,*
144 *powers, or duties which are within the scope of responsibility of such person.*

145 (c) *Town Manager -The town council may require the town manager to appear*
146 *before it at any time to provide specific information on the conduct of any aspect of the business*
147 *of the town which is within his or her control by or under this charter or by or under any statute*
148 *or law.*

149 *The town manager may bring with him or her on any such occasion any assistant, department*
150 *head or other town officer or employee to assist him or her in responding to questions which*
151 *may be posed to him or her.*

152 (d) *Notice - Except in cases of Emergency the town council shall give not less than*
153 *five (5) days notice in writing to any person it may request to appear before it under the*
154 *provisions of this section. The notice shall include specific questions on which the town council*
155 *seeks information, and no person called to appear before the town council under this section*
156 *shall be required to respond to any question not relevant or related to those presented to him or*
157 *her in advance and in writing. Notice shall be by delivery in hand, or by registered or certified*
158 *mail to the last known place of residence of any such person.*

159 *Section 2-8 Officers Appointed by the Council or Council President*

160 (a) *The Town Council, by the affirmative vote of at least five (5) members, shall*
161 *appoint a Town Accountant, a town attorney, and a board of registrars.*

162 (b) *Clerk of the Council - The council president shall appoint, subject to approval of*
163 *the town council, a clerk of the council, who may be the town clerk, to serve for a term of three*
164 *(3) years and until his or her successor is chosen and qualified. The clerk of the council shall*
165 *give notice of its meetings to its members and to the public, keep the journal of its proceedings*
166 *and perform such other duties as may be provided by ordinance or by other vote of the town*
167 *council.*

168 (c) *Salaries -The officers appointed by the council president shall receive such*
169 *salaries as may from time to time be provided for such office by ordinance.*

170 *Section 2-9 Ordinances and Other Measures*

171 (a) *Emergency Ordinances - No ordinance shall be passed finally on the date it is*
172 *introduced, except in case of special emergency involving the health or safety of the people or*
173 *their property.*

174 *No ordinance shall be regarded as an emergency ordinance unless the Emergency is defined and*
175 *declared in a preamble to such ordinance, separately voted upon and receiving the affirmative*
176 *vote of six (6) members of the town council.*

177 *No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise*
178 *or special privilege of any kind or nature shall be passed as an Emergency measure, and except*
179 *as provided in sections seventy and seventy-one of chapter one-hundred sixty-four and in chapter*
180 *one-hundred sixty-six of the General Laws of the Commonwealth, no such grant, renewal or*
181 *extension shall be made otherwise than by ordinance.*

182 *Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless*
183 *an earlier expiration date is specified in the emergency ordinance, or unless a measure passed in*
184 *conformity with the procedures for measures generally has been passed extending it.*

185 (b) *Measures, In General - Excepting only proposed ordinances, appropriation*
186 *orders and loan authorizations, the town council may pass any other measure through all of its*
187 *stages at any one meeting, provided that no member of the town council shall object; but, if any*
188 *single member objects, a vote on the measure shall be postponed to the next meeting of the town*
189 *council.*

190 *On the first occasion that the question of adopting any measure is put to the town*
191 *council, except an emergency measure as defined in section 2-9(a), if a single member objects to*
192 *the taking of a vote, the vote shall be postponed until the next meeting of the town council*
193 *regular or special. If when the matter is next taken up for a vote, four (4) or more members*
194 *object to the taking of the vote, the matter shall be further postponed for not less than an*
195 *additional five (5) days. This procedure shall not be used more than once for any measure,*
196 *notwithstanding any amendment made to the original measure.*

197 (c) *Publication - Every proposed ordinance, appropriation order or loan*
198 *authorization, except emergency ordinances as provided in section 2-9(a), shall be published*

199 *once in full in a local newspaper, and in any additional manner as may be provided by*
200 *ordinance, at least five (5) days before its final passage. After final passage, it shall be posted*
201 *on the town bulletin board and otherwise published as may be required by ordinance. Provided,*
202 *however, that whenever a proposed ordinance or codification of ordinances or other measure*
203 *would exceed in length ten column inches, then in lieu of publication in a local newspaper, the*
204 *same may be published and made available at the office of the town clerk in booklet or pamphlet*
205 *form, and if so published and available at least ten (10) days before its final passage shall be*
206 *deemed sufficient notice. Whenever the town council provides for publication in a booklet or*
207 *pamphlet form in lieu of the newspaper publication, it shall, at least five(5) days before final*
208 *passage publish in a local newspaper a general summary of the proposed ordinance, or*
209 *ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet*
210 *may be obtained or reviewed by the public.*

211 *Section 2-10 Filling of Vacancies*

212 *(a) Councillor-at-Large - If a vacancy shall occur in the office of councillor-at-large*
213 *during the first eighteen (18) months of the term for which councillors are elected the vacancy*
214 *shall be filled in descending order of votes received by the candidate for the office of councillor-*
215 *at-large at the preceding town election who received the largest number of votes without being*
216 *elected, provided such person remains eligible and willing to serve and provided such person*
217 *received votes at least equal to thirty (30%) percent of the vote total received by the person*
218 *receiving the largest number of votes for the office of councillor-at-large at the said election.*
219 *The town clerk shall certify such candidate to the office of councillor-at-large to serve for the*
220 *balance of the then unexpired term.*

221 *If a vacancy shall occur in the office of councillor-at-large during the last six (6) months*
222 *of the term for which councillors-at-large are elected, such vacancy shall be filled by the person*
223 *at the biennial town election who receives the highest number of votes for the office of*
224 *councillor-at-large and who is not then serving as a member of the town council. Such person*
225 *shall forthwith be certified and shall serve for the last two (2) months of the concluding term in*
226 *addition to the term for which such person was elected.*

227 *(b) District Councillor - If a vacancy shall occur in the office of district councillor it*
228 *shall be filled in the same manner as provided in section 2-10(a) for the office of councillor-at-*
229 *large except that the list shall be of the candidates for the office of district councillor in the*
230 *district in which the vacancy occurs, provided however, if there be no candidate on such list who*
231 *remains eligible and willing to serve the next highest ranking candidate from among the*
232 *candidates for election to the council at large who is a resident of the district in which the*
233 *vacancy exists shall be certified and shall serve until the next regular election provided such*
234 *candidate remains a resident of the district, is willing to serve as a district councillor and*
235 *received votes in the district at least equal to thirty (30%) percent of the vote total received by*
236 *the person receiving the largest number of votes for the office of district councillor at the said*
237 *election. The town clerk shall certify such candidate to the office of district councillor to serve*
238 *for the balance of the then unexpired term.*

239 *(c) Filling of Vacancies By Town Council - Whenever a vacancy shall occur in the*
240 *office of councillor-at-large or in that of district councillor and there is no available candidate*
241 *to fill such vacancy in the manner provided in section 2-10 (a) or (b), the vacancy shall be filled*
242 *by the remaining members of the town council. Persons elected to fill a vacancy by the town*

243 *council shall serve only until the next regular election, or if so decided, a special election, at*
244 *which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy*
245 *shall forthwith be sworn and shall serve for the remainder of the unexpired term. Persons*
246 *serving as town councillors under this section shall not be entitled to have the words “candidate*
247 *for re-election” printed against their names on the election ballot.*

248 **ARTICLE 3**
249 **TOWN MANAGER**

250 *Section 3-1 Appointment, Term of Office; Qualifications*

251 (a) *Appointment, Term of Office - The town council, by the affirmative vote of at least*
252 *two-thirds (2/3) of the members, shall appoint a town manager to serve for a term of office of up*
253 *to five (5) years.*

254 (b) *Qualifications - The town manager shall be a person of proven administrative*
255 *ability, specially qualified by education and training with at least five (5) years full time paid*
256 *experience as a city or town manager, or an assistant city or town manager or the equivalent*
257 *public or private sector level experience. The Town Council may from time to time establish*
258 *such additional qualifications as seems necessary and appropriate.*

259 *The town manager shall devote his or her full time to the office and shall not hold any other*
260 *public office, elected or appointed, nor shall he or she engage in any other business, occupation*
261 *or profession during his or her term unless such action is approved, in advance, by the town*
262 *council.*

263 *The town council may, by ordinance, establish other qualifications for the office of town*
264 *manager.*

265 *Section 3-2 Powers and Duties*

266 *The town manager shall be the chief administrative officer of the town and shall be responsible*
267 *to the town council for the proper administration of all town affairs placed under his or her*
268 *charge by or under the charter. The powers and duties of the town manager shall include, but*
269 *are not intended to be limited to, the following:*

270 *He or she shall supervise, direct and be responsible for the efficient administration of all town*
271 *activities placed under his or her control by the charter, by ordinance, or otherwise, including*
272 *all officers appointed by him or her and their respective agencies.*

273 *He or she shall be responsible for the coordination of the activities of all agencies under his or*
274 *her control with the activities of all other town agencies, including those elected by the voters of*
275 *Randolph and those appointed by other elected officials.*

276 *Except as otherwise provided by this charter, and subject to the civil service law and any*
277 *collective bargaining agreements as may be applicable, the town manager shall appoint, based*
278 *upon merit and fitness alone, all department heads, officers, subordinates, employees and all*
279 *appointed multiple member bodies for whom no other method of selection is provided in this*
280 *charter except employees of the school department. Appointments made by the town manager*
281 *shall become effective upon the approval of the Council, provided, however, that such approval*
282 *is received within fifteen (15) days of filing such notice of appointment. If the Town Council*
283 *shall fail to act, appointments made by the town manager shall become effective on the fifteenth*
284 *day following the day on which notice of the proposed appointment is filed with the Town*
285 *Council. For the purpose of this section, notice of appointment shall be considered filed with the*

286 *Town Council when such notice is filed at an open meeting of the Town Council. Department*
287 *heads shall appoint all officers, subordinates and employees within their department subject to*
288 *the approval of the town manager.*

289 *He or she shall administer all personnel policies, practices, or rules and regulations, any*
290 *compensation plan and any related matters for all municipal employees and administer all*
291 *collective bargaining agreements, except for school department agreements, entered into by the*
292 *town.*

293 *He or she shall be responsible for the negotiation of all union and non-union contracts with town*
294 *employees over wages, and other terms and conditions of employment, except employees of the*
295 *school department. The Town Manager may, subject to the approval of the Town Council,*
296 *employ special counsel to assist in the performance of these duties. Contracts shall be subject to*
297 *the approval of the Town Council.*

298 *He or she shall be responsible for making sure that all of the provisions of the General Laws of*
299 *the Commonwealth, the town charter, town ordinances, and other votes of the town council*
300 *which require enforcement by him or her, or by officers or employees subject to his or her*
301 *supervision, are faithfully carried out and enforced.*

302 *He or she shall prepare and submit an annual operating budget and a capital outlay program as*
303 *provided in Article 5.*

304 *He or she shall be responsible for making sure that a full and complete record of the financial*
305 *and administrative activities of the town is kept and shall render a complete report to the town*
306 *council at the end of each fiscal year and at such times as the town council may reasonably*
307 *require.*

308 *He or she shall execute contracts, subject to such prior town council approval as may be*
309 *prescribed by ordinance.*

310 *He or she shall have full jurisdiction over the rental and use of all town facilities, except school*
311 *and/or library buildings and grounds and properties under the jurisdiction of the Conservation*
312 *Commission pursuant to Chapter 40, section 8C of the General Laws. He or she shall be*
313 *responsible for the maintenance and repair of all town-owned property, including school and/or*
314 *library buildings and grounds but not including vacant land under the jurisdiction of the*
315 *Conservation Commission pursuant to Chapter 40, section 8C of the General Laws of the*
316 *Commonwealth, should a town ordinance authorizing a central town maintenance department be*
317 *created.*

318 *He or she may at any time inquire into the conduct of office of any officer, employee, or*
319 *department under his or her supervision.*

320 *He or she shall be responsible for making sure that a full and complete inventory of all property*
321 *owned by the town, both real and personal, is kept.*

322 *He or she shall keep the town council fully advised as to the financial condition of the town and*
323 *of the administration of the town's affairs by filing written reports with the town council not less*
324 *than quarterly throughout the year.*

325 *He or she shall, from time to time, as in his or her judgment the needs of the town require it,*
326 *make such recommendations to the town council for action to be taken by it as he or she may*
327 *deem to be necessary or desirable.*

328 *He or she may authorize any subordinate officer or employee to exercise any power or perform*
329 *any function which he or she is authorized to exercise or perform, provided, however, all acts*
330 *performed under any such delegation shall be deemed to be the acts of the town manager.*

331 *He or she shall determine the existence of a public emergency or danger and shall assume*
332 *responsibility for the maintenance of public safety, public order and enforcement of laws. The*
333 *manager shall notify the council president as soon as practical, but within twenty-four (24)*
334 *hours, of such a public emergency or danger and of the actions taken. Should the public*
335 *emergency continue more than twenty-four (24) hours, the town council may meet to review,*
336 *ratify, or terminate said public emergency.*

337 *He or she shall execute all deeds conveying town real property, but that any such conveyance*
338 *shall have been previously authorized by the vote of the town council pursuant to the applicable*
339 *provisions of the General Laws of the Commonwealth.*

340 *He or she shall publish an annual report comprising the complete statistical record of the*
341 *operations of every town department, commission and committee for the preceding year, and it*
342 *shall be published annually and made available for distribution to the public not later than four*
343 *(4) months after the end of the period on which the report is based.*

344 *He or she shall perform such other functions as may from time to time be assigned to the office*
345 *of town manager by ordinance or other vote of the town council, or otherwise.*

346 *Section 3-3 Compensation*

347 *The town manager shall receive compensation as may be established by the Council from time to*
348 *time for the office of town manager.*

349 *Section 3-4 Removal*

350 *The person serving as Town Manager shall cease to be Town Manager upon expiration of*
351 *contract or term of office.*

352 *Earlier in time than the expiration described in the preceding sentence, the Council, by*
353 *affirmative vote of a two-thirds (2/3) majority of the full board may vote to terminate, remove or*
354 *suspend the town manager from office in accordance with the following procedure.*

355 *Before the town manager may be removed, if he or she so demands, he or she shall be given a*
356 *written statement of the reasons alleged for his or her removal, and shall have a right to be*
357 *heard thereon at a meeting of the town council prior to the final vote on the question of his or*

358 her removal, but pending and during such hearing the town council may suspend him or her
359 from office. The action of the town council in suspending or removing the town manager shall
360 be final, it being the intention of this provision to vest all authority and to fix all responsibility
361 for such suspension or removal in the town council. The town manager shall continue to receive
362 his or her salary until the effective date of a final vote of removal. The town council may, by
363 ordinance, establish a procedure governing the removal from office of a town manager in such
364 detail as it may deem necessary or desirable.

365 No contract of employment for a town manager shall be inconsistent with the provisions of this
366 section.

367 **Section 3-5 Acting Town Manager**

368 (a) *Temporary Absence* - The town manager shall, by letter filed with the town
369 council and a copy filed with the town clerk, designate a qualified town officer or administrative
370 employee to exercise the powers and perform the duties of his or her office during his or her
371 temporary absence. During the first ten (10) working days of a temporary absence of the town
372 manager, the town council may revoke such designation by a two-thirds (2/3) vote and, after the
373 expiration of ten (10) working days, by a majority vote, whereupon it may appoint another
374 qualified town officer or employee to serve as acting town manager until the town manager shall
375 return and resume his or her duties.

376 (b) *Vacancy* - Any vacancy in the office of town manager shall be filled as soon as
377 possible by the town council but pending such appointment the town council shall designate a
378 qualified town officer or administrative employee to exercise the powers and perform the duties
379 of the town manager on an acting basis. The appointment of an acting town manager shall be
380 for a term not to exceed four (4) months; provided, however, one (1) renewal, not to exceed a
381 second four (4) months, may be permitted.

382 (c) *Powers and Duties* - The powers of a temporary or acting town manager shall be
383 limited to matters not admitting of delay; provided, however, no temporary town manager under
384 (a) above shall have authority to make any permanent appointment to, or removal from, any
385 office or position under the town.

386 **Section 3-6 Evaluation of Town Manager**

387 There shall be an annual review of the town manager's job performance conducted by town
388 council.

389 **ARTICLE 4**

390 **OTHER ELECTED OFFICES**

391 **Section 4-1 School Committee**

392 (a) *Composition* - There shall be a school committee of seven (7) members, six (6) of
393 whom shall be nominated and elected by and from the voters at large, and the seventh member
394 shall be the council president or a designee from the Town Council.

395 (b) *Terms of Office* - At each biennial election, three (3) school committee members
396 shall be elected at large and shall serve for a four (4) year term. The terms of school committee

397 *members shall begin following their election on the first day of January that does not fall on a*
398 *weekend or holiday, and shall continue until their successors are qualified.*

399 (c) *Eligibility - Any voter shall be eligible to hold the office of school committee*
400 *member.*

401 (d) *Powers and Duties - The School Committee shall have general charge and*
402 *superintendence of the public schools and for this purpose shall have all of the powers and*
403 *duties which are given to school committees under the constitution and laws of the*
404 *Commonwealth, and such additional powers and duties as may be authorized by the charter,*
405 *bylaw or by the vote of the town council.*

406 (e) *Expenses – Subject to the school department appropriation, the members of the*
407 *school committee shall be entitled to reimbursement of their actual and necessary expenses*
408 *incurred in the performance of their duties.*

409 (f) *Conflict of Interest - Unless such service may otherwise be authorized by law, no*
410 *member of the school committee, including the council representative, shall hold any other office*
411 *or position under the school committee for which a salary or other emolument is payable from*
412 *the town treasury; provided, however, that if the council president shall hold such an office or*
413 *position, the town council shall, by vote, designate another member of the town council not so*
414 *ineligible to serve as school committee member in his or her place, and all references in this*
415 *section to the powers of the council president serving as school committee member shall apply to*
416 *such person.*

417 *No person shall simultaneously hold more than one (1) elective town office. No school*
418 *committee member shall hold any compensated employment until one (1) year following the date*
419 *on which his or her service as a member of the school committee has terminated.*

420 (g) *Council Representative - The council president shall have the same power to vote*
421 *on every matter coming before the school committee as any other member.*

422 *Section 4-2 Trustees of The Stetson Fund*

423 (a) *Term of Office - There shall be a three (3) member board of trustees of the Stetson*
424 *School Fund elected by the voters for a term of four (4) years, so arranged that the term of one*
425 *(1) member will expire at the first biannual election and term of two (2) members shall expire at*
426 *the next biennial election, and continuing thereafter.*

427 (b) *Powers and Duties – Except as provided in section 4-2(a) above, the trustees*
428 *shall be governed in accordance with the document entitled “The Stetson Donation of a Town*
429 *House and Fund for a high school to the Town of Randolph”, voted on February 18, 1843 and*
430 *Article 18 of the Special Town Meeting of November 13, 1996.*

431 (c) *The terms of Stetson Fund Trustees shall begin following their election on the first*
432 *day of January that does not fall on a weekend or holiday, and shall continue until their*
433 *successors are qualified.*

434 **ARTICLE 5**
435 **FINANCIAL PROCEDURES**

436 *Section 5-1 Budget Hearing and Goal Setting*

437 *The president of the town council shall call a meeting of the town council prior to the*
438 *commencement of the budget process, but not later than November 30, to review the financial*
439 *condition of the town, revenue and expenditure forecasts, and other information relevant to the*
440 *budget process. The president also shall invite representatives of the school committee and*
441 *trustees of the Stetson Fund to attend this meeting. Subsequent to this meeting, the town council*
442 *shall meet to set policy goals with input from the town manager and the community. Based on*
443 *these goals, the town manager shall develop budgetary goals and the town budget.*

444 *Section 5-2 Submission of Budget, Message*

445 *The town manager shall, within seven (7) days after the receipt of departmental budget*
446 *proposals, but in no event later than February 1st, prepare and submit to the town council a*
447 *synopsis of all proposed budget initiatives and requests for additional funding for its review and*
448 *prioritization. The synopsis shall include a summary of each initiative, its justification and its*
449 *estimated costs. Councillors may also propose budget initiatives for review and prioritization.*
450 *Any such proposal must include a summary, justification and estimate of costs. The town*
451 *manager shall provide an estimate of projected revenues.*

452 *By the first regularly scheduled town council meeting in April, or a later date if approved by a*
453 *vote of the town council, the town manager shall submit to the town council a proposed*
454 *operating budget for the ensuing fiscal year, which shall provide a complete financial plan of all*
455 *town funds and activities for the ensuing fiscal year, an accompanying budget message, and*
456 *supporting documents. The preliminary budget as adopted by the school committee shall be*
457 *submitted to the town manager at least ninety (90) days before the town manager's presentation*
458 *of the budget to the council to enable the town manager to consider the effect of the school*
459 *department's requested appropriation upon the total town budget.*

460 *The message of the town manager shall explain the proposed budget for all town agencies, both*
461 *in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of*
462 *the town for the ensuing fiscal year, describe the important features of the budget, indicate any*
463 *major changes from the current fiscal year in terms of financial policies, expenditures or*
464 *revenues, together with the reasons for such changes, summarize the town's debt position, and*
465 *include such other material as the town manager deems desirable or the town council may*
466 *reasonably require.*

467 *Section 5-3 Action on The Budget*

468 *(a) Public Hearing - The town council shall, within seven (7) days following its*
469 *receipt of the proposed budget, publish in one or more local newspapers the general summary of*
470 *the proposed budget as submitted by the town manager and a notice stating: (1) the times and*
471 *places where complete copies of the proposed budget and supporting documents shall be*
472 *available for examination by the public and (2) the date, time and place, not less than ten (10)*
473 *days after such publication, when the town council, or a standing committee of the town council,*
474 *will hold a public hearing on the proposed budget as submitted by the town manager.*

475 (b) Adoption - The town council shall adopt the budget, with or without amendments,
476 within sixty (60) days following the day the proposed budget is received by it, or such other
477 period as may be provided by general law. In amending the budget the town council may delete
478 or decrease any programs or amounts, except expenditures required by law, or for debt service.
479 If the town council fails to take any action with respect to any item in the proposed budget within
480 sixty (60) days following the date of its receipt of the proposed budget, or such other period as
481 may be provided by general law, such amount shall, without any action by the town council,
482 become a part of the appropriations for the ensuing fiscal year and shall be available for the
483 purposes specified.

484 Section 5-4 Independent Audit

485 Each year an outside audit of the books and accounts of the town shall be made. In the event
486 that the Commonwealth shall fail in any such period to provide for such an audit to be
487 conducted, within sixty (60) days following the date a written request for them to do so is made
488 by the town council, the town council shall provide for such an audit to be conducted by a
489 certified public accountant, or firm of such accountants.

490 Section 5-5 Capital Outlay Program

491 (a) Submission- The town manager shall prepare and submit to the town council a
492 five year capital outlay program at least three (3) months prior to the final date for submission
493 of a proposed annual operating budget.

494 (b) Contents - The capital outlay program in the form submitted shall include:

495 A clear general summary of its contents;

496 A listing of all capital expenditures which are proposed to be made during the five (5) fiscal
497 years next ensuing, with appropriate financial and other details concerning each such
498 expenditure;

499 Cost estimates, proposed methods of financing, and a time schedule for each such expenditure;
500 and

501 The estimated annual cost of operating or maintaining any facilities to be acquired or
502 constructed.

503 The above information shall be revised and extended, annually.

504 **ARTICLE 6**

505 **ADMINISTRATIVE ORGANIZATION**

506 Section 6-1 Reorganization Plans by Ordinance

507 Except as otherwise prohibited by general law or by the charter, the town council may, by
508 ordinance, reorganize, consolidate, or abolish any existing town agency in whole or in part,
509 establish new town agencies, and prescribe the functions of any town agency. All town agencies
510 under the direction and supervision of the town manager shall be headed and administered by
511 officers appointed by the manager.

512 Section 6-2 Reorganization Plans By Administrative Code

513 (a) *Submission - The town manager may from time to time prepare and submit to the*
514 *town council reorganization plans which may, unless prohibited by general law or the charter,*
515 *reorganize, consolidate, or abolish any existing town agency in whole or in part, establish new*
516 *town agencies, and prescribe the functions of any town agency. Each such reorganization plan*
517 *shall be accompanied by an explanatory message when submitted to the town council.*

518 (b) *Council Action - Every such reorganization plan shall, upon receipt by the town*
519 *council, be referred to an appropriate standing committee of the town council for study and*
520 *report. Within thirty (30) days following its referral to a committee a public hearing shall be*
521 *held concerning the proposal, either before the standing committee, or before the full town*
522 *council. Within fourteen (14) days following the conclusion of the public hearing the standing*
523 *committee to which such matter was referred shall file a report stating either that it approves of*
524 *the reorganization plan or that it disapproves of it. A reorganization plan shall become effective*
525 *on the sixtieth day following the date of its receipt by the town council, unless a later date is*
526 *specified in the reorganization plan, or unless the town council has within said period voted to*
527 *disapprove of it. A reorganization plan submitted by the town manager under this section may*
528 *not be amended by the town council but shall either be approved or disapproved in the form as*
529 *submitted.*

530 *Section 6-3* *Publication of Reorganization Plans*

531 *An up-to-date record of reorganization plans under section 6-2(b) shall be kept on file in the*
532 *office of the town clerk and copies of all such plans shall be published as an appendix to any*
533 *publication of the ordinances of the town.*

534 **ARTICLE 7**

535 **NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM**

536 *Section 7-1* *Town Elections: General*

537 *The regular general town election shall be held on the first Tuesday following the first Monday*
538 *in November in each odd numbered year.*

539 *Section 7-2* *Non-Partisan Elections*

540 *All elections for town offices shall be non-partisan and election ballots shall be printed without*
541 *any party mark, emblem, or other designation whatsoever.*

542 *Section 7-3* *Signature Requirements*

543 *The number of signatures of voters required to place the name of a candidate on the official*
544 *ballot to be used at an election shall be as follows: for councillor-at-large, school committee*
545 *member, or Stetson trustee, not less than fifty such signatures, not more than twenty-five (25) of*
546 *which shall be from any one (1) district; for the office of district councillor not less than fifty (50)*
547 *such signatures from the district from which the nomination is sought.*

548 *Section 7-4* *Districts*

549 *The territory of the town shall be divided into four (4) districts so established as to consist of*
550 *compact and contiguous territory, bounded insofar as possible by the center line of known*
551 *streets or ways or by other well defined limits. Each such district shall be composed of voters*

552 established in accordance with the General Laws. The town council shall from time to time
553 review such districts to insure their uniformity in number of inhabitants.

554 *Section 7-5 Application of State General Laws*

555 *Except as expressly provided in this charter and authorized by law, all town elections shall be*
556 *governed by the laws of the commonwealth relating to the right to vote, the registration of voters,*
557 *the nomination of candidates, the conduct of general and special elections, the submission of*
558 *charters, charter amendments and other propositions to the voters, the counting of votes, the*
559 *recounting of votes, and the determination of results.*

560 *Section 7-6 Petitions To Council Or School Committee*

561 *The town council or the school committee shall hold a public hearing and act with respect to*
562 *every petition which is addressed to it, which is signed by one-hundred-fifty (150) voters, or*
563 *more, and which seeks the passage of a measure. The hearing shall be held by the town council*
564 *or the school committee, or, in either case, by a committee or sub committee thereof, and the*
565 *action by the town council or the school committee shall be taken not later than three (3) months*
566 *after the petition is filed with the clerk of the council or the Administrative Assistant to the*
567 *Superintendent, as may be appropriate. Hearings on two (2) or more petitions filed under this*
568 *section may be held at the same time and place. The clerk of the council or the Administrative*
569 *Assistant to the Superintendent shall mail notice of the hearing to the ten (10) persons whose*
570 *names appear first on the petition at least forty-eight (48) hours before the hearing. Notice, by*
571 *publication, of all such hearings shall be at public expense.*

572 *Section 7-7 Citizen Initiative Measures*

573 (a) *Commencement - Initiative procedures shall be started by the filing of an*
574 *initiative petition with the clerk of the council or the Administrative Assistant to the*
575 *Superintendent, as the case may be. The petition shall be addressed to the town council or to the*
576 *school committee, shall contain a request for the passage of a particular measure, which shall be*
577 *set forth in full in the petition, and shall be signed by at least five (5%) percent of the total*
578 *number of voters as of the date of the most recent town election. Signatures to an initiative*
579 *petition need not all be on one paper, but all such papers pertaining to any one measure shall be*
580 *fastened together and shall be filed as a single instrument, with the endorsement thereon of the*
581 *name and residence address of the person designated as filing the same. With each signature on*
582 *the petition there shall also appear the street and number of the residence of each signer.*

583 *Within ten (10) days following the filing of the petition the Board of Registrars shall*
584 *ascertain by what number of voters the petition has been signed, and what percentage that*
585 *number is of the total number of voters as of the date of the most recent town election. The*
586 *Board of Registrars shall attach its certificate to the petition, which shall certify the signatures*
587 *and addresses of those residents to the clerk of the council or the Administrative Assistant to the*
588 *Superintendent according to how the petition is addressed. A copy of their certificate shall also*
589 *be mailed to the person designated upon such petition as having filed the same.*

590 (b) *Referral to Town Attorney - If the Board of Registrars determines that a petition*
591 *has been signed by a sufficient number of voters, the clerk of the council or the Administrative*
592 *Assistant to the Superintendent, as the case may be, shall forthwith following receipt of such*
593 *certificate deliver a copy of the petition to the town attorney. Within fifteen (15) days following*

594 *the date a copy of the petition is delivered to him or her, the town attorney shall, in writing,*
595 *advise the town council or the school committee, as may be appropriate, whether the measure as*
596 *proposed may lawfully be proposed by the initiative process and whether, in its present form, it*
597 *may be lawfully adopted by the town council or by the school committee. If the opinion of the*
598 *town attorney is that the measure is not in proper form, he or she shall state his or her reasons in*
599 *full in his or her reply. A copy of the opinion of the town attorney shall also be mailed to the*
600 *person designated on the petition as having filed the same.*

601 (c) *Action on Citizen Initiative Petitions - Within thirty (30) days following the date a*
602 *citizen initiative petition has been returned to the clerk of the council or to the Administrative*
603 *Assistant to the Superintendent by the town attorney as being lawful, and after publication in*
604 *accordance with the provisions of section 2-9(c), the town council or the school committee shall*
605 *act with respect to each initiative petition by passing it without change, by passing a measure*
606 *which is stated to be in lieu of an initiative measure, or by rejecting it. The passage of a measure*
607 *which is in lieu of the initiative measure shall be deemed to be a rejection of the initiative*
608 *measure. If, at the expiration of the said thirty (30) days the town council or the school*
609 *committee has not voted on such petition, no other business of said council or committee shall be*
610 *in order or lawfully acted upon until a vote to approve of the measure, to disapprove of the*
611 *measure, or to adopt some other measure in lieu thereof, has been taken.*

612 (d) *Supplementary Petitions - Within forty-five (45) days following the date an*
613 *initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk*
614 *of the council or the Administrative Assistant to the Superintendent. The supplemental initiative*
615 *petition shall be signed by a number of additional voters which is equal to five (5%) percent of*
616 *the total number of voters as of the date of the most recent town election, which may include the*
617 *signatures of voters who signed the original petition if they sign again, or other additional*
618 *voters. If the number of signatures to such supplemental petition is found to be sufficient by the*
619 *Board of Registrars, the town council shall call a special election to be held on a date fixed by it*
620 *not less than thirty nor more than forty-five (45) days following the date of the certificate of the*
621 *Board of Registrars that a sufficient number of voters have signed the supplemental initiative*
622 *petition, and shall submit the proposed measure, without alteration, to the voters for*
623 *determination; provided, however, if any other town election is to be held within one-hundred-*
624 *twenty (120) days following the date of the said certificate, the town council may omit the calling*
625 *of such special election and cause said question to appear on the election ballot at such*
626 *approaching election for determination by the voters.*

627 (e) *Publication - The full text of any initiative measure which is submitted to the*
628 *voters shall be published in a local newspaper not less than seven (7) nor more than fourteen*
629 *(14) days preceding the date of the election at which such question is to be voted upon.*
630 *Additional copies of the full text shall be available for distribution to the public in the office of*
631 *the Board of Registrars.*

632 (f) *Form of Question - The ballots used when voting on a measure proposed by the*
633 *voters under this section shall contain a question in substantially the following form:*
634
635 *Shall the following measure which was proposed by voters in an initiative petition take effect?*
636 *(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the*
637 *petitioners, and approved by the Board of Registrars.)*

638

639 YES _____ NO _____

640 (g) *Time of Taking Effect - If a majority of the votes cast on the question is in the*
641 *affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified*
642 *in such measure; provided, however, that no such measure shall be deemed to be adopted if*
643 *fewer than twenty (20%) percent of the total number of voters of the town, as of the date of the*
644 *most recent town election, participate at such election.*

645 *Section 7-8 Citizen Referendum Procedures*

646 (a) *Petition, Effect on Final Vote - If, within twenty (20) days following the date on*
647 *which the town council or the school committee has voted finally to approve of any measure, a*
648 *petition signed by a number of voters equal to five (5%) percent of the total number of voters as*
649 *of the date of the most recent town election and addressed to the town council or to the school*
650 *committee, as the case may be, against the measure or any part thereof is filed with the*
651 *Administrative Assistant to the Superintendent or clerk of the council, the effective date of such*
652 *measure shall be temporarily suspended. The school committee or the town council shall*
653 *forthwith reconsider its vote on such measure or part thereof, and, if such measure is not*
654 *rescinded the town council shall provide for the submission of the question for a determination*
655 *by the voters either at a special election which it may call at its convenience, or within such time*
656 *as may be requested by the school committee, or at the next regular town election, but pending*
657 *such submission and determination the effect of such measure shall continue to be suspended.*

658 (b) *Certain Initiative Provisions to Apply - The petition described in this section shall*
659 *be termed a referendum petition and insofar as applicable, Section 7-7 (a), (b), (e) and (f) shall*
660 *apply to such referendum petitions, except that the words “measure or part thereof protested*
661 *against” shall be deemed to replace the word “measure” in said sections wherever it may occur*
662 *and the word “referendum” shall be deemed to replace the word “initiative” wherever it may*
663 *occur in said sections.*

664 *Section 7-9 Ineligible Measures*

665 *None of the following shall be subject to the initiative or the referendum procedures: (1)*
666 *proceedings relating to the internal organization or operation of the town council or of the*
667 *school committee; (2) an emergency measure adopted in conformity with the charter; (3) the*
668 *town budget or the school committee budget as a whole; (4) revenue loan orders; (5) any*
669 *appropriation for the payment of the town’s debt or debt service; (6) an appropriation of funds*
670 *to implement a collective bargaining agreement; (7) proceedings relating to the election,*
671 *appointment, removal, discharge, employment, promotion, transfer, demotion, or other*
672 *personnel action; (8) any proceedings repealing or rescinding a measure or part thereof which*
673 *is already undergoing challenge by referendum procedures; and (9) any proceedings providing*
674 *for the submission or referral of any measure to the voters at an election.*

675 *Section 7-10 Submission of Other Matters to Voters*

676 *The town council may of its own motion, and shall, at the request of the school committee, if a*
677 *measure originates with that body and pertains to affairs under its jurisdiction, submit to the*

678 voters at any regular town election for adoption or rejection any measure in the same manner
679 and with the same force and effect as are hereby provided for submission by petitions of voters.

680 *Section 7-11 Conflicting Provisions*

681 *If two (2) or more measures passed at the same election contain conflicting provisions, only the*
682 *one (1) receiving the greatest number of affirmative votes shall take effect.*

683 *Section 7-12 Recall of Elected Officials*

684 (a) *Any holder of elective office may be recalled therefrom by the registered voters of*
685 *the Town of Randolph as provided in this charter.*

686 (b) *Any five hundred (500) registered voters of the Town of Randolph may file with*
687 *the town clerk of said town an affidavit containing the name of the officer sought to be recalled*
688 *and a statement of the grounds for recall. Said town clerk shall, within five (5) days, certify*
689 *thereon the number of signatures which are names of registered voters of the town. The town*
690 *clerk shall, upon certification, deliver to said voters making the affidavit copies of petition blanks*
691 *demanding such recall, copies of which shall be kept available. The blanks shall be issued by*
692 *the town clerk with the clerk's signature and official seal attached thereto. They shall be dated,*
693 *addressed to the Town Council and contain the names of all person to whom they are issued, the*
694 *name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and the*
695 *demand for the election of a successor to said office. A copy of the petition shall be entered in a*
696 *record book to be kept in the office of the town clerk. The recall petition shall be returned and*
697 *filed with the town clerk within twenty-one (21) days after the certification of the affidavit and*
698 *shall have been signed by at least twenty (20%) percent of the registered voters of the town who*
699 *shall add to their signatures the street and number, if any, of their residences. The town clerk*
700 *shall, within twenty-four (24) hours of receipt, submit the petition to the registrars of voters in*
701 *the town and the registrars shall, within fourteen (14) days, certify thereon the number of*
702 *signatures which are names of registered voters of the town.*

703 *For the recall of a district councilor, the above procedures shall apply, except as follows.*
704 *All signatures shall be obtained from the affected district. The number of signatures required on*
705 *the initial affidavit is one hundred fifty (150). The recall petition shall be signed by at least*
706 *twenty (20%) percent of the registered voters of the district. An election held for the recall of a*
707 *district councilor will be held only in the affected district.*

708 (c) *If the petition shall be found and certified by the town clerk to be sufficient, he/she*
709 *shall submit the same with his/her certificate to the Town Council without delay, and said*
710 *council shall, within seven (7) days, give written notice of the receipt of the certificate to the*
711 *officer sought to be recalled and shall, if the officer does not resign within five (5) days*
712 *thereafter, order an election to be held on a date fixed by them not less than sixty (60) nor more*
713 *than ninety (90) days after the date of the town clerk's certificate that a sufficient petition has*
714 *been filed; provided, however, that if any other town election is to occur within one hundred*

715 (100) days after date of certification, the Town Council shall postpone the holding of the recall
716 election to the date of such other election.

717 If a vacancy occurs in said office after a recall election has been ordered, the election
718 shall nevertheless proceed as provided in this section.

719 (d) An officer sought to be removed may be a candidate to succeed himself/herself
720 and, unless the officer requests otherwise in writing, the town clerk shall place his/her name on
721 the ballot without nomination. The nomination of other candidates, the publication of the
722 warrant for the removal election and the conduct of the same, shall all be in accordance with the
723 provisions of law relating to elections, unless otherwise provided in this act.

724 (e) The incumbent shall continue to perform the duties of office until the recall
725 election. If then re-elected, he/she shall continue in office for the remainder of the unexpired
726 term, subject to recall as before, except as provided in subsection (g). If not re-elected in the
727 recall election, the officer shall be deemed removed upon the qualification of his/her successor
728 who shall hold office during the unexpired term. If the successor fails to qualify within five (5)
729 days after receiving notification of his/her election, the incumbent shall thereupon be deemed
730 removed and the office vacant.

731 (f) Ballots used in a recall election shall submit the following proposition in the
732 order indicated:

733 For the recall of (name of officer)

734 Against the recall of (name of officer)

735 Immediately at the right of each proposition, there shall be a square in which the
736 voter, by making a cross mark (X), may vote for either of the said proposition. Under the
737 proposition there shall appear the word "Candidates," the direction to voters required by
738 section forty-two of chapter fifty-four of the General Laws, and beneath this the names of
739 candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question
740 of recall is in the affirmative, the candidate receiving the highest number of votes shall be
741 declared elected. If a majority of votes on the question is in the negative, the ballots for
742 candidates need not be counted.

743 (g) No recall affidavit shall be filed against an officer within six months after he/she
744 takes office, nor in the case of an officer subject to a recall election and recalled thereby, until at
745 least six (6) months after the election at which his/her recall was submitted to the voters.

746 **ARTICLE 8**

747 **GENERAL PROVISIONS**

748 *Section 8-1 Charter Changes*

749 (a) In General - This charter may be replaced, revised or amended in accordance
750 with any procedure made available under the Constitution of the Commonwealth, or by general
751 law.

752 (b) *Periodic Review - The town council shall provide, in every year ending in a zero,*
753 *for a review of the charter by the entire council and six (6) additional persons to be appointed by*
754 *the council president. The said committee shall file a report within the said year recommending*
755 *any changes to the charter which it may deem to be necessary or desirable, unless an extension*
756 *is authorized by vote of the town council.*

757 *Section 8-2 Severability*

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

762 *Section 8-3 Specific Provision to Prevail*

763 *To the extent that any specific provision of this charter may conflict with any other provision*
764 *expressed in general terms, the specific provision shall prevail.*

765 *Section 8-4 Rules and Regulations*

766 *A copy of all rules and regulations adopted by town agencies shall be placed on file in the office*
767 *of the town clerk and shall be available for review by any person who requests such information*
768 *at any reasonable time. No rule or regulation adopted by any town agency shall become*
769 *effective until five (5) days following the date it is so filed.*

770 *Section 8-5 Review of Ordinances*

771 (a) *The Town council shall provide, by appointment of a committee, or as it may*
772 *determine, that in each year ending in six (6) or one (1), for a review of the ordinances of the*
773 *town for the purpose of determining if any amendments or revisions or amendments may be*
774 *necessary or desirable. Such reviews shall be completed within said year and shall be conducted*
775 *under the supervision of the town attorney or at the town council so directs by special counsel*
776 *appointed for that purpose. The impact of any charter amendments, revisions and special acts of*
777 *the legislature shall be examined to determine the effect on the town's ordinances.*

778 *Section 8-6 Uniform Procedures Applicable to Multiple Member Bodies*

779 (a) *Meetings - All multiple-member bodies of the town shall meet regularly at such*
780 *times and places as they may, by their own rules, prescribe, unless some other provision is made*
781 *by ordinance or bylaw. Special meetings of any multiple-member body shall be held subject to*
782 *the call of the chair or by one third(1/3) of the members thereof, by written notice delivered in*
783 *hand or to the place of residence of each member and which contains a list of the item or items*
784 *to be acted upon. Except in case of an emergency such notice shall be delivered at least forty-*
785 *eight (48) hours in advance of the time set for such meeting. A copy of such notice to members*
786 *shall, forthwith, be posted upon the town bulletin board.*

787 (b) *Rules and Journals - Each multiple-member body shall determine its own rules*
788 *and order of business unless another provision is made by ordinance or bylaw, and shall provide*
789 *for the keeping of a journal of its proceedings. These rules and journals shall be a public*
790 *record, and certified copies shall be kept on file in the office of the town clerk and in the Turner*
791 *Free Public Library.*

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

795 (d) *Quorum - A majority of the members of a multiple-member body shall constitute a*
796 *quorum, but a smaller number may meet and adjourn from time to time.*

797 *Section 8-7 Number*

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

800 *Section 8-8 References to General Laws*

801 *All references to General Laws contained in the charter refer to the General Laws of the*
802 *Commonwealth of Massachusetts and are intended to refer to and to include any amendments or*
803 *revisions to such chapters or sections, or to the corresponding chapters and sections of any*
804 *rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the*
805 *adoption of this charter.*

806 *Section 8-9 Certificate of Election or Appointment*

807 *Every person who is elected, including those elected by the town council, or appointed to an*
808 *office of the town shall receive a certificate of such election or appointment from the town clerk.*
809 *Except as otherwise provided by general or special law, before performing any act under an*
810 *appointment or election, all elected or appointed persons shall take and subscribe to an oath of*
811 *office and be sworn to the faithful performance of their duties.*

812 *Section 8-10 Notice of Vacancies*

813 *Whenever a vacancy shall occur in any town office or in the employment of the town, or, when by*
814 *reason of a retirement, or resignation, or the expiration of a fixed term, or otherwise, a vacancy*
815 *can be anticipated, the town manager or other appointing authority shall forthwith cause public*
816 *notice of such vacancy or impending vacancy to be publicly posted on the town bulletin board*
817 *and website for not less than ten (10) days. Each such notice shall contain a brief description of*
818 *the duties of the office or position and shall indicate a list of necessary or desirable*
819 *qualifications for the office or position. Any person who desires to be considered for an*
820 *appointment to fill such vacancy may, within ten (10) days following the date the notice is*
821 *posted, or such longer period as may be indicated in such announcement, file with the*
822 *appointing authority a statement setting forth with reasonable clarity and specificity, the*
823 *qualifications of such person for such appointment. No permanent appointment to fill any*
824 *position shall be effective until at least fourteen (14) days have elapsed following such posting to*
825 *permit the reasonable consideration of all such applicants. This section shall not apply to*
826 *positions covered under the civil service law and rules or if in conflict with the provisions of a*
827 *collective bargaining agreement.*

828 *Section 8-11 Definitions*

829 *Unless another meaning is clearly apparent from the manner in which the word or phrase is*
830 *used, the following words and phrases as used in this charter shall have the following meanings:*

831 (a) *“Charter” - this charter and any amendment to it hereafter adopted.*

832 (b) *“Emergency” - a sudden, unexpected, unforeseen happening, occurrence or*
833 *condition which necessitates immediate action or response.*

834 (c) *“Local Newspaper” - a newspaper of general circulation within Randolph, with*
835 *either a weekly or daily circulation.*

836 (d) *“Majority Vote” - a majority of those present and voting, unless another*
837 *provision is made by ordinance, bylaw, or by its own rules.*

838 (e) *“Measure” - any ordinance, order, resolution, or other vote or proceeding*
839 *adopted, or which might be adopted, by the town council or the school committee.*

840 (f) *“Multiple-member Body” - any board, commission, committee, sub committee, or*
841 *other body consisting of two (2) or more members whether elected, appointed or otherwise*
842 *constituted, but not including the town council, the school committee or the Trustees of the*
843 *Stetson Fund.*

844 (g) *“Town” - the Town of Randolph.*

845 (h) *“Town Agency” - any multiple-member body, any department, division or office*
846 *of the town of Randolph.*

847 (i) *“Town Bulletin Board” - the bulletin board in the administration building on*
848 *which the town clerk posts official notices of meetings and upon which other official town notices*
849 *are posted, and the bulletin boards at any other locations as may be designated town bulletin*
850 *boards by the town council.*

851 (j) *“Town Officer” - a person having charge of an office or department of the town*
852 *who in the exercise of his or her powers or duties exercises some portion of the sovereign power*
853 *of the town, unless the term “Town officer is used with qualification or description.*

854 (k) *“Voters” - registered voters of the town of Randolph.*

855 **ARTICLE 9**

856 **TRANSITIONAL PROVISIONS**

857 *Section 9-1 Continuation of Existing Laws*

858 *All bylaws, resolutions, rules, regulations, and votes of the town meeting which are in force at*
859 *the time this charter is adopted, not inconsistent with the provisions of this charter, shall*
860 *continue in full force until amended or repealed.*

861 *Where provisions of this charter conflict with provisions of town bylaws, rules, regulations,*
862 *orders or special acts or acceptances of laws the charter provisions shall govern. All provisions*
863 *of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall*
864 *remain in force.*

865 *Section 9-2 Existing Officials and Employees*

866 *Any person holding a town office or employment under the town shall retain such office or*
867 *employment and shall continue to perform the duties of the office until provisions shall have*
868 *been made in accordance with this charter for the performance of the said duties by another*
869 *person or agency.*

870 *Section 9-3 Continuation of Government*

871 *All town offices, boards, commissions or agencies shall continue to perform their duties until re-*
872 *appointed, or re-elected, or until successors to their respective positions are fully appointed or*
873 *elected or until their duties have been transferred and assumed by another town office, board,*
874 *commission or agency.*

875 *Section 9-4 Transfer of Records and Property*

876 *All records, property and equipment whatsoever of any office, board, commission, committee or*
877 *agency or part thereof the powers and duties of which are assigned in whole or in part to*
878 *another town office, board, commission or agency shall be transferred forthwith to such office,*
879 *board, commission or agency.*

880 *Section 9-5 Continuation of Personnel*

881 *Any person holding a town office, or a position in the administrative service of the town, or any*
882 *person holding full time employment under the town, shall retain such office or position or*
883 *employment, and shall continue to perform the duties of such office, position or employment until*
884 *provision shall have been made for the performance of those duties by another person or*
885 *agency; provided, however, that no person in the permanent full time service of the town shall*
886 *forfeit his or her pay grade, or time in service of the town.*

887 *Section 9-6 Incumbent officer holders*

888 *Upon the adoption of this charter the incumbents serving in the office of treasurer-collector,*
889 *town clerk and the incumbent assessor serving as a full-time assessor shall be subject to the*
890 *town's personnel bylaw and shall be granted all benefits and rights provided by said bylaw. The*
891 *incumbents shall be granted sick leave, vacation leave or other such leaves based upon the*
892 *number of years said incumbents have served in an elective office and as an employee of the*
893 *town of Randolph. Said incumbents shall be entitled to and credited with retroactive sick leave*
894 *at the rate of nine (9) days for each year of full-time service as an elected official and as an*
895 *employee of the town.*

896 *Section 9-7 Effect On Obligations, Taxes, Etc.*

897 *All official bonds, recognizances, obligations, contracts, and other instruments entered into or*
898 *executed by or to the town before the adoption of this charter, and all taxes, assessments, fines,*
899 *penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and*
900 *collected, and all writs, prosecutions, actions and cause of action, except as herein otherwise*
901 *provided, shall continue without abatement and remain unaffected by the charter; and no legal*
902 *act done by or in favor of the town shall be rendered invalid by reason of the adoption of this*
903 *charter.*

904 Section 9-8 Time of Taking Effect

905 *This Charter shall take effect such that elections for office shall be held on the first Tuesday in*
906 *November beginning in the first year when no regular state election in November is scheduled*
907 *following adoption of this Charter, and biannually thereafter, unless the date of such election*
908 *would be more than three (3) months after the adoption of the Charter, in which case the Board*
909 *of Selectmen then in office shall schedule a special transition election as promptly as possible*
910 *after adoption not later than one hundred eighty (180) days after the adoption of the Charter.*
911 *The officials so elected shall take office on the first day in January that does not fall on a*
912 *weekend or holiday, of the year after adoption by the voters of the town. The initial transitional*
913 *term expires when the successors to those officials initially elected by the charter take office*
914 *after the date of the next election to be scheduled for the first Tuesday in November beginning in*
915 *the first year when no regular state election in November is scheduled.*

916 Section 9-9 Town Manager Transition Selection Process

917 *Forthwith following the election at which this charter is adopted the Town Moderator, or if the*
918 *position of Town Moderator is not in effect, the person to last hold the position, shall initiate*
919 *proceedings whereby a screening committee shall be established to review applicants for the*
920 *position of town manager. The screening committee shall consist of nine (9) persons,*
921 *representing as nearly as possible the town demographic and occupational base.*

922 *Not more than thirty (30) days following the election at which this charter is adopted the nine (9)*
923 *persons appointed as aforesaid shall meet to organize and to plan a process for the selection of*
924 *the town manager.*

925 *The committee shall review and screen all applications, and provide for interviews with such*
926 *candidates for the position as it deems necessary.*

927 *Not more than one hundred and twenty (120) days following the date the committee meets to*
928 *organize, the committee shall submit to the Town Council the names of not less than three (3),*
929 *but not more than five (5) candidates for the position. Within sixty (60) days following the date*
930 *the list of nominees is submitted, the Town Council shall choose one (1) of the nominees to be*
931 *appointed to the office of town manager.*

932 *Upon the appointment of a town manager, the committee established hereunder shall be*
933 *considered discharged.*

934 (a) *Upon the appointment of the town manager the office of executive secretary shall*
935 *be abolished.*

936 (b) *Until such time as the town manager is appointed, the Town Council shall*
937 *exercise all the powers, duties and responsibilities necessary to insure orderly operation of town*
938 *government.*

939 Section 4, Charter for a TOWN MANAGER – SELECTMEN – REPRESENTATIVE TOWN
940 MEETING form of Government. In the event that the voters of the Town adopt the Charter for a
941 Town Manager – Selectmen – representative Town Meeting Form of Government pursuant to
942 sections 1 and 2 of this Act, the following Charter shall become effective in accordance with its
943 terms:

944 **ARTICLE 1**
945 **INCORPORATION AND AUTHORITY**

946 *Section 1-1 Incorporation*

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

950 *Section 1-2 Short Title*

951 *This instrument may be cited and shall be known as the Randolph Home Rule Charter.*

952 *Section 1-3 Division of Powers*

953 *All legislative powers of the town shall be exercised by a representative town meeting. The*
954 *administration of all town fiscal, prudential and municipal affairs shall be vested in the executive*
955 *branch headed by the Board of Selectmen and town manager.*

956 *Section 1-4 Powers of the Town*

957 *The intent and purpose of this charter is to secure for the voters of the Town of Randolph,*
958 *through the adoption of this charter, all the powers possible to secure for their government*
959 *under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of*
960 *the commonwealth, as fully and as though each such power were specifically and individually*
961 *enumerated herein.*

962 *Section 1-5 Interpretation of Powers*

963 *The powers of the town under the charter shall be construed and interpreted liberally in favor of*
964 *the town, and the specific mention of any particular power is not intended to limit in any way the*
965 *general powers of the town as provided in section 1-4.*

966 *Section 1-6 Intergovernmental Relations*

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

969 **ARTICLE 2**
970 **LEGISLATIVE BRANCH/REPRESENTATIVE TOWN MEETING**

971 *Section 2-1 Town Meeting Composition*

972 *The legislative body of the town shall be a representative town meeting consisting of one*
973 *hundred and twenty (120) members who shall be elected to meet, deliberate, act and vote in the*
974 *exercise of the corporate powers of the town. There shall be fifteen (15) members elected from*

975 *each of the eight (8) districts. Members shall be elected for terms of three (3) years each, so*
976 *arranged that the terms of one-third (1/3) of the members shall expire each year.*

977 *Section 2-2* *Establishment of Districts*

978 *The board of selectmen shall divide the town into eight (8) convenient voting districts so*
979 *established as to consist of as nearly equal number of inhabitants as possible, in compact and*
980 *contiguous territory, bounded insofar as possible by the center line of known streets and ways or*
981 *by other well-defined limits. The boundaries of the districts shall be reviewed and wholly or*
982 *partially revised by the board of selectmen (a) at least once in every ten (10) years, (b) whenever*
983 *it is directed to do so by vote of the town meeting, and (c) whenever it is apparent from the street*
984 *list, census data or other official information that the number of inhabitants in any one (1)*
985 *district varies by ten (10%) percent or more from the total number of inhabitants of the town*
986 *divided by the number of districts. The board of selectmen shall, within twenty (20) days after*
987 *any revision of districts, but not later than January twentieth of the succeeding year, file a report*
988 *of its doings with the town clerk and the assessors with a map or maps or description of the*
989 *districts and the names and addresses of the voters therein. The board shall cause to be posted*
990 *in at least one (1) public place in each district a map or description of that district with the*
991 *names and addresses of the voters therein. Whenever the districts are revised, the town clerk*
992 *shall forthwith give written notice thereof to the state secretary, stating the number and*
993 *designation of such districts.*

994 *Section 2-3* *Town Meeting Membership*

995 (a) *Eligibility. Any voter shall be eligible to be a candidate, to be elected, and to*
996 *serve as a town meeting member.*

997 (b) *Nomination Procedures. Nomination of candidates for town meeting member*
998 *shall be made by nomination papers signed by not less than ten (10) voters of the district in*
999 *which the candidate resides and from which the candidate seeks election. Nomination papers*
1000 *shall be filed with the Board of Registrars at least forty-nine (49) days preceding the date of the*
1001 *town election. Every nomination paper shall be submitted to the registrars of voters for*
1002 *certification of names thereon on or before five o'clock in the afternoon of the fourteenth day*
1003 *preceding the day on which it shall be filed with the town clerk. The written acceptance of the*
1004 *candidate shall be on or attached to the nomination papers when filed in order for it to be valid.*

1005 *Section 2-4* *Election*

1006 *The voters in every district shall, at the first annual town election held following any district*
1007 *revision that affects them, elect by ballot the number of voters of the district prescribed in this*
1008 *subsection to be town meeting members. The first third in order of votes received shall serve for*
1009 *three (3) years; the second third of such order shall serve for two (2) years and the remaining*
1010 *third in such order shall serve for one (1) year from the date of the annual town election. In case*
1011 *of a tie vote affecting the division into thirds, the members elected from the district shall*
1012 *determine the same by ballot. Thereafter, except as otherwise provided herein, at each annual*
1013 *election the voters of each district shall, in like manner, elect for three (3) year terms one-third*
1014 *(1/3) of the number of town meeting members to which each district is entitled and shall fill for*

1015 *the unexpired terms any such vacancies then existing. In the event of a tie vote for the office of*
1016 *town meeting member the town clerk shall, within seven (7) days following the election, call all*
1017 *of the town meeting members of that district together at a convenient place. Under the*
1018 *supervision of the town clerk, any such tie shall then and there be broken by ballots cast by the*
1019 *elected town meeting members present.*

1020 *Section 2-5 Vacancies*

1021 *(a) Resignation. A town meeting member may resign by filing a written resignation*
1022 *with the town clerk; such resignation shall take effect upon the date of such filing unless a date*
1023 *certain is specified therein when it shall take effect.*

1024 *(b) Removal from Town or District. A town meeting member who moves from the*
1025 *town shall forthwith cease to be a town meeting member. A town meeting member who moves*
1026 *from one district to another, or who is so removed by a revision of district lines, may continue to*
1027 *serve as a town meeting member from the district from which the member was elected until the*
1028 *next annual town election at which the remainder of the member's term, if any, shall be filled by*
1029 *ballot. Any person so removed from office may be elected at the same election as a town meeting*
1030 *member from the district to which the member has moved.*

1031 *(c) Forfeiture of Office. If any person elected as a town meeting member shall fail to*
1032 *take the oath of office within thirty (30) days following the election of such person, or shall fail*
1033 *to attend more than one-half (1/2) of the sessions of the town meeting held in a calendar year,*
1034 *the member shall, upon certification by the Town Clerk of such attendance, be deemed to have*
1035 *resigned and the member's place shall be declared vacant. Any such vacancy shall be filled as*
1036 *provided in section 2-5(e).*

1037
1038 *Any town meeting member who shall fail to attend more than one-half (1/2) of the sessions of the*
1039 *town meeting held in a calendar year, may appeal the declaration of vacancy by requesting a*
1040 *hearing on removal. The member who files such an appeal shall continue to serve until the*
1041 *outcome of the appeal has been determined. A request for hearing shall be in writing and shall*
1042 *be filed with the Town Clerk on or before January 15th of the following calendar year. A*
1043 *hearing shall be held before a committee consisting of the Town Clerk, Town Moderator and*
1044 *Town Counsel to be held no later than January 25th of said year. Upon the showing of good*
1045 *cause by the member, the committee may excuse one or more absences and may rescind the*
1046 *Declaration of Vacancy provided the Town meeting member has attended at least one-half (1/2)*
1047 *of the unexcused sessions of the Town Meeting during said calendar year.*

1048 *(d) Write-in candidates. A write-in candidate for the office of town meeting must*
1049 *receive 10 or more votes in the district in which they are eligible to vote in order to be elected to*
1050 *that district.*

1051 *(e) Filling vacancies. Any vacancy in the full number of town meeting members from*
1052 *any district, whether arising from a failure of the registered voters thereof to elect, or from any*
1053 *other cause, may be filled, until the next annual election, by the remaining members of the*
1054 *district from among the registered voters thereof. Upon petition therefor, signed by not less than*
1055 *ten (10) town meeting members from the district, notice of any vacancy shall promptly be given*
1056 *by the town clerk to the remaining members from the district in which the vacancy or vacancies*
1057 *exist, and he shall call a special meeting of such members for the purpose of filling such vacancy*

1058 *or vacancies. He shall cause to be mailed to every such member, not less than five (5) days*
1059 *before the time set for the meeting, a notice specifying the object, time and place of the meeting.*
1060 *At the said meeting, a majority of the members from such district shall constitute a quorum, and*
1061 *they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy*
1062 *shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman*
1063 *and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the*
1064 *same with the town clerk, together with a written acceptance by the member or members so*
1065 *chosen, who shall thereupon be deemed elected and qualified as a town meeting member or*
1066 *members.*

1067 *Section 2-6 Compensation*

1068 *Representative town meeting members shall serve without compensation.*

1069 *Section 2-7 Presiding Officer*

1070 *All sessions of the town meeting shall be presided over by a town moderator, elected as provided*
1071 *in Article III. The town moderator shall regulate the proceedings, decide questions of order, and*
1072 *make public declarations of all votes. The town moderator shall perform such other functions as*
1073 *may be authorized by the charter, bylaw or other town meeting vote.*

1074 *Section 2-8 Clerk to the Meeting*

1075 *At the Annual and Special Town Meetings a stenographer shall record the entire proceedings*
1076 *and furnish transcripts thereof to the Town Clerk and other town officials.*

1077 *The town clerk or his designee shall serve as the clerk of the town meeting. The clerk shall give*
1078 *notice of all town meetings to the members and to the public, keep the journal of such*
1079 *proceedings, cause the publication of town meeting attendance and perform such other functions*
1080 *as may be provided by charter, bylaw or other town meeting vote.*

1081 *Section 2-9 Participation by Non-Town Meeting Members*

1082 *(a) Residents. Any resident of the town who is not an elected town meeting member*
1083 *may attend sessions of the town meeting but may not vote. However, subject to such rules as*
1084 *may from time to time be adopted, any resident may participate in proceedings.*

1085 *(b) Representatives of Town Agencies. Each town agency may designate a*
1086 *representative to attend all sessions of the representative town meeting for the purpose of*
1087 *providing town meeting members with information pertinent to warrant articles concerning such*
1088 *agencies.*

1089 *Section 2-10 General Powers and Duties of the Town Meeting*

1090 *The representative town meeting shall be vested with all the powers of the town, except as*
1091 *otherwise provided by charter or general laws. The representative town meeting shall provide*
1092 *for the exercise of all powers of the town and for the performance of all duties and obligations*
1093 *imposed upon the town.*

1094 *Section 2-11 Warrant Articles*

1095 *(a) Initiation. Except procedural matters, all subjects to be acted upon by any town*
1096 *meeting shall be placed on warrants issued by the board of selectmen in accordance with*
1097 *Chapter 39, section 10 of the General Laws; provided, however, that the board of selectmen*
1098 *shall place on the warrant all petitions which are addressed to it and which request the*
1099 *submission of a particular subject matter to the representative town meeting and which are filed*
1100 *by: (i) any elected town officer including a member of a multiple member body; (ii) any*
1101 *appointed multiple member body acting by a majority of its members; (iii) any ten (10) voters;*
1102 *(iv) the office of Town Manager and (v) any other person, persons or town agency as may be*
1103 *authorized by bylaw. All such requests for the inclusion of subjects shall be in writing, but they*
1104 *shall not be required to conform to any particular style or form, except that each request for a*
1105 *particular subject shall be submitted as a separate petition.*

1106 *(b) Publication. Publication and distribution of the warrant shall be determined by*
1107 *bylaw.*

1108 *Section 2-12 Procedures*

1109 *(a) Time of Meeting. The representative town meeting shall meet at least twice each*
1110 *calendar year or as may be otherwise determined by the Board of Selectmen. These two (2)*
1111 *meetings shall be held in two (2) sessions to be known as the Spring Annual Town Meeting and*
1112 *the Fall Town Meeting. Each session of the Town Meeting shall be called by separate warrant.*
1113 *The Spring Annual Town Meeting shall be held as specified by bylaw and shall be primarily*

1114 concerned with the determination of matters involving the expenditure and commitment of town
1115 funds, including but not limited to the adoption of an annual operating budget for all town
1116 agencies.

1117
1118 *The Fall Town Meeting shall be held on such date and time as specified by bylaw and*
1119 *shall be deemed to have all the powers of an Annual Town Meeting.*

1120 (b) *Quorum. Sixty-one town meeting members shall constitute a quorum for the*
1121 *transaction of all business to come before the representative town meeting, but a smaller number*
1122 *may adjourn; provided, however, that if an insufficient number of town meeting members are*
1123 *present at the first session of a duly called town meeting, a majority of the members present may*
1124 *vote to recess and reconvene when a quorum is present.*

1125 (c) *Duty of Town Meeting Member. It shall be the duty of town meeting members to*
1126 *keep abreast of town business and review materials forwarded to members by the board of*
1127 *selectmen and the town manager. It is expected that town meeting members will attend selected*
1128 *meetings of multiple member bodies, attend hearings held by the finance committee and actively*
1129 *prepare for each session of the town meeting.*

1130 (d) *Establishment of Committees. The representative town meeting may by vote or*
1131 *bylaw establish committees for the review of warrant articles, consideration and study of any*
1132 *subjects of concern to the town meeting, and the discussion of town business. The representative*
1133 *town meeting members in any precinct may organize, meet, and confer on town business, subject*
1134 *to provisions of the open meeting law.*

1135 (e) *Meetings of Town Boards, Committees and Commissions. No multiple member*
1136 *body of the town shall schedule a meeting to be held during the time the town meeting is in*
1137 *session for the transaction of business except for meetings at town meeting itself.*

1138 *Section 2-13 Referendum Procedures*

1139 (a) *Effective Date of Final Votes. No final affirmative vote of a town meeting on any*
1140 *warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the*
1141 *payment of notes or bonds of the town and interest thereon becoming due within the then current*
1142 *fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote*
1143 *declared by preamble by a two-thirds (2/3) vote of the town meeting to be an emergency measure*
1144 *necessary for the immediate preservation of the peace, health, safety or convenience of the town,*
1145 *shall be operative until after the expiration of seven (7) days, exclusive of Sundays and holidays,*
1146 *from the dissolution of the town meeting. If a referendum petition is not filed within the said*
1147 *seven (7) days, the vote of the town meeting shall become operative.*

1148 (b) *Referendum Petition. If, within such seven (7) day period, a petition signed by*
1149 *not less than five (5%) percent of the registered voters of the town, containing the voters' names*
1150 *and addresses as they appear on the list of registered voters, is filed with the board of selectmen*
1151 *requesting that any question, not yet effective as defined in subsection (a) be submitted to the*
1152 *voters of the town at large, the operation of such vote shall be suspended pending its*
1153 *determination as provided herein. The board of selectmen shall, within five (5) days after the*
1154 *filing of such a petition, call a special election in accordance with the general laws relative to*
1155 *elections, for the purpose of presenting to the voters at large the question or questions which are*
1156 *the subject of a petition. If, however, a regular or special election is to be held not more than*

1157 *thirty (30) days following the date the petition is filed, the board of selectmen may provide that*
1158 *any such questions be presented to the voters at the same election.*

1159 (c) *Referendum Election. The polls shall be opened no later than two o'clock in the*
1160 *afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon the*
1161 *question or questions so submitted shall be taken by ballot, and the conduct of such election*
1162 *shall be in accordance with the general laws relative to elections. The questions so submitted*
1163 *shall be determined by a majority vote of the voters voting thereon, but no action of the*
1164 *representative town meeting shall be reversed unless at least fifteen (15%) percent of the*
1165 *registered voters vote on the question.*

1166 (d) *Format of Questions. Each question so submitted shall be in the form of the*
1167 *following question which shall be placed upon the official ballot: "Shall the town vote to*
1168 *approve the action of the representative town meeting whereby it was voted (brief description of*
1169 *the substance of the vote and by what vote thereon if such vote was tabulated)?"*

1170 **ARTICLE 3**

1171 **ELECTED TOWN OFFICERS**

1172 *Section 3-1 Elected Town Officers, In General*

1173 (a) *Elective Offices - The offices to be filled by the voters shall be a board of*
1174 *selectmen, a school committee, a town moderator, and trustees of the Stetson Fund. Such other*
1175 *regional authorities, districts, or committees as may be established by law or interlocal*
1176 *agreement may also be filled by the voters.*

1177 (b) *Eligibility - Any voter shall be eligible to hold any elective town office. No person*
1178 *shall simultaneously hold more than one (1) elective town office, provided however, any person*
1179 *elected to a town office as defined in this section may be a candidate and be elected to serve as a*
1180 *representative town meeting member.*

1181 (c) *Vacancies in Office - Any vacancy in any elective office shall be filled in the*
1182 *manner provided by chapter 41 of the General Laws.*

1183 *Section 3-2 Board of Selectmen*

1184 (a) *Composition, Term of Office - There shall be a board of selectmen composed of*
1185 *five members elected for terms of three (3) years each, so arranged that the terms of as nearly an*
1186 *equal number of members as is possible shall expire each year, with the terms of two (2) expiring*
1187 *in one year, two (2) in the next and one (1) in the third year. Selectmen shall not serve as the*
1188 *chairman of any appointed board, committee or commission.*

1189 (b) *Powers and Duties - The executive authority of the town shall be vested in the*
1190 *board of selectmen which shall be deemed to be the chief executive office in the town. The board*
1191 *of selectmen shall be the chief policy making agency of the town and shall have all the powers*
1192 *and duties given to boards of selectmen as may be authorized by charter, general or special law,*
1193 *bylaw or town meeting vote, except those powers granted to the town manager under this*
1194 *charter. The board of selectmen shall prepare reports of town business and distribute such*
1195 *reports to all town meeting members. The board of selectman shall act by the issuance of policy*
1196 *guidelines and directives. It is the intention of this provision that the board of selectmen shall*
1197 *act only through the adoption of policy directives and guidelines which are to be implemented by*
1198 *the officers and employees appointed by or under its authority. The town manager shall be the*

1199 *primary officer responsible for the implementation of policy directives and guidelines adopted by*
1200 *the board of selectmen. The daily administration of the affairs of the town shall be the exclusive*
1201 *responsibility of the town manager.*

1202 (c) *Appointment Powers - The board of selectmen shall appoint a town manager, a*
1203 *town counsel, a town accountant and a board of registrars of voters. The board of selectmen*
1204 *shall also appoint such other multiple member bodies as may be provided by general law or*
1205 *bylaw. No selectman shall hold any compensated town office or employment until one (1) year*
1206 *following the date of which his or her selectman service has been terminated. Unless such*
1207 *service is otherwise authorized by law, no member of the board of selectmen shall, while a*
1208 *member of the board hold any other town office or employment for which a salary or other*
1209 *emolument is payable from the town treasury.*

1210 (d) *Licensing Authority - The board of selectmen shall be the licensing authority of*
1211 *the town and shall have all the power to issue licenses as authorized by law, to make all*
1212 *necessary rules and regulations regarding the issuance of such licenses and to attach conditions*
1213 *and restrictions on any such license it may issue as it deems to be in the public interest, and to*
1214 *enforce all laws relating to all such businesses for which it issues any licenses.*

1215 (e) *Salary - The Board of Selectmen shall serve without compensation.*

1216 *Section 3-3 School Committee*

1217 (a) *Composition, Terms of Office - There shall be a school committee composed of*
1218 *seven (7) members, six (6) elected for terms of three (3) years each, and the Chairman of the*
1219 *Board of Selectmen or a member of the Board of Selectmen as designated by the Board of*
1220 *Selectmen, so arranged that the terms of as nearly an equal number of members as is possible*
1221 *shall expire each year.*

1222 (b) *Powers and Duties - No member of the School Committee shall hold any*
1223 *compensated town office or employment until one (1) year following the date of which his or her*
1224 *School Committee service has been terminated. The School Committee shall have general*
1225 *charge and superintendence of the public schools and for this purpose shall have all of the*
1226 *powers and duties which are given to school committees under the constitution and laws of the*
1227 *Commonwealth, and such additional powers and duties as are authorized by this charter by*
1228 *bylaw or by the vote of town meeting.*

1229 *Section 3-4 Town Moderator*

1230 (a) *Term of Office - A town moderator shall be elected by the voters for a term of*
1231 *three (3) years.*

1232 (b) *Powers and Duties - The town moderator shall preside and regulate the*
1233 *proceedings at all town meetings; decide all questions of order; and make public declaration of*
1234 *all votes. No person may address a town meeting without leave of the moderator. The*
1235 *moderator shall appoint a finance committee as provided by bylaw. The town moderator shall*
1236 *have all the powers and duties provided that office by the general laws, this charter, bylaw or*
1237 *other town meeting vote.*

1238 *Section 3-5 Trustees of the Stetson Fund*

1239 (a) *Term of Office - There shall be three (3) member board of trustees of the Stetson*
1240 *School Fund elected by the voters for a term of three (3) years, so arranged that the term of one*
1241 *(1) member shall expire each year.*

1242 (b) *Powers and Duties – Except as provided in section 3.5(a) above, the trustees shall*
1243 *be governed in accordance with the document titled, The Stetson Donation of a Town House and*
1244 *Fund for a high school to the Town of Randolph, voted on February 18, 1843 and Article 18 of*
1245 *the Special Town Meeting of November 13, 1996.*

1246 *Section 3-6 Recall of Elected Officers*

1247 (a) *Any holder of elective office, except a representative town meeting member, may*
1248 *be recalled therefrom by the registered voters of the Town of Randolph as provided in this*
1249 *section.*

1250 (b) *Any five hundred (500) registered voters of the Town of Randolph may file with the*
1251 *town clerk of said town an affidavit containing the name of the officer sought to be recalled and a*
1252 *statement of the grounds for recall. Said town clerk shall, within five (5) days, certify thereon the*
1253 *number of signatures which are names of registered voters of the town. The town clerk shall, upon*
1254 *certification, deliver to said voters making the affidavit copies of petition blanks demanding such*
1255 *recall, copies of which shall be kept available. The blanks shall be issued by the town clerk with*
1256 *the clerk's signature and official seal attached thereto. The blanks shall be dated, addressed to the*
1257 *Board of Selectmen and contain the names of all person to whom they are issued, the name of the*
1258 *person whose recall is sought, the grounds of recall as stated in the affidavit, and the demand the*
1259 *election of a successor to said office. A copy of the petition shall be entered in a record book to be*
1260 *kept in the office of the town clerk. The recall petition shall be returned and filed with the town*
1261 *clerk within twenty-one (21) days after the certification of the affidavit and shall have been signed*
1262 *by at least twenty (20%) percent of the registered voters of the town who shall add to their*
1263 *signatures the street and number, if any, of their residences.*

1264 *The town clerk shall, within twenty-four (24) hours of receipt, submit the petition to the*
1265 *registrars of voters in the town and the registrars shall, within fourteen (14) days, certify thereon*
1266 *the number of signatures which are names of registered voters of the town.*

1267 (c) *If the petition shall be found and certified by the town clerk to be sufficient, he/she*
1268 *shall submit the same with his/her certificate to the Board of Selectmen without delay, and said*
1269 *board shall, within seven (7) days, give written notice of the receipt of the certificate to the*
1270 *officer sought to be recalled and shall, if the officer does not resign within five (5) days*
1271 *thereafter, order an election to be held on a date fixed by them not less than sixty (60) nor more*
1272 *than ninety (90) days after the date of the town clerk's certificate that a sufficient petition has*
1273 *been filed; provided, however, that if any other town election is to occur within one hundred*
1274 *(100) days after date of certification, the board of selectmen shall postpone the holding of the*
1275 *recall election to the date of such other election.*

1276 *If a vacancy occurs in said office after a recall election has been ordered, the election*
1277 *shall nevertheless proceed as provided in this section.*

1278 (d) *An officer sought to be removed may be a candidate to succeed himself/herself*
1279 *and, unless the officer requests otherwise in writing, the town clerk shall place his/her name on*
1280 *the ballot without nomination. The nomination of other candidates, the publication of the*
1281 *warrant for the removal election and the conduct of the same, shall all be in accordance with the*
1282 *general laws relating to elections, unless otherwise provided in this charter.*

1283 (e) *The incumbent shall continue to perform the duties of office until the recall*
1284 *election. If then re-elected, he/she shall continue in office for the remainder of the unexpired*
1285 *term, subject to recall as before, except as provided in subsection (g). If not re-elected in the*
1286 *recall election, the officer shall be deemed removed upon the qualification of his/her successor*
1287 *who shall hold office during the unexpired term. If the successor fails to qualify within five (5)*
1288 *days after receiving notification of his/her election, the incumbent shall thereupon be deemed*
1289 *removed and the office vacant.*

1290 (f) *Ballots used in a recall election shall submit the following proposition in the*
1291 *order indicated:*

1292 *For the recall of (name of officer)*

1293 *Against the recall of (name of officer)*

1294 *Immediately at the right of each proposition, there shall be a square in which the voter, by*
1295 *making a cross mark (X), may vote for either of the said proposition. Under the*
1296 *proposition there shall appear the word "Candidates," the direction to voters required by*
1297 *section forty-two of chapter fifty-four of the General Laws, and beneath this the names of*
1298 *candidates nominated as hereinbefore provided. If a majority of the votes cast upon the*
1299 *question of recall is in the affirmative, the candidate receiving the highest number of votes*
1300 *shall be declared elected. If a majority of votes on the question is in the negative, the*
1301 *ballots for candidates need not be counted.*

1302 (g) *No recall affidavit shall be filed against an officer within six months after he/she*
1303 *takes office, nor in the case of an officer subject to a recall election and recalled thereby, until at*
1304 *least six months after the election at which his/her recall was submitted to the voters.*

1305 **ARTICLE 4**
1306 **TOWN MANAGER**

1307 *Section 4-1 Appointment, Qualifications, Term of Office*

1308 *The board of selectmen shall appoint by a four-fifths (4/5) vote a town manager for a period no*
1309 *longer than a five (5) year term. The town manager shall be a person of proven administrative*
1310 *ability, especially qualified by education and training with at least five (5) years full time paid*
1311 *experience as a city or town manager, or an assistant city or town manager or the equivalent*
1312 *public or private sector level experience. The board of selectmen may from time to time*

1313 *establish such additional qualifications as seems necessary and appropriate. The Town*
1314 *Moderator shall appoint a screening committee to assist in the recruitment and selection of the*
1315 *town manager. The screening committee shall present at least three (3) candidates to the board*
1316 *of selectmen for consideration.*

1317 *The town manager shall devote full time to the duties of the office and shall not hold any other*
1318 *elective or appointive office, nor shall the town manager engage in any other business unless*
1319 *such action is approved in advance in writing by the board of selectmen.*

1320 *Section 4-2 Powers of Appointment.*

1321 *Except as otherwise provided by this charter, and subject to the civil service law and any*
1322 *collective bargaining agreements as may be applicable, the town manager shall appoint, based*
1323 *upon merit and fitness alone, all department heads, officers, subordinates, employees and all*
1324 *appointed multiple member bodies for whom no other method of selection is provided in this*
1325 *charter except employees of the school department.*

1326 *Appointments made by the town manager shall become effective upon the approval of the board*
1327 *of selectmen, provided, however, that such approval is received within fifteen (15) days of filing*
1328 *such notice of appointment. If the board of selectmen shall fail to act, appointments made by the*
1329 *town manager shall become effective on the fifteenth day following the day on which notice of*
1330 *the proposed appointment is filed with the board of selectmen. For the purpose of this section,*
1331 *notice of appointment shall be considered filed with the board of selectmen when such notice is*
1332 *filed at an open meeting of the board of selectmen.*

1333 *Department heads shall appoint all officers, subordinates and employees within their department*
1334 *subject to the approval of the town manager.*

1335 *Section 4-3 Administrative Powers and Duties*

1336 *The town manager shall be the chief administrative officer of the town and shall be responsible*
1337 *to the board of selectmen for the proper operation of town affairs for which the town manager is*
1338 *given responsibility under this charter. The powers, duties and responsibilities of the town*
1339 *manager shall include, but are not intended to be limited to, the following:*

1340 *(a) To supervise, direct and be responsible for the efficient administration of all*
1341 *officers appointed by the town manager and their respective departments and of all functions for*
1342 *which the town manager is given responsibility, authority or control by this charter, by bylaw, by*
1343 *town meeting vote, or by vote of the board of selectmen.*

1344 *(b) To administer either directly or through a person or persons supervised by the*
1345 *town manager, in accordance with this charter, all provisions of general or special laws*
1346 *applicable to the town, all bylaws, and all regulations established by the board of selectmen.*

1347 *(c) To coordinate all activities of town departments under the direction of the town*
1348 *manager and the board of selectmen with the activities of departments under the control of*
1349 *officers, boards or commissions elected directly by the voters of the town.*

- 1350 (d) *To attend all regular and special meetings of the board of selectmen, unless*
1351 *excused.*
- 1352 (e) *To attend all sessions of the town meeting and answer all questions addressed to*
1353 *the town manager which are related to the warrant articles and matters under the general*
1354 *supervision of the town manager.*
- 1355 (f) *To keep the board of selectmen fully informed as to the needs of the town, and*
1356 *recommend to the selectmen for adoption such measures requiring action by them or by the town*
1357 *as the town manager deems necessary or expedient.*
- 1358 (g) *To insure that complete and full records of the financial and administrative*
1359 *activity of the town are maintained and render reports to the board of selectmen as may be*
1360 *required.*
- 1361 (h) *To be responsible for the management, rental, use, maintenance and repair of all*
1362 *town facilities and land, except those under the jurisdiction of the school committee, the board of*
1363 *Library Trustees and the Conservation Commission.*
- 1364 (i) *To be responsible for the purchase of all supplies, materials and equipment,*
1365 *except books and other educational materials for schools and books and other media materials*
1366 *for libraries, and approve the award of all contracts for all town departments with the exception*
1367 *of the school department, subject to the approval of the board of selectmen.*
- 1368 (j) *To develop and maintain a full and complete inventory of all town owned real and*
1369 *personal property.*
- 1370 (k) *To administer, in cooperation with the personnel board, if any, personnel*
1371 *policies, practices, or rules and regulations, any compensation plan and any related matters for*
1372 *all municipal employees and administer all collective bargaining agreements, except for school*
1373 *department agreements, entered into by the town.*
- 1374 (l) *To fix the compensation of all town employees and officers appointed by the town*
1375 *manager within the limits established by appropriation and any applicable compensation plan.*
- 1376 (m) *To be responsible for the negotiation of all union and non-union contracts with*
1377 *town employees over wages, and other terms and conditions of employment, except employees of*
1378 *the school department. The town manager may, subject to the approval of the board of*
1379 *selectmen, employ special counsel to assist in the performance of these duties. Contracts shall*
1380 *be subject to the approval of the board of selectmen and such other approvals as required by*
1381 *Chapter 150E of the General Laws.*
- 1382 (n) *To prepare and submit an annual operating budget and capital improvement*
1383 *program as provided in Article VI.*
- 1384 (o) *To keep the board of selectmen and the finance committee fully informed as to the*
1385 *financial condition of the town and make recommendations to the board of selectmen and other*
1386 *elected and appointed officials as the town manager deems necessary or expedient.*
- 1387 (p) *To investigate or inquire into the affairs of any town department or office under*
1388 *the supervision of the town manager or the job-related conduct of any officer or employee*
1389 *thereof.*

1390 (q) To delegate, authorize or direct any subordinate or employee of the town to
1391 exercise any power, duty or responsibility which the office of town manager is authorized to
1392 exercise, provided, that all acts that are performed under such delegation shall be deemed to be
1393 the acts of the town manager.

1394 (r) To perform such other duties as necessary or as may be assigned by this charter,
1395 by bylaw, by town meeting vote, or by vote of the board of selectmen.

1396 (s) He or she shall determine the existence of a public emergency or danger and shall
1397 assume responsibility for the maintenance of public safety, public order and enforcement of
1398 laws. The manager shall notify the Chairman of the Board of Selectmen as soon as practical,
1399 but within twenty-four (24) hours, of such a public emergency or danger and of the actions
1400 taken. Should the public emergency continue more than twenty-four (24) hours, the Board of
1401 Selectmen may meet to review, ratify, or terminate said public emergency.

1402 Section 4-4 Compensation

1403 The town manager shall receive such compensation for services as the board of selectmen shall
1404 determine, but such compensation shall be within the limits of available appropriations as
1405 approved by Town Meeting.

1406 Section 4-5 Vacancy in Office

1407 Any vacancy in the office of town manager shall be filled as soon as possible by the board of
1408 selectmen. Pending appointment of the town manager or the filling of any vacancy, the board of
1409 selectmen shall forthwith appoint some other qualified person to perform the duties of the town
1410 manager. The appointment of the acting town manager shall be for a term not to exceed four (4)
1411 months, provided however, that a renewal, not to exceed an additional four (4) months may be
1412 provided.

1413 Section 4-6 Temporary Absence

1414 The town manager may designate by letter filed with the board of selectmen and town clerk a
1415 qualified officer of the town to perform the duties of the town manager during a temporary
1416 absence or disability. If such temporary absence or disability shall exceed fourteen (14) days,
1417 any designation made by the town manager shall be subject to the approval of the board of
1418 selectmen. In the event of failure of the town manager to make such designation or if the person
1419 so designated is for any reason unable to serve, or is deemed not qualified by the board of
1420 selectmen, the board of selectmen may designate some other qualified person to perform the
1421 duties of the town manager until the town manager shall return.

1422 Section 4-7 Removal of Town Manager

1423 The person serving as Town Manager shall cease to be Town Manager upon expiration of
1424 contract or term of office, which ever occurs earlier.

1425 Earlier in time than the expiration described in the preceding sentence, the board of selectmen
1426 by affirmative vote of a four-fifths (4/5) majority of the full board may vote to terminate, remove
1427 or suspend the town manager from office, in accordance with the following procedure:

1428 *Prior to removal or termination, the board of selectmen shall adopt a preliminary resolution of*
1429 *removal by the affirmative vote of a majority of the full board. The preliminary resolution may*
1430 *suspend the town manager for a period not to exceed thirty (30) days. A copy of the resolution*
1431 *shall be delivered to the town manager forthwith.*

1432 *If so requested by the town manager, the board of selectmen shall provide a written statement*
1433 *setting forth the reasons for the removal or termination.*

1434 *Within five (5) days after the receipt of the preliminary resolution, the town manager may*
1435 *request a public hearing by filing a written request for such hearing with the board of selectmen.*
1436 *If such a hearing is requested, the hearing shall be held at a meeting of the board of selectmen*
1437 *not later than twenty (20) days from the date of request.*

1438 *If a public hearing has not been requested by the town manager, the board of selectmen may*
1439 *adopt a final resolution of removal, which may be effective immediately, by affirmative vote of*
1440 *four-fifths (4/5) of its members at any time after ten (10) days following the date of delivery of a*
1441 *copy of the preliminary resolution to the town manager. If the town manager requests a public*
1442 *hearing, the selectmen may, at the conclusion of the hearing or within five (5) days of the*
1443 *conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of four-fifths*
1444 *(4/5) of its members.*

1445 *The board of selectmen may suspend by an affirmative vote of a majority of the full board, the*
1446 *town manager pending and during any public hearing as requested by the town manager. The*
1447 *town manager shall continue to receive a salary until the final date of removal shall become*
1448 *effective unless the board of selectmen otherwise provides. The action of the board of selectmen*
1449 *in terminating, removing or suspending the town manager shall be final.*

1450 *No contract of employment for a town manager shall be inconsistent with this section.*

1451 *Section 4-8* *Evaluation of Town Manager*

1452 *There shall be an annual review of the town manager's job performance conducted by the Board*
1453 *of Selectmen.*

1454 **ARTICLE 5**

1455 **ADMINISTRATIVE ORGANIZATION**

1456 *Section 5-1* *Powers of Organization*

1457 *The town manager, subject to the approval of the board of selectmen, may reorganize, create,*
1458 *consolidate or abolish committees, commissions, offices, departments, and agencies under the*
1459 *supervision of the town manager, in whole or in part, may establish new committees,*
1460 *commissions, offices, departments, and agencies as deemed necessary, and may for such*
1461 *purposes transfer the duties and powers, and so far as is consistent with the use for which the*
1462 *funds were voted by the town, transfer the appropriation of one committee, commission, office,*
1463 *department or agency to another.*

1464 **ARTICLE 6**

1465 **FINANCIAL PROVISIONS**

1466 *Section 6-1 Annual Budget Policy*

1467 *The board of selectmen and school committee shall meet and confer prior to and during the*
1468 *budget process to review the financial condition of the town, revenue and expenditure forecasts*
1469 *and other relevant information in order to develop a coordinated and balanced budget. The*
1470 *finance committee shall participate in the discussions with the board of selectmen and the school*
1471 *committee in an advisory capacity. The school superintendent and the town manager shall*
1472 *jointly develop guidelines consistent with policies developed by the board of selectmen and*
1473 *school committee.*

1474 *Section 6-2 Budget Process*

1475 *The town manager shall annually submit to the finance committee a proposed budget and capital*
1476 *improvement program for the ensuing fiscal year with an accompanying budget message and*
1477 *supporting documents before February 1st. The budget message submitted by the town manager*
1478 *shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It*
1479 *shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe*
1480 *important features of the proposed budget and indicate any major variations from the current*
1481 *budget, fiscal policies, expenditures and revenues together with the reasons for such change.*
1482 *The proposed budget shall provide a complete fiscal plan of all town funds and activities and*
1483 *shall be in the form the town manager deems desirable.*

1484 *The preliminary budget as adopted by the school committee shall be submitted to the town*
1485 *manager at least fourteen (14) days prior to the Town Manager submitting the proposed budget*
1486 *to the finance committee to enable the town manager to consider the effect of the school*
1487 *department's requested appropriation upon the total town budget which is required to be*
1488 *submitted under this section.*

1489 *Section 6-3 Finance Committee Action*

1490 *The finance committee shall, upon receipt of the budget and capital improvement program,*
1491 *consider in public meetings the detailed expenditures for each town agency proposed by the town*
1492 *manager. The finance committee may confer with representatives from any town agency in*
1493 *connection with its deliberations. The finance committee may request the town manager or any*
1494 *town agency to provide additional information. The finance committee shall file a proposed*
1495 *budget and report its recommendations for action seven (7) days prior to the date on which the*
1496 *town meeting is to act on the proposed budget. The budget to be acted upon by the town meeting*
1497 *shall be the budget proposed by the town manager with the accompanying recommendations of*
1498 *the finance committee.*

1499 *Section 6-4 Capital Improvement Program and Long Term Financial Plan*

1500 *The town manager shall, in conjunction with the capital planning committee, submit a capital*
1501 *improvement program to the board of selectmen and finance committee at the date fixed by*
1502 *bylaw for the submission of the proposed operating budget unless some other time is provided by*
1503 *general or special law. Annually the board of selectmen, in conjunction with the town manager,*
1504 *shall prepare a five (5) year financial forecast of town revenue, expenditures and the general*
1505 *financial condition of the town. The plan shall be submitted to the finance committee and shall*
1506 *be available to the public.*

1507 *Section 6-5 Approval of Warrants*

1508 *Warrants for payments of town funds prepared by the Town Accountant shall be submitted to the*
1509 *Town Manager for approval.*

1510 *Section 6-6 Management of Town Funds*

1511 *The treasurer shall be responsible for the management of all town funds.*

1512 *Section 6-7 Annual Audit*

1513 *The board of selectmen shall provide for an annual audit of the books and accounts of the town*

1514 *to be made by a certified public accountant, or firm of accountants, who have no personal*

1515 *interest, direct or indirect, in fiscal affairs of the town government or any of its offices.*

1516 **ARTICLE 7**

1517 **GENERAL PROVISIONS**

1518 *Section 7-1 Charter Revision or Amendment*

1519 *(a) In General - This charter may be replaced, revised or amended in accordance with*
1520 *any procedure made available under the Constitution of the Commonwealth, or by general law.*

1521 *(b) Periodic Review - The Board of Selectmen shall provide, in every year ending in a*
1522 *zero, for a review of the charter by the entire board and six (6) additional persons to be*
1523 *appointed by the Board. The said committee shall file a report within the said year*
1524 *recommending any changes in the charter which it may deem to be necessary or desirable,*
1525 *unless an extension is authorized by vote of the Board of Selectmen.*

1526 *Section 7-2 Severability*

1527 *The provisions of this charter are severable. If any of the provisions of this charter are held to*
1528 *be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected*
1529 *thereby. If the application of this charter, or any of its provisions, to any person or*
1530 *circumstances is held to be invalid, the application of said charter and its provisions to other*
1531 *persons or circumstances shall not be affected thereby.*

1532 *Section 7-3 Rules of Interpretation*

1533 *The following rules shall apply when interpreting the charter:*

1534 *(a) Specific provisions to prevail. To the extent that any specific provision of the*
1535 *charter shall conflict with any provision expressed in general terms, the specific provision shall*
1536 *prevail.*

1537 *(b) Number and Gender. Words imparting the singular number may extend and be*
1538 *applied to several persons or things; words imparting the plural number may include the*
1539 *singular; words imparting the masculine gender shall include the feminine gender.*

1540 *(c) References to General Laws. All references to the general laws or the laws of the*
1541 *commonwealth contained in the charter refer to the general laws of the Commonwealth of*
1542 *Massachusetts and are intended to include any amendments or revisions to such chapters and*
1543 *sections or to the corresponding chapters and sections of any rearrangement of the general laws*
1544 *enacted subsequent to the adoption of the charter.*

1545 *(d) Computation of time. In computing time under the charter, if seven (7) days or*
1546 *less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted; if*
1547 *more than seven (7) days, every day shall be counted.*

1548 *Section 7-4 Definitions*

1549 *Unless another meaning is clearly apparent from the manner in which the word is used, the*
1550 *following words as used in the charter shall have the following meanings:*

1551 *(a) "Charter" –this charter and any amendments to it made through any methods*
1552 *provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.*

1553 (b) “Majority Vote” –a majority of those present and voting, provided a quorum is
1554 present when a vote is taken, unless a higher number is required by general or special law, this
1555 charter, or by the town meeting’s own rules.

1556 (c) “Multiple member body” – any board, commission or committee but not
1557 including the Board of Selectmen, the School Committee or the Trustees of the Stetson Fund.

1558 (d) “Town” –the Town of Randolph.

1559 (e) “Town agency” or “agency” – any board, commission, committee, department or
1560 office of town government, whether elected, appointed or otherwise constituted.

1561 (f) “Voters” –registered voters of the town.

1562 **ARTICLE 8**

1563 **TRANSITIONAL PROVISIONS**

1564 *Section 8-1 Continuation of Existing Laws*

1565 *All bylaws, resolutions, rules, regulations, and votes of the town meeting which are in force at*
1566 *the time this charter is adopted, not inconsistent with this charter, shall continue in full force*
1567 *until amended or repealed.*

1568 *If provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders,*
1569 *and special acts and acceptances of general or special laws, the charter provisions shall govern.*
1570 *All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this*
1571 *charter shall remain in force.*

1572 *Section 8-2 Existing Officials and Employees*

1573 *Any person holding a town office or employment under the town shall retain such office or*
1574 *employment and shall continue to perform the duties of the office until provisions shall have*
1575 *been made in accordance with this charter for the performance of the said duties by another*
1576 *person or agency.*

1577 *Section 8-3 Continuation of Government*

1578 *All town offices, boards, commissions or agencies shall continue to perform their duties until re-*
1579 *appointed, or re-elected, or until successors to their respective positions are fully appointed or*
1580 *elected or until their duties have been transferred and assumed by another town office, board,*
1581 *commission or agency.*

1582 *Section 8-4 Transfer of Records and Property*

1583 *All records, property and equipment whatsoever of any office, board, commission, committee or*
1584 *agency or part thereof the powers and duties of which are assigned in whole or in part to*
1585 *another town office, board, commission or agency shall be transferred forthwith to such office,*
1586 *board, commission or agency.*

1587 *Section 8-5 Continuation of Personnel*

1588 *Any person holding a town office, or a position in the administrative service of the town, or any*
1589 *person holding full time employment under the town, shall retain such office or position or*

1590 *employment, and shall continue to perform the duties of such office, position or employment until*
1591 *provision shall have been made for the performance of those duties by another person or*
1592 *agency; provided, however, no person in the permanent full time service of the town shall forfeit*
1593 *his or her pay grade, or time in service of the town.*

1594 *Section 8-6 Time of Taking Effect*

1595 *This charter shall become fully effective upon ratification by the voters, except as otherwise*
1596 *provided in this section:*

1597 *(a) A special election for the purpose of electing one hundred twenty (120) persons to*
1598 *serve as representative town meeting members, in the manner provided in Article II of this*
1599 *charter, shall be held within one hundred eighty (180) days of the adoption of this charter. The*
1600 *term of office of persons so elected shall be extended so that the terms of office of the first third*
1601 *in order of votes received shall expire at the town election held in the fourth (4th) year following*
1602 *the year in which the charter is adopted; the terms of office of the second third in such order of*
1603 *votes received shall expire at the town election held in the third year following the year in which*
1604 *the charter is adopted; and the terms of office of the remaining third in such order shall expire at*
1605 *the town election held in the second year following the year in which the charter is adopted. At*
1606 *the expiration of terms of office town meeting members shall be elected for terms of three (3)*
1607 *years as provided in Article II of the charter.*

1608 *At the same election, one (1) additional member of the school committee shall be elected.*
1609 *The additional school committee member shall serve a term that will result in two (2) members*
1610 *of the school committee being elected each year.*

1611 *(b) Forthwith following the election at which the charter is adopted the Town*
1612 *Moderator shall initiate proceedings whereby a screening committee shall be established to*
1613 *review applicants for the position of town manager. The screening committee is to consist of*
1614 *nine (9) persons, representing as nearly as possible the town demographic and occupational*
1615 *base.*

1616 *Not more than thirty (30) days following the election at which this charter is adopted the*
1617 *nine (9) persons appointed as aforesaid shall meet to organize and to plan a process for the*
1618 *selection of the town manager.*

1619 *The committee shall review and screen all applications, and provide for interviews with*
1620 *such candidates for the position as it deems to be necessary.*

1621 *Not more than one hundred and twenty (120) days following the date the committee meets*
1622 *to organize, the committee shall submit to the board of selectmen the names of not less than three*
1623 *(3) nor more than five candidates for the position. Within sixty (60) days following the date the*
1624 *list of nominees is submitted to it, the board of selectmen shall choose one of the nominees to be*
1625 *appointed to the office of town manager.*

1626 *Upon the appointment of a town manager, the committee established hereunder shall be*
1627 *considered discharged. Until such time as another screening committee is established by bylaw,*
1628 *a screening committee as called for by the Town Moderator and members selected as herein*
1629 *provided shall serve whenever the office of town manager shall become vacant.*

1630 (c) Upon the appointment of the town manager the office of executive secretary is
1631 abolished.

1632 (d) Until such time as the town manager is appointed, the board of selectmen shall
1633 exercise all the powers, duties and responsibilities necessary to insure orderly operation of town
1634 government.

1635 (e) Upon the adoption of this charter the incumbents serving in the office of
1636 treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall
1637 be subject to the town's personnel bylaw and shall be granted all benefits and rights provided by
1638 such bylaw. The incumbents shall be granted sick leave, vacation leave or other such leaves
1639 based upon the number of years the incumbents have served in an elective office and as an
1640 employee of the town of Randolph. Such incumbents shall be entitled to and be credited with
1641 retroactive sick leave at the rate of nine (9) days for each year of full-time service as an elected
1642 official and as an employee of the town.

1643 (f) At the next annual town meeting following the adoption of this charter, the town
1644 moderator shall appoint a committee of five (5) members to review town bylaws and report back
1645 to the town meeting with recommendations to bring bylaws in conformity with this charter.

1646 (g) Unless otherwise provided by this charter, the composition and term of office of
1647 any town agency, board, commission, committee or department shall continue as it has been
1648 until such time as a different form of organization is provided in accordance with the procedures
1649 made available in Section 5-1 of this charter.

1650 (h) Unless otherwise provided by bylaw, the personnel board shall continue to be
1651 composed of the same number of members as currently constituted provided, however, that the
1652 appointments made by the selectmen shall, upon the expiration of the term of office of such
1653 members, or if a vacancy shall sooner occur, be made by the town manager.

1654 (i) The moderator shall, as soon as practical, after the election of the representative
1655 town meeting appoint a seven (7) member committee to prepare a code of ethics for the town of
1656 Randolph. Said committee shall be composed of one (1) elected town official, one (1) appointed
1657 town official, one (1) town employee and four (4) voters at large from the town. The code of
1658 ethics shall be applicable to all elected and appointed officials and town employees. The
1659 committee shall report back to the town meeting within twelve (12) months after the committee
1660 has been appointed with a recommended code of ethics for consideration by the representative
1661 town meeting.

1662 Section 5. This Act shall take effect upon passage, provided however, the various Charter form
1663 of government that is offered to the town of Randolph by this Act shall only take effect in
1664 accordance with the time of taking effect provisions of the specific Charter form of government
1665 adopted by the voters in accordance with section 2 of this Act.