

ARTICLE 3: EXECUTIVE BRANCH

Comment [H1]: Only those sections with proposed modifications are included

SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS

(a) Mayor Qualifications – The chief executive officer of the town shall be a mayor, elected by the voters of the town at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full-time to the office and shall not hold any other elective public office.

SECTION 3-2: THE MAYOR; EXECUTIVE POWERS; ENFORCEMENT OF BYLAWS

(a) The executive powers of the town shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several town agencies under the general supervision and control of the office of the mayor. The Mayor shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law as stipulated in _____.

(b) Powers and Duties: In addition to any powers and duties granted in any other section of this Charter,
the mayor shall:

- (1) cause the charter, laws, bylaws and other orders of the town government to be enforced and shall cause a record of all official acts of the executive branch of the town government to be kept.
- (2) The mayor shall exercise general supervision and direction over all town agencies, unless otherwise provided by law or by this charter. Each town agency shall furnish to the mayor, upon request, any information or materials the mayor may request and as the needs of the office of mayor and the interest of the town may require.
- (3) The mayor shall supervise, direct and be responsible for the efficient administration of all town activities and functions placed under the control of the mayor by law or by this charter, unless otherwise provided by law or by this charter.
- (4) The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the town and may call together for consultation, conference and discussion, at reasonable times, all persons serving the town, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise.
- (5) The mayor shall be, by virtue of the office, a member of every appointed multiple-member body of the town. The mayor may, as such ex officio member, attend a meeting of an appointed multiple-member body of the town, at any time, including, so called executive sessions, to participate in the discussions of that body, but shall not have the right to vote.
- (6) Represent the Town in intergovernmental relationships and encourage and support regional and intergovernmental cooperation.
- (7) Submit the Annual Budget and Capital Program to the Town Council, as outlined in Article _____;
- (8) Lead the Town in the development of long-term goals for the Town and strategies to implement those goals.
- (9) Promote partnerships among Council, staff and citizens in developing public policy in building a sense of community.

- (10) Consult with the Manager/Town Administrator on appointments to multi-member bodies dealing with fiscal matters.
- (11) Annually review the performance of the Manager/Town Administrator and report to the town council concerning the same

All contracts entered into by, for, or on behalf of, the town by any officer or town agency shall be subject to the approval of the mayor, unless otherwise required by law.

SECTION 3-3: APPOINTMENTS BY THE MAYOR

(a) Appointments In General: The mayor shall appoint, subject to review by the town council under section 2-1011, all town officers ~~and department heads~~ and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; this shall not include persons serving under the school committee and persons serving under the town council. All appointments to multiple-member bodies shall be for terms established under article 6. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under article 6. The mayor shall fill a vacancy for the remainder of the unexpired term of any member of a multiple-member body.

- Comment [H2]:** Diana asked whether the charter should require the Manager/Town Administrator to also approve appointments to multiple-member bodies related to fiscal matters.
- Comment [T3]:** Cross-check
- Comment [T4]:** Cross-check
- Comment [T5]:** Currently not included this in the Admin Org article.

The mayor shall seek expertise in all appointments in accordance with Section 6-2 as well as diversity in neighborhood residence, age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, sex and sexual orientation (ANY OTHERS?).

- Comment [T6]:** New section. Should anything else be included?
- Comment [H7]:** Diana would like to discuss board/committee term limits.
- Comment [H8]:** Moved Community Participation Officer to Manager/Town Administrator appointments

SECTION 3-4: TEMPORARY APPOINTMENTS TO TOWN OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a town office other than the Manager/Town Administrator and the needs of the town require that such office be filled, the ~~mayor~~ Manager/Town Administrator, with approval of the mayor may designate a person to perform the duties of the office on a temporary basis until the position can be filled as provided by law or by this charter. When the ~~mayor~~ Manager/Town Administrator designates a person under this section, the ~~mayor~~ Manager/Town Administrator shall file a certificate with the town clerk.

Whenever a vacancy, either temporary or permanent, occurs in the office of the Manager/Town Administrator and the needs of the town require that such office be filled, the mayor may designate a person to perform the duties of the office on a temporary basis until the position can be filled as provided by law or by this charter. When the mayor designates a person under this section, the mayor shall file a certificate with the town clerk.

Persons serving as temporary officers under this section shall have only those powers of the office indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 150 days, unless approved by the council.:

SECTION 3-7: TEMPORARY ABSENCE OF THE MAYOR

(a) Acting Mayor – Whenever, by reason of sickness or other cause, the mayor is unable to perform the duties of the office, the chair of the town council shall be the acting mayor. The town council, by the affirmative vote of two thirds of the members, shall determine whether the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.

Comment [H9]: Could also add “the Manager/Town Administrator shall be the acting mayor, unless the Manager/Town Administrator is not a resident of the Town, in which case”

(b) Powers of Acting Mayor – The acting mayor shall have only those powers of the mayor as are indispensable and essential to conduct the business of the town in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make a permanent appointment or removal from town service unless the disability or absence of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the town council unless the time within which the mayor must act would expire before the return of the mayor. The town council chair serving as acting mayor shall not vote as a member of the town council.

(c) In the event that the town council chair is unable to serve as acting mayor under this section, the town council shall elect, from among its membership, a person to serve as acting mayor.

SECTION 3-8: DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize a subordinate officer or employee of the town to exercise a power or perform a function or a duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke an authorization previously made; provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the powers and duties of a school committee member, the power of appointment to appoint members of town office or employment multiple-member bodies, or to sign or return measures approved by the town council.

§ ____ The Manager/Town Administrator — Appointment; Qualifications; Compensation.

Unless rejected by a super-majority of the Town Council, the Mayor shall appoint a Manager/Town Administrator for an indefinite term and fix the Administrator's compensation. The Manager/Town Administrator shall serve at the pleasure of the Mayor and be appointed on the basis of having strong administrative and executive qualifications and shall be especially fitted by education, training and experience to perform the duties of the office. The Manager/Town Administrator need not be a resident of the Town or state at the time of appointment but must become a resident of the Town no later than one (1) year after that appointment.

Comment [H10]: Could also be worded: “The mayor shall appoint, subject to review by the town council under section 2-11”

§ ____ Powers and Duties of the Manager/Town Administrator.

The Manager/Town Administrator shall be the chief administrative and operating officer of the Town, and shall be responsible to the Mayor for the management of all Town affairs placed in the Administrator's charge by or under this Charter, or delegated under § _____. The powers and duties of the Manager/Town Administrator shall include, but shall not be limited to, the following, subject to approval by the Mayor:

1. SEE OPTIONS 1-4 ON SEPARATE SHEET; the chose option would be inserted here.
2. Appoint and remove all other subordinate employees of the town. The Manager/Town Administrator may authorize any administrative officer subject to the Manager/Town Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
3. Direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by this Charter or by law.
4. Attend all Town Council meetings. The Manager/Town Administrator shall have the right to take part in discussion but shall not vote.
5. Prepare and submit a recommended Annual Budget and Capital Improvement Plan to the Mayor, and implement the final budget approved by Council to achieve the goals of the Town.
6. Submit to the Mayor, and make available to the public, a complete report on the finances and administrative activities of the Town as of the end of each fiscal quarter.
7. Make such other reports as the Mayor may require concerning operations and recommend plans, performance measures, and bench marks to the Mayor to be included in the annual "State of the Town and Its Government" message.
8. Keep the Mayor and Town Council fully advised as to the financial condition and future needs of the Town.
9. Provide staff support services for the Mayor and Council Members.
10. Perform such other duties as are specified in this Charter or may be required by the Mayor.

(b) Community Participation Officer: The ~~Manager/Town Administrator~~ ~~mayor~~ shall appoint a community participation officer to work with municipal departments and multiple-member bodies to develop and implement strategies to enhance public engagement, to assist the neighborhood associations in coordination with their meetings, to provide resources and leadership development for individuals interested in getting more involved in local government either through elected or appointed positions, to reach out to increase diversity, ~~to process citizen inquiries, to ensure compliance with public notice requirements,~~ and any other such duties. The community participation officer shall analyze data on citizen engagement and shall regularly submit reports to the mayor, Manager/Town Administrator and council. ~~The community participation officer shall assist with the Town's participatory budgeting process, as described in Article 5, Section 8.~~

Comment [mjw11]: Moved from Administrative Organization. Per Commission's request:
 -uses Framingham base text, but includes something about elections and running for office, something about neighborhood associations. Also adds: "assist the neighborhood associations in coordination with their meetings"
 -adds participatory budgeting, leadership development.
 -includes:
 "provide resources for individuals interested in getting more involved in local government either through elected or appointed positions"
 "reach out to increase diversity"
 "And any such other duties..."
 "report to the mayor and council"
 -Remove the complaints piece

OTHER CHARTER REFERENCES THAT MIGHT NEED REVISED

SECTION 2-11: TOWN COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

The mayor shall refer to the town council and simultaneously file with the town clerk, the name of each person the mayor desires to appoint as a town officer, ~~department head~~ or as a member of a multiple-member body and the Manager/Town Administrator shall refer to the town council and simultaneously file with the town clerk, the name of each person the Manager/Town Administrator desires to appoint as department head, but not including any position which is subject to the civil service law. The town council shall refer each name submitted to a standing committee of the council which shall review each candidate for appointment and shall make a recommendation to the full town council not less than 7 nor more than 45 days after the referral. The committee may require any person whose name has been referred to appear before the committee or before the town council to give any information relevant to the appointment that the committee or the town council may require. Appointments made by the mayor or Manager/Town Administrator shall become effective on the forty-fifth day after the date on which notice of the proposed appointment was filed with the town clerk unless approved or rejected by a majority of the town council within the 45 days.

Comment [H12]: Might be necessary depending upon which option is chosen

SECTION 5-2: JOINT MEETING

The mayor shall call a joint meeting of the Budget Coordinating Group before the commencement of the budget process and during the budget process, as necessary, to review the financial condition of the town, revenue and expenditure forecasts and other relevant information prepared by the mayor in order to develop a coordinated budget, budget guidelines, and coordinated budget calendar.

The Budget Coordinating Group shall consist of the mayor, Manager/Town Administrator and representatives of the town council, elementary and regional schools, library, and any other persons the mayor deems necessary.

SECTION 5-7: CAPITAL INVENTORY AND CAPITAL IMPROVEMENT PROGRAM

- a) Capital Inventory: The ~~mayor~~ Manager/Town Administrator shall establish and update not less frequently than annually an inventory of significant capital assets such as buildings, infrastructure (water, sewer, storm water, and roads), moveable equipment and such other property as determined by bylaw. The town council shall by bylaw establish the requirements of the inventory, such as age, condition, maintenance and repair history, remaining useful life and other features as the town council may deem appropriate.
- b) Capital Improvement Program: The mayor, with the advice of a joint capital planning committee comprised of, at a minimum, the Manager/Town Administrator and representatives from the town council, school committee, and library board of trustees, shall create a capital improvement program, which shall include: (i) a clear summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years with supporting data and rationale; (iii) cost estimates, method of financing and recommended time schedules; and (iv) the estimated annual cost of operating and maintaining the facilities and/or equipment included. The above information shall be revised and extended each year.