

## ARTICLE 3: TOWN MANAGER

### Section 3-1: Appointment, Qualifications, Term of Office

The town council shall appoint a town manager by a majority vote of the full town council. The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience. The town council may establish additional qualifications as deemed necessary and appropriate. The town manager shall devote full-time to the duties of the office and shall not hold any other elective or appointive office in the town, nor shall the town manager engage in other business unless such business is approved in advance by a majority vote in public session of the town council. **The town manager need not be a resident of the town.**

### Section 3-2: Administrative Powers and Duties

The town manager shall be the chief executive officer of the town and shall be responsible to the town council for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties, and responsibilities of the town manager shall apply to all municipal departments, excluding the \_\_\_\_\_ Regional School District. These powers, duties, and responsibilities shall include, but shall not be limited to, the following:

- (a) to supervise, direct, and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility under this charter, by bylaw, or by vote of the town council. With the consent of town council, the town manager may serve as the head of 1 or more departments, offices, or agencies, or may appoint 1 person as the head of 2 or more of them;
- (b) to administer either directly or through a person supervised by the town manager, in accordance with this charter, all provisions of any general or special law applicable to the town, all bylaws, and all regulations established by the town council;
- (c) to coordinate all activities of town departments or appointed boards, committees, or agencies;
- (d) to provide consultative services to elected boards, committees, or agencies;
- (e) to attend all regular and special meetings of the town council, unless excused, and answer all questions addressed to the town manager which are related to matters under the general supervision of the town manager;
- (f) to have the right to take part in discussions of the town council, but not vote;
- (g) to keep the town council fully informed as to the needs of the town, and to recommend to the town council for adoption, such measures requiring action by them as the town manager deems necessary or expedient;
- (h) to make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;
- (i) to ensure that complete records of the financial and administrative activity of the town are maintained and to render reports to the town council and finance committee as may be required;

- (j) to be responsible for the rental, use, maintenance, and repair of all town facilities;
- (k) shall be responsible for purchasing all supplies, materials, services and equipment, for all departments and activities of the town, and for executing procurement contracts, except for the school department, unless otherwise specifically requested by the School Committee;
- (l) to develop and maintain a complete inventory of all town-owned real and personal property;
- (m) to administer personnel policies, practices, or rules and regulations, any compensation plan, and related matters for all town employees, and to administer all collective bargaining agreements entered into by the town;
- (n) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and applicable compensation plan;
- (o) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The town manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the town council.
- (r) to keep the town council fully informed as to the financial condition of the town and to make recommendations to the town council as the town manager determines necessary or expedient;
- (p) to prepare and submit an annual operating budget, capital improvement program, and a long term financial forecast as provided in Article \_\_\_\_;
- (q) to ensure that the council president is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;
- (s) to assist the town council to develop long-term goals for the town and strategies to implement these goals;
- (t) to investigate or inquire into the affairs of any town department, agency, or office;
- (u) to delegate, authorize, or direct a subordinate or employee of the town to exercise any power, duty, or responsibility which the office of town manager may exercise; all acts that are performed under the delegation shall be considered to be the acts of the town manager;
- (v) to perform such other duties as necessary or as may be assigned by this charter, by bylaw, or by vote of the town council;
- (w) to provide staff support services for the council president and town council members;
- (x) unless otherwise provided by agreement, bylaw, or general law, to serve as the town's liaison to any regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;
- (y) to promote partnerships among town council, staff, citizens and businesses in developing public policy and building a sense of community;
- (z) to hold regular informational sessions with departments and community-based organizations; and

(aa) to no less than once a month, communicate with the public by appropriate means.

#### Section 4-3. Powers of Appointment

(a) Department Heads - Except as otherwise provided by this charter, the town manager shall appoint, based upon merit and fitness alone, all department heads. All appointments of department heads, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall also appoint officers, subordinates, and employees for whom no other method of selection is provided in this charter; the town manager shall not appoint employees of the regional school district and persons serving under officers elected directly by the voters of Amherst. In accordance with the procedures set forth in section \_\_\_\_, the town manager may be required to consult with or engage in a joint recruitment and selection process with multiple member bodies, before the appointment of department heads or employees who perform tasks under the jurisdiction of the multiple member bodies.

(b) Temporary Appointments to Town Offices - Whenever a vacancy, either temporary or permanent, occurs in a town office and the needs of the town require that such office be filled, the manager 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 manager designates a person under this section, the manager 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.

(c) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the town manager shall appoint all boards, committees, and agencies. Members of all appointed boards and committees shall be residents of the town. All appointments of boards, committees and agencies, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall form a residents' advisory committee to help in evaluating and selecting those individuals for appointment. The number and terms of office of the committee shall be established by bylaw.

The manager shall seek expertise in all appointments 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?).

(d) Community Participation Officer - The manager shall appoint a community participation officer to work with town departments and multiple-member bodies to develop and implement strategies to enhance public engagement, to assist in the execution of ward 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 resident inquiries, to ensure compliance with public notice requirements, to coordinate participatory budgeting in the town, and any other such duties. The community participation officer shall analyze data on resident engagement and shall regularly submit reports to the manager and council. The community participation officer shall assist with the Town's participatory budgeting process, as described in Article 5, Section 8.

#### Section 3-4: Powers of Suspension, Removal

The town manager shall have the authority to suspend or remove department heads and appointive administrative officers provided for by or under this charter, except as otherwise provided by-law, collective bargaining agreements, this charter, or personnel rules adopted pursuant to this charter. The town manager may authorize an administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.

#### Section 3-5: Compensation

The town manager shall receive such compensation for services as the town council shall determine, but such compensation shall be within the limits of available appropriations.

#### Section 3-6: Vacancy in Office

A vacancy in the office of town manager shall be filled as soon as possible by the town council. Pending appointment of the town manager or the filling of any vacancy, the town council shall forthwith appoint some other qualified person to perform the duties of the town manager. The appointment of the acting town manager shall be for a term not to exceed 3 months; a renewal, not to exceed an additional 3 months may be provided.

#### Section 3-7: Temporary Absence

The town manager shall designate by letter filed with the town council and elected town clerk, a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. The town council may not revoke such designation until at least 14 days have elapsed whereupon it may appoint such other person to perform the duties of the town manager. In the event of failure of the town manager to make such designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the town council, the town council may designate some other qualified person to perform the duties of the town manager until the town manager returns.

#### Section 3-8: Removal of Town Manager

The town council, by affirmative vote of a majority of the full town council, may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure: Before removal or termination the town council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full town council. The preliminary resolution may suspend the town manager for a period not to exceed 30 days. A copy of the resolution shall be delivered to the town manager forthwith. If so requested by the town manager, the town council shall provide a written statement setting forth the reasons for the removal or termination. Within 5 days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such hearing with the town council. If such a hearing is requested, the hearing shall be held at a meeting of the town council not later than 20 days from the date of request. At such hearing the town manager shall be entitled to address the town council and make comments related to the preliminary resolution. If a public hearing has not been requested by the town manager, the town council may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of a majority of the full town council at any time after 10 days following the date of delivery of a copy of the

preliminary resolution to the town manager. If the town manager requests a public hearing, the town council may, at the conclusion of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full town council. The town council may suspend by an affirmative vote of the majority of the full town council, the town manager pending and during any public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal becomes effective unless provided otherwise. The action of the town council in terminating, removing or suspending the town manager shall be final.

### Section 3-9: Annual Review of the Town Manager

Annually, the town council to prepare and deliver to the town manager a written evaluation of the town manager's performance, a summary of which shall be available to the public.

Items not addressed but in Mayor article:

State of the Town: Each year in the month of January the mayor shall make an address to a joint meeting of the town council, school committee, all elected and appointed members of town committees, boards, commissions and officers, department heads reporting on the state of affairs of Amherst.

Public Forums – With consultation from the Council, the Mayor shall call 3 public forums each year addressing budget, master plan, and school issues. The intention of the public forums is to present the public with context, collect feedback, and alert the public to upcoming issues.