

**\*\*\*THE SELECT BOARD MET ON OCTOBER 6<sup>TH</sup> AND DISCUSSED  
IMPLEMENTING THE FOLLOWING SUBSTANTIAL CHANGES TO ARTICLE 9\*\*\***

The Select Board will be considering (at their meeting of October 12<sup>th</sup>) the removal of all items **marked in yellow** from the Charter proposal and instead place them into an warrant article to create a "Town Administrator Bylaw".

The Select Board will be considering (at their meeting of October 12<sup>th</sup>) the elimination of all items **marked in red**

**ARTICLE 9.** To see if the Town will vote to petition the Massachusetts General Court to file for Special Legislation to amend the Town of Millis Charter, as follows:

**Section II-7: Presiding Officer**

By adding the language: The Moderator may appoint a Deputy Moderator at their discretion, if they are not able to attend a Town Meeting,

**Section II-8: Finance Committee**

By changing the title of "Finance Committee" to "**Warrant Committee**"

**Article III. Executive Branch**

**Article III- 1 Board of Selectmen: Composition**

By changing the title of "Board of Selectmen" to "**Select Board**".

By changing the number of members of the Select Board, as follows: The Executive powers of the town shall be vested in the Select Board consisting of **five** members; each elected by vote of the registered voters of the town for a three-year term. For transitional purposes, a fourth member of the Board shall be elected to a two year term and a fifth member shall be elected to a three-year term at the first annual election following the date of approval of the increase to five members. The terms shall be so arranged that the term of at least one member expires each year.

### **Article III- 3 Powers of Appointment**

By amending both paragraphs to read as follows:

The Select Board shall have the power to appoint the town administrator, the finance director, town counsel, town auditor, registrars of voters, permanent building committee, and such other town boards, commissions or committees as may be required for the proper administration, health or safety of the town, as well as individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional, or district authorities, and may terminate the same at their discretion.

Further, the Select Board shall have the power to appoint a three-member board of assessors for terms of three years, and may terminate the same at their discretion. The members of this board shall be made up of registered voters of the Town of Millis.

### **Section III-4: Town Administrator**

1. By amending Heading to "Town Administrator - Chief Administrative Officer"
2. By amending Section III-4 and Section III-5 to read as follows:

#### **Subsection 1: POWERS AND DUTIES**

The town administrator shall be the chief administrative officer of the town, directly responsible to the select board for the administration of all town affairs for which the office of town administrator is given responsibility by this Charter. The powers and duties of the town administrator shall include, but are not intended to be limited to the following:

(a) To supervise, direct, and be responsible for the efficient administration of all functions and activities for which the office of town administrator is given authority, responsibility or control by this Charter, by by-law, by town meeting vote, by vote of the select board, or otherwise.

(b) To appoint, and in appropriate circumstances, to remove, subject to ratification by the Select Board, all department heads, officers, and employees for whom no other method of selection is provided by this Charter, including, but not limited to, the chief of police, fire chief, director of public works, town accountant, town treasurer, town collector, assistant assessor, building commissioner, health director, senior director, IT Director, and recreation director, except employees of the school department. Except as otherwise provided herein, all offices under the supervision of the town administrator as set forth in this section shall have the powers and duties set forth in the General Laws, the town bylaws and this Charter.

(c) To be entrusted with the administration of the town personnel system; to administer the personnel policies and procedures and rules and regulations; and to administer the



personnel by-law, the personnel plan, and collective bargaining agreements entered into by the town.

(d) To attend all regular and special meetings of the select board, including executive sessions, unless excused in advance by the chair of said board, and shall have a voice, but no vote, in all its proceedings. However, the select board shall in no way be prohibited from conducting a meeting because of the lack of attendance of the town administrator.

(e) To ensure that full and complete records of the financial and administrative activities of the town are kept.

(f) To keep the select board fully advised as to the needs of the town and recommend to the select board and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient. The town administrator shall keep the select board informed regarding issues affecting the administration and governance of the town, in a timely manner.

(g) The town administrator shall be responsible for the maintenance, repair, and use, of all town land and buildings which fall under the jurisdiction of the select board.

(h) To prepare and present to the select board an annual operating budget for the town; and to work in conjunction with the capital planning committee and the finance director to prepare a proposed capital improvement plan for the five (5) fiscal years next ensuing.

(i) To negotiate, on behalf of the select board, all personnel contracts and collective bargaining agreements involving any subject within the jurisdiction of the office of the town administrator or select board, including contracts with town employees involving wages, hours and other terms and conditions of employment. All such contracts and agreements shall be subject to the approval of the select board.

(j) To be the chief procurement officer for the town, in accordance with the provisions of the Massachusetts General Laws, and to appoint such assistant procurement officers as provided in Chapter 30B of the Massachusetts General Laws.

(k) To see that the provisions of the general laws, this Charter, town by-laws, votes of the town meeting and of the select board which require enforcement by the town administrator are faithfully executed, performed or otherwise carried out.

(l) To prosecute, defend and compromise, subject to the approval of the select board, all litigation to which the town is a party.

(m) To inquire and make investigation, at any time, into the conduct and operation of office or performance of duties of any officer or employee, department, board, commission or other town agency.



(n) To attend all sessions of all town meetings, unless excused in advance by the chair of the select board, and respond, as directed by the Moderator, to questions raised by voters which relate to warrant articles and to matters over which the town administrator exercises any supervision.

(o) To coordinate the activities of all town agencies serving under the office of the town administrator and the office of the select board with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town. The town administrator shall have the right to attend and speak at any public meeting of any multiple member body (excepting Executive Sessions).

(p) To seek out and work to obtain resources from federal, state and other governmental jurisdictions that further town purposes.

(q) To approve all payroll and expense warrants for payment of town funds. Such approval shall be sufficient authority to authorize payment of the same by the town treasurer. In the event of the absence of the town administrator, the select board shall approve such warrants. If a vacancy exists in the office of town administrator, the select board shall approve all such warrants, or, may delegate such responsibility to a temporary town administrator appointed pursuant to Subsection 3 of Article III Section III-4.

(r) To perform any other duties as are required to be performed by the town administrator by by-laws, administrative code, votes of the town meeting, or votes of the select board, or otherwise.

## **Subsection 2: ACTING TOWN ADMINISTRATOR**

(a) Temporary Absence - With the approval of the select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during an absence of the town administrator of not more than twenty (20) days, including Saturdays, Sundays and holidays. Such delegation shall be made by letter filed with the town clerk, the municipal finance director, and the select board.

(b) Powers and Duties - The powers and duties of the temporary or acting town administrator, under subsection (a), above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments, and designations, or to effectuate terminations.

(c) Interim Town Administrator. In the event of resignation or termination of the Town Administrator, the select board may appoint an Interim Town Administrator to serve in

such position until a permanent Town Administrator is appointed. Such Interim Town Administrator shall have all the powers of the Town Administrator, except as may be limited by the engagement with the Select Board.

#### **Section IV-2: Other Elected Officers**

By amending the language as follows:

- a. The Town Clerk shall be appointed, with said appointment to be made following the end of the term of Town Clerk who was elected as of the date of this amendment.

Or take any other action related thereto.

(Submitted by Select Board)