

TOWN OF MILLIS MASSACHUSETTS

HOME RULE CHARTER

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ARTICLE I.
Incorporation: Short Title: Powers

Section I - 1: Incorporation

The inhabitants of the Town of Millis within the corporate limits established by law shall continue to be a corporate and governmental body with perpetual succession under the name “Town of Millis.”

Section I - 2: Short Title

This instrument shall be known and may be cited as the Millis Home Rule Charter.

Section I - 3: Powers

It is the intent and purpose of the voters of Millis to secure through the adoption of this Charter all of the powers it is possible to secure for the town under the Constitution and statutes of the Commonwealth. These powers are subject only to express limitations on the exercise of any power or function by a town in the Constitution or statutes of the Commonwealth.

Section I - 4: Construction

The powers of the town under this Charter are to be construed liberally in favor of the town, and the specific mention of particular powers is not intended to limit in any way the general powers of the town as stated in Section I - 3.

Section I - 5: Exercise of Powers

The town may exercise, consistent with provisions of law, any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more municipalities, civil divisions, subdivisions, or agencies of the Commonwealth, or of the United States government.

ARTICLE II. **Legislative Branch**

Section II - 1: Legislative Authority

The legislative authority of the Town shall be vested in the town meeting, open to all registered voters of the town, who shall meet, deliberate, act, and vote in the exercise of the corporate powers of the town.

Section II - 2: Time of Annual Town Meeting

Section 1. There shall be a spring annual town meeting convened during the period of March through June at a time established in the by-laws of the town. There shall be a fall annual town meeting convened during the last four calendar months of the calendar year at a time established by the bylaws of the town.

Section II - 3: Quorum

The quorum necessary for the conduct of business at any town meeting may be established through by-law, but a smaller number than the established quorum may adjourn to a stated date, time, and place.

Section II - 4: Special Town Meetings

Special town meetings may be called at the discretion of the board of selectmen, by a petition signed by two hundred registered voters of the town, or as may otherwise be provided in the general laws.

Section II - 5: Notice of Town Meeting

The selectmen shall give notice of each annual and special town meeting in the manner established in the by-laws of the town.

Section II - 6: Warrants

The selectmen shall insert in the warrant for the annual town meeting for the transaction of business all subjects to be acted upon at such town meeting and all subjects so requested of them, in writing, by ten or more registered voters of the town; and for every special town meeting all subjects as they deem proper, and all subjects duly sought in accordance with appropriate provisions of the general laws. Copies of the warrant shall be sent by the selectmen to each member of the finance committee and to the town moderator.

Section II - 7: Presiding Officer

The town moderator shall preside over the annual or special town meetings for the transaction of business. The moderator shall make any appointments required by the by-laws of the town or by action of any annual or special town meeting. He shall also perform such other duties as may from time to time be assigned to the office of moderator by by-law, or other vote of the town meeting.

Section II - 8: Finance Committee

The moderator shall appoint a finance committee which shall consist of nine members and which shall have the powers and duties established in the by-laws of the town. The finance committee shall con-

sider and investigate all articles included in the warrant for each town meeting and shall make a written report of its findings and recommendations.

Section II - 9: Availability of Town Officials at Town Meeting

Every town officer or, in the case of a multiple member body, a designated representative of such multiple member body, shall attend all sessions of the town meeting for the purpose of providing the town meeting with information pertinent to matters appearing in the warrant.

If any person required to attend the sessions of town meeting under the preceding provision of this section is not a voter, he or she shall, notwithstanding such fact, be entitled to speak to provide the town meeting with pertinent information on warrant articles.

ARTICLE III.
Executive Branch

Section III - 1: Board of Selectmen: Composition

The executive powers of the town shall be vested in the board of selectmen consisting of three members; each elected by vote of the registered voters of the town for a three-year term. The terms shall be so arranged that the term of one member expires each year.

Section III - 2: Board of Selectmen: Powers, Duties

The board of selectmen shall have the power to enact rules and regulations establishing town policies, not otherwise governed by by-law, by this Charter, or by statute, provided, however, that whenever an appropriation may be necessary to implement such action, the vote of the selectmen shall only be effective if such appropriation is made by the town meeting as provided in Article II. The selectmen shall have and possess all other powers it is possible for selectmen to hold under the general laws of the Commonwealth which are not specifically assigned to some other person or agency under this Charter or by special act of the legislature. It is the intention of this section that the selectmen shall control the direction of town affairs by establishing policies and by making recommendations to the town meeting for actions required to be taken by that body.

Section III - 3: Powers of Appointment

The selectmen shall have the power to appoint the town accountant, tax collector/treasurer, town administrator, town counsel, registrars of voters, permanent building committee, permanent capital needs committee, and such other town officers, boards, commissions or committees as may be required for the proper administration, health or safety of the town and may terminate the same at their discretion.

Further, the selectmen 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: Position of Town Administrator

The town administrator shall be appointed by the board of selectmen and serves at the pleasure of said board. The town administrator shall be selected for executive and administrative capabilities and shall display the character, training, education and experience needed to perform the duties described in the Charter. The town administrator shall not have served in an elective office in the town government for at least two years prior to appointment.

Section III - 5: Chief Administrative Officer

The town administrator shall be the chief administrative officer of the town and shall be directly responsible to the board of selectmen for the administration of all town affairs as assigned by this Charter or by by-law, such duties and responsibilities to include, but not be limited to:

1. Attend meetings of the board of selectmen providing them with the information needed to help them carry out their responsibility to determine the direction of town affairs;

2. Provide town officers and departments with information and assistance in the annual budgetary process, prepare budgets and recommendations for review by board of selectmen;
3. Establish and supervise a coordinated fiscal management program which will include the monitoring of town expenditures and the analysis of financial data with the town accountant and report to the board of selectmen on any major variations from the annual fiscal plan of the town;
4. Develop a long range financial planning program for the town;
5. Serve as personnel director to the town and develop plans, policies and procedures for board of selectmen approval, and participate in the collective bargaining process;
6. Appoint, subject to the approval of the board of selectmen and based upon merit and fitness alone, all department heads, officers, subordinates and employees for whom no other methods of selection is provided in this Charter and other town by-law;
7. Provide the board of selectmen with information on emerging practices and trends in municipal government;
8. Establish and maintain a uniform purchasing service for the town and keep a complete inventory of town owned property;
9. Identify opportunities for operational cost reductions and recommend appropriate procedures for improving the effectiveness of town government;
10. Perform studies or investigations requested by the board of selectmen and to perform other duties at the selectmen's request.

ARTICLE IV.
Elections and Other Elected Offices

Section IV - 1: Elections: Eligibility

The regular election for town offices shall be held annually on the date fixed in the by-laws of the town. Any registered voter of the town shall be eligible to hold any elective town office, except that no person shall serve in more than one elective town office simultaneously.

Section IV - 2: Other Elected Offices

The following offices shall be filled by election by the registered voters of the town at the annual town election:

- a. There shall be a moderator elected for a term of one year;
- b. There shall be a school committee composed of five members, each elected for a term of three years, and its members shall be elected as terms expire;
- c. There shall be a town clerk elected for a term of three years;
- d. There shall be three library trustees each elected for a term of three years, so arranged that the term of one trustee expires each year;
- e. There shall be a planning board composed of five members, each elected for a term of five years, so arranged that the term of one member expires each year;
- f. There shall be a housing authority composed of five members, four of whom shall be elected for a term of five years and one of whom shall be appointed as provided in Chapter 121B of the General Laws.
- g. There shall be a board of health composed of three members, each elected for a term of three years, so arranged that the term of one member expires each year.

Section IV - 3: Powers and Duties

All of the offices and boards enumerated in Section IV - 2 shall have all of the powers and duties set forth in the by-laws of the town and in the constitution and general laws of the Commonwealth.

Section IV - 4: Time of Taking Office

Elected town officials shall take office upon taking the oath of office.

Section IV - 5: Vacancies

If a vacancy occurs in any town office, that vacancy shall be filled as is set forth in Chapter 41, Section 10 of the General Laws or as otherwise required by law.

Section IV - 6: Resignation

Any person holding an elective or appointive office may resign that office by filing a written notice of resignation with the town clerk and such resignation shall take effect immediately, unless the resignation specifies otherwise.

Section IV - 7: Salaries and Compensation of Elected Town Officers

Elected town officers shall be compensated in an amount authorized by town meeting, if so authorized, and provided for by town meeting appropriation, if so appropriated.

Section IV - 8: Salaries and Compensation of Appointed Town Officers

Appointed town officers shall receive compensation for their services as is provided under the Personnel Administration Plan established in the by-laws of the town; however, salaries shall not exceed the amounts appropriated by the town meeting and shall not be inconsistent with salaries determined by collective bargaining agreement, civil service regulation or the general laws.

ARTICLE V.
General Provisions

Section V - 1: Charter Change

This Charter may be amended or revised as follows:

- a. Amendments to this Charter relating in any way to the composition, mode of election or appointment, or term of office of the legislative body or the board of selectmen, may be proposed only by a charter commission elected in accordance with the general laws;
- b. Amendments to this Charter relating to matters other than those enumerated in paragraph a. above may be proposed by a two-thirds vote at a duly called town meeting in accordance with the general laws;
- c. Proposed amendments under this Charter shall be accepted or rejected by majority vote of the whole town at a regular or special election of town officers in accordance with the general laws;
- d. The board of selectmen shall, at intervals of not greater than ten years from the date of this Charter, form a committee which shall study the working of town government and recommend revision of the Charter, if revision is deemed necessary.

Section V - 2: Reenactment and Republication of By-Laws

The moderator shall at five year intervals appoint a special committee to review all by-laws of the town and, if deemed necessary, to propose revision or re-codification of said by-laws. Such revision or re-codification shall be prepared under the supervision of town counsel and shall be submitted to the town meeting for enactment. If enacted by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general of the Commonwealth for his approval, and they shall be otherwise published all as required by the general laws. Copies of the revised by-laws shall be made available for distribution, provided, however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

Section V - 3: Severability

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

Section V - 4: Specific Provisions Shall Prevail

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

ARTICLE VI.
Transitional Provisions

Section VI - 1: Continuation of By-Laws

All special acts, by-laws, resolutions, rule, regulations and votes of the town meeting in force on the effective date of this Charter not inconsistent with its provisions shall continue in force until amended or repealed, including, if any, by-laws which have been passed and have been approved by the attorney general but have not been published.

Section VI - 2: Continuation of Government

All committees, commissions, board, departments, officers, and other agencies of the town shall continue to perform their duties until re-appointed or reelected, or their duties have been transferred.

Section VI - 3: Continuation of Administrative Personnel

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town, shall retain such office or position and shall continue to perform his or her duties until provisions have been made in accordance with this Charter for the performance of said duties by another person or agency.

Section VI - 4: Transfer of Records and Property

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

Section VI - 5: Continuance of Contracts and Other Obligations

All leases, contracts, franchises, and obligations entered into by the town or for its benefit prior to the effective date of this Charter shall continue in force and effect as drafted.

Section VI - 6: Pending Actions and Procedures

No action or proceedings, civil or criminal, pending at the time this Charter takes effect, brought by or against the town or any office, department or other agency thereof, shall be affected or abated by the adoption of this Charter.

Section VI - 7: Effective Date

This Charter shall become fully effective on the date on which it is approved by the registered voters of the town.

Section VI - 8: Appointed Board of Assessors

Upon the effective date of the amendments to this Charter as authorized by the June 15, 2009 Annual Town Meeting, the board of selectmen shall be authorized to appoint a board of assessors in accordance with the provisions of Section III-3. Initial appointments under said section shall be made as follows: one for a one-year term, one for a two-year term, and one for a three-year term. Upon appointment of a board of assessors in accordance with Section III-3, the terms of the incumbent mem-

bers of the board of assessors shall terminate, and the elected board of assessors shall be abolished. No contracts or liabilities in force on the effective date of the amendment to the Charter authorized by the June 15, 2009 Annual Town Meeting shall be affected by the abolition of the elected board of assessors and the appointed board shall in all respects be the lawful successor of the elected board; all records, property and equipment whatsoever of the elected board are assigned to the appointed board.