

# **THE CHARTER**



## Chapter C

### CHARTER

**Section 1. Scope of Charter.**

**Section 2. Election and Terms of the Board of Selectmen.**

**Section 3. Responsibilities and Powers of the Selectboard.**

**Section 4. Qualifications and Appointment of Town Manager.**

**Section 5. Recruitment, Appointment and Removal of the Town Manager.**

**Section 6. Powers and Duties of the Town Manager.**

**Section 7. Elected Officials.**

**[HISTORY: Adopted by Ch. 372, Acts of 2014.<sup>1</sup> Amendments noted where applicable.]**

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**Section 1. Scope of Charter.**

The town of Great Barrington shall be governed by this act. To the extent that this act modifies or repeals existing by-laws of the town of Great Barrington, this act shall govern.

**Section 2. Election and Terms of the Board of Selectmen.**

The board of selectmen of the town of Great Barrington, referred to in this act as selectboard, shall consist of 5 members elected by the voters of the town. At each annual election, 1 or 2 members shall be elected, each for a 3-year term.

**Section 3. Responsibilities and Powers of the Selectboard.**

- (a) **Functions.** The selectboard shall set goals, develop long-range plans and adopt policy for the town. The selectboard's policy directives shall be implemented by the town manager and other employees, officers and appointed boards, committees and commissions of the town. The selectboard shall recommend courses of action to the town meeting as required by the General Laws.
- (b) **Supervisory Responsibility.** The selectboard shall, through the town manager, exercise general supervision over all matters affecting the town's interests or welfare.
- (c) **Creation of Special-Purpose Bodies.** The selectboard may create committees to perform duties specified by a resolution.
- (d) **Licensing and Adjudication.** The selectboard shall issue licenses and perform other quasi-judicial functions as provided by the General Laws and the town of Great Barrington by-laws.

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1. Editor's Note: This act superseded the Charter adopted as Ch. 184, Acts of 1992.

- (e) Oversight of Bodies. The selectboard shall have responsibility for and general oversight over committees it appoints.
- (f) Appointing Authority. The selectboard shall appoint the town manager, town counsel, assistant and associate town counsel, agricultural commission, board of registrars, cable television advisory committee, energy committee, fence viewer, historical commission, historic district commission, cultural council, conservation commission, tree committee, veterans grave officer and committees created by resolution of the selectboard under subsection (c) or by action of town meeting.
- (g) Investigation and Reporting. The selectboard may make investigations and authorize the town manager or other agents to investigate the affairs of the town and the conduct of any town department, office or agency, including any claims against the town. For the purpose of such investigations, the board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk and a report summarizing the investigations shall be printed in the annual town report.
- (h) Budget. The selectboard shall review the annual proposed budget submitted by the town manager. The selectboard may make recommendations with respect to the proposed budget.

#### **Section 4. Qualifications and Appointment of Town Manager.**

- (a) Appointment by Selectboard. The selectboard, by a majority vote of its full membership, shall appoint a town manager for the town of Great Barrington.
- (b) Qualifications and Residence. The town manager shall have a bachelor's degree in public administration or a similar discipline and shall have 5 years of full-time paid experience in a supervisory administrative position in municipal government. A master's degree may be substituted for not more than 2 years of paid experience. The town manager shall be appointed without regard to political designation. The town manager shall be a citizen of the United States. If not already a resident of the town or commonwealth at the time of appointment, the town manager shall become a resident of the town within 1 year after the appointment, unless excused by the selectboard.
- (c) Evaluation. The selectboard shall conduct an annual evaluation of the town manager's job performance. The evaluation shall be reviewed at a public session.
- (d) Term. The town manager may be appointed for successive terms of office. No term shall exceed 3 years.
- (e) Oath of Office. Before entering upon the duties of the office, the town manager shall be sworn into the faithful and impartial performance thereof by the town clerk or notary public.
- (f) Bond. The town manager shall execute a bond in favor of the town of Great Barrington for faithful performance of the duties of the office in such sums and with such sureties as may be fixed or approved by the selectboard. The cost of the bond shall be borne by the town.

**Section 5. Recruitment, Appointment and Removal of the Town Manager.**

- (a) Screening Committee. To fill a vacancy in the office of town manager, the selectboard shall recruit and appoint town residents to serve on a town manager screening committee. Where the vacancy is the result of resignation or removal, the selectboard shall appoint the screening committee within 30 days.

The town manager screening committee shall consist of 7 Great Barrington residents. The duty of the town manager screening committee shall be to screen all applicants for the town manager post. It shall submit at least 3, but not more than 5, applicants to the selectboard for consideration. The selectboard shall: (i) appoint the town manager from the applicants submitted by the committee; or (ii) recommence the search process. The committee's duties shall terminate when it submits applicants to the selectboard.

- (b) Compensation. The town manager shall receive compensation for services as the selectboard shall determine, but it shall not exceed the amount appropriated therefor by the town meeting.
- (c) Removal of Town Manager. The selectboard, by a vote of 3 or more members, may initiate the process for removal of the town manager. The selectboard shall adopt a written preliminary resolution for removal at a public meeting that sets forth in detail the specific reasons for the proposed removal. The selectboard shall file this resolution with the town clerk. The town manager shall reply in writing to the resolution within 7 days and may request a public hearing; provided, however, that if the town manager does not reply to the resolution within 7 days, the selectboard may proceed to final action 30 days after the preliminary resolution. If the town manager so requests, the selectboard shall hold a public hearing, not earlier than 20 days nor later than 30 days after the filing of such request. After the public hearing, if any, otherwise after 30 days following the preliminary resolution, and after full consideration, the selectboard by a vote of 4 or more members may adopt a final resolution of removal.
- (d) Suspension Pending Final Resolution. In the preliminary resolution, the selectboard may suspend the town manager from duty, but the town manager's salary shall continue during the period of consideration of the preliminary resolution and the final resolution.
- (e) Acting Town Manager. During any period of vacancy or absence exceeding 30 days, caused by the town manager's absence, illness, suspension, removal or resignation, the selectboard shall designate a qualified person to serve as acting town manager and to perform the duties of the office. The appointment shall not exceed 270 days.

**Section 6. Powers and Duties of the Town Manager.**

- (a) General Responsibility. The town manager shall be the chief administrative officer of the town and shall be responsible to the selectboard for the effective management of all town affairs under the town manager's supervision.

The town manager shall administer, either directly or through a person appointed by the town manager in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws and all regulations established by the selectboard.

- (b) **Financial Responsibilities.** The town manager shall be the chief financial officer of the town. The town manager shall be responsible for preparing the town budget, filing grant applications and controlling budget expenditures, including approval of the warrant for the payment of town funds prepared by the town treasurer in accordance with section 56 of chapter 41 of the General Laws for approval by the selectboard.
- (c) **Budget Responsibility and Process.**
- (1) **Budget.** The town manager shall submit to the selectboard and finance committee a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school committee. The proposed budget shall detail all estimated revenue from all sources and all proposed expenditures, including debt service for the previous, current and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose and position, together with proposed financing methods. The proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town, by by-law, or the selectboard may establish additional financial information and reports to be provided by the town manager.
  - (2) **Tax Rate Estimate.** The town manager shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town, together with an estimate of the tax rate necessary to raise such amount.
  - (3) **Budget Process Deadlines.** The selectboard and the finance committee shall specify the calendar dates on or before which the proposed budget, revenue statement and tax rate estimate are to be submitted to the selectboard and the finance committee.
  - (4) **Input from Departments, Boards and Committees.** All town boards, officers, department heads and committees shall furnish the town manager with relevant information, in writing, of the appropriations required and the available funds.
- (d) **Other Powers and Duties of Town Manager.**
- (1) **Planning and Operation.** The town manager shall be responsible for coordinating the strategic planning and operations of the town.
  - (2) **Supervision and Consultation.** The town manager shall supervise all town departments, except the school department, and direct town operations. The town manager may seek advice from town boards and committees and may appoint ad hoc committees.
  - (3) **Personnel Appointment and Removal.** The town manager may appoint and establish compensation on the basis of merit and qualifications and may remove with just cause, all employees of the town of Great Barrington, except for positions that are appointed by the selectboard including, but not limited to, the following positions and staff: administrative assistant, animal control officer, board of assessors, buildings and grounds, building inspector, cemetery commissioners, cemetery superintendent, civil defense director, communications committee,

council on aging and director, crossing guards, department of public works superintendent - town engineer, fire chief and assistant, gas inspector, highway superintendent, Housatonic War memorial building committee, keeper of the lockup, library director and staff, parking clerk, parking enforcement officers, parks and recreation, parks commissioners, police chief and officers according to civil service, recycling committee, right to know, sanitation superintendent, sealer of weights and measures, special police officers, town accountant, town clerk, town collector, town planner, town treasurer, tree warden, veterans service and wire inspector and deputy wire inspector.

- (4) Override by the Selectboard. The selectboard, by a majority vote of the entire board, after thorough investigation and for just cause, may reverse a decision made by the town manager about hiring, appointing, compensating or removing town employees and committee members. The vote of the selectboard under this paragraph shall be completed within 30 days of the decision by the town manager.
- (5) Temporary Assumption of Other Duties. The town manager, with the consent of the selectboard, may assume, temporarily and for no additional compensation, the duties of any office that the town manager is authorized to fill by appointment, subject to any applicable General Laws.
- (6) Personnel Management. The personnel management powers, duties and responsibilities of the town manager shall include, but are not limited to:
  - (i) administering and adopting personnel policies, practices or rules and regulations, any compensation plan and any related matters for all town employees and administering all collective bargaining agreements entered into by the town;
  - (ii) setting the compensation of all town employees and officers within the limits established by appropriation and any applicable compensation plan or collective bargaining agreement; and
  - (iii) being responsible for the negotiations of all contracts with town employees over wages and other terms and conditions of employment; provided, however, that such contracts shall be subject to the approval of the selectboard and the town manager may, subject to the approval of the selectboard, employ special counsel to help perform these duties.
- (7) Records. The town manager shall keep complete records of the office.
- (8) Reports. The town manager shall provide reports to boards, committees and town meetings as needed.
- (9) Notice to Selectboard. The town manager shall advise the selectboard of all matters requiring action by the selectboard or the town.
- (10) Meetings. The town manager shall attend all meetings of the selectboard and all town meetings. The town manager shall be permitted to speak when recognized by the chair or moderator.

- (11) Purchasing Agent. The town manager shall be the purchasing agent for all town departments and activities pursuant to the General Laws.
- (12) Property. The town manager shall be responsible for all town buildings, property and facilities.
- (13) Contracts. The town manager shall be responsible for the negotiation of all contracts.
- (14) Counsel. The town manager shall be the selectboard's liaison to town counsel and shall inform the board of all communications with town counsel.
- (15) Complaints. The town manager shall receive and address all citizens' complaints and concerns and maintain a record of actions or responses.
- (16) Insurance. The town manager shall be responsible for managing all town insurance programs.
- (17) Public Representation. The town manager shall represent the town at local, state and regional meetings and undertake public relations activities as directed by the selectboard.
- (18) Rates and Fees. The town manager shall recommend to the selectboard sewer rates, landfill fees and other fees in accordance with the General Laws. After a public hearing, the selectboard shall set such rates and fees.
- (19) Other Duties. The town manager shall perform such other duties consistent with the office as may be required by by-law, vote of the selectboard or town meeting.

#### **Section 7. Elected Officials.**

Maintenance of Powers. The powers, duties and responsibilities of elected officials shall be as provided by applicable general or special laws or by-laws or vote of the town, except as otherwise expressly provided herein.