

Senate, No. 14

[Senate, March 2, 2009 – Text of the new draft from the committee on Municipalities and Regional Government for Senate, No. 12]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

AN ACT TO PROVIDE THE VOTERS OF THE TOWN OF RANDOLPH A CHOICE OF CHARTERS FOR A NEW FORM OF GOVERNMENT

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

1 SECTION 1. At the first regular or special municipal election held in and for the town of
2 Randolph after the effective date of this act, including a special election solely for the purpose
3 of placing the questions set forth in this act on the ballot, the voters of the town of Randolph
4 shall be afforded an opportunity to vote on the following ballot questions; provided, however,
5 that the town of Randolph may hold such election on April 7, 2009 for the purpose of placing
6 such questions on the ballot notwithstanding the time periods set forth in section 42C of chapter
7 54 of the General Laws to the contrary.

9 Question One: Shall the town adopt a new Charter for a Town Manager – Town Council form
10 of Government? Yes_____ No_____

11 Question Two: Shall the town adopt a new Charter for a Town Manager – Selectmen –
12 Representative Town Meeting form of Government? Yes_____

13 No_____

14 A summary of each form of government may be provided with the ballot questions as may be
15 prepared by attorneys for the town.

16 SECTION 2. If neither question one nor question two set forth in section 1, passes by a
17 majority of the votes cast, then neither form of government shall take effect and the town of
18 Randolph shall continue with its present form of town meeting – selectmen form of government
19 as provided in special acts including, but not limited to, chapter 49 of the acts of 1792, chapter
20 324 of the acts of 1947 and chapter 460 of the acts of 1989. If either question one or question
21 two set forth in said section 1, passes by a majority of the votes cast, that form of government
22 that has obtained the majority favorable vote shall take effect in accordance with the terms set
23 forth in the charter so approved.

24 If both question one and question two pass by a majority of the votes cast, that charter for a new
25 form of government that obtains the highest number of votes cast in favor shall take effect in
26 accordance with the terms set forth in the charter so approved.

27 SECTION 3. Charter for a TOWN MANAGER – TOWN COUNCIL form of
28 government. In the event that the voters of the town of Randolph adopt the charter for a town
29 manager – town council form of government pursuant to section 2, the following charter shall
30 become effective in accordance with its terms:

31 **TOWN MANAGER – TOWN COUNCIL CHARTER**

32 **ARTICLE 1**

33 **INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS**

34 Section 1-1 Incorporation

35 The inhabitants of the town of Randolph, within its territorial limits as now or may hereafter be
36 established by the laws of the commonwealth, shall continue to be a body politic and corporate,
37 known as the “town of Randolph.”

38 Section 1-2 Short Title

39 This instrument may be cited and shall be known as the Randolph Charter.

40 Section 1-3 Division of Powers

41 All legislative powers of the town shall be exercised by a town council hereafter established.
42 The administration of all town fiscal, prudential and municipal affairs shall be vested in the
43 executive branch headed by the town manager.

44 Section 1-4 Powers of the Town

45 The intent and purpose of this charter is to secure for the voters of the town of Randolph,
46 through the adoption of this charter, all the powers possible to secure for their government
47 under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws
48 of the commonwealth, as fully and as though each such power were specifically and
49 individually enumerated herein.

50 Section 1-5 Interpretation of Powers

51 The powers of the town under the charter shall be construed and interpreted liberally in favor of
52 the town and the specific mention of any particular power is not intended to limit in any way the
53 general powers of the town as provided in section 1-4.

54 Section 1-6 For the purposes of classifying Randolph in those instances in which the laws of
55 the commonwealth may distinguish between municipalities classified as “towns” and other
56 municipalities classified as “cities,” it is intended that this charter shall be construed as
57 providing a city form of government.

58 Section 1-7 Intergovernmental Relations

59 The town may enter into agreements with any other unit of government to perform jointly or in
60 cooperation, by contract or otherwise, any of its powers or functions.

61 **ARTICLE 2**

62 **LEGISLATIVE BRANCH**

63 Section 2-1 Composition, Term of Office

64 (a) Composition - There shall be a town council consisting of 9 members which
65 shall exercise the legislative powers of the town. Five of these members, to be known as
66 councillors-at-large, shall be nominated and elected by and from the voters-at-large. Four of
67 these members, to be known as district councillors, shall be nominated and elected by and from
68 the voters of each district, 1 such district councillor to be elected from each of the 4 council
69 districts into which the town is divided, in accordance with section 7- 4.

70 (b) Term of Office - The terms of town councillors shall be for 2 years each and
71 shall begin following such town councillors’ election on the first day of January that does not
72 fall on a weekend or holiday and shall continue until their successors are qualified.

73 (c) Eligibility - Any voter shall be eligible to hold the office of councillor-at-large.
74 A district councillor shall, at the time of his election, be a voter of the district from which he is
75 elected; provided, however, that if any such district councillor shall, during the term for which
76 he was elected, remove to another district in the town, or be so removed by a revision of district
77 lines, such councillor may continue to serve for the balance of the term for which he was
78 elected. Councillors shall not serve as the chairman of any appointed board, committee or
79 commission.

80 Section 2-2 Council President

81 (a) Election and Term - As soon as practical after the councillors-elect have been
82 qualified following each biennial election, the members of the town council shall elect from
83 among its members a council president who shall serve during the current term of office.

84 (b) Powers and Duties - The council president shall preside at all meetings of the
85 town council, regulate its proceedings and shall decide all questions of order. The council
86 president shall appoint all members of all committees of the town council, whether special or
87 standing. The council president shall have the same powers to vote upon all measures coming
88 before the town council as any other member of the town council. The council president shall
89 perform such other duties consistent with the office as may be provided by charter, by ordinance
90 or by other vote of the town council. The council president shall be recognized as the official
91 head of the town for all ceremonial purposes and shall be recognized by the courts for the
92 purposes of serving civil process.

93 (c) Council Vice-President - The members of the town council shall also elect from
94 among the council's members a council vice-president who shall serve as acting president
95 during the temporary absence or disability of the council president during the current term of

96 office. The powers of an acting council president shall be limited to only those powers of the
97 office indispensably essential to the performance of the duties of the office during the period of
98 such temporary absence or disability and no others.

99 Section 2-3 Conflict Of Interest

100 No person shall simultaneously hold more than 1 elective town office. Unless such service may
101 otherwise be authorized by the charter, no member of the town council shall, while a member of
102 the town council hold any other town office or employment for which a salary or other
103 emolument is payable from the town treasury; but this restriction shall not apply to an office or
104 position under the school committee. No councillor shall hold any compensated appointed town
105 office or employment until 1 year following the date on which his council service has
106 terminated. This provision shall not prevent a town officer or town employee who has taken a
107 leave of absence from such office or employment from resuming the same office or
108 employment following service as a member of the town council.

109 Section 2-4 Compensation, Expenses

110 (a) Salary - The town council shall serve without compensation.

111 (b) Expenses - Subject to appropriation, the council members shall be entitled to
112 reimbursement of their actual and necessary expenses incurred in the performance of their
113 duties.

114 Section 2-5 General Powers

115 Except as otherwise provided by general law or by this charter, all powers of the town shall be
116 vested in the town council which shall provide for the exercise thereof and for the performance
117 of all duties and obligations imposed upon the town by such law. The town may enter into

118 contracts for the exercise of its corporate powers on such terms and conditions as are authorized
119 by the town council by ordinance. The town council shall be the licensing authority of the town
120 of Randolph and shall, as authorized by the laws of the commonwealth, have all the power to
121 issue licenses, to make all necessary rules and regulations regarding the issuance of such
122 licenses, to attach conditions and restrictions to such licenses as it deems to be in the public
123 interest and to enforce all laws relating to such licensed businesses.

124 Section 2-6 Exercise Of Powers; Quorum; Rules

125 (a) Exercise of Powers - Except as otherwise provided by general law or by this
126 charter, the legislative powers of the town council may be exercised in a manner determined by
127 it.

128 (b) Quorum - The presence of 5 members shall constitute a quorum for the
129 transaction of business, but a smaller number may adjourn from time to time. Except as
130 otherwise provided by the charter, the affirmative vote of 5 members shall be required to adopt
131 any ordinance or appropriation order.

132 (c) Rules of Procedure - The town council shall, from time to time adopt rules
133 regulating its procedures which shall be in addition to the following:

134 i. Regular meetings of the town council shall be held at a time and place fixed
135 by ordinance.

136 ii. Special meetings of the town council shall be held at the call of the council
137 president, or, on the call of any 3 or more members, by written notice
138 delivered in hand or to the place of residence of each member and which

139 contains a listing of the items to be acted upon. A copy of the notice to
140 members shall, forthwith, be posted upon the town bulletin board.

141 iii. All sessions of the town council and of every committee or subcommittee
142 thereof, shall meet subject to sections 23A to 23C, inclusive and section 24
143 of chapter 39 of the General Laws.

144 Section 2-7 Access to Information

145 (a) In General - The town council may make investigations into the affairs of the
146 town and into the conduct and performance of any town agency and for this purpose may
147 subpoena witnesses, administer oaths and require the production of evidence.

148 (b) Town Officers, Members of Town Agencies, Employees - The town council may
149 require any town officer, member of a town agency or town employee to appear before it to give
150 such information as the town council may require in relation to the municipal services,
151 functions, powers, or duties which are within the scope of responsibility of such person.

152 (c) Town Manager -The town council may require the town manager to appear
153 before it at any time to provide specific information on the conduct of any aspect of the business
154 of the town which is within his control under this charter or under any law of the
155 commonwealth.

156 The town manager may bring with him on any such occasion any assistant, department head or
157 other town officer or employee to assist him in responding to questions which may be posed to
158 him.

159 (d) Notice - Except in cases of emergency the town council shall give not less than 5
160 days notice in writing to any person it may request to appear before it under this section. The

161 notice shall include specific questions on which the town council seeks information and no
162 person called to appear before the town council under this section shall be required to respond
163 to any question not relevant or related to those presented to him in advance and in writing.
164 Notice shall be by delivery in hand, or by registered or certified mail to the last known place of
165 residence of any such person.

166 Section 2-8 Officers Appointed by the Council or Council President

167 (a) The town council, by the affirmative vote of at least 5 members, shall appoint a
168 town accountant, a town attorney and a board of registrars.

169 (b) Clerk of the Council - The council president shall appoint, subject to the
170 approval of the town council, a clerk of the council, who may be the town clerk, to serve for a
171 term of 3 years and until his successor is chosen and qualified. The clerk of the council shall
172 give notice of council meetings to the members thereof and to the public, keep the journal of its
173 proceedings and perform such other duties as may be provided by ordinance or by other vote of
174 the town council.

175 (c) Salaries -The officers appointed by the council president shall receive such
176 salaries as may from time to time be provided for such office by ordinance.

177 Section 2-9 Ordinances and Other Measures

178 (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is
179 introduced, except in case of special emergency involving the health or safety of the people or
180 their property.

181 No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and
182 declared in a preamble to such ordinance, separately voted upon and receiving the affirmative
183 vote of 6 members of the town council.

184 No ordinance making a grant, renewal or extension, whatever its kind or nature, of any
185 franchise or special privilege of any kind or nature shall be passed as an emergency measure
186 and except as provided in sections 70 and 71 of chapter 164 and in chapter 166 of the General
187 Laws, no such grant, renewal or extension shall be made otherwise than by ordinance.

188 Emergency ordinances shall stand repealed on the sixty-first day following the adoption thereof,
189 unless an earlier expiration date is specified in the emergency ordinance, or unless a measure
190 passed in conformity with the procedures for measures generally has been passed extending it.

191 (b) Measures, In General - Excepting only proposed ordinances, appropriation orders
192 and loan authorizations, the town council may pass any other measure through all of its stages at
193 any 1 meeting, unless a member of the town council objects; but, if a single member objects, a
194 vote on the measure shall be postponed to the next meeting of the town council.

195 On the first occasion that the question of adopting any measure is put to the town
196 council, except an emergency measure as defined in subsection (a), if a single member objects
197 to the taking of a vote, the vote shall be postponed until the next meeting of the town council
198 regular or special meeting. If, when the matter is next taken up for a vote, 4 or more members
199 object to the taking of the vote, the matter shall be further postponed for not less than an
200 additional 5 days. This procedure shall not be used more than once for any measure,
201 notwithstanding any amendment made to the original measure.

202 (c) Publication - Every proposed ordinance, appropriation order or loan
203 authorization except emergency ordinances as provided in subsection (a), shall be published
204 once in full in a local newspaper and in any additional manner as may be provided by
205 ordinance, at least 5 days before its final passage. After final passage the proposed ordinance
206 shall be posted on the town bulletin board and otherwise published as may be required by
207 ordinance; provided, however, that whenever a proposed ordinance or codification of
208 ordinances or other measure would exceed in length 10 column inches, in lieu of publication in
209 a local newspaper, the same may be published and made available at the office of the town clerk
210 in booklet or pamphlet form and if so published and available at least 10 days before its final
211 passage shall be deemed sufficient notice. Whenever the town council provides for publication
212 in a booklet or pamphlet form in lieu of the newspaper publication, it shall, at least 5 days
213 before final passage publish in a local newspaper a general summary of the proposed ordinance,
214 or ordinances and a notice stating the times and places at which copies of the booklet or
215 pamphlet may be obtained or reviewed by the public.

216 Section 2-10 Filling of Vacancies

217 (a) Councillor-at-Large - If a vacancy shall occur in the office of councillor-at-large
218 during the first 18 months of the term for which councillors are elected, the vacancy shall be
219 filled in descending order of votes received by the candidate for the office of councillor-at-large
220 at the preceding town election who received the largest number of votes without being elected,
221 provided such person remains eligible and willing to serve and provided such person received
222 votes at least equal to 30 per cent of the vote total received by the person receiving the largest
223 number of votes for the office of councillor-at-large at the said election. The town clerk shall

224 certify such candidate to the office of councillor-at-large to serve for the balance of the then
225 unexpired term.

226 If a vacancy shall occur in the office of councillor-at-large during the last 6 months of
227 the term for which councillors-at-large are elected, the vacancy shall be filled by the person
228 who receives the highest number of votes for the office of councillor-at-large at the biennial
229 town election and who is not then serving as a member of the town council. Such person shall
230 forthwith be certified and shall serve for the last 2 months of the concluding term in addition to
231 the term for which such person was elected.

232 (b) District - If a vacancy shall occur in the office of district councillor, the vacancy
233 shall be filled in the same manner as provided in subsection (a) for the office of councillor-at-
234 large except that the list shall be of the candidates for the office of district councillor in the
235 district in which the vacancy occurs; provided, however, if there exists no candidate on such list
236 who remains eligible and willing to serve the next highest ranking candidate from among the
237 candidates for election as councillor at-large who is a resident of the district in which the
238 vacancy exists shall be certified and shall serve until the next regular election if such candidate
239 remains a resident of the district, is willing to serve as a district councillor and received votes in
240 the district at least equal to 30 per cent of the vote total received by the person receiving the
241 largest number of votes for the office of district councillor at said election. The town clerk
242 shall certify such candidate to the office of district councillor to serve for the balance of the then
243 unexpired term.

244 (c) Filling of Vacancies By Town Council - Whenever a vacancy shall occur in the
245 office of councillor-at-large or in that of district councillor and there is no available candidate to
246 fill such vacancy in the manner provided in subsections (a) or (b), the vacancy shall be filled by

247 the remaining members of the town council. Persons elected to fill a vacancy by the town
248 council shall serve only until the next regular election or, if so decided, a special election, at
249 which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy
250 shall forthwith be sworn and shall serve for the remainder of the unexpired term. Persons
251 serving as town councillors under this section shall not be entitled to have the words “candidate
252 for re-election” printed against their names on the election ballot.

253 **ARTICLE 3**

254 **TOWN MANAGER**

255 Section 3-1 Appointment, Term of Office, Qualifications

256 (a) Appointment, Term of Office - The town council, by the affirmative vote of at
257 least two-thirds of the members, shall appoint a town manager to serve for a term of office of up
258 to 5 years.

259 (b) Qualifications - The town manager shall be a person of proven administrative
260 ability, specially qualified by education and training with at least 5 years full-time paid
261 experience as a city or town manager, or an assistant city or town manager or the equivalent
262 public or private sector level experience. The town council may, from time to time, establish
263 such additional qualifications as seems necessary and appropriate.

264 The town manager shall devote his full time to the office and shall not hold any other public
265 office, elected or appointed, nor shall he engage in any other business, occupation or profession
266 during his term unless such action is approved, in advance, by the town council.

267 The town council may, by ordinance, establish other qualifications for the office of town
268 manager.

269 Section 3-2 Powers and Duties

270 The town manager shall be the chief administrative officer of the town and shall be responsible
271 to the town council for the proper administration of all town affairs placed under his charge
272 under the charter. The powers and duties of the town manager shall include, but are not
273 intended to be limited to, the following:

274 He shall supervise, direct and be responsible for the efficient administration of all town
275 activities placed under his control by the charter, by ordinance, or otherwise, including all
276 officers appointed by him and their respective agencies.

277 He shall be responsible for the coordination of the activities of all agencies under his control
278 with the activities of all other town agencies, including those elected by the voters of Randolph
279 and those appointed by other elected officials.

280 Except as otherwise provided by this charter and subject to the civil service law and any
281 collective bargaining agreements as may be applicable, the town manager shall appoint, based
282 upon merit and fitness alone, all department heads, officers, subordinates, employees and all
283 appointed multiple member bodies for whom no other method of selection is provided in this
284 charter except employees of the school department. Appointments made by the town manager
285 shall become effective upon the approval of the council; provided, however, that such approval
286 is received within 15 days of filing such notice of appointment. If the town council shall fail to
287 act, appointments made by the town manager shall become effective on the fifteenth day
288 following the day on which notice of the proposed appointment is filed with the town council.

289 For the purpose of this section, notice of appointment shall be considered filed with the town
290 council when such notice is filed at an open meeting of the town council. Department heads

291 shall appoint all officers, subordinates and employees within their department subject to the
292 approval of the town manager.

293 He shall administer all personnel policies, practices, or rules and regulations, any compensation
294 plan and any related matters for all municipal employees and administer all collective
295 bargaining agreements, except for school department agreements, entered into by the town.

296 He shall be responsible for the negotiation of all union and non-union contracts with town
297 employees over wages and other terms and conditions of employment, except employees of the
298 school department. The town manager may, subject to the approval of the town council,
299 employ special counsel to assist in the performance of these duties. Contracts shall be subject to
300 the approval of the town council.

301 He shall be responsible for making sure that all of the provisions of the laws of the
302 commonwealth, the town charter, town ordinances and other votes of the town council which
303 require enforcement by him, or by officers or employees subject to his supervision, are
304 faithfully carried out and enforced.

305 He shall prepare and submit an annual operating budget and a capital outlay program as
306 provided in article 5.

307 He shall be responsible for making sure that a full and complete record of the financial and
308 administrative activities of the town is kept and shall render a complete report to the town
309 council at the end of each fiscal year and at such times as the town council may reasonably
310 require.

311 He shall execute contracts, subject to such prior town council approval as may be prescribed by
312 ordinance.

313 He shall have full jurisdiction over the rental and use of all town facilities, except school or
314 library buildings and grounds and properties under the jurisdiction of the conservation
315 commission pursuant to section 8C of chapter 40 of the General Laws. He shall be responsible
316 for the maintenance and repair of all town-owned property, including school or library buildings
317 and grounds but not including vacant land under the jurisdiction of the conservation commission
318 pursuant to said section 8C of said chapter 40, if a town ordinance authorizing a central town
319 maintenance department is created.

320 He may at any time inquire into the conduct of office of any officer, employee or department
321 under his supervision.

322 He shall be responsible for ensuring that a full and complete inventory of all property owned by
323 the town, both real and personal, is kept.

324 He shall keep the town council fully advised as to the financial condition of the town and of the
325 administration of the town's affairs by filing written reports with the town council not less than
326 quarterly throughout the year.

327 He shall, from time to time, as in his judgment the needs of the town require, make such
328 recommendations to the town council for action to be taken by it as he may deem to be
329 necessary or desirable.

330 He may authorize any subordinate officer or employee to exercise any power or perform any
331 function which he is authorized to exercise or perform; provided, however, that all acts
332 performed under any such delegation shall be deemed to be acts of the town manager.

333 He shall determine the existence of a public emergency or danger and shall assume
334 responsibility for the maintenance of public safety, public order and enforcement of the laws of

335 the commonwealth. The manager shall notify the council president as soon as practical, but
336 within 24 hours, of such a public emergency or danger and of the actions taken. Should the
337 public emergency continue more than 24 hours, the town council may meet to review, ratify or
338 terminate such public emergency.

339 He shall execute all deeds conveying town real property; provided; however, that any such
340 conveyance shall have been previously authorized by the vote of the town council pursuant to
341 the applicable provisions of the laws of the commonwealth.

342 He shall publish an annual report comprised of the complete statistical record of the operations
343 of every town department, commission and committee for the preceding year and such report
344 shall be published annually and made available for distribution to the public not later than 4
345 months after the end of the period on which the report is based.

346 He shall perform such other functions as may, from time to time, be assigned to the office of
347 town manager by ordinance or other vote of the town council, or otherwise.

348 Section 3-3 Compensation

349 The town manager shall receive compensation as may be established by the town council, from
350 time to time, for the office of town manager.

351 Section 3-4 Removal

352 The person serving as town manager shall cease to be town manager upon expiration of his
353 contract or term of office.

354 Earlier in time than the expiration described in the preceding sentence, the town council, by
355 affirmative vote of a two-thirds majority of the full board may vote to terminate, remove or
356 suspend the town manager from office in accordance with the following procedure.

357 Before the town manager may be removed, if he so demands, he shall be given a written
358 statement of the reasons alleged for his removal and shall have a right to be heard thereon at a
359 meeting of the town council prior to the final vote on the question of his removal, but pending
360 and during such hearing the town council may suspend him from office. The action of the town
361 council in suspending or removing the town manager shall be final, it being the intention of this
362 section to vest all authority and to fix all responsibility for such suspension or removal in the
363 town council. The town manager shall continue to receive his salary until the effective date of a
364 final vote of removal. The town council may, by ordinance, establish a procedure governing the
365 removal from office of a town manager in such detail as it may deem necessary or desirable.

366 No contract of employment for a town manager shall be inconsistent with this section.

367 Section 3-5 Acting Town Manager

368 (a) Temporary Absence - The town manager shall, by letter filed with the town
369 council and a copy filed with the town clerk, designate a qualified town officer or administrative
370 employee to exercise the powers and perform the duties of his office during a temporary
371 absence. During the first 10 working days of a temporary absence of the town manager, the
372 town council may revoke such designation by a two-thirds vote and, after the expiration of 10
373 working days, by a majority vote, whereupon it may appoint another qualified town officer or
374 employee to serve as acting town manager until the town manager shall return and resume his
375 duties.

376 (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as
377 possible by the town council but pending such appointment, the town council shall designate a
378 qualified town officer or administrative employee to exercise the powers and perform the duties
379 of the town manager on an acting basis. The appointment of an acting town manager shall be

380 for a term not to exceed 4 months; provided, however, 1 renewal, not to exceed a second 4
381 months, may be permitted.

382 (c) Powers and Duties - The powers of a temporary or acting town manager shall be
383 limited to matters not admitting of delay; provided, however, that no temporary town manager
384 acting under subsection (a) shall have authority to make any permanent appointment to, or
385 removal from, any office or position under the town.

386 Section 3-6 Evaluation of Town Manager

387 There shall be an annual review of the town manager's job performance conducted by town
388 council.

389 **ARTICLE 4**

390 **OTHER ELECTED OFFICES**

391 Section 4-1 School Committee

392 (a) Composition -There shall be a school committee of 7 members, 6 of whom shall
393 be nominated and elected by and from the voters at large and the seventh member shall be the
394 council president or a designee from the town council.

395 (b) Terms of Office - At each biennial election, 3 school committee members shall
396 be elected at large and shall serve for a 4 year term. The terms of school committee members
397 shall begin following their election on the first day of January that does not fall on a weekend or
398 holiday and shall continue until their successors are qualified.

399 (c) Eligibility - Any voter shall be eligible to hold the office of school committee
400 member.

401 (d) Powers and Duties - The school committee shall have general charge and
402 superintendence of the public schools and for this purpose shall have all of the powers and
403 duties which are given to school committees under the Constitution of the Commonwealth and
404 laws of the commonwealth and such additional powers and duties as may be authorized by the
405 charter, by-law or by the vote of the town council.

406 (e) Expenses – Subject to school department appropriation, members of the school
407 committee shall be entitled to reimbursement of their actual and necessary expenses incurred in
408 the performance of their duties.

409 (f) Conflict of Interest - Unless such service may otherwise be authorized by the
410 charter, no member of the school committee, including the council representative, shall hold any
411 other office or position under the school committee for which a salary or other emolument is
412 payable from the town treasury; provided, however, that if the council president shall hold such
413 an office or position, the town council shall, by vote, designate another member of the town
414 council not so ineligible to serve as school committee member in his place and all references in
415 this section to the powers of the council president serving as school committee member shall
416 apply to such person.

417 No person shall simultaneously hold more than 1 elective town office. No school
418 committee member shall hold any compensated employment until 1 year following the date on
419 which his service as a member of the school committee has terminated.

420 (g) Council Representative - The council president shall have the same power to
421 vote on every matter coming before the school committee as any other member.

422 Section 4-2 Trustees of The Stetson Fund

423 (a) Term of Office - There shall be a 3-member board of trustees of the Stetson
424 School Fund elected by the voters for a term of 4 years, so arranged that the term of 1 member
425 shall expire at the first biannual election and the term of 2 members shall expire at the next
426 biennial election and continuing thereafter.

427 (b) Powers and Duties – Except as provided in subsection (a), the trustees shall be
428 governed in accordance with the document entitled “The Stetson Donation of a Town House
429 and Fund for a high school to the Town of Randolph”, voted on February 18, 1843 and article
430 18 of the Special Town Meeting of November 13, 1996.

431 (c) The terms of Stetson Fund trustees shall begin following their election on the
432 first day of January that does not fall on a weekend or holiday and shall continue until their
433 successors are qualified.

434 **ARTICLE 5**

435 **FINANCIAL PROCEDURES**

436 Section 5-1 Budget Hearing and Goal Setting

437 The president of the town council shall call a meeting of the town council prior to the
438 commencement of the budget process, but not later than November 30, to review the financial
439 condition of the town, revenue and expenditure forecasts and other information relevant to the
440 budget process. The president also shall invite representatives of the school committee and
441 trustees of the Stetson Fund to attend this meeting. Subsequent to this meeting, the town
442 council shall meet to set policy goals with input from the town manager and the community.
443 Based on these goals, the town manager shall develop budgetary goals and the town budget.

444 Section 5-2 Submission of Budget, Message

445 The town manager shall, within 7 days after the receipt of departmental budget proposals, but in
446 no event later than February first, prepare and submit to the town council a synopsis of all
447 proposed budget initiatives and requests for additional funding for its review and prioritization.
448 The synopsis shall include a summary of each initiative, its justification and the estimated costs
449 therefore. Councillors may also propose budget initiatives for review and prioritization. Any
450 such proposal shall include a summary, justification and estimate of costs. The town manager
451 shall provide an estimate of projected revenues.

452 By the first regularly scheduled town council meeting in April, or a later date if approved by a
453 vote of the town council, the town manager shall submit to the town council a proposed
454 operating budget for the ensuing fiscal year, which shall provide a complete financial plan of all
455 town funds and activities for the ensuing fiscal year, an accompanying budget message and
456 supporting documents. The preliminary budget as adopted by the school committee shall be
457 submitted to the town manager at least 90 days before the town manager's presentation of the
458 budget to the council to enable the town manager to consider the effect of the school
459 department's requested appropriation upon the total town budget.

460 The message of the town manager shall explain the proposed budget for all town agencies, both
461 in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of
462 the town for the ensuing fiscal year, describe the important features of the budget, indicate any
463 major changes from the current fiscal year in terms of financial policies, expenditures or
464 revenues, together with the reasons for such changes, summarize the town's debt position and
465 include such other material as the town manager deems desirable or that the town council may
466 reasonably require.

467 Section 5-3 Action on The Budget

468 (a) Public Hearing - The town council shall, within 7 days following its receipt of
469 the proposed budget, publish in 1 or more local newspapers the general summary of the
470 proposed budget as submitted by the town manager and a notice stating: (1) the times and places
471 where complete copies of the proposed budget and supporting documents shall be available for
472 examination by the public; and (2) the date, time and place, not less than 10 days after such
473 publication, when the town council, or a standing committee of the town council, shall hold a
474 public hearing on the proposed budget as submitted by the town manager.

475 (b) Adoption - The town council shall adopt the budget, with or without
476 amendments, within 60 days following the day the proposed budget is received by it, or such
477 other period as may be provided by general law. In amending the budget the town council may
478 delete or decrease any programs or amounts, except expenditures required by the laws of the
479 commonwealth or for debt service. If the town council fails to take any action with respect to
480 any item in the proposed budget within 60 days following the date of its receipt of the proposed
481 budget, or such other period as may be provided by general law, such amount shall, without any
482 action by the town council, become a part of the appropriations for the ensuing fiscal year and
483 shall be available for the purposes specified.

484 Section 5-4 Independent Audit

485 Each year an outside audit of the books and accounts of the town shall be conducted. In the
486 event that the commonwealth shall fail in any such period to provide for such an audit to be
487 conducted, within 60 days following the date the town council makes a written request
488 therefore, the town council shall provide for such an audit to be conducted by a certified public
489 accountant, or firm of such accountants.

490 Section 5-5 Capital Outlay Program

491 (a) Submission- The town manager shall prepare and submit to the town council a 5-
492 year capital outlay program at least 3 months prior to the final date for submission of a proposed
493 annual operating budget.

494 (b) Contents - The capital outlay program in the form submitted shall include:
495 A clear general summary of its contents;
496 A listing of all capital expenditures which are proposed to be made during the 5 fiscal years next
497 ensuing, with appropriate financial and other details concerning each such expenditure;
498 Cost estimates, proposed methods of financing and a time schedule for each such expenditure;
499 and
500 The estimated annual cost of operating or maintaining any facilities to be acquired or
501 constructed.
502 The information required by this subsection shall be revised and extended annually.

503 **ARTICLE 6**

504 **ADMINISTRATIVE ORGANIZATION**

505 Section 6-1 Reorganization Plans by Ordinance

506 Except as to types of reorganizations otherwise expressly prohibited by general law or by the
507 charter, the town council may, by ordinance, reorganize, consolidate or abolish any existing
508 town agency, in whole or in part, establish new town agencies and prescribe the functions of
509 any town agency. All town agencies under the direction and supervision of the town manager
510 shall be headed and administered by officers appointed by the manager.

511 Section 6-2 Reorganization Plans By Administrative Code

512 (a) Submission - The town manager may, from time to time, prepare and submit to
513 the town council reorganization plans which may, unless expressly prohibited by general law or
514 this charter, reorganize, consolidate or abolish any existing town agency, in whole or in part,
515 establish new town agencies and prescribe the functions of any town agency. Each such
516 reorganization plan shall be accompanied by an explanatory message when submitted to the
517 town council.

518 (b) Council Action - Every such reorganization plan shall, upon receipt by the town
519 council, be referred to an appropriate standing committee of the town council for study and
520 report. Within 30 days following its referral to a committee a public hearing shall be held
521 concerning the proposal, either before the standing committee, or before the full town council.
522 Within 14 days following the conclusion of the public hearing, the standing committee to which
523 such matter was referred shall file a report stating either that it approves of the reorganization
524 plan or that it disapproves of it. A reorganization plan shall become effective on the sixtieth day
525 following the date of its receipt by the town council, unless a later date is specified in the
526 reorganization plan, or unless the town council has within such period voted to disapprove of it.
527 A reorganization plan submitted by the town manager under this section may not be amended
528 by the town council but shall either be approved or disapproved in the form as submitted.

529 Section 6-3 Publication of Reorganization Plans

530 An up-to-date record of reorganization plans under section 6-2(b) shall be kept on file in the
531 office of the town clerk and copies of all such plans shall be published as an appendix to any
532 publication of the ordinances of the town.

533 **ARTICLE 7**

534 **NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM**

535 Section 7-1 Town Elections: General

536 The regular general town election shall be held on the first Tuesday following the first Monday
537 in November in each odd numbered year.

538 Section 7-2 Non-Partisan Elections

539 All elections for town offices shall be non-partisan and election ballots shall be printed without
540 any party mark, emblem or other designation whatsoever.

541 Section 7-3 Signature Requirements

542 The number of signatures of voters required to place the name of a candidate on the official
543 ballot to be used at an election shall be as follows: for councillor-at-large, school committee
544 member, or Stetson Fund trustee, not less than 50 such signatures, not more than 25 of which
545 shall be from any 1 district; for the office of district councillor not less than 50 such signatures
546 from the district from which the nomination is sought.

547 Section 7-4 Districts

548 The territory of the town shall be divided into 4 districts so established as to consist of compact
549 and contiguous territory, bounded insofar as possible by the center line of known streets or ways
550 or by other well defined limits. Each such district shall be composed of voters established in
551 accordance with the general laws. The town council shall from time to time review such
552 districts to insure their uniformity in number of inhabitants.

553 Section 7-5 Application of General Laws

554 Except as expressly provided in this charter and authorized by general law, all town elections
555 shall be governed by the laws of the commonwealth relating to the right to vote, the registration
556 of voters, the nomination of candidates, the conduct of general and special elections, the

557 submission of charters, charter amendments and other propositions to the voters, the counting of
558 votes, the recounting of votes and the determination of results.

559 Section 7-6 Petitions To Council Or School Committee

560 The town council or the school committee shall hold a public hearing and act with respect to
561 every petition which is addressed to it, which is signed by 150 voters, or more and which seeks
562 the passage of a measure. The hearing shall be held by the town council or the school
563 committee, or, in either case, by a committee or subcommittee thereof and the action by the
564 town council or the school committee shall be taken not later than 3 months after the petition is
565 filed with the clerk of the council or the administrative assistant to the superintendent, as may be
566 appropriate. Hearings on 2 or more petitions filed under this section may be held at the same
567 time and place. The clerk of the council or the administrative assistant to the superintendent
568 shall mail notice of the hearing to the 10 persons whose names appear first on the petition at
569 least 48 hours before the hearing. Notice, by publication, of all such hearings shall be at public
570 expense.

571 Section 7-7 Citizen Initiative Measures

572 (a) Commencement - Initiative procedures shall be started by the filing of an
573 initiative petition with the clerk of the council or the administrative assistant to the
574 superintendent, as the case may be. The petition shall be addressed to the town council or to the
575 school committee, shall contain a request for the passage of a particular measure, which shall be
576 set forth in full in the petition and shall be signed by at least 5 per cent of the total number of
577 voters as of the date of the most recent town election. Signatures to an initiative petition need
578 not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together
579 and shall be filed as a single instrument, with the endorsement thereon of the name and

580 residence address of the person designated as filing the same. With each signature on the
581 petition there shall also appear the street and number of the residence of each signer.

582 Within 10 days following the filing of the petition, the board of registrars shall ascertain
583 by what number of voters the petition has been signed and what percentage that number is of the
584 total number of voters as of the date of the most recent town election. The board of registrars
585 shall attach its certificate to the petition, which shall certify the signatures and addresses of
586 those residents to the clerk of the council or the administrative assistant to the superintendent
587 according to how the petition is addressed. A copy of its certificate shall also be mailed to the
588 person designated upon such petition as having filed the same.

589 (b) Referral to Town Attorney - If the board of registrars determines that a petition
590 has been signed by a sufficient number of voters, the clerk of the council or the administrative
591 assistant to the superintendent, as the case may be, shall forthwith following receipt of such
592 certificate deliver a copy of the petition to the town attorney. Within 15 days following the date
593 a copy of the petition is delivered to him, the town attorney shall, in writing, advise the town
594 council or the school committee, as may be appropriate, whether the measure, as proposed may
595 lawfully be proposed by the initiative process and whether, in its present form, it may be
596 lawfully adopted by the town council or by the school committee. If the opinion of the town
597 attorney is that the measure is not in proper form, he shall state his reasons in full in his reply.
598 A copy of the opinion of the town attorney shall also be mailed to the person designated on the
599 petition as having filed the same.

600 (c) Action on Citizen Initiative Petitions - Within 30 days following the date a
601 citizen initiative petition has been returned to the clerk of the council or to the administrative
602 assistant to the superintendent by the town attorney as being lawful and after publication in

603 accordance with section 2-9(c), the town council or the school committee shall act with respect
604 to each initiative petition by passing it without change, by passing a measure which is stated to
605 be in lieu of an initiative measure, or by rejecting it. The passage of a measure which is in lieu
606 of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the
607 expiration of such 30 days the town council or the school committee has not voted on such
608 petition, no other business of said council or committee shall be in order or lawfully acted upon
609 until a vote to approve of the measure, to disapprove of the measure, or to adopt some other
610 measure in lieu thereof, has been taken.

611 (d) Supplementary Petitions - Within 45 days following the date an initiative petition
612 has been rejected, a supplemental initiative petition may be filed with the clerk of the council or
613 the administrative assistant to the superintendent. The supplemental initiative petition shall be
614 signed by a number of additional voters which is equal to 5 per cent of the total number of
615 voters as of the date of the most recent town election, which may include the signatures of
616 voters who signed the original petition if they sign the supplemental petition, or other additional
617 voters. If the number of signatures to such supplemental petition is found to be sufficient by the
618 board of registrars, the town council shall call a special election to be held on a date fixed by it
619 not less than 30 nor more than 45 days following the date of the certificate of the board of
620 registrars that a sufficient number of voters have signed the supplemental initiative petition and
621 shall submit the proposed measure, without alteration, to the voters for determination; provided,
622 however, if any other town election is to be held within 120 days following the date of said
623 certificate, the town council may omit the calling of such special election and cause such
624 question to appear on the election ballot at such approaching election for determination by the
625 voters.

626 (e) Publication - The full text of any initiative measure which is submitted to the
627 voters shall be published in a local newspaper not less than 7 nor more than 14 days preceding
628 the date of the election at which such question is to be voted upon. Additional copies of the full
629 text shall be available for distribution to the public in the office of the board of registrars.

630 (f) Form of Question - The ballots used when voting on a measure proposed by the
631 voters under this section shall contain a question in substantially the following form:

632 Shall the following measure which was proposed by voters in an initiative petition take
633 effect?

634 (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the
635 petitioners and approved by the board of registrars.)

636 YES ____ NO ____

637 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the
638 affirmative, the measure shall be deemed to be effective forthwith, unless a later date is
639 specified in such measure; provided, however, that no such measure shall be deemed to be
640 adopted if fewer than 20 per cent of the total number of voters of the town, as of the date of the
641 most recent town election, participate at such election.

642 Section 7-8 Citizen Referendum Procedures

643 (a) Petition, Effect on Final Vote - If, within 20 days following the date on which the
644 town council or the school committee has voted finally to approve of any measure, a petition
645 signed by a number of voters equal to 5 per cent of the total number of voters as of the date of
646 the most recent town election and addressed to the town council or to the school committee, as
647 the case may be, against the measure or any part thereof is filed with the administrative assistant

648 to the superintendent or clerk of the council, the effective date of such measure shall be
649 temporarily suspended. The school committee or the town council shall forthwith reconsider its
650 vote on such measure or part thereof and, if such measure is not rescinded the town council
651 shall provide for the submission of the question for a determination by the voters either at a
652 special election which it may call at its convenience, or within such time as may be requested by
653 the school committee, or at the next regular town election. Pending such submission and
654 determination the effect of such measure shall continue to be suspended.

655 (b) Certain Initiative Provisions to Apply - The petition described in this section
656 shall be termed a referendum petition and insofar as applicable, section 7-7 (a), (b), (e) and (f)
657 shall apply to such referendum petitions, except that the words “measure or part thereof
658 protested against” shall be deemed to replace the word “measure” in said sections wherever it
659 may occur and the word “referendum” shall be deemed to replace the word “initiative”
660 wherever it may occur in said sections.

661 Section 7-9 Ineligible Measures

662 None of the following shall be subject to the initiative or the referendum procedures: (1)
663 proceedings relating to the internal organization or operation of the town council or of the
664 school committee; (2) an emergency measure adopted in conformity with the charter; (3) the
665 town budget or the school committee budget as a whole; (4) revenue loan orders; (5) any
666 appropriation for the payment of the town’s debt or debt service; (6) an appropriation of funds
667 to implement a collective bargaining agreement; (7) proceedings relating to the election,
668 appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel
669 action; (8) any proceedings repealing or rescinding a measure or part thereof which is already

670 undergoing challenge by referendum procedures; and (9) any proceedings providing for the
671 submission or referral of any measure to the voters at an election.

672 Section 7-10 Submission of Other Matters to Voters

673 The town council may, on its own motion and shall, at the request of the school committee if a
674 measure originates with that body and pertains to affairs under its jurisdiction, submit to the
675 voters at any regular town election for adoption or rejection any measure in the same manner
676 and with the same force and effect as is hereby provided for submission by petitions of voters.

677 Section 7-11 Conflicting Provisions

678 If 2 or more measures passed at the same election contain conflicting provisions, only the 1
679 receiving the greatest number of affirmative votes shall take effect.

680 Section 7-12 Recall of Elected Officials

681 (a) Any holder of elective office may be recalled therefrom by the registered voters
682 of the town of Randolph as provided in this charter.

683 (b) Any 500 registered voters of the town of Randolph may file with the town clerk
684 an affidavit containing the name of the officer sought to be recalled and a statement of the
685 grounds for recall. The town clerk shall, within 5 days, certify thereon the number of signatures
686 which are names of registered voters of the town. The town clerk shall, upon certification,
687 deliver to the voters making the affidavit copies of petition blanks demanding such recall,
688 copies of which shall be kept available. The blanks shall be issued by the town clerk with the
689 clerk's signature and official seal attached thereto. They shall be dated, addressed to the town
690 council and contain the names of all persons to whom they are issued, the name of the person
691 whose recall is sought, the grounds of recall as stated in the affidavit and the demand for the

692 election of a successor to said office. A copy of the petition shall be entered in a record book to
693 be kept in the office of the town clerk. The recall petition shall be returned and filed with the
694 town clerk within 21 days after the certification of the affidavit and shall have been signed by at
695 least 20 per cent of the registered voters of the town who shall add to their signatures the street
696 and number, if any, of their residences. The town clerk shall, within 24 hours of receipt, submit
697 the petition to the registrars of voters in the town and the registrars shall, within 14 days, certify
698 thereon the number of signatures which are names of registered voters of the town.

699 For the recall of a district councillor, the above procedures shall apply, except that: all
700 signatures shall be obtained from the affected district; 150 signatures shall be required on the
701 initial affidavit ; the recall petition shall be signed by at least 20 per cent of the registered voters
702 of the district; and an election held for the recall of a district councillor shall be held only in the
703 affected district.

704 (c) If the petition shall be found and certified by the town clerk to be sufficient, he
705 shall submit the same with his certificate to the town council without delay and said council
706 shall, within 7 days, give written notice of the receipt of the certificate to the officer sought to
707 be recalled and shall, if the officer does not resign within 5 days thereafter, order an election to
708 be held on a date fixed by them not less than 60 nor more than 90 days after the date of the town
709 clerk's certificate that a sufficient petition has been filed; provided, however, that if any other
710 town election is to occur within 100 days after date of certification, the town council shall
711 postpone the holding of the recall election to the date of such other election.

712 If a vacancy occurs in said office after a recall election has been ordered, the election
713 shall nevertheless proceed as provided in this section.

714 (d) An officer sought to be removed may be a candidate to succeed himself and,
715 unless the officer requests otherwise in writing, the town clerk shall place his name on the ballot
716 without nomination. The nomination of other candidates, the publication of the warrant for the
717 removal election and the conduct of the same, shall all be in accordance with the general laws
718 relating to elections, unless otherwise provided in the charter.

719 (e) The incumbent shall continue to perform the duties of his office until the recall
720 election. If then re-elected, he shall continue in office for the remainder of the unexpired term,
721 subject to recall as before, except as provided in subsection (g). If not re-elected in the recall
722 election, the officer shall be deemed removed upon the qualification of his successor who shall
723 hold office during the unexpired term. If the successor fails to qualify within 5 days after
724 receiving notification of his election, the incumbent shall thereupon be deemed removed and the
725 office vacant.

726 (f) Ballots used in a recall election shall submit the following proposition in the
727 order indicated:

728 For the recall of (name of officer)

729 Against the recall of (name of officer)

730 Immediately at the right of each proposition, there shall be a square in which the
731 voter, by making a cross mark "X", may vote for either proposition. Under the proposition
732 there shall appear the word "Candidates," the direction to voters required by section 42 of
733 chapter 54 of the General Laws and beneath this the names of candidates nominated as
734 hereinbefore provided. If a majority of the votes cast upon the question of recall is in the
735 affirmative, the candidate receiving the highest number of votes shall be declared elected. If a

736 majority of votes on the question is in the negative, the ballots for candidates need not be
737 counted.

738 (g) No recall affidavit shall be filed against an officer within 6 months after he takes
739 office, nor in the case of an officer subject to a recall election and recalled thereby, until at least
740 6 months after the election at which his recall was submitted to the voters.

741 **ARTICLE 8**

742 **GENERAL PROVISIONS**

743 Section 8-1 Charter Changes

744 (a) In General - This charter may be replaced, revised or amended in accordance
745 with any procedure made available under the Constitution of the Commonwealth, or by general
746 or special law.

747 (b) Periodic Review - The town council shall provide, in every year ending in a 0,
748 for a review of the charter by the entire council and 6 additional persons to be appointed by the
749 council president. The committee shall file a report within the year recommending any changes
750 to the charter which it deems necessary or desirable, unless an extension is authorized by vote of
751 the town council.

752 Section 8-2 Severability

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

757 Section 8-3 Specific Provision to Prevail

758 To the extent that any specific provision of this charter may conflict with any other provision
759 expressed in general terms, the specific provision shall prevail.

760 Section 8-4 Rules and Regulations

761 A copy of all rules and regulations adopted by town agencies shall be placed on file in the office
762 of the town clerk and shall be available for review by any person who requests such information
763 at any reasonable time. No rule or regulation adopted by any town agency shall become
764 effective until 5 days following the date it is so filed.

765 Section 8-5 Review of Ordinances

766 (a) The town council shall provide, by appointment of a committee, or as it may
767 determine, that in each year ending in 6 or 1, for a review of the ordinances of the town for the
768 purpose of determining if any amendments or revisions thereto may be necessary or desirable.
769 Such review shall be completed within the year and shall be conducted under the supervision of
770 the town attorney or at the town council so directs by special counsel appointed for that purpose.
771 The impact of any charter amendments, revisions and special acts of the legislature shall be
772 examined to determine the effect on the town's ordinances.

773 Section 8-6 Uniform Procedures Applicable to Multiple Member Bodies

774 (a) Meetings - All multiple-member bodies of the town shall meet regularly at such
775 times and places as they may, by their own rules, prescribe, unless some other provision is made
776 by ordinance or by-law. Special meetings of any multiple-member body shall be held subject to
777 the call of the chair or by one-third of the members thereof, by written notice delivered in hand
778 or to the place of residence of each member and which contains a list of the item or items to be
779 acted upon. Except in case of an emergency, such notice shall be delivered at least 48 hours in

780 advance of the time set for such meeting. A copy of such notice to members shall, forthwith, be
781 posted upon the town bulletin board.

782 (b) Rules and Journals - Each multiple-member body shall determine its own rules
783 and order of business unless another provision is made by ordinance or by-law and shall provide
784 for the keeping of a journal of its proceedings. These rules and journals shall be a public record
785 and certified copies shall be kept on file in the office of the town clerk and in the Turner Free
786 Public Library.

787 (c) Voting - If requested by any member, any vote of any multiple-member body
788 shall be taken by a call of the roll and the vote of each member shall be recorded in the journal;
789 provided, however, that if the vote is unanimous only that fact need be recorded.

790 (d) Quorum - A majority of the members of a multiple-member body shall constitute
791 a quorum, but a smaller number may meet and adjourn from time to time.

792 Section 8-7 Number and Gender.

793 Words importing the singular number may extend and be applied to several persons or things;
794 words importing the plural number may include the singular ; words imparting the masculine
795 gender shall include the feminine gender.

796 Section 8-8 References to General Laws

797 All references to General Laws contained in the charter refer to the General Laws of the
798 commonwealth and are intended to refer to and to include any amendments or revisions to such
799 chapters or sections, or to the corresponding chapters and sections of any rearrangement,
800 recodification or revision of such statutes enacted or adopted subsequent to the adoption of this
801 charter.

802 Section 8-9 Certificate of Election or Appointment

803 Every person who is elected, including those elected by the town council, or appointed to an
804 office of the town shall receive a certificate of such election or appointment from the town
805 clerk. Except as otherwise provided by the laws of the commonwealth, before performing any
806 act under an appointment or election, all elected or appointed persons shall take and subscribe to
807 an oath of office and be sworn to the faithful performance of their duties.

808 Section 8-10 Notice of Vacancies

809 Whenever a vacancy shall occur in any town office or in the employment of the town, or, when
810 by reason of a retirement, resignation, expiration of a fixed term, or otherwise, a vacancy can be
811 anticipated, the town manager or other appointing authority shall forthwith cause public notice
812 of such vacancy or impending vacancy to be publicly posted on the town bulletin board and
813 website for not less than 10 days. Each such notice shall contain a brief description of the duties
814 of the office or position and shall indicate a list of necessary or desirable qualifications for the
815 office or position. Any person who desires to be considered for an appointment to fill such
816 vacancy may, within 10 days following the date the notice is posted, or such longer period as
817 may be indicated in such announcement, file with the appointing authority a statement setting
818 forth with reasonable clarity and specificity, the qualifications of such person for such
819 appointment. No permanent appointment to fill any position shall be effective until at least 14
820 days have elapsed following such posting to permit the reasonable consideration of all
821 applicants. This section shall not apply to positions covered under the civil service law and
822 rules or if in conflict with the provisions of a collective bargaining agreement.

823 Section 8-11 Definitions

824 Unless another meaning is clearly apparent from the manner in which the word or phrase is
825 used, the following words and phrases as used in this charter shall have the following meanings:

826 (a) "Charter", this charter and any amendment to it hereafter adopted.

827 (b) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or
828 condition which necessitates immediate action or response.

829 (c) "Local newspaper", a newspaper of general circulation within the town of
830 Randolph, with either a weekly or daily circulation.

831 (d) "Majority vote", a majority of those present and voting, unless another provision
832 is made by ordinance, by-law or by its own rules.

833 (e) "Measure", any ordinance, order, resolution, or other vote or proceeding adopted,
834 or which might be adopted, by the town council or the school committee.

835 (f) "Multiple-member body", any board, commission, committee, sub committee,
836 or other body consisting of 2 or more members whether elected, appointed or otherwise
837 constituted, but not including the town council, the school committee or the Trustees of the
838 Stetson Fund.

839 (g) "Town", the town of Randolph.

840 (h) "Town agency", any multiple-member body, any department, division or office
841 of the town of Randolph.

842 (i) "Town bulletin board", the bulletin board in the administration building on
843 which the town clerk posts official notices of meetings and upon which other official town
844 notices are posted and the bulletin boards at any other locations as may be designated town
845 bulletin boards by the town council.

846 (j) "Town officer", a person having charge of an office or department of the town
847 who in the exercise of his powers or duties exercises some portion of the sovereign power of the
848 town, unless the term "town officer" is used with qualification or description.

849 (k) "Voters", registered voters of the town of Randolph.

850 **ARTICLE 9**

851 **TRANSITIONAL PROVISIONS**

852 Section 9-1 Continuation of Existing Laws

853 All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at
854 the time this charter is adopted, not inconsistent with this charter, shall continue in full force
855 until amended or repealed.

856 If provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders,
857 or special acts or acceptances of laws, the charter provisions shall govern. All provisions of
858 town by-laws, rules, regulations, orders and special acts not superseded by this charter shall
859 remain in force.

860 Section 9-2 Existing Officials and Employees

861 Any person holding a town office or employment under the town shall retain such office or
862 employment and shall continue to perform the duties of the office until provisions shall have
863 been made in accordance with this charter for the performance of such duties by another person
864 or agency.

865 Section 9-3 Continuation of Government

866 All town offices, boards, commissions or agencies shall continue to perform the duties thereof
867 until re-appointed or re-elected, or until successors to their respective positions are fully

868 appointed or elected or until their duties have been transferred and assumed by another town
869 office, board, commission or agency.

870 Section 9-4 Transfer of Records and Property

871 All records, property and equipment whatsoever of any office, board, commission, committee or
872 agency or part thereof, the powers and duties of which are assigned in whole or in part to
873 another town office, board, commission or agency, shall be transferred forthwith to such office,
874 board, commission or agency.

875 Section 9-5 Continuation of Personnel

876 Any person holding a town office, or a position in the administrative service of the town, or any
877 person holding full-time employment under the town, shall retain such office, r position or
878 employment and shall continue to perform the duties of such office, position or employment
879 until provision shall have been made for the performance of those duties by another person or
880 agency; provided, however, that no person in the permanent full-time service of the town shall
881 forfeit his pay grade or time in service of the town.

882 Section 9-6 Incumbent officer holders

883 Upon the adoption of this charter, the incumbents serving in the office of treasurer-collector,
884 town clerk and the incumbent assessor serving as a full-time assessor shall be subject to the
885 town's personnel by-law and shall be granted all benefits and rights provided by said by-law.
886 The incumbents shall be granted sick leave, vacation leave or other such leave based upon the
887 number of years such incumbents have served in an elective office and as an employee of the
888 town of Randolph. Such incumbents shall be entitled to and credited with retroactive sick leave

889 at the rate of 9 days for each year of full-time service as an elected official and as an employee
890 of the town.

891 Section 9-7 Effect On Obligations, Taxes, Etc.

892 All official bonds, recognizances, obligations, contracts and other instruments entered into or
893 executed by or to the town before the adoption of this charter and all taxes, assessments, fines,
894 penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and
895 collected and all writs, prosecutions, actions and cause of action, except as herein otherwise
896 provided, shall continue without abatement and remain unaffected by the charter. No legal act
897 done by or in favor of the town shall be rendered invalid by reason of the adoption of this
898 charter.

899 Section 9-8 Time of Taking Effect

900 This charter shall take effect such that elections for office shall be held on the first Tuesday in
901 November beginning in the first year when no regular state election in November is scheduled
902 following adoption of this charter and biannually thereafter, unless the date of such election
903 would be more than 3 months after the adoption of the charter, in which case the board of
904 selectmen then in office shall schedule a special transition election as promptly as possible after
905 adoption, but not later than 180 days after the adoption of the charter. The officials so elected
906 shall take office on the first day in January that does not fall on a weekend or holiday, of the
907 year after adoption by the voters of the town. The initial transitional term expires when the
908 successors to those officials initially elected by the charter take office after the date of the next
909 election to be scheduled for the first Tuesday in November beginning in the first year when no
910 regular state election in November is scheduled.

911 Section 9-9 Town Manager Transition Selection Process

912 Forthwith following the election at which this charter is adopted, the town moderator, or if the
913 position of town moderator is not in effect, the person to last hold the position, shall initiate
914 proceedings whereby a screening committee shall be established to review applicants for the
915 position of town manager. The screening committee shall consist of 9 persons, representing as
916 nearly as possible the town demographic and occupational base.

917 Not more than 30 days following the election at which this charter is adopted, the 9 persons
918 appointed as aforesaid shall meet to organize and to plan a process for the selection of the town
919 manager.

920 The committee shall review and screen all applications and provide for interviews with such
921 candidates for the position as it deems necessary.

922 Not more than 120 days following the date the committee meets to organize, the committee
923 shall submit to the town council the names of not less than 3, but not more than 5 candidates for
924 the position. Within 60 days following the date the list of nominees is submitted, the town
925 council shall choose 1 of the nominees to be appointed to the office of town manager.

926 Upon the appointment of a town manager, the committee established hereunder shall be
927 discharged.

928 (a) Upon the appointment of the town manager the office of executive secretary
929 shall be abolished.

930 (b) Until such time as the town manager is appointed, the town council shall exercise
931 all the powers, duties and responsibilities necessary to insure orderly operation of town
932 government.

933 SECTION 4. In the event that the voters of the town of Randolph adopt the charter for a
934 town manager – selectmen – representative town meeting form of government, pursuant to
935 sections 1 and 2, the following charter shall become effective in accordance with its terms:

936 **ARTICLE 1**

937 **INCORPORATION AND AUTHORITY**

938 Section 1-1 Incorporation

939 The inhabitants of the town of Randolph, within its territorial limits as now or may hereafter be
940 established by law, shall continue to be a body politic and corporate, known as the “town of
941 Randolph.”

942 Section 1-2 Short Title

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

944 Section 1-3 Division of Powers

945 All legislative powers of the town shall be exercised by a representative town meeting. The
946 administration of all town fiscal, prudential and municipal affairs shall be vested in the
947 executive branch headed by the board of selectmen and town manager.

948 Section 1-4 Powers of the Town

949 The intent and purpose of this charter is to secure for the voters of the town of Randolph,
950 through the adoption of this charter, all the powers possible to secure for their government
951 under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws
952 of the commonwealth, as fully and as though each such power were specifically and
953 individually enumerated herein.

954 Section 1-5 Interpretation of Powers

955 The powers of the town under the charter shall be construed and interpreted liberally in favor of
956 the town and the specific mention of any particular power is not intended to limit in any way the
957 general powers of the town as provided in section 1-4.

958 Section 1-6 Intergovernmental Relations

959 The town may enter into agreements with any other unit of government to perform jointly or in
960 cooperation, by contract or otherwise, any of its powers or functions.

961 **ARTICLE 2**

962 **LEGISLATIVE BRANCH/REPRESENTATIVE TOWN MEETING**

963 Section 2-1 Town Meeting Composition

964 The legislative body of the town shall be a representative town meeting consisting of 120
965 members who shall be elected to meet, deliberate, act and vote in the exercise of the corporate
966 powers of the town. There shall be 15 members elected from each of the 8 districts. Members
967 shall be elected for terms of 3 years each, so arranged that the terms of one-third of the members
968 shall expire each year.

969 Section 2-2 Establishment of Districts

970 The board of selectmen shall divide the town into 8 convenient voting districts so established as
971 to consist of as nearly equal the number of inhabitants as possible, in compact and contiguous
972 territory, bounded insofar as possible by the center line of known streets and ways or by other
973 well-defined limits. The boundaries of the districts shall be reviewed and wholly or partially
974 revised by the board of selectmen; (a) at least once every 10 years; (b) whenever it is directed
975 to do so by vote of the town meeting; and (c) whenever it is apparent from the street list, census

976 data or other official information that the number of inhabitants in any 1 district varies by 10 per
977 cent or more from the total number of inhabitants of the town divided by the number of districts.
978 The board of selectmen shall, within 20 days after any revision of districts, but not later than
979 January twentieth of the succeeding year, file a report of its doings with the town clerk and the
980 assessors with a map or maps or description of the districts and the names and addresses of the
981 voters therein. The board shall cause to be posted in at least 1 public place in each district a
982 map or description of that district with the names and addresses of the voters therein. Whenever
983 the districts are revised, the town clerk shall forthwith give written notice thereof to the state
984 secretary, stating the number and designation of such districts.

985 Section 2-3 Town Meeting Membership

986 (a) Eligibility. Any voter shall be eligible to be a candidate, to be elected and to
987 serve as a town meeting member.

988 (b) Nomination Procedures. Nomination of candidates for town meeting member
989 shall be made by nomination papers signed by not less than 10 voters of the district in which the
990 candidate resides and from which the candidate seeks election. Nomination papers shall be filed
991 with the board of registrars at least 49 days preceding the date of the town election. Every
992 nomination paper shall be submitted to the registrars of voters for certification of names
993 thereon, on or before five o'clock in the afternoon of the fourteenth day preceding the day on
994 which it shall be filed with the town clerk. The written acceptance of the candidate shall be on
995 or attached to the nomination papers when filed in order for it to be valid.

996 Section 2-4 Election

997 The voters in every district shall, at the first annual town election held following any district
998 revision that affects them, elect, by ballot, the number of voters of the district prescribed in this
999 section to be town meeting members. The first third in order of votes received shall serve for 3
1000 years; the second third of such order shall serve for 2 years and the remaining third in such
1001 order shall serve for 1 year from the date of the annual town election. In case of a tie vote
1002 affecting the division into thirds, the members elected from the district shall determine the same
1003 by ballot. Thereafter, except as otherwise provided herein, at each annual election the voters of
1004 each district shall, in like manner, elect for 3-year terms one-third of the number of town
1005 meeting members to which each district is entitled and shall fill for the unexpired terms any
1006 such vacancies then existing. In the event of a tie vote for the office of town meeting member,
1007 the town clerk shall, within 7 days following the election, call all of the town meeting members
1008 of that district together at a convenient place. Under the supervision of the town clerk, any such
1009 tie shall then and there be broken by ballots cast by the elected town meeting members present.

1010 Section 2-5 Vacancies

1011 (a) Resignation. A town meeting member may resign by filing a written resignation
1012 with the town clerk. Such resignation shall take effect upon the date of such filing unless a date
1013 certain is specified therein when it shall take effect.

1014 (b) Removal from Town or District. A town meeting member who moves from the
1015 town shall forthwith cease to be a town meeting member. A town meeting member who moves
1016 from 1 district to another, or who is so removed by a revision of district lines, may continue to
1017 serve as a town meeting member from the district from which the member was elected until the
1018 next annual town election at which the remainder of the member's term, if any, shall be filled by

1019 ballot. Any person so removed from office may be elected at the same election as a town
1020 meeting member from the district to which the member has moved.

1021 (c) Forfeiture of Office. If any person elected as a town meeting member shall fail
1022 to take the oath of office within 30 days following the election of such person, or shall fail to
1023 attend more than one-half of the sessions of the town meeting held in a calendar year, the
1024 member shall, upon certification by the town clerk of such attendance, be deemed to have
1025 resigned and the member's place shall be declared vacant. Any such vacancy shall be filled as
1026 provided in subsection (e).

1027 Any town meeting member who shall fail to attend more than one-half of the sessions of the
1028 town meeting held in a calendar year, may appeal the declaration of vacancy by requesting a
1029 hearing on removal. The member who files such an appeal shall continue to serve until the
1030 outcome of the appeal has been determined. A request for hearing shall be in writing and shall
1031 be filed with the town clerk on or before January fifteenth of the following calendar year. A
1032 hearing shall be held before a committee consisting of the town clerk, town moderator and town
1033 counsel to be held not later than January twenty-fifth of such year. Upon a showing of good
1034 cause by the member, the committee may excuse 1 or more absences and may rescind the
1035 declaration of vacancy provided the town meeting member has attended at least one-half of the
1036 unexcused sessions of the town meeting during such calendar year.

1037 (d) Write-in candidates. A write-in candidate for the office of town meeting shall
1038 receive 10 or more votes in the district in which they are eligible to vote in order to be elected to
1039 that district.

1040 (e) Filling vacancies. Any town meeting member vacancy from any district,
1041 whether arising from a failure of the registered voters thereof to elect, or from any other cause,

1042 may be filled by the remaining members of the district from among the registered voters
1043 thereof, until the next annual election. Upon petition therefor, signed by not less than 10 town
1044 meeting members from the district, notice of any vacancy shall promptly be given by the town
1045 clerk to the remaining members from the district in which the vacancy or vacancies exist and he
1046 shall call a special meeting of such members for the purpose of filling such vacancy or
1047 vacancies. The town clerk shall cause to be mailed to every such member, not less than 5 days
1048 before the time set for the meeting, a notice specifying the object, time and place of the meeting.
1049 At the meeting, a majority of the members from such district shall constitute a quorum, and they
1050 shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall
1051 be by ballot, and a majority of the votes cast shall be required for such choice. The chairman
1052 and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the
1053 same with the town clerk, together with a written acceptance by the member or members so
1054 chosen, who shall thereupon be deemed elected and qualified as a town meeting member or
1055 members.

1056 Section 2-6 Compensation

1057 Representative town meeting members shall serve without compensation.

1058 Section 2-7 Presiding Officer

1059 All sessions of the town meeting shall be presided over by a town moderator, elected as
1060 provided in article 3. The town moderator shall regulate the proceedings, decide questions of
1061 order and make public declarations of all votes. The town moderator shall perform such other
1062 functions as may be authorized by charter, by-law or other town meeting vote.

1063 Section 2-8 Clerk to the Meeting

1064 At the annual and special town meetings a stenographer shall record the entire proceedings and
1065 furnish transcripts thereof to the town clerk and other town officials.

1066 The town clerk, or his designee, shall serve as the clerk of the town meeting. The clerk shall
1067 give notice of all town meetings to the members and to the public, keep the journal of such
1068 proceedings, cause the publication of town meeting attendance and perform such other functions
1069 as may be provided by charter, by-law or other town meeting vote.

1070 Section 2-9 Participation by Non-Town Meeting Members

1071 (a) Residents. Any resident of the town who is not an elected town meeting member
1072 may attend sessions of the town meeting but may not vote. However, subject to such rules as
1073 may, from time to time, be adopted, any resident may participate in proceedings.

1074 (b) Representatives of Town Agencies. Each town agency may designate a
1075 representative to attend all sessions of the representative town meeting for the purpose of
1076 providing town meeting members with information pertinent to warrant articles concerning such
1077 agencies.

1078 Section 2-10 General Powers and Duties of the Town Meeting

1079 The representative town meeting shall be vested with all the legislative powers of the town, as
1080 provided by charter or general laws. The representative town meeting shall provide for the
1081 exercise of all powers of the town and for the performance of all duties and obligations imposed
1082 upon the town.

1083 Section 2-11 Warrant Articles

1084 (a) Initiation. Except procedural matters, all subjects to be acted upon by any town
1085 meeting shall be placed on warrants issued by the board of selectmen in accordance with section

1086 10 of chapter 39 of the General Laws; provided, however, that the board of selectmen shall
1087 place on the warrant all petitions which are addressed to it and which request the submission of
1088 a particular subject matter to the representative town meeting and filed by: (i) any elected town
1089 officer including a member of a multiple-member body; (ii) any appointed multiple member
1090 body acting by a majority of its members; (iii) any 10 voters; (iv) the office of town manager;
1091 and (v) any other person, persons or town agency as authorized by by-law. All such requests for
1092 the inclusion of subjects shall be in writing, but shall not be required to conform to any
1093 particular style or form, except that each request for a particular subject shall be submitted as a
1094 separate petition.

1095 (b) Publication. Publication and distribution of the warrant shall be determined by
1096 by-law.

1097 Section 2-12 Procedures

1098 (a) Time of Meeting. The representative town meeting shall meet at least twice each
1099 calendar year or as may be otherwise determined by the board of selectmen. These 2 meetings
1100 shall be held in 2 sessions to be known as the spring annual town meeting and the fall town
1101 meeting. Each session of the town meeting shall be called by separate warrant. The spring
1102 annual town meeting shall be held as specified by by-law and shall be primarily concerned with
1103 the determination of matters involving the expenditure and commitment of town funds
1104 including, but not limited to, the adoption of an annual operating budget for all town agencies.
1105 The fall town meeting shall be held on such date and time as specified by by-law and shall be
1106 deemed to have all the powers of an annual town meeting.

1107 (b) Quorum. Sixty-one town meeting members shall constitute a quorum for the
1108 transaction of all business to come before the representative town meeting, but a smaller number

1109 may adjourn; provided, however, that if an insufficient number of town meeting members are
1110 present at the first session of a duly called town meeting, a majority of the members present
1111 may vote to recess and reconvene when a quorum is present.

1112 (c) Duty of Town Meeting Member. It shall be the duty of town meeting members
1113 to keep abreast of town business and review materials forwarded to members by the board of
1114 selectmen and the town manager. It is expected that town meeting members will attend selected
1115 meetings of multiple-member bodies, attend hearings held by the finance committee and
1116 actively prepare for each session of the town meeting.

1117 (d) Establishment of Committees. The representative town meeting may, by vote or
1118 by-law, establish committees for the review of warrant articles, consideration and study of any
1119 subjects of concern to the town meeting and the discussion of town business. The
1120 representative town meeting members in any precinct may organize, meet and confer on town
1121 business, subject to sections 23A to 23C, inclusive and section 24 of chapter 39 of the General
1122 Laws.

1123 (e) Meetings of Town Boards, Committees and Commissions. No multiple-member
1124 body of the town shall schedule a meeting to be held during the time the town meeting is in
1125 session for the transaction of business except for meetings at town meeting itself.

1126 Section 2-13 Referendum Procedures

1127 (a) Effective Date of Final Votes. No final affirmative vote of a town meeting on
1128 any warrant article, except a vote to adjourn or dissolve, votes appropriating money for the
1129 payment of notes or bonds of the town and interest thereon becoming due within the then
1130 current fiscal year, votes for the temporary borrowing of money in anticipation of revenue, or a

1131 vote declared by preamble by a two-thirds vote of the town meeting to be an emergency
1132 measure necessary for the immediate preservation of the peace, health, safety or convenience of
1133 the town shall be operative until after the expiration of 7 days, exclusive of Sundays and
1134 holidays, from the dissolution of the town meeting. If a referendum petition is not filed within
1135 such 7-day period, the vote of the town meeting shall become operative.

1136 (b) Referendum Petition. If, within such 7-day period, a petition signed by not less
1137 than 5 per cent of the registered voters of the town, containing the voters' names and addresses
1138 as they appear on the list of registered voters, is filed with the board of selectmen requesting
1139 that any question, not yet effective as defined in subsection (a) be submitted to the voters of the
1140 town at large, the operation of such vote shall be suspended pending its determination as
1141 provided herein. The board of selectmen shall, within 5 days after the filing of such a petition,
1142 call a special election in accordance with the general laws relative to elections, for the purpose
1143 of presenting to the voters at large the question or questions which are the subject of a petition.
1144 If, however, a regular or special election is to be held not more than 30 days following the date
1145 the petition is filed, the board of selectmen may provide that any such questions be presented to
1146 the voters at the same election.

1147 (c) Referendum Election. The polls shall be opened not later than two o'clock in the
1148 afternoon and shall be closed not earlier than 8 o'clock in the evening and all votes upon the
1149 question or questions so submitted shall be taken by ballot and the conduct of such election
1150 shall be in accordance with the general laws relative to elections. The questions so submitted
1151 shall be determined by a majority vote of the voters voting thereon, but no action of the
1152 representative town meeting shall be reversed unless at least 15 per cent of the registered voters
1153 vote on the question.

1154 (d) Format of Questions. Each question so submitted shall be in the form of the
1155 following question which shall be placed upon the official ballot: “Shall the town vote to
1156 approve the action of the representative town meeting whereby it was voted (brief description of
1157 the substance of the vote and by what vote thereon if such vote was tabulated)?”

1158 **ARTICLE 3**

1159 **ELECTED TOWN OFFICERS**

1160 Section 3-1 Elected Town Officers, In General

1161 (a) Elective Offices - The offices to be filled by the voters shall be a board of
1162 selectmen, a school committee, a town moderator and trustees of the Stetson Fund. Such other
1163 regional authorities, districts, or committees as may be established by the laws of the
1164 commonwealth or interlocal agreement may also be filled by the voters.

1165 (b) Eligibility - Any voter shall be eligible to hold any elective town office. No
1166 person shall simultaneously hold more than 1 elective town office; provided, however, that any
1167 person elected to a town office may be a candidate and be elected to serve as a representative
1168 town meeting member.

1169 (c) Vacancies in Office - Any vacancy in any elective office shall be filled in the
1170 manner provided by chapter 41 of the General Laws.

1171 Section 3-2 Board of Selectmen

1172 (a) Composition, Term of Office - There shall be a board of selectmen composed of
1173 5 members elected for terms of 3 years each, so arranged that the terms of as nearly an equal
1174 number of members as is possible shall expire each year, with the terms of 2 expiring in 1 year,

1175 2 in the next year and 1 in the third year. Selectmen shall not serve as the chairman of any
1176 appointed board, committee or commission.

1177 (b) Powers and Duties - The executive authority of the town shall be vested in the
1178 board of selectmen which shall be deemed to be the chief executive office in the town. The
1179 board of selectmen shall be the chief policy making agency of the town and shall have all the
1180 powers and duties of boards of selectmen as may be authorized by charter, general law, by-law
1181 or town meeting vote, except those powers granted to the town manager under this charter. The
1182 board of selectmen shall prepare reports of town business and distribute such reports to all town
1183 meeting members. The board of selectman shall act by the issuance of policy guidelines and
1184 directives. The board of selectmen shall act only through the adoption of policy directives and
1185 guidelines which are to be implemented by the officers and employees appointed by or under its
1186 authority. The town manager shall be the primary officer responsible for the implementation of
1187 policy directives and guidelines adopted by the board of selectmen. The daily administration of
1188 the affairs of the town shall be the exclusive responsibility of the town manager.

1189 (c) Appointment Powers - The board of selectmen shall appoint a town manager, a
1190 town counsel, a town accountant and a board of registrars of voters. The board of selectmen
1191 shall also appoint such other multiple-member bodies as may be provided by general law or by-
1192 law. No selectman shall hold any compensated town office or employment until 1 year
1193 following the date by which his selectman service has been terminated. Unless such service is
1194 otherwise authorized by the charter, no member of the board of selectmen shall, while a member
1195 of the board, hold any other town office or employment for which a salary or other emolument
1196 is payable from the town treasury.

1197 (d) Licensing Authority - The board of selectmen shall be the licensing authority of
1198 the town and shall have all the power to issue licenses as authorized by the laws of the
1199 commonwealth, to make all necessary rules and regulations regarding the issuance of such
1200 licenses and to attach conditions and restrictions on any such license it may issue as it deems to
1201 be in the public interest and to enforce all the laws of the commonwealth relating to all such
1202 businesses for which it issues licenses.

1203 (e) Salary - The board of selectmen shall serve without compensation.

1204 Section 3-3 School Committee

1205 (a) Composition, Terms of Office - There shall be a school committee composed of
1206 7 members, 6 elected for terms of 3 years each and the chairman of the board of selectmen or a
1207 another member of such board, as designated by the board of selectmen, so arranged that the
1208 terms of as nearly an equal number of members as is possible shall expire each year.

1209 (b) Powers and Duties - No member of the school committee shall hold any
1210 compensated town office or employment until 1 year following the date on which his school
1211 committee service terminated. The school committee shall have general charge and
1212 superintendence of the public schools and for this purpose shall have all of the powers and
1213 duties which are given to school committees under the Constitution laws of the commonwealth
1214 and such additional powers and duties as are authorized by this charter, by by-law or vote of
1215 town meeting.

1216 Section 3-4 Town Moderator

1217 (a) Term of Office - A town moderator shall be elected by the voters for a term of 3
1218 years.

1219 (b) Powers and Duties - The town moderator shall preside and regulate the
1220 proceedings at all town meetings, decide all questions of order and make a public declaration of
1221 all votes. No person may address a town meeting without leave of the moderator. The
1222 moderator shall appoint a finance committee as provided by by-law. The town moderator shall
1223 have all the powers and duties provided that office by the general laws, this charter, by-law or
1224 other town meeting vote.

1225 Section 3-5 Trustees of the Stetson Fund

1226 (a) Term of Office - There shall be a 3-member board of trustees of the Stetson
1227 School Fund elected by the voters for a term of 3 years, so arranged that the term of 1 member
1228 shall expire each year.

1229 (b) Powers and Duties – Except as provided in subsection (a), the trustees shall be
1230 governed in accordance with the document titled, The Stetson Donation of a Town House and
1231 Fund for a high school to the town of Randolph, voted on February 18, 1843 and by article 18 of
1232 the special town meeting of November 13, 1996.

1233 Section 3-6 Recall of Elected Officers

1234 (a) Any holder of elective office, except a representative town meeting member,
1235 may be recalled therefrom by the registered voters of the town of Randolph as provided in this
1236 section.

1237 (b) Any 500 registered voters of the town of Randolph may file with the town clerk of
1238 said town an affidavit containing the name of the officer sought to be recalled and a statement of
1239 the grounds for recall. The town clerk shall, within 5 days, certify thereon the number of
1240 signatures which are names of registered voters of the town. The town clerk shall, upon

1241 certification, deliver to such voters making the affidavit copies of petition blanks demanding such
1242 recall, copies of which shall be kept available. The blanks shall be issued by the town clerk with
1243 the clerk's signature and official seal attached thereto. The blanks shall be dated, addressed to the
1244 board of selectmen and contain the names of all persons to whom they are issued, the name of the
1245 person whose recall is sought, the grounds of recall as stated in the affidavit and the demand for
1246 the election of a successor to such office. A copy of the petition shall be entered in a record book
1247 to be kept in the office of the town clerk. The recall petition shall be returned and filed with the
1248 town clerk within 21 days after the certification of the affidavit and shall have been signed by at
1249 least 20 per cent of the registered voters of the town who shall add to their signatures the street
1250 and number, if any, of their residences.

1251 The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of
1252 voters in the town and the registrars shall, within 14 days, certify thereon the number of
1253 signatures which are names of registered voters of the town.

1254 (c) If the petition shall be found and certified by the town clerk to be sufficient, he
1255 shall submit the same with his certificate to the board of selectmen without delay and the board
1256 shall, within 7 days, give written notice of the receipt of the certificate to the officer sought to
1257 be recalled and shall, if the officer does not resign within 5 days thereafter, order an election to
1258 be held on a date fixed by them not less than 60 nor more than 90 days after the date of the town
1259 clerk's certificate that a sufficient petition has been filed; provided, however, that if any other
1260 town election is to occur within 100 days after date of certification, the board of selectmen shall
1261 postpone the holding of the recall election to the date of such other election.

1262 If a vacancy occurs in such office after a recall election has been ordered, the election
1263 shall nevertheless proceed as provided in this section.

1264 (d) An officer sought to be removed may be a candidate to succeed himself and,
1265 unless the officer requests otherwise in writing, the town clerk shall place his name on the ballot
1266 without nomination. The nomination of other candidates, the publication of the warrant for the
1267 removal election and the conduct of the same, shall all be in accordance with the general laws
1268 relating to elections, unless otherwise provided in this charter.

1269 (e) The incumbent shall continue to perform the duties of his office until the recall
1270 election. If then re-elected, he shall continue in office for the remainder of the unexpired term,
1271 subject to recall as before, except as provided in subsection (g). If not re-elected in the recall
1272 election, the officer shall be deemed removed upon the qualification of his successor who shall
1273 hold office during the unexpired term. If the successor fails to qualify within 5 days after
1274 receiving notification of his election, the incumbent shall thereupon be deemed removed and the
1275 office vacant.

1276 (f) Ballots used in a recall election shall submit the following proposition in the
1277 order indicated:

1278 For the recall of (name of officer)

1279 Against the recall of (name of officer)

1280 Immediately at the right of each proposition, there shall be a square in which the voter, by
1281 making a cross mark "X", may vote for either proposition. Under the proposition there
1282 shall appear the word "Candidates," the direction to voters required by section 42 of
1283 chapter 54 of the General Laws and beneath this the names of candidates nominated as
1284 hereinbefore provided. If a majority of the votes cast upon the question of recall is in the
1285 affirmative, the candidate receiving the highest number of votes shall be declared elected.

1286 If a majority of votes on the question is in the negative, the ballots for candidates need not
1287 be counted.

1288 (g) No recall affidavit shall be filed against an officer within 6 months after he takes
1289 office, nor in the case of an officer subject to a recall election and recalled thereby, until at least 6
1290 months after the election at which his recall was submitted to the voters.

1291 **ARTICLE 4**

1292 **TOWN MANAGER**

1293 Section 4-1 Appointment, Qualifications, Term of Office

1294 The board of selectmen shall appoint by a four-fifths vote a town manager for a period not
1295 longer than a 5-year term. The town manager shall be a person of proven administrative ability,
1296 especially qualified by education and training with at least 5 years full-time paid experience as a
1297 city or town manager, or an assistant city or town manager or the equivalent public or private
1298 sector level experience. The board of selectmen may, from time to time, establish such
1299 additional qualifications as it deems necessary and appropriate. The town moderator shall
1300 appoint a screening committee to assist in the recruitment and selection of the town manager.
1301 The screening committee shall present at least 3 candidates to the board of selectmen for
1302 consideration.

1303 The town manager shall devote full-time to the duties of the office and shall not hold any other
1304 elective or appointive office, nor shall the town manager engage in any other business unless
1305 such action is approved in advance in writing by the board of selectmen.

1306 Section 4-2 Powers of Appointment.

1307 Except as otherwise provided by this charter and subject to the civil service law and any
1308 collective bargaining agreements as may be applicable, the town manager shall appoint, based
1309 upon merit and fitness alone, all department heads, officers, subordinates, employees and all
1310 appointed multiple-member bodies for whom no other method of selection is provided in this
1311 charter except employees of the school department.

1312 Appointments made by the town manager shall become effective upon the approval of the board
1313 of selectmen; provided, however, that such approval is received within 15 days of filing such
1314 notice of appointment. If the board of selectmen shall fail to act, appointments made by the
1315 town manager shall become effective on the fifteenth day following the day on which notice of
1316 the proposed appointment is filed with the board of selectmen. For the purpose of this section,
1317 notice of appointment shall be considered filed with the board of selectmen when such notice is
1318 filed at an open meeting of the board of selectmen.

1319 Department heads shall appoint all officers, subordinates and employees within their department
1320 subject to the approval of the town manager.

1321 Section 4-3 Administrative Powers and Duties

1322 The town manager shall be the chief administrative officer of the town and shall be responsible
1323 to the board of selectmen for the proper operation of town affairs for which the town manager is
1324 given responsibility under this charter. The powers, duties and responsibilities of the town
1325 manager shall include, but are not intended to be limited to, the following:

1326 (a) To supervise, direct and be responsible for the efficient administration of all
1327 officers appointed by the town manager and their respective departments and of all functions for

1328 which the town manager is given responsibility, authority or control by this charter, by by-law,
1329 by town meeting vote, or by vote of the board of selectmen.

1330 (b) To administer, either directly or through a person or persons supervised by the
1331 town manager, in accordance with this charter, the laws of the commonwealth applicable to the
1332 town, all by-laws and all regulations established by the board of selectmen.

1333 (c) To coordinate all activities of town departments under the direction of the town
1334 manager and the board of selectmen with the activities of departments under the control of
1335 officers, boards or commissions elected directly by the voters of the town.

1336 (d) To attend all regular and special meetings of the board of selectmen, unless
1337 excused.

1338 (e) To attend all sessions of the town meeting and answer all questions addressed to
1339 the town manager which are related to the warrant articles and matters under the general
1340 supervision of the town manager.

1341 (f) To keep the board of selectmen fully informed as to the needs of the town and
1342 recommend to the selectmen for adoption such measures requiring action by them or by the
1343 town as the town manager deems necessary or expedient.

1344 (g) To insure that complete and full records of the financial and administrative
1345 activity of the town are maintained and to render reports to the board of selectmen as may be
1346 required.

1347 (h) To be responsible for the management, rental, use, maintenance and repair of all
1348 town facilities and land, except those under the jurisdiction of the school committee, the board
1349 of library trustees and the conservation commission.

1350 (i) To be responsible for the purchase of all supplies, materials and equipment,
1351 except books and other educational materials for schools and books and other media materials
1352 for libraries and approve the award of all contracts for all town departments with the exception
1353 of the school department, subject to the approval of the board of selectmen.

1354 (j) To develop and maintain a full and complete inventory of all town-owned real
1355 and personal property.

1356 (k) To administer, in cooperation with the personnel board, if any, personnel
1357 policies, practices, rules and regulations, any compensation plan and any related matters for all
1358 municipal employees and all collective bargaining agreements entered into by the town, except
1359 for school department agreements.

1360 (l) To fix the compensation of all town employees and officers appointed by the
1361 town manager within the limits established by appropriation and any applicable compensation
1362 plan.

1363 (m) To be responsible for the negotiation of all union and non-union contracts with
1364 town employees over wages and other terms and conditions of employment, except employees
1365 of the school department. The town manager may, subject to the approval of the board of
1366 selectmen, employ special counsel to assist in the performance of these duties. Contracts shall
1367 be subject to the approval of the board of selectmen and such other approvals as required by
1368 chapter 150E of the General Laws.

1369 (n) To prepare and submit an annual operating budget and capital improvement
1370 program as provided in article 6.

1371 (o) To keep the board of selectmen and the finance committee fully informed as to
1372 the financial condition of the town and make recommendations to the board of selectmen and
1373 other elected and appointed officials as the town manager deems necessary or expedient.

1374 (p) To investigate or inquire into the affairs of any town department or office under
1375 the supervision of the town manager or the job-related conduct of any officer or employee
1376 thereof.

1377 (q) To delegate, authorize or direct any subordinate or employee of the town to
1378 exercise any power, duty or responsibility which the office of town manager is authorized to
1379 exercise. All acts performed under such delegation shall be deemed to be the acts of the town
1380 manager.

1381 (r) To perform such other duties as are necessary or as may be assigned by this
1382 charter, by-law, town meeting vote or vote of the board of selectmen.

1383 (s) To determine the existence of a public emergency or danger and shall assume
1384 responsibility for the maintenance of public safety, public order and enforcement of the laws of
1385 the commonwealth. The manager shall notify the chairman of the board of selectmen as soon as
1386 practical, but within 24 hours, of such a public emergency or danger and of the actions taken.
1387 Should the public emergency continue for more than 24 hours, the board of selectmen may meet
1388 to review, ratify or terminate the public emergency.

1389 Section 4-4 Compensation

1390 The town manager shall receive such compensation for services as the board of selectmen shall
1391 determine, but such compensation shall be within the limits of available appropriations as
1392 approved by town meeting.

1393 Section 4-5 Vacancy in Office

1394 Any vacancy in the office of town manager shall be filled as soon as possible by the board of
1395 selectmen. Pending appointment of the town manager or the filling of any vacancy, the board
1396 of selectmen shall forthwith appoint some other qualified person to perform the duties of the
1397 town manager. The appointment of the acting town manager shall be for a term not to exceed 4
1398 months, provided however, that a renewal, not to exceed an additional 4 months may be
1399 provided.

1400 Section 4-6 Temporary Absence

1401 The town manager may designate, by letter filed with the board of selectmen and town clerk, a
1402 qualified officer of the town to perform the duties of the town manager during a temporary
1403 absence or disability. If such temporary absence or disability shall exceed 14 days, any
1404 designation made by the town manager shall be subject to the approval of the board of
1405 selectmen. In the event of failure of the town manager to make such designation or if the person
1406 so designated is for any reason unable to serve, or is deemed not qualified by the board of
1407 selectmen, the board of selectmen may designate some other qualified person to perform the
1408 duties of the town manager until the town manager shall return.

1409 Section 4-7 Removal of Town Manager

1410 The person serving as town manager shall cease to be town manager upon expiration of his
1411 contract or term of office, which ever occurs earlier.

1412 Earlier in time than the expiration described in the preceding sentence, the board of selectmen
1413 by affirmative vote of a four-fifths majority of the full board may vote to terminate, remove or
1414 suspend the town manager from office, in accordance with the following procedure:

1415 Prior to removal or termination, the board of selectmen shall adopt a preliminary resolution of
1416 removal by the affirmative vote of a majority of the full board. The preliminary resolution may
1417 suspend the town manager for a period not to exceed 30 days. A copy of the resolution shall be
1418 delivered to the town manager forthwith.

1419 If so requested by the town manager, the board of selectmen shall provide a written statement
1420 setting forth the reasons for the removal or termination.

1421 Within 5 days after the receipt of the preliminary resolution, the town manager may request a
1422 public hearing by filing a written request for such hearing with the board of selectmen. If such a
1423 hearing is requested, the hearing shall be held at a meeting of the board of selectmen not later
1424 than 20 days from the date of request.

1425 If a public hearing has not been requested by the town manager, the board of selectmen may
1426 adopt a final resolution of removal, which may be effective immediately, by affirmative vote of
1427 four-fifths of its members at any time after 10 days following the date of delivery of a copy of
1428 the preliminary resolution to the town manager. If the town manager requests a public hearing,
1429 the selectmen may, at the conclusion of the hearing or within 5 days of the conclusion of the
1430 hearing, adopt a final resolution of removal by an affirmative vote of four-fifths of its members.

1431 The board of selectmen may suspend the town manager by an affirmative vote of a majority of
1432 the full board, pending and during any public hearing as requested by the town manager. The
1433 town manager shall continue to receive a salary until the final date of removal shall become
1434 effective unless the board of selectmen otherwise provides. The action of the board of
1435 selectmen in terminating, removing or suspending the town manager shall be final.

1436 No contract of employment for a town manager shall be inconsistent with this section.

1437 Section 4-8 Evaluation of Town Manager

1438 There shall be an annual review of the town manager's job performance conducted by the board
1439 of selectmen.

1440 **ARTICLE 5**

1441 **ADMINISTRATIVE ORGANIZATION**

1442 Section 5-1 Powers of Organization

1443 Except as to types of reorganizations otherwise expressly prohibited by general law or the
1444 charter, the town manager, subject to the approval of the board of selectmen, may reorganize,
1445 create, consolidate or abolish committees, commissions, offices, departments and agencies
1446 under the supervision of the town manager, in whole or in part, may establish new committees,
1447 commissions, offices, departments and agencies as deemed necessary and may, for such
1448 purposes, transfer the duties and powers and so far as is consistent with the use for which the
1449 funds were voted by the town, transfer the appropriation of 1 committee, commission, office,
1450 department or agency to another.

1451 **ARTICLE 6**

1452 **FINANCIAL PROVISIONS**

1453 Section 6-1 Annual Budget Policy

1454 The board of selectmen and school committee shall meet and confer, prior to and during the
1455 budget process, to review the financial condition of the town, revenue and expenditure forecasts
1456 and other relevant information in order to develop a coordinated and balanced budget. The
1457 finance committee shall participate in the discussions with the board of selectmen and the
1458 school committee in an advisory capacity. The school superintendent and the town manager

1459 shall jointly develop guidelines consistent with policies developed by the board of selectmen
1460 and school committee.

1461 Section 6-2 Budget Process

1462 The town manager shall annually submit to the finance committee a proposed budget and
1463 capital improvement program for the ensuing fiscal year with an accompanying budget message
1464 and supporting documents before February first. The budget message submitted by the town
1465 manager shall explain the budget in fiscal terms and in terms of work programs for all town
1466 agencies. The budget message shall outline the proposed fiscal policies of the town for the
1467 ensuing fiscal year; describe important features of the proposed budget and indicate any major
1468 variations from the current budget, fiscal policies, expenditures and revenues, together with the
1469 reasons for such change. The proposed budget shall provide a complete fiscal plan of all town
1470 funds and activities and shall be in the form the town manager deems desirable.

1471 The preliminary budget, as adopted by the school committee, shall be submitted to the town
1472 manager at least 14 days prior to the town manager submitting the proposed budget to the
1473 finance committee to enable the town manager to consider the effect of the school department's
1474 requested appropriation upon the total town budget which is required to be submitted under this
1475 section.

1476 Section 6-3 Finance Committee Action

1477 The finance committee shall, upon receipt of the budget and capital improvement program,
1478 consider in public meetings the detailed expenditures for each town agency proposed by the
1479 town manager. The finance committee may confer with representatives from any town agency
1480 in connection with its deliberations. The finance committee may request the town manager or

1481 any town agency to provide additional information. The finance committee shall file a proposed
1482 budget and report its recommendations for action 7 days prior to the date on which the town
1483 meeting is to act on the proposed budget. The budget to be acted upon by the town meeting
1484 shall be the budget proposed by the town manager with the accompanying recommendations of
1485 the finance committee.

1486 Section 6-4 Capital Improvement Program and Long Term Financial Plan

1487 The town manager shall, in conjunction with the capital planning committee, submit a capital
1488 improvement program to the board of selectmen and finance committee at the date fixed by by-
1489 law for the submission of the proposed operating budget unless some other time is provided by
1490 the laws of the commonwealth. Annually the board of selectmen, in conjunction with the town
1491 manager, shall prepare a 5-year financial forecast of town revenue, expenditures and the general
1492 financial condition of the town. The plan shall be submitted to the finance committee and shall
1493 be available to the public.

1494 Section 6-5 Approval of Warrants

1495 Warrants for payments of town funds prepared by the town accountant shall be submitted to the
1496 town manager for approval.

1497 Section 6-6 Management of Town Funds

1498 The treasurer shall be responsible for the management of all town funds.

1499 Section 6-7 Annual Audit

1500 The board of selectmen shall provide for an annual audit of the books and accounts of the town
1501 to be made by a certified public accountant, or firm of accountants, who have no personal
1502 interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

1503 **ARTICLE 7**

1504 **GENERAL PROVISIONS**

1505 Section 7-1 Charter Revision or Amendment

1506 (a) In General - This charter may be replaced, revised or amended in accordance with
1507 any procedure made available under the Constitution of the Commonwealth, or by general or
1508 special law.

1509 (b) Periodic Review - The board of selectmen shall provide, in every year ending in
1510 a 0, for a review of the charter by the entire board and 6 additional persons to be appointed by
1511 the board. The committee shall file a report within the year recommending any changes in the
1512 charter which it may deem to be necessary or desirable, unless an extension is authorized by
1513 vote of the board of selectmen.

1514 Section 7-2 Severability

1515 The provisions of this charter are severable. If any of the provisions of this charter are held to
1516 be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected
1517 thereby. If the application of this charter, or any of its provisions, to any person or
1518 circumstances is held to be invalid, the application of said charter and its provisions to other
1519 persons or circumstances shall not be affected thereby.

1520 Section 7-3 Rules of Interpretation

1521 The following rules shall apply when interpreting the charter:

1522 (a) Specific provisions to prevail. To the extent that any specific provision of the
1523 charter shall conflict with any provision expressed in general terms, the specific provision shall
1524 prevail.

1525 (b) Number and Gender. Words imparting the singular number may extend and be
1526 applied to several persons or things; words imparting the plural number may include the
1527 singular; words imparting the masculine gender shall include the feminine gender.

1528 (c) References to General Laws. All references to the General Laws contained in
1529 the charter refer to the General Laws of the commonwealth and are intended to include any
1530 amendments or revisions to such chapters and sections or to the corresponding chapters and
1531 sections of any rearrangement of the general laws enacted subsequent to the adoption of the
1532 charter.

1533 (d) Computation of time. In computing time under the charter, if 7 days or less, only
1534 business days, not including Saturdays, Sundays, or legal holidays shall be counted; if more
1535 than 7 days, every day shall be counted.

1536 Section 7-4 Definitions

1537 Unless another meaning is clearly apparent from the manner in which the word is used, the
1538 following words as used in the charter shall have the following meanings:

1539 (a) “Charter”, this charter and any amendments to it made through any methods
1540 provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

1541 (b) “Majority vote”, a majority of those present and voting, provided a quorum is
1542 present when a vote is taken, unless a higher number is required by the laws of the
1543 commonwealth, this charter, or by the town meeting’s own rules.

1544 (c) “Multiple-member body”, any board, commission or committee but not including
1545 the board of selectmen, the school committee or the trustees of the Stetson Fund.

1546 (d) “Town”, the town of Randolph.

1547 (e) "Town agency" or "agency", any board, commission, committee, department or
1548 office of town government, whether elected, appointed or otherwise constituted.

1549 (f) "Voters", registered voters of the town.

1550 **ARTICLE 8**

1551 **TRANSITIONAL PROVISIONS**

1552 Section 8-1 Continuation of Existing Laws

1553 All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at
1554 the time this charter is adopted, not inconsistent with this charter, shall continue in full force
1555 until amended or repealed.

1556 If provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders
1557 and special acts and acceptances of general or special laws, the charter provisions shall govern.

1558 All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this
1559 charter shall remain in force.

1560 Section 8-2 Existing Officials and Employees

1561 Any person holding a town office or employment under the town shall retain such office or
1562 employment and shall continue to perform the duties of the office until provisions shall have
1563 been made in accordance with this charter for the performance of the said duties by another
1564 person or agency.

1565 Section 8-3 Continuation of Government

1566 All town offices, boards, commissions or agencies shall continue to perform the duties therefore
1567 until re-appointed, re-elected, until successors to their respective positions are fully appointed or

1568 elected or until their duties have been transferred and assumed by another town office, board,
1569 commission or agency.

1570 Section 8-4 Transfer of Records and Property

1571 All records, property and equipment whatsoever of any office, board, commission, committee or
1572 agency or part thereof, the powers and duties of which are assigned in whole or in part to
1573 another town office, board, commission or agency, shall be transferred forthwith to such office,
1574 board, commission or agency.

1575 Section 8-5 Continuation of Personnel

1576 Any person holding a town office, or a position in the administrative service of the town, or any
1577 person holding full-time employment under the town, shall retain such office or position or
1578 employment and shall continue to perform the duties of such office, position or employment
1579 until provision shall have been made for the performance of those duties by another person or
1580 agency; provided, however, no person in the permanent, full-time service of the town shall
1581 forfeit his or her pay grade, or time in service of the town.

1582 Section 8-6 Time of Taking Effect

1583 This charter shall become fully effective upon ratification by the voters, except as otherwise
1584 provided in this section:

1585 (a) A special election for the purpose of electing 120 persons to serve as
1586 representative town meeting members, in the manner provided in Article 2, shall be held within
1587 180 days of the adoption of this charter. The term of office of persons so elected shall be
1588 extended so that the terms of office of the first third, in order of votes received, shall expire at
1589 the town election held in the fourth year following the year in which the charter is adopted; the

1590 terms of office of the second third, in such order of votes received, shall expire at the town
1591 election held in the third year following the year in which the charter is adopted; and the terms
1592 of office of the remaining third, in such order of votes received, shall expire at the town election
1593 held in the second year following the year in which the charter is adopted. At the expiration of
1594 terms of office, town meeting members shall be elected for terms of 3 years as provided in
1595 Article 2. At the same election, 1 additional member of the school committee shall be elected.
1596 The additional school committee member shall serve a term that shall result in 2 members of the
1597 school committee being elected each year.

1598 (b) Forthwith following the election at which the charter is adopted the town
1599 moderator shall initiate proceedings whereby a screening committee shall be established to
1600 review applicants for the position of town manager. The screening committee is to consist of 9
1601 persons, representing as nearly as possible the town demographic and occupational base.

1602 Not more than 30 days following the election at which this charter is adopted the 9
1603 persons appointed as aforesaid shall meet to organize and to plan a process for the selection of
1604 the town manager.

1605 The committee shall review and screen all applications and provide for interviews with
1606 such candidates for the position as it deems to be necessary.

1607 Not more than 120 days following the date the committee meets to organize, the
1608 committee shall submit to the board of selectmen the names of not less than 3 nor more than 5
1609 candidates for the position. Within 60 days following the date the list of nominees is submitted
1610 to it, the board of selectmen shall choose 1 of the nominees to be appointed to the office of town
1611 manager.

1612 Upon the appointment of a town manager, the committee established hereunder shall be
1613 considered discharged. Until such time as another screening committee is established by by-
1614 law, a screening committee, as called for by the town moderator and members selected as herein
1615 provided, shall serve whenever the office of town manager shall become vacant.

1616 (c) Upon the appointment of the town manager, the office of executive secretary
1617 shall be abolished.

1618 (d) Until such time as the town manager is appointed, the board of selectmen shall
1619 exercise all the powers, duties and responsibilities necessary to insure orderly operation of town
1620 government.

1621 (e) Upon the adoption of this charter, the incumbents serving in the office of
1622 treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall
1623 be subject to the town's personnel by-law and shall be granted all benefits and rights provided
1624 by such by-law. The incumbents shall be granted sick leave, vacation leave or other such leaves
1625 based upon the number of years the incumbents have served in an elective office and as an
1626 employee of the town of Randolph. Such incumbents shall be entitled to, and be credited with,
1627 retroactive sick leave at the rate of 9 days for each year of full-time service as an elected official
1628 and as an employee of the town.

1629 (f) At the next annual town meeting following the adoption of this charter, the town
1630 moderator shall appoint a committee of 5 members to review town by-laws and report back to
1631 the town meeting with recommendations to bring by-laws into conformity with this charter.

1632 (g) Unless otherwise provided by this charter, the composition and term of office of
1633 any town agency, board, commission, committee or department existing at the time of the

1634 adoption of this charter shall continue to exist until such time as a different form of
1635 organization is provided in accordance with the procedures made available under section 5-1.

1636 (h) Unless otherwise provided by by-law, the personnel board shall continue to be
1637 composed of the same number of members as currently constituted; provided, however, that the
1638 appointments made by the selectmen shall, upon the expiration of the term of office of such
1639 members, or if a vacancy shall sooner occur, be made by the town manager.

1640 (i) The moderator shall, as soon as practical, after the election of the representative
1641 town meeting appoint a 7-member committee to prepare a code of ethics for the town of
1642 Randolph. Said committee shall be composed of 1 elected town official, 1 appointed town
1643 official, 1 town employee and 4 voters at-large from the town. The code of ethics shall be
1644 applicable to all elected and appointed officials and town employees. The committee shall
1645 report back to the town meeting within 12 months after the committee has been appointed with
1646 a recommended code of ethics for consideration by the representative town meeting.

1647 SECTION 5. This act shall take effect upon passage.