

# ***APPENDIX B***

## ***An Act Providing for a Town Manager in the Town of Duxbury***

### ***Chapter 353 Acts of 1987***

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Upon the effective date of this act, the town of Duxbury shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or the by-laws of the town of Duxbury, this act shall govern.

SECTION 2.

- A. The Board of Selectmen shall serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions and employees of the town.
- B. The Board of Selectmen shall have the power to enact rules and regulations to implement policies and to issue interpretations.
- C. The Board of Selectmen shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town.
- D. The Board of Selectmen shall appoint the town manager, town counsel, registrars of voters, election officers, constables, and members of all committees, boards, and commissions except those appointed by the moderator or elected by the voters.
- E. The Board of Selectmen shall have general administrative oversight of such boards, committees, and commissions appointed by the Board of Selectmen.
- F. The Board of Selectmen shall have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and the town of Duxbury by-laws.
- G. The Board of Selectmen shall be responsible for the preparation of all town meeting warrants.
- H. The Board of Selectmen may make investigations and may authorize the town manager or other agents to investigate the affairs of the town and the conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose the Board of Selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing such investigation shall be printed in the next annual town report.
- I. The Board of Selectmen shall review the annual proposed budget submitted by the town manager and make recommendations with respect thereto as they deem advisable. The town manager shall present the budget, incorporating the recommendations of the selectmen, to the finance committee and the fiscal advisory committee.
- J. The Board of Selectmen, by a majority vote of its full membership, shall appoint a town manager, who shall be a person with executive and administrative qualifications and especially fitted by education, training, and experience to perform the duties of the office. The office of town manager shall not be subject to the consolidated personnel by-law. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.
- K. The Board of Selectmen may remove the town manager at any time by a majority vote. Within seven days thereafter, the town manager may appeal the decision of said board by filing a written request for a public hearing. If such a request is filed, the Board of Selectmen shall conduct a public hearing within fourteen days, and shall act on the appeal within seven days thereafter.
- L. The Board of Selectmen shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

M. The board of Selectmen shall designate a qualified person to serve as acting town manager and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the manager's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty days.

### SECTION 3.

- A. the town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the manager's charge by this act, the board of selectmen, by-law, or vote of town meeting and implementation of town policies placed in the manager's charge by the board of selectmen.
- B. The town manager shall be the chief financial officer of the town and shall be responsible for the design and preparation of the municipal budget, filing grant applications, and controlling budget expenditures, including approval of the warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws. Without limiting the generality of the foregoing the town manager shall have the following specific budgetary powers:
- 1.) The town manager shall submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school department. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt services for the previous, current, and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose, and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law, establish additional financial information and reports to be provided by the town manager.
  - 2.) The town manager shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount.
  - 3.) The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the board of selectmen, and the budget presented by the town manager to the finance committee and the fiscal advisory committee, as required by subsection I of section two, shall be as specified by by-law.
  - 4.) To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing, a detailed estimate of the appropriations required and available funds.

- 5.) The town manager shall submit annually to the board of selectmen and the finance committee and the fiscal advisory committee a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. A capital improvement shall be defined by by-law.
- C. In addition to specific powers and duties provided in this act, the town manager shall have the powers and duties enumerated in this section:
- 1.) The town manager shall be responsible for coordination of operational and strategic planning for the town.
  - 2.) The town manager shall supervise all town departments under the jurisdiction of the selectmen and direct the operations of the town.
  - 3.) The town manager shall have the power to appoint, on the basis of merit and fitness; and, except as otherwise may be provided by civil service regulations, the personnel by-law, or tenure of office provisions may remove: the town accountant, town collector-treasurer, fire chief, police chief, director of public works, building inspector officer, all inspectors except as otherwise provided by General Law, harbormaster, shellfish warden, recreation director, director of veterans service and agent, director of civil defense, zoning enforcement officer, animal control officer, and any other positions as designated by town meeting. The town manager shall hold the aforementioned department heads responsible for the proper staffing of their departments.
  - 4.) All appointments and removals by the town manager shall be subject to ratification by the board of selectmen which shall act upon each appointment and removal within fifteen days following notification thereof. Failure of the board to act within the fifteen day period shall constitute assent.
  - 5.) The town manager, subject to any applicable provisions of the General law relating thereto, may assume, temporarily, the duties of any office which the manager is authorized to fill by appointment.
  - 6.) The town manager shall have the power to appoint and remove other employees as authorized by General Law, by-law, or town meeting vote and for whom appointment is not otherwise provided.
  - 7.) He town manager is responsible for administration of the personnel plan including personnel evaluation policies, practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunity law compliance functions of the town.
  - 8.) The town manager shall keep full and complete records of the office and annually submit to the selectmen, unless requested to do so more frequently, a full written report of the operations of the office of town manager. The town manager may also prepare reports to boards and committees and for the town meeting.
  - 9.) The town manager shall advise the selectmen of all matters requiring action by them or the town.

- 10.) The town manager shall attend all meetings of the board of selectmen and all town meetings and shall be permitted to speak when recognized by the moderator.
  - 11.) The town manager shall act as central purchasing agent for all town departments and activities, except those under the jurisdiction of the school committee and board of library trustees, unless requested by either agency.
  - 12.) The town manager shall manage and be responsible for all town buildings, property and facilities, except those under the jurisdiction of the school committee and the board of library trustees, unless requested by either agency.
  - 13.) The town manager shall be responsible for the negotiation of all contracts, which are subject to execution by the board of selectmen.
  - 14.) The town manager shall administer, either directly or through a person or persons appointed by him, in accordance with this act, all provisions of general and special laws applicable to said town, all by-laws, and all regulations established by the board of selectmen.
  - 15.) The town manager shall oversee the activities of the town counsel under the direction of the board of selectmen.
  - 16.) The town manager shall receive and address citizens complaints and problems.
  - 17.) The town manager shall be responsible for the management of the town insurance program.
  - 18.) The town manager shall represent the town at a local, state and regional meetings and undertake public relations activities under the direction of the board of selectmen.
  - 19.) The town manager shall perform such other duties consistent with the office, as may be required of the manager by by-law or by vote of the board of selectmen or town meeting.
- D. The town manager shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town manager. The town manager may, without notice, cause the affairs of any division or department under the manager's supervision or the job-related conduct of any officer or employee thereof to be examined.

#### SECTION 4.

- A. All laws, special acts, by-laws, rules, regulations, and voted of town meeting in force on the effective data of this act, or any portion or portions thereof, not inconsistent with the provisions of this act shall continue in full force and effect amended or repealed.
- B. The position of executive assistant to the board of selectmen shall be terminated upon assumption of office by the town manager.

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

House of Representatives, August 3, 1987.

Passed to be enacted, George Keeverian, Speaker.

In Senate, August 3, 1987.

Passed to be enacted, Walter J. Boverini, Acting President.

August 11, 1987.

Approved at Three O'Clock and 15 minutes, P.M.

Michael Dukakis, Governor.

