

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Twelve

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF CHATHAM.

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. Section 1-4 of part I of the charter of the town of Chatham is hereby amended by striking out the words "fully and" and inserting in place thereof the following words:- fully.

SECTION 2. Said part I of said charter is hereby further amended by striking out section 1-6 and inserting in place thereof the following 2 sections:-

Section 1-6 Consistency with Town By-laws

Where provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders, general laws, special acts and acceptances of general laws, the charter shall govern. All town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

Section 1-7 Intergovernmental Relations

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

SECTION 3. Said part I of said charter is hereby further amended by adding the following section:-

Section 1-8 Ethical Standards

Elected and appointed officers, officials and employees of the town of Chatham are expected to demonstrate, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards. Elected and appointed officers, officials and employees of the town of Chatham are expected to recognize that they hold their offices or positions for the benefit of the public and that while acting in their official capacities they are expected to faithfully discharge the duties of their offices in the public interest, regardless of personal considerations. Elected and appointed officers, officials and employees of the town of Chatham shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every person.

SECTION 4. Part II of said charter is hereby amended by adding the following section:-

Section 2-8 Town Meeting Action

The exercise of the legislative power by a vote of town meeting shall be presumed to be binding and shall be implemented by a designated town agency or department in conformance with the law or such vote.

SECTION 5. Subsection (b) of section 3-2 of part III of said charter is hereby amended by inserting after the word "commission" the following words: - , unless the board of selectmen choose to delegate those powers and duties to another town agency.

SECTION 6. Subsection (c) of section 3-2 of said part III of said charter is hereby amended by striking out the words "election officials, and members of boards, commissions, or committees for which no other provision is made in this charter" and inserting in place thereof the following words: - and election officials. The board of selectmen shall appoint members of boards, commissions or committees for which no other appointment provision is made in this charter.

SECTION 7. Subsection (a) of section 5-1 of part V of said chapter is hereby amended by inserting after the first paragraph the following paragraph:-

At a minimum, the town manager shall provide for the following governmental functions:

(i) administrative and finance; (ii) law enforcement; (iii) fire protection and rescue services; (iv) operation and maintenance of the town's roads, parks, buildings and other facilities; (v) management and protection of coastal resources; (vi) town planning and enforcement of zoning and building codes; (vii) enforcement of health and environmental regulations; and (viii) operation of the water and sewer systems.

SECTION 8. The second paragraph of said subsection (a) of said section 5-1 of said part V of said charter is hereby amended by inserting after the word "selectmen", the first time it appears, the following words:- and the office of the town clerk.

SECTION 9. Subsection (b) of said section 5-1 of said part V of said charter is hereby amended by inserting after the word "functions" the following word:- , purpose.

SECTION 10. Said subsection (b) of said section 5-1 of said part V of said charter is hereby further amended by striking out the words "any ad hoc study or research committee" and inserting in place thereof the following words:- 1 or more committees. Votes of town meeting which authorize the formation of such committees shall state the charge, composition and town agency to be the appointing authority, if it is not the board of selectmen. The tenure of any such committee shall continue under its charge and until abolition by or change by a subsequent town meeting.

SECTION 11. Subsection (d) of said section 5-1 of said part V of said charter is hereby amended by inserting after the word "manager" the following words:- and the office of the town clerk.

SECTION 12. Said part V of said charter is hereby further amended by striking out section 5-2 and inserting in place thereof the following section:-

Section 5-2 Sunset Provision

Annually, the board of selectmen shall consider the administrative and practical needs of all town boards, commissions and committees under the jurisdiction of the board of selectmen. During the course of such consideration, the board of selectmen shall review whether each board, commission or committee has a defined purpose or functions or if there is another possible method of achieving the mission of the board, commission or committee. If the board of selectmen determines that any board, commission or committee does not appear to serve a purpose or that another method of achieving the board, commission or committee's mission is desirable, the board of selectmen shall hold a public hearing and take any action deemed necessary.

All boards, committees or commissions shall annually, on a date determined by the board of selectmen, submit a report of activities, achievements and other information to the board of selectmen.

SECTION 13. Section 5-3 of said part V of said charter is hereby amended by striking out the word "may" and inserting in place thereof the following word:- shall.

SECTION 14. Said section 5-3 of said part V of said charter is hereby further amended by striking out the words "but not be limited to" and inserting in place thereof the following words:- at least.

SECTION 15. Said section 5-3 of said part V of said charter is hereby further amended by inserting after the words "grievance procedures;" the following words:- a written performance evaluation system for all full-time year-round employees;.

SECTION 16. Said section 5-3 of said part V of said charter is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The board of selectmen may appoint a 3-member personnel committee which shall serve in an advisory capacity to the town manager. One member of the personnel committee shall be a town employee who is subject to the personnel rules and regulations. That member shall be appointed by the board of selectmen upon a majority vote of the non-union employees who are subject to the personnel rules and regulations. The remaining 2 members shall have training background and education in human resource issues.

SECTION 17. Part VI of said charter is hereby amended by striking out section 6-1 and inserting in place thereof the following section:-

Section 6-1 Budget Process

At the onset of the annual budget process, the town manager shall meet with the board of selectmen, the school committee and the finance committee to discuss the upcoming operating and capital budgets.

Within a time fixed by by-law, prior to the annual meeting, the town manager shall submit to the board of selectmen and the finance committee a proposed operating and capital budget for all town departments, including the operating and capital budgets as adopted by the school committee, for the ensuing fiscal year with an accompanying budget message and supporting documents.

The budget as adopted by the school committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school department's requested appropriation on the total town budget which is required to be submitted under this section.

The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year, describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for the changes. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the board of selectmen deems desirable.

Upon receipt of the town manager's proposed operating budget, the board of selectmen shall announce the date on which they intend to act on the budget, but that date shall not be earlier than 30 days after receipt.

SECTION 18. Section 6-2 of said part VI of said charter is hereby amended by inserting after the word "selectmen" the following words: - and the finance committee.

SECTION 19. Said section 6-2 of said part VI of said charter is hereby further amended by striking out the word "concerning" and inserting in place thereof the following word:- regarding.

SECTION 20. Said section 6-2 of said part VI of said charter is hereby further amended by adding the following 2 paragraphs:-

The first year of the 5-Year capital improvements program shall be submitted with the operating budget for the ensuing fiscal year.

Upon receipt of the town manager's proposed capital improvement budget, the board of selectmen shall announce the date on which they intend to act on the budget, but the date shall not be earlier than 30 days after receipt.

SECTION 21. Section 6-3 of said part VI of said charter is hereby amended by striking out the words "budget improvements from the board of selectmen" and inserting in place thereof the following words:- budgets from the town manager.

SECTION 22. Said section 6-3 of said part VI of said charter is hereby further amended by striking out the last 4 sentences and inserting in place thereof the following sentence:-

The finance committee shall make budget recommendations and report those recommendations to the board of selectmen in sufficient time for the board of

selectmen to consider those recommendations prior to the board of selectmen voting on the operating and capital budgets.

SECTION 23. Said part VI of said charter is hereby further amended by striking out section 6-4 and inserting in place thereof the following 3 sections:-

Section 6-4 Board of Selectmen Action

Within a time fixed by by-law, the board of selectmen shall review the operating and capital budget improvements program, make changes as deemed appropriate and place their approved budget on the annual town meeting warrant. The board of selectmen shall transmit their approved budget to the finance committee.

Section 6-5 Town Meeting Action

The finance committee shall vote their recommendations for action on the budget as received from the board of selectmen. Additionally, the finance committee shall file a report of its recommendations for action prior to the date on which the town meeting is to act on the budget. The report of the finance committee shall include the fiscal and tax implications of the budget and a statement outlining support or opposition to the budget or sections of the budget. The report of the finance committee shall be prepared in sufficient time to be incorporated in the annual town meeting warrant. The budget to be acted upon by the town meeting shall be the budget approved by the board of selectmen with the accompanying recommendations of the finance committee.

Section 6-6 Approval of Warrants for Payment

Warrants for payments of town funds, prepared by the town accountant, shall be submitted to the town manager for approval. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer.

SECTION 24. Section 7-6 of part VII of said charter is hereby amended by striking out the words "a square" and inserting in place thereof the following words:- an area.

SECTION 25. Said section 7-6 of said part VII of said charter is hereby further amended by striking out the words "a cross mark (x)" and inserting in place thereof the following words:- a mark in accordance with the instructions on the ballot,.

SECTION 26. The first paragraph of section 9-1 of part IX of said charter is hereby amended by inserting after the word "All" the following word:- town.

SECTION 27. The first paragraph of said section 9-1 of said part IX of said charter is hereby further amended by inserting after the word "regulations," the following words:- orders, special acts.

SECTION 28. The first paragraph of said section 9-1 of said part IX of said charter is hereby further amended by striking out the words "at the time this charter is adopted".

SECTION 29. Said section 9-1 of said part IX of said charter is hereby further amended by striking out the second paragraph.

SECTION 30. Said part IX of said charter is hereby further amended by striking out section 9-2 and inserting in place thereof the following section:-

Section 9-2 Transfer of Records and Property

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

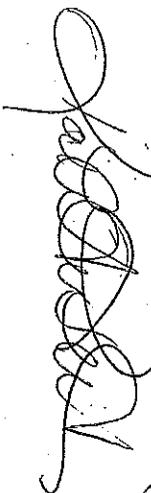
SECTION 31. Said part IX of said charter is hereby further amended by striking out section 9-3.

SECTION 32. Said part IX of said charter is hereby further amended by striking out section 9-5.

SECTION 33. This act shall take effect upon its passage.

ENDORSEMENTS FOLLOW ON PAGE 7

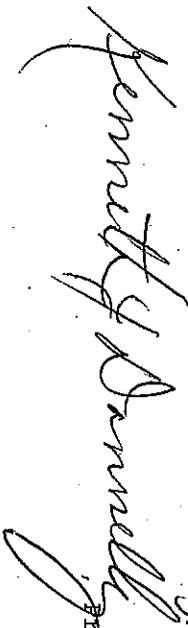
House of Representatives, December 31, 2012.



, Speaker.

Passed to be enacted,

In Senate, December 31, 2012.



President.

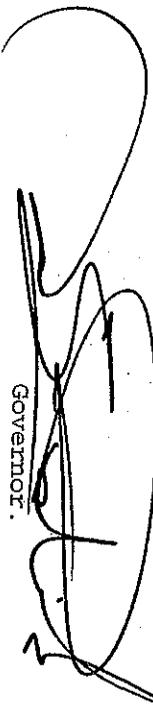
Passed to be enacted,

10 January, 2013

Approved,



o'clock and 26 minutes, P. M.



Governor.

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