

SENATE . . . . . No. 12

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

**Brian A. Joyce**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to provide the voters of the town of Randolph a choice of charters for a new form of government.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	Norfolk, Bristol and Plymouth
Joseph R. Driscoll, Jr.	5th Norfolk
Bruce J. Ayers	1st Norfolk
Walter F. Timilty	7th Norfolk

# The Commonwealth of Massachusetts

In the Year 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  
2 of Randolph after the effective date of this Act, including a special election just for the purpose  
3 of the questions set forth in this Act, the voters of the town of Randolph shall be afforded an  
4 opportunity to vote on the following ballot questions:

5 Question One: Shall the town adopt a new Charter for a Town Manager – Town Council form of  
6 Government? Yes\_\_\_\_\_ No\_\_\_\_\_

7 Question Two: Shall the town adopt a new Charter for a Town Manager – Selectmen –  
8 Representative Town Meeting form of Government? Yes\_\_\_\_\_ No\_\_\_\_\_

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

11           SECTION 2. If neither Question One nor Question Two set forth in section 1 of this Act  
12 passes by a majority of the votes cast, then neither form of government shall take effect and the  
13 Town of Randolph shall continue with the present form of town meeting – selectmen

14 Government as described in various special acts including but not limited to chapter 49 of the  
15 Acts of 1792, chapter 324 of the Acts of 1947 and chapter 460 of the Acts of 1989. If either  
16 Question One or Question Two set forth in section 1 of this Act passes by a majority of the votes  
17 cast, then that form of government that has obtained the majority favorable vote shall take effect  
18 in accordance with the terms set forth in the Charter so approved.

19 If both Question One and Question Two passes by a majority of the votes cast, then that Charter  
20 for a new form of government that obtains the highest number of votes cast in favor shall take  
21 effect in accordance with the terms set forth in the Charter so approved.

22 SECTION 3 Charter for a TOWN MANAGER – TOWN COUNCIL form of  
23 government. In the event that the voters of the Town adopt the Charter for a Town Manager –  
24 Town Council Form of Government pursuant to section 2 of this Act, the following Charter shall  
25 become effective in accordance with its terms:

## 26 TOWN MANAGER – TOWN COUNCIL CHARTER

### 27 ARTICLE 1

#### 28 INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS

##### 29 Section 1-1 Incorporation

30 The inhabitants of the Town of Randolph, within its territorial limits as now or may hereafter be  
31 established by law, shall continue to be a body politic and corporate, known as the “Town of  
32 Randolph.”

##### 33 Section 1-2 Short Title

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

##### 35 Section 1-3 Division of Powers

36 All legislative powers of the town shall be exercised by a Town Council hereafter established.  
37 The administration of all town fiscal, prudential and municipal affairs shall be vested in the  
38 executive branch headed by the town manager.

39 Section 1-4 Powers of the Town

40 The intent and purpose of this charter is to secure for the voters of the Town of Randolph,  
41 through the adoption of this charter, all the powers possible to secure for their government under  
42 Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of the  
43 commonwealth, as fully and as though each such power were specifically and individually  
44 enumerated herein.

45 Section 1-5 Interpretation of Powers

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

49 Section 1-6 For the purposes of classifying Randolph in those instances where laws of the  
50 Commonwealth may distinguish between municipalities classified as “towns” and other  
51 municipalities classified as “cities,” it is intended that this charter shall be construed as providing  
52 a city form of government.

53 Section 1-7 Intergovernmental Relations

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

56 **ARTICLE 2**

57 **LEGISLATIVE BRANCH**

58 Section 2-1 Composition, Term of Office

59 (a) Composition - There shall be a town council of nine (9) members which shall  
60 exercise the legislative powers of the town. Five (5) of these members, to be known as  
61 councillors-at-large, shall be nominated and elected by and from the voters-at-large. Four (4) of  
62 these members, to be known as district councillors, shall be nominated and elected by and from  
63 the voters of each district, one (1) such district councillor to be elected from each of the four (4)  
64 council districts into which the town is divided, in accordance with section 7- 4.

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

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

75 Section 2-2 Council President

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

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

88           (c)     Council Vice-President - The members of the town council shall also elect from  
89 among its members a council vice-president who shall serve as acting president during the  
90 temporary absence or disability of the council president during the current term of office. The  
91 powers of an acting council president shall be limited to only those powers of the office  
92 indispensably essential to the performance of the duties of the office during the period of such  
93 temporary absence or disability and no others.

94   Section 2-3    Conflict Of Interest

95   No person shall simultaneously hold more than one (1) elective town office. Unless such service  
96 may otherwise be authorized by law, no member of the town council shall, while a member of  
97 the town council hold any other town office or employment for which a salary or other  
98 emolument is payable from the town treasury; but this restriction shall not apply to an office or  
99 position under the school committee. No councillor shall hold any compensated appointed town  
100 office or employment until one (1) year following the date on which his or her council service  
101 has terminated. This provision shall not prevent a town officer or town employee who has taken

102 a leave of absence from such office or employment from resuming the same office or  
103 employment following service as a member of the town council.

104 Section 2-4 Compensation, Expenses

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

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

108 Section 2-5 General Powers

109 Except as otherwise provided by general law or by this charter, all powers of the town shall be  
110 vested in the town council which shall provide for their exercise and for the performance of all  
111 duties and obligations imposed upon the town by law. The town may enter into contracts for the  
112 exercise of its corporate powers on such terms and conditions as are authorized by the town  
113 council by ordinance.

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

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

118 (b) Quorum - The presence of five (5) members shall constitute a quorum for the  
119 transaction of business, but a smaller number may adjourn from time to time. Except as  
120 otherwise provided by general law or by this charter the affirmative vote of five (5) members  
121 shall be required to adopt any ordinance or appropriation order

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

- 124 i. Regular meetings of the town council shall be held at a time and place fixed  
125 by ordinance.
- 126 ii. Special meetings of the town council shall be held at the call of the council  
127 president, or, on the call of any three (3) or more members, by written notice  
128 delivered in hand or to the place of residence of each member and which  
129 contains a listing of the items to be acted upon. A copy of the notice to  
130 members shall, forthwith, be posted upon the town bulletin board.
- 131 iii. All sessions of the town council and of every committee or sub committee  
132 thereof, shall at all times be in compliance with chapter 39, section 23A,  
133 23B and 23C of the General Laws of the Commonwealth, commonly,  
134 known as the “open meeting law..

135 Section 2-7 Access to Information

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

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

143 (c) Town Manager -The town council may require the town manager to appear before  
144 it at any time to provide specific information on the conduct of any aspect of the business of the  
145 town which is within his or her control by or under this charter or by or under any statute or law.



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

149 (d) Notice - Except in cases of Emergency the town council shall give not less than  
150 five (5) days notice in writing to any person it may request to appear before it under the  
151 provisions of this section. The notice shall include specific questions on which the town council  
152 seeks information, and no person called to appear before the town council under this section shall  
153 be required to respond to any question not relevant or related to those presented to him or her in  
154 advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to  
155 the last known place of residence of any such person.

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

157 (a) The Town Council, by the affirmative vote of at least five (5) members, shall  
158 appoint a Town Accountant, a town attorney, and a board of registrars.

159 (b) Clerk of the Council - The council president shall appoint, subject to approval of  
160 the town council, a clerk of the council, who may be the town clerk, to serve for a term of three  
161 (3) years and until his or her successor is chosen and qualified. The clerk of the council shall  
162 give notice of its meetings to its members and to the public, keep the journal of its proceedings  
163 and perform such other duties as may be provided by ordinance or by other vote of the town  
164 council.

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

167 Section 2-9 Ordinances and Other Measures

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

171 No ordinance shall be regarded as an emergency ordinance unless the Emergency is defined and  
172 declared in a preamble to such ordinance, separately voted upon and receiving the affirmative  
173 vote of six (6) members of the town council.

174 No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise  
175 or special privilege of any kind or nature shall be passed as an Emergency measure, and except  
176 as provided in sections seventy and seventy-one of chapter one-hundred sixty-four and in chapter  
177 one-hundred sixty-six of the General Laws of the Commonwealth, no such grant, renewal or  
178 extension shall be made otherwise than by ordinance.

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

182           (b)     Measures, In General - Excepting only proposed ordinances, appropriation orders  
183 and loan authorizations, the town council may pass any other measure through all of its stages at  
184 any one meeting, provided that no member of the town council shall object; but, if any single  
185 member objects, a vote on the measure shall be postponed to the next meeting of the town  
186 council.

187           On the first occasion that the question of adopting any measure is put to the town council,  
188 except an emergency measure as defined in section 2-9(a), if a single member objects to the  
189 taking of a vote, the vote shall be postponed until the next meeting of the town council regular or

190 special. If when the matter is next taken up for a vote, four (4) or more members object to the  
191 taking of the vote, the matter shall be further postponed for not less than an additional five (5)  
192 days. This procedure shall not be used more than once for any measure, notwithstanding any  
193 amendment made to the original measure.

194 (c) Publication - Every proposed ordinance, appropriation order or loan authorization,  
195 except emergency ordinances as provided in section 2-9(a), shall be published once in full in a  
196 local newspaper, and in any additional manner as may be provided by ordinance, at least five (5)  
197 days before its final passage. After final passage, it shall be posted on the town bulletin board  
198 and otherwise published as may be required by ordinance. Provided, however, that whenever a  
199 proposed ordinance or codification of ordinances or other measure would exceed in length ten  
200 column inches, then in lieu of publication in a local newspaper, the same may be published and  
201 made available at the office of the town clerk in booklet or pamphlet form, and if so published  
202 and available at least ten (10) days before its final passage shall be deemed sufficient notice.  
203 Whenever the town council provides for publication in a booklet or pamphlet form in lieu of the  
204 newspaper publication, it shall, at least five(5) days before final passage publish in a local  
205 newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the  
206 times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the  
207 public.

208 Section 2-10 Filling of Vacancies

209 (a) Councillor-at-Large - If a vacancy shall occur in the office of councillor-at-large  
210 during the first eighteen (18) months of the term for which councillors are elected the vacancy  
211 shall be filled in descending order of votes received by the candidate for the office of councillor-  
212 at-large at the preceding town election who received the largest number of votes without being

213 elected, provided such person remains eligible and willing to serve and provided such person  
214 received votes at least equal to thirty (30%) percent of the vote total received by the person  
215 receiving the largest number of votes for the office of councillor-at-large at the said election.  
216 The town clerk shall certify such candidate to the office of councillor-at-large to serve for the  
217 balance of the then unexpired term.

218         If a vacancy shall occur in the office of councillor-at-large during the last six (6) months  
219 of the term for which councillors-at-large are elected, such vacancy shall be filled by the person  
220 at the biennial town election who receives the highest number of votes for the office of  
221 councillor-at-large and who is not then serving as a member of the town council. Such person  
222 shall forthwith be certified and shall serve for the last two (2) months of the concluding term in  
223 addition to the term for which such person was elected.

224         (b)     District Councillor - If a vacancy shall occur in the office of district councillor it  
225 shall be filled in the same manner as provided in section 2-10(a) for the office of councillor-at-  
226 large except that the list shall be of the candidates for the office of district councillor in the  
227 district in which the vacancy occurs, provided however, if there be no candidate on such list who  
228 remains eligible and willing to serve the next highest ranking candidate from among the  
229 candidates for election to the council at large who is a resident of the district in which the  
230 vacancy exists shall be certified and shall serve until the next regular election provided such  
231 candidate remains a resident of the district, is willing to serve as a district councillor and  
232 received votes in the district at least equal to thirty (30%) percent of the vote total received by  
233 the person receiving the largest number of votes for the office of district councillor at the said  
234 election. The town clerk shall certify such candidate to the office of district councillor to serve  
235 for the balance of the then unexpired term.

236 (c) Filling of Vacancies By Town Council - Whenever a vacancy shall occur in the  
237 office of councillor-at-large or in that of district councillor and there is no available candidate to  
238 fill such vacancy in the manner provided in section 2-10 (a) or (b), the vacancy shall be filled by  
239 the remaining members of the town council. Persons elected to fill a vacancy by the town  
240 council shall serve only until the next regular election, or if so decided, a special election, at  
241 which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy  
242 shall forthwith be sworn and shall serve for the remainder of the unexpired term. Persons  
243 serving as town councillors under this section shall not be entitled to have the words “candidate  
244 for re-election” printed against their names on the election ballot.

245 **ARTICLE 3**

246 **TOWN MANAGER**

247 Section 3-1 Appointment, Term of Office; Qualifications

248 (a) Appointment, Term of Office - The town council, by the affirmative vote of at  
249 least two-thirds (2/3) of the members, shall appoint a town manager to serve for a term of office  
250 of up to five (5) years.

251 (b) Qualifications - The town manager shall be a person of proven administrative  
252 ability, specially qualified by education and training with at least five (5) years full time paid  
253 experience as a city or town manager, or an assistant city or town manager or the equivalent  
254 public or private sector level experience. The Town Council may from time to time establish  
255 such additional qualifications as seems necessary and appropriate.

256 The town manager shall devote his or her full time to the office and shall not hold any other  
257 public office, elected or appointed, nor shall he or she engage in any other business, occupation

258 or profession during his or her term unless such action is approved, in advance, by the town  
259 council.

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

262 Section 3-2 Powers and Duties

263 The town manager shall be the chief administrative officer of the town and shall be responsible  
264 to the town council for the proper administration of all town affairs placed under his or her  
265 charge by or under the charter. The powers and duties of the town manager shall include, but are  
266 not intended to be limited to, the following:

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

270 He or she shall be responsible for the coordination of the activities of all agencies under his or  
271 her control with the activities of all other town agencies, including those elected by the voters of  
272 Randolph and those appointed by other elected officials.

273 Except as otherwise provided by this charter, and subject to the civil service law and any  
274 collective bargaining agreements as may be applicable, the town manager shall appoint, based  
275 upon merit and fitness alone, all department heads, officers, subordinates, employees and all  
276 appointed multiple member bodies for whom no other method of selection is provided in this  
277 charter except employees of the school department. Appointments made by the town manager  
278 shall become effective upon the approval of the Council, provided, however, that such approval  
279 is received within fifteen (15) days of filing such notice of appointment. If the Town Council

280 shall fail to act, appointments made by the town manager shall become effective on the fifteenth  
281 day following the day on which notice of the proposed appointment is filed with the Town  
282 Council. For the purpose of this section, notice of appointment shall be considered filed with the  
283 Town Council when such notice is filed at an open meeting of the Town Council. Department  
284 heads shall appoint all officers, subordinates and employees within their department subject to  
285 the approval of the town manager.

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

290 He or she shall be responsible for the negotiation of all union and non-union contracts with town  
291 employees over wages, and other terms and conditions of employment, except employees of the  
292 school department. The Town Manager may, subject to the approval of the Town Council,  
293 employ special counsel to assist in the performance of these duties. Contracts shall be subject to  
294 the approval of the Town Council.

295 He or she shall be responsible for making sure that all of the provisions of the General Laws of  
296 the Commonwealth, the town charter, town ordinances, and other votes of the town council  
297 which require enforcement by him or her, or by officers or employees subject to his or her  
298 supervision, are faithfully carried out and enforced.

299 He or she shall prepare and submit an annual operating budget and a capital outlay program as  
300 provided in Article 5.

301 He or she shall be responsible for making sure that a full and complete record of the financial  
302 and administrative activities of the town is kept and shall render a complete report to the town  
303 council at the end of each fiscal year and at such times as the town council may reasonably  
304 require.

305 He or she shall execute contracts, subject to such prior town council approval as may be  
306 prescribed by ordinance.

307 He or she shall have full jurisdiction over the rental and use of all town facilities, except school  
308 and/or library buildings and grounds and properties under the jurisdiction of the Conservation  
309 Commission pursuant to Chapter 40, section 8C of the General Laws. He or she shall be  
310 responsible for the maintenance and repair of all town-owned property, including school and/or  
311 library buildings and grounds but not including vacant land under the jurisdiction of the  
312 Conservation Commission pursuant to Chapter 40, section 8C of the General Laws of the  
313 Commonwealth, should a town ordinance authorizing a central town maintenance department be  
314 created.

315 He or she may at any time inquire into the conduct of office of any officer, employee, or  
316 department under his or her supervision.

317 He or she shall be responsible for making sure that a full and complete inventory of all property  
318 owned by the town, both real and personal, is kept.

319 He or she shall keep the town council fully advised as to the financial condition of the town and  
320 of the administration of the town's affairs by filing written reports with the town council not less  
321 than quarterly throughout the year.



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

325 He or she may authorize any subordinate officer or employee to exercise any power or perform  
326 any function which he or she is authorized to exercise or perform, provided, however, all acts  
327 performed under any such delegation shall be deemed to be the acts of the town manager.

328 He or she shall determine the existence of a public emergency or danger and shall assume  
329 responsibility for the maintenance of public safety, public order and enforcement of laws. The  
330 manager shall notify the council president as soon as practical, but within twenty-four (24) hours,  
331 of such a public emergency or danger and of the actions taken. Should the public emergency  
332 continue more than twenty-four (24) hours, the town council may meet to review, ratify, or  
333 terminate said public emergency.

334 He or she shall execute all deeds conveying town real property, but that any such conveyance  
335 shall have been previously authorized by the vote of the town council pursuant to the applicable  
336 provisions of the General Laws of the Commonwealth.

337 He or she shall publish an annual report comprising the complete statistical record of the  
338 operations of every town department, commission and committee for the preceding year, and it  
339 shall be published annually and made available for distribution to the public not later than four  
340 (4) months after the end of the period on which the report is based.

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

343 Section 3-3 Compensation

344 The town manager shall receive compensation as may be established by the Council from time to  
345 time for the office of town manager.

346 Section 3-4 Removal

347 The person serving as Town Manager shall cease to be Town Manager upon expiration of  
348 contract or term of office.

349 Earlier in time than the expiration described in the preceding sentence, the Council, by  
350 affirmative vote of a two-thirds (2/3) majority of the full board may vote to terminate, remove or  
351 suspend the town manager from office in accordance with the following procedure.

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

362 No contract of employment for a town manager shall be inconsistent with the provisions of this  
363 section.

364 Section 3-5 Acting Town Manager

365 (a) Temporary Absence - The town manager shall, by letter filed with the town  
366 council and a copy filed with the town clerk, designate a qualified town officer or administrative  
367 employee to exercise the powers and perform the duties of his or her office during his or her  
368 temporary absence. During the first ten (10) working days of a temporary absence of the town  
369 manager, the town council may revoke such designation by a two-thirds (2/3) vote and, after the  
370 expiration of ten (10) working days, by a majority vote, whereupon it may appoint another  
371 qualified town officer or employee to serve as acting town manager until the town manager shall  
372 return and resume his or her duties.

373 (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as  
374 possible by the town council but pending such appointment the town council shall designate a  
375 qualified town officer or administrative employee to exercise the powers and perform the duties  
376 of the town manager on an acting basis. The appointment of an acting town manager shall be for  
377 a term not to exceed four (4) months; provided, however, one (1) renewal, not to exceed a second  
378 four (4) months, may be permitted.

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

383 Section 3-6 Evaluation of Town Manager

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

386 **ARTICLE 4**

387 **OTHER ELECTED OFFICES**

388 Section 4-1 School Committee

389 (a) Composition - There shall be a school committee of seven (7) members, six (6) of  
390 whom shall be nominated and elected by and from the voters at large, and the seventh member  
391 shall be the council president or a designee from the Town Council.

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

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

398 (d) Powers and Duties - The School Committee shall have general charge and  
399 superintendence of the public schools and for this purpose shall have all of the powers and duties  
400 which are given to school committees under the constitution and laws of the Commonwealth,  
401 and such additional powers and duties as may be authorized by the charter, bylaw or by the vote  
402 of the town council.

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

406 (f) Conflict of Interest - Unless such service may otherwise be authorized by law, no  
407 member of the school committee, including the council representative, shall hold any other office

408 or position under the school committee for which a salary or other emolument is payable from  
409 the town treasury; provided, however, that if the council president shall hold such an office or  
410 position, the town council shall, by vote, designate another member of the town council not so  
411 ineligible to serve as school committee member in his or her place, and all references in this  
412 section to the powers of the council president serving as school committee member shall apply to  
413 such person.

414 No person shall simultaneously hold more than one (1) elective town office. No school  
415 committee member shall hold any compensated employment until one (1) year following the  
416 date on which his or her service as a member of the school committee has terminated.

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

419 Section 4-2 Trustees of The Stetson Fund

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

424 (b) Powers and Duties – Except as provided in section 4-2(a) above, the trustees shall  
425 be governed in accordance with the document entitled “The Stetson Donation of a Town House  
426 and Fund for a high school to the Town of Randolph”, voted on February 18, 1843 and Article  
427 18 of the Special Town Meeting of November 13, 1996.

428 (c) The terms of Stetson Fund Trustees shall begin following their election on the  
429 first day of January that does not fall on a weekend or holiday, and shall continue until their  
430 successors are qualified.

431 **ARTICLE 5**

432 **FINANCIAL PROCEDURES**

433 Section 5-1 Budget Hearing and Goal Setting

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

441 Section 5-2 Submission of Budget, Message

442 The town manager shall, within seven (7) days after the receipt of departmental budget  
443 proposals, but in no event later than February 1<sup>st</sup>, prepare and submit to the town council a  
444 synopsis of all proposed budget initiatives and requests for additional funding for its review and  
445 prioritization. The synopsis shall include a summary of each initiative, its justification and its  
446 estimated costs. Councillors may also propose budget initiatives for review and prioritization.  
447 Any such proposal must include a summary, justification and estimate of costs. The town  
448 manager shall provide an estimate of projected revenues.

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

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

464 Section 5-3 Action on The Budget

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

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

481 Section 5-4   Independent Audit

482 Each year an outside audit of the books and accounts of the town shall be made. In the event that  
483 the Commonwealth shall fail in any such period to provide for such an audit to be conducted,  
484 within sixty (60) days following the date a written request for them to do so is made by the town  
485 council, the town council shall provide for such an audit to be conducted by a certified public  
486 accountant, or firm of such accountants.

487 Section 5-5   Capital Outlay Program

488           (a) Submission- The town manager shall prepare and submit to the town council a  
489 five year capital outlay program at least three (3) months prior to the final date for submission of  
490 a proposed annual operating budget.

491           (b) Contents - The capital outlay program in the form submitted shall include:

492 A clear general summary of its contents;



493 A listing of all capital expenditures which are proposed to be made during the five (5) fiscal  
494 years next ensuing, with appropriate financial and other details concerning each such  
495 expenditure;  
496 Cost estimates, proposed methods of financing, and a time schedule for each such expenditure;  
497 and  
498 The estimated annual cost of operating or maintaining any facilities to be acquired or  
499 constructed.  
500 The above information shall be revised and extended, annually.

501 **ARTICLE 6**

502 **ADMINISTRATIVE ORGANIZATION**

503 Section 6-1 Reorganization Plans by Ordinance

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

509 Section 6-2 Reorganization Plans By Administrative Code

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

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

527 Section 6-3 Publication of Reorganization Plans

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

531 **ARTICLE 7**

532 **NOMINATIONS, ELECTIONS, INITIATIVE AND REFERENDUM**

533 Section 7-1 Town Elections: General

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

536 Section 7-2 Non-Partisan Elections

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

539 Section 7-3 Signature Requirements

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

545 Section 7-4 Districts

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

551 Section 7-5 Application of State General Laws

552 Except as expressly provided in this charter and authorized by law, all town elections shall be  
553 governed by the laws of the commonwealth relating to the right to vote, the registration of voters,  
554 the nomination of candidates, the conduct of general and special elections, the submission of  
555 charters, charter amendments and other propositions to the voters, the counting of votes, the  
556 recounting of votes, and the determination of results.

557 Section 7-6 Petitions To Council Or School Committee

558 The town council or the school committee shall hold a public hearing and act with respect to  
559 every petition which is addressed to it, which is signed by one-hundred-fifty (150) voters, or  
560 more, and which seeks the passage of a measure. The hearing shall be held by the town council  
561 or the school committee, or, in either case, by a committee or sub committee thereof, and the  
562 action by the town council or the school committee shall be taken not later than three (3) months  
563 after the petition is filed with the clerk of the council or the Administrative Assistant to the  
564 Superintendent, as may be appropriate. Hearings on two (2) or more petitions filed under this  
565 section may be held at the same time and place. The clerk of the council or the Administrative  
566 Assistant to the Superintendent shall mail notice of the hearing to the ten (10) persons whose  
567 names appear first on the petition at least forty-eight (48) hours before the hearing. Notice, by  
568 publication, of all such hearings shall be at public expense.

569 Section 7-7 Citizen Initiative Measures

570 (a) Commencement - Initiative procedures shall be started by the filing of an  
571 initiative petition with the clerk of the council or the Administrative Assistant to the  
572 Superintendent, as the case may be. The petition shall be addressed to the town council or to the  
573 school committee, shall contain a request for the passage of a particular measure, which shall be  
574 set forth in full in the petition, and shall be signed by at least five (5%) percent of the total  
575 number of voters as of the date of the most recent town election. Signatures to an initiative  
576 petition need not all be on one paper, but all such papers pertaining to any one measure shall be  
577 fastened together and shall be filed as a single instrument, with the endorsement thereon of the  
578 name and residence address of the person designated as filing the same. With each signature on  
579 the petition there shall also appear the street and number of the residence of each signer.

580           Within ten (10) days following the filing of the petition the Board of Registrars shall  
581 ascertain by what number of voters the petition has been signed, and what percentage that  
582 number is of the total number of voters as of the date of the most recent town election. The  
583 Board of Registrars shall attach its certificate to the petition, which shall certify the signatures  
584 and addresses of those residents to the clerk of the council or the Administrative Assistant to the  
585 Superintendent according to how the petition is addressed. A copy of their certificate shall also  
586 be mailed to the person designated upon such petition as having filed the same.

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

598           (c)     Action on Citizen Initiative Petitions - Within thirty (30) days following the date a  
599 citizen initiative petition has been returned to the clerk of the council or to the Administrative  
600 Assistant to the Superintendent by the town attorney as being lawful, and after publication in  
601 accordance with the provisions of section 2-9(c), the town council or the school committee shall  
602 act with respect to each initiative petition by passing it without change, by passing a measure

603 which is stated to be in lieu of an initiative measure, or by rejecting it. The passage of a measure  
604 which is in lieu of the initiative measure shall be deemed to be a rejection of the initiative  
605 measure. If, at the expiration of the said thirty (30) days the town council or the school  
606 committee has not voted on such petition, no other business of said council or committee shall be  
607 in order or lawfully acted upon until a vote to approve of the measure, to disapprove of the  
608 measure, or to adopt some other measure in lieu thereof, has been taken.

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

624 (e) Publication - The full text of any initiative measure which is submitted to the  
625 voters shall be published in a local newspaper not less than seven (7) nor more than fourteen (14)

626 days preceding the date of the election at which such question is to be voted upon. Additional  
627 copies of the full text shall be available for distribution to the public in the office of the Board of  
628 Registrars.

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

631  
632 Shall the following measure which was proposed by voters in an initiative petition take effect?  
633 (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the  
634 petitioners, and approved by the Board of Registrars.)

635 YES \_\_\_ NO \_\_\_

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

641 Section 7-8 Citizen Referendum Procedures

642 (a) Petition, Effect on Final Vote - If, within twenty (20) days following the date on  
643 which the town council or the school committee has voted finally to approve of any measure, a  
644 petition signed by a number of voters equal to five (5%) percent of the total number of voters as  
645 of the date of the most recent town election and addressed to the town council or to the school  
646 committee, as the case may be, against the measure or any part thereof is filed with the  
647 Administrative Assistant to the Superintendent or clerk of the council, the effective date of such

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

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

660 Section 7-9 Ineligible Measures

661 None of the following shall be subject to the initiative or the referendum procedures: (1)  
662 proceedings relating to the internal organization or operation of the town council or of the school  
663 committee; (2) an emergency measure adopted in conformity with the charter; (3) the town  
664 budget or the school committee budget as a whole; (4) revenue loan orders; (5) any appropriation  
665 for the payment of the town’s debt or debt service; (6) an appropriation of funds to implement a  
666 collective bargaining agreement; (7) proceedings relating to the election, appointment, removal,  
667 discharge, employment, promotion, transfer, demotion, or other personnel action; (8) any  
668 proceedings repealing or rescinding a measure or part thereof which is already undergoing  
669 challenge by referendum procedures; and (9) any proceedings providing for the submission or  
670 referral of any measure to the voters at an election.



671 Section 7-10 Submission of Other Matters to Voters

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

676 Section 7-11 Conflicting Provisions

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

679 Section 7-12 Recall of Elected Officials

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

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

693 filed with the town clerk within twenty-one (21) days after the certification of the affidavit and  
694 shall have been signed by at least twenty (20%) percent of the registered voters of the town who  
695 shall add to their signatures the street and number, if any, of their residences. The town clerk  
696 shall, within twenty-four (24) hours of receipt, submit the petition to the registrars of voters in  
697 the town and the registrars shall, within fourteen (14) days, certify thereon the number of  
698 signatures which are names of registered voters of the town.

699 For the recall of a district councilor, the above procedures shall apply, except as follows.  
700 All signatures shall be obtained from the affected district. The number of signatures required on  
701 the initial affidavit is one hundred fifty (150). The recall petition shall be signed by at least  
702 twenty (20%) percent of the registered voters of the district. An election held for the recall of a  
703 district councilor will be held only in the affected district.

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

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

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

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

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

729 For the recall of (name of officer)

730 Against the recall of (name of officer)

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

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

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

## 742 **ARTICLE 8**

### 743 **GENERAL PROVISIONS**

#### 744 Section 8-1 Charter Changes

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

747 (b) Periodic Review - The town council shall provide, in every year ending in a zero,  
748 for a review of the charter by the entire council and six (6) additional persons to be appointed by  
749 the council president. The said committee shall file a report within the said year recommending  
750 any changes to the charter which it may deem to be necessary or desirable, unless an extension is  
751 authorized by vote of 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 five (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 six (6) or one (1), for a review of the ordinances of the  
768 town for the purpose of determining if any amendments or revisions or amendments may be  
769 necessary or desirable. Such reviews shall be completed within said year and shall be conducted  
770 under the supervision of the town attorney or at the town council so directs by special counsel  
771 appointed for that purpose. The impact of any charter amendments, revisions and special acts of  
772 the legislature shall be 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 bylaw. Special meetings of any multiple-member body shall be held subject to  
777 the call of the chair or by one third(1/3) of the members thereof, by written notice delivered in  
778 hand or to the place of residence of each member and which contains a list of the item or items to  
779 be acted upon. Except in case of an emergency such notice shall be delivered at least forty-eight

780 (48) hours in advance of the time set for such meeting. A copy of such notice to members shall,  
781 forthwith, be 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 bylaw, 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

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.

795 Section 8-8 References to General Laws

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

801 Section 8-9 Certificate of Election or Appointment

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

807 Section 8-10 Notice of Vacancies

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

823 Section 8-11 Definitions

824 Unless another meaning is clearly apparent from the manner in which the word or phrase is used,  
825 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 Randolph, with  
830 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, bylaw, 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, or  
836 other body consisting of two (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 or her powers or duties exercises some portion of the sovereign power  
848 of the 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 bylaws, resolutions, rules, regulations, and votes of the town meeting which are in force at  
854 the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue  
855 in full force until amended or repealed.

856 Where provisions of this charter conflict with provisions of town bylaws, rules, regulations,  
857 orders or special acts or acceptances of laws the charter provisions shall govern. All provisions  
858 of town bylaws, 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 the said duties by another  
864 person or agency.

#### 865 Section 9-3 Continuation of Government

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

868 elected or until their duties have been transferred and assumed by another town office, board,  
869 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 another  
873 town office, board, commission or agency shall be transferred forthwith to such office, board,  
874 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 or 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 or her 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 bylaw and shall be granted all benefits and rights provided by said bylaw. The  
886 incumbents shall be granted sick leave, vacation leave or other such leaves based upon the  
887 number of years said incumbents have served in an elective office and as an employee of the  
888 town of Randolph. Said incumbents shall be entitled to and credited with retroactive sick leave

889 at the rate of nine (9) days for each year of full-time service as an elected official and as an  
890 employee 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; and no legal  
897 act 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 three (3) months after the adoption of the Charter, in which case the Board  
904 of Selectmen then in office shall schedule a special transition election as promptly as possible  
905 after adoption not later than one hundred eighty (180) days after the adoption of the Charter. The  
906 officials so elected shall take office on the first day in January that does not fall on a weekend or  
907 holiday, of the year after adoption by the voters of the town. The initial transitional term expires  
908 when the successors to those officials initially elected by the charter take office after the date of  
909 the next election to be scheduled for the first Tuesday in November beginning in the first year  
910 when no 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 nine (9) persons,  
916 representing as nearly as possible the town demographic and occupational base.

917 Not more than thirty (30) days following the election at which this charter is adopted the nine (9)  
918 persons appointed as aforesaid shall meet to organize and to plan a process for the selection of  
919 the town 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 one hundred and twenty (120) days following the date the committee meets to  
923 organize, the committee shall submit to the Town Council the names of not less than three (3),  
924 but not more than five (5) candidates for the position. Within sixty (60) days following the date  
925 the list of nominees is submitted, the Town Council shall choose one (1) of the nominees to be  
926 appointed to the office of town manager.

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

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

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

934 Section 4, Charter for a TOWN MANAGER – SELECTMEN – REPRESENTATIVE TOWN  
935 MEETING form of Government. In the event that the voters of the Town adopt the Charter for a  
936 Town Manager – Selectmen – representative Town Meeting Form of Government pursuant to  
937 sections 1 and 2 of this Act, the following Charter shall become effective in accordance with its  
938 terms:

939 **ARTICLE 1**

940 **INCORPORATION AND AUTHORITY**

941 Section 1-1 Incorporation

942 The inhabitants of the Town of Randolph, within its territorial limits as now or may hereafter be  
943 established by law, shall continue to be a body politic and corporate, known as the “Town of  
944 Randolph.”

945 Section 1-2 Short Title

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

947 Section 1-3 Division of Powers

948 All legislative powers of the town shall be exercised by a representative town meeting. The  
949 administration of all town fiscal, prudential and municipal affairs shall be vested in the executive  
950 branch headed by the Board of Selectmen and town manager.

951 Section 1-4 Powers of the Town

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

957 Section 1-5 Interpretation of Powers

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

961 Section 1-6 Intergovernmental Relations

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

964 **ARTICLE 2**

965 **LEGISLATIVE BRANCH/REPRESENTATIVE TOWN MEETING**

966 Section 2-1 Town Meeting Composition

967 The legislative body of the town shall be a representative town meeting consisting of one  
968 hundred and twenty (120) members who shall be elected to meet, deliberate, act and vote in the  
969 exercise of the corporate powers of the town. There shall be fifteen (15) members elected from  
970 each of the eight (8) districts. Members shall be elected for terms of three (3) years each, so  
971 arranged that the terms of one-third (1/3) of the members shall expire each year.

972 Section 2-2 Establishment of Districts

973 The board of selectmen shall divide the town into eight (8) convenient voting districts so  
974 established as to consist of as nearly equal number of inhabitants as possible, in compact and  
975 contiguous territory, bounded insofar as possible by the center line of known streets and ways or  
976 by other well-defined limits. The boundaries of the districts shall be reviewed and wholly or  
977 partially revised by the board of selectmen (a) at least once in every ten (10) years, (b) whenever  
978 it is directed to do so by vote of the town meeting, and (c) whenever it is apparent from the street  
979 list, census data or other official information that the number of inhabitants in any one (1) district  
980 varies by ten (10%) percent or more from the total number of inhabitants of the town divided by  
981 the number of districts. The board of selectmen shall, within twenty (20) days after any revision  
982 of districts, but not later than January twentieth of the succeeding year, file a report of its doings  
983 with the town clerk and the assessors with a map or maps or description of the districts and the  
984 names and addresses of the voters therein. The board shall cause to be posted in at least one (1)  
985 public place in each district a map or description of that district with the names and addresses of  
986 the voters therein. Whenever the districts are revised, the town clerk shall forthwith give written  
987 notice thereof to the state secretary, stating the number and designation of such districts.

988 Section 2-3 Town Meeting Membership

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

991 (b) Nomination Procedures. Nomination of candidates for town meeting member  
992 shall be made by nomination papers signed by not less than ten (10) voters of the district in  
993 which the candidate resides and from which the candidate seeks election. Nomination papers  
994 shall be filed with the Board of Registrars at least forty-nine (49) days preceding the date of the  
995 town election. Every nomination paper shall be submitted to the registrars of voters for

996 certification of names thereon on or before five o'clock in the afternoon of the fourteenth day  
997 preceding the day on which it shall be filed with the town clerk. The written acceptance of the  
998 candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

999 Section 2-4 Election

1000 The voters in every district shall, at the first annual town election held following any district  
1001 revision that affects them, elect by ballot the number of voters of the district prescribed in this  
1002 subsection to be town meeting members. The first third in order of votes received shall serve for  
1003 three (3) years; the second third of such order shall serve for two (2) years and the remaining  
1004 third in such order shall serve for one (1) year from the date of the annual town election. In case  
1005 of a tie vote affecting the division into thirds, the members elected from the district shall  
1006 determine the same by ballot. Thereafter, except as otherwise provided herein, at each annual  
1007 election the voters of each district shall, in like manner, elect for three (3) year terms one-third  
1008 (1/3) of the number of town meeting members to which each district is entitled and shall fill for  
1009 the unexpired terms any such vacancies then existing. In the event of a tie vote for the office of  
1010 town meeting member the town clerk shall, within seven (7) days following the election, call all  
1011 of the town meeting members of that district together at a convenient place. Under the  
1012 supervision of the town clerk, any such tie shall then and there be broken by ballots cast by the  
1013 elected town meeting members present.

1014 Section 2-5 Vacancies

1015 (a) Resignation. A town meeting member may resign by filing a written resignation  
1016 with the town clerk; such resignation shall take effect upon the date of such filing unless a date  
1017 certain is specified therein when it shall take effect.



1018           (b)     Removal from Town or District. A town meeting member who moves from the  
1019 town shall forthwith cease to be a town meeting member. A town meeting member who moves  
1020 from one district to another, or who is so removed by a revision of district lines, may continue to  
1021 serve as a town meeting member from the district from which the member was elected until the  
1022 next annual town election at which the remainder of the member's term, if any, shall be filled by  
1023 ballot. Any person so removed from office may be elected at the same election as a town  
1024 meeting member from the district to which the member has moved.

1025           (c)     Forfeiture of Office. If any person elected as a town meeting member shall fail to  
1026 take the oath of office within thirty (30) days following the election of such person, or shall fail  
1027 to attend more than one-half (1/2) of the sessions of the town meeting held in a calendar year, the  
1028 member shall, upon certification by the Town Clerk of such attendance, be deemed to have  
1029 resigned and the member's place shall be declared vacant. Any such vacancy shall be filled as  
1030 provided in section 2-5(e).

1031 Any town meeting member who shall fail to attend more than one-half (1/2) of the sessions of  
1032 the town meeting held in a calendar year, may appeal the declaration of vacancy by requesting a  
1033 hearing on removal. The member who files such an appeal shall continue to serve until the  
1034 outcome of the appeal has been determined. A request for hearing shall be in writing and shall  
1035 be filed with the Town Clerk on or before January 15th of the following calendar year. A  
1036 hearing shall be held before a committee consisting of the Town Clerk, Town Moderator and  
1037 Town Counsel to be held no later than January 25th of said year. Upon the showing of good  
1038 cause by the member, the committee may excuse one or more absences and may rescind the  
1039 Declaration of Vacancy provided the Town meeting member has attended at least one-half (1/2)  
1040 of the unexcused sessions of the Town Meeting during said calendar year.

1041 (d) Write-in candidates. A write-in candidate for the office of town meeting must  
1042 receive 10 or more votes in the district in which they are eligible to vote in order to be elected to  
1043 that district.

1044 (e) Filling vacancies. Any vacancy in the full number of town meeting members  
1045 from any district, whether arising from a failure of the registered voters thereof to elect, or from  
1046 any other cause, may be filled, until the next annual election, by the remaining members of the  
1047 district from among the registered voters thereof. Upon petition therefor, signed by not less than  
1048 ten (10) town meeting members from the district, notice of any vacancy shall promptly be given  
1049 by the town clerk to the remaining members from the district in which the vacancy or vacancies  
1050 exist, and he shall call a special meeting of such members for the purpose of filling such vacancy  
1051 or vacancies. He shall cause to be mailed to every such member, not less than five (5) days  
1052 before the time set for the meeting, a notice specifying the object, time and place of the meeting.  
1053 At the said meeting, a majority of the members from such district shall constitute a quorum, and  
1054 they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy  
1055 shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman  
1056 and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the  
1057 same with the town clerk, together with a written acceptance by the member or members so  
1058 chosen, who shall thereupon be deemed elected and qualified as a town meeting member or  
1059 members.

1060 Section 2-6 Compensation

1061 Representative town meeting members shall serve without compensation.

1062 Section 2-7 Presiding Officer

1063 All sessions of the town meeting shall be presided over by a town moderator, elected as provided  
1064 in Article III. The town moderator shall regulate the proceedings, decide questions of order, and  
1065 make public declarations of all votes. The town moderator shall perform such other functions as  
1066 may be authorized by the charter, bylaw or other town meeting vote.

1067 Section 2-8 Clerk to the Meeting

1068 At the Annual and Special Town Meetings a stenographer shall record the entire proceedings and  
1069 furnish transcripts thereof to the Town Clerk and other town officials.

1070 The town clerk or his designee shall serve as the clerk of the town meeting. The clerk shall give  
1071 notice of all town meetings to the members and to the public, keep the journal of such  
1072 proceedings, cause the publication of town meeting attendance and perform such other functions  
1073 as may be provided by charter, bylaw or other town meeting vote.

1074 Section 2-9 Participation by Non-Town Meeting Members

1075 (a) Residents. Any resident of the town who is not an elected town meeting member  
1076 may attend sessions of the town meeting but may not vote. However, subject to such rules as  
1077 may from time to time be adopted, any resident may participate in proceedings.

1078 (b) Representatives of Town Agencies. Each town agency may designate a  
1079 representative to attend all sessions of the representative town meeting for the purpose of  
1080 providing town meeting members with information pertinent to warrant articles concerning such  
1081 agencies.

1082 Section 2-10 General Powers and Duties of the Town Meeting

1083 The representative town meeting shall be vested with all the powers of the town, except as  
1084 otherwise provided by charter or general laws. The representative town meeting shall provide for

1085 the exercise of all powers of the town and for the performance of all duties and obligations  
1086 imposed upon the town.

1087 Section 2-11 Warrant Articles

1088 (a) Initiation. Except procedural matters, all subjects to be acted upon by any town  
1089 meeting shall be placed on warrants issued by the board of selectmen in accordance with Chapter  
1090 39, section 10 of the General Laws; provided, however, that the board of selectmen shall place  
1091 on the warrant all petitions which are addressed to it and which request the submission of a  
1092 particular subject matter to the representative town meeting and which are filed by: (i) any  
1093 elected town officer including a member of a multiple member body; (ii) any appointed multiple  
1094 member body acting by a majority of its members; (iii) any ten (10) voters; (iv) the office of  
1095 Town Manager and (v) any other person, persons or town agency as may be authorized by  
1096 bylaw. All such requests for the inclusion of subjects shall be in writing, but they shall not be  
1097 required to conform to any particular style or form, except that each request for a particular  
1098 subject shall be submitted as a separate petition.

1099 (b) Publication. Publication and distribution of the warrant shall be determined by  
1100 bylaw.

1101 Section 2-12 Procedures

1102 (a) Time of Meeting. The representative town meeting shall meet at least twice each  
1103 calendar year or as may be otherwise determined by the Board of Selectmen. These two (2)  
1104 meetings shall be held in two (2) sessions to be known as the Spring Annual Town Meeting and  
1105 the Fall Town Meeting. Each session of the Town Meeting shall be called by separate warrant.  
1106 The Spring Annual Town Meeting shall be held as specified by bylaw and shall be primarily

1107 concerned with the determination of matters involving the expenditure and commitment of town  
1108 funds, including but not limited to the adoption of an annual operating budget for all town  
1109 agencies.

1110 The Fall Town Meeting shall be held on such date and time as specified by bylaw and  
1111 shall be deemed to have all the powers of an Annual Town Meeting.

1112 (b) Quorum. Sixty-one town meeting members shall constitute a quorum for the  
1113 transaction of all business to come before the representative town meeting, but a smaller number  
1114 may adjourn; provided, however, that if an insufficient number of town meeting members are  
1115 present at the first session of a duly called town meeting, a majority of the members present may  
1116 vote to recess and reconvene when a quorum is present.

1117 (c) Duty of Town Meeting Member. It shall be the duty of town meeting members to  
1118 keep abreast of town business and review materials forwarded to members by the board of  
1119 selectmen and the town manager. It is expected that town meeting members will attend selected  
1120 meetings of multiple member bodies, attend hearings held by the finance committee and actively  
1121 prepare for each session of the town meeting.

1122 (d) Establishment of Committees. The representative town meeting may by vote or  
1123 bylaw establish committees for the review of warrant articles, consideration and study of any  
1124 subjects of concern to the town meeting, and the discussion of town business. The representative  
1125 town meeting members in any precinct may organize, meet, and confer on town business, subject  
1126 to provisions of the open meeting law.

1127 (e) Meetings of Town Boards, Committees and Commissions. No multiple member  
1128 body of the town shall schedule a meeting to be held during the time the town meeting is in  
1129 session for the transaction of business except for meetings at town meeting itself.

1130 Section 2-13 Referendum Procedures

1131 (a) Effective Date of Final Votes. No final affirmative vote of a town meeting on any  
1132 warrant article, except a vote to adjourn or dissolve, or votes appropriating money for the  
1133 payment of notes or bonds of the town and interest thereon becoming due within the then current  
1134 fiscal year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote  
1135 declared by preamble by a two-thirds (2/3) vote of the town meeting to be an emergency measure  
1136 necessary for the immediate preservation of the peace, health, safety or convenience of the town,  
1137 shall be operative until after the expiration of seven (7) days, exclusive of Sundays and holidays,  
1138 from the dissolution of the town meeting. If a referendum petition is not filed within the said  
1139 seven (7) days, the vote of the town meeting shall become operative.

1140 (b) Referendum Petition. If, within such seven (7) day period, a petition signed by  
1141 not less than five (5%) percent of the registered voters of the town, containing the voters' names  
1142 and addresses as they appear on the list of registered voters, is filed with the board of selectmen  
1143 requesting that any question, not yet effective as defined in subsection (a) be submitted to the  
1144 voters of the town at large, the operation of such vote shall be suspended pending its  
1145 determination as provided herein. The board of selectmen shall, within five (5) days after the  
1146 filing of such a petition, call a special election in accordance with the general laws relative to  
1147 elections, for the purpose of presenting to the voters at large the question or questions which are  
1148 the subject of a petition. If, however, a regular or special election is to be held not more than  
1149 thirty (30) days following the date the petition is filed, the board of selectmen may provide that  
1150 any such questions be presented to the voters at the same election.

1151 (c) Referendum Election. The polls shall be opened no later than two o'clock in the  
1152 afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon the

1153 question or questions so submitted shall be taken by ballot, and the conduct of such election shall  
1154 be in accordance with the general laws relative to elections. The questions so submitted shall be  
1155 determined by a majority vote of the voters voting thereon, but no action of the representative  
1156 town meeting shall be reversed unless at least fifteen (15%) percent of the registered voters vote  
1157 on the question.

1158 (d) Format of Questions. Each question so submitted shall be in the form of the  
1159 following question which shall be placed upon the official ballot: "Shall the town vote to  
1160 approve the action of the representative town meeting whereby it was voted (brief description of  
1161 the substance of the vote and by what vote thereon if such vote was tabulated)?"

## 1162 **ARTICLE 3**

### 1163 **ELECTED TOWN OFFICERS**

#### 1164 Section 3-1 Elected Town Officers, In General

1165 (a) Elective Offices - The offices to be filled by the voters shall be a board of  
1166 selectmen, a school committee, a town moderator, and trustees of the Stetson Fund. Such other  
1167 regional authorities, districts, or committees as may be established by law or interlocal  
1168 agreement may also be filled by the voters.

1169 (b) Eligibility - Any voter shall be eligible to hold any elective town office. No  
1170 person shall simultaneously hold more than one (1) elective town office, provided however, any  
1171 person elected to a town office as defined in this section may be a candidate and be elected to  
1172 serve as a representative town meeting member.

1173 (c) Vacancies in Office - Any vacancy in any elective office shall be filled in the  
1174 manner provided by chapter 41 of the General Laws.

1175 Section 3-2 Board of Selectmen

1176 (a) Composition, Term of Office - There shall be a board of selectmen composed of  
1177 five members elected for terms of three (3) years each, so arranged that the terms of as nearly an  
1178 equal number of members as is possible shall expire each year, with the terms of two (2) expiring  
1179 in one year, two (2) in the next and one (1) in the third year. Selectmen shall not serve as the  
1180 chairman of any appointed board, committee or commission.

1181 (b) Powers and Duties - The executive authority of the town shall be vested in the  
1182 board of selectmen which shall be deemed to be the chief executive office in the town. The  
1183 board of selectmen shall be the chief policy making agency of the town and shall have all the  
1184 powers and duties given to boards of selectmen as may be authorized by charter, general or  
1185 special law, bylaw or town meeting vote, except those powers granted to the town manager  
1186 under this charter. The board of selectmen shall prepare reports of town business and distribute  
1187 such reports to all town meeting members. The board of selectman shall act by the issuance of  
1188 policy guidelines and directives. It is the intention of this provision that the board of selectmen  
1189 shall act only through the adoption of policy directives and guidelines which are to be  
1190 implemented by the officers and employees appointed by or under its authority. The town  
1191 manager shall be the primary officer responsible for the implementation of policy directives and  
1192 guidelines adopted by the board of selectmen. The daily administration of the affairs of the town  
1193 shall be the exclusive responsibility of the town manager.

1194 (c) Appointment Powers - The board of selectmen shall appoint a town manager, a  
1195 town counsel, a town accountant and a board of registrars of voters. The board of selectmen  
1196 shall also appoint such other multiple member bodies as may be provided by general law or  
1197 bylaw. No selectman shall hold any compensated town office or employment until one (1) year



1198 following the date of which his or her selectman service has been terminated. Unless such  
1199 service is otherwise authorized by law, no member of the board of selectmen shall, while a  
1200 member of the board hold any other town office or employment for which a salary or other  
1201 emolument is payable from the town treasury.

1202 (d) Licensing Authority - The board of selectmen shall be the licensing authority of  
1203 the town and shall have all the power to issue licenses as authorized by law, to make all  
1204 necessary rules and regulations regarding the issuance of such licenses and to attach conditions  
1205 and restrictions on any such license it may issue as it deems to be in the public interest, and to  
1206 enforce all laws relating to all such businesses for which it issues any licenses.

1207 (e) Salary - The Board of Selectmen shall serve without compensation.

1208 Section 3-3 School Committee

1209 (a) Composition, Terms of Office - There shall be a school committee composed of  
1210 seven (7) members, six (6) elected for terms of three (3) years each, and the Chairman of the  
1211 Board of Selectmen or a member of the Board of Selectmen as designated by the Board of  
1212 Selectmen, so arranged that the terms of as nearly an equal number of members as is possible  
1213 shall expire each year.

1214 (b) Powers and Duties - No member of the School Committee shall hold any  
1215 compensated town office or employment until one (1) year following the date of which his or her  
1216 School Committee service has been terminated. The School Committee shall have general  
1217 charge and superintendence of the public schools and for this purpose shall have all of the  
1218 powers and duties which are given to school committees under the constitution and laws of the

1219 Commonwealth, and such additional powers and duties as are authorized by this charter by  
1220 bylaw or by the vote of town meeting.

1221 Section 3-4 Town Moderator

1222 (a) Term of Office - A town moderator shall be elected by the voters for a term of  
1223 three (3) years.

1224 (b) Powers and Duties - The town moderator shall preside and regulate the  
1225 proceedings at all town meetings; decide all questions of order; and make public declaration of  
1226 all votes. No person may address a town meeting without leave of the moderator. The  
1227 moderator shall appoint a finance committee as provided by bylaw. The town moderator shall  
1228 have all the powers and duties provided that office by the general laws, this charter, bylaw or  
1229 other town meeting vote.

1230 Section 3-5 Trustees of the Stetson Fund

1231 (a) Term of Office - There shall be three (3) member board of trustees of the Stetson  
1232 School Fund elected by the voters for a term of three (3) years, so arranged that the term of one  
1233 (1) member shall expire each year.

1234 (b) Powers and Duties – Except as provided in section 3.5(a) above, the trustees shall  
1235 be governed in accordance with the document titled, The Stetson Donation of a Town House and  
1236 Fund for a high school to the Town of Randolph, voted on February 18, 1843 and Article 18 of  
1237 the Special Town Meeting of November 13, 1996.

1238 Section 3-6 Recall of Elected Officers

1239           (a)     Any holder of elective office, except a representative town meeting member, may  
1240 be recalled therefrom by the registered voters of the Town of Randolph as provided in this  
1241 section.

1242           (b)     Any five hundred (500) registered voters of the Town of Randolph may file with  
1243 the town clerk of said town an affidavit containing the name of the officer sought to be recalled  
1244 and a statement of the grounds for recall. Said town clerk shall, within five (5) days, certify  
1245 thereon the number of signatures which are names of registered voters of the town. The town clerk  
1246 shall, upon certification, deliver to said voters making the affidavit copies of petition blanks  
1247 demanding such recall, copies of which shall be kept available. The blanks shall be issued by the  
1248 town clerk with the clerk's signature and official seal attached thereto. The blanks shall be dated,  
1249 addressed to the Board of Selectmen and contain the names of all person to whom they are issued,  
1250 the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and  
1251 the demand the election of a successor to said office. A copy of the petition shall be entered in a  
1252 record book to be kept in the office of the town clerk. The recall petition shall be returned and  
1253 filed with the town clerk within twenty-one (21) days after the certification of the affidavit and  
1254 shall have been signed by at least twenty (20%) percent of the registered voters of the town who  
1255 shall add to their signatures the street and number, if any, of their residences.

1256           The town clerk shall, within twenty-four (24) hours of receipt, submit the petition to the  
1257 registrars of voters in the town and the registrars shall, within fourteen (14) days, certify thereon  
1258 the number of signatures which are names of registered voters of the town.

1259           (c)     If the petition shall be found and certified by the town clerk to be sufficient,  
1260 he/she shall submit the same with his/her certificate to the Board of Selectmen without delay,  
1261 and said board shall, within seven (7) days, give written notice of the receipt of the certificate to

1262 the officer sought to be recalled and shall, if the officer does not resign within five (5) days  
1263 thereafter, order an election to be held on a date fixed by them not less than sixty (60) nor more  
1264 than ninety (90) days after the date of the town clerk's certificate that a sufficient petition has  
1265 been filed; provided, however, that if any other town election is to occur within one hundred  
1266 (100) days after date of certification, the board of selectmen shall postpone the holding of the  
1267 recall election to the date of such other election.

1268           If a vacancy occurs in said office after a recall election has been ordered, the election  
1269 shall nevertheless proceed as provided in this section.

1270           (d)     An officer sought to be removed may be a candidate to succeed himself/herself  
1271 and, unless the officer requests otherwise in writing, the town clerk shall place his/her name on  
1272 the ballot without nomination. The nomination of other candidates, the publication of the  
1273 warrant for the removal election and the conduct of the same, shall all be in accordance with the  
1274 general laws relating to elections, unless otherwise provided in this charter.

1275           (e)     The incumbent shall continue to perform the duties of office until the recall  
1276 election. If then re-elected, he/she shall continue in office for the remainder of the unexpired  
1277 term, subject to recall as before, except as provided in subsection (g). If not re-elected in the  
1278 recall election, the officer shall be deemed removed upon the qualification of his/her successor  
1279 who shall hold office during the unexpired term. If the successor fails to qualify within five (5)  
1280 days after receiving notification of his/her election, the incumbent shall thereupon be deemed  
1281 removed and the office vacant.

1282           (f)     Ballots used in a recall election shall submit the following proposition in the order  
1283 indicated:

1284 For the recall of (name of officer)

1285 Against the recall of (name of officer)

1286 Immediately at the right of each proposition, there shall be a square in which the voter, by  
1287 making a cross mark (X), may vote for either of the said proposition. Under the  
1288 proposition there shall appear the word "Candidates," the direction to voters required by  
1289 section forty-two of chapter fifty-four of the General Laws, and beneath this the names of  
1290 candidates nominated as hereinbefore provided. If a majority of the votes cast upon the  
1291 question of recall is in the affirmative, the candidate receiving the highest number of votes  
1292 shall be declared elected. If a majority of votes on the question is in the negative, the  
1293 ballots for candidates need not be counted.

1294 (g) No recall affidavit shall be filed against an officer within six months after he/she  
1295 takes office, nor in the case of an officer subject to a recall election and recalled thereby, until at  
1296 least six months after the election at which his/her recall was submitted to the voters.

1297 **ARTICLE 4**

1298 **TOWN MANAGER**

1299 Section 4-1 Appointment, Qualifications, Term of Office

1300 The board of selectmen shall appoint by a four-fifths (4/5) vote a town manager for a period no  
1301 longer than a five (5) year term. The town manager shall be a person of proven administrative  
1302 ability, especially qualified by education and training with at least five (5) years full time paid  
1303 experience as a city or town manager, or an assistant city or town manager or the equivalent  
1304 public or private sector level experience. The board of selectmen may from time to time  
1305 establish such additional qualifications as seems necessary and appropriate. The Town

1306 Moderator shall appoint a screening committee to assist in the recruitment and selection of the  
1307 town manager. The screening committee shall present at least three (3) candidates to the board  
1308 of selectmen for consideration.

1309 The town manager shall devote full time to the duties of the office and shall not hold any other  
1310 elective or appointive office, nor shall the town manager engage in any other business unless  
1311 such action is approved in advance in writing by the board of selectmen.

1312 Section 4-2 Powers of Appointment.

1313 Except as otherwise provided by this charter, and subject to the civil service law and any  
1314 collective bargaining agreements as may be applicable, the town manager shall appoint, based  
1315 upon merit and fitness alone, all department heads, officers, subordinates, employees and all  
1316 appointed multiple member bodies for whom no other method of selection is provided in this  
1317 charter except employees of the school department.

1318 Appointments made by the town manager shall become effective upon the approval of the board  
1319 of selectmen, provided, however, that such approval is received within fifteen (15) days of filing  
1320 such notice of appointment. If the board of selectmen shall fail to act, appointments made by the  
1321 town manager shall become effective on the fifteenth day following the day on which notice of  
1322 the proposed appointment is filed with the board of selectmen. For the purpose of this section,  
1323 notice of appointment shall be considered filed with the board of selectmen when such notice is  
1324 filed at an open meeting of the board of selectmen.

1325 Department heads shall appoint all officers, subordinates and employees within their department  
1326 subject to the approval of the town manager.

1327 Section 4-3 Administrative Powers and Duties

1328 The town manager shall be the chief administrative officer of the town and shall be responsible  
1329 to the board of selectmen for the proper operation of town affairs for which the town manager is  
1330 given responsibility under this charter. The powers, duties and responsibilities of the town  
1331 manager shall include, but are not intended to be limited to, the following:

1332 (a) To supervise, direct and be responsible for the efficient administration of all  
1333 officers appointed by the town manager and their respective departments and of all functions for  
1334 which the town manager is given responsibility, authority or control by this charter, by bylaw, by  
1335 town meeting vote, or by vote of the board of selectmen.

1336 (b) To administer either directly or through a person or persons supervised by the  
1337 town manager, in accordance with this charter, all provisions of general or special laws  
1338 applicable to the town, all bylaws, and all regulations established by the board of selectmen.

1339 (c) To coordinate all activities of town departments under the direction of the town  
1340 manager and the board of selectmen with the activities of departments under the control of  
1341 officers, boards or commissions elected directly by the voters of the town.

1342 (d) To attend all regular and special meetings of the board of selectmen, unless  
1343 excused.

1344 (e) To attend all sessions of the town meeting and answer all questions addressed to  
1345 the town manager which are related to the warrant articles and matters under the general  
1346 supervision of the town manager.

1347 (f) To keep the board of selectmen fully informed as to the needs of the town, and  
1348 recommend to the selectmen for adoption such measures requiring action by them or by the town  
1349 as the town manager deems necessary or expedient.

1350 (g) To insure that complete and full records of the financial and administrative  
1351 activity of the town are maintained and render reports to the board of selectmen as may be  
1352 required.

1353 (h) To be responsible for the management, rental, use, maintenance and repair of all  
1354 town facilities and land, except those under the jurisdiction of the school committee, the board of  
1355 Library Trustees and the Conservation Commission.

1356 (i) To be responsible for the purchase of all supplies, materials and equipment,  
1357 except books and other educational materials for schools and books and other media materials  
1358 for libraries, and approve the award of all contracts for all town departments with the exception  
1359 of the school department, subject to the approval of the board of selectmen.

1360 (j) To develop and maintain a full and complete inventory of all town owned real and  
1361 personal property.

1362 (k) To administer, in cooperation with the personnel board, if any, personnel policies,  
1363 practices, or rules and regulations, any compensation plan and any related matters for all  
1364 municipal employees and administer all collective bargaining agreements, except for school  
1365 department agreements, entered into by the town.

1366 (l) To fix the compensation of all town employees and officers appointed by the  
1367 town manager within the limits established by appropriation and any applicable compensation  
1368 plan.

1369 (m) To be responsible for the negotiation of all union and non-union contracts with  
1370 town employees over wages, and other terms and conditions of employment, except employees  
1371 of the school department. The town manager may, subject to the approval of the board of



1372 selectmen, employ special counsel to assist in the performance of these duties. Contracts shall  
1373 be subject to the approval of the board of selectmen and such other approvals as required by  
1374 Chapter 150E of the General Laws.

1375 (n) To prepare and submit an annual operating budget and capital improvement  
1376 program as provided in Article VI.

1377 (o) To keep the board of selectmen and the finance committee fully informed as to  
1378 the financial condition of the town and make recommendations to the board of selectmen and  
1379 other elected and appointed officials as the town manager deems necessary or expedient.

1380 (p) To investigate or inquire into the affairs of any town department or office under  
1381 the supervision of the town manager or the job-related conduct of any officer or employee  
1382 thereof.

1383 (q) To delegate, authorize or direct any subordinate or employee of the town to  
1384 exercise any power, duty or responsibility which the office of town manager is authorized to  
1385 exercise, provided, that all acts that are performed under such delegation shall be deemed to be  
1386 the acts of the town manager.

1387 (r) To perform such other duties as necessary or as may be assigned by this charter,  
1388 by bylaw, by town meeting vote, or by vote of the board of selectmen.

1389 (s) He or she shall determine the existence of a public emergency or danger and shall  
1390 assume responsibility for the maintenance of public safety, public order and enforcement of  
1391 laws. The manager shall notify the Chairman of the Board of Selectmen as soon as practical, but  
1392 within twenty-four (24) hours, of such a public emergency or danger and of the actions taken.

1393 Should the public emergency continue more than twenty-four (24) hours, the Board of Selectmen  
1394 may meet to review, ratify, or terminate said public emergency.

1395 Section 4-4 Compensation

1396 The town manager shall receive such compensation for services as the board of selectmen shall  
1397 determine, but such compensation shall be within the limits of available appropriations as  
1398 approved by Town Meeting.

1399 Section 4-5 Vacancy in Office

1400 Any vacancy in the office of town manager shall be filled as soon as possible by the board of  
1401 selectmen. Pending appointment of the town manager or the filling of any vacancy, the board of  
1402 selectmen shall forthwith appoint some other qualified person to perform the duties of the town  
1403 manager. The appointment of the acting town manager shall be for a term not to exceed four (4)  
1404 months, provided however, that a renewal, not to exceed an additional four (4) months may be  
1405 provided.

1406 Section 4-6 Temporary Absence

1407 The town manager may designate by letter filed with the board of selectmen and town clerk a  
1408 qualified officer of the town to perform the duties of the town manager during a temporary  
1409 absence or disability. If such temporary absence or disability shall exceed fourteen (14) days,  
1410 any designation made by the town manager shall be subject to the approval of the board of  
1411 selectmen. In the event of failure of the town manager to make such designation or if the person  
1412 so designated is for any reason unable to serve, or is deemed not qualified by the board of  
1413 selectmen, the board of selectmen may designate some other qualified person to perform the  
1414 duties of the town manager until the town manager shall return.

1415 Section 4-7 Removal of Town Manager

1416 The person serving as Town Manager shall cease to be Town Manager upon expiration of  
1417 contract or term of office, which ever occurs earlier.

1418 Earlier in time than the expiration described in the preceding sentence, the board of selectmen by  
1419 affirmative vote of a four-fifths (4/5) majority of the full board may vote to terminate, remove or  
1420 suspend the town manager from office, in accordance with the following procedure:

1421 Prior to removal or termination, the board of selectmen shall adopt a preliminary resolution of  
1422 removal by the affirmative vote of a majority of the full board. The preliminary resolution may  
1423 suspend the town manager for a period not to exceed thirty (30) days. A copy of the resolution  
1424 shall be delivered to the town manager forthwith.

1425 If so requested by the town manager, the board of selectmen shall provide a written statement  
1426 setting forth the reasons for the removal or termination.

1427 Within five (5) days after the receipt of the preliminary resolution, the town manager may  
1428 request a public hearing by filing a written request for such hearing with the board of selectmen.

1429 If such a hearing is requested, the hearing shall be held at a meeting of the board of selectmen  
1430 not later than twenty (20) days from the date of request.

1431 If a public hearing has not been requested by the town manager, the board of selectmen may  
1432 adopt a final resolution of removal, which may be effective immediately, by affirmative vote of  
1433 four-fifths (4/5) of its members at any time after ten (10) days following the date of delivery of a  
1434 copy of the preliminary resolution to the town manager. If the town manager requests a public  
1435 hearing, the selectmen may, at the conclusion of the hearing or within five (5) days of the

1436 conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of four-  
1437 fifths (4/5) of its members.

1438 The board of selectmen may suspend by an affirmative vote of a majority of the full board, the  
1439 town manager pending and during any public hearing as requested by the town manager. The  
1440 town manager shall continue to receive a salary until the final date of removal shall become  
1441 effective unless the board of selectmen otherwise provides. The action of the board of selectmen  
1442 in terminating, removing or suspending the town manager shall be final.

1443 No contract of employment for a town manager shall be inconsistent with this section.

1444 Section 4-8 Evaluation of Town Manager

1445 There shall be an annual review of the town manager's job performance conducted by the Board  
1446 of Selectmen.

1447 **ARTICLE 5**

1448 **ADMINISTRATIVE ORGANIZATION**

1449 Section 5-1 Powers of Organization

1450 The town manager, subject to the approval of the board of selectmen, may reorganize, create,  
1451 consolidate or abolish committees, commissions, offices, departments, and agencies under the  
1452 supervision of the town manager, in whole or in part, may establish new committees,  
1453 commissions, offices, departments, and agencies as deemed necessary, and may for such  
1454 purposes transfer the duties and powers, and so far as is consistent with the use for which the  
1455 funds were voted by the town, transfer the appropriation of one committee, commission, office,  
1456 department or agency to another.

1457 **ARTICLE 6**

1458 **FINANCIAL PROVISIONS**

1459 Section 6-1 Annual Budget Policy

1460 The board of selectmen and school committee shall meet and confer prior to and during the  
1461 budget process to review the financial condition of the town, revenue and expenditure forecasts  
1462 and other relevant information in order to develop a coordinated and balanced budget. The  
1463 finance committee shall participate in the discussions with the board of selectmen and the school  
1464 committee in an advisory capacity. The school superintendent and the town manager shall  
1465 jointly develop guidelines consistent with policies developed by the board of selectmen and  
1466 school committee.

1467 Section 6-2 Budget Process

1468 The town manager shall annually submit to the finance committee a proposed budget and capital  
1469 improvement program for the ensuing fiscal year with an accompanying budget message and  
1470 supporting documents before February 1<sup>st</sup>. The budget message submitted by the town manager  
1471 shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It  
1472 shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe  
1473 important features of the proposed budget and indicate any major variations from the current  
1474 budget, fiscal policies, expenditures and revenues together with the reasons for such change.  
1475 The proposed budget shall provide a complete fiscal plan of all town funds and activities and  
1476 shall be in the form the town manager deems desirable.

1477 The preliminary budget as adopted by the school committee shall be submitted to the town  
1478 manager at least fourteen (14) days prior to the Town Manager submitting the proposed budget

1479 to the finance committee to enable the town manager to consider the effect of the school  
1480 department's requested appropriation upon the total town budget which is required to be  
1481 submitted under this section.

1482 Section 6-3 Finance Committee Action

1483 The finance committee shall, upon receipt of the budget and capital improvement program,  
1484 consider in public meetings the detailed expenditures for each town agency proposed by the town  
1485 manager. The finance committee may confer with representatives from any town agency in  
1486 connection with its deliberations. The finance committee may request the town manager or any  
1487 town agency to provide additional information. The finance committee shall file a proposed  
1488 budget and report its recommendations for action seven (7) days prior to the date on which the  
1489 town meeting is to act on the proposed budget. The budget to be acted upon by the town meeting  
1490 shall be the budget proposed by the town manager with the accompanying recommendations of  
1491 the finance committee.

1492 Section 6-4 Capital Improvement Program and Long Term Financial Plan

1493 The town manager shall, in conjunction with the capital planning committee, submit a capital  
1494 improvement program to the board of selectmen and finance committee at the date fixed by  
1495 bylaw for the submission of the proposed operating budget unless some other time is provided by  
1496 general or special law. Annually the board of selectmen, in conjunction with the town manager,  
1497 shall prepare a five (5) year financial forecast of town revenue, expenditures and the general  
1498 financial condition of the town. The plan shall be submitted to the finance committee and shall  
1499 be available to the public.

1500 Section 6-5 Approval of Warrants

1501 Warrants for payments of town funds prepared by the Town Accountant shall be submitted to the  
1502 Town Manager for approval.

1503 Section 6-6 Management of Town Funds

1504 The treasurer shall be responsible for the management of all town funds.

1505 Section 6-7 Annual Audit

1506 The board of selectmen shall provide for an annual audit of the books and accounts of the town  
1507 to be made by a certified public accountant, or firm of accountants, who have no personal  
1508 interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

1509 **ARTICLE 7**

1510 **GENERAL PROVISIONS**

1511 Section 7-1 Charter Revision or Amendment

1512 (a) In General - This charter may be replaced, revised or amended in accordance with  
1513 any procedure made available under the Constitution of the Commonwealth, or by general law.

1514 (b) Periodic Review - The Board of Selectmen shall provide, in every year ending in  
1515 a zero, for a review of the charter by the entire board and six (6) additional persons to be  
1516 appointed by the Board. The said committee shall file a report within the said year  
1517 recommending any changes in the charter which it may deem to be necessary or desirable, unless  
1518 an extension is authorized by vote of the Board of Selectmen.

1519 Section 7-2 Severability

1520 The provisions of this charter are severable. If any of the provisions of this charter are held to be  
1521 unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby.

1522 If the application of this charter, or any of its provisions, to any person or circumstances is held  
1523 to be invalid, the application of said charter and its provisions to other persons or circumstances  
1524 shall not be affected thereby.

1525 Section 7-3 Rules of Interpretation

1526 The following rules shall apply when interpreting the charter:

1527 (a) Specific provisions to prevail. To the extent that any specific provision of the  
1528 charter shall conflict with any provision expressed in general terms, the specific provision shall  
1529 prevail.

1530 (b) Number and Gender. Words imparting the singular number may extend and be  
1531 applied to several persons or things; words imparting the plural number may include the singular;  
1532 words imparting the masculine gender shall include the feminine gender.

1533 (c) References to General Laws. All references to the general laws or the laws of the  
1534 commonwealth contained in the charter refer to the general laws of the Commonwealth of  
1535 Massachusetts and are intended to include any amendments or revisions to such chapters and  
1536 sections or to the corresponding chapters and sections of any rearrangement of the general laws  
1537 enacted subsequent to the adoption of the charter.

1538 (d) Computation of time. In computing time under the charter, if seven (7) days or  
1539 less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted; if  
1540 more than seven (7) days, every day shall be counted.

1541 Section 7-4 Definitions

1542 Unless another meaning is clearly apparent from the manner in which the word is used, the  
1543 following words as used in the charter shall have the following meanings:



1544 (a) "Charter" –this charter and any amendments to it made through any methods  
1545 provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

1546 (b) "Majority Vote" –a majority of those present and voting, provided a quorum is  
1547 present when a vote is taken, unless a higher number is required by general or special law, this  
1548 charter, or by the town meeting's own rules.

1549 (c) "Multiple member body" – any board, commission or committee but not  
1550 including the Board of Selectmen, the School Committee or the Trustees of the Stetson Fund.

1551 (d) "Town" –the Town of Randolph.

1552 (e) "Town agency" or "agency" – any board, commission, committee, department or  
1553 office of town government, whether elected, appointed or otherwise constituted.

1554 (f) "Voters" –registered voters of the town.

1555 **ARTICLE 8**

1556 **TRANSITIONAL PROVISIONS**

1557 Section 8-1 Continuation of Existing Laws

1558 All bylaws, resolutions, rules, regulations, and votes of the town meeting which are in force at  
1559 the time this charter is adopted, not inconsistent with this charter, shall continue in full force until  
1560 amended or repealed.

1561 If provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders,  
1562 and special acts and acceptances of general or special laws, the charter provisions shall govern.

1563 All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this  
1564 charter shall remain in force.

1565 Section 8-2 Existing Officials and Employees

1566 Any person holding a town office or employment under the town shall retain such office or  
1567 employment and shall continue to perform the duties of the office until provisions shall have  
1568 been made in accordance with this charter for the performance of the said duties by another  
1569 person or agency.

1570 Section 8-3 Continuation of Government

1571 All town offices, boards, commissions or agencies shall continue to perform their duties until re-  
1572 appointed, or re-elected, or until successors to their respective positions are fully appointed or  
1573 elected or until their duties have been transferred and assumed by another town office, board,  
1574 commission or agency.

1575 Section 8-4 Transfer of Records and Property

1576 All records, property and equipment whatsoever of any office, board, commission, committee or  
1577 agency or part thereof the powers and duties of which are assigned in whole or in part to another  
1578 town office, board, commission or agency shall be transferred forthwith to such office, board,  
1579 commission or agency.

1580 Section 8-5 Continuation of Personnel

1581 Any person holding a town office, or a position in the administrative service of the town, or any  
1582 person holding full time employment under the town, shall retain such office or position or  
1583 employment, and shall continue to perform the duties of such office, position or employment  
1584 until provision shall have been made for the performance of those duties by another person or  
1585 agency; provided, however, no person in the permanent full time service of the town shall forfeit  
1586 his or her pay grade, or time in service of the town.

1587 Section 8-6 Time of Taking Effect

1588 This charter shall become fully effective upon ratification by the voters, except as otherwise  
1589 provided in this section:

1590 (a) A special election for the purpose of electing one hundred twenty (120) persons to  
1591 serve as representative town meeting members, in the manner provided in Article II of this  
1592 charter, shall be held within one hundred eighty (180) days of the adoption of this charter. The  
1593 term of office of persons so elected shall be extended so that the terms of office of the first third  
1594 in order of votes received shall expire at the town election held in the fourth (4<sup>th</sup>) year following  
1595 the year in which the charter is adopted; the terms of office of the second third in such order of  
1596 votes received shall expire at the town election held in the third year following the year in which  
1597 the charter is adopted; and the terms of office of the remaining third in such order shall expire at  
1598 the town election held in the second year following the year in which the charter is adopted. At  
1599 the expiration of terms of office town meeting members shall be elected for terms of three (3)  
1600 years as provided in Article II of the charter.

1601 At the same election, one (1) additional member of the school committee shall be elected.  
1602 The additional school committee member shall serve a term that will result in two (2) members  
1603 of the school committee being elected each year.

1604 (b) Forthwith following the election at which the charter is adopted the Town  
1605 Moderator shall initiate proceedings whereby a screening committee shall be established to  
1606 review applicants for the position of town manager. The screening committee is to consist of  
1607 nine (9) persons, representing as nearly as possible the town demographic and occupational base.

1608 Not more than thirty (30) days following the election at which this charter is adopted the  
1609 nine (9) persons appointed as aforesaid shall meet to organize and to plan a process for the  
1610 selection of the town manager.

1611 The committee shall review and screen all applications, and provide for interviews with  
1612 such candidates for the position as it deems to be necessary.

1613 Not more than one hundred and twenty (120) days following the date the committee  
1614 meets to organize, the committee shall submit to the board of selectmen the names of not less  
1615 than three (3) nor more than five candidates for the position. Within sixty (60) days following  
1616 the date the list of nominees is submitted to it, the board of selectmen shall choose one of the  
1617 nominees to be appointed to the office of town manager.

1618 Upon the appointment of a town manager, the committee established hereunder shall be  
1619 considered discharged. Until such time as another screening committee is established by bylaw,  
1620 a screening committee as called for by the Town Moderator and members selected as herein  
1621 provided shall serve whenever the office of town manager shall become vacant.

1622 (c) Upon the appointment of the town manager the office of executive secretary is  
1623 abolished.

1624 (d) Until such time as the town manager is appointed, the board of selectmen shall  
1625 exercise all the powers, duties and responsibilities necessary to insure orderly operation of town  
1626 government.

1627 (e) Upon the adoption of this charter the incumbents serving in the office of  
1628 treasurer-collector, town clerk and the incumbent assessor serving as a full-time assessor shall be  
1629 subject to the town's personnel bylaw and shall be granted all benefits and rights provided by

1630 such bylaw. The incumbents shall be granted sick leave, vacation leave or other such leaves  
1631 based upon the number of years the incumbents have served in an elective office and as an  
1632 employee of the town of Randolph. Such incumbents shall be entitled to and be credited with  
1633 retroactive sick leave at the rate of nine (9) days for each year of full-time service as an elected  
1634 official and as an employee of the town.

1635 (f) At the next annual town meeting following the adoption of this charter, the town  
1636 moderator shall appoint a committee of five (5) members to review town bylaws and report back  
1637 to the town meeting with recommendations to bring bylaws in conformity with this charter.

1638 (g) Unless otherwise provided by this charter, the composition and term of office of  
1639 any town agency, board, commission, committee or department shall continue as it has been until  
1640 such time as a different form of organization is provided in accordance with the procedures made  
1641 available in Section 5-1 of this charter.

1642 (h) Unless otherwise provided by bylaw, the personnel board shall continue to be  
1643 composed of the same number of members as currently constituted provided, however, that the  
1644 appointments made by the selectmen shall, upon the expiration of the term of office of such  
1645 members, or if a vacancy shall sooner occur, be made by the town manager.

1646 (i) The moderator shall, as soon as practical, after the election of the representative  
1647 town meeting appoint a seven (7) member committee to prepare a code of ethics for the town of  
1648 Randolph. Said committee shall be composed of one (1) elected town official, one (1) appointed  
1649 town official, one (1) town employee and four (4) voters at large from the town. The code of  
1650 ethics shall be applicable to all elected and appointed officials and town employees. The  
1651 committee shall report back to the town meeting within twelve (12) months after the committee

1652 has been appointed with a recommended code of ethics for consideration by the representative  
1653 town meeting.

1654 Section 5. This Act shall take effect upon passage, provided however, the various Charter form  
1655 of government that is offered to the town of Randolph by this Act shall only take effect in  
1656 accordance with the time of taking effect provisions of the specific Charter form of government  
1657 adopted by the voters in accordance with section 2 of this Act.