

# AN ACT CREATING SELECT BOARD-TOWN MANAGER FORM OF GOVERNMENT IN THE TOWN OF HOLLISTON.

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

SECTION 1. Chapter 94 of the acts of 1994, entitled AN ACT ESTABLISHING A SELECT BOARD-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF HOLLISTON, is hereby repealed.

SECTION 2. (a) The Town Manager shall be the chief administrative and operating officer of the town, with the following authority and duties, provided however that the Holliston School Committee shall retain any and all authority conferred on it under Massachusetts General Law.

(b) The Town Manager shall be responsible for managing, supervising and executing all of the activities under this act, ~~in the Town Manager's job description and any other duties assigned to the Town Manager by the Select Board or~~ and in compliance with federal and state law and the town code and town policies. \*

(c) The Town Manager shall not set town policy, but shall work with the Select Board to implement its policy directives, and ensure there is appropriate coordination in the implementation of town policy working across all town departments in conjunction with all elected and appointed boards, commissions and committees.

(d) The Town Manager shall ensure that all town employees, boards, commissions and committees comply with the town's financial, personnel and legal policies and procedures, as well as all town meeting votes, town code, federal and state law and all regulations.

(e) The Town Manager shall be responsible for the management of all financial, administrative and operational affairs of the town and town departments and all boards, commissions and committees but excluding the school department; provided, however, that all boards, commissions and committees shall continue to exercise permitting or policy-making authority as provided by state law.

(f) The Town Manager shall be responsible for overseeing, coordinating and making recommendations that may impact town boards, commissions and committees, broadly or in detail, regarding town financial, personnel and legal activities, including but not limited to: executing the weekly accounts payable and payroll warrants and reporting bi-monthly to the Select Board on spending, approving event permits with the exception of those permits that require permission to serve or sell alcohol as may be required under G.L. c. 138. The Town Manager shall also be afforded the authority to accept allowable donations and gifts on behalf of the Town, as may be required pursuant to G.L. c. 44, s. 53A, excepting gifts to the School Department.

(g) The Town Manager shall understand and have a working knowledge of the statutory and regulatory authority and responsibility held by department heads and elected and appointed boards, commissions and committees so the town manager can effectively support these officers in the execution of their duties. Unless expressly stated in this act, nothing in this act shall reassign



Three (3) changes were approved to the original printing of Article 26 - Special Legislation, Town Manager Act - and they are denoted by asterisk; this printed version will be the main motion for Town Meeting

policy-making or permit granting statutory authority of any department head or any elected or appointed board, commission or committee to the Town Manager.

(h) With respect to town policies and programs that impact multiple areas of town government, the Town Manager shall work with all elected and appointed boards, commissions and committees and town department heads and shall be responsible for ensuring there is appropriate administration and coordination in the: (i) implementation and on-going adherence to town policies; and (ii) development and execution of such policies and programs.

(i) With respect to the development, implementation and execution of policies and programs affecting various town departments, the Town Manager shall:

(i) coordinate the setting of priorities with the rest of the town government;

(ii) communicate activities, including projects, plans and studies, so that necessary input is received from all areas of town government that should be involved in those initiatives; and

(iii) coordinate efforts so that cross-functional services to residents and others are effectively and consistently delivered.

(j) With the exception of the school department, to streamline services, the Town Manager may create new departments, reorganize, eliminate or consolidate town departments or functions, in whole or in part, and assign functions of a department to another department, subject to the approval of the Select Board.

(k) The Town Manager shall oversee crisis intervention in emergency situations, working with other key town department heads, and shall address any systemic problems impacting multiple areas of the town as they arise. The Town Manager shall ensure priority items are properly attended to and bring concerns about problem resolution to related boards, commissions and committees and, ultimately, to the Select Board for assistance in resolution, if necessary.

SECTION 3. (a) The Town Manager shall ~~be the chief financial officer of the town of Holliston~~ have the authority and duties described in this section, provided however that the Holliston School Committee shall continue to enjoy the authority and responsibilities over educational financial issues, as may be conferred under the General Laws of the Commonwealth.



(b) The town manager shall initiate, draft and have general oversight of the process of preparing the town's annual operating and capital budgets for submission to the Select Board and Finance Committee. To assist the Town Manager in preparing the proposed annual operating and capital budgets, all department heads, boards, commissions and committees of the town, including the school department, shall furnish all relevant information and submit to the Town Manager, in writing and in such form as the town manager shall prescribe, a detailed estimate of the appropriations required and available funds.

(c) The Town Manager shall draft and update a 5-year capital improvement plan for all town departments for submission to the finance committee.

(d) The Town Manager shall consult with the finance staff and Finance Committee in the development of operating and capital budgets in order to:

(i) develop long-term financial strategies addressing operational and capital financial needs of the town;

(ii) establish set budgetary guidelines to be used in the development of annual budgets;

(iii) review all operating and capital budgets of all town departments and make recommendations to the affected boards, commissions and committees and to the finance committee about priorities important to budget development; and

(iv) evaluate actual expenditures and receipts against budgets and coordinate with affected department heads, boards, commissions and committees the development of plans to manage to the budget or obtain finance committee approval for reserve fund transfers, in advance of spending, when possible.

(e) The Town Manager shall serve as the town's chief procurement officer pursuant to state and federal law and shall ensure that all town departments comply with applicable procurement laws. The Town Manager may, in the Town Manager's discretion, delegate any procurement responsibilities to a qualified designee.

(f) Unless any general or special law provides to the contrary, the Town Manager may execute all grant applications and shall award and execute all contracts binding the town up to a set amount to be established by policy set by the Select Board, provided however that the Holliston School Committee shall retain any and all authority to seek or accept grants and accept gifts, as such authority may be conferred under the General Laws of the Commonwealth.

SECTION 4. (a) Except as expressly provided in this act, the Town Manager shall appoint or hire, on the basis of merit and fitness alone, all department heads or similar positions, in consultation with the respective boards, commissions and committees that the department heads or similar positions support and in compliance with any applicable provision of a collective bargaining agreement, with the exception of the school department. This provision shall supersede any contrary provision of the General Bylaws of Holliston, for which appointment or hiring for such positions may be specified.

(b) The Town Manager shall ultimately be responsible for appointing or hiring subordinates to department heads ~~or similar positions or for boards and commissions, in consultation therewith.~~ Unless otherwise provided by the terms of an applicable collective bargaining agreement, the department head or similar position may, with the consent of the Town Manager or their designee, appoint on the basis of merit and fitness alone, all subordinate employees of each town department, with the exception of the school department.

(c) Unless otherwise provided under this act, the Town Manager shall be responsible for appointing or hiring of all other employees for whom no other method of appointment or hiring is provided by the town code or other special act.

(d) The Town Manager may, for cause, discipline or remove any department head or similar position, with the exception of the school department, and shall, in consultation with the applicable department head or similar position, discipline or remove all subordinate employees of each town department, with the exception of the school department.



(e) The Town Manager shall appoint, on the basis of merit and fitness alone, with ratification by a vote of a majority of the Select Board, and evaluate, discipline and, for cause, remove, without the ratification of the Select Board:

- (i) a police chief;
- (ii) a fire chief;
- (iii) a public works director; and
- (iv) an Assistant Town Manager.

(f) In the event of a vacancy, disability or absence anticipated to be greater than 30 days of any department head or any position appointed by the Town Manager, the Town Manager may appoint another person to serve in an acting or interim capacity for the period of such vacancy, disability or absence.

(g) Working with the town's human resource department, the Town Manager shall be responsible for the daily administration of the town-wide personnel system, including the maintenance of personnel records and the enforcement of personnel policies, rules and regulations and managing personnel costs to ensure maximum efficiency and fairness across town departments, provided however that the School Committee shall continue to have any and all authority over educational personnel, as such authority may be conferred under the General Laws of the Commonwealth.

(h) The Town Manager shall develop a performance evaluation process and establish performance standards not inconsistent with any terms of any collective bargaining agreement.

(i) The Town Manager shall be responsible for the annual evaluation of job performance of all town department heads, excluding the school department, and shall incorporate any input or recommendations received from any elected or appointed board, commission or committee served by such department heads. The Town Manager shall be responsible for ensuring the completion of annual evaluations of the job performance of all subordinate town employees, excluding those of the school department. The evaluation of the Town Manager shall be performed annually by the Select Board.

(j) The Town Manager shall serve as the agent of the Select Board and negotiate collective bargaining agreements on behalf of the Select Board in accordance with chapter 150E of the General Laws; provided, however, that such agreements shall be subject to ratification by the Select Board and subject to funding by town meeting. The Town Manager may utilize the services of counsel and designate appropriate employees to assist with collective bargaining.

SECTION 5. (a) The Town Manager shall be responsible for the construction, reconstruction, restoration, rehabilitation, repair and maintenance of all town buildings and all town real and personal property, and information technology and infrastructure, excepting such real and personal property as may be subject to the custody and control of another town entity, pursuant to state law, including, without limitation, the School Committee. Nothing in this section shall confer any authority upon the Town Manager to have access to information that is otherwise unauthorized under state law.

(b) The Town Manager shall, directly or through the town's various departments, boards, commissions and committees, maintain an inventory of all town-owned real and personal property.

SECTION 6. (a) Upon the effective date of this act, the position of Town Administrator shall be abolished and the incumbent thereof shall serve as the acting Town Manager, or if there is no incumbent, the Select Board shall appoint an acting Town Manager. The acting Town Manager shall serve until the Select Board appoints a permanent Town Manager.

(b) Following the effective date of this act, the Select Board shall appoint a Town Manager, and if the Select Board so chooses, the incumbent Town Administrator may be appointed town manager on a permanent basis.

(c) Following the effective date of this act, any reference to the Town Administrator existing in any provision of the town code or any other special act shall be construed as referring to the Town Manager. All powers and duties conferred upon the Town Administrator by the town code or other special act shall be vested in the Town manager, unless otherwise provided in this act.

(d) Following the effective date of this act, the provisions of this act shall supersede any inconsistent provisions of the town code.

(e) Following the effective date of this act, all town officers, boards, commissions and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the enactment of this act, except that, upon the appointment of a Town Manager, the powers and duties outlined in this act shall be vested in the Town Manager.

SECTION 7. The Town Manager may be removed by an affirmative vote of a majority of the Select Board, in accordance with the Town Manager's contract, if applicable.

SECTION 8. If the Town Manager shall be absent from their office for not more than 14 days, the Town Manager may designate a qualified person to serve as the acting Town Manager and to perform the duties of the office of the Town Manager during this period of absence, subject to the ratification of the Select Board, and the Town Manager fails or is unable to do so or if the Select Board chose not to ratify the Town Manager's designee, the Select Board may appoint a qualified person to serve as the acting town manager and to perform the duties of the office of the town manager during the period of any vacancy caused by the Town Manager's absence. The appointment by the Select Board shall be for a period of not more than six months, but such appointment may be extended by majority vote of the Select Board.

SECTION 9. If there is a conflict between any provision of this act and any provision of the town code, rules, regulations, orders, special acts, acceptances of laws or other special acts pertaining to the town of Holliston, this act shall prevail. All other provisions of town code, resolutions, rules, regulations and votes of the town meeting that are in force at the time this act is enacted, not inconsistent with or superseded by the provisions of this act, shall continue in full force and effect until amended or repealed. Boards, Committees and officials that have authority derived under State law shall continue to enjoy such authority, provided that such authority is not directly abridged by the terms thereof.

SECTION 10. This form of government shall take effect upon its passage.

SECTION 11. This act shall take effect upon its passage.