



Sandisfield Model Town Charter

Prepared by the Collins Center

March 14, 2023

This document reflects a model Town Charter with general provisions that outline customary language and best practices, with some specific choices mirroring Sandisfield’s current government structures. The Town may customize these provisions to address the Town’s specific needs. The Collins Center can provide technical assistance and sample language to help the Review Committee draft language that reflects the Charter Review Committee’s choices and goals.

Many provisions in this model charter refer to guidance in town bylaws. In general, bylaws provide greater flexibility and are more adaptable to local conditions in the time between charter reviews. However, on occasion, charter review committees may wish to elevate specific procedures, values, or goals into the charter to highlight their importance and provide long-term guidance. The Collins Center can also provide technical assistance and sample language in this area.

The Model Charter uses updated, gender-neutral language, including replacing the term “Board of Selectmen” with “Select Board” and avoiding the use of gender pronouns, such as she and he. While the Town currently uses the term “Board of Selectmen,” the Town’s petition for a Special Act creating the offices of Select Board and Town Manager indicates the Town’s interest in changing to the term Select Board. Additionally, because this Charter would be adopted by special legislation, terms such as “town” and “town meeting” (except when formally referencing “Town of Sandisfield”) are written in lower case to conform to the preference of the legislature.

Preamble

Preambles are optional, brief, introductory statements that indicate the intention of the town to establish a charter under state law. Most Massachusetts preambles are between 50 and 150 words. While specific value statements can be included, preambles that represent a shared community vision are more likely to garner local support.

PREAMBLE:

We, the people of the town of Sandisfield, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the Constitution of the Commonwealth, do hereby adopt the following charter for this town.

Article 1: Incorporation, Powers, etc.

This article contains language defining the scope of the town's general powers, indicates how the agreement should be interpreted, and provides some basic definitions for terms that are used throughout the charter.

Section 1. Incorporation

1-1-1 The inhabitants of the town of Sandisfield within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Sandisfield."

Section 2. Short Title

1-2-1 This instrument shall be known and may be cited as the Sandisfield Town Charter.

Section 3. Powers of the Town

1-3-1 It is the intent and the purpose of the voters of the town of Sandisfield, through the adoption of this charter, to secure all of the powers possible for the town under the constitution and laws of the commonwealth.

Section 4. Division of Powers

1-4-1 All legislative powers of the town shall be exercised by a town meeting open to all voters of the town, pursuant to Article 2 of this charter.

Note: Towns with fewer than 6,000 inhabitants, including Sandisfield, must have an open town Meeting.

1-4-2 The executive powers for all town fiscal, prudential, and municipal affairs shall be vested in the executive branch headed by the select board with administrative authority exercised by the town manager pursuant to Article 3 of this charter.

Section 5. Construction

1-5-1 The powers of the town under this charter are to be construed liberally in its favor, and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-3-1.

Section 6. Intergovernmental Relations

1-6-1 Consistent with any applicable constitutional or statutory provisions, the town may exercise its powers, or perform its functions and may participate in the financing thereof, with one or more civil divisions, subdivisions or agencies of any state or the United States government.

1-6-2 The town, through the select board, in accordance with general or special laws, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Section 7. Definitions

1-7-1 As used in this charter the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Charter" shall mean this charter and any amendments to it that may hereafter be adopted.

(b) "Days" shall mean calendar days, not including Saturdays, Sundays, and legal holidays when the time set is seven (7) days or less. When the time set is more than seven (7) days, every day shall be counted.

(c) "Majority vote" shall mean a majority of those present and voting, provided there is a quorum of the body present when the vote is taken, unless a higher number is required by law.

(d) "Multiple-member body" shall mean any town body consisting of two (2) or more persons. whether called "board," "commission," "committee," "sub-committee," or otherwise, and whether elected, appointed, or otherwise constituted.

(e) "Town" shall mean the Town of Sandisfield.

(f) "Town agency" shall mean any board, commission, committee, department, division, or office of the town government.

(g) "Town officer," when used without further qualification or description, shall mean a person having charge of an office or department of the town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the town.

(h) "Voters" shall mean registered voters of the town of Sandisfield.

Article 2: Legislative Branch

Section 1. Town Meeting

2-1-1 The legislative powers of the town shall be vested in a town meeting open to all voters of the town.

2-1-2 Two town meetings shall be held annually, each to be conducted as an annual town meeting.

2-1-3 The spring town meeting shall be held in February, March, April, May, or June, on a date to be determined by the town bylaws or as designated by the select board. The fall town meeting

shall be held in October, November, or December, on a date to be determined by the Town bylaws or designated by the Select Board.

2-1-4 The select board may call special town meetings when the select board deems necessary or desirable in order to transact the legislative business of the town in an orderly manner or as allowed by the General Laws.

2-1-5 The select board shall call a special town meeting upon request in writing of 200 registered voters or 20 percent of the total number of registered voters of the town, whichever number is less at the time the petition is submitted. The special town meeting must be held no later than 45 days after the select board receives the petition.

Section 2. Presiding Officer at Town Meeting

2-2-1 The town moderator, elected under section 4-1-1 of this charter, shall preside at all sessions of the town meeting.

2-2-2 The moderator may appoint a voter to perform the duties of the moderator in the event of a conflict of interest or if the moderator is called away from the meeting.

2-2-3 In the absence of the moderator, the town meeting shall, as its first act, elect a temporary moderator in accordance with the General Laws.

2-2-4 If the position of moderator is vacant due to resignation, removal from town, or otherwise, the town meeting shall, as its first act, elect a temporary moderator by a majority vote, who shall serve until the next town election, at which time a moderator shall be elected for a new three (3)-year term.

2-2-5 The moderator shall perform such duties as may be assigned to the office of moderator by charter, the General Laws, bylaws or vote of town meeting.

Section 3 Clerk of the Meeting

2-3-1 The town clerk shall serve as the clerk to the town meeting. In the event of unavoidable absence, the town clerk shall designate a substitute; otherwise, the moderator shall appoint a clerk pro tempore. The town clerk shall give notice of all meetings to the public, keep a journal of its proceedings, and perform such other functions as may be provided by the laws of the commonwealth, by the charter, by bylaw, or by other town meeting vote.

Section 4 Finance Committee

There shall be a finance committee consisting of five (5) registered voters of the town, appointed by the town moderator for three (3)-year staggered terms. No finance committee member shall be an elected or appointed town officer or an employee of the Town. The finance committee shall have all the powers and duties granted to finance committees by the laws of the commonwealth, town bylaw, town meeting vote, and other applicable laws.

Note: This Model Charter language represents standard language and does not fully incorporate the language contained in the Town's bylaw concerning the appointment of the Finance Committee. The Collins Center would like to better understand how the appointment process works in practice before recommending more specific language.

Section 5 Warrants for Town Meeting

2-5-1 Every town meeting shall be called by a warrant issued by the select board, which shall state the date, time, and place at which the meeting is to be convened and, by separate articles, the subject matters to be acted upon.

2-5-2 Except as otherwise provided by this charter, the publication and distribution of the warrant shall be in accordance with Town bylaws governing such matters. Warrants must be issued at least seven (7) days prior to each town meeting and at least fourteen (14) days prior to special town meetings.

2-5-3 The select board shall include in the warrant all articles submitted to it by: (1) a multiple-member body acting by a majority vote of its members; or (2) 10 voters for a spring or fall town meeting and 100 voters or 10 percent of the number of voters, whichever is lesser, for a special town meeting. If an article is petitioned as set forth in this section and received after the warrant for the next town meeting has been closed, the article shall appear on the warrant for the next town meeting for which it qualifies for inclusion.

Section 6. Rules of Procedure for Town Meeting

2-6-1 Except as otherwise provided by this charter, the procedure and conduct of the town meeting shall be governed by the town bylaws.

Note: Additional Town Meeting procedures and warrant requirements may be drafted in bylaws, including the time limits for closing and publishing the warrant, locations and methods of publication, instructions for breaking down appropriations by department into separate warrants, and quorums for Town Meeting. Towns may choose to include this information in the Charter, although bylaws offer more flexibility to make changes based upon changing needs and technologies. The Charter Review Committee should consider reviewing the bylaws to determine if the bylaws are up to date and whether it would be useful to include additional language in the Charter concerning these topics.

Article 3: Executive Branch

Note: Except as specifically indicated in blue, this language mirrors the language of the Special Act petition approved by Sandisfield Town Meeting on November 17, 2022, and filed with the Massachusetts Legislature on January 17, 2023.

Section 1. Executive Powers Vested in Board of Selectmen

3-1-1 Notwithstanding any general or special law to the contrary, there shall be in the town of Sandisfield a select board consisting of three (3) members elected for terms of three (3) years each, so arranged that one term of office shall expire each year. Vacancies in the office of select board shall be filled by a special or regular election in accordance with the provisions of the General Laws and this charter.

3-1-2 Except as specifically provided by this charter, the select board shall have all of the executive powers given to boards of selectmen by the General Laws. The select board shall have, but not be limited to, the following executive powers:

- (a) Serve as the chief policy making body of the town.
- (b) *Have* authority to enter into intergovernmental or public or private agreements consistent with law on such terms as it deems beneficial to the residents of the Town.
- (c) Be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the select board or a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the select board shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it.
- (d) Cause the bylaws, rules, and regulations for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.
- (e) Appoint the town manager and town counsel, and approve the hire of the town audit firm, which shall be ~~chosen~~ *recommended* by the town manager.
- (f) Be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest. The select board shall enforce the laws relating to all businesses for which it issues such licenses. The select board under this provision may delegate or reorganize any local licensing authority or process notwithstanding any General Laws relating to local governance to the contrary.
- (g) Be responsible for *ensuring that* ~~providing~~ timely audits *[are provided]* as required by law. The audits shall be ~~made~~ *performed* by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the town government of the town of Sandisfield or any of its officers.
- (h) In consultation with the town manager, develop a ~~personal~~ *personnel* *[Note: Proposed Act erroneously used the term “personal” rather than “personnel”]* system to include, but not be limited to, classifications and pay schedules, benefit programs, personnel and hiring policies and practices, and regulations for town employees.

3-1-3 No person may serve on the select board while at the same time serving as a town employee or as an elected or appointed officer or official or member of a multiple-member town body, regardless of whether compensation is received for that service.

Note: Sec. 3-1-3 was not part of the Special Act petition but has been added here as a standard provision found in many charters.

Section 2. Appointment and Qualifications of Town Manager

3-2-1 Notwithstanding the provisions of G.L. c.40, §23A or any other General or Special Law to the contrary, there shall be in the Town of Sandisfield a Town Manager appointed by the Select Board, who shall serve at the pleasure of the Board. The Town Manager shall be especially fitted by education, training, and experience in public or business administration to perform the duties of the office.

3-2-2 The Select Board may enter into a contract with the Town Manager for salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and leave.,~~and~~ **The Town Manager shall** receive such compensation as the Select Board shall determine within the amount appropriated therefor by the Town.

3-2-3 Any vacancy in the office of Town Manager shall be filled by the Select Board with all due haste. Until an appointment is made, the Select Board shall appoint a suitable person, including but not limited to an employee of the Town, to perform the duties of the office, which shall be known as the Temporary Town Manager. In the event of the temporary absence or disability of the Town Manager lasting more than five (5) consecutive workdays, the Select Board may designate a qualified person to serve as Acting Town Manager during such temporary absence or ~~disability~~ **the town manager's inability to serve.**

3-2-4 The Town Manager shall have the following duties and responsibilities:

- (a) Be the chief administrative officer of the town, shall act as the agent for the select board and shall be responsible to the select board for the proper operation of town affairs for which the town manager is given responsibility under this bylaw.
- (b) Under the authority of the select board, supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all other functions for which the town manager is given responsibility, authority or control by act, bylaw, town meeting vote or vote of the select board.
- (c) The town manager shall have the power to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty, or responsibility which the office of town manager is authorized to exercise under this bylaw. All actions that are performed under such delegation shall be deemed to be the actions of the town manager.
- (d) The town manager shall be authorized to act with regard to hiring and firing as follows:
 - (1) Appoint and remove all non-elected department heads, in compliance with section (d)(2) paragraph and approve the appointment and removal of all other Town employees.

- (2) Consult with the appropriate elected or appointed board, commission, committee or official and the select board prior to making department head appointments or removals. Prior to finalizing a department head appointment, the town manager shall provide notice to the select board of the anticipated appointment and the terms and conditions of employment for the appointment. The select board shall approve or disapprove the appointment and the terms and conditions of employment within 14 days of notice to the Select Board. ~~If the A failure of the select board to~~ **does not** act in this 14-day period, **the appointment** shall be considered approved.
 - (3) Adjust the terms and conditions of employment of department heads or the termination or removal of department heads subject to the same notice and approval requirements set forth in section (d)(2).
 - (4) ~~Make a~~ Appointments under this section shall be based on merit and fitness alone.; ~~and~~
 - (5) Be responsible for posting on the town bulletin board and website notices of job opportunities.
- (e) The town manager shall have personnel management responsibilities as follows:
- (1) Administer personnel policies and any related matters for all municipal employees, by adopting appropriate practices, rules, or regulations and to administer all collective bargaining agreements entered into by the town: and
 - (2) Negotiate, subject to the approval of the select board, all contracts with town employees over wages and other terms and conditions of employment. The town manager may, subject to the approval of the select board, employ special counsel to assist in the performance of these duties.
- (f) The Town Manager shall have financial management responsibilities as follows:
- (1) Prepare and present an annual operating budget for the town and present a capital improvement plan for the five (5) fiscal years next ensuing.
 - (2) Be the chief procurement officer for the town and award and execute contracts in accordance with and subject to the provisions of Chapter 30B of MGL, and to appoint such assistant procurement officers as provided in Chapter 30B of MGL.
 - (3) Inspect and submit warrants for payment to the Select Board.
 - (4) Approve the award of all contracts for all Town departments and committees.
 - (5) Keep the select board and the finance committee fully informed as to the financial condition of the town and to make recommendations to the select board and to other elected and appointed officials as the town manager deems necessary or expedient; and
 - (6) Ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the select board as may be required, but not less than annually.
- (g) The town manager shall have the following administrative responsibilities:
- (1) Attend all regular and special meetings of the select board, unless excused.
 - (2) Attend all sessions of the town meeting and answer all questions addressed to the town manager that are related to the warrant articles and to matters under the general supervision of the town manager.

- (3) Administer either directly or through a person or persons supervised by the town manager, in accordance with this ~~bylaw~~ **charter**, provisions of general or special laws, bylaws, and other votes of the town meeting.
- (4) Investigate or inquire into the affairs of any town department or office under the supervision of the town manager.
- (5) Coordinate activities of all town departments, officers, boards, or commissions of the town.
- (6) Keep the select board fully informed as to the needs of the town requiring action by the town or as the town manager deems necessary or expedient.
- (7) Develop and maintain a full and complete inventory of all town-owned real and personal property; and
- (8) Perform such other duties as necessary or as may be assigned by this ~~bylaw~~ **charter**, town meeting vote, ~~or~~ act or vote of the select board.

Article 4: Elected Officials, Elected Boards, and Appointed Boards

Note: This Article represents the current structure of elected officials as described in the bylaws. Should the Commission wish to consider making changes to the terms or method of appointment or election, the Collins Center can provide technical assistance and sample language, as well as factors to consider when determining terms of office or whether officials are elected or appointed. Charter provisions would take precedence over the current Town bylaws, which would need to be amended to reflect the Charter.

Section 1. Elected Officials, Boards, Committees, and Multiple-Member Bodies

4-1-1 The following boards, committees, and officials shall be elected for staggered terms and under the conditions below:

- (a) Select Board -- three (3) Members elected for terms of three (3) years so arranged that one term of office shall expire each year
- (b) Town Moderator – one (1) Moderator for a term of one (1) year
- (c) Town Clerk – one (1) Clerk for a term of one (1) year
- (d) Board of Assessors – three (3) Members for terms of three (3) years
- (e) Constable – one (1) Constable for a term of three (3) years
- (f) Board of Health – three (3) Members for terms of (3) years
- (g) Planning Board – five (5) Members for terms of five (5) years
- (h) Library Trustees – three (3) Trustees for terms of five (5) years
- (i) Regional School Committee members – as provided by the regional school district agreement

Note: The Committee may wish to clarify the terms and expiration dates of the elected boards to ensure they comply with the most recent laws and best practices. Some municipalities are finding

that one-year terms are too brief to provide sufficient experience and training and may require an undue amount of time and expense running for office. The Committee may also wish to further outline the duties of the elected boards and officers in this section and any special provisions unique to Sandisfield, but this information may also be addressed in bylaws to provide maximum flexibility.

Section 2. Appointed Boards, Committees, and Other Multiple-Member Bodies

4-2-1 The following boards, committees, and other multiple-member bodies shall be appointed by the Select Board from among the residents of the Town for staggered terms and under the conditions below:

Sample language:

Conservation Commission. There shall be a Conservation Commission consisting of seven (7) members appointed by the Select Board for three (3)-year terms so arranged that as near an equal number of terms as possible shall expire each year. The Conservation Commission shall have all the powers and duties granted to Conservation Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

Cemetery Committee

Council on Aging

Board of Registrars

Cultural Council

Historical Commission

Recreation Committee

Zoning Board of Appeals

Note: Some of Sandisfield's appointed committees are listed in this section. The Committee should review which appointed boards should be based in the Charter and which boards should be left to the Select Board and Bylaws' discretion. Additionally, where included, terms of the boards and number of members should be delineated, including ex officio members, such as town employees. Additional duties and descriptions of boards can be included in this section, but it may be a better practice to include some such duties in bylaws to provide maximum flexibility.

Section 3. Other Town Boards, Commissions or Committees

4-3-1 Notwithstanding the above, additional committees and multiple-member bodies may be established as necessary pursuant to this charter, town bylaws and the General Laws.

Section 4. Town Manager Liaison

4-4-1 The Town Manager shall serve as the town's liaison to all boards, committees, and officials.

Section 5: Report of Activities

4-5-1 All boards, committees, or commissions shall annually, on a date determined by the Select Board, submit a report of activities, achievements, and other information to the Select Board.

Article 5: Financial Policies and Procedures

Section 1. Annual Budget

5-1-1 The fiscal year of the town shall begin on July 1 and end on the last day of June, unless another period is required by the General Laws.

5-1-2 Annually, prior to October 1, the town manager shall establish and issue a budget schedule setting forth the calendar dates relating to the development of the annual operating budget for the ensuing fiscal year. Any deviation from the budget schedule shall require approval of the select board and the finance committee.

5-1-3 Prior to November 1 in each year, the town manager shall estimate revenue for the ensuing fiscal year.

5-1-4 Prior to December 1 in each year, the select board, after consultation with the town manager, shall issue a policy statement that shall establish the general guidelines for the next town budget.

5-1-5 All department heads and all multiple-member bodies shall submit detailed budget requests to the town manager at least 150 days before the date of the spring town meeting.

5-1-6 At least 90 days prior to the scheduled date of the spring town meeting, the town manager shall submit to the select board a comprehensive proposed budget for all town functions for the ensuing fiscal year and an accompanying budget message.

5-1-7: The proposed budget message shall explain the proposed budget in fiscal terms and in terms of the specific projects contemplated in the year ahead. The proposed budget shall provide a complete financial plan for all town funds and activities, including school budgets, and shall be in the form as the town manager, in consultation with the finance committee, may establish. The draft budget shall indicate proposed expenditures for current operations and for capital projects during the ensuing year, detailed by each town agency and by specific purposes and projects.

5-1-8 The select board shall, within 30 days following the submission of the proposed budget prepared by the town manager, approve the proposed budget, with or without amendments, and submit it to the finance committee. The select board shall also transmit the budget request of the school committee, with its recommendations on same, to the finance committee.

5-1-9 At least 30 days prior to the scheduled date of the town meeting, the select board shall hold one (1) or more public hearings on the proposed budget.

5-1-10 The finance committee shall review the proposed budget and, prior to the publication of the warrant, issue a report with its recommendations and detailed explanations regarding the budget and any other budget-related articles.

5-1-11 The warrant for the spring town meeting shall be mailed and posted as required by the town bylaws, provided that the mailing includes the proposed budget and the finance committee report detailed in section 5-1-10.

5-1-12 The **select board/finance committee/town manager** shall present the proposed budget to the Town Meeting.

Note: This section can be customized to reflect the current or proposed best practices of the Town.

Section 2. Capital Improvements Plan

5-2-1 As part of the annual budget process, the town manager will solicit capital project requests from department heads.

5-2-2 The town manager will annually update and propose for adoption by the finance committee a five-year capital improvement plan, including the upcoming fiscal year's capital improvement budget and a four-year projection of capital needs and expenditures that details their estimated costs, descriptions, and anticipated funding sources.

Section 3. Approval of Warrants

5-3-1 Warrants for the expenditure of town funds, prepared and signed by the town accountant in accordance with the General Laws, shall be inspected and submitted for payment to the select board pursuant to Section 3-2-4(f)(3) of this charter.

[Note: This provision mirrors the town manager responsibilities submitted for Special Act. The committee may wish to discuss including a provision for establishing a threshold amount under which the Town Manager may approve warrants for payments. The Collins Team can provide sample language to this effect.]

Section 4. Annual Audit

5-4-1 The select board shall ensure that timely audits are conducted pursuant to section 3-1-2(g) of this charter. A copy of the auditors' report shall be filed with the town clerk and shall be a public record. A summary of the report shall be published in the next annual town report.

Article 6: Administrative Organization

Section 1 Method of Organization

6-1-1 The organization of the town into operating town agencies shall be accomplished through the establishment of a table of organization that presents the organization of all town agencies.

Such a table shall be prepared by the town manager in consultation with the select board and may be revised from time to time.

6-1-2 For the public's convenience, the table of organization shall be printed as an appendix to, but not part of, the town's bylaws. The table of organization shall also be published annually in the town report.

Note: This section adopts the current best practice of giving the executive branch more flexibility in setting up departmental structures to adapt to changing needs and labor markets.

Section 2. Appointed Officials

6-2-1 Appointed town officials shall be selected pursuant to Sections 4-2-1, 3-1-2(e), and 3-2-4(d) of this charter.

Note: The Special Act submitted by Sandisfield contemplates that the Select Board appoints the town manager and town counsel and approves the hire of the town audit firm. Other positions are appointed by the Town Manager. This provision mirrors that intent.

The town may choose to delineate the most vital positions in the town bylaws, if at all, to provide the greatest amount of flexibility to adjust to changing needs and a changing labor market.

Article 7: Elections and Recalls

Section 1. Elections 7-1-1 The annual election of town officers and the determination of such matters as the laws that are required to be determined by ballot shall be held on a date to be determined by the town bylaws or as designated by the select board. Special town elections may be held from time to time in accordance with the law.

Note: The Committee may wish to be more specific here and include the dates contemplated by the bylaws.

7-1-2 The board of registrars, together with such assistant registrars as may be required and regularly designated, shall conduct and supervise all local elections in accordance with the laws of the commonwealth and with local laws that are not inconsistent with state law.

7-1-3 Any registered voter of the town shall be eligible for election to any office, but no person shall hold more than one elected office concurrently.

7-1-4 Elections to any office shall be nonpartisan, and election ballots for Town officers shall be printed without any party mark, emblem, or designation whatsoever.

Note: Here, the Town may designate the order upon which candidate names appear on the ballot, e.g., alphabetically, drawn by lot, or by status as an incumbent.

7-1-5 Following certification of the election by the board of registrars, a person duly elected to an office shall take up the duties of that office immediately after being sworn to the faithful performance of his or her duties by the town clerk or the town clerk's designee.

Section 2. Recall Procedures

7-2-1 Application – Any holder of an elective office, as defined in 4-1-1 with more than six months remaining in the term for which the official was elected, may be recalled therefrom by the voters in the manner provided in this section.

7-2-2 *Recall Petition* – Fifty (50) or more voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The town clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which shall be kept available. The blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated; shall be addressed to the select board; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall petitions shall be returned and filed with the town clerk within twenty (20) days following the date of the filing of the affidavit, signed by at least fifteen (15) percent of the town's registered voters, and containing their names and addresses.

The town clerk shall, within forty-eight (48) hours of receipt, submit the petitions to the registrars of voters who shall forthwith certify thereon the number of signatures that are names of voters.

7-2-3 *Recall Election* – If the petition shall be certified by the town clerk to be sufficient, the town clerk shall submit the certified results to the select board. Upon its receipt of the certified petition, the select board shall forthwith give written notice of such petition and certificate to the officer whose recall is sought. If said officer does not resign his office within five days after delivery of such notice, the select board shall order an election to be held not less than sixty-five (65) nor more than ninety (90) days after the date of the town clerk's certificate of the sufficient petition. If, however, any other town election is to occur within sixty days (90) days after the date of the certificate, the select board shall hold the recall election on the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted.7-2-4 *Nomination of Candidates* – The nomination of candidates, the publication of the warrant for the recall election, and the conduct of same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

7-2-5 *Propositions on Ballot* – Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer)
Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions.

After the proposition shall appear the word “candidates” and the names of candidates nominated. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

7-2-6 Officeholder – The incumbent shall continue to perform the duties of the incumbent’s office until the recall election. If the incumbent is not recalled in the election, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section.

If the incumbent officeholder is recalled in the election, the incumbent shall be deemed removed upon the qualification of the incumbent’s successor who shall hold office during the remainder of the unexpired term. If the successor fails to qualify within five days after receiving notification of the successor’s election, the incumbent shall thereupon be deemed removed and the office vacant.

7-2-7 Repeat of Recall Petition – No recall petition shall be filed against an officer within three (3) months after the officer takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six (6) months after the election at which the officer’s recall was submitted to the voters.

Note: Recall provisions are not required in charters, although it is helpful to have defined procedures in place. Minimum numbers for filing a recall affidavit and petition should reflect the size and aims of the community.

Article 8: General Provisions

This article discusses provisions relating to the interpretation of the charter and timelines for reviewing it and/or bylaws. This article can be customized to best meet the town’s needs.

Section 1. Charter Revision or Amendment

8-1-1 The charter may be replaced, revised, or amended in accordance with any procedure made available by the constitution of the commonwealth and any laws of the commonwealth enacted to implement said constitutional amendment.

8-1-2 At least once every ten (10) years, a special committee shall be appointed by the select board to review the provisions of the charter and shall have the title of charter review committee. The charter review committee shall submit a report to the select board and town meeting

concerning any proposed amendments or revisions to the charter which such committee deems necessary.

Section 2. Review of Bylaws

8-2-1: At least once every five years, a special committee shall be appointed by the select board to review the town bylaws. A bylaw review committee under this section shall not be appointed in the same year that a charter review committee is appointed under section 8-1-2. The bylaw review committee shall report any proposed revisions to the town meeting, not later than at the fall town meeting following the year in which the committee is appointed.

Section 3. Rules and Interpretation

8-3-1 To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

8-3-2 All references to the General Laws or the Laws of the Commonwealth or MGL contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.

8-3-3 In computing time under the charter, if seven (7) days or less, only calendar days, not including Saturdays, Sundays or legal holidays shall be counted; if more than seven (7) days, every day shall be counted.

8-3-4 Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular.

8-3-5 The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of said charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 4. Rules and Regulations

8-4-1 A copy of all rules and regulations adopted by any town department or town office shall be filed in the office of the town clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town department or town office shall become effective until ten (10) days following the date it has been so filed in the office of the town clerk.

Section 5. Oaths or Affirmations

All elected officials and members of all boards, commissions, and committees whose duties include the expenditure of Town funds, shall be sworn to the performance of their duties within seven (7) days of their notification by the Town Clerk or the Town Clerk's designee.

Note: This oath section should be customized to reflect the best practice for the Town. The Town may wish to include further information in the bylaws to specify whether virtual oaths of office are permissible.

Section 5. Procedures Governing Multiple Member Bodies

8-5-1 All multiple-member bodies shall annually elect a chair, a vice-chair, and any other officer the body deems necessary from among the body's membership, not including alternate or associate members.

8-5-2 Every multiple-member body shall maintain a meeting record in accordance with Massachusetts General Laws. All multiple-member bodies shall keep minutes of each meeting. Said meetings shall include, at a minimum, the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes. A copy of said minutes shall be sent to the Town Clerk in a timely manner following approval by the multiple-member body.

8-5-3 At least 48 hours before any meeting of a multiple-member body is to be held, an agenda containing all items which are scheduled to come before the multiple-member body at the meeting shall be posted in a manner consistent with the Town bylaws.

8-5-4 Each multiple-member body shall determine its own rules and order of business unless otherwise provided by this charter or by law.

8-5-5 A majority of the members of the multiple member body then in office shall constitute a quorum. No action of the multiple member body shall be valid or binding unless approved by the affirmative vote of the majority of the quorum present at the meeting where said action is taken.

8-5-6 All multiple member bodies, when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than 1 year, such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

8-5-7 All members of multiple-member bodies must be residents of the Town during their terms. If a member of a multiple-member body removes from the Town during the term for which appointed, such seat shall immediately be deemed vacant and filled by the appointing authority. The town manager and relevant town employees shall be available to assist bodies as necessary but shall not serve as board members with the right to vote. Notwithstanding this provision, a town employee who resides in the town may serve on a multiple-member body if such position

presents no conflict of interest pursuant to the General Law and does not conflict with this charter, town bylaws, or the General Law.

Section 9. Limitation on Office Holding

8-9-1 Unless otherwise allowed by law or this Charter, no person shall simultaneously hold more than one Town office or position of employment. This section may be waived by the Select Board upon the appointment of an additional office or position of employment by filing a notice of the waiver with an explanation and justification with the Town Clerk.

Note: Sandisfield should review its current offices and boards to determine whether exceptions should be made to this rule. While this is a best practice in general, it may not be practicable in a smaller town.

Section 10. Enforcement of Charter Provisions

Note: Some towns have indicated an interest in including provisions for the enforcement of the Charter or reporting of Charter violations. The Collins Project Team can facilitate a discussion of the parameters of these provisions and provide sample language if the Committee is interested.

Article 9: Transition Provisions

Note: This section spells out the implementation of the new Charter and may also be used to create committees to study topics for future charter or bylaw changes.

Section 1. Effective date of Charter

9-1-1 This Charter shall become effective on _____, except as provided herein.

Section 2. Continuation of Existing Laws

9-2-1 All special acts, bylaws, resolutions, rules, regulations, and votes of the Town Meeting in force on the effective date of this Charter that are not inconsistent with its provisions shall continue in force and effect until amended or repealed.

Note: Often, an attachment to the Charter that lists the specific Special Acts or adoptions by the Town of MGL provisions.

Section 3. Transfer of Records and Property

9-3-1 All records, property, and equipment whatsoever of any Town agency, or part thereof, the powers and duties of which are assigned in whole or part to another Town agency, shall be transferred forthwith to such agency.

Section 4. Continuation of Government

9-4-1 All committees, commissions, boards, departments, officers, and other agencies of the Town shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred, unless otherwise provided herein.

Section 5. Continuation of Administrative Personnel

9-5-1 Any person holding an office or position in the administrative services of the Town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency; provided however, that no person in the permanent full time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

Section 6. Effect on Obligations, taxes, etc.

9-6-1 All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by, with or on the behalf of the municipality before the adoption of this charter, shall continue to be obligations of the municipality. All taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the municipality, shall be enforced and collected. All writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter, and no legal act done by or in favor of the municipality shall be rendered invalid by reason of the adoption of this charter.

Section 7. Study Committees

Within [redacted] days of the effective date of this charter, the **Select Board/Town Manager** shall create a [redacted]-**member** Study Committee to study [redacted].

Note: In Section 7, the Charter Committee may provide for additional areas of study for issues that were too complex or required additional time and input before enacting.

Additional Provisions and Articles

While not specifically outlined above, some cities and towns have expressed interest in introducing Charter provisions on additional topics, including communication-related directives, conflicts of interest, referendum petitions, and additional structure surrounding financial procedures and town planning. The Collins Center can provide more information on areas that the Charter Committee indicates an interest in pursuing.