

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Nine

AN ACT ESTABLISHING A TOWN MANAGER IN THE TOWN OF HAMILTON.

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. There shall be a town manager in the town of Hamilton. Notwithstanding any general or special law or rule, regulation or by-law to the contrary, the town manager, reporting to and accountable to the board of selectmen, shall be the chief administrative and operating officer of the town of Hamilton and shall have the powers, duties and limitations described in this act. The town manager shall not set town policy but shall ensure appropriate coordination in the implementation of town policy, working with the board of selectmen and all elected and appointed officers, boards and commissions. The town manager shall supervise and manage the day-to-day activities of all town departments and employees under the jurisdiction of the board of selectmen and shall coordinate their activities with those of all other departments and employees.

The town manager shall appoint and may remove all department heads and officers, subordinates and employees under the jurisdiction of the board of selectmen. Appointments and removals of department heads by the town manager shall be subject to confirmation by the board of selectmen. All other appointments shall be made in consultation with the respective department head, board, commission or committee.

The town manager shall be appointed by the board of selectmen on the basis of executive and administrative qualifications and experience. The town manager shall be a person especially suited by education, training and professional experience to perform the duties of the office. The position of town manager is a full-time commitment and the town manager shall not engage in any other business or occupation without the prior approval of the board of selectmen. The town manager shall be appointed for a term of up to 3 years, and shall be evaluated annually by the board of selectmen. The board of selectmen shall enter into an employment contract with the town manager.

The town manager shall be responsible and accountable to the board of selectmen, for the proper execution of the following powers and duties:

(a) with respect to general town administration, to implement all policies of the board of selectmen, to attend annual and special town

meetings and respond to questions concerning all warrant articles, to implement and report progress on implementing actions taken by the town meeting, and to oversee preparation of all town reports including the annual report;

(b) with respect to the board of selectmen administration, to attend meetings of the board of selectmen and have the right to address all matters coming before the board, to prepare agendas and research, collect and disseminate information to enable the board of selectmen to make policy decisions, to inform the board of selectmen on implementation of policy decisions through regular reporting, and to inform the board of selectmen of important developments in the operation of town departments, fiscal affairs, personnel matters, procurement and town compliance with federal, state and local laws, rules and regulations;

(c) with respect to fiscal administration, to oversee administration and implementation of all town fiscal actions, to oversee all town actions in connection with municipal borrowing, to prepare and present detailed annual and interim operating and capital budgets to the board of selectmen, finance committee and town meeting, to provide regular, current analysis of performance relative to budget, to develop, present and implement a long-range capital plan, to approve and execute all warrants for the payment of town funds and to prepare and prosecute all grant applications;

(d) with respect to personnel administration, to serve as the town's personnel director, to administer the town's personnel policies, compensation plans, and employee benefit programs, to serve as the town's pension administrator, to serve as the town's coordinator for compliance with the Americans with Disabilities Act, to serve as the town's affirmative action officer, to prepare and implement job descriptions for town department heads and employees, to review personnel performance at least annually and recommend salary and benefit adjustments, to negotiate all collective bargaining agreements on behalf of the town for which the town manager may seek the assistance of labor counsel as deemed necessary and which final agreement must be approved by the board of selectmen, and to establish compensation agreements for all town employees not subject to a collective bargaining agreement, which final agreement must be approved by the board of selectmen;

(e) with respect to procurement and construction, to serve as the town's chief procurement officer for the purchase and sale of equipment, materials, supplies and services of all town departments, to supervise and coordinate all town construction projects and activities including design, construction and construction management, to coordinate preparation of information for

bidders and proposers and all design and construction documentation, to review bids, award contracts and manage all claims activity, to oversee and report on construction progress and contractual compliance, to review and act upon all bills and payment requests and to maintain all procurement and construction records;

(f) with respect to insurance, to contract for and administer the town's insurance policies and programs and to file, prosecute and settle all insurance claims;

(g) with respect to asset management, to manage and oversee maintenance of all town property, real and personal, to act upon all requests for rental and use of town property and to make recommendations regarding all requests for licenses and permits made to the board of selectmen;

(h) with respect to legal affairs, to coordinate with town counsel on all legal matters affecting town government, compliance, claims, litigation and administrative proceedings and to oversee prosecution, defense and settlement of all claims and actions;

(i) with respect to computers and information technology, to oversee and coordinate computer operations of town departments to ensure efficiency, economy and currency, to serve as procurement officer for purchase of hardware and software and maintenance and repair services, to oversee training of personnel, and to implement and oversee maintenance of the town website; and

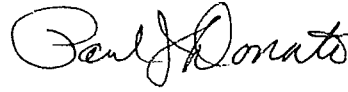
(j) with respect to general duties, to serve as the town's liaison with residents, the media and the general public, to cultivate and maintain effective relations with the citizens of the town and to maintain cordial and effective relationships with governmental officials at all levels including those of neighboring towns.

The town manager shall designate by letter filed with the board of selectmen a qualified administrative employee or officer to exercise the powers and perform the duties of town manager during a temporary absence in the office of town manager. If the town manager fails to do so, or if the person so designated fails to serve to the satisfaction of the board of selectmen, the board may appoint a qualified employee or officer to serve. In the event of suspension of the town manager, the board of selectmen shall appoint an acting town manager.

SECTION 2. This act shall take effect upon its passage and implementation of the changes shall begin immediately thereafter and shall be completed promptly but consistent with the need for a comprehensive qualification process.

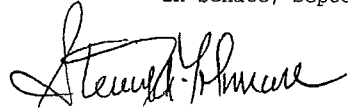
House of Representatives, September 29, 2009.

Passed to be enacted,

 , Speaker.

In Senate, September 29, 2009.

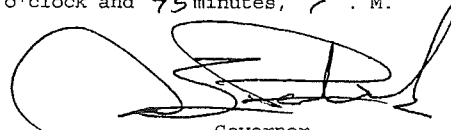
Passed to be enacted,

 , President.

8 October, 2009.

Approved,

at 1 o'clock and 45 minutes, P. M.


Governor.