

Franklin Massachusetts Home Rule Charter (as amended to date)

Collins Center Commentary: Franklin Massachusetts is a town of 31,263 operating under a council-manager government. While retaining the designation of “town”, council-manager government is a city form of government in Massachusetts. The provisions of the charter relating to the town administrator include:

1. Residency requirement for the town administrator that can be waived by the council
2. May reorganize departments with approval of the council (s. 4-2-4)
3. Appointments of the manager for certain offices subject to council ratification (ss. 4-2-5 and 4-2-6).
4. Requirements for the proposed budget and capital plan appear in Article 6.

Provisions referenced here appear in **boldface** type below.

ARTICLE FOUR THE TOWN ADMINISTRATOR

Section 1 Appointment and Qualifications

4-1-1 The Town Council, by a majority vote of its full membership, shall appoint a Town Administrator who shall administer and implement the directives and policies adopted by the Town Council. The Council shall fix the Administrator’s compensation within the limits of an appropriation adopted for that purpose. The salary, benefits, and terms and conditions of employment and the procedures for dismissal shall be negotiated between the Town Council and the Administrator.

4-1-2 In seeking candidates for the Administrator’s post, the Town Council shall advertise in appropriate professional journals and other suitable publications as seemed necessary. **The Town Administrator need not be a resident of the Town at the time of appointment but shall establish residence within the Town within one year following appointment, unless the Town Council shall waive such residency requirement.** If a resident of the Town, the successful candidate shall have held no elective town office for a period of one year prior to appointment.

4-1-3 The Administrator shall be appointed on the basis of educational, executive and administrative qualifications and experience, including at least a bachelor’s degree in an appropriate field of study from an accredited four-year college or university. Professional experience shall consist of at least three (3) years of full- 7 time compensated service in town or town administration or related administrative activity.

Section 2 Powers and Duties

4-2-1 The Town Administrator shall be the chief executive and administrative officer of the Town and shall be responsible to the Council for the effective administration of all Town affairs placed in his charge by or under this Charter.

4-2-2 The Administrator shall not hold any other elective or appointive Town office, but may be appointed by the Council to serve on committees, both standing and ad hoc. The Administrator shall devote full-time to the duties of the office and shall not engage in any other business or occupation without the advance written authorization of the Council.

4-2-3 The Administrator shall:

- (a) attend all meetings of the Council except when excused and have the right to speak but not to vote;
- (b) keep the Council fully informed regarding Town and departmental operations, fiscal affairs, general problems and administrative actions and submit appropriate periodic reports;
- (c) keep the Council fully informed as to the long-range needs of the Town, the practices and governmental trends of other communities and the laws and regulations of the Commonwealth and make such recommendations to the Council as deemed necessary and appropriate;
- (d) prepare, assemble and present to the Council the annual Town operating and capital budgets and cooperate with the Finance Committee in all financial matters;
- (e) serve as general ombudsman for the Town;
- (f) maintain an inventory of all town real and personal property;
- (g) be responsible for all aspects of the personnel system,
- (h) serve as chief procurement officer;
- (i) be responsible for the maintenance of buildings and property owned or leased by the Town, except that under the jurisdiction of the School Committee; and
- (j) perform such other duties as may be required by this Charter, bylaw or order of the Council.

4-2-4 The Administrator may, with the approval of the Council within the departments and agencies under his jurisdiction, establish, reorganize or consolidate any department, board commission or office.

4-2-5 Subject to ratification by the Town Council, the Administrator may appoint, on the basis of merit and fitness alone: (a) a Fire Chief, a Police Chief, a Director of Public Works, a Town Comptroller, a Town Counsel, a Library Director, and 3 registrars of voters; (b) 5 members of a

board of library trustees, 9 members of a Council on Aging, 7 members of a Conservation Commission, 7 members of an Historic Commission and 3 members of a Zoning Board of Appeals, the members of which shall serve for 3-year overlapping terms within their respective board, council or commission; (c) 5 members of a Housing Authority, 4 of whom shall serve for 5-year overlapping terms and 1 of whom shall be appointed under the authority of the Commonwealth; and (d) members of such other boards, commissions and committees as are authorized by the General Laws, this Charter or bylaws and for whom appointment is not otherwise provided.

4-2-6 The Town Administrator may appoint a Treasurer-Collector, on the basis of merit and fitness alone, subject to the following process: (a) Interview of potential candidates and selection of final candidate or appointment will occur in consultation with, but not limited to, at least one member of the Town Council (as determined by the Chair of the Town Council), at least one member of the Finance Committee (as determined by the Chair of the Finance Committee), and the Comptroller,

(b) Final appointment is subject to ratification by the Town Council.

Section 3 Removal of the Town Administrator

4-3-1 Final removal of any Town Administrator shall be effected by a majority vote of the full Town Council at an open Council meeting.

Section 4 Acting Town Administrator

4-4-1 The Town Administrator may designate a qualified person to serve as Acting Town Administrator and to perform the duties of the office for up to 21 days on account of the temporary absence or unavailability of the Town Administrator.

4-4-2 The Town Council may designate a qualified person to serve as Acting Town Administrator and to perform the duties of the office during the period of any vacancy caused by the Administrator's absence, or unavailability for more than 21 days, or because of the illness, suspension, removal or resignation of the Town Administrator. The appointment shall be for not more than 180 days, but such appointment may be extended for 2 additional 90-day periods by vote of the Council.

Article 6, Section 5 Budget

Proposal 6-5-1 The proposed budget shall provide a complete financial plan for all Town funds and activities, including the proposed School Department budget for the ensuing year. Except for the school budget or as may be required by law, the proposed budget shall be in such form as the Town Administrator deems desirable.

6-5-2 In submitting the proposed budget, the Town Administrator shall utilize modern fiscal principles so as to afford maximum information and financial control. **The budget shall detail all estimated revenue from the property tax levy and other sources and all proposed expenditures, including debt service for the previous, current and ensuing years, and shall indicate separately proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, purpose and position, together with proposed financing methods.**

Article 6 Section 7 Capital Improvements Program

6-7-1 The Town Administrator shall submit to the Town Council and file copies with the Finance Committee of a 5-year capital improvements program, which shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years, together with supporting data; (c) cost estimates, method of financing and recommended time schedules; and (d) the estimated annual cost of operating and maintaining any facility to be constructed or acquired.

6-7-2 Information requirements described above may be revised and extended annually with respect to capital improvements in the process of construction or acquisition. A capital improvement shall be defined by the Finance Committee, in consultation with the Town Administrator and other Town officials, such definition to be changed from time to time as necessary to reflect current economic conditions.